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1. Introduction

1.1. Migration to the European Union

In recent months, irregular migration to the European Union (EU) has once again been in the international spotlight. It needed, as always, a humanitarian tragedy: Ever since October 2013, when more than 300 refugees drowned just off the coast of the Italian island of Lampedusa, similar failed or successful attempts of desperate people trying to reach the shores of Europe and with them a better life have been on the agenda of the public, the media and policy-makers. The southern Mediterranean is still one of the hotspots of irregular migration to Europe. Just like in the aforementioned case, many refugees try their luck on battered old fishing boats starting in North Africa. But in addition to those travelling to the EU by boat, many other irregular migrants try to cross the land borders of countries at the European periphery, most notably Greece and Bulgaria. And thousands of desperate people also try to enter the Spanish exclaves of Ceuta and Melilla, which are located on the African continent in Morocco. Lastly, international ports and airports in the EU remain important points of entry for those who are able to obtain visa and simply stay illegally after it expires. Migration, in short, is now subject to intense debates in the public and on different political levels – from local authorities to EU institutions.

However, while these debates usually focus on irregular migration and its possible consequences, migration to the Union and the respective policies are by no means limited to this form. From asylum to labour migration and from integration to border controls, governments and officials face a multitude of challenges. Immigration to Europe – be it regulated or irregular – is of course not a new development. Neither are the efforts of governments to manage it. In the 1990s however, migration got on the agenda of the EU, thus adding an additional layer to migration management. Over the years, the Member States transferred some – still rather limited – competencies to the European level. Building on this, the European migration policy now has both internal and external aspects. In an attempt to improve its migration management, the Union has started to cooperate on this issue with the migrants' countries of origin as well as transit countries en route to Europe. What has been created in the process is an *external dimension* of the EU's approach to migration. This thesis will show what this external dimension is, which policies have been developed over the years and which are in place today. In doing so, it will be shown to what extent the external dimension was changed since 2011, when the events known as the Arab Spring – a series of mass protests

and revolts in many Arab countries – triggered a mass influx of irregular migrants to Europe and put the issue high on the EU’s political agenda.

1.2. Research outline

As the EU developed and integration got deeper, some aspects of migration were also communitarised. A key reason for this was the opening-up of the internal borders with the adoption of the Schengen Agreement in 1995, followed by the Amsterdam Treaty of 1999, which transferred relevant competencies to the European level. Hand in hand with increased internal cooperation, the EU also tried to build and strengthen partnerships with countries around the world. Most importantly, the Union tried to intensify the relations with important countries of origin and transit of migrants arriving on its territory. All efforts with effects on third countries in this matter – be they agreements on facilitated visas, easier repatriation, labour migration or measures to prevent migration – are what is often described in academic literature as the *external dimension* of the EU’s migration policy. Over the years, migration – in the form of the external dimension – has become one of the pillars of European foreign policy. It has developed not only in quantity but also in quality and is supposed to be a balanced and comprehensive approach to this sensitive topic. Through cooperation with third countries, it tries to improve the management of migration, both in its illegal and its legal form.

The events known as the *Arab Spring* and the massive increase of irregular migration to the EU following it challenged not only individual arrangements but – as I will argue – the structure of the external dimension as a whole. In the winter of 2010/2011 protests started in Tunisia and quickly spread to many other countries throughout the Arab world, most notably Egypt, Libya, Yemen and Syria. With Tunisia and Libya, two major transit countries for migrants seeking entrance to the EU had not only successfully challenged state authority and long-term dictators, but also – accidentally and deliberately – destroyed much of their states’ structures. The new rulers were either not able or not willing to counteract the growing number of refugees leaving for the shores of Europe and to uphold agreements with the EU or individual Member States. The chaos in the two countries and the lack of border controls made emigration to the EU more attractive and realistic. Thus the revolutions themselves and their lingering effects had far-reaching implications on migration to Europe. As will be shown, the number of irregular migrants arriving in the EU in 2011 was considerably higher than that of previous years – with

the route across the central Mediterranean as the most important entry point to European territory.

The pressure on the European Union to act grew with the number of refugees reaching its territory. On the one hand, the Member States mostly affected by the arrival of such numbers of immigrants found it hard to find the often praised European solidarity and demanded a change of policies on the Union level. On the other hand, the rising death toll and the human tragedies of capsizing boats close to the EU's shorelines called for action. And the European Union did react. Starting in the spring of 2011, it changed aspects of its migration policy for the internal as well as for the external dimension and initiated both short-term and long-term responses. The nature of the changes to the external dimension of the Union's migration policy will be the subject of this thesis. The chronological proximity of these alterations and innovations of the EU's externalization strategy suggests that they are the result of the Arab Spring. In this thesis I will try to shed light on the reasons for and the effects of these changes.

There is plenty of research on the European Union's migration policy and a fair amount of literature on its external aspects. To name just the most important fields of study, scholars have looked at its development and individual policy tools; at relevant actors in this context and their interests and priorities; and at the motivation behind its establishment, what practices are used and which effects they have. Additionally, the subject has been dealt with from different academic fields, most notably law, economy and social science. Based on this work, this thesis will try to contribute to the acquired knowledge about the Union's external dimension of migration management by providing a comprehensive overview and analysis of the current situation and by comparing it to the policies prior to the Arab Spring. In doing so, it will try to fill a still existing gap in the academic research concerning the effects of the Arab Spring on the external dimension of the EU's migration policy.

The research question is:

Given the effects of the Arab Spring on migration to the European Union, to what extent has the EU since then changed the external dimension of its migration policy?

Some specifications and details might help to understand the scope of this thesis: As the research question implies, *if* the Arab Spring had effects on migratory movements to the EU is not questioned. There is plenty of statistical data to prove increased immigration in the wake of the Arab Spring. Neither will this thesis attempt to determine if the events in North Africa and the Middle East *directly caused* any possible changes. What this thesis is in fact looking at are

the Union's policy changes since the beginning of the Arab Spring and the situation as it is today. It would however be wrong to limit the timeframe to the events *after* the Arab Spring started¹. To be able to understand the changes – i.e. to be able to answer the research question of this thesis – it is necessary to look at the development of the external dimension from its start, with a special focus on the situation as it was *before* the Arab Spring started. This is also crucial because the EU did not completely change its approach. Ignoring the policies that were in place before 2011 would therefore lead to significant blind spots.

Concerning the structure of this thesis, it consists of seven main chapters. Following the introductory chapter 1, the theoretical framework of this analysis is presented. After terminological clarifications of the concepts of “migration” and “migration policy”, the “external dimension” and the “Arab Spring”, *Securitization Theory* is outlined. The theory is part of the broader academic field of Security Studies and tries to answer the fundamental question of what “security” actually is. At its core, the theory says that problems are not perceived as threats to security for objective reasons. As will be shown, one of the issues that have been *securitized* in Europe is migration. This theory is therefore a useful tool to analyse the changes of the EU's external dimension of migration after the Arab Spring and to understand potential new developments and the motivation behind the Union's current policies. Ultimately, it helps to answer the research question of this thesis.

In chapter 3, the history of migration in and to Europe is presented. It is shown how it quickly changed from an emigration to an immigration continent in the second half of the twentieth century. The chapter also outlines how the political field of migration partly became an EU competency and how it was securitized. Additionally, the role of borders in the Union and the most important lines of criticism of its approach to migration are presented.

Building on this, chapter 4 introduces the EU's external dimension of migration. As this concept takes an important role in this thesis, the chapter takes a close look at the nature of the external dimension, at the reasons behind it and at relevant criticism of such an international aspect of migration management. Another important point is the implementation. How does the European Union cooperate with third countries in this policy field and what direct and indirect effects does the external dimension have on those states? As will be shown, the external dimension of migration can be divided into two strategies: a *migration-security* nexus and a *migration-*

¹ As a rough date, one can pin it to the beginning of the year 2011. Although the first protests started in Tunisia in mid-December of 2010, it took some time for them to reach a critical level with serious impacts on migration movements to Europe.

development nexus. Or in other words: control-oriented measures and policies that try to prevent migration. Finally, the chapter on the nature of the external dimension also gives an overview of the most important actors in this policy field. As always in the EU, there is on the one side the Union itself and on the other side the Member States, who can still significantly influence those aspects of migration that have been communitarised. Concerning the EU institutions, the Council and the Commission – and within it the Directorate-General for Home Affairs – are presented as the key actors.

Chapters 5 and 6 outline the political development of the external dimension and its current policies. While the former covers the period until the Arab Spring, the latter presents modifications and added aspects. Chapter 5 therefore looks at the slow start of the external dimension before the Amsterdam Treaty of 1999 and the following rapid development. It is divided between the political frameworks – most notably the Tampere, The Hague and Stockholm Programmes – and the implementation of the contained objectives. On the one hand, broad policy frameworks and on the other hand, individual policy tools are presented. These range from the European Neighbourhood Policy and the Union's new border-control agency Frontex to the more comprehensive Global Approach to Migration and its most important instrument, the Mobility Partnerships with all the policy tools they may contain.

Building up on this, chapter 6 describes the situation as it is today. First of all, the Arab Spring's impact on migration to Europe is outlined. Subsequently, the EU's reaction is presented and analysed. As a reaction to the massive increase in the number of irregular migrants arriving on its territory, the Union adopted both short-term and long-term measures. While the former can be characterized as panic-driven and unilateral, the latter represent significant alterations of existing policy tools. Chapter 7 sums up the findings of this thesis and tries to answer to research question. It is described to what extent the EU's approach to external migration management was modified since the beginning of the Arab Spring and in what ways the external dimension has been changed.

1.3. Methods

To find an answer to the research question of this thesis, qualitative methods are used. Most importantly, a critical literature analysis is the basis and allows me to draw the right conclusions. Primary sources such as EU legislation and communication documents are useful to understand the position of the Union and the intended objectives of respective strategies and

policy goals. As secondary sources, the existing academic publications on the external dimension of the EU's migration policy – in the form of books, articles, analysis or relevant internet websites – are essential to classify these official documents correctly and to help in the personal assessment of the EU's policy. Together, these sources are the starting point on which my research is based. Building on this knowledge of the structure of the Union's migration policy and its external dimension, the theoretical approach – Securitization Theory – is a useful instrument to detect and explain policy changes since 2011. The developments are analysed from different angles and in a comprehensive manner to include all relevant aspects and points of view.

In addition to the analysis of primary literature and academic publications, five problem-focused interviews with relevant experts were conducted. All interview partners have in-depth knowledge of migration in the EU context and are working on the issue in different areas. Firstly, two representatives of the European Commission's Directorate-General for Home Affairs (DG Home) – the key EU actor in the external dimension of migration – were central to answering the research question of this thesis. Secondly and to include a potentially more critical position, two expert interviews with representatives of Non-Governmental Organizations were conducted. And finally, an expert from the international migration research institute *International Centre for Migration Policy Development* (ICMPD) contributed his expertise.

2. Theoretical framework

2.1. Terminology

Before we come to the theory of Securitization, a few key concepts should be described in detail. A clear definition of these terms is essential to avoid misunderstandings and false implications in the rest of this thesis. I consider such a terminological clarification necessary for the concepts of “migration” and “migration policy”, the “external dimension” and the events of the “Arab Spring”.

2.1.1. “Migration” and “migration policy”

The analysis in this thesis covers all different forms of migration to the EU, the only important restriction being that it looks at *immigration* to the Union, i.e. international migration that involves the crossing of a nation state’s territorial border. This immigration can be subdivided into a multitude of forms. The most important distinction to be made in the context of EU policies is the one between *legal* migration on the one hand and *illegal* or *irregular* migration on the other hand. Both of these forms can however be further divided. First of all, there is a temporal dimension, grouping migration into temporary, semi-permanent or permanent. Secondly, the intended purpose of the migration and the motivation behind it need to be looked at. People may come to the EU for many different reasons, among them to apply for international protection, to reunite with their family living in Europe, to (find) work in the formal or informal sector or to pursue their studies. And lastly, it can be subdivided into the two categories of voluntary or forced migration, although there is an obvious grey area between them. These distinctions are not just semantic differences. Instead, the political definition of what sort of migrant one is has far-reaching consequences, most importantly when it comes to the legal status and entitlements. The Union’s migration *policy* – which is another core concept used in this thesis – is to be understood as the sum of all political measures trying to impact the geographical mobility of people (Düvell 2006; Nuscheler 2004).

2.1.2. The “external dimension”

Undeniably, EU policies have effects on third countries² – and those concerning migration are by no means an exception to this rule. Scholars have applied several concepts to examine how the European migration policy affects countries outside the Union. Sandra Lavenex developed the concept of “external governance” (Lavenex 2004) to analyse the overall extension of the norms, rules and policies of the European Union. She argues that by adopting certain parts of the Community *acquis*, third countries help to shift the legal boundary of the Union beyond its territorial borders. Other terms describing the effects of EU policies on third countries are “remote control” or “externalisation”. The latter (see for instance Richey 2012) was derived from economics and similarly to the concept in that field, externalisation in foreign policy means a transfer of certain functions to an external actor, based on trust and cooperation across borders. However, this term might not fully cover the effects of the EU’s migration policies on

² “Third country” is a term used in the European treaties to describe all countries that are not members of the EU.

third countries since some of them can be developed without the inclusion of countries beyond the European borders. Furthermore, it focuses too much on the aspect of migration control and does therefore not do full justice to the complexity of the external dimension. Rijpma and Cremona themselves prefer the concept of “extra-territorialisation” because:

“[it] includes the way in which the EU and its Member States attempt not only to prevent non-Community nationals from leaving their countries of origin, but also to ensure that if they manage to do so, they remain as close to their country of origin as possible, or in any case outside EU territory. It furthermore covers measures that ensure that if individuals do manage to enter the EU, they will be repatriated or removed to ‘safe third countries’” (Rijpma / Cremona 2007, 12).

For the purpose of this thesis, I will use the more comprehensive term extra-territorialisation to describe the practices and external dimension to illustrate its results and outcomes.

2.1.3. The “Arab Spring”

What is described as the Arab Spring – sometimes also called the “Arabellion” or the “protests across the MENA³. region” – is a series of mass protests across the Middle East and North Africa. Demonstrations took place in almost every single country of the region, although the effects vary drastically. Whereas the protests soon faded out in some countries, they toppled dictators in others. And the means were just as different: from street protests and strikes to violent clashes with security forces and outright civil war. In the course of just a few months, the political landscape of many countries was subject to radical changes.

As the name suggests, the Arab Spring happened mostly within a few months, namely in the spring of 2011. Its beginning – if one event can be singled out – was however a few weeks earlier. The first affected country was Tunisia. Like in neighbouring countries, the situation was characterized by serious economic problems and an equally oppressive and incapable regime. In the end, it was the self-immolation of a young man that acted as a catalyst to the widespread frustration. After street vendor Mohamed Bouazizi set himself on fire following the confiscation of his wares, demonstrations started the following day, on 18 December 2011. They quickly spread to other regions and grew in scale. By January 2011 the 23-year presidency of Tunisia’s Zine El Abidine Ben Ali had collapsed under the pressure of the ongoing and peaceful mass protests. Following the equally successful demonstrators in Egypt, anti-

³ The acronym MENA refers to the countries of the Middle East and North Africa.

government protests began in Libya in February 2011. However, similar to the developments in Syria, the peaceful demonstrations quickly turned violent and a bloody civil war flared up between president Gaddafi's security apparatus and the opposition. The war ended after a foreign military intervention and with the death of Gaddafi in October 2011.

The Arab Spring had therefore dramatically shaken the political landscape of North Africa. At first, the EU saw the events in its immediate neighbourhood and beyond as a major chance to renew and improve the relations with these revolutionary countries. What the protesters were – sometimes literally – fighting for were the same values the Union continuously stressed as the basis for prosperity and stability: democracy, respect for human rights, the rule of law and good governance. But as always in its relations with North African states, migration matters played an important role. Although the revolts had destroyed many existing agreements between the Union and the regimes in the region, they could also be interpreted as a chance to improve the management of migration. The underlying assumption was that democratic and stable systems give people less incentives to emigrate and are better able to manage and control irregular migration movements (Fargues / Fandrich 2012, 5). But at least in the short term, these expectations quickly turned to disappointment and even panic. The countries of the region – and especially Tunisia and Libya – are crucial to irregular migration to Europe and as Gaddafi had repeatedly boasted, without him and other autocratic leaders, the number of irregular migrants reaching the EU would increase. In the middle of the military intervention against him – which was backed by a number of Member States – he tried to threaten the EU in an interview: “You will have immigration, thousands of people will invade Europe through Libya. And there will no longer be anyone to stop them”⁴ (Le Journal du Dimanche 2011). Despite reform attempts and a rapidly initiated democratic process supported by the EU and others, the power vacuum in Tunisia and Libya could not be filled for at least a few months. The revolutions themselves and their lingering effects thus brought just about the results Gaddafi had described: The lack of border controls and the chaos led to a massive increase of irregular migrants reaching the EU. The long-term results on the Union's migration policy are described in detail in this thesis.

⁴ Translated from French by the author. Original quote: “Vous aurez l’immigration, des milliers de gens qui iront envahir l’Europe depuis la Libye. Et il n’y aura plus personne pour les arrêter”.

2.2. Securitization Theory

Securitization Theory is part of the academic field of Security Studies, which emerged after World War II and was for the most part since closely linked to the Cold War. For decades, Security Studies scholars were primarily occupied with analysing the new dimension of threats, which a potential heating-up of the conflict and an outright war between the two nuclear-armed superpowers posed. Over the years, the field of Security Studies diversified, however, and scholars were usually divided in traditionalists and wideners.

For traditionalists, the questions of “security for whom?” and “security from what?” could be answered rather easily: the referent objects were national states and the concept of “security” was understood as security from military threats and armed conflicts. Without a military component and with different referent objects, an issue would not be seen as a security problem but rather as a mere political problem. Starting in the 1970s, new ideas emerged among Security Studies scholars and a debate on a widening and deepening of the field began. Proponents of a broader understanding of security – subsumed under the classification of *wideners* – challenged the narrow definition of security and its referent objects. For them, security does not necessarily have to involve military aspects and there is a wide range of potential referent objects besides the state. Next to armed conflicts, they included – among others – the economic, political, societal and ecological sectors as well as questions of identity or the threats posed by transnational organized crime. According to these wider definitions of security, the state is not the only, and in many cases not the primary, actor. At the beginning of the 1990s and with the dissolution of the Soviet Union, the original core of the discipline – the Cold War and its politics – ceased to exist and it had to refocus. Many traditionalists now agreed that the state is not the only referent object for security (anymore). But this did not end the debate as a whole. The concepts of many wideners were still criticized for broadening the definition of security to a point where it loses any meaning (Buzan et al 1998, 2-5).

Securitization Theory, as a part of Security Studies, cannot be analysed without understanding this divide and the ongoing discussions in the early 1990s. A group of scholars around Ole Wæver, Barry Buzan and Jaap de Wilde tried to overcome this dichotomy by forming a new framework for Security Studies. This group, which later came to be known as the *Copenhagen School*⁵, created a concept of security that offered a “solution”: Securitization Theory is based on a widening and deepening of traditional theories of security without completely blurring the

⁵ The term *Copenhagen School* was coined by Bill McSweeney in his 1996 critique of Buzan; McSweeney, Bill (1996); *Identity and Security. Buzan and the Copenhagen School*. *Review of International Studies*, 22(1). 81-93.

concept. The key to the success of the theory might be found in the different backgrounds of its proponents. According to the key actors themselves, Securitization Theory is based on the collaboration of “the reactionary objectivist Buzan”, “the postmodern realist Wæver” and “liberals like Pierre Lemaitre, Morten Kelstrup and Jaap de Wilde” (Buzan/ Wæver 1997, 250).

The term securitization and the according theory were first introduced by Ole Wæver (Wæver 1995), but it wasn't until the publication of the ground-breaking “Security: A New Framework for Analysis” (Buzan et al 1998) – which included the ideas of Buzan and de Wilde and thus further developed the concept and became the Copenhagen School's pivotal work – in 1998, that the concept received broad recognition in the Security Studies world and was by many seen as the long sought-after answer to the discipline's divide. The theory was quickly adopted and refined by other scholars as well as by the Copenhagen School's members themselves and is today considered one of the most important advances to Security Studies in the last decades (Ciută 2009, 301). But before we turn to today's understanding of the concept and to the multi-faceted criticism that also followed its introduction, we have to look at the theory as it was developed.

2.2.1. Securitization Theory's core concepts

To sum it up in a few words, Securitization Theory tries to answer the central question of Security Studies: what is security? The core assumption is that problems are not perceived as threats to security based on their character or configuration. Rather, an issue becomes a *security problem* through a preceding discourse. Security is thus a socially constructed concept, no issue is in itself a security problem but can become *securitized*. Or in other words, “[i]n securitization theory, ‘security’ is treated not as an objective condition but as the outcome of a specific social process” (Williams 2003, 513).

As the authors themselves write in “Security: A New Framework for Analysis”, they tried to create exactly that: a new framework for Security Studies, bridging the discipline's divide by combining aspects of both sides (Buzan et al 1998, 4). To do so, they based their work on *Constructivism* and *Speech Act Theory*, two theories that are contrary to the traditionalists' Realist approaches.

Although Securitization Theory combines Constructivism and Speech Act Theory with Realism and other schools of thought, it is clearly based on them and language plays a key role.

Following these traditions, the Copenhagen School defined security threats as socially created. According to Wæver himself, the theory is even “radically Constructivist” (Wæver 1995, 204). Speech acts clearly play a key role, they “do not simply describe an existing security situation, but bring it into being as a security situation by successfully representing it as such” (Williams 2003, 513; original emphasis).

This happens as follows: just a few steps and actors are required for a successful securitization, namely a *securitizing actor*, the concept of an *existential threat* that calls for *extraordinary measures*, a *target audience* and their acceptance of this *securitizing move*. At the beginning, the securitizing actor starts a discourse, depicting a certain issue as an existential threat that needs to be dealt with by using methods which are otherwise beyond the politically possible. The Copenhagen School mentions a broad range of potential securitizers, including political parties, governments, the media, civil society organizations or lobbies. For this securitizing move to lead to a successful securitization of an issue, it has to be accepted by the target audience, i.e. the public, relevant decision-makers, etc. Only if the audience accepts the presentation of an issue as a threat that has to be dealt with by applying special measures – thus adopting the view of the securitizer – we can speak of a successful securitization.

In this definition of security, the term loses its original meaning – which is intangibly linked to threats and danger. In Securitization Theory, the concept goes beyond that, thus decoupling security and real danger. The only requirement for an issue to be considered as a security problem is the acceptance of a securitizing move by the relevant audience. Security as a concept is thus nothing but a social construction. The goal of Securitization Theory, as outlined by Buzan, Wæver and de Wilde, is to increase the knowledge about this process, to know who securitizes what, for whom, why and with what result (Buzan et al 1998, 36). In other words: it wants to know how “security” problems are created and develop.

As Williams (2003, 513-514) puts it, Securitization Theory did indeed manage to combine the traditional and widening streams of Security Studies. It allows an expansion and a limitation of the security agenda at the same time. On the one hand, any issue can potentially be securitized via speech acts and is thus certainly not limited to the military dimension. Furthermore, the reference object of this concept of security is by no means limited to the nation state any more. And on the other hand, Securitization Theory does not allow for a boundless blurring of “security”. While wideners are often criticized for using the term synonymously with “danger” of any kind, the Copenhagen School – by using the structure of speech acts – clearly defined the limits of the security agenda. The process of a securitization is thus not really open but

depends on the ability of the securitizing actor in conveying a message to the audience. Although in theory every group or individual can push an issue to the front and convince the audience of the necessity of extraordinary measures to deal with it, the chances of a “securitizing move” to be fruitful in changing the nature of an issue into a security problem in the audience’s perception certainly depend on the position of the securitizer and its role and available tools. If it is well known among the audience, enjoys its trust, has the necessary tools to publicize its opinion and knows how to use them, the likelihood of a successful securitization is much higher. Buzan, Wæver and de Wilde themselves speak of the “internal, linguistic-grammatical” and the “external, contextual and social” conditions (Buzan et al 1998, 32). The former means that an actor has to follow the rules – as laid out by the Copenhagen School’s concept – while the latter refers to the position he needs to hold in order to successfully securitize an issue.

The inclusion of speech acts and the view of security as a socially constructed concept are clearly closely linked to Security Studies’ widening approaches and Constructivism. And as has been shown, this structure at the same time avoids a boundless blurring of the concept to a point where it is indistinguishable from the terms “danger” or “threat”. But there are also firm Realist traditions to be found in the Copenhagen School’s work, described as a “less obvious, but equally powerful theoretical influence [...] that sets it considerably apart from mainstream constructivism” by Williams (2003, 514). Most notably, it is the notion that a speech act has to cast a problem as an existential threat which necessitates measures beyond all political norms. As the Copenhagen School puts it: “In security discourse, an issue is dramatized and presented as an issue of supreme priority; thus by labelling it as security an agent claims a need for and a right to treat it by extraordinary means” (Buzan et al 1998, 26). These aspects of Securitization Theory, the prominent role of existential threats and emergency action, do not have their roots in Constructivism but in Realism. Williams even traces these roots back to the tradition of Carl Schmitt and his influence on post-war Realism (Williams 2003, 515).

A successful securitization can also be institutionalized, that is: a topic is – in the public mind – intrinsically tied to “security”. Buzan, Wæver and de Wilde mention the obvious case of military threats and armed conflicts. For each and every one, questions of security are the first thing that come to mind when we hear the word “defence”. The sense of urgency and priority, which has been created through the securitization of the issue, has thus been institutionalized. While this is true around the world for “defence”, other – perceived – threats have not been institutionalized for everyone but just for a certain audience. In the Netherlands, for example,

the term “dikes” is closely linked to “threats” and, ultimately, “security”. This might help to explain why changes in this regard can be very slow – e.g. in bureaucracies. What they do is in the end the “repetition of a security argument so well established that it is taken for granted” (Buzan et al 2008, 28). The authors also call securitization an “essentially intersubjective process” – an issue that is securitized for one group can be classified as a regularly politicized issue for another one. For the second group it can even seem completely incomprehensible to include a notion of security (Buzan et al 2008, 30). Just looking at national states, the different conceptions of “religion” come to mind. While the issue is clearly securitized in countries such as Iran, Saudi-Arabia or the Vatican, it is a merely politicized topic in most others.

It is no surprise that the securitization of an issue with all the aspects it affects– most notably emergency politics – is not desirable for the Copenhagen School. What is accepted as a security problem can be dealt with outside of normally politically binding rules, bringing about a “logic of war” (Roe 2004, 282). A securitization can thus be called an extreme version of politicization, as it gives a certain group a stronger role. Issues are not dealt with in the open anymore, the public loses its voice and there is no accountability. Secretive, unaccountable emergency politics can even be classified as threats to democracy (Roe 2004, 283). The Copenhagen School thus notes that “[b]asically, security should be seen as negative, as a failure to deal with issues as normal politics” (Buzan et al 2008, 29).

A once securitized issue can however also be taken off the security agenda and brought back to the sphere of normal politics and public discourse, if the public perception of the problem changes. The Copenhagen School describes this effect as a *desecuritization*. Wæver defined three possibilities for a successful desecuritization: The first one is not to talk about an issue in terms of security – and is thus, strictly speaking, rather avoiding a securitization before it takes place. The second option Wæver mentions is to not respond in a way that would generate security dilemmas *after* an issue has been securitized. The third and last possibility is moving an issue back to the political sphere. For both the second and the third strategy, desecuritization may however be problematic because securitizations can be self-reinforcing. Wæver thus admits that the only really good option is to prevent securitizations in the first place (Wæver 2000).

This explanation does however have quite obvious shortcomings because Wæver’s first option is not even a desecuritization in a literal sense. Paul Roe, examining the concept of desecuritization, took this strategy out of the equation and termed it a *non-securitization*. He then subdivided Wæver’s two other options – the ones who deal with actual securitizations –

into *managing* the nature of the issue and *transforming* it. However, he also denies the management option a characterization as a real desecuritization because it does not attempt to return the issue to the realm of regular political discourse and is content with a mere *normalization* of the situation (Roe 2004, 284-285).

Huysmans (1995, 65-67) proposes three different options for the transformation of securitized issues: an objectivist, constructivist and deconstructivist strategy. Desecuritization following the *objectivist* strategy tries to convince the audience that the issue in question does not really pose a fundamental threat. As an example he mentions scholars and practitioners producing statistical information and arguments of all sorts to show that the perception of the securitized problem is wrong. The *constructivist* strategy, on the other hand, does not concern itself with identifying whether an issue is really a security threat or not. Instead, it aims “to understand how the process of securitization works” (Huysmans 1995, 66). In order to handle the problem and remove an issue from the security agenda, the relevant processes have to be understood first. Lastly, Huysmans’ *deconstructivist* strategy tries to take apart the image the securitization of an issue has created. In order to deconstruct that security-focused view, the issue is presented in all its different aspects.

In addition to desecuritization, Wæver also introduced the concept of *asecurity* as a possible – and probably ideal – outcome of an issue that has been successfully removed from the security agenda. Asecurity describes a situation in which an issue is so firmly politicized that it is practically unimaginable that it is cast – and accepted – as a fundamental security threat again and thus re-securitized. As an example, Wæver mentions the relations between the Nordic countries, which he calls an “asecurity community” (Wæver 1998).

2.2.2. Criticism and the evolution of Securitization Theory

As mentioned before, the Copenhagen School’s Securitization Theory was quickly taken up by others scholars in the Security Studies community and is today considered one of the major advances in the discipline Ciută 2009, 301). This is indeed owed to the theory’s success in bridging the divide between the broad and narrow approaches of Security Studies by finding some logic in both of them and fruitfully combining it. The Copenhagen School – by introducing Securitization Theory – has changed Security Studies and changed the perception of the concept of “security” for many. However, critics soon discovered shortcomings – both real and supposed ones – and ultimately further developed the theory by adding their ideas.

In short, these involve questions of the role of the securitizing actor and of speech acts (Hansen 2000; Williams 2003); important conditions for successful securitizing moves (Green Cowles et al 2001); the audience of these moves (Balzacq 2005, 2011; Bigo 2000; Campesi 2011; Higashino 2004; Léonard 2010); the differences between securitization and politicization of an issue (Huysmans 1995); and ethical implications of Securitization Theory (Aradau 2004).

According to Ciută, all these scholars' criticism is however just threefold: normative, epistemological and conceptual. Firstly, normative critique raises questions about the theory's normative aspects and implications, e.g. the inevitable link between the act of a securitization and practices of securitization or the contradictions between the theory and liberalism (Ciuță 2009, 303). Taureck (2006), further subdividing this normative criticism, found two streams: on the one hand, these scholars – usually concerned with critical security theories themselves – lament the lack of a normative conceptualization of securitization. And on the other hand, they criticize that securitization scholars underestimate the consequences of security analysts' own writing. Both sorts of normative criticism are however “fundamentally flawed” in her eyes (Taureck 2006, 54). Many analysts criticize that the theory's moral goals are unethical, which Taureck attributes to a grave misunderstanding of Securitization Theory. As she puts it, these scholars are not talking about “securitization the theory” anymore, but about “securitization the normative practice” (Taureck 2006, 56-57).

“[N]o longer is securitization viewed as a theoretical tool that facilitates actors' analysis but rather we get to see securitization from the point of view of the securitizing actor, namely as a political method. Here securitization undoubtedly becomes an ethically and morally laden issue that by its very nature is stigmatized as bad” (Taureck 2006, 54-56).

Ciuță's second stream of critique is epistemological. From this standpoint it has been criticized how Securitization Theory analyses empirical contexts, “primarily its ability to identify, give voice to, or silence securitisation actors” (Ciuță 2009, 303). Finally, the third cluster of criticism Ciută identified is conceptual and mainly concerned with the structure of the theory. The most important point in this regard is the necessity of speech acts in a classical, Copenhagen School securitization (Ciuță 2009, 301-303).

Hansen identified two blind spots in the speech act-focused traditional approach which exclude gender from the equation. The first is a situation in which the (potential) subject of security is not able to communicate the threat; it cannot, or only limited, speak of the security problem, making a securitization of the issue impossible. The second blank spot she identified is related to identity. As gendered security problems usually involve not only the potential referent

object's gendered identity but have many interlinkages to other aspects of identity, "'gender' rarely produces collective, self-contained referent objects required by the Copenhagen School" (Hansen 2000, 287).

Ciută also introduces a fourth – "contextual" – stream of critique, which is concerned with the theory's definition of security as a matter of context and accuses it of being methodologically and epistemologically contradictory.

But the probably most fruitful and for this thesis most useful critique is that of the Copenhagen School's aforementioned focus on speech acts. This led to the expansion of the concept of securitization by breaking free of the Copenhagen School's formality – the *sociological approach* to securitization (Balzacq 2011) – and by including other practices besides discourses – securitization through *practices* (Bigo 2000).

Williams points out that the Copenhagen School's approach is too closely connected to speech acts: "The act itself is conceived of in *linguistic* terms, the institution refers to the position from which it is *spoken*, and the appropriate tool for its recognition as a securitizing act is an analysis of the *rhetorical* and *discursive structure* [...] of the act and its consequences" (Williams 2003, 525; original emphasis). This approach does however have blind spots. Williams for example challenges it by asking whether this framework can actually properly address the question of "security" in a world in which images and televisual communication are more and more essential in communicating political messages (Williams 2003, 524).

One stream of criticism points out the exaggerated role of discourses in the Copenhagen School's theory. It is not just speech acts, they argue, that can get an issue from the political realm straight to the security agenda. „It is possible to securitize certain problems without speech or discourse [...]. The practical work, discipline and expertise are as important as all forms of discourse" (Bigo 2000, 235). This securitization through practices can build upon securitizing discourses or work without them. As an example, Bigo mentions military and policing practices, which can support discourses in securitizing an issue. These processes have been recognized by others as well. Campesi sums up such a state-led and double-tracked securitization:

"In fact, the politico-institutional context operates on two levels at once: on the one hand, it provides a vocabulary through which to securitize a specific issue [...] and, on the other hand, it contributes to the securitizing process by endowing with special powers the security professionals called on to govern the treat so identified" (Campesi 2011, 7).

Thierry Balzacq also argues against the strict framework of the Copenhagen School, as it does not fully explain successful securitizations. The preconditions set by the classical approach and the argument that security is a speech act cannot be upheld. As he points out, the Copenhagen School expects all necessary circumstances to fully prevail in order to create a security-based image of an issue. According to him, it is however not a close obedience to the rules but the social context, which determines successful or failure of a securitizing move.

“[S]ecuritization is a pragmatic act, i.e.: a sustained argumentative practice aimed at convincing a target audience to accept, *based on what it knows about the world*, the claim that a specific development is threatening enough to deserve an immediate policy to curb it. Thus the CS [Copenhagen School] view can be called *philosophical*, while the pragmatic approach to securitization is termed *sociological*” (Balzacq 2011, 61; original emphasis).

Securitization moves according to Balzacq’s *pragmatic* or *sociological* approach – as opposed to the conventional *philosophical* one – are influenced by three variables: audience, context and securitizing agent. The role of the factor audience lies in its reference framework, its readiness to be convinced by the securitizing actor and its ability to give or deny the officials a confirmation for the securitization. The context of a securitizing move also matters, as the audience is more likely to accept speech acts that are in line with the ruling *zeitgeist*. The third important factor of the sociological approach to securitization is the securitizing agent and his ability to win the support of the audience by saying the right things in the right way (Balzacq 2005, 192).

These fruitful advancements of Securitization Theory will be central to the analysis of the European Union’s migration policy. Although the accomplishments of the Copenhagen School are in no way to be belittled – after all, there would be no fruitful advancements without their ground-breaking work – a thorough and in-depth analysis of the EU’s policies would not be possible without including securitizations through practices and the sociological approach.

2.2.3. The securitization of migration

Migration is a topic that is closely related to questions of identity and belonging. Although it is a phenomenon just as old as humankind itself, the arrival of the *other* still forces societies to reflect on themselves – at least in democracies, where an open debate about the issue is possible. This is the reason why a politicization of migration was inevitable, as Buonfino (2004) argues. Immigration forces democratic host societies to face their inherent and unsolvable

contradictions between inclusion and exclusion; between their values of unity, openness, plurality and fundamental rights for each and every person on the one hand and the limitations of national borders and citizenship on the other hand. Another factor that led to the “inevitable” politicization of migration in “Western” democracies is the simultaneity of two discourses on migration: The first one – called *economization* of migration by Buonfino – is concerned with the economic prospects of the society. This economy-focused discourse on migration stresses the advantages of the arrival of young people willing to work, who are undeniably needed in the labour market and to support the struggling welfare systems with their financial contributions. The second discourse about migration is security-focused and stresses the threats migrants supposedly pose – to the locals’ physical safety, their economic wellbeing or the social fabric as a whole (Buonfino 2004).

Based on this politicization of migration, the issue was securitized in many countries. The reasons and the development may have varied but in most Western countries, migration is a securitized issue – a threat that allows for the use of extraordinary measures beyond the usually politically possible. Just like the events that triggered the securitization, the relevant actors varied from state to state. As a general rule, however, it was governments, right-wing parties, the media and grass roots organizations that initiated the securitizing moves (Huysmans 2000, 758). Although discursive practices certainly played a central role, the securitization of migration in many Western countries cannot be explained with the Copenhagen School’s traditional – or *philosophical* – approach alone. Rather, it is Balzacq’s context-focused approach to the theory and the concept of *securitization through practice* that help us understand this development by looking at contextual conditions and by adding the effects of practices to the equation (these processes will be analysed in more detail in the chapter on the securitization of migration in the European Union).

But no matter how it happened, the security-focused approach became more and more important in countries with high immigration as well as in those who experienced hardly any migration movements prior to or during the time of the securitization of the issue. These decisions and the fear they grew out of were also not based on facts like an increase of crime rates, widespread abuse of the welfare system or terrorist infiltration. Migration, as Buonfino concludes, is therefore “*not a threat for what it is, but a threat for what it represents*” (Buonfino 2004, 28; original emphasis). It was presented as a perilous development that needs to be stopped in order to protect citizens’ lives, property and identity. Against this imminent threat, essential democratic values such as solidarity or the protection of human rights faded into the background

and corresponding political decisions were taken. In short, the issue of migration was securitized in many societies (Buonfino 2004).

3. Migration policy in the European Union

3.1. The history of the Europeanization of migration

Today, migration is one of the most discussed topics in the EU and numerous policies have been developed to deal with the issue in its many forms. The change towards a distinct European dimension of migration happened less than two decades ago when some matters were shifted to the EU level. Until the Maastricht Treaty entered into force, Member States had complete control over the issue, which is why we have to start an analysis of migration in the EU at this level. And it should be said right away that migration policy in the European Union is to this day characterized by a “policy fragmentation” – a mix of supranational and intergovernmental aspects (Berg / Ehin 2006, 53). The Union’s approach can thus not be fully understood without looking at the history of migration in and to Europe before the communitarisation of several aspects. And even after the Maastricht and Amsterdam Treaties, the Member States control important aspects.

But mass migration *to* Europe is a rather new phenomenon. After the unprecedented destructions during World War II, many countries quickly rebuilt their devastated cities and economies during the 1950s and 1960s. The rapid industrial growth as well as the loss of lives during the war led to serious labour shortages in several European countries. Soon, a solution was found: Europe’s booming (mostly northern) economies recruited large numbers of “temporary” migrant workers in Europe’s south and beyond– from Portugal to Turkey – who were expected to return to their countries of origin after working in the more prosperous parts of the continent for a certain number of years. This move and the arriving workers were appreciated at first – a clear sign of the dominance of the already mentioned economy-focused approach to migration. However, over the years and accompanied by further immigration from an increasing number of countries of origin as well as raised public awareness, the debate changed. This was fuelled by two trends: on the one hand, economic growth decelerated and on the other hand it soon became obvious that the idea of leaving their new homes and returning to their economically still less developed countries of origin did not appeal to many of the

“temporarily” recruited workers. Public awareness grew significantly, calls for policy changes got louder and policymakers in many countries started to link the image of migration to existing or allegedly upcoming problems. This trend was reinforced in the 1980s, when a new focus on the related question of asylum led to an increased politicization of migration (Huysmans 2000, 753-755).

“Migration” has thus already been profoundly politicized in many European countries when the Europeanization of the issue got underway in the 1990s. Intergovernmental networks and forums, developed to cooperate on the matter of migration control in the end of the 1980s, were the first steps in this regard. Most noteworthy among them is TREVI, an intergovernmental network of national officials originally created in 1975 to coordinate the fight against terrorism. Its competences were however extended in several steps and in 1985 immigration was incorporated as well.

Only a few years later, the issue got absorbed in the European integration process in a formal sense through the Maastricht Treaty (Lavenex 2006, 329). Maastricht created the pillar structure of the EU in which the *Third Pillar* (Justice and Home Affairs) explicitly included migration. This pillar was defined by its intergovernmental nature. But what were the reasons for the transfer of competences to the European level? Why did national governments limit their own autonomy and sovereignty this way? Lavenex argues that although one might initially think that this kind of internationalization interferes with the Member States’ capacity to act, intergovernmental cooperation can also enhance it as it adds a new layer to the issue, one dominated by government representatives. In the case of democracies and in policy areas that are at the core of their liberal self-perception, international cooperation gives governments the possibility to avoid public scrutiny and pressure. Migration is one of these issues and the “outsourcing” of certain aspects gave national governments the chance to avoid possible obstacles on the domestic level – be they political opposition, public pressure or legal constraints (Lavenex 2006, 331-332).

Only a few years later, another important step towards a common EU migration policy was taken when the Amsterdam Treaty – entering into force in 1999 – transferred the sections about immigration, asylum and refugees from the intergovernmental Third to the First Pillar and thus officially communitarised them. After years of transgovernmental cooperation in this area – inside and outside of the EU framework – the first aspects of migration to Europe were now on the Union’s official agenda. As later chapters will show, there are however serious limitations to the EU’s competences, especially in the area of legal migration.

This development has to be considered in connection with the overall processes on the European level during that time: the fall of the *Iron Curtain*, increasing numbers of irregular migrants and the opening-up of the so called *internal frontiers* to the free movement of persons with the Schengen Agreement – processes and events that could not adequately be addressed on a national level and demanded an effective Europeanization (Nuscheler 2011, 300). The communitarisation of migration also went along with the broader evolution of the EU, shifting many issues from mere intergovernmental coordination to the Union's supranational level during the 1990s (Lavenex 2009, 329).

Andrew Geddes (2005), analysing international migration relations after the end of the Cold War, came to the conclusion that the 1990s brought about a widening of migration and a reconstruction of migration policies in Europe – both on the national and the supranational level. Migration flows as well as migration policies changed significantly. With regard to the former, he identified both a *geopolitical* and a *conceptual widening* – all EU states were now at the same time sending, receiving and transmitting migrants; new migration flows such as smuggling and trafficking emerged; and non-governmental, governmental and supranational actors needed to react. Many countries adapted their migration policies and in the course of a *spatial reconstruction* bi- and multinational cooperation intensified and the role of the EU became more prominent. Another important shift identified by Geddes is the *temporal reconstruction* of focusing more on positive approaches to migration, e.g. through the recruitment of highly skilled foreign nationals.

With the Amsterdam Treaty of 1999, migration became an important aspect of EU politics. The issue was communitarised and questions of immigration would now be dealt with at the European Court of Justice. European law in this respect was now binding, justifiable and superior to national legislation. But as already mentioned, legal immigration remained almost exclusively a domestic competence (Bendel 2005, 23). But how did the Union now see the overall phenomenon of migration? The *European Pact on Immigration and Asylum*, an important document dating from 2008, states that migration can indeed be beneficial for everyone – but only if managed properly: “Poorly managed immigration may disrupt the social cohesion of the countries of destination. The organisation of immigration must consequently take account of Europe's reception capacity” (Council of the EU 2008, 3). This implies that migration can be a threat to the fabric of European societies. More precisely, that the number of migrants allowed to stay in the EU has to be limited.

As has been said, Amsterdam was an important step and migration now ranked high on the EU's agenda – for instance it was one of the key subjects of many summits (Nuscheler 2011, 299). Many responsibilities have been shifted to the EU-level, in particular to the European Commission. Among the Commission's competences are the crossing of internal and external borders, including visas, asylum, legal and illegal immigration and administrative cooperation in all of these areas. This shift of power to the European level does not mean that the Member States have given up all their influence in these matters. Rather, these competences are now held concurrently with the Member States. However, where the Commission enacts legislation it can pre-empt the Member States' powers and even if they hold on to enough control, Member States have to obey the EU's law principle of loyal cooperation, which limits their options in exercising these competences (Rijpma / Cremona 2007, 8-11).

3.2. The securitization of migration in Europe

As has been discussed in the previous chapter, the economy-focused approach to migration dominated in most European countries after World War II, at a time when the first international organization characterized by its supranationality and thus the “predecessor” of the EU – the European Coal and Steel Community – was created. It has also already been described, how the sentiments of the public changed over the years and the focus shifted towards questions of migration control. Building on this politicization – and thus following the logic of Securitization Theory – security discourses became more prominent.

The European Union is to a certain degree subject to events, discourses and sentiments in its Member States. As the communitarisation of migration policies advanced, the national discourses were partly taken to the next – supranational – level. Starting in the 1980s, when European governments started to work together on migration in multinational fora, these discourses and therefore the securitization of the issue became part of the first steps of an Europeanization of migration (Huysmans 2000, 756).

After the Europeanization and partial communitarisation of migration in the course of the 1990s – a period characterized by rapid changes in the international and European political landscape and accompanied by increasing concerns about the future of the European welfare state – a clear securitization of the issue could be identified by the end of the millennium (Huysmans 2000, 752). Chou argues that Maastricht created the legal basis for this securitization by placing cooperation in the area of migration and asylum under the Third Pillar (Justice and Home

Affairs) – thus placing the issue in the hands of naturally security-oriented home affairs officials. After the turn of the millennium, increasing numbers of asylum seekers and especially the terrorist attacks in New York and Washington as well as in Madrid and London accelerated this securitization (Chou 2009, 546-547).

Critics might ask how a securitization – following the classic Securitization Theory – can work on the European level. Neal, for example, notes that the Union’s “minimal public dimension” – the rather small audience of EU communications and statements – challenges key assumptions of Securitization Theory (Neal 2009, 336). I would however argue that discourses on migration in the EU to a large extent simply reflect and sometimes reinforce existing discourses in the Member States. Additionally, this critique limits Securitization Theory to the Copenhagen School’s approach and does not include securitization through practices. As will be shown later, the securitization of migration on the EU-level is however based on its policies and their implementation to a considerable degree. It can therefore be said that – building on discourses and practices in many Member States but also through its own rhetoric and actions – the EU has branded certain aspects of migration as potentially existentially threatening. Huysmans also acknowledges this securitization when he writes that, in “political debates about immigration and asylum [...] in the European Union, migration has easily emerged as an existential threat to the state, society and/or the completion of the internal market” (Huysmans 1998, 569).

On the following pages, we will look at the EU’s policies towards its external borders and the often-evoked creation of a “Fortress Europe” trying to keep unwanted migrants off the EU’s territory. It is this aspect of the European migration policy that is most obviously and almost exclusively linked to a control and security-related approach. It has to be noted however, that border controls are not really part of the *external* dimension since they are supposed to happen on EU territory. Nevertheless, as part of the external dimension, the EU border control agency Frontex has concluded “Working Arrangements” with *third countries* to cooperate with them in joint patrols in the Mediterranean and elsewhere – and those are indeed conducted outside the Union’s territory.

3.3. Protecting Europe against migrants? The EU’s external borders

To be able to analyse to what extent the EU’s external border policy has transformed a Union of liberal democracies into a “fortress” to protect its societies against unwanted influences and immigrants, one has to understand the role of borders in today’s world. Concerning the

European Union, the complex question of borders has to be answered even more extensively. As a Union of 28 nation states – with their territorial sovereignty and external borders – the additional distinction of internal and external European borders has to be included in the equation. The EU's internal borders are beyond the scope of this thesis since it is concerned with the external dimension of the Union's migration policy. For the sake of understanding this dimension, we will however have to address the issue of the Union's external borders.

Geddes distinguishes three kinds of borders: territorial, organizational and conceptual ones. *Territorial borders* are the site at which a nation state has the authority to exclude potential visitors or immigrants. It is thus where the inherent inclusion/exclusion dichotomy of every country comes into effect. This is the concept which is most obviously linked to migration in our global system of national states. But Geddes makes the point that the two other aspects of borders have effects on the overall migration to the EU as well. *Organizational borders* refer to “membership”. This is where questions on e.g. the access to the labour market, the welfare system or citizenship are clarified. Entering the territory of a country is a necessary precondition but by no means the same as being accepted as a full-fledged member of society. *Conceptual borders*, finally, are concerned with more abstract and personal notions such as community or identity, the feeling of belonging somewhere. This is what is usually understood as “integration” (Geddes 2005, 788-790).

The policies relevant for the EU's external borders come from a wide range of institutions, different conceptual frameworks, serve a wide range of objectives and are thus – according to Berg and Ehin (2006) – clearly not sufficiently coordinated and coherent. The authors studied the European Union's border strategy and identified three different important policy paradigms with implications for its external borders instead of a single clear line that is being followed: *Regional Policy*, *Schengen provisions in Justice and Home Affairs* and *Enlargement and the European Neighbourhood Policy*.

The first policy paradigm, called *Regional Policy*, is the oldest paradigm that has implications for the EU's borders – with its roots going back to the Treaty of Rome of 1958. It is primarily concerned with the economic cohesion of the Union, an issue that is particularly relevant in those regions at the external borders. Regional policy thus has implications for borders because it attempts to achieve economic development in those areas. Intensified cross-border contacts – thus bridging the external borders – are one of the key instruments in this regard. This policy paradigm portrays the Union's external borders not as a line dividing *us* and *them* but as an opportunity for cooperation and development.

Berg and Ehin's second policy paradigm with major implications for the EU's external borders is however security-oriented. What they call *Schengen provisions in Justice and Home Affairs* (JHA) refers to border-related aspects of the former Third Pillar, which is now defunct and was absorbed in the new structure of the Union. The authors' conclusions remain valid nevertheless, since the Schengen provisions still have relevant effects on the external borders. They need the accompanying strengthened controls, the harmonization of Member States' policies or the intensified cooperation between relevant national actors – police, immigration officers or judicial authorities – to uphold the “gate-keeping” function of the external borders.

Enlargement and the European Neighbourhood Policy – the third and last policy paradigm identified by Berg and Ehin – also have implications for the EU's external borders. Unlike the previous policy paradigm, borders are not seen as “hard” in this case. The EU's ongoing enlargement efforts render such a perspective impossible to a certain extent. Additionally, the European Neighbourhood Policy (ENP) with its focus on cooperation with neighbouring third countries does not allow for borders to be seen as unalterable and strictly separating lines. Rather, the external borders are seen as mobile and flexible in this policy paradigm – and based on conditionality, the ENP and the Union's enlargement efforts combine external and internal policy goals.

Berg and Ehin conclude that tighter controls at the external borders became a necessity after the opening-up of the interior frontiers in the Schengen area to compensate for the security risks associated with the free movement of people. But strictly following the imperatives of the Schengen/JHA policy paradigm with its view of borders as fixed and hard dividing lines would be inconsistent with the EU's greater imperatives of enlargement and the economic development of border regions, since those require more openness. The European border strategy can thus be described as a combination of those three policy paradigms, with each of them attributing differing functions: “economic incentives, security prerequisites and conditionality” (Berg / Ehin 2006, 61). In what way this combination works out will largely depend on how the paradigms are implemented in the end (Berg / Ehin 2006, 57-61).

3.4. Criticism of the EU's approach and “Fortress Europe”

Over the years, the EU has established a common policy for the control of the external borders, including both closer internal coherence between the Member States and cooperation with

neighbouring third countries. Especially the European border control agency Frontex⁶ was crucial in that respect. Both the discourse and the methods used are clearly security-oriented. Theoretical definitions of the dominant policy paradigms towards its external borders aside, many authors criticize the European Union for creating a tight *border regime* – i.e. “a system of control, regulating behaviour at the borders” (Berg / Ehin 2006, 54). Carrera, looking at the situation in the Canary Islands, a former hotspot of irregular migration to the EU, warns against the dominating use of control-oriented and coercive measures such as surveillance technology to stop irregular migration. He calls the current system problematic because it raises questions about the EU’s liberal ideals such as transparency and accountability on the one hand and human rights principles or even the EU’s own laws on the other hand (Carrera 2007, 8). For many, the EU border regime contributes to the ongoing humanitarian crisis of Mediterranean “boat people”. According to the UN refugee agency UNHCR, in 2014 alone more than 3,400 people have died on their way to the EU while trying to cross the Mediterranean (UNHCR 2014).

Demmelhuber criticises the practices as incompatible with the EU’s norms and its broader foreign policy objectives like the promotion of democracy. According to him, the external border controls are “gradually undermining [the EU’s] very normative principles as security, stability, and close cooperation with third countries’ authoritarian elites became the leading policy priorities or the lesser of two evils for the management of the external border region and beyond” (Demmelhuber 2011, 814). This raises the question of what those “normative principles” are and illustrates the dilemma of the EU’s focus on values: who should they apply to?

The EU claims that it is based on a set of values that are often referred to as “Western” or “European”. This can also be found in the Treaty on European Union, part of the EU’s “constitutional basis”. In the consolidated version of Lisbon, Article 1a starts with the following statement: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights”. Article 2, para. 1, can have implications on the Union’s external relations, including the external dimension of migration. It reads: “The Union's aim is to *promote peace, its values* and the well-being of its peoples” (European Union 2007; emphasis added). Human rights were originally introduced to limit the new supranational European institutions. Recently, there were efforts to make them the guiding principle of the Union. By putting them at the same level as the common market, human rights

⁶ For more on Frontex, its objectives, practice and criticism of this approach see chapter 5.2.2.1.

would not only limit but define the EU's legal system and its actions (von Bogdandy 2000, 1308). If the protection of certain values is one of the main pillars on which the EU is built and if it keeps proclaiming these virtues in its relations with third countries, then the Union must be ready to be judged by them itself. But as Alston and Weiler argue, the Union demanded partner countries to do things it had not done itself, insisting that it had no competence in the matter (Alston and Weiler 1998, 669). Demmelhuber thus concludes that while the EU pretends to uphold a normative approach based on its self-perception, this is "regularly challenged by a more dominant security and stability discourse plus an 'economic realism'" (Demmelhuber 2011, 814).

This is not only true for the Union's external affairs as a whole but also for the external dimension of migration. The most frequent target of criticism is the perceived creation of a "Fortress Europe". The term "Fortress Europe" itself is derived from World War II rhetoric, was later used to describe the continent's perceived protectionist trade strategy and is today often evoked by critics of the EU's migration policy, especially when it comes to the EU's and Member States' methods of border control to stop irregular migrants (see for instance Ireland 1991 or Islam 1994). This comparison of the European Union's system of border control and its approach to migration to a fortress is mostly found in a journalistic context and in publications by critical civil society organizations. In academic publications – with its focus on objectivity and the absence of emotionality – it is only rarely used. And indeed, equating the EU's migration policy with a fortress does not really do justice to the Union's ambivalent and seemingly conflicting approach. As will be shown in detail in the following chapters, restriction and control are not, and never have been, the only dimension, Europe is not hermetically sealed. Rather, restriction has at all times gone hand in hand with other, more inclusive and open approaches.

Another concept, developed by van Houtum and Pijpers (2007), takes account of these shortcomings and includes all aspects of the EU's migration policy. Instead of a fortress, they compare the Union to a "gated community" and talk of a "two-faced border and immigration regime". Such a "gated community" – much like a fortress – has walls, fences and armed guards to protect its inhabitants and their comfortable lifestyle from outside "threats". But as has been mentioned, the Union's border regime is open to a certain degree – the gated community's guards permit entry to whoever is invited. In the case of the EU that can be outsiders who are of economic value or asylum-seekers. In my eyes, this concept describes the current situation in Europe better than that of a "Fortress Europe". For the purpose of this thesis, the term

“Fortress Europe” will therefore only be used to reflect the opinion of other authors or to refer to assumptions of an excessively security-driven approach and will be put in quotation marks at all times.

Besides the clearly control-oriented measures to make the borders of the EU tighter, critics also consider many aspects of the external dimension problematic. It has effectively outsourced some of the aforementioned practices to other countries. As a result of European pressure and incentives, third country authorities cooperate in the control of migration to the EU. Although the often horrifying treatment in the Union’s neighbouring states is usually not recognized as such, Elias Bierdel from the NGO *borderline-europe* classifies it as the result of European policies (Interview 1⁷). Many Member States have for a long time been cooperating bilaterally with neighbouring states to “improve” the management of shared borders or sea areas. The EU border control agency Frontex, established in 2004, has taken these efforts partly to the next level and helps in the coordination of joint operations. Additionally, financial incentives are available to influence third countries’ policy decisions. As an example, one can look at the relations with Morocco, an important country of origin as well as a key transit country. In the EU’s Aeneas and MEDA Programmes, the Union provided more than 70 million Euros for the Moroccan authorities – with the lion share for border controls. As a result, Morocco does the “dirty work” for the EU. Human rights violations, collective expulsions, violence against migrants or outright robbery by police forces are just some of outcomes of this approach and therefore one of the results of the EU’s external dimension of migration (Human Rights Watch 2014).

For some, the EU’s approach to migration is in itself contradictory and harmful. Even the aspects that are part of the Union’s migration-*development* nexus can be criticised in such a way. As was discussed, this concept – contrary to the migration-security nexus – is trying to promote the development of migrants’ countries of origin and transit in order to reduce the incentives for migration. Economic policies are an important part of this preventive approach. But liberalising economies, reducing trade barriers and stimulating foreign direct investments do not always have the intended effect, as critics point out. Instead of leading to the generation of economic growth and prosperity, they can be harmful to developing countries’ economies and can have a detrimental effect on the number of people trying to reach Europe. Since these parts of the migration-development nexus are not earmarked as migration policies, one has to look at the Union’s overall trade policy. According to Strickner, the EU’s liberal trade policies

⁷ Interview with Elias Bierdel (*borderland-europe*). 30.10..2014.

and agreements with underdeveloped third countries can lead to the undermining of food sovereignty, deindustrialisation and rising unemployment. “Increased migration to developed countries, as a consequence of both the loss of farmers’ livelihood and the loss of jobs in the industrial sector, will be the logical result in the people’s search for a better life” (Strickner 2007, 109). De Haas also has doubts about the effects of “development” on migration. Even if such policies are successful and bring about development, they are not very likely to curb migration but may have just the opposite effect. He argues that there is a fundamental misconception about the motives for migration: “In contrast to received knowledge, social and economic development, whether a result of economic integration and aid or not, tends to stimulate rather than reduce migration, at least in the short to medium run” (de Haas 2007, 837).

Elias Bierdel from *borderline-europe* argues that the Union is not just a preferred destination of migrants but is to a considerable degree creating the root causes of emigration itself. The liberal European economic system, promoting free trade with developing countries coupled with agricultural subsidies to protect its own markets, destroys local economic structures. With trade treaties, the Union gained access to markets in Africa and other underdeveloped regions or bought fishing rights, thereby destroying the livelihood of former farmers or fishermen. Bierdel therefore sees a clear connection between the EU’s economic policies and the number of irregular migrants arriving in Europe on barely seaworthy boats. Additionally, the EU is the world’s most important arms exporter and emission source of greenhouse gasses, thus supporting the spread of violent conflicts and global warming – two other significant reasons for migration (Interview 1).

4. The EU’s external dimension of migration

In the chapter on terminology, we already covered the idea behind the concept of an external dimension. And just like potential ways to *examine* these processes, there are also several *reasons* for creating the external dimension. It has to be noted, however, that even without the Union explicitly creating policies in this regard, migration includes an inherent external dimension – starting with the Member States’ consulates in third countries who issue visas (Chou 2009, 541).

But obviously European actors also wilfully planned and created what is called the external dimension of migration. Martin Hofmann, researcher at the International Centre for Migration Policy Development (ICMPD), points out in an interview that the establishment of such a dimension was simply a necessity because migration is in itself an international phenomenon. To try to stop it at the borders and to control it with domestic resources alone is not possible. He sees three reasons for the creation of the external dimension: firstly, the EU Member States had to accept that they could not successfully deal with migration unilaterally. Secondly, they – and the EU institutions – are now also trying to include countries of origin and transit in the interest of improving the quality of migration management. And thirdly, cooperation with third countries is necessary to promote respect for certain values beyond the territory of the Union – e.g. by improving the conditions in reception facilities and the treatment of migrants. As an additional and slowly developing fourth reason for the establishment of the external dimension, Hofmann mentions legal migration (Interview (Interview 4⁸)).

Another interview partner, an official from the Commission's DG Home working on the Union's external migration aspects, comes to a similar conclusion about the overall roots of the external dimension. He stresses that this was a necessary step to be able to manage this policy field: "all the migration phenomenon that are impacting the European Union have their roots outside the European Union. [...] It is a natural fact. And therefore, establishing an external dimension of our migration policy in response is therefore – I think – evident and inevitable" (Interview 5⁹).

For Sandra Lavenex, the creation of an external dimension was the logical result of the securitization of migration in Europe. After establishing intergovernmental cooperation among Member States in this area – which ultimately led to the communitarisation of migration – this security-focused approach was taken to the next level by including third countries. Migration had been closely linked to other issues such as organized crime, terrorism and fundamentalism and to solve these problems, closer cooperation with the "sources" of these threats was necessary (Lavenex 2006, 330).

The creation of the external dimension also has many rather obvious advantages for the EU. Ultimately, the goal is to reduce irregular immigration and facilitate legal entry to the Union's territory. Cooperation with third countries – be they countries of origin or transit countries – can play an essential role in reaching these objectives. Well-directed support for certain third

⁸ Interview with Martin Hofmann (ICMPD), 12.11.2014.

⁹ Interview with a European Commission official, 02.12.2014.

countries is expected to reduce the need for controlling the EU's external borders by establishing effective control mechanisms on their territory and by improving living conditions in third countries. It seems that the conviction that irregular migration – considered a security threat in the EU – needs to be stopped before the accompanying problems reach the Union lies at the heart of the external dimension.

For critics of the external dimension and the extra-territorialisation of migration policy, this development is worrisome. The EU's practices are subject to criticism for both legal and political reasons. Looking at the EU's self-definition as a beacon of human rights and democracy and the evident territorial dimension of migration, Lavenex concludes that "once an (irregular) immigrant reaches the territory of their [liberal democracies'] jurisdiction, his or her removal faces significant juridical and societal constraints" (Lavenex 2006, 338). Since legal constraints are closely linked to territory, the external dimension gives the EU an opportunity to work outside this area, to avoid the legal boundaries and moral norms of its liberal democratic core. It established Working Arrangements with autocratic regimes through Frontex and created a "Berlin wall on water" (Sassen 2006) in the Mediterranean. Borrowing from Wallerstein's World Systems Theory, Demmelhuber illustrates the EU's efforts in cooperating with neighbouring third countries as the attempt to create a semi-periphery or buffer zone between centre and periphery – the EU's neighbour states as gatekeepers between countries of origin and EU territory (Demmelhuber 2011, 816).

Mason Richey sees problems with the principle as well as with the effect of these policies. He criticizes the principle of the external dimension because it is – in his eyes – merely a way to optimize "Fortress Europe", to create a *cordon sanitaire* around the EU where violations of human rights cannot be blamed on the European Union. Third countries, which are financially or for political reasons dependent on the EU, have to participate and accept these policies although they do not benefit from them in a substantial way. Concerning the effects of the external dimension, Richey again looks at the issue from a human rights angle, criticizing that all "irregular" migrants are refused the crossing of the EU's external borders through – in part jointly exercised – border controls, including "legitimate" refugees and asylum seekers who thus cannot access the safe territory of the Union to claim help. Additionally, the cooperation with third countries can in some instances help to legitimize autocratic regimes' repression and actions towards migrants which are by no means in line with European standards or in accordance with the Geneva Conventions (Richey 2012, 11).

Another critic, Sergio Carrera, also questions the external dimension because migrants' human rights cannot be guaranteed if the EU simply outsources its responsibilities towards them. By keeping them on the territory of so called "safe" third countries, the Union avoids its own legal provisions and requirements – which are certainly stricter than those of most other countries. He concludes that the EU cannot run away from its responsibilities and ignore its own core values: „The external dimension needs to be guided by the principles of freedom, security and justice upon which [sic!] the Union is built. This should be the premise for the latter to exist” (Carrera 2007, 25-27). Dover (2008, 126) argues in the same manner and criticizes that the EU is merely trying to keep the “challenge” outside European territory, to shift its responsibility onto countries who are not adequately prepared or not ready to handle it. What is more, Richey concludes that the measures taken by the EU to reduce irregular migration by externalising competences are not even effective and identifies a conceptual and practical incoherence of the strategy (Richey 2012, 11-13).

4.1. Implementation of the external dimension

Now how does the extra-territorialisation of the EU's migration policy work? How does the European Union cooperate on migration issues with third countries in its neighbourhood and beyond and in what ways does it have effects on those states in other ways than direct cooperation?

Rijpma and Cremona looked at these questions and concluded that the EU uses both internal and external competences – with only the external ones possibly requiring active cooperation of third countries. If those external efforts are “contractual” they certainly necessitate the participation of other governments but they can also be “autonomous”, in which case cooperation is not automatically required. All in all, the authors describe the external dimension as a complex mix of actions by three different kinds of actors: the EU institutions, its Member States and third countries. They sub-divide the interaction between the EU's legal order and the legal order of third countries into three different sectors. Firstly, action taken by the Union can have spill-over effects on other countries even if they were not involved in the decision-making process at all. Secondly, the EU can take action externally – which does of course require the active cooperation of third countries. This highlights the important role of international agreements and treaties as an important instrument of the external dimension. Another version of such agreements is the third and final sector of interaction between European and third

countries' domestic legal order specified by the authors: the EU's promotion of its Community acquis towards third countries. Formal agreements are the standard for this form of interaction but by no means a necessity. The EU's external policies on migration – which will be described in detail in the following chapters – use one, two or all three of these sectors to reach their respective objectives (Rijpma and Cremona 2007).

Many authors use a broader sub-division, the already mentioned underlying dual approach in this policy field – those policies focusing on preventing migration to the EU by tackling its fundamental causes and those who mirror national states' traditional methods to stop irregular border crossings. In the next chapter this division will be elaborated in more detail.

4.1.1. Two strategies: development vs. security

According to Christina Boswell, the EU's approach to migration is defined by two different types of policies: the outsourcing of traditional methods used by states to limit irregular migration on the one hand and “preventive” measures on the other hand. Among the former are border controls, routine checks on the own territory and readmission of persons residing on EU territory without authorization while the latter tries to tackle the root causes of migration. In this case it is the factors influencing people's decision to emigrate to Europe that are to be changed by EU action (Boswell 2003, 619-620).

Those two strategies have never been used exclusively by the European Union. Rather, they have coexisted since the external dimension was established. The overall focus did however change over the years – always in line with the respective priorities of the political sphere. At some times, the restrictive or control-oriented approach dominated and at others the preventive and development approach was more pronounced. Lavenex and Kunz (2008) call those two different approaches the *migration-security nexus* and the *migration-development nexus*.

When looking at the *migration-security nexus*, one can easily come to the conclusion that some of the measures taken by the EU are based on the prior securitization of the issue. Certain policies focus on what can be described as unsustainable solutions. In 2003 Christina Boswell, analysing those two different approaches, came to the conclusion that prevention plays a minor role in the EU's policies. According to her, development as a tool to reduce migration to the Union was included in the overall approach in this regard rather late and did not change the nature of the EU's migration policy (Boswell 2003, 630). And five years later, Lavenex and

Kunz still interpreted the external dimension as overwhelmingly driven by the control-focused approach. Although EU cooperation on immigration did not blindly follow the control-focus anymore, migration was still not enough linked to the development of living conditions in third countries, the respective nexus still substantially weaker than the one between migration and security: “Despite a changing rhetoric, the main focus of recent initiatives is still on the aspect of immigration control and proposals for measures pertinent for development remain not only very vague but also non-committal and discretionary” (Lavenex / Kunz 2008, 446). Chou, to name another scholar, notes that development does indeed play a part in the external dimension. But he agrees that the control-focused approach dominates the agenda of the EU’s migration policy. According to him, this is due to the overwhelming role of home affairs officers in migration matters – both internal and external ones (Chou 2009, 553).

Lavenex and Kunz’ *migration-development nexus* is part of the EU’s development policy, a long-term attempt to help third countries and is characterized by its central idea of preventing migration in the first place. To this end, the EU is engaged in relevant countries of origin and tries to tackle those factors that lead to migration. This includes financial and political support for third countries’ governments or civil society – development aid, dismantling of trade barriers, support for more foreign direct investments and political initiatives to guarantee stability (Boswell 2003, 625). Besides development aid, the EU thus tried to help other countries by supporting economic opening. The idea behind these efforts is that it would lead to the generation of wealth and stability, which would in turn lead to political opening and democracy. If these objectives were achieved, the two probably most relevant incentives for immigration would be solved (Demmelhuber 2011, 816). The “problem” of migration should thus be addressed in a way that respects potential migrants’ and refugees’ rights and freedoms by preventively offering them a chance to live a good life in their places of origin.

As Louis Michel, former EU Commissioner for Development and Humanitarian Aid has said: “The only long term and sustainable response to migration pressure is not putting more barriers in place, sending people back or selective migration policies. The true response is investing massively in development” (as cited in Dover 2008, 121).

Looking at the EU’s immigration policy towards Sub-Saharan Africa, Dover (2008) calls this approach of the external dimension a “Soft Securitization” based on development, economics and trade, arguing that migration has become one of the core aspects in the relationship between the EU and many third countries. This argumentation, in my eyes, seems to be based on a misunderstanding of Securitization Theory by the author though and I would not categorize this

aspect of the external dimension as a result of the securitization of migration. Whereas Securitization Theory clearly states that the use of extraordinary measures and emergency politics are what characterize a securitized issue, the instruments used in the preventive approach and the rhetoric behind the migration-development nexus are by my assessment regular political measures and not outside the regular norms and values of the EU.

As mentioned before, both approaches coexisted at all times. While one might argue that this combination of development and control is most effective in reducing migration to Europe, Demmelhuber (2011, 816) criticizes the “zig-zag-pattern” as harmful to the EU’s credibility. In chapters 5 and 6 we will look closely at the relevant policies to evaluate these assessments and to see how today’s policies are designed. If the EU follows the logic of the migration-development or migration-security nexus is after all an important indication for the balance of the EU’s external dimension of migration.

4.1.2. Relevant actors of the EU’s external migration policy

Before we turn to the core interest of this thesis – the EU’s policies dealing with migration in the external dimension – one more important question has to be answered: who are the relevant actors in this domain? In order to understand not only *how* but also *why* the external dimension developed the way it did, one has to know the actors behind the scenes. It is after all their priorities, which determine the outcome of the European migration policy. As will be shown, there is however more than one important group of actors and their priorities differ greatly.

Talking about European politics, it is always important to differentiate between two levels of analysis: intergovernmental and supranational interests. Even if aspects of migration have been communitarised and are now dealt with on the European level, Member States can still shape the EU’s migration policy to a certain extent. And as was the case in the securitization of migration in Europe, national politics played a key role in the creation of the external dimension. According to Chou (2009, 544), this gave the respective interior ministers the possibility to maintain their primacy in migration regulation, to dominate the newly created external dimension of migration (and in the course, to support the portrayal of the issue as a security challenge).

Stefan Kessler from the Brussels office of the NGO *Jesuit Refugee Service*, sees three relevant sets of views of migration within the EU institutions and correspondingly differing priorities in

migration policies: the Council, which usually pushes for more control and restriction of migration; the Commission, trying to get legal migration matters on the agenda; and the Parliament, focusing on liberal values, e.g. by arguing for a better legal status for migrants. He does however note that the positions change according to the topic and are by no means set in stone. Additionally, Kessler mentions the Committee of Regions and the Economic and Social Committee as minor actors whose opinions can play a role (Interview 2¹⁰). Another interview partner, a European Commission official working on legal migration to the Union in DG Home, elaborated on the power-relations between the EU institutions. As he pointed out, the decision-making process in the area of migration has changed a lot since the Lisbon Treaty. Before, unanimity was the rule in the Council, leading to very strong positions of each and every national government. However, with the Lisbon Treaty of 2009, the role of the Parliament was strengthened and the Council now just has to come to a qualified majority, leading to a very different dynamic in EU legislation in this area (Interview 3¹¹).

Mason Richey argues that the Union was simply unable to balance the sovereignty of its Member States with EU solidarity, that the pressure to act decisively was too strong. It is the Member States at the continent's external borders – and within this group especially Mediterranean countries – who face most of the pressure from irregular border crossings and demanded action. As a result and as a reaction to this pressure from national parties and governments, the European institutions had to create an external dimension of migration – with considerable control of the Member States. The migration agenda was thus once more under the control of national actors, the “continuation of a long trend” (Richey 2012, 14). And Richey concludes that “even if the EU level might have *intended* to establish an externalization aspect for Fortress Europe, it is largely *the member states that have been responsible for actually creating it*” (Richey 2012, 16; original emphasis).

But although the Member States might have been the driving force behind the creation of the external dimension, the EU institutions are the ones implementing it. There are several groups of actors within the European Union who contribute to this and they have differing priorities. The dichotomy between the migration-development and migration-security nexus can be found here. *Policy Frame Theory* is a helpful tool to understand their conflicting interests.

Policy Frame Theory looks at how certain interpretations of a problem come to dominate a particular policy field. *Policy framing*, a concept developed by (among others) Schön and Rein

¹⁰ Interview with Stefan Kessler (Jesuit Refugee Service). 07.11.2014.

¹¹ Interview with a European Commission official, 11.11.2014.

(1994), is thus an alternative explanation for the effects of *ideology*. A policy frame can be defined as “the ideational core of a particular policy field, which contains the dominant interpretation of the underlying social problem and expresses guideposts for action” (Lavenex / Kunz 2008, 442). The most influential group will be able to institutionalize its concept of a problem. Once this framing is complete, the respective public policies can be implemented. At this point, the ramifications of an established policy frame become evident because it has considerable influence over actors’ perceptions, interpretations and actions. And even if the power relations between competing groups change, an established policy frame will still affect policy-making – it has become independent from specific actors and become the overall paradigm in a particular policy field (Lavenex / Kunz 2008, 443).

Within the European institutions’ approach to migration, more than one policy frame can be identified. As has been noted, one can make the fundamental distinction between the migration-security and the migration-development nexus, with different groups of actors dominating each one. In the course of the securitization of migration in the EU, the first attempts to promote an external dimension of migration were clearly dominated by security concerns. It should not be forgotten that it was to a large extent the perceived security deficits after the opening-up of the Union’s internal borders which led to the creation of the external dimension. And it was the same home affairs officials already dominating the EU’s decision-making process in the overall matters of asylum, migration and security, who were now in control of the external dimension – what followed was the predominance of a securitarian framing of migration in policies on external action.

Another important actor within the EU framework is the *High Level Working Group on Asylum and Immigration* (HLWG), established at the end of the 1990s. The HLWG is working under the auspices of the European Council and is thus an intergovernmental body, with its institutional arrangement being mainly composed of officials from Member States’ ministries of migration (or other respective ministries). Its task is to prepare *Action Plans* for the most relevant countries of origin and transit of migrants’ and asylum seekers’. The group’s focus is therefore clearly on the external dimension of migration and it is up to this day one of the most important bodies in that respect (Chou 2009, 553). Lavenex and Kunz, looking at the Action Plans developed by the HLWG, conclude that they are in line with national officials’ restrictive and control-oriented approach – with an especially strong focus on readmission (Lavenex / Kunz 2008, 444).

Later on, migration was linked to development as well. It took until 2005, when the increasing role of supranational actors in this issue, an international discourse promoting development as a means to reduce irregular migration and the “crisis of the securitarian frame” (Lavenex / Kunz 2008, 446) led to the emergence of a strong migration-development nexus in the EU. This raises the question of who were the actors behind this move. According to Lavenex and Kunz, two coalitions of actors can be identified in the EU’s migration-development nexus, who have successfully institutionalized their policy frames (please note that the structure of the EU has been altered significantly with the Lisbon Treaty and several actors noted by the authors are now to be found in different institutional settings). One group is composed of rather obvious candidates for such a framing: European actors concerned with international relations and development – i.e. the Council of respective ministers, the European Commission’s *DG Development*¹² and *DG Relex*¹³. The second coalition of actors consists of – again – the Council of respective ministers and *DG Justice, Freedom and Security*¹⁴ (Lavenex / Kunz 2008, 443).

We will see which nexus dominates today when we look closely at the policies in the following chapters. But for now it has to be noted that European Commission officials – most notably from DG Home – are strongly involved in both the migration-security nexus and in the more security-oriented aspects of the migration-development nexus. They are thus the most influential supranational actors involved in the extra-territorialisation of migration. And security concerns – in the form of the migration-security nexus and as a very strong aspect of the migration-development nexus – reflect their emphasis on control and clearly dominate the external dimension.

5. The external dimension before the Arab Spring

As mentioned in the previous chapter, the creation of an external dimension of migration was the result of several factors – among them the securitization of the issue in Europe, expected advantages for the Union and legal and political reasoning at the EU level. In this chapter we

¹² Short for *Directorate-General for Development and Relations with ACP States* (which has since then been combined with the *EuropeAid Cooperation Office* to form the newly created *DG EuropeAid Development and Coordination*).

¹³ Short for *Directorate-General for External Relations* (which has since then been merged into the *European External Action Service* or *EEAS*).

¹⁴ The former *Directorate-General for Justice, Freedom and Security* has since been split into the *DG for Home Affairs* and the *DG for Justice*.

will now look at the political evolution of the external dimension from a fragmentary attachment to a pillar of foreign policy. Although it is limited to the time before the Arab Spring in 2011, this chapter is essential to understand the roots, major changes and – most importantly – the particular policies of the external dimension. This will then be the basis to assess the developments since 2011.

In chapter 5.1., the early stages of the extra-territorialisation will be analysed, from its humble beginnings until 1999, when the Amsterdam Treaty entered into force. Chapter 5.2. will then look at the period from 1999 to 2011, right before the Arab Spring with its mass protest movements and conflicts began. In chapter 5.3., the policies developed until the end of 2010 will be assessed before coming to the chapter about the changes after the start of the Arab Spring.

5.1. A slow start – the external dimension before the Amsterdam Treaty

An external dimension has always been a component of EU cooperation in matters of asylum and migration and the first aspects can be traced back 40 years. As has been mentioned, economic objectives dominated the question of migration in Europe during the first decades after the continent's devastation during World War II. But security concerns soon got the upper-hand. We will first look at relevant political frameworks of the period before coming to the implementation and the most important policy instruments.

5.1.1. Political frameworks

The first time anything that can be described as a piece of the puzzle that is today's external dimension of migration was a bulletin issued by the Council of the European Communities in 1974. It called on the Commission concerning external aspects of migration and asked it “to promote consultation on migration policies *vis a vis* third countries” (European Commission 1974, 11; original emphasis). The Commission used this Council resolution expansively and – although Member States had not explicitly asked for it – this led to the initiation of cooperation between the EU and third countries. In the course of the 1980s, the Union stimulated increased cooperation between its Member States in migration matters. The Commission also demanded the establishment of a “prior communication and consultation procedure on migration policies in relation to non-member countries” (European Commission 1985). This meant that Member

States had to inform each other and the Commission about any measures with regard to third country nationals – the decision was challenged by several Member States but upheld by the European Court of Justice (Chou 2009, 545).

As early as 1987, the European Parliament and the Commission explicitly stressed the importance of a *comprehensive approach* to deal with migration and asylum seekers. In a resolution on the right to asylum, the Parliament stated that more cooperation with countries of origin was necessary (European Parliament 1987). Further steps towards the official embrace of an external dimension were taken in the following years. In 1990 the European Court of Justice ruled in the case of *Rush Portuguesa v. Office National d'Immigration* and rejected the commonly held assumption that external migration regulation was limited to national authorities (European Court of Justice 1990, as cited in Chou 2009, 544). And in 1991, the Commission's first "Communication on Immigration" stated that migration should be integrated into the Union's external policy (European Commission 1991, as cited in Lavenex 2006, 333).

In its next "Communication on Immigration and Asylum Policies" the Commission emphasized that it was necessary to tackle the root causes of immigration and to integrate policies on asylum and migration into all external affairs of the EU – with "all external affairs" meaning trade, development, humanitarian aid, human rights, security policy and the overall foreign policy of the Union (European Commission 1994, as cited in Lavenex 2006, 333). These early communications show the determination of the (supranational) European institutions to establish a comprehensive approach for the external action on migration. However, neither the Commission nor the Parliament had the competences necessary to shape the migration agenda. It took several more years before they were able to do so and to seriously influence the Union's actions in such a way (Lavenex 2006, 333).

It was the transgovernmental Council of the EU that controlled the agenda during the 1990s. And for the Council, the regulation of migration flows seems to have been the priority. The establishment of a more comprehensive approach – to address the motives for immigration – would have to wait. This can be illustrated by looking at the Austrian Presidency of the Council of the European Union in the second half of 1998. During its Presidency, Austria prepared a "Strategy Paper on Immigration and Asylum Policy" outlining the future of the external dimension. The paper proposed a system of concentric circles starting with the Schengen states at its core and would have had effects on more or less every country. It was supposed to replace the "Fortress Europe" model but was never implemented. Nevertheless, it shows how influential

actors within the EU saw the external dimension. The first circle, as mentioned, was composed of the Schengen members. Their border control measures were to be regarded as the benchmark for all other countries. Those EU Member States outside the Schengen area were seen as the second circle of migration policy – their efficiency was to be upgraded to Schengen standards. In the third circle, former Soviet states, North African countries and Turkey were to be found. They were supposed to carry out “transit checks” and fight networks of “facilitators”. China, Middle Eastern countries and Sub-Sahara Africa, the fourth and final circle, should have addressed “push factors” of migration.

Furthermore, the Austrian paper proposed that economic aid was to be conditional and only granted to those third countries which sign “Readmission Agreements” for their own citizens and for people who just transited through the country. To this end, a “migration clause” was to be inserted into all future bilateral agreements. What is more, the controversial paper discussed the possibility of supplementing, amending or replacing the Geneva Convention of 1951 as well as the option of military interventions to prevent massive migration flows, since they were considered a security threat for Member States. As has been said, the paper was never implemented. It was leaked to the public, heavily criticized and most of it dismissed. But it is nevertheless more than noteworthy since it reflects the tone of the EU’s migration policy at the end of the 1990s and remained influential for years (Sterkx 2004, 11-13).

5.1.2. Implementation

As can be seen from the early political frameworks and the ideas of the Austrian Presidency’s paper, the extra-territorialisation of migration policies was limited to control mechanisms instead of targeting motives. The goal was to shift classic policies of migration control further away from European Union territory. The same is true for the actual policies of this early period of the external dimension. This was done through the coordination of visa policies in the newly created Schengen Area¹⁵, the introduction of the so called *carrier liability* – which made carriers of irregular migrant legally responsible – and the placement of national liaison officers at airports in important countries of origin to control the documentation procedures. Besides these measures, another early effort of extra-territorialisation was the cooperation with third countries

¹⁵ While the official Schengen Area, as part of the EU structures, now consists of almost all Member States and a number of third countries, the Agreement existed outside of the EU’s legal structure from its creation in 1985 until 1995.

in controlling migration flows in the form of Readmission Agreements. The “safe third country” rule allows the Union to sign such agreements with governments fulfilling certain criteria. The first one was already signed in 1991 between the Schengen states and Poland (Lavenex 2006, 334).

In 1998, the already mentioned *High Level Working Group on Asylum and Immigration* (HLWG) was created. According to Chou, the HLWG might be the result of the Austrian presidency’s heavily criticized strategy paper (Chou 2009, 552). In any case, it was set up only a few months after the strategy paper was leaked and ultimately dismissed. The HLWG was praised for the “useful contribution” of its Action Plans by the European Council (1999), but as mentioned above, the HLWG’s work – with the Actions Plan’s focus on Readmission Agreements – is primarily control-oriented.

Another important – though less concrete – policy has to be mentioned. When it comes to the external dimension of migration, the EU does not only use especially developed and narrowly-defined policies. Instead, it has been using a broader, more inclusive approach for years. Long before such a “comprehensive approach” was officially developed, the EU has been using its most effective foreign policy instrument to reach the goals that have been set in the area of migration. This most powerful policy instrument is without doubt enlargement. As part of the many conditions to be admitted to the EU’s exclusive circle of states, third countries have to adopt certain laws, including those on migration. Enlargement politics can thus be seen as an effective vehicle to spread the European Union’s migration laws and “to expand the territory of immigration control beyond the circle of the member states” (Lavenex 2006, 335).

To sum up the findings of this chapter, it can be said that the overall policy development of the external dimension’s early years was restrictive and control-oriented. The first steps – the coordination of national visa policies in the Schengen Area, the introduction of the carrier liability principle and the placement of liaison officers to control documentation in third countries – were clearly designed to restrict irregular migration. Following these efforts, the creation of the HLWG led to a deepening of this approach, because its Action Plans focused predominantly on Readmission Agreements. Although these had already been introduced several years earlier, the HLWG significantly advanced their role and scope. Finally, the implications of the EU enlargement process on third countries’ migration laws was illustrated. These changes in the national legislature of candidate countries – to meet the demands of the Union and adopt the EU acquis – affected a broad set of laws and are therefore the only result of the early extra-territorialisation of migration that is not mostly control-driven.

These were the EU's steps towards more extra-territorialisation until 1999, when the Amsterdam Treaty came into effect and changed the situation considerably. In the next chapter we will look at the concrete policies developed and initiated during the years of the *Tampere*, *The Hague* and *Stockholm Programmes* to see how these frameworks were translated into action. Please note that this analysis does however exclude any measures taken after the beginning of the Arab Spring in 2011, which will be covered in detail in chapter 6.

5.2. The development of the “comprehensive approach” (1999-2011)

As has been seen, what we today call the external dimension of migration in the EU goes back several decades and was for many years dominated by the Council – a supranational institution. 1999 can be seen as a turning point in this regard. In that year, the Amsterdam Treaty entered into force, creating the *Area of Freedom, Security and Justice* (AFSJ) and transferring competences on asylum and immigration to the Union level. This transfer can be seen as an indicator of the securitization of migration in the EU, since it does not really touch upon either *Justice* or *Freedom*. What is left is the AFSJ's aspect of *Security*. Having in mind the other two aspects, human rights lawyer Frances Webber calls the transfer of migration to the AFSJ “as fine an example of Orwellian doublespeak as you could wish for” (Webber 2014, 3).

Additionally, the *Special European Council on Justice and Home Affairs in Tampere* in 1999 officially incorporated the external dimension and can be seen as the basis for the EU's future approach to migration. The *Tampere Programme* of 1999 to 2004 marks a turning point in the development of the external dimension, the start of a new phase embracing cooperation with third countries. After the end of the Tampere Programme and building on it, the European Council adopted two more *roadmaps* for the Area of Freedom, Security and Justice – the Hague Programme (2005-2010) and the Stockholm Programme (2010-2014) – both of which had serious impacts on the external dimension of migration. In these frameworks, the EU tried to intensify its common migration policy and recognized that a more comprehensive approach was necessary.

It should be noted that these roadmaps do not constitute *policies* in themselves. However, The Hague and Stockholm – like Tampere – set out a route plan for the EU's actions in the AFSJ and therefore have significant influence on the development of the external dimension. Overall, it can be said that – as a result of the more pronounced external dimension of migration since 1999 – migration has become one of the central points of discussion with many third countries,

thus thoroughly influencing the Union's foreign policy. In the next chapters we will look at what led to the profound changes of the European migration policy. The five-year plans of Tampere, The Hague and Amsterdam will be the basis of this analysis.

5.2.1. Political frameworks

5.2.1.1. The Tampere Programme (2000-2004)

Tampere and the creation of an official external dimension of migration can in part be seen as the result of internal European developments. The official embrace or widening of the external dimension cannot be understood without looking at the simultaneous internal deepening of migration matters at the EU level – most notably the opening-up of the internal borders after the Schengen Agreement of 1995. But another important aspect that led to the considerable policy change was the increasing number of irregular migrants – which Boswell (2003, 619-621) sees as connected to the European Member States' more restrictive approach to asylum. It became obvious that the regulations at that time were simply not effective and that the overall approach had to be reconsidered. The European Union finally came to the conclusion that – in order to reduce the assumed pressure exerted by irregular migration flows – increased cooperation with countries of origin and transit was necessary.

It was therefore inadequate policies and internal changes which led to the creation of an official external dimension. The Amsterdam Treaty – entering into force just a few months before the Special European Council in Tampere – already stated that the Member States should use external migration regulation at the EU level “to establish progressively an area of freedom, security and justice” (as cited in Chou 2009, 546). To do so, the *comprehensive* or *global* approach to migration and asylum was developed. The Tampere Programme played a crucial role in this respect. In its *Presidency Conclusions*, the European Council explicitly linked the external dimension to the concept of a comprehensive approach. It stressed the importance of cooperating with third countries, introduced the concept of *co-development* at the European level and urged its Member States as well as the Union itself to work towards more coherent internal and external policies on migration.

Under the item “Partnership with countries of origin” the Presidency Conclusions (European Council 1999, emphasis added) stated that:

“The European Union needs a comprehensive approach to migration addressing *political, human rights and development issues* in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children”.

As will be shown in detail below and in the following chapters, the *political issues* are by far the most prominent in the actually implemented policies of the Union, while *human rights and development* are often stressed rhetorically but scarcely translated into practical action in the form of policies. The Presidency Conclusions go on to say that:

“To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting *co-development*”.

In Tampere the EU’s heads of state and government thus encouraged *co-development*, a concept developed by the French scholar Sami Naïr (Naïr 1998). According to the theory of co-development, migration can be considered beneficial for migrants’ countries of origin – through remittances, acquired skills and personal experiences – while also contributing to the host country’s economy. Co-development thus sees immigration as a developing factor per se.

But on the other hand the Presidency Conclusions go on to highlight the importance of the High Level Working Group, a primarily control-oriented body. So while the Presidency Conclusions remain vague in *inviting* the EU to address human rights and development, it also welcomes the use of control-focused measures.

Tampere is considered a rather ambitious programme for the EU institutions. And in the course of the following five years, important principles in the field of migration were agreed on and many Directives issued to change the European immigration policy considerably (Bendel 2005, 22). Since Tampere, what the EU dubbed the *comprehensive approach* – focusing on partnerships with and the development of relevant third countries – has become the Union’s primary strategy to regulate the external dimension of migration. But as mentioned above, political cooperation has been used much more than measures of traditional development cooperation.

5.2.1.2. The Hague Programme (2005-2009)

Tampere's follow-up programme, the Hague Programme of 2005¹⁶, set the political terms of reference for the next five years. While it is more precise in its remarks on the nature of the external dimension, it was less ambitious than its predecessor, which was a major change in the Union's policy – according to Bendel it was therefore frequently referred to as “the vague programme” among Brussels insiders (Bendel 2005, 22).

In the chapter “The external dimension of asylum and migration” (para. 3.1.6), it presents the European Council's ideas for an overall framework, including the partnership with third countries in general, with countries and regions of origin as well as of transit and the Union's return and readmission policy. The heads of state and government mention the “human tragedies that take place in the Mediterranean” – a reference to the changing perspective concerning the model of Europe as a “fortress” or “gated community” – and call for better management of migration flows. They also acknowledge that migration cannot be effectively dealt with by the EU alone, that it is by its very nature a cross-border and international issue. Migration should thus be fully integrated into all relations between the EU and third countries. And for certain relevant countries outside the Union, the topic should be included in *Country and Regional Strategy Papers*.

The European Council furthermore calls for intensified cooperation with and capacity building in important transit countries, in order “to enable these countries better to manage migration and to provide adequate protection for refugees”. To encourage such “adequate protection”, support for capacity building should depend on foreign governments' commitment to adhere to the Geneva Convention of Refugees. The European Neighbourhood Policy Instrument (ENPI) – which had not been adopted yet – is presented as the appropriate strategic framework to intensify cooperation and dialogue. As mentioned briefly earlier and as will be shown in chapter 5.2.2.2., the European Neighbourhood Policy did in fact become one of the key instruments of the Union's external dimension of migration.

With regard to countries of origin, the Hague Programme asks for the Council to develop policies which would efficiently tackle the root causes and push factors of migration, i.e. the poverty, instability or lack of freedom and prospects characterizing many relevant countries of origin. To eliminate these push factors, respective policies would have to be developed in a

¹⁶ See: *Hague Programme: Strengthening Freedom, Security and Justice in the European Union* (Council of the EU 2005a).

coherent manner and in partnership with the third countries' authorities. As is the case with transit countries, committing to the Geneva Convention is seen as a necessary pre-condition for the EU's support.

Another important aspect of the EU's migration policy are return and Readmission Agreements. As discussed briefly earlier, the first Readmission Agreement – based on the “safe third country” rule – had already been signed in 1991, nearly 15 years before the Hague Programme was signed. In 2005, the European Council now called for the development of a coherent approach, combining a return policy for migrants who do not have or never had a legal right to stay on European Union territory with all other areas of foreign policy relations. What was needed, in the eyes of the Hague Programme, was closer cooperation, common return programmes and the conclusion of more Readmission Agreements.

Besides the chapter on the external dimension itself, the Hague Programme also included other points with important implications for the future of the Union's actions in this matter. It mentioned for example the importance of legal migration for the establishment of a truly knowledge-based economy in the EU and to make sustained economic growth possible (para. 3.1.4). Legal migration, it says, “could also play a role in partnerships with third countries”. It might be hard to imagine a formulation that is more vague and imprecise. Additionally, it should not be forgotten, that the decision of how many labour migrants are admitted is not in the hands of the Union. Instead it was and still is a competence of the Member States – as the Hague Programme does not fail to mention.

One last aspect of the Hague Programme that has to be mentioned is the chapter on border checks and the fight against illegal migration, which certainly touches upon the external dimension when it calls on the respective European institutions “to ensure the *firm establishment* of immigration liaison networks in relevant third countries” (para. 3.1.7.1; emphasis added). This point refers to Council Regulation (EC) No. 377/2004, which already created such a network of Member States' liaison officers with the goal of building a personal network in the third country – including local authorities and other appropriate organizations – to collect information and facilitate returns (Council of the EU 2004a).

The Hague Programme certainly was another important step towards the firm embedding of the external dimension in the EU's migration policy. But despite rhetoric efforts to include all potential aspects of such a dimension, it remained rather one-sided, with restrictive measures and the migration-security nexus keeping the upper hand. On the one hand, the Programme called for the Council to tackle the root causes of migration and mentioned the *possibility* of

including legal migration in partnerships with third countries. On the other hand, however, it mostly emphasised traditional control-oriented measures. Bendel, a critic of the EU's migration policy, thus states that "border controls, sanctions for human trafficking and return policies are still the most important bricks in the walls of 'fortress Europe', a fortress that seems tempted to extend its walls even beyond its own borders" (Bendel 2005, 30).

She also argues that this focus on restriction and control is opposed to the EU's promised and strongly needed modern, comprehensive approach to migration. This dominance can probably be explained by the securitization of the issue in the European Union – it is noteworthy that the Programme was written after the terror attacks in the USA and in Madrid, the latter happening just months before its conclusion. Nevertheless, the Hague Programme was the political framework for the Union until 2010 and the basis for a number of far-reaching policies.

Before we come to the policies dealing with the external dimension, there is one more political programme to analyse: the Stockholm Programme, the European Council's third five-year plan, constituting the political framework for and the basis of relevant policies for the period 2010 through 2014.

5.2.1.3. The Stockholm Programme (2010-2014)

The Stockholm Programme was finalised in December 2009, little more than a year before the start of the Arab Spring, which had serious impacts on the European migration policy. In this political roadmap for the AFSJ – its full name being "The Stockholm Programme. An Open and secure Europe Serving and Protecting Citizens" – the European Council reaffirms the migration priorities set in the Tampere and the Hague Programme. Instead of offering radically new ideas, it keeps to its course and suggests to deepen and widen some already existing policies.

The Programme incorporated the commitments of the *European Pact on Immigration and Asylum* of 2008, in which the Council of the EU stressed the need for a common EU immigration and asylum policy. Consequently, it focuses mostly on internal European measures and less on external relations. The focus areas on legal and illegal migration matters, border controls and a common asylum system only mention enhanced cooperation for the return of irregularly staying migrants and tighter borders. But in the last focus area, the collaboration with important countries of origin and transit, the Council suggests the conclusion of more

agreements with third countries – be they bilateral or on EU level – and on measures to deter or prevent immigration (Council of the EU 2008).

In the European Pact on Immigration and Asylum as well as in the Stockholm Programme, legal migration to the Union is included but once again of very limited importance. The Stockholm Programme clearly says that “the Union must continue to facilitate legal access to the territory of its Member States” (para. 5). It recognizes that increased mobility poses both opportunities and challenges and underlines the potential positive effects of migration for all stakeholders (para. 6). But while Stockholm does not fail to mention legal access to the EU, it continues to do so in a rather vague manner, keeping the suggestions open for interpretation by those European institutions whose decisions will be based on this framework.

A more important aspect for the European Council seems to be the strengthening of dialogues and partnerships with third countries of origin or transit as well as with regional and international organisations. The goal of these efforts should be “to be able to respond in the best way”, a definition that leaves ample room for speculation about what is actually intended. To make such cooperation possible, the coherence between migration policies and other policy areas – such as foreign policy, development, trade, employment, health and education – should be improved (para. 6).

It should not be forgotten that the EU’s competencies in some of these fields are very limited. Especially foreign affairs are mostly in the hands of the Member States and they are usually more than reluctant to loosen their grip and transfer competencies to the European level. When it comes to migration, however, they seem to be more open to changes. In the Stockholm Programme, the intergovernmental European Council – composed of the heads of state and government – states that “Union external cooperation should focus on areas where Union activity provides added value” and explicitly includes the fields of migration and asylum. This would help to improve third countries’ capacities in border controls, the fight against illegal immigration, the management of migration flows and the protection of migrants’ rights. The same paragraph continues to mention return and readmission as priorities of the EU’s external relations (para. 7.3).

The central role of sending irregular migrants back to countries of origin or transit is also reflected in other paragraphs of the Stockholm Programme. Para. 6.1.6 states that this is seen as an essential element of the Union’s migration system and that efforts in this regard should be intensified by both the EU and its Member States. In order to get third countries to agree to readmissions – which are usually not economically favourable for them – the European Council

proposes “flexible migration policies” which would be beneficial to Member States as well as to third countries (para. 6). Mobility Partnerships were foreseen as the key policies in this framework and were therefore seen as an “integral part of Union foreign policy” – a clear commitment to more EU involvement in foreign policy (para. 6.1.1). While the Mobility Partnerships and flexible migration, as it is envisaged by the EU, include legal ways to enter European territory and work in the EU, the focus on readmission and return shows that the Stockholm Programme’s priority is to keep migrants out. It seems as if security concerns once again dominate all other dimensions of migration. Stockholm did therefore not bring any radical changes and little new aspects. Instead, it reaffirmed the priorities of its two preceding programmes, which are to be deepened and widened.

This is the situation as it was in early 2011, when the events known as the Arab Spring began to unfold. Within just a few years, the political approach to migration had changed considerably with the result of the establishment of an official and far-reaching external dimension. The extra-territorialisation of the EU’s migration policy was strengthened with each of the European Councils three political frameworks and following these roadmaps many policies were developed. The events of 2011 triggered the adaption of existing frameworks and the introduction of several new policies. But before we come to the core chapter of this thesis and the answers to the research question, we have to look at the policies developed before 2011. This will be the basis for the analysis and the understanding of all changes after the start of the Arab Spring.

5.2.2. Implementation

As has already been discussed, the EU became a lot more active in the field of external migration policy after the Amsterdam Treaty and laid the groundwork for an intensified involvement through the European Council, i.e. Member States’ heads of state and government. They developed three consecutive political roadmaps, each framing the future Union policy in the *Area of Freedom, Security and Justice* (AFSJ), to which the EU’s competences in migration and asylum were transferred with the Amsterdam Treaty, for a five-year period. In the course of these 15 years, the Tampere, the Hague and Stockholm Programmes proved influential in creating what is today known as the external dimension.

A range of policy tools were developed in this period. Some of them clearly designed to deter irregular migrants before they reach European territory or to easily remove them once they have

arrived and others with more open, development-related objectives. In this chapter we will look at these policies in detail. This is especially important because the events after the beginning of the Arab Spring can only be understood in relation to the policies developed before 2011 – without keeping in mind the following policies, a comprehensive answer to the research question of this thesis cannot be found.

This chapter will be structured as follows: First, the most important policy frameworks touching upon or directly concerned with the extra-territorialisation of migration will be presented. These are, to briefly introduce them, the European Neighbourhood Policy, the Global Approach to Migration and – with a strong focus on the control of the external borders – a newly created agency for external border security, Frontex. Building on the evaluation of these frameworks, the corresponding policy tools will be analysed.

5.2.2.1. Frontex

For many of those who are critical of a perceived dominance of repressive measures and a migration-security nexus in the European migration policy, another policy innovation of the early 2000s, the EU's border control agency Frontex, might be troublesome in itself. Officially named the *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, the somewhat catchier name Frontex (from French *frontières extérieures*) has come into use. This agency, operating since 2005, has the task of coordinating and developing the EU's border management. As we will see in this chapter, this includes the cooperation with third countries and is thus an important part of the EU's extra-territorialisation of migration policies.

Frontex' creation is the result of several long-term developments – all of which have already been discussed. Firstly, migration had become an increasingly controversial issue in Europe, especially since the fall of the Iron Curtain. Secondly, the EU-15 were concerned about the border management capabilities of the twelve soon-to-be Member States. And thirdly, the terrorist attacks of 9/11 had alarmed European policy-makers, leading to an increased focus on security threats and the tightening of the EU's external borders (Léonard 2010, 234). As an additional or underlying motivation to strengthen cooperation in border management, we might also include the already mentioned overall increased importance of external border control since the opening-up of the EU's internal borders in the 1990s.

In response to these changed circumstances and perceptions, the discourse in the EU changed, as has been discussed previously. In a clear case of a securitization move, links were made between terrorism, security, migration and borders. The political process did however not really follow this tone of urgency and the call for extraordinary measures. Rather, it can be seen as an extension of a development which had started years earlier and now – more or less following the regular dynamics of the Union’s politics – led to the creation of Frontex (Neal 2009). It has since then been given a key role in the implementation of the EU’s concept of *integrated border management*, which can be traced back to the Tampere Programme and aims at streamlining all efforts of Member States in the control of the external borders.

Cooperation and coordination are the key words to understand Frontex. They are seen as the best way to address the above mentioned challenges and lead to a broad range of measures controlled by Frontex. Its activities range from training missions to operational cooperation at the borders, studies on the situation in relevant third countries or the conclusion of bi- and multilateral agreements with them. The term *coordinate* is also a hint to the factual limitations of Frontex: it has limited resources and is only expected to help Member States’ cooperation. In the context of European integration, this agency is an institutional hybrid – somewhere between intergovernmental and supranational. While it is financed with Union resources, its staff is composed of seconded national experts (Lavenex 2006, 341). Demmelhuber thus comes to the conclusion that it is a “*de jure* independent community body but *de facto* intergovernmental agency” (2011, 817; original emphasis).

The extra-territorialisation of migration is an important part of what Frontex does. The EU had accepted that simply relying on a tight control of its own borders is not an effective solution to limit migration to Europe – or to guarantee security, as the Union itself might put it. Frontex’ area of activity reflects this changed perception. Within the EU’s overall foreign policy priorities and based on existing bilateral cooperation between Member States and third countries as well as on the findings of individual risk analysis, Frontex tries to develop a partnership with the partner countries’ authorities at the operational level. While (potential) candidate countries, the EU’s neighbours and those countries bordering the Mediterranean are explicitly listed as a geographical priority, the agency is today working with countries all over the world. The degree of the attempted operational cooperation varies, however, and can range from information exchange, training and research to joint operations and the alignment of their border management structures towards European standards. *Working Arrangements* are the

most far-reaching and preferred option for this cooperation but no necessity¹⁷. Within Working Arrangements, both sides agree to a timeframe, a list of activities and the allocation of the necessary resources. Besides the development of cooperation with third countries, Frontex is also involved in other EU-led initiatives by participating in and providing advice for them (Frontex 2014a).

Since it started operating in 2005 – and probably even before that – Frontex has been at the centre of criticism of the EU’s migration policy. Some of the critique is fundamental while many scholars point to institutional or operational shortcomings. What gets most attention is the activity *at* the Union’s external borders, i.e. the operations in (South) Eastern Europe and in the Mediterranean. It has to be said that Frontex did not really change the way the European borders are managed but by coordinating Member States’ activities it gives the concept of “Fortress Europe” a face. It is therefore sometimes portrayed as Europe’s watchdog, responsible for the militarisation of the external borders, the violation of international law and the “non-refoulement rule”¹⁸ and ultimately the death of thousands of migrants attempting to reach EU territory. And indeed, as we have discussed previously, what happens at the Union’s external borders is by no means always in line with “European” values or international and European law. And although it has to be remembered that Frontex, more than most other EU bodies, is little more than the reflection of certain Member States’ interests, it did in fact not stop these violations and might even itself be responsible for them.

An example for criticism of Frontex’ institutional setup is that there is hardly any outside institutional control. The European Parliament’s competences are limited to the approval of the agency’s annual budget while the second major supranational institution – the Commission – might even have less impact on Frontex’ operations (Demmelhuber 2011, 819). The Working Arrangements – the agency’s most important instruments for external action – have also been harshly criticised because none of them are publicly available and they do not have to be approved by either the Parliament or the European Court of Justice – resulting in a significant lack of transparency and democratic accountability (Webber 2014, 4). Furthermore, Frontex

¹⁷ So far, 17 Working Agreements have been signed, with seven more still being negotiated. Most of these countries are in the EU’s neighbourhood but there are exceptions like the United States, Canada, Nigeria, Cape Verde or the not yet concluded negotiations with Brazil, Senegal and Mauritania. Being aware of the most important migration routes to the EU, it is worth noting that while nearly all Eastern and South Eastern European neighbouring countries have signed Working Agreements (with Kosovo being the exception to the rule), North African states seem more reluctant to intensify their cooperation on migration in such a way. Negotiations with Morocco, Tunisia, Libya and Egypt are still ongoing and Algeria does not appear to even have started them.

¹⁸ Non-refoulement is a cornerstone of international and of asylum law, forbidding states to return refugees to a country where they have reason to fear persecution.

argues that Working Arrangements are mere “technical relationships”, that they are therefore *not political* and *do not affect individuals*. On this basis, concerns about the arrangements’ legitimacy and the respect for the rule of law are deemed invalid. The shaky foundations of this argument are however easily exposed when one looks at the unacceptable human rights record of certain third countries which obviously and directly affect individuals and should be an obstacle for intensified cooperation (Fink 2012, 35).

As we have seen, Frontex has serious institutional shortcomings when it comes to accountability and transparency. This makes it a lot harder to identify and stop potential violations at and beyond the external borders, for which the agency is often seen (partly) responsible. With all its activity, Frontex is clearly the outcome of a security-driven view of migration in the European Union and the Member States. But is it the outcome of the *Securitization* of migration in Europe? While Léonard argues that all of its activities can be seen as Securitization through practice, Neal disagrees, saying that the agency might be the result of a discursive securitization but there are no causal links to real policy changes or outcomes – that the practices at the external borders are not more than the prolongation of Member States’ control-oriented measures (Léonard 2010; Neal 2009).

5.2.2.2. The European Neighbourhood Policy

The European Neighbourhood Policy (ENP) is the Union’s most important foreign affairs instrument for countries at and beyond its eastern and southern borders. It is a broad framework for cooperation with third countries, built around bilateral agreements between the EU and the respective partner country and complemented by regional or multilateral initiatives¹⁹. The ENP includes a variety of policy areas with the ambitious goals of achieving greater political association and deeper economic integration. Currently, the EU cooperates with 16 countries from Morocco to Azerbaijan – with actual cooperation varying greatly (European External Action Service 2014).

The ENP was initiated in 2003 and started its work the following year. Its intended purpose as well as the point in time in which it was created are both closely linked to the eastward enlargement of the EU. Negotiations with the soon-to-be Member States were more or less

¹⁹ Most important among them are the Euro-Mediterranean Partnership (which was re-launched in 2008 and replaced the former Barcelona Process), the Black Sea Synergy (also from 2008) and the Eastern Partnership (launched the following year).

successfully concluded, shifting policy-makers' attention to the consequences of this enlargement for the wider region and for the Union itself. We have to remind ourselves that the EU's external borders were suddenly hundreds of kilometres further to the east. The EU was thus extended to a region that had so far – maybe just due to the geographical distance – received little attention. At the bottom of the ENP is therefore the question how the EU would now deal with its new immediate and indirect neighbours. The Neighbourhood Policy was developed as the new framework for cooperation with this region. To this end, it offers third countries a “privileged relationship” based on a shared set of values such as democracy, human rights and the rule of law as well as a commitment to good governance, the principles of the market economy and sustainable development. The extent to which these values are respected in the partner country determines the level of an attempted relationship. While economic integration and political association might be the core of the ENP, migration and border management are also on its agenda (European Commission 2004).

The Union – aware that it cannot dictate its ideas on neighbouring countries and simply impose a change of ideals or even policies on their leaders – is using a differentiated approach and is trying to find the right balance between positive and negative incentives. As mentioned above, the level of cooperation with the countries in the ENP varies greatly. Ideally, the Union negotiates – and agrees upon – Action Plans. These build on already existing agreements with the EU, are intended to reflect both parties' interests and capacities and set out an agenda for reforms within a period of three to five years. So far, twelve out of the 16 countries have agreed on Action Plans, while the others are either still in the process of negotiating or are currently not really involved in the Neighbourhood Policy (European External Action Service 2014).

Although the ENP is clearly not as alluring as accession to the EU, it offers opportunities in a broad range of policy sectors. Within the action plans, third countries are offered (among others): intensified and broadened political cooperation; deeper economic and more open economic relations; increased financial support, the participation in EU programmes on cultural, educational, environmental, technical and scientific matters; support for legislative reforms; and an overall perspective of *integration*, going beyond *cooperation* (Kelley 2006, 37).

According to Kelley, comparing the ENP to the enlargement process is however dangerous as the challenges of most countries are disproportionately bigger than the possibilities of the available policy tools (Kelley 2006, 50). As a result, the ENP – while seen as a success story in the EU – did not meet everybody's hopes. Following a review of the ENP in 2010-2011, the

“more-for-more” principle was introduced. It puts a stronger focus on democratic reforms as a precondition for stronger partnerships (European External Action Service 2014). For Martin Hofmann from the ICMPD, this new principle is the outcome of the underdevelopment of what was at the beginning intended to be at the heart of the ENP: a focus on shared values (Interview 4).

As mentioned above, the ENP is to be seen as the overarching framework for the EU’s policies in the concerned countries. This includes migration, a topic that is of importance in the Union’s relations with all 16 countries of the ENP. In fact, migration has become one of the most prominently featuring aspects in the cooperation with the Union’s neighbouring countries. Even its origins might partly be found in the fear of “uncontrolled” migration from the Union’s new neighbours in Eastern Europe (Rijpma / Cremona 2007, 16). Many scholars therefore criticise the ENP as loop-sided in favour of the interests of the Union and its Member States. For some critics, the Neighbourhood Policy resembles what had been introduced in the previously discussed Austrian Presidency’s leaked proposal: „The ring of friends is in reality a buffer zone, required to act as a first line of defense against unwanted flows of immigration“ (Rijpma / Cremona 2007, 16). Henk van Houtum, arguing in the same line, calls the ENP a “border policy” intended to create a “*cordon sanitaire*”(2010, 961; original emphasis).

According to critics like these, limiting migration to Europe and extra-territorialising border controls are at the very heart of the ENP – a notion which I do not share. Leaving aside all the other important issues the ENP is dealing with, this critique does not do justice to the diverse policy tools of the Neighbourhood Policy. As each Action Plan is tailor-made for the interests of the given third country and the EU, the measures related to migration vary. They can include technical and financial support for an effective migration management, thereby limiting the flows of irregular migrants, opening channels for legal migration and increasing (document) security. Another important aspect is European support for reforms in the judiciary system, the fight against corruption or police training (Barbé / Johansson-Nogués 2008, 86). All these goals are reasonable from the EU’s standpoint and in line with its interests – from decreasing numbers of irregular migrants reaching EU territory to increased stability in its neighbourhood. But these developments can also benefit the third countries and the migrants themselves, e.g. by establishing an existing asylum system and fostering respect for the rights of people fleeing their home. Nevertheless, since migration is only one of many issues dealt with in the ENP, third countries might indeed accept a deal in this field that does not serve their interests in exchange for EU concessions in other matters.

The ENP is, as has been mentioned, the overarching policy framework for cooperation with the EU's neighbouring countries. This means that migration is only one of many issues under its umbrella. However, in the next chapter we will hear about a somewhat competing framework, combining all EU activities on migration in all third countries – including those of the ENP. Although it might seem like these two policy initiatives are competing on a thematic or geographical level, this parallelism can also be seen as a reflection of the EU's unique and ever changing nature.

5.2.2.3. The Global Approach to Migration

The Global Approach to Migration (GAM) is an attempt to take account of all forms of migration to the Union and to streamline its actions on external migration management. Up until the adoption of the GAM in 2005, the extra-territorialisation of migration was done by different actors and in a not always coherent manner. The GAM was now seen as an “overarching framework of the EU external migration and asylum policy” (European Commission 2006). This means that instead of the ineffective fragmentation, all aspects of the external dimension would now be dealt with through the Global Approach.

It goes back to a discussion of the heads of state and government which initiated an exchange between the Commission and the Council and ultimately led to the adoption of the “Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean” in December 2005. The reason for the creation of the GAM can be seen in the very limited success of the Union's approach since the creation of an external dimension of migration. Analysts especially point to the dominance and insufficiency of measures trying to repress migration to EU territory. This became obvious with the events in Ceuta and Melilla – two Spanish exclaves in Morocco – in September and October 2005. Thousands of migrants tried to climb over the border fences to enter EU territory. While several hundred succeeded, 13 people died (Castan Pinos 2009, 18). The tragedy acted as an external shock and raised the awareness, both in the public and among policy-makers, that the current approach to migration could not be upheld. What would be needed was a comprehensive approach, taking account of the multiple forms of migration to Europe and coordinating all of the Union's policies (Cassarino / Lavenex 2012, 284). Only two months later, the GAM was presented for the first time.

By combining all relevant policy areas – e.g. home affairs, external relations, employment and development – the GAM was intended to formulate coherent policy priorities and increase the

level of cooperation with third countries. But in its initial form it had some serious flaws. Firstly, although it is designed as a global approach, there is a clear emphasis on the most important countries of origin and transit. This shortcoming was addressed in a report on the GAM by the European Commission in November 2006, about one year after its adoption. The Commission suggested extending the programme geographically to make it truly global. Other regions than the Mediterranean and Africa should be included to translate the GAM's comprehensiveness in geographical terms (European Commission 2006).

To implement the goals of the GAM, the EU uses a variety of political instruments on a bilateral and regional level. In 2011, the Commission looked back at the impact of the GAM, pointing to the more than 800 million Euros for around 300 projects in relevant third countries and the broad range of policy tools – some of which will be presented in the following chapters – used in the cooperation with them. Through the GAM, *Migration Profiles* had been generated for more than 70 countries, *Migration Missions* started in 17 and a *Cooperation Platform* with Ethiopia had been created. Furthermore, *Mobility Partnerships*, *Visa Facilitation Agreements*, *Readmission Agreements* and policy dialogues had been started and financial, operational and project support given to all kinds of stakeholders in third countries.

But as critical scholars have concluded, despite the availability of a wide range of instruments, the emphasis of the Union's policies towards its neighbours remained more or less stable, focusing predominantly on migration *control* (Lavenex / Kunz 2008, 449-452; Cassarino / Lavenex 2012, 284). In the aforementioned report on the GAM, the Commission also addressed a perceived second major birth defect: the lack of important policy areas like legal migration and integration (European Commission 2006). Nevertheless, the 2008 *European Pact on Immigration and Asylum* as well as the Stockholm Programme reaffirmed the GAM's guiding principles²⁰.

5.2.2.4. Individual policy tools

The new border control agency Frontex and the two presented broad policy frameworks – the ENP and the GAM – structure the EU's migration policy in its neighbourhood and beyond. This includes a wide array of policy tools focusing on individual aspects or on combining them in specific programmes. In this section we will look at the most important policy tools that have

²⁰ More on the imbalance between the GAM's pillars is to be found in chapter 5.2.2.5. on the Global Approach's "flagship" tool, the Mobility Partnerships.

been used in the Union's external dimension until 2011. These policy instruments are all optional and their use depends on the interests of the EU in a specific third country and vice versa. They are furthermore used in different ways in the different countries since the EU is trying to avoid "one-size-fits-all" models. As will be shown, the policy tools range from clearly restrictive and control-oriented to actually encouraging migration to the EU – with the already mentioned severe limitation in legal migration matters.

5.2.2.4.1. Return and readmission

The EU's policy on return and readmission of non-EU citizens who entered its territory illegally is an obvious example of the control-oriented approach. What is however necessary is the willingness of third country authorities to accept this practise. Through cooperation agreements, about 40 % of the more than half a million illegally staying migrants that are apprehended by national authorities in the EU every year are sent back to their country of origin or a country of transit. According to the Commission, such a tough stance on irregular migration is part of the comprehensive approach to migration. "An effective and humane return policy is a necessary part of a comprehensive migration policy and does not contradict a more open migration policy" (European Commission 2014a). The Union is working on this issue in several ways: It is trying to push forward a set of common standards on return through the so called "Return Directive". Secondly, it assists the cooperation between Member States on operational matters. And thirdly and most importantly when we look at the external dimension, it is engaged in signing Readmission Agreements with third countries.

We have already talked about the Union's readmission policy briefly when we looked at the Hague Programme. In recent years, they have become more prominent in the EU's migration and overall foreign policy. The Union simply had to acknowledge that readmission is nothing that can be done unilaterally, that the concerned non-EU countries needed to be included to find a sensible solution. From the European side that means a solution which guarantees the uncomplicated eviction of migrants. The agreements are technical instruments for the closer cooperation between European and third countries' authorities, in which both parties – the third country and the respective group of EU Member States interested in joining – agree on clearly defined obligations and procedures on who has to be readmitted and how this is to be done. Frontex has an important role in the operational aspects of readmission by coordinating and

facilitating the cooperation between European actors – e.g. for joint return operations – and by identifying and promoting best practices (European Commission 2014a).

Based on bilateral agreements and the “safe third country rule”, European countries – in this case within the framework of the Schengen area, which was not part of the EU structure at the time – started cooperating on the issue and signed the first Readmission Agreement with Poland back in 1991. With the Amsterdam Treaty, the Commission got the mandate to negotiate and sign such agreements *on behalf* of all Member States²¹. Since the adoption of the GAM in 2005, readmission is part of the EU’s new overall migration policy (Trauner / Kruse 2008).

Despite the growing importance of EU institutions in this regard, return and readmission are still a predominantly national domain. The Union is not more than an instrument to make domestic policies more effective. In 2010, a study conducted by Jean-Pierre Cassarino for the European Parliament thus came to the conclusion that the EU’s efforts cannot be isolated from Member States’ bilateral cooperation. The important role of Member States in readmission and in the specific policy tool of Readmission Agreements is also reflected in their implementation, which is not a competence of the EU but is done bilaterally between the respective third country and each signatory Member State (European Parliament 2010).

At first, the Union was however not very successful in concluding Readmission Agreements. An agreement that benefits nearly exclusively one party and has hardly any positive effects on the second party, is obviously difficult to communicate. In 2002, even the Commission itself acknowledged that “as readmission agreements are solely in the interest of the Community, their successful conclusion depends very much on the ‘leverage’ at the Commission’s disposal. In that context it is important to note that, in the field of JHA [Justice and Home Affairs], there is little that can be offered in return” (European Commission 2002).

In reaction to that, cooperation on readmission was linked to all future association or cooperation agreements. Therefore, each new agreement with third country authorities had to include clauses on the compulsory readmission of the partner country’s own nationals staying in the EU illegally (Lavenex / Kunz 2008, 445). This created a link between Readmission Agreements and other forms of cooperation that are more beneficial for the partner countries. Because while return and readmission are nearly exclusively in the interest of the EU, some of

²¹ The Commission’s mandate to negotiate Readmission Agreements with non-EU countries does however not include all Member States. It is not valid for Great Britain, Ireland and Denmark, but while the latter does not cooperate with the EU in this way at all, Ireland and Great Britain have an opt-in option for concluded agreements.

the following tools can act as an incentive for third country authorities to accept Readmission Agreements in the interest of an overall intensified cooperation with the Union. While this may have increased the effectiveness of this policy, it is still being criticised for the possible violation of migrants' human rights if they are returned to countries that might be deemed safe by the EU but do not live up to those standards (e.g. Peers 2003). Additionally, it is questionable that one of the options the EU is pursuing is the "return" of people not to their home country but to another one that they have passed through. In such a way, one might argue, the EU just avoids its responsibilities and shifts them to third countries that might not be capable or willing to ensure the same level of protection.

5.2.2.4.2. The external dimension of the EU's asylum policy

Strictly looking at the EU's approach to asylum seekers, we can also find an external dimension in the form of Regional Protection Programmes (RPPs) and EU action on resettlement. While the latter clearly has a humanitarian motivation, Regional Protection Programmes seem to be ultimately intended to reduce the number of refugees seeking asylum in the Union.

The Hague Programme called for increased European contributions to support international protection systems in cooperation with non-EU countries and to find sustainable solutions at the earliest possible stage. Based on this, the aim of RPPs is to help regional blocks of important countries of origin or transit in building the necessary capacities. Both the refugees and the host country should benefit from these programmes. To do so, the European Commission envisaged three possible "durable solutions": a safe return to their home country, the integration in the (regional) host country's society and resettlement in another country. RPPs are individually designed according to the situation in a specific region. Backed by EU funds, the EU's help can include capacity building and training of authorities, improving the overall protection in the partner countries, the establishment of procedures to determine the status of refugees or measures supporting the local (host) community (European Commission 2005a). So far, four Regional Protection Programmes are in place, targeting Eastern Europe, the African Great Lakes Region, the Horn of Africa and North Africa.

Resettlement is – as mentioned – one of the three possible durable solutions envisaged by the Commission. In fact, it is referred to as "an important factor in demonstrating the partnership element" of RPPs. Since this policy area is however in the hands of the Member States, the role of the Commission is very limited. In the end, any resettlement commitments by EU states are

agreed on a voluntary basis. And so far, the number of refugees actually resettled in Europe is very limited (European Commission 2005a).

5.2.2.4.3. The EU's visa policy

One policy tool that might be seen as a more migration-friendly example are Visa Facilitation Agreements (VFAs). For many third countries, these are indeed one of the more sought-after ways of deepening the cooperation with the EU on migration. For citizens of many third countries, travelling to Europe for business, education or even tourism can be a long and strenuous process. VFAs promise to facilitate the procedures for issuing visas and although this is true for both sides of the partnership, it is usually more attractive to non-EU states. But despite this strong incentive, only twelve Visa Facilitation Agreements have been concluded. And the signatory states are – with the exception of Cape Verde, whose VFA is not even in force yet – located exclusively in the EU's eastern and south-eastern neighbourhood. The reason for the reluctance of many third countries to come to such seemingly beneficial agreements might be that VFAs are strictly linked to Readmission Agreements (European Commission 2014b). And these are – as has been discussed – everything but an incentive for third countries. A closer look at the countries who have agreed on VFAs reveals that most important countries of origin are not among them. The only exceptions are those Eastern and South Eastern European countries who are interested in a closer relationship with the EU or – ultimately – even accession to the Union.

5.2.2.4.4. Development and circular migration schemes

It the cooperation on migration, EU authorities often mention the development of the partner states as either the outcome of well-managed migration or as a key method to prevent irregular migration to Europe. Through the former, the beneficial effects of migration should be increased for all actors involved – countries of origin, host societies and the migrants themselves – while the latter aims at addressing the root causes of migration by helping with the development of third countries' general political and social conditions.

The link between development and migration has already been presented as the *migration-development nexus* (as opposed to the *migration-security nexus* dominating other policies). It seeks to limit the perceived migration pressure in Europe by tackling the problems that make

people consider emigrating to the “promised land” Europe. These problems can be summarized as either political – e.g. conflicts or repression – or economic. The Union therefore has to use a broad approach with different policy tools if it wants to prevent migration from these countries, ranging from political pressure and support in the establishment of stable institutions to trade policies and development aid (Boswell 2003, 625). This is in line with the EU’s “comprehensive” approach to migration which acknowledges that repressive measures alone will not and cannot stop people from trying to enter the EU. By improving the living conditions in the partner countries preventively, the pressure on the Union’s external borders can be reduced in a more sustainable way.

While this approach ultimately attempts to dissuade people from seeking a new life in Europe, another idea that has been on the EU’s agenda for nearly ten years now focuses on the positive aspects for all actors. *Circular migration* schemes are intended to make use of the impact of temporary migration on development through agreements between third countries and those EU Member States willing to commit in such a way. Circular migration was first recommended by the Commission in a Communication titled “Migration and Development: Some concrete orientations” in 2005. What was envisaged is a channel for legal migration of highly skilled or otherwise needed migrants with the simultaneous certainty that they will return after a period of time. If successful, this process can later be repeated, thus creating a *circle*. This would insofar be beneficial to all actors involved as migrants can use and extend their skills in an EU state as well as their home country – thereby transferring their specific knowledge from one place to the other. In this way, economic and maybe even social development in both countries would benefit (European Commission 2005b).

In 2007, the Commission – in response to a request by the Council – developed the idea further and presented it as an important aspect of the fight against irregular migration to Europe by presenting a credible alternative. In a follow-up Communication it called circular migration schemes – maybe a bit optimistically – “a key form of migration that, if well managed, can help to match the international supply of and demand for labour”. However, the Commission also makes sure to note that “circular migration also poses certain challenges: if not properly designed and managed, migration intended to be circular can easily become permanent and, thus, defeat its objective“. What is needed in the eyes of the Commission is more circularity of *certain migrants*, namely third country nationals living in the EU and wishing to start business activities in other countries and third country nationals who want to study or seek work of seasonal or temporary nature in the EU. Furthermore, it outlines incentives to make such plans

more attractive for Member States, third countries and potential migrants. These include support for migrants in finding jobs or starting a business and measures to reduce the risk of brain drain. However, the incentives for the European actors seem a bit stronger: the programmes would be monitored, migrants would have to sign commitments that they will voluntarily return and if they do not respect this, the necessary prior conclusion of Readmission Agreements – once again – would ensure their (involuntary) return (European Commission 2007).

Although the idea of bringing together supply and demand of labour might remind one of the old *Gastarbeiter* model of Germany and Austria – whose intended objective of temporariness was clearly missed – the Commission did make sure that its circular migration programmes would not lead to permanent residence (Castles 2006). But while it has been high on the European policymakers' agenda since 2007, this type of circular migration was not successful, which may have to do with the necessary preconditions (Maroukis / Triandafyllidou 2013, 4).

In the same Communication, in which the European Commission elaborated its concept of circular migration, it presented a new and substantially broader policy framework: the Mobility Partnerships, who would from then on include most of the policies mentioned so far in this chapter.

5.2.2.5. Mobility Partnerships – the GAM's “flagship”

As mentioned in the previous chapter on circular migration, in 2007 the Commission – in reaction to a debate on legal migration and more cooperation, initiated by the Council – published a Communication to provide ideas on these matters (European Commission 2007). Building on earlier initiatives to link migration and development, to renew legal migration options and to fight irregular migration, the Commission presented “Mobility Partnerships” as their new key framework agreements for cooperation with third countries.

Mobility Partnerships are long-term frameworks for closer cooperation on both the political and operational level. Based on the existing relations between the EU and the respective third country and the overall goals of the Union's external relations, the Commission – together with interested Member States – negotiates such packages with non-EU states interested in more active cooperation on the management of migration. Mobility Partnerships use a country-by-country approach, thereby taking into account the specific situation in the partner country and the interests of both sides. Building on the conclusion of such an agreement, the cooperation is intended to evolve and be developed further over time hand in hand with overall closer relations

with the third country. They are, however, no legally binding treaties but just joint declarations signed by the Commission, interested Member States and the partner country.

There are two components to each Mobility Partnership: a political one and a programmatic one. While the former is the declaration of a mutual interest in intensifying the cooperation, the latter consists of a list of activities on migration issues. The concept of circular migration is at the heart of the Mobility Partnerships. But next to matters like travel documents and integration, the fight against trafficking in human beings and border controls also play an important role (Chou / Gibert 2012, 409).

When looking at the commitments expected from both sides, matters of legal as well as of irregular migration are mentioned in various forms. In its first document on how Mobility Partnerships might look, the Commission acknowledged that each agreement will have to be negotiated on its own and include different points but also mentioned some possible commitments. For the partner countries, these could be the readmission of their own nationals; the readmission of migrants from another country who have passed through the partner countries territory before reaching EU territory; information campaigns to discourage illegal migration to Europe; improved border control/management; more secure travel documents; increased information exchange with relevant Member States' authorities; action against migrant smuggling and trafficking in human beings; and general efforts to improve the domestic economic and social situation. On the other side of the equation, the Commission and Member States would also have to commit in Mobility Partnerships. Firstly, the plan foresaw more opportunities for legal migration to *interested* Member States for economic reasons or other forms such as migration for studies. Secondly, financial and/or technical assistance for third countries to better manage legal migration flows could be included. Thirdly, brain drain from the partner countries to the EU should be prevented, e.g. through circular migration schemes. And lastly, short stay visas should be easier to obtain for nationals of the partner country – with one of the key points being the conclusion of Visa Facilitation Agreements for specific categories of people (European Commission 2007).

The outlined commitments by both sides seem to form a quite comprehensive mix of methods to manage migration in partnership with third countries. This is the same approach as the one in the already mentioned Global Approach to Migration. And although Mobility Partnerships were created two years later than the GAM, they were indeed soon seen as the best way to reach its goals and are considered to be the Global Approach's "flagship" tool. A similar concept was

first presented in 2006, when the Commission's evaluation of the GAM²² called for the creation of "Mobility Packages", with different aspects – including legal migration. In the 2007 Communication, the concept had been renamed *Mobility Partnerships*, maybe to stress the joint ownership of the approach (Cassarino 2009).

Although the commitments by European actors and their partner countries were intended to be in balance, scholars looking at the negotiations or on concluded Mobility Partnerships soon found a strong focus on certain policies. The probably most important single aspect – at least for the European side – is the conclusion of Readmission Agreements. Looking at the underlying factors of the establishment of such a new and comparatively far-reaching cooperation framework, one has to keep in mind the rather limited success of the individual policy tools mentioned in the previous chapters. Most notably, the motivation for creating the framework of Mobility Partnerships is to be found in the conclusion of Readmission Agreements for European actors and more channels for legal migration on the side of third countries. As we will show in more detail below, critics soon started to portray Mobility Partnerships as little more than a tool for the EU to get rid of unwanted migrants. The 2010 Parliament study on readmission policy in the EU even deemed it necessary to clarify that "mobility partnerships are not EU readmission agreements, neither in their rationale nor in their form" (European Parliament 2010, 37). However, the author of the study did address the important role of readmission for the establishment of Mobility Partnerships. Just like individual Member States, he acknowledged, the Commission had become aware that simply pressuring third countries into Readmission Agreements is not very effective if there are no real advantages for them. Additionally, several Member States had apparently voiced their dissatisfaction with the lack of progress and slow negotiations (European Parliament 2010, 34-36).

These internal aspects increased the pressure on the Commission to create a new approach. And on the other side of the equation, some third countries – especially those in the EU's immediate neighbourhood in the Mediterranean, who had not been willing to sign Readmission Agreements in the first place – were aware of how important the control of irregular migration and the return of migrants were to the Union. Power relations, as the author of the Parliament study wrote in another publication, had changed. The EU had to accept that relations with important third countries had to be improved considerably and that this would have to be based

²² Commission Communication „The Global Approach to Migration one year on. Towards a comprehensive European migration policy (European Commission 2006).

on a broader foundation. It is this empowerment of the EU's neighbours in combination with internal pressure that forced the Commission "to perform a balancing act between security issues at home and some strategic third countries' pressing expectations" (Cassarino 2009).

Mobility Partnerships were part of the necessary compromise between the abovementioned diverging priorities. Member States would have to concede some authority over legal migration negotiations to the Commission and open more legal channels in exchange for Readmission Agreements. The envisaged result was a win-win-scenario for all actors involved – Member States, third countries and the migrants themselves because the legal migration components would ideally also benefit Member States' societies and economies. All action on the admission of legal migrants that could in fact be negotiated by the Commission had to be based on the existing EU legal order, which is in this case limited to migration for academic reasons, unremunerated training, volunteering or scientific research²³.

But although legal migration is listed as one of the key areas of cooperation in Mobility Partnerships, many scholars see the seemingly innovative proposals as "sometimes more rhetorical than practical" (Lavenex / Kunz 2008, 449). Reslow, for example, sees the linkage between cooperation on irregular migration and legal migration as the main novelty of the Mobility Partnerships. Legal migration opportunities, in that respect, are the necessary incentive to make closer cooperation on irregular migration matters possible. The Commission for its part was very keen on combining these two fields since a *comprehensive* approach to migration is one of the key priorities of the GAM. It is however not really in a position to offer anything the Member States do not want – and their position on legal migration negotiations in the European context is still rather strict. To sum it up: What the third countries want is in the hands of the European states, not the EU's. And according to Reslow, they did not offer any substantive projects for legal migration in the first negotiations on Mobility Partnership but focused nearly exclusively on the other side of the coin, illegal migration (Reslow 2012, 232-233). What was offered by the EU can only be described as a sad excuse and did in no way go as far as the potential partner countries expected:

"Those projects which have been proposed under the title of legal migration mostly do not seek to create new opportunities for legal migration for the citizens of the partner country, but instead relate

²³ See Council Directives 2004/114/EC (on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service) and 2005/71/EC (on a specific procedure for admitting third-country nationals for the purposes of scientific research) (Council of the EU 2004b; 2005b).

to the dissemination of information about living and working in the EU and measures to strengthen the integration of those already living and/or working in the EU” (Reslow 2012, 232).

Chou and Gibert, looking at the negotiation process for a Mobility Partnership with Senegal also came to the conclusion, that the EU’s approach was simply not sufficient for their partners. The negotiations failed because the – political and financial – added value of such an agreement was simply not enough for the Senegalese. The proposed measures on irregular migration would have been more rigid than existing bilateral arrangements with European states and therefore hugely unpopular among the Senegalese population. The authors conclude that the conclusion of such a Mobility Partnership would have been overwhelmingly disadvantageous for the Senegalese government and blame the unbalanced approach on the EU’s attempt to use a “one-size-fits-all” – or more provocative: ”our-size-fits-all”²⁴ – model (Chou / Gibert 2012).

Once again, one has to remember the very limited competencies of the EU in the field of legal migration. While Member States seem reluctant to make any substantial offers on this, the Commission would readily go further. As Martin Hofmann from the ICMPD puts it, negotiations on Mobility Partnerships are based on the interests of all participating actors. And while the EU might be trying to push them further, it is in the end the Member States who decide what “Europe” can put on the table. He concludes that Mobility Partnership might not be perfect – especially given the limitations in legal migration matters – but are a useful and in the end very positive policy instrument (Interview 4). The interview partner from the Commission who works on the Union’s external migration aspects comes to the same conclusion, mentioning three reasons how they benefit the EU’s approach to external migration matters: First of all, as political instruments, the Mobility Partnerships incorporate the political will and the political commitment of the EU, participating Member States and the partner countries to cooperate and act on the issue. Secondly, these agreements provide a platform for the central coordination of all the previously separate channels of assistance and cooperation between the Union and third countries. And thirdly, they allow better tracking and reporting of the achieved progresses and the development of the relations with the third countries in question (Interview 5).

I can concur with the overall assessment that Mobility Partnerships are a useful tool for both the European actors and the third countries. They are an important attempt to combine all the different aspects of migration to Europe and build profound relationships with relevant countries of origin and transit. To use the *carrot and stick* idiom, Mobility Partnerships try to

²⁴ For the “our-size-fits-all” model in the EU’s external relations, see Bicchi 2006.

combine both approaches by offering a platform to deal with all aspects of migration to the EU – those who are more in the interest of the Union and those who benefit the partner countries. If successful, this comprehensive approach could at least to a certain point reduce the need for irregular migration to the EU and thus mitigate the serious risks involved in an illegal entry. Mobility Partnerships also acknowledge that external relations with third countries cannot work if the conditions are simply imposed on them. What is needed is a real partnership. But while they are certainly a good idea and better than relying on the old – mostly bilateral – methods of cooperation, the Mobility Partnerships' significant shortcomings in the area of legal migration are an understandable drawback for potential partner countries.

5.3. Assessment of the EU's pre-2011 migration policy

In this chapter we have seen an overview of the EU's policies towards third countries until 2010, before the events now known as the Arab Spring started with the self-immolation of a Tunisian street vendor. So how can the external dimension of the EU's migration policy be summed up at this point? With the Amsterdam Treaty of 1999, competences on asylum and immigration have been transferred to the Union level, marking a turning point in the development of the EU's external dimension of migration policy. After it was mostly occupied with internal aspects of migration, the EU now started to look beyond its borders. Based on the Amsterdam Treaty and the political roadmaps of the Tampere, the Hague and Stockholm Programmes, a new phase of increased cooperation with third countries had started. Over the years, migration has become one of the most important topics in the Union's relations with certain third countries and is now an influential part of its overall foreign policy. Initially just a response to the creation of the Schengen area and the increasing numbers of irregularly arriving migrants, the external dimension has not only become more important but also more varied, leaving behind the nearly exclusively control-oriented approach of its earliest years. To intensify the cooperation with third countries, the EU used and developed several policy tools and even created a new agency for the management of the external borders. But while the EU did indeed implement action on all different aspects of migration, the Union has repeatedly been accused of pushing forward an unbalanced mix of policies, of focusing too much on migration control or even of being responsible for the inhumane treatment and the death of thousands of refugees.

Frontex, to start with the single most important subject of criticism has been criticised for the conduct of its operations or fundamentally for its mere existence. For some, the border control agency seems to perfectly reflect and give a face to the vague concept of “Fortress Europe”. But it has to be said that Frontex is little more than the sum of the Member States interests. It might be accused of the militarisation of the Union’s border controls or even of being responsible for the death of people trying to reach Europe, but its practices can also be seen as the continuation of what some EU Member States have been doing for years. Frontex can thus be better described as the *symptom* of an underlying problem instead of blaming it for what is happening at the Union’s external borders. Nevertheless, I consider the criticism justified at its core. On the one hand, the new agency did not stop the violation of the often proclaimed “European” values and sometimes even of European and international law. In fact, it might itself be responsible for such acts. And on the other hand, there is a clear lack of transparency and democratic accountability. The European Parliament’s competences are limited to the approval of the agency’s budget while Frontex Working Arrangements are neither publicly available nor subject to control by either the Parliament or the Court. That Frontex views the Working Arrangements as not political and as not affecting individuals is incomprehensible if one looks at the human rights records of some partner countries.

While Frontex is clearly a control-oriented tool, the European Neighbourhood Policy and the Global Approach to Migration were also accused of being unbalanced and leaning towards migration control issues. Some described the ENP as nothing more than a new instrument for the extra-territorialisation of control-focused measures. However, in my eyes the ENP’s migration agenda as a whole is neither control- nor development-oriented. Rather, it is whatever the parties involved in the negotiations make of it, offering a broad range of potential policy tools from labour migration to readmission. Ideally, the ENP Action Plans are thus beneficial to all actors involved – the EU Member States, the partner country and the individual migrants. The GAM is a similar case. It promises a truly comprehensive approach for the benefit of all involved actors and is based on negotiations carried out individually with each third country. Critics have however argued that the outcome does not resemble a balanced approach and is more focused on action that is favourable for the Union and its members. Most strikingly, in both cases the EU’s competences in legal migration matters are severely underdeveloped, leading to agreements that hardly mention the most important aspects for the partner countries. It is thus true for both the ENP and the GAM, that they can only be understood if one looks at the whole picture of the Union’s relations with the respective third country. Although they are theoretically supposed to provide offers on migration that are balanced and benefit all sides, the

real picture is a bit different. In most cases, the EU has leverage in other policy areas, and can thus negotiate more advantageous agreements on migration matters.

Only in view of this reservation can one understand the negotiation outcomes and the conclusion of certain cooperation agreements. This includes the individual tools combined in Mobility Partnerships, most notably return and readmission agreements. As the umbrella agreement for external migration affairs, Mobility Partnerships can however also be attractive in themselves. They combine the sticks and the carrots necessary for the EU to achieve advancement in the cooperation of third country authorities on migration matters. Created in 2007 as the GAM's new "flagship" tool to intensify the cooperation with third countries, the Mobility Partnerships can be seen as the result of internal and external pressure on the Commission and as a necessary compromise between both sides' diverging priorities. Based on existing relations, the European and external actors discuss their expectations and what they are willing to offer. The outcome are non-legally binding agreements with joint declarations and political and programmatic components. Although Mobility Partnerships use a country-by-country approach, specifying and altering the modalities for each case, critical analysis of the agreements and the preceding negotiations came to the conclusion that the approach could sometimes be described as a "one-size-fits-all" or even "our-size-fits-all" model, over-emphasising European interests. Nevertheless, they are a very useful tool to intensify the cooperation with third countries in the spirit of partnership rather than by trying to simply impose the EU's agenda on them. Individual policy tools that are less attractive on their own and benefit mostly one side – like Readmission Agreements, Visa Facilitation Agreements, development, asylum matters and possibly more far-reaching offers on labour migration – are all negotiated together to find a compromise for a migration policy package.

But was the external dimension of the European migration policy truly comprehensive at the end of 2010? In my eyes it was not. Although there have been significant developments since the Amsterdam Treaty entered into force and the external dimension had significantly evolved since 1999, I would argue that the overall emphasis was still on control-oriented measures, that migration was still predominantly seen as a security threat rather than as a chance. Despite the rhetoric efforts of political programmes and a broad variety of available policy tools, the cooperation with third country authorities too often revolved around the question of how to reduce the number of migrants arriving in Europe. This is without any doubt the main purpose of Frontex. But it is to a lesser extent also true for the ENP, the GAM and the new pivotal Mobility Partnerships. It is not that negotiations do not cover all possible aspects of the

phenomenon. But as long as labour migration cannot seriously be discussed by the Commission, it is up to the Member States to decide how far-reaching and comprehensive the agreements will really be.

6. The external dimension after the Arab Spring

Increased migration within, between and out of the countries of the Arab Spring was one of the many effects of the unrest in North Africa and the Middle East. Due to the violent response of the regimes and the following insecurity and uncertainty, nationals of the Arab Spring countries as well as immigrants within these societies left their homes and tried to reach safer areas. While the overwhelming majority sought refuge within their home countries or in neighbouring states, the southern European Member States also faced growing numbers of refugees. Wherever they originated from and whatever they were fleeing from, the number of irregular migrants trying to cross the Mediterranean on sometimes non-seaworthy boats significantly increased in 2011. The EU and its Member States reacted quickly, trying to tighten borders and to reinstate cooperation with the new powerholders. Some of the short-term measures by both the Union and national authorities have to be described as panic reactions. But soon, parts of the European migration policy as a whole were revised. In this chapter we will look at both short-term responses to the events in the EU's neighbourhood and changes to the Union's policy frameworks. As a first step, the effects of the Arab Spring on migration to Europe will be discussed. Following this, the aforementioned short- and long-term changes will be analysed.

6.1. The Arab Spring and its impact on migration to the EU

As was discussed earlier, the Arab Spring had far-reaching consequences for the region and beyond. After the initial euphoric support of the mass protests trying to establish what the EU sees as its founding principles – democracy, the rule of law and respect for human rights – the debate in the Union soon shifted and migration became the central topic. The Arab Spring certainly had a big impact on migration to the EU. Political unrest or outright civil war led to increased migration movements in many countries of the MENA region. Especially the collapse of the regimes in Libya and Tunisia had immediate effects, but the civil war in Syria and the

political instability in Egypt and many other countries also represented push factors for migration in 2011. Besides the understandable lack of efficient border controls in countries that were overwhelmed by the sudden events of 2011, the Arab Spring has also shaken the (bilateral and EU-led) institutional arrangements and policies of the EU towards migration from the region.

Migration from the countries of the Arab Spring – most notably the Maghreb – to the EU has a long history. Before the events of 2011 changed the region considerably, nearly five million first-generation immigrants from North Africa already lived in the EU (Fargues / Fandrich 2012, 16). Irregular migration was for many the only way to come to the EU. As we have shown in the previous chapter, the Union and its Member States have stepped up the cooperation and coordination with one another and with neighbouring countries. As the statistical data shows, this approach was indeed successful in reducing the number of illegally border crossings before the Arab Spring²⁵. This can be attributed to a mix of restrictive border controls – which have been strengthened by Frontex’ support and coordination since 2005 – and a variety of agreements with third countries. So was the extra-territorialisation of migration policies and the establishment of an external dimension an effective way to reduce the numbers of illegally immigrating persons? At the end of 2010, the answer to this question might have been yes. But as the events of the Arab Spring demonstrated, the reduction of irregular migration was only effective in the short term.

As figure 1 shows, the number of irregular migrants reaching the territory of Italy, Spain and Malta by sea had been reduced significantly. After reaching a peak of more than 60,000 in 2006, less than 10,000 arrived in 2010. But due to the violence and uncertainty as well as the collapse of border controls in Libya and Tunisia, the numbers exploded in 2011, reaching 50,000. Another way to read the data, however, is to say that the numbers of 2011 are not extraordinary at all. Rather, it is the irregular border crossings of 2009 and 2010 – and in particular those to Italian territory – that are abnormal.

²⁵ It has to be noted that reliable statistical data on the number of irregular migrants coming to Europe is hard to come by. On the one hand, the definition of irregular migration varies and data collection by the EU was underdeveloped for a long time. And on the other hand, while the EU’s data collection has improved, there is still a significant lack of accessibility, meta-information and aggregation (Kraler / Reichel 2010).

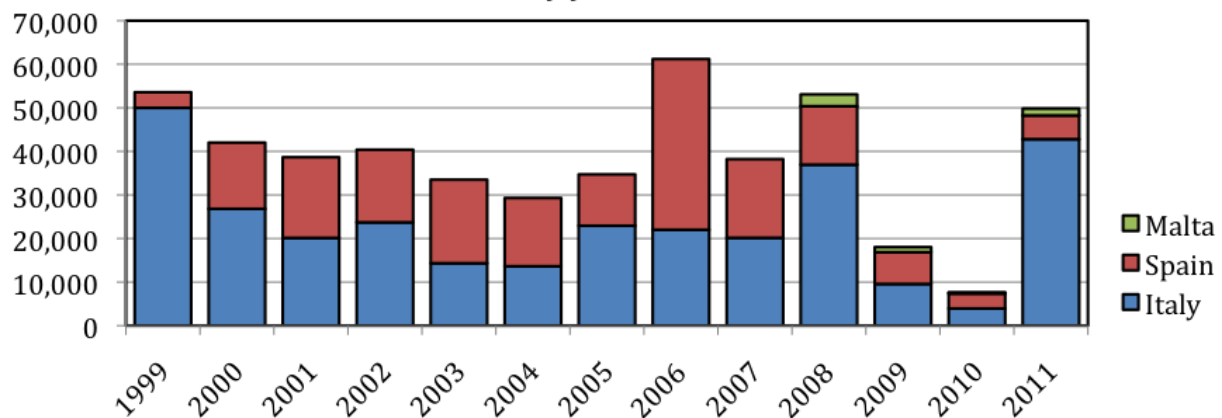


Figure 1: Number of irregular migrants arriving in Italy, Spain and Malta by sea, 1999-2011. Source: Fargues / Fandrich (2012, 21).

The border-control agency Frontex provides more recent data on irregular border crossings to the EU. Its data set looks at the number of detected arrivals in *all* EU countries (not, as is the case in figure 1, just Italy, Spain and Malta) and also includes crossings of the land border. Looking at figure 2, the increase of the overall migration numbers from 2010 to 2011 is obvious. In 2010, the number of people entering the EU illegally was 104,060. The figure was more than 35,000 higher the next year, an increase of 35 %. And if we look at the number of people crossing the Mediterranean – the most important route from the revolutionary countries of North Africa – the difference is even more striking: roughly 71,000 immigrants survived the dangerous journey across the sea, an increase of almost 500 %. This dramatic rise in 2011 can largely be attributed to the crisis in North Africa. Consequently, the numbers decreased again the following year, falling even under the level of 2010. However, the ongoing civil wars in Syria and Libya might be responsible for the rising numbers in 2013.

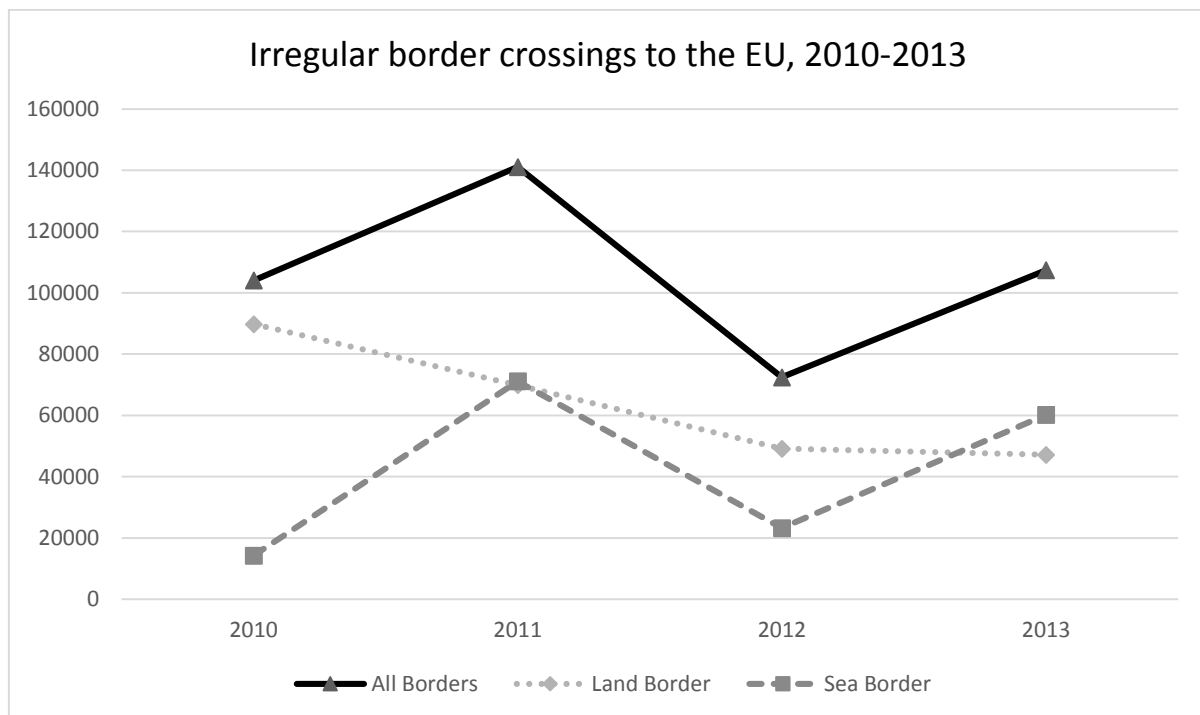


Figure 2: Irregular border crossings to the EU, 2010-2013. Source: Frontex (2014b).

Frontex has not yet provided any data for 2014 at the time of writing. However, the UN refugee agency UNHCR gathered all available data on sea crossings in 2014 (January to early December) and came to the staggering number of 207,000 people who crossed the Mediterranean during that period. The number of sea crossings alone is in 2014 therefore nearly twice as high as the Frontex number of all irregular border-crossings in the previous year. Or in other words, this number constitutes a 340 % increase to the sea border crossings of 2013 and is nearly three times as high as the previous known high of 70,000 in 2011, the year of the Arab Spring. UNHCR attributes this massively increased number to conflicts in the EU's neighbourhood, most notably the ruthlessly fought civil war in Syria and the once again escalating violence in Libya (UNHCR 2014).

Coming back to the events in 2011: What exactly were the reasons for the massive increase of irregular migration – or for the return to normal standards, as one might argue? The most important one is certainly the collapse of state structures in Libya and Tunisia, two traditionally crucial transit countries. With the fall of the regimes of Gaddafi and Ben Ali, they did not only cease to stop the debarkation of transiting migrants but temporarily also became relevant sending countries.

As figure 1 shows, the number of migrants crossing the Mediterranean in 2011 is only remarkable if it is compared to those of the two previous years. The dramatic decrease in 2009 and 2010 can, as the data shows, be traced back mostly to the limited number of boats arriving

in Italy. The reason might be the conclusion of bilateral agreements between Italy – like other EU Member States – and North African regimes. The infamous agreement between the Berlusconi government and Gaddafi's Libya may serve as an example. The enthusiastically named “Treaty on Friendship, Partnership and Cooperation”, building on a previous bilateral agreement and taking effect in early 2009, foresaw the payment of five billion US Dollars to Libya in compensation for colonial occupation, the delivery of surveillance equipment, joint maritime patrols and a “push-back” practice, which allowed Italy to simply tow interdicted boats to Libya (Frenzen 2011a). The treaty was the target of heavy criticism because the Italian authorities did not screen the claims of the interdicted migrants to determine if they are in need of international protection or need medical attention. Instead, they were quickly brought to Libya, a country that was not party to the UN Refugee Convention and had no asylum system. Instead, Libya had a long record of gross human rights violations and of the mistreatment of migrants (Human Rights Watch 2009). In 2012, the European Court of Human Rights (in the case “Hirsi Jamaa and Others v. Italy”) ruled that Italy violated its human rights obligations by returning migrants to a country where they could be at risk of human rights abuses.

As one quick look at figure 1 shows, the treaty – in combination with other agreements between European and North African states – was indeed very successful in lowering the number of migrants arriving on Italian shores²⁶. In the interest of effective migration control and its underlying security-orientation, Italy – like others – was willing to sign such agreements and thereby undermine its normative “European” values. This can – not to absolve the European actors of their responsibilities – be *explained* to a certain point by the empowerment of certain third countries in this policy area. They had leverage because of their gatekeeper function, i.e. their ability to funnel irregular migrants to the EU or to stop them before they depart. Gaddafi, for example, has threatened to open the gates several times. European governments – and in particular those in the South who rightfully complained about a lack of European solidarity – were anxious to establish control measures and willing to agree on such deals as the lesser of two evils. The resulting close cooperation with authoritarian leaders was however only successful in the short term and based on agreements that were – due to the nature of the regimes – informal or vague (Richey 2012, 12-14). As figure 1 illustrates, these agreements quickly dissolved with the beginning of the Arab Spring and the fall of the regimes in North Africa. As the numbers in figures 1 and 2 show and as Giuseppe Campesi concludes, the number of

²⁶ But from a pan-European perspective, this human rights infringing practice did not result in lower numbers of arriving migrants. Instead, when the central Mediterranean route was more or less shut off, migration flows were simply diverted to other routes, the most important one being the land and sea border between Turkey and Greece (Campesi 2011, 1).

arriving migrants in 2011 was not so much out of the norm. It was the political circumstances that had changed:

“The so-called Arab Spring has unsettled the delicate balance on which the Euro-Mediterranean border-control regime has been built, a balance which, as even the less-critical observers are now forced to admit, hinges on the dirty job of a bunch of police states governed by a regime of permanent emergency. The crisis of the European border regime is thus mainly political, not migratory” (Campesi 2011, 1).

Now that the European migration policy towards its southern neighbours was so fundamentally out of balance, how would the EU react? One way to look at the situation is that the challenges posed by the Arab Spring had opened a window of opportunity to adjust the practices and find solutions for a migration policy that is successful in the long term. And adjustments would certainly be necessary. As keen observers of the situation in the countries of the Arab Spring had noted, it would have long-term effects on migration to Europe. If nothing else, this can be explained by the nature of revolutions: “With history as teacher, the past shows that revolutions tend to be followed by years, and sometimes decades, of instability. Therefore, the above migratory pressures may increase during this time period” (Fargues / Fandrich 2012, 12). Some therefore expected the events of the Arab Spring to represent a “breaking point” in the history of the Union’s migration policy, similar to the terror attacks at the beginning of the century or the enlargement process (Campesi 2011, 1) and saw the collapse of old agreements – which had revealed the vulnerabilities and defects of the old approach – as a chance to reform the European migration policy and reconsider the strong focus on restrictive measures (Carrera 2011, 3).

6.2. Europe’s short-term response – panic and unilateral initiatives

The events of the Arab Spring brought migration to the top of the EU’s political agenda. All in all, about 1.1 million people were fleeing from the violence in Libya and the uncertainty in Tunisia further increased the migratory flows. While the overwhelming majority sought refuge in neighbouring North African countries, many also tried to reach European soil and the southern Member States of the EU soon experienced increased migration pressure. Italy, the most affected European country, witnessed the arrival of more than 40,000 irregular migrants at its shores within the first nine months of 2011. To a lesser extent, the same is true for Malta and Spain (Fargues / Fandrich 2012, 4). As the two Member States closest to Libya and Tunisia, Malta and Italy soon tried to involve the EU. While Malta – lacking political influence and

resources, was pushing for a European solution, Italy intended to use the Union level as an addition to its own bilateral efforts. But at least in the short term – and although Commissioner Malmström stated that the inflow of refugees was “a truly European issue” (as cited in Campesi 2011, 14) – the frequently invoked and praised “European solidarity” was not really to be found.

Looking at both internal and external responses, Carrera et al (2012) found four emergency reactions from the European institutions. Firstly and as a clear example of the security-focused approach to migration, the Union intensified its border control and surveillance efforts in the Mediterranean. As soon as in February 2011, the new Frontex operation “Hermes” began. Led by the Italian navy and assisted by several Member States the operation aimed at controlling boats trying to reach EU territory (Carrera et al 2012, 4).

The second emergency response listed by Carrera et al was the strengthening of “capacity building” to fight irregular migration to the Union. Since the old – mostly bilateral – agreements had crumbled away, the EU now put pressure on the new and fragile democratic leaderships in Tunisia and Libya to cooperate in the control of irregular migrants by preventing departures and accepting the repatriation of their nationals. Individual Member States quickly tried to reach new arrangements with the powerholders in Tunis and Tripolis. The Union soon followed and increased the pressure, offering aid in exchange for cooperation on migration matters (Carrera et al 2012, 5). According to migrant support groups from both sides of the debate, the post-revolutionary Tunisian officials were at first not willing to sign the same kind of agreement as had been in place before – migration should not be treated as a mere security issue anymore (Maccanico 2012, 2). This new firm stance on migration issues once again highlights the lack of leverage on the EU’s side. The strongest arguments in the Union’s foreign affairs – EU accession, financial assistance and visa facilitation – were either not an option, not sufficient or could not be achieved within a few weeks (Richey 2012, 15). In the end, Tunisia did however accept a new bilateral arrangement with Italian authorities. On April 6 2011, the two parties signed a readmission agreement. While the Italian government had to grant temporary residence permits to Tunisians who had already reached its territory by then, Tunisia agreed to accept the readmission of all its own nationals arriving after this date. Allegedly, the compromise furthermore foresaw increased cooperation between the two countries’ security forces and the provision of hundreds of pieces of equipment – patrol boats and off-road vehicles – to Tunisia (Frenzen 2011b).

The temporary residence permits issued by Italy to thousands of irregular migrants bring us to the third emergency response: the partial suspension of the Freedom of Movement in the EU.

Crisis like the one in southern Italy in early 2011 can also be seen as a test to the freely used concept of “European solidarity”. Italy and Malta were more or less left alone with the massively increasing numbers by their European partners. Since many migrants arriving from North Africa were actually trying to reach France – maybe due to pre-existing personal networks or the absence of a language barrier in that country – the authorities in Paris soon experienced increasing numbers of irregular border crossings from Italy. With the issuing of temporary residence permits by Italy in April 2011, free travel to all other Schengen countries became legal. France reacted by reintroducing border controls – thereby limiting the Freedom of Movement, one of the key achievements of European integration – and did not accept the Italian permits (Carrera et al 2012, 7; Richey 2012, 4-6). As can be expected, this resulted in a small political crisis in the EU and in 2013 led to an adaptation of the Schengen agreement²⁷.

The fourth and last emergency response in the EU were attempts to alleviate the refugee crisis in North Africa. The Commission launched a Regional Protection Programme (RPP) for North Africa to help the governments in the region with capacity-building in refugee assistance. As previously described, RPPs are intended to support the management of refugee crisis in proximity to the relevant countries of origin. In the case of the Arab Spring, these were primarily Libya and Tunisia. In addition to the RPP, the EU also encouraged the resettlement of stranded refugees to European countries. These efforts can however only be described as a failure, with only several hundred out of hundreds of thousands fleeing their home actually being resettled in the EU (Carrera et al 2012, 10).

Although not all of them touch upon the external dimension of migration, all four emergency responses were clearly intended to limit the arrival of migrants in Europe. Three of them – the increased control and surveillance of the external borders, pushing for new agreements on readmission and limiting the Freedom of Movement – are clearly control-oriented. Migrants are portrayed as a threat to internal security and social cohesion and if they cannot be stopped at the external borders, internal border controls or ultimately sending them back to North Africa were presented as the solution. The fourth and only not security-driven short-term response was the creation of a Regional Protection Programme and the call for the resettlement of refugees to the EU – an attempt that basically failed. The European Commission is apparently aware of this very one-sided approach. A speech by EU Commissioner Cecilia Malmström, delivered at Harvard University in 2012, basically sums up the clearly control-focused short-term response

²⁷ see EU Regulation No 1289/2013.

by the EU and its Member States to the far-reaching changes and the refugee crisis in North Africa:

“Despite the clear humanitarian need, no European State took any serious initiative to provide shelter on its own soil to those in need of international protection [...]. Instead of solidarity among Member States, France and Italy quarrelled about possible risks for their internal security, with France even reinforcing controls at the internal border with Italy. So, instead of reaching out and protecting, the EU Member States were inward-looking and security oriented. In 2011, the EU missed a historic opportunity to demonstrate its commitment to the foundations it is built on. It is as if we'd said to them ‘It is wonderful that you make a revolution and want to embrace democracy but, by all means, stay where you are because we have an economic crisis to deal with here’” (Malmström 2012).

6.3. Long-term adjustments

After the initial panic reactions in Brussels and Member States’ capitals, the EU stepped up its action by creating a new approach for the region and partly revising its migration policy. It took the Union only a few months to offer its southern neighbours a new and comprehensive form of dialogue.

In March 2011, the Commission – as a reaction to the tumultuous changes in its neighbourhood – published a Communication on the events and offered “A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean” (PDSP) (European Commission 2011a). The PDSP document mentioned migration only as one of many issues and had no concrete offers but it *proposed* the creation of new partnerships and starting comprehensive dialogues with North African states. The Commission itself acknowledged that its actions up until then were nearly exclusively control-oriented and justified this with the emergency situation and the rapid development of the situation in North Africa and in the southern European Member States. While the PDSP floated the idea of a more comprehensive approach and the establishment of dialogues, the Commission “Communication on Migration” from early May 2011 justifies the firm stance on irregular migration and the focus on readmission as necessary to avoid creating a pull factor for more illegal border crossings to the EU. However, it also specified the proposed dialogues to a certain extent and promised an approach that would include legal migration matters:

“The need to address this challenging and evolving situation should not lead to a short-term approach limited to border control without taking account of long-term issues. Dialogue and cooperation with

countries of origin and of transit of these migrants is essential. Such collaboration needs to be built on security and good governance for the establishment of mutually beneficial policies in the field of legal migration” (European Commission 2011b, 3).

Just a few weeks later, the Commission published another Communication, building on the promises of the PDSP document. It introduced the concept of “A dialogue for migration, mobility and security with the southern Mediterranean countries“ (DMMS). Although it initially came to the rather incomprehensible conclusion that the Union’s short-term emergency response was “swift, comprehensive and effective” (European Commission 2011c, 3), the DMMS document also saw a need for a more structured and sustainable plan to deal with the new realities in North Africa. It therefore proposes the establishment of partnerships with the countries of the southern Mediterranean for the benefit of both parties and makes explicit reference to the Global Approach to Migration. The dialogues overall aim was seen in supporting and encouraging reforms in the partner countries, thereby addressing the root causes of migration and at the same time giving third country nationals enhanced possibilities of mobility towards the EU.

These partnerships would be individually designed for the situation in a given country, would be negotiated between the EU and its Member States on the one side and single third countries on the other side, would be based on conditionality – i.e. on the progress made – and would be monitoring the implementation of all agreements. It also listed certain possible measures like voluntary return arrangements, readmission, Frontex Working Arrangements or capacity building in border management and surveillance matters. It furthermore mentioned legal migration and circular migration schemes as incentives for the partner countries. However, because the latter does not go beyond the very limited groups of students, researchers and business interests – the only communitarised legal migration issues – the Commission could once again only refer to the Member States competences in these matters (European Commission 2011c).

If all these mentioned goals and measures seem familiar, one just has to look back to chapter 5.2.2.5. about Mobility Partnerships. In fact, the document explicitly links the dialogues to the GAM and its “flagship” tool. The DMMS document promises a new approach to migration from southern Mediterranean countries but they seem to be little more than a step towards the conclusion of Mobility Partnerships, focusing on all the same basic conditions. From an outside perspective, it is hard to see the additional value of having another “layer” between the overall Global Approach and the more action-oriented Mobility Partnerships. But considering that none

of the North African countries had concluded such an agreement with the EU prior to the Arab Spring, the creation of the DMMS simply could not do any harm. Extending the dialogues with its southern neighbours in such a way can be seen as a first step towards the establishment of close cooperation frameworks. And in fact, both Morocco (2013) and Tunisia (2014) have signed Mobility Partnerships since the DMMS was created.

But as is the case with Mobility Partnerships, the very limited availability of legal migration options make the DMMS-approach rather unbalanced. In fact, the dialogues' order of priorities – control of migration clearly topping legal forms of mobility and concerns about migrants' security and rights – is obvious in the conclusions of a Justice and Home Affairs Ministers meeting, held about a month before the DMMS document was published and already outlining the nature of such dialogues:

“This dialogue should in first instance, focus on the identification and promotion of measures which can contribute in a concrete and effective way to the prevention of illegal migration, to the effective management and control of their external borders, to the facilitation of the return and readmission of irregular migrants, and to the development of protection in the region for those in need, including through regional protection programmes. Subsequently, this dialogue could explore the possibilities for facilitating people-to-people contacts using instruments such as mobility partnerships” (Council of the EU 2011).

The dialogues therefore have an obvious work order from the European governments. Instead of opening more channels for potential migrants from North Africa, they would first and as a precondition have to limit irregular migration to the EU, ease repatriation and intensify border controls. This was a shift from the EU's initial praise of the Arab countries' fight for democracy and the ideal of supporting these developments by offering dynamic mobility instruments.

In November 2011, the Commission also re-launched the Global Approach. As it says in the corresponding document (European Commission 2011d), an internal evaluation of the GAM had shown shortcomings regarding “policy coherence with other policy areas” and the “thematic and geographical balance”. This “thematic” imbalance identified by the Commission seems to acknowledge that the prior approach was too control-oriented and simply lacked any meaningful legal migration options. The new and renamed “Global Approach to Migration *and Mobility*” (GAMM)²⁸ is now based on four pillars: legal migration and mobility, irregular migration and trafficking in human beings, international protection and asylum policy as well

²⁸ Mobility, in the eyes of the Commission, is a much broader concept than migration and therefore expands the scope of the new Global Approach. The way in which the term is used does however seem like it is little more than a proxy-word for *legal, controlled or temporary* migration.

as the development impact of migration and mobility. This stronger emphasis on legal migration matters, development promotion and the repeatedly stressed and cross-cutting respect for migrants' rights²⁹ can be interpreted as the start of a new phase of the Global Approach. This more strategic initiative foresees the implementation of the GAMM's goals through the aforementioned migration and mobility dialogues and the subsequent conclusion of Mobility Partnerships. As an option for cooperation frameworks where one side or the other is not ready to sign Mobility Partnerships, the Commission developed a second, less ambitious and concrete form of cooperation: the "Common Agendas for Migration and Mobility" (CAMM)³⁰. Both of these instruments would have to be applied in a tailor-made and country-by-country framework, taking into account the interests and needs of both sides.

The renewed and renamed Global Approach did not only include the EU's concept of *mobility* in its title but also added mobility issues to the potential offers for third countries. All aspects of migration and mobility would now be discussed with third countries under the GAMM's umbrella. In the course of the negotiations, all actors – the Commission, the third country and interested Member States – then try to find common ground and compromises, balancing the interests at stake and putting together a package. Based on the compromises found in this country-by-country approach, these packages – ideally in the form of Mobility Partnerships – can consist of aspects of all four GAMM pillars. Because the interests of the two sides naturally differ, it is hardly conceivable that the focus would be on only one pillar. Instead, the more-for-more way of thinking practically guarantees a more balanced outcome.

It is however clear that the goals of the EU and its Member States are not the same as those of the partner country. While improved migration *control* in and from the third countries – from the establishment of an asylum system to effective border controls and eased repatriation – can be expected as the driving force behind the European efforts, the third countries' motivation for strengthening the cooperation with its European partners is legal migration³¹. Legal migration matters are however still – as outlined in chapter 5 – overwhelmingly in the hands of the Member States. Within the Mobility Partnership framework, the Commission is trying to

²⁹ The Commission stressed the human perspective of its "migrant-centred" approach and felt the need to clarify that "[i]n essence, migration governance is not about 'flows', 'stocks' and 'routes', it is about people" (European Commission 2011d, 6).

³⁰ While CAMMs are initially limited to a set of recommendations, targets and commitments for dialogue – thus not requiring negotiations on Readmission or Visa Facilitation Agreements – they can at a later stage be upgraded to Mobility Partnerships if both parties are interested in such an intensification (European Commission 2011d, 11).

³¹ Or, as explained in the chapter on Mobility Partnerships, European pressure and concessions in other fields than migration.

include this sensitive issue in a package. If Member States want concessions from third countries on other tough topics, they might be required to offer more channels for labour migration, circular migration schemes, etc.

But how is this reflected in the implementation? Stefan Kessler from the *Jesuit Refugee Service* concludes that while the EU documents might speak of a balanced approach, these promises cannot be found in the actual cooperation. The Europeans are pushing for more controls of migration and are not offering enough in return, resulting in a clear imbalance. The GAMM's four pillars in the end simply do not have the same size. He criticizes that the Member States have blocked the Commission's efforts to strengthen legal migration matters in the cooperation with third countries. In his eyes, more channels for legal migration could also reduce the pressure on the EU's external borders (Interview 2). Martin Hofmann from the ICMPD also points out in an interview that the re-launched GAMM does not represent a major overhaul of the Global Approach and was not able to solve the old problem of limited legal migration options for third country nationals. He does however acknowledge the strengthened role of development aspects and that the GAMM has clearly established itself as the key political program in the external dimension of migration (Interview 4).

Scholars looking at the Mobility Partnerships and their suitability for reaching the GAMM's objectives come to similar conclusions. Maroukis and Triandafyllidou appreciate the new political impetus that came with the GAMM but also identify the unsatisfactory legal migration possibilities. As the "carrot" in negotiations, they are not big enough to counterbalance the "stick", which comes in the form of border control measures or readmission (Maroukis / Triandafyllidou 2013, 5). Carrera, den Hertog and Parkin describe Mobility Partnerships as a good framework to pursue the EU's nearly exclusively control-oriented external migration orientation because they allow the Union to "[utilise] the discourse of development, partnership and mobility promoted by the Global Approach, without altering its traditional policy goals" (Carrera et al 2012, 12). For them, the supposedly comprehensive approach to migration from North Africa in the wake of the Arab Spring resembles the policies enacted in early 2011 – which were short-term (panic) reactions and clearly security-oriented. The Mobility Partnerships, as the "flagship" of the GAMM have two major deficits: limited real mobility in the form of legal migration and the imbalanced partnership – sometimes resembling a monologue more than a dialogue (Carrera et al 2012, 11-14). In their analysis of existing Mobility Partnerships, Cassarino and Lavenex (2012) also found that despite a changed

rhetoric, readmission and other control-oriented measures still dominate the EU's external dimension.

The EU's external border control agency Frontex has grown in importance and financial capacity ever since it started operating in 2005. As figure 3 shows, the agency's budget has grown from around five million Euro in its first year to nearly 100 million in 2014. The highest sum ever made available from the EU's resources was however reached in 2011, the year of the Arab Spring, when the original draft budget of around 86 million Euro was significantly increased and reached nearly 120 million. The only reasonable explanation for this spike are the events of the Arab Spring and the high numbers of irregular migrants trying to cross the Mediterranean that year.

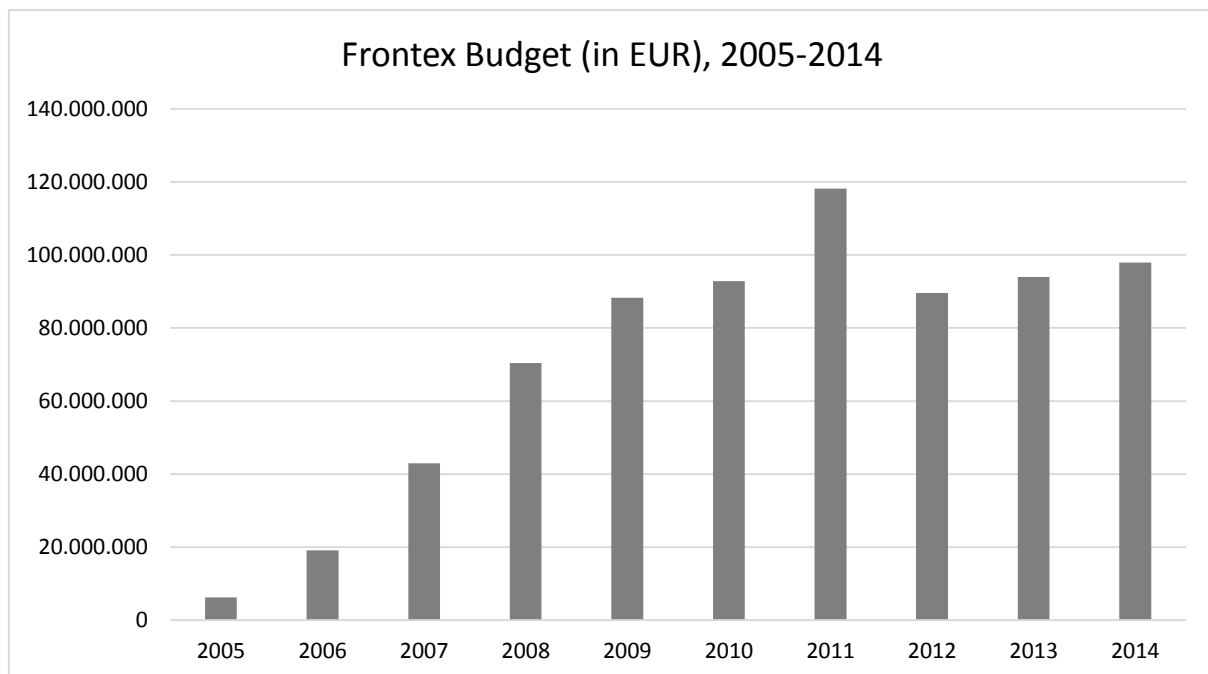


Figure 3: Frontex Budget (in EUR), 2005-2014. Source: Frontex budget reports (2014c).

Frontex operation “Hermes” was already mentioned as one of the Union's emergency reactions in early 2011. At the end of the same year, the agency as a whole was modified. The amended Frontex Regulation 1168/2011 (European Parliament and Council of the EU 2011) envisaged enhanced operational capacity and more effective assistance to partner countries for the operational aspects of their border management efforts. Some of the amendments clearly broadened Frontex' mandate in its relations with third countries. Besides concluding Working Arrangements – the agency's crucial cooperation agreements for operational measures – Frontex was enabled to send and receive liaison officers to/from partner countries. Additionally, it can now initiate and finance projects for technical assistance. What remains, however, is the

lack of transparency and democratic accountability – with the European Parliament still being side-lined in important aspects (Statewatch 2012). Today, Frontex is being supported by the work of the new EU information exchange system Eurosur. Since the end of 2013, Eurosur – a network of 18 Member States, Norway and Frontex – is tracking irregular migration movements into the EU. The data, which is collected by satellites, drones, aircrafts or sensors, is combined and enriched by Frontex and subsequently shared with the other members (Frontex 2014d).

Lastly, the European Neighbourhood Policy received a new strategy in May of 2011. Although a review had been initiated in 2010, the events in the Mediterranean region underlined the need to look closely at the developments in the Union's neighbourhood and appropriate reforms of the ENP. The Commission and High Representative Catherine Ashton noted that the developments in the MENA region required an assessment of the Union's relationship with its neighbours. With the ENP's broad mandate and the far-reaching changes in the EU's neighbourhood, migration did not get a more prominent role. The document did however call for strengthened efforts in the fields of visa facilitation, the conclusion and further development of Mobility Partnerships and the Member States' full use of the Union's limited legal migration options (European Commission and High Representative of the European Union for Foreign Affairs and Security Policy 2011).

Those are the initial short- and long-term reactions to the Arab Spring and the increased number of irregular migrants arriving on European shores. But the development of the EU's migration policy and its external dimension did of course not stop here. As figure 2 shows and as was discussed, significantly less people entered the Union illegally in 2012. But in the following year, the number went back up to a pre-Arab Spring level. And the number of people arriving via the more dangerous sea route in 2013 was just as high as in the year of the Arab Spring. In 2014, this number increased again dramatically. This is part of the reason why migration is still very high on the agenda of European policy-makers, the media and the public. Other important reasons for this continued attention are visibly sinking boats in the Mediterranean, pictures of hundreds of desperate migrants trying to climb the fences of Spanish exclaves in Morocco and the ongoing humanitarian disaster in Syria. But if there is one event that has to be singled out, it would be the tragedy that happened right in front of the beaches of the southern Italian island of Lampedusa in October 2013. After their boat – reportedly coming from Libya and carrying mostly sub-Saharan Africans – started taking in water just off the coast of Lampedusa, the desperate passengers started a small fire on board as a call for help. Until the Italian authorities started a rescue mission, more than 360 people had died (Guild / Carrera 2013, 1; Coppens

2013, 589). Possibly as a result, the Italian government started operation “Mare Nostrum”, trying to detect migrants on boats as soon as possible, bring them to its territory and identify and prosecute people smugglers. Mare Nostrum ended in October 2014, however, and was replaced by the significantly less ambitious Frontex-mission “Triton” which covers an area of only 30 sea miles off the European coast. Additionally, the already mentioned EU information exchange system Eurosur is now tracking all movements in the Mediterranean to identify irregular migration as soon as possible.

7. A new approach?

The Arab Spring did – as has been shown – indeed trigger political and practical movement. The at least locally dramatically increased number of arriving irregular migrants led some to expect a major shift in the Union’s approach. This is especially true for those who were critical of the migration policy as it was in place in 2010. But their hopes that the events of 2011 would be a “breaking point” and lead to a major shift of priorities were soon proven wrong. Instead of an – admittedly unrealistic – complete overhaul, just some aspects were redesigned or added to the overall structure of the EU’s migration management policies. In this chapter, I will try to find an answer to the research question of this thesis:

Given the effects of the Arab Spring on migration to the European Union, to what extent has the EU since then changed the external dimension of its migration policy?

To recapitulate the development of the external dimension: Its roots as a policy field on the European level go back several decades, more precisely to 1974, when the Council called on the Commission to increase cooperation with third countries on migration matters. In the following years, the supranational institutions – the Commission and the Parliament – supported the establishment of such an external dimension and pushed it forward. The development was however very slow because neither of them had the necessary competences to shape the migration agenda and all relevant aspects remained in the hands of the Member States. Although a *comprehensive approach* had already been called for in 1987, it took until the end of the millennium for such a broadening of the approach to become reality – and some might argue that the Union’s current migration management is still by no means really comprehensive. During the 1990s, it was the transgovernmental Council of the EU which dominated the debate.

Therefore, the EU's extra-territorialisation measures were rather one sided towards the restriction of migration. They did not include any policies to tackle the root causes of migration to the Union or to encourage it. Classic national approaches of migration management were simply adopted on the European level and migration *control* policies were thus shifted further away from EU territory. The coordination of national visa policies in the Schengen Area, the conclusion of early Readmission Agreements, the adoption of the *safe third country rule* or the introduction of *carrier liability* – criminalising those who transport irregular migrants across borders – were the first steps of the external dimension on a European level. The only significant aspect of this early version of the external dimension that did not solely intend to make migration to the Union harder, were the effects of its enlargement. This powerful foreign policy instrument is important in this context because it requires potential new members to adopt the *acquis communautaire* and therefore affects migration matters as well. But besides that, the Union's approach was overwhelmingly security-driven and tried to restrict and control migration.

With the Amsterdam Treaty and the creation of the *Area of Freedom, Security and Justice* (AFSJ) the picture changed. The role of the Council became less important and the external dimension grew in quality and in quantity. 1999 can indeed be described as a turning point in this regard. Important competences in asylum and migration matters were shifted to the Union level and it became more active beyond its borders. Over the years and based on the Amsterdam Treaty and the Tampere, the Hague and Stockholm Programmes, which provided the political framework, migration was incorporated in many aspects of foreign affairs and became a crucial part of it. It also became more varied, moving away from the predominantly control-oriented former version of external migration management. Preventive measures and some aspects of legal migration were now debated on the Union level and the EU institutions adopted several far-reaching policies, covering the whole topic. Nevertheless, the Union was still criticised for providing an unbalanced policy-mix with a dominating focus on restrictive measures. Additionally, it was blamed by some for the conditions at its external borders, with hundreds or thousands of desperate people drowning each year while they try to reach the EU and with it a better life.

2011 was – to say the least – a challenging year for the European Union's migration management, affecting both its internal and its external components. The violent response of the Libyan armed forces against initially peaceful protests led to a civil war. Hundreds of thousands of Libyan nationals and migrants within the country had to flee their homes and while

the overwhelming majority found refuge within the Libyan territory or in neighbouring states, many also tried to leave the violence far behind and flee to the safe haven of the EU. Additionally, the situation in many other countries of the Arab world was somewhere between unstable and chaotic. Especially in Tunisia and Egypt, two important countries of transit for migrants trying to reach Europe, the collapse of state power and the lack of border controls contributed to record numbers of irregular migrants coming to the EU. In previous years, the Union and its Member States had concluded a number of agreements with these countries and an evaluation of the overall effectiveness of the external dimension at the end of 2010 might have been very positive. The conclusions could have been that it had successfully limited the number of irregular migrants reaching Europe and that the increased cooperation with third states showed the intended effect. But just a few months later, the picture had changed considerably.

As the events of the Arab Spring demonstrated, the Union's approach was only successful in the short-term and some institutional arrangements became obsolete with the toppling of the autocratic regimes which had signed them. As was discussed and as figure 2 shows, the number of irregular border crossings to the EU grew by 35 % from 2010 to 2011. Most importantly, the number of those who arrived via the dangerous Mediterranean route was nearly five times as high as in the previous year. After a significant but short-lived decrease in 2012, increasing numbers of people reached European territory again in the last two years. Especially 2014 saw new record numbers – with more than 200,000 people crossing the sea to reach the EU.

These considerable challenges led some to expect a major turn in the EU's approach of external migration management. And the Union did indeed react. Both short-term and long-term measures were taken. The short-term measures have to be described as panic-driven and one-sided. The EU's quick response included: intensified control of the external borders and the Mediterranean; hasty bilateral negotiations to re-establish the old agreements; unsuccessful attempts to improve the situation of refugees in North Africa and encourage resettlement to the Union; and reintroduced border controls within the Schengen area. Clearly, these emergency responses were predominantly intended to limit migration to Europe.

And within just a few weeks, the Union also changed parts of the political frameworks of migration management. The "Partnership for Democracy and Shared Prosperity with the Southern Mediterranean" (PDSP) called for a more comprehensive approach to external migration management, including a more prominent role of legal migration matters. The concept of "A dialogue for migration, mobility and security with the southern Mediterranean

countries“ (DMMS) further explained these goals. Among other aspects of migration, the DMMS document pointed to the necessity of enhanced possibilities of mobility for third country nationals. However, the communitarised aspects of legal migration to the EU remained marginal and the Member States maintained their dominant role in this field.

The same problem remained for the Global Approach, which was re-launched in late 2011 as the “Global Approach to Migration and Mobility” (GAMM) after an internal evaluation had described the old GAM as imbalanced. The new GAMM’s four-pillar structure includes legal migration matters, international protection and development – together with the ubiquitous call for irregular migration control. The implementation should as before be done in the course of Mobility Partnerships, i.e. on a one-for-one and more-for-more basis. This is intended to force all sides to make concessions if they want a far-reaching agreement. For example, opening more channels of legal migration might become more attractive for the EU Member States. However, the GAMM cannot really be described as a major overhaul of the Global Approach and critics argue that it does not live up to its promises. The Mobility Partnerships two main deficits – still limited legal migration options and an imbalanced “partnership” in the EU’s favour – persist. Two other important parts of the Union’s external dimension of migration – the European Neighbourhood Policy and the border control agency Frontex – were also modified in 2011. While there were no significant changes in the ENP’s approach to migration, Frontex’ mandate in its relations with third countries was broadened. However, the agency’s lack of transparency and democratic accountability remain.

It has to be acknowledged that the Union is trying to come to balanced and therefore more solid agreements with third countries. Especially the Global Approach’s promise of individually designed arrangements based on a more-for-more approach tries to create real partnerships for the benefit of both parties and all migrants. The GAMM’s – and with it the Mobility Partnerships’ – biggest flaw remains however: matters of legal migration are nearly exclusively in the hands of the Member States. When and if these aspects are offered to third countries can therefore not be influenced by the EU as an actor in its own right. The expansion of Frontex’ mandate does not help to reduce the imbalance of the overall external dimension. Quite in contrast to the achieved comprehensiveness of its migration policy, Frontex and other recent measures like the establishment of Eurosur make restrictive and control-oriented policies even more dominant.

Coming back to the theoretical concept of Securitization, how can the changes since 2011 be classified? I would argue that migration in the EU has been deeply securitized, that the issue is

all too often perceived as a threat and is sometimes dealt with in ways out of the normally politically possible. This is of course not true for all of the Union's efforts, which include progressive and development-oriented measures. The developments in early 2011 and up until now can therefore not summarily be categorized as results of the securitization of migration in the EU. Some of them do however seem like the outcome of such a notion. On the one hand, there is a clear continuation of trends that had started years before the Arab Spring. Control-oriented policies still dominate the EU's external dimension, with joint border controls or the focus on Readmission Agreements as the most obvious signs. And on the other hand, recent developments such as Frontex' broadened mandate, the establishment of Eurosur or the possibility of reintroduced border controls within the Schengen area have to be interpreted as the outcome of the securitization of the issue.

Summed up and to answer the research question of this thesis, it can be said that significant parts of the EU's external migration policy were redesigned in 2011 but the overall direction and priorities remain the same. The extent to which the external dimension has changed since the Arab Spring is therefore limited and today's policies still closely resemble the situation as it was before 2011. The effects of the unrest in the MENA region certainly brought the issue of migration to the top of the Union's political agenda and initiated an unusual activity in this field – but the external dimension did not change dramatically and the Arab Spring therefore certainly does not represent a “breaking point” in this regard. In my eyes, it would be wrong to blame the European Commission for this lack of progress. As has been shown, it is pushing for changes and is trying to reach a more balanced and comprehensive approach. However, the situation looks very different from that ideal. Today's external dimension can only be described as comprehensive on paper. And it is far from being balanced, with legal migration and preventive, development-oriented policies being clearly overshadowed by restrictive ones. What would be needed for a substantial change to the external dimension is political will in the Member States and the intergovernmental European institutions. As long as they do not feel the need to act, the external dimension of migration will remain more or less the same. Apparently, the effects of the Arab Spring were not enough to lead to a general review of Europe's approach and initiate far-reaching changes.

Some of my interview partners came to similar conclusions. For Elias Bierdel from the NGO *borderline-europe*, the Union has missed a big chance to change its relationship with North African states after the Arab Spring. All he sees is a more lively debate and mere rhetorical changes (Interview 1). ICMPD-researcher Martin Hofmann does not see any substantial shifts

either. According to him, the available policy instruments remained more or less the same and the overall development of the external dimension was not really disrupted. It is, in his words, “characterised by continuity”. This includes legal migration matters, which are still underdeveloped. Blaming the European Union for this would however be wrong, as he argues. Its actions can only be based on its competencies. This might also be the reason for the impression that the EU focuses predominantly on restrictive measures (Interview 4). An official from DG Home interviewed for this thesis does also not come to the conclusion that the EU’s migration policies were changed as a reaction to the Arab Spring. What happened was that the migration *realities* in and around Europe had changed with the events in early 2011. In his eyes, this did call for adaptations – building up on the established approach (Interview 5). Referring to repeated tragedies in the Mediterranean, my second interview partner from DG Home – an expert for legal migration matters – sees a need to further develop and slightly adapt the EU’s migration management. Additionally, legal migration matters are becoming more important in the Union, as he argues. Especially the Lisbon Treaty has changed the framework in this respect. Due to the new decision-making process, he argues, the Union is able to take more initiatives in this policy field (Interview 3).

It remains to be seen how the European Union’s approach to migration will develop over the next years. As has been said, today’s external dimension has to be described as neither balanced nor comprehensive. Due to a lack of competencies in some crucial policy fields and maybe even one-sided priorities, it focuses on migration control considerably more than on other policy areas. Especially legal migration matters remain underdeveloped on the EU level. It does however seem as if the Union is trying to step up its efforts in this respect. In his mission letter to the responsible Commissioner, the new Commission President Jean-Claude Juncker highlighted the need to change the Union’s – or at least the Commission’s – approach: “Europe needs to manage migration better, in all its aspects. [...] We need to show that the EU can offer both a compelling case to attract global talent, and a vision of how to robustly address the challenge of irregular migration” (European Commission 2014c). And Commissioner Avramopoulos, when asked in the European Parliament about his priorities in the area of migration, started his answer by referring to the central role of “establishing a new European approach on legal migration” (European Parliament 2014). In its work programme, the Commission has thus declared that it wants to limit irregular migration while also opening more channels for legal migration to the Union. This would indeed be an important step towards a more balanced and comprehensive approach to migration, thus extending the reach and maybe

the effectiveness of the EU's migration policy. It will remain to be seen, if the Union will really move towards a less control-oriented migration management in the future.

BIBLIOGRAPHY

- Alston, Philip / Weiler, J.H.H. (1998): *An 'Ever Closer Union' in Need of a Human Rights Policy: The European Union and Human Rights*. Harvard Law School.
- Aradau, Claudia (2004): *Security and the Democratic Scene: Desecuritization and Emancipation*. Journal of International Relations and Development, 7. 388-413.
- Balzacq, Thierry (2005): *The Three Faces of Securitization: Political Agency, Audience and Context*. European Journal of International Relations, 11(2). 171-201.
- Balzacq, Thierry (2011): *Constructivism and Securitization Studies*. In: Cavelti, Myriam Dunn / Victor Mauer (eds.): *The Routledge Handbook of Security Studies*. Routledge, London.
- Barbé, Esther / Johansson-Nogués, Elisabeth (2008): *The EU as a modest 'force for good'. The European Neighbourhood Policy*. International Affairs, 84(1). 81-96.
- Bendel, Petra (2005): *Immigration Policy in the European Union: Still bringing up the walls for fortress Europe?* Migration Letters, 2(1). 21-32.
- Berg, Eiki / Ehin, Piret (2006): *What Kind of Border Regime is in the Making? Towards a Differentiated and Uneven Border Strategy*. Cooperation and Conflict, 41(1). 53-71.
- Bicchi, Federica (2006): *'Our size fits all': normative power Europe and the Mediterranean*. Journal of European Public Policy, 13(2). 286-303.
- Bigo, Didier (2000): *When two become one: internal and external securitizations in Europe*. In: Kelstrup, M. / M.C. Williams (eds.): *International relations theory and the politics of European integration: power, security and community*. Routledge., London.
- Boswell, Christina (2003): *The 'external dimension' of EU immigration and asylum policy*. International Affairs, 79(3). 619-638.
- Buonfino, Alessandra (2004): *Between Unity and Plurality: The Politicization and Securitization of the Discourse of Immigration in Europe*. New Political Science, 26(1). 23-49.
- Buzan, Barry / Waever, Ole (1997): *Slippery? Contradictory? Sociologically untenable? The Copenhagen school replies*. Review of International Studies, 23. 241-250
- Buzan, Barry / Waever, Ole / de Wilde, Jaap (1998): *Security. A New Framework for Analysis*. Lynne Rienner Publishers, Boulder.
- Campesi, Giuseppe (2011): *The Arab Spring and the Crisis of the European Border Regime. Manufacturing Emergency in the Lampedusa Crisis*. EUI Working Papers, RSCAS 2011/59. Robert Schuman Centre for Advanced Studies, European University Institute.
- Carrera, Sergio (2007): *The EU Border Management Strategy. FRONTEX and the Challenges of Irregular Immigration in the Canary Islands*. CEPS Working Document No. 261/March 2007.

- Carrera, Sergio (2011): *The EU's Dialogue on Migration, Mobility and Security with the Southern Mediterranean. Filling the Gaps in the Global Approach to Migration*. CEPS Paper in Liberty and Security in Europe, June 2011.
- Carrera, Sergio / den Hertog, Leonhard / Parkin, Joana (2012): *EU Migration Policy in the wake of the Arab Spring. What prospects for EU-Southern Mediterranean Relations?* MEDPRO Technical Report No. 15/August 2012.
- Cassarino, Jean-Pierre (2009): *EU Mobility Partnerships. Expression of a New Compromise*. European University Institute. Available online: http://oppenheimer.mcgill.ca/IMG/pdf/10_03_MPI_Cassarino_EUMobilityPartnerships.pdf (last accessed: 04.11.2014).
- Cassarino, Jean-Pierre / Lavenex, Sandra (2012): *EU-Migration Governance in the Mediterranean Region: The Promise of (a Balanced) Partnership?* IEMed Mediterranean Yearbook. 284-288.
- Castan Pinos, Jaume (2009): *Building Fortress Europe? Schengen and the Cases of Ceuta and Melilla*. Centre for International Border Research Working Paper, WP18.
- Castles, Stephen (2006): *Back to the Future? Can Europe meet its Labour Needs through Temporary Migration?* International Migration Institute, Working Paper No. 1 (2006).
- Chou, Meng-Hsuan (2009): *The European Security Agenda and the 'External dimension' of EU Asylum and Migration Cooperation*. Perspectives on European Politics and Society, 10(4). 541-599.
- Chou, Meng-Hsuan / Gibert, Marie (2012): *The EU-Senegal mobility partnership. From launch to suspension and negotiation failure*. Journal of Contemporary European Research, 8(4). 409-427.
- Ciută, Felix (2009): *Security and the problem of context. A hermeneutical critique of securitisation theory*. Review of International Studies, 35. 301-326.
- Coppens, Jasmine (2013): *The Lampedusa Disaster: How to Prevent Further Loss of Life at Sea?* TransNav – the International Journal on Marine Navigation and Safety of Sea Transportation, 7(4). 589-598.
- Council of the EU (2004a): *Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network*, OJ 2004, L64/1.
- Council of the EU (2004b): *Directive (2004/114/EC) on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service*.
- Council of the EU (2005a): *The Hague Programme: strengthening freedom, security and justice in the European Union*.
- Council of the EU (2005b): *Directive (2005/71/EC) on a specific procedure for admitting third-country nationals for the purposes of scientific research*.
- Council of the EU (2008): *European Pact on Immigration and Asylum*, 24 September 2008, 13440/08.

- Council of the EU (2011): *Council Conclusions on the management of migration from the Southern Neighbourhood*. 3081st Justice and Home Affairs Council meeting Luxembourg, 11 and 12 April 2011.
- De Haas, Hein (2007): *Turning the Tide? Why Development Will Not Stop Migration*. Development and Change, 38(5). 819-841.
- Demmelhuber, Thomas (2011): *The European Union and illegal migration in the southern Mediterranean: The trap of competing policy concepts*. The International Journal of Human Rights, 15(6). 813-826.
- Dover, Robert (2008): *Towards a Common EU Immigration Policy: a Securitization Too Far*. European Integration, 30(1). 113-130.
- Düvell, Franck (2006): *Europäische und international Migration. Einführung in historische, soziologische und politische Analysen*. Literaturverlag, Hamburg.
- European Commission (1974): *Action programme in favour of migrant workers and their families*. COM (74) 2250 final.
- European Commission (1985): *Commission Decision of 8 July 1985 setting up a prior communication and consultation procedure on migration policies in relation to non-member countries*. 85/381/EEC.
- European Commission (1991): *Commission Communication to the Council and the European Parliament on Immigration*. COM/91/1855.
- European Commission (1994): *Communication from the Commission to the Council and the European Parliament on Immigration and Asylum Policies*. COM/94/23.
- European Commission (2002): *Green paper on a Community return policy on illegal residents*. COM (2002) 175 final.
- European Commission (2004): *European Neighbourhood Policy Strategy Paper*. COM (2004) 373 final.
- European Commission (2005a): *On Regional Protection Programmes*. COM (2005) 388 final.
- European Commission (2005b): *Migration and Development: Some concrete orientations*. COM (2005) 390 final.
- European Commission (2006): *The Global Approach to Migration one year on. Towards a comprehensive European migration policy*. COM (2006) 735 final.
- European Commission (2007): *On circular migration and mobility partnerships between the European Union and third countries*. COM (2007) 248 final.
- European Commission (2011a): *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*. COM (2011) 200 final.
- European Commission (2011b): *Communication on migration*. COM (2011) 248 final.
- European Commission (2011c): *A dialogue for migration, mobility and security with the southern Mediterranean countries*. COM (2011) 292 final.

European Commission (2011d): *The Global Approach to Migration and Mobility*. COM (2011) 743 final.

European Commission (2014a): *Return & readmission*. Available online: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/immigration/return-readmission/index_en.htm (last accessed: 22.11.2014).

European Commission (2014b): *Visa policy*. Available online: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm (last accessed: 22.11.2014)

European Commission (2014c): *Mission Letter. Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship*. Available online: http://ec.europa.eu/commission/sites/cwt/files/commissioner_mission_letters/avramopoulos_en.pdf (last accessed: 26.12.2014).

European Commission and High Representative of the European Union for Foreign Affairs and Security Policy (2011): *A new response to a changing Neighbourhood*. COM (2011) 303 final.

European Council (1999): *Tampere Presidency Conclusions*. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en9.htm (last accessed: 23.08.2014).

European External Action Service (2014): *European Neighbourhood Policy*. Available online: http://eeas.europa.eu/enp/index_en.htm (last accessed: 19.11.2014).

European Court of Justice (1990): *Rush Portuguesa Lda v. Office National D'immigration*, Case C-113/89 of 27 March 1990, Reference for a preliminary ruling; Tribunal administratif de Versailles – France (Brussels: Office for Official Publications of the European Communities: European Court reports 1990). I-01417.

European Parliament (1987): *Resolution on the Right of Asylum*, Doc. A2-227/86 of 12 March. Available online: http://aei.pitt.edu/1737/1/asylum_EP_A2_227_86_1.pdf (last accessed: 30.07.2014).

European Parliament (2010): *Readmission Policy in the European Union*. Available online: http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET%282010%29425632_EN.pdf (last accessed: 22.11.2014).

European Parliament (2014): *Answers to the European Parliament Questionnaire to the Commissioner-Designate Dimitris Avramopoulos, Migration and Home Affairs*. Available online: http://www.elections2014.eu/pdfs/new-commission/hearings/20140910CAD60719/Hearings2014_Avramopoulos_Questionnaire_en.pdf (last accessed: 26.12.2014).

European Parliament and Council of the EU (2011): *Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*.

- European Union (2007): *Treaty of Lisbon. Amending the Treaty on European Union and the Treaty Establishing the European Community*. C 306/1 EN Official Journal of the European Union, 17.12.2007.
- Fargues, Philippe / Christine Fandrich (2012): *Migration after the Arab Spring*. Migration Policy Centre Research Report 2012/09. Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole. European University Institute.
- Fink, Melanie (2012): *Frontex Working Arrangements: Legitimacy and Human Rights Concerns Regarding 'Technical Relationships'*. *Merkourios*, 28. 20-35.
- Frenzen, Niels (2011a): *3rd Anniversary of Italy-Libya Treaty on Friendship, Partnership and Co-operation*. *Migrants at Sea*. Available online: <http://migrantsatsea.org/2011/09/01/3rd-anniversary-of-italy-libya-treaty-on-friendship-partnership-and-co-operation/> (last accessed: 14.12.2014).
- Frenzen, Niels (2011b): *Italy-Tunisia Reach Migration Agreement: 6 Month Residency Permits for Tunisians Already in Italy; Accelerated Return Procedures for Newly Arriving Tunisians*. *Migrants at Sea*. Available online: <http://migrantsatsea.org/2011/04/06/italy-tunisia-reach-migration-agreement-6-month-residency-permits-for-tunisians-already-in-italy-accelerated-return-procedures-for-newly-arriving-tunisians/> (last accessed: 15.12.2014).
- Frontex (2014a): *Third Countries*. Available online: <http://frontex.europa.eu/partners/third-countries> (last accessed: 21.11.2014).
- Frontex (2014b): *Annual Risk Analysis 2014*. Available online: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2014.pdf (last accessed: 13.12.2014).
- Frontex (2014c): *Frontex Governance Documents*. Available online: <http://frontex.europa.eu/about-frontex/governance-documents/2005> (last accessed: 18.12.2014).
- Frontex (2014d): *Eurosur*. Available online: <http://frontex.europa.eu/intelligence/eurosur> (last accessed: 18.12.2014).
- Geddes, Andrew (2005): *Europe's Border Relationships and International Migration Relations*. *Journal of Common Market Studies*, 43(4). 787-806.
- Green Cowles, Maria / Caporaso, James A. / Risse-Kappen, Thomas (2001): *Transforming Europe: Europeanization and Domestic Change*. Cornell Studies in Political Economy. Cornell University Press, London.
- Guild, Elspeth / Carrera, Sergio (2013): *EU Borders and Their Controls. Preventing unwanted movements of people in Europe?* CEPS Essay, 6(14).
- Hansen, Lene (2000): *The Little Mermaid's Silent Security Dilemma and the Absence of Gender in the Copenhagen School*. *Millennium: Journal of International Studies*, 29(2). 285-306.
- Higashino, Atsuko (2004): *For the Sake of 'Peace and Security'? The Role of Security in the European Union Enlargement Eastwards*. *Conflict and Co-operation*, 39(4). 347-68.

- Human Rights Watch (2009): *Italy/Libya: Gaddafi Visit Celebrates Dirty Deal*. Available online: <http://www.hrw.org/news/2009/06/09/italylibya-gaddafi-visit-celebrates-dirty-deal> (last accessed: 14.12.2014).
- Human Rights Watch (2014): *Abused and Expelled. Ill-Treatment of Sub-Saharan African Migrants in Morocco*.
- Huysmans, Jeff, (1995). *Migrants as a Security Problem: Dangers of 'Securitizing' Societal Issues*. In Miles, Robert / Thranhardt, Dietrich (eds.): *Migration and European Integration: The Dynamics of Inclusion and Exclusion*. Pinter, London. 53-72.
- Huysmans, Jeff (1998): *The Question of the Limit: Desecuritization and the Aesthetics of Horror in Political Realism*. *Millennium*, 27(3). 569-589
- Huysmans, Jeff (2000): *The European Union and the Securitization of Migration*. *Journal of Common Market Studies*, 38(5). 751-777.
- Ireland, Patrick R. (1991): *Facing the True 'Fortress Europe'. Immigrant and Politics in the EC*. *Journal of Common Market Studies*, 29(5). 457-480.
- Islam, Shada (1994): *Fortress Europe*. *Index on Censorship*, 23(3). 37-44.
- Kelley, Judith (2006): *New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy*. *Journal of Common Market Studies*, 44(1). 29-55.
- Kraler, Albert / Reichel, David (2010): *Statistics on Migration, Integration and Discrimination in Europe. PROMINSTAT Final Report*. European Commission, DG Research (sixth framework programme).
- Lavenex, Sandra (2004): *EU external governance in 'wider Europe'*. *Journal of European Public Policy*, 4(11). 680-700.
- Lavenex, Sandra (2006): *Shifting Up and Out: The Foreign Policy of European Immigration Control*. *West European Politics*, 29(2). 329-350.
- Lavenex, Sandra / Kunz, Rahel (2008): *The Migration-Development Nexus in EU External Relations*. *European Integration*, 30(3). 439-457.
- Le Journal du Dimanche (2011): *Kadhafi: 'J'en appelle à la France'*, 5 March 2011. Available online: <http://www.lejdd.fr/International/Afrique/Actualite/Exclusif-L-interview-integrale-accordee-par-Mouammar-Kadhafi-au-JDD-278745?from=cover> (last accessed: 14.09.2014).
- Léonard, Sarah (2010): *EU border security and migration into the European Union: FRONTEX and securitisation through practices*. *European Security*, 19(2). 231-254.
- Maccanico, Yasha (2012): *The EU's self-interested response to unrest in North Africa. The meaning of treaties and readmission agreements between Italy and North African states*. *Statewatch Analysis*, January 2012.
- Malmström, Cecilia (2012): *Responding to the Arab Spring and rising populism: The challenges of building a European migration and asylum policy*. Lecture at Harvard University's Minda de Gunzburg Center for European Studies, Boston, 30 April 2012.

- Available online: http://europa.eu/rapid/press-release_SPEECH-12-312_en.htm?locale=en (last accessed: 15.12.2014).
- Maroukis, Thanos / Triandafyllidou, Anna (2013): *Mobility Partnerships: A convincing tool for the EU's Global Approach to Migration?* Notre Europe – Jacques Delors Institute, Policy Paper 76.
- Naïr, Sami (1998): *La politique de codéveloppement liée aux flux migratoires*. Hommes et migration, 1214. 47-57.
- Neal, Andrew W. (2009): *Securitization and Risk at the EU Border: The Origins of FRONTEX*. Journal of Common Market Studies, 47(2). 333-356.
- Nuscheler, Franz (2004): *Internationale Migration, Flucht und Asyl*. Leske und Budrich, Wiesbaden.
- Nuscheler, Franz (2011): *Migrationsgovernance in der EU*. In: Simonis, G. / H. Elbers (eds.) (2011): *Externe EU-Governance*. VS Verlag für Sozialwissenschaften, Wiesbaden. S. 299-312.
- Peers, Steve (2003): *Readmission agreements and EC external migration law*. Statewatch analysis no 17.
- Reslow, Natasja (2012): *Deciding on EU External Migration Policy. The Member States and the Mobility Partnerships*. European Integration, 34(3). 223-239.
- Richey, Mason (2012): *The North African Revolutions: A Chance to Rethink European Externalization of the Handling of Non-EU Migrant Inflows*. Foreign Policy Analysis (2012). 1-19.
- Rijpma, Jorrit J. / Cremona, Marise (2007): *The Extra-Territorialisation of EU Migration Policies and the Rule of Law*. EUI Working Papers, LAW 2007/01.
- Roe, Paul (2004): *Securitization and Minority Rights: Conditions of Desecuritization*. Security Dialogue, 35(3). 279-294.
- Sassen, Saskia (2006): *Migration Policy. From control to governance*. openDemocracy. Available online: https://www.opendemocracy.net/people-migrationeurope/militarising_borders_3735.jsp (last accessed: 21.07.2014).
- Schön, Donald / Rein, Martin (1994): *Frame reflection. Toward the resolution of intractable policy controversies*. Basic Books, New York.
- Statewatch (2012): *The reinforcement of Frontex and the intensification of cooperation with third countries*. Available online: <http://www.statewatch.org/news/2012/mar/01frontex.htm> (last accessed: 18.12.2014).
- Sterkx, Steven (2004): *The comprehensive approach off balance. Externalisation of EU asylum and migration policy*. PSW Paper 2004/4. Politieke Wetenschappen, University of Antwerp.
- Strickner, Alexandra (2007): *The Anti-Development Agenda*. Transform! european journal for alternative thinking and political dialogue, 01/2007. 107-114.
- Taureck, Rita (2006): *Securitization theory and securitization studies*. Journal of International Relations and Development, 9. 53-61.

- Trauner, Florian / Kruse, Imke (2008): *EC Visa Facilitation and Readmission Agreements. Implementing a New EU Security Approach in the Neighbourhood*. CEPS Working Document No. 290/April 2008.
- UNHCR (2014): *UNHCR urges focus on saving lives as 2014 boat people numbers near 350,000*. Available online: <http://www.unhcr.org/5486e6b56.html> (last accessed: 10.12.2014).
- Van Houtum, Henk / Pijpers, Roos (2007): *The European Union as a Gated Community: The Two-faced Border and Immigration Regime of the EU*. *Antipode*, 39(2). 291-309.
- Van Houtum, Henk (2010): *Human blackisting. The global apartheid of the EU's external border regime*. *Environment and Planning: Society and Space*, 28. 957-976.
- Von Bogdandy, Armin (2000): *The European Union as a Human Rights Organization? Human Rights and the Core of the European Union*. *Common Market Law Review*, 37. 1307-1338.
- Wæver, Ole (1995): *Securitization and Desecuritization*. In: Ronnie, D.L. (ed.): *On Security*. Columbia University, New York.
- Wæver, Ole (1998) *Insecurity, Security, and Asecurity in the West European Non-War community*. In: Adler, E. / Barnett, M. (eds.): *Security Communities*. Cambridge University Press, Cambridge. 69–118.
- Wæver, Ole, 2000. *The EU as a Security Actor: Reflections from a Pessimistic Constructivist on Post-Sovereign Security Orders*. In: Kelstrup, Morten / Williams, Michael (eds.): *International relations theory and the politics of European integration: power, security and community*. Routledge., London.
- Webber, Frances (2014): *The cradle or the grave? EU migration policy and human rights*. *Statewatch Journal*, 23(3/4), February 2014. 3-7.
- Williams, Michael C. (2003): *Words, Images, Enemies: Securitization and International Politics*. *International Studies Quarterly*, 47. 511-531.

ABBREVIATIONS

AFSJ	Area of Freedom, Security and Justice
CAMM	Common Agendas for Migration and Mobility
DMMS	A dialogue for migration, mobility and security with the southern Mediterranean countries
DG	Directorate-General
DG Development	Directorate-General for Development and Relations with ACP States
DG Home	Directorate-General for Home Affairs
DG Relex	Directorate-General for External Relations
EEAS	European External Action Service
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EU	European Union
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GAM	Global Approach to Migration
GAMM	Global Approach to Migration and Mobility
HLWG	High Level Working Group on Asylum and Immigration
ICMPD	International Centre for Migration Policy Development
JHA	Justice and Home Affairs
MENA	Middle East and North Africa
NGO	Non-governmental organization
PDSP	A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean
RPP	Regional Protection Programme
UN	United Nations
UNHRC	United Nations High Commissioner for Refugees
VFA	Visa Facilitation Agreement

EXPERT INTERVIEWS

Interview 1: Elias Bierdel (borderline-europe):

Elias Bierdel is a founding member and chair of borderline-europe, an NGO lobbying for the interests of migrants and informing the public about the situation at the EU's external borders. He also works as an expert for migration and border management at the Austrian Study Centre for Peace and Conflict Resolution (ASPR). Personal interview, Vienna, 30 October 2014.

Interview 2: Stefan Kessler (Jesuit Refugee Service):

Stefan Kessler is Senior Advocacy Officer at the Jesuit Refugee Service's Brussels office, advocating for migrants' rights at the EU level. Personal interview, Brussels, 7 November 2014.

Interview 3: European Commission official (Directorate-General for Home Affairs):

Name and position are known to the author, anonymity was guaranteed. The interview was conducted via telephone on 11 November 2014.

Interview 4: Martin Hofmann (International Centre for Migration Policy Development):

Martin Hofmann is Research Officer and Programme Manager of the Competence Centre for Legal Migration and Integration at the International Centre for Migration Policy Development (ICMPD). Personal interview, Vienna, 12 November 2014.

Interview 5: European Commission official (Directorate-General for Home Affairs):

Name and position are known to the author, anonymity was guaranteed. The interview was conducted via telephone on 2 December 2014.

ABSTRACT (ENGLISH)

This thesis examines the development of the European Union's external dimension of migration management in the wake of the Arab Spring and tries to answer the question to what extent the Union's approach in this policy field changed after the events of 2011. Following the toppling of autocratic regimes in North Africa, the number of irregularly arriving migrants in the EU increased significantly, which brought the issue of migration to the top of the Union's political agenda and initiated both short-term reactions and long-term adjustments of its approach. To answer the research question, this thesis first gives a comprehensive overview of the policies in place before the Arab Spring and then comes to the situation as it is today. Securitization Theory is used to analyse and explain possible policy changes. This thesis argues that although there were significant policy changes concerning the external dimension of migration, the events of the Arab Spring and the year 2011 cannot be described as a "breaking-point" and the overall direction and priorities remain the same.

ABSTRACT (DEUTSCH)

Diese Masterarbeit untersucht die Entwicklung der externen Dimension des Migrationsmanagements der Europäischen Union seit dem Arabischen Frühling und versucht die Frage zu beantworten, inwiefern ihr Ansatz sich diesbezüglich seit 2011 verändert hat. Mit dem Fall mehrerer autokratischer Regimes in Nordafrika stieg die Anzahl irregulär in die EU einreisender MigrantInnen signifikant, wodurch die Thematik an die Spitze der politischen Agenda gerückt wurde. Es folgten sowohl kurzfristig orientierte Reaktionen als auch langfristige Änderungen europäischer Politiken. Um die Forschungsfrage beantworten zu können, wird zuerst ein umfassender Überblick über die vor dem Arabischen Frühling vorhandenen Policies gegeben, bevor auf die heutige Situation eingegangen wird. Um entsprechende Veränderungen einordnen und erklären zu können, wird auf die Theorie der Versicherheitlichung zurückgegriffen. Diese Arbeit stellt fest, dass es im Anschluss an den Arabischen Frühling und die Situation im Jahr 2011 durchaus zu signifikanten Änderungen der externen Dimension der Migration gekommen ist, diese jedoch nicht als grundlegender Kontinuitätsbruch einzuordnen sind und die zugrundeliegenden Prioritäten weiterbestehen.

CURRICULUM VITAE

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