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**EU MIGRATION POLICY COOPERATION APPROACH TOWARDS THE  
SOUTHERN MEDITERRANEAN COUNTRIES AFTER THE ARAB UPHEAVALS: the  
GAMM and the European Agenda on Migration**

Bachelor's thesis

International Relations

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Tallinn, 2017

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## **ABSTRACT**

The political upheavals in 2011 in the Arab world evoked European Union (EU) to re-construct its external migration policy cooperation framework with the southern Mediterranean countries. The EU's aim was to establish legal migration channels, promote migration related development and human rights. However, as it is widely noted, the EU has got stuck in crisis-related migration management and fighting against the irregular migration. This means that EU has still focused more on activities which enhance the securitization of external borders of the EU and externalization of migration control to the transit countries. This paper will look at the developments of the approach applied to the external migration policy cooperation with the Southern Mediterranean countries in order to locate the underlying reason for the ineffectiveness of the EU approach to form an efficient migration cooperation with the southern partner countries. The Global Approach on Migration and Mobility (GAMM) and the European Agenda on Migration will be used as the core framework for the EU policies in this regard. The protection of the economic benefits of the Schengen area and of national cultures and identities, by closing the borders and reducing the legal migration pathways, can be seen as root causes for the security driven approach. Thus, this paper argues that the EU external migration policy approach has been focusing too much on the immigration to Europe and therefore the member states have dominated the actions taken by the EU. Furthermore, the member states' focus on immigration and the EU level actions followed by it, have hindered the development of cooperation on external migration policy as a foreign policy domain of the Union.

*Keywords: EU external migration policy, cooperation on migration, human rights, legal migration channels*

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## **INTRODUCTION**

Due to the increasing migration flows to European states and the rise of the new far right, European Union's (EU) capability in the fields of its external borders, asylum and immigration has gained importance in recent decades. From a European perspective, the migration movement from South to North by lower-skilled and humanitarian migrants is often seen to benefit mostly the migrants and thus, on cooperation of external migration, the EU has applied an approach which focuses on 'managing' the migration (Teló, Fawcett and Ponjaert 2015). Further, in practice this 'managing' of migration flows has meant tackling the irregular migration (Geddes, 2008; Teló and Fawcett and Ponjaert, 2015).

Moreover, the Union's approach to the external migration policy cooperation was characterized by political conditionality before the Arab Spring as the EU has required the third countries to commit to certain conditions before furthering the cooperation (Balfour, 2011) and since the 9/11, irregular migration has been identified as a threat and linked to international terrorism (Hampshire, 2015). In addition, the creation of the Schengen area has rooted the securitization approach to the EU member states (Triandafyllidou and Dimitariadi, 2014). In other words, the EU has long concentrated on security aspects on migration policy cooperation and this security driven approach has been hampering the cooperation development on migration-development nexus, in promoting the legal migration channels and in respecting the migrants' human rights.

However, after the Arab Spring, the Union rephrased its external migration policy and re-emphasized the cooperation and human rights of the migrants. The framework for this new approach was the Global Approach on Migration and Mobility (GAMM) which includes mobility partnerships (MPs) as one its main instrument. The Mediterranean partners countries are Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia. However, only three of them, Tunisia, Morocco and Jordan, have agreed to closer cooperation with the EU by signing the MPs in 2013-2014 (Kaca, 2015).

Since the EU's post-2011 aims were to establish legal migration channels, promote migration related development and human rights (COM(2011) 743 final) and when the recent so-called

migration crisis (increasing migration flows and significant number of deaths of migrants) indicates that the EU has not been able to form efficient migration policy cooperation with the Southern Mediterranean countries, the research problem of this paper is concerned with the EU's effectiveness and the approach to such policy cooperation. Furthermore, a guiding research question for this paper is

- why the EU's migration policy approach formed after the Arab upheavals has not created effective migration policy cooperation with the Southern Mediterranean countries.

Furthermore, the EU external migration policy cooperation has been characterized by the continuation of securitization and externalization practiced by the EU (Palm, 2016; Carrera, Radescu and Reslow, 2015). The EU has got stuck in crisis-related migration management and tackling the irregular migration. This means that EU has still focused more on activities which enhance the securitization of external borders of the EU and externalization of migration control to the transit countries. Therefore, this paper seeks to especially find out why the approach formed after Arab upheavals has continued to emphasize externalization of migration control to the transit countries and securitization of external borders of the EU.

Therefore, the developments of EU's external migration policy framework GAMM and the 'new' European Agenda on Migration are studied in relation to the cooperation throughout the paper in order to locate the problem areas in the used approach and tools. The internal governance of the EU in this context is also reviewed due to the complex institutional structure of the Union and since the scholars have pointed out 'the pitfalls of home affairs' (Carrera, den Hertog and Parkin 2013; Hampshire, 2015). Furthermore, impact of national politics in general is also discussed and as the protection of the economic benefits of the Schengen area, the protection of national cultures and identities by closing the borders and legal migration path ways, can be seen as root causes for the security driven approach. Thus, this paper argues that the external migration policy cooperation has been focusing too much on the immigration to Europe and therefore the member states interests have dominated the actions taken by the EU. Furthermore, the member states' focus on immigration and the EU level actions followed by it, have hindered the development of cooperation on external migration policy as a foreign policy domain of the Union.

As the Union's member states still have control over the asylum and much of the integration processes, the concept of migration policy discussed here in this paper, is about the external side of the EU's and its member states' migration policy and the word migration is used in a broad sense of the term. This paper left out the analysis of EU-Turkey deal, since it should be focus on its own and according to scholarly work, the same attitudes and approach were applied by the EU in general in cooperation on migration. The research is conducted by qualitative analysis based on the relevant academic sources. In this research, the EU official documents function as primary sources to some extent and the secondary sources includes policy papers, academic articles and books.

The paper starts by identifying the development of EU's external migration policy and discuss about the inclusion of migration into EU's external affairs, and the general approach of the EU to the migration is also shortly reviewed here. Then the paper turns to the revised EU's external migration policy after the Arab upheavals and here the GAMM and the 'new' European Agenda on migration are introduced and analysed in general. In the second chapter, the general cooperation challenges are identified and the paper turn to analysing the relations and roles of the parties involved. First, a brief overview of the relations of EU and the southern Mediterranean region and then, there is an analysis of the roles of relevant EU actors. In third chapter, three relevant thematic areas from the migration cooperation policy area are discussed in the manner of aims versus practice. In fourth chapter, it is deliberated how the member states' focus on immigration and the EU level actions followed by it, has hampered the development of cooperation on external migration policy as a foreign policy domain of the Union. The paper ends with conclusions of main findings and discuss shortly about the future of this policy domain.

# **1. DEVELOPMENT OF EU EXTERNAL MIGRATION POLICY**

## **1.1 Inclusion of migration into EU's external affairs**

Efficient migration policy cooperation requires relevant interactions between the origin country and the receiving country as well as international level dialogue. Even, the sovereign states' own interests and values largely determine the emphasis of the migration policy framework, in many countries, migration is increasingly included to foreign policy along-side with security, energy and trade (Weinar, 2017). In the case of EU, the governance is still largely based on internal affairs even though, the migration policy has been extended to the external affairs of the Union (Carrera, den Hertog and Parkin, 2013). Furthermore, even on the external migration policy framework the EU is acting as a common actor behalf of its member states, this policy area is very sensitive to national politics and to certain extent, it is still dependent on national legislation of member states.

Especially in post 9/11 era, migration has been characterized as a security issue (Hampshire, 2015) and the irregular migration has become more and more outstanding phenomenon in the southern Mediterranean region due to the instability of the area. Thus, the approach adapted by the European Union has been security driven and focusing mainly on the so-called fight against irregular migration (Carrera, den Hertog, and Parkin, 2012). The security driven approach is partly explained by the strong interdependence of the internal and external dimensions of this policy area and it seems that the aim of this approach was to create a 'buffer zone' for the EU, at least during the first phases of this external policy (Papagianni, 2014). Moreover, because of the Schengen area, the external borders of the Union have always been very important. The idea has been that in order the Schengen area to work, the external borders must keep secure and hence, the EU has emphasised the cooperation with its neighbouring countries by offering them development and financial aid (Dimitriadi, 2016).

However, the EU's external migration policy has been under constant development. The Treaties of Amsterdam and Lisbon, as well as the Programs of Tampere (1999), Hague (2004) and Stockholm (2009) have formed the platform for it. The Tampere Program laid the groundwork



for the European migration policy. It set guidelines regarding areas of asylum and immigration as well as cooperation with third countries on illegal immigration to Europe (European Commission, 2002). The Hague programme made important changes to the Tampere Programme and the focus was set on to build partnerships with the countries involved (countries of origin and transit of migration into the EU), in order to improve their capacity in migration management, as well as on return and readmission policy (European Commission, 2004). These areas were also emphasised in the Global Approach to Migration which was introduced in 2005 (European Commission, 2006).

The Stockholm programme improved the existing GAM and emphasised the promotion of mobility and legal migration, the link between migration and development, and counteracting the irregular migration (Papagianni, 2014). The Lisbon Treaty created the EU High Representative for Foreign Affairs and Security Policy and generated hope for a long-term external migration policy approach (Carrera, Radescu and Reslow. 2015).

Furthermore, since the European Neighbourhood Policy (ENP) framework has been established (2003), the external migration policy has been part of it. The ENP furthers the progress of cooperation between the Union and its neighbouring countries and the external migration policy cooperation has become important part of the ENP policy framework, especially in relations with the southern Mediterranean countries.

## **1.2 The revised EU's external migration policy after the Arab Spring**

The cooperation with the southern Mediterranean countries has been increasingly relevant for the EU since the Arab upheavals. The Arab Spring forced the EU to give more attention to migration and thus, today, the external migration policy cooperation is important part of Union's Foreign policy towards the southern Mediterranean region. In more detail, the Southern Mediterranean ENP partner countries, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia, are important either origin or transit countries of migration into the EU.

When the Arab uprisings escalated to violent outbursts in most of the countries in the region and to civil wars in Libya and Syria, the EU developed further its external migration policy cooperation framework and introduced the Global Approach to Migration and Mobility (GAMM) in 2011 (COM(2011) 743 final). Furthermore, flows of irregular migrants from or through the southern region into EU, raised the need to protect the order inside the EU but at the same time respect the human rights of the migrants (Triandafyllidou and Dimitriadi, 2014).

### 1.2.1 The Global Approach on Migration and Mobility

The GAMM is comprised of main four ‘pillars’ to cooperation;

- legal migration and mobility,
- border management and counteracting the irregular migration,
- strengthening the link between migration and development, as well as
- international protection (COM(2011) 743 final).

This expanded Global Approach aims to assess aspects of both legal and irregular migration in equal measure and the first time, the EU policy was stated to concentrate on migrant’s human rights (Papagianni, 2014). Moreover, the intention was to decrease the importance of the security driven approach and really focus on the legal migration (European Commission, 2011b).

However, it is important to note that even this Global approach has been adopted by the Council, it is not legally binding (Ibid.). Furthermore, adding the mobility dimension, which applies for example short-term visitors, tourists, students, researchers, business people or visiting family members, for this Global approach has been seen as an act of highlighting the economic efficiency of migration by the European leaders (Attiná, 2016). Overall, in the Commission’s Communication, the economic benefits of migration and mobility was emphasised in the context of aging workforce inside the EU (COM(2011) 743 final).

The policy tools for the implementation of the GAMM include readmission agreements, visa facilitation and liberalisation, Mobility Partnerships (MPs), and migration and mobility dialogues. The most important diplomatic policy tool for cooperation with the Southern Mediterranean countries has been the MPs, which has the condition to negotiate readmission agreement and in exchange, possible visa facilitation from the EU and its member states (COM(2011) 743 final). In practice, the idea is that in this mobility partnership the EU’s partner

country manages the migration by preventing the irregular migration into the EU and work together with Frontex on border security issues (Dimitriadi, 2016). The Commission emphasised that the partaking member states would in exchange offer to the partner countries legal channels for migration and embrace the circular migration in order to avoid brain drain (European Commission, 2011b).

However, in reality, the EU's cooperation incentives for the Southern Mediterranean countries have been relying mostly on the financial aid and expertise assistant (Dimitriadi, 2016). Moreover, as a real incentive for the Southern Mediterranean partner countries for cooperation in these matters the legal migration channels have been left on the background. The lack of legal channels is still seen as one of the main reasons for the inefficient cooperation on migration and it is a real factor which push people to use smugglers to reach European territory (Palm, 2016). Furthermore, the visa facilitation and mobility partnerships' dependence on the third countries' level of counteracting the irregular migration and whether the third country agree on readmission agreement, is limiting the possible cooperation (Weinar, 2016) and highlights the externalization still practiced by the EU.

In order to fully achieve the objectives of the new global approach on migration in relation to these third countries, the European Commission established an instrument called Dialogue for Migration, Mobility and Security in 2011 (COM/2011/0292 final). The general aim was to discuss the challenges regarding the migration and mobility between the EU and the Southern Mediterranean countries in the new reality proposed by the Arab Spring. In more detail, the idea was "to support and encourage reforms -aimed at improving security- that the partner countries may engage in, giving their citizens a possibility of enhanced mobility towards the EU Member States, whilst addressing the root causes of migratory flows" (Ibid, pp. 7-8).

In addition, the EU continued to use informal regional processes such as the Rabat Process where the Southern Mediterranean and Sub-Saharan countries have participated since 2006. To some extent this kind of intergovernmental policy dialogues have been seen as an efficient way to address the issues together and to generate a plan for future cooperation (Dimitriadi, 2016). However, the multiple different instruments and policy processes have made the actual policy implementation for the third countries even more complex (García Andrade, Martin and

Mananashvili, 2015). In sum, it seems that even the European Commission emphasized the migration-centred approach, the aftermath of Arab Spring eventually triggered defensive activities and reuses of security tools in migration management by the EU and its member states. Moreover, by 2015 the EU's external migration policy approach had experienced a severe securitisation (Fakhoury, 2016).

### **1.2.2 The European Agenda on Migration**

Due to the refugee crisis and the deaths in the Mediterranean Sea the EU created new approach on migration 'European Agenda on Migration' in 2015. The Commission introduced the new Agenda as something which considers all the necessary actions to be taken by the EU in order "to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration" (European Commission, 2015b, p.2). In addition, the Commission stressed the urgent need to help those in need and outlined that the European Parliament, the European Council and member states have agreed to take immediate action and to cooperate in this matter. It was also noted that the European common policy regarding this issue had not been enough and European citizens' worries related to costs and the immigrant integration was stated. However, the Commission appealed to the EU's global presence and highlighted the need to focus on the issues which force people to leave their homes and choose to put their lives in the hands of illegal traffickers.

As an immediate action under this new Agenda, the EU strengthened the Frontex border security joint-operations Triton and Poseidon, and increased the focus on targeting the illegal migrant traffickers by strengthening the Europol's joint maritime information operation (JOT MARE) (pp.3-4). Also, the immediate action included the aim to set "a permanent common EU system for relocation for emergency situations by the end of 2015" and resettlement plan which was supposed to apply relatively equally to every Member states (pp. 4-6).

In the Commission's Communication, it was noted that in order to this new Agenda to be effective, several EU's policy areas, such as internal and external affairs, trade, development cooperation and employment policies need to be consistent and able to 'work together'. Moreover, the four pillars of this Agenda are the following:

- reducing the incentives for irregular migration,
- border management – saving lives and securing external borders,
- Europe's duty to protect: a strong common asylum policy and
- a new policy on legal migration (pp.7-17).

The shift for aiming for distinct European framework in this matter is visible in the sense that the EU is trying to commit all its actors, including all the member states, to action for a common goal. However, as the migration policies evoke strong emotions for and against it and easily divide the member states by their ‘sense of duty’ in this matter, the question of European integration level easily come up. Furthermore, Carrera, Radescu and Reslow underline that this new Agenda try to combine the external aspects of the EU migration policy into the common EU migration policy (2015). In practice, this means that the EU’s external migration policy cannot be separated from the common EU migration policy which has been viewed more as an internal policy.

However, this Agenda for migration has been mainly a reaction for the migrants’ deaths in their way to Europe and short-termism has characterized the EU’s action in this regard (García Andrade, Martin and Mananashvili, 2015, pp.105; Koenig, 2017). The GAMM framework was not significantly mentioned in the creation of the European Agenda for migration and it was clear that the EU aimed for creating a comprehensive European migration policy which would include member states as active actors also in the external dimension of the migration policy.

## **2. COOPERATION ON MIGRATION: EU and the Southern Mediterranean countries**

Cooperation is hardly ever possible only on one policy area, and when this paper's objective is to understand why the EU has not been able to form efficient cooperation on migration with the southern Mediterranean countries, it is needed to briefly explain the general relations of these parties involved. However, before that, the general cooperation principles are shortly reviewed in this context.

In efficient cooperation, somewhat 'common goal' is essential in order to both of the parties to benefit, which again is one the core principle of cooperation in international relations (Clackson, 2011). When the benefits are not mutual or not in balance, the cooperation is on stake. For example, inside Europe, the Schengen area border agreements were challenged by some of the EU member states in 2015-6 when the constant inflows of migrants and asylum seekers put them in an unequal position from their point of view.

The cooperation on migration between the EU and the southern Mediterranean countries is complex since the interests related to migration varies greatly. The EU member states have been interested on border management cooperation and especially, they have been focusing on cooperation which prevents the irregular immigration to Europe. However, these southern partner countries do not usually have interests to obstruct emigrants from leaving to the European countries, rather, it is usually in their interests to improve their citizens' possibilities to entry other countries, especially if there is a potential for development (Hampshire, 2015). Furthermore, so far, the member states have cooperated on mobility only to the extent of short-term stay visas for business, family visits or tourism, and cooperation on labor migration has concentrated on specific sectors at level of bilateral agreements (Ibid.).

Moreover, in this regard, the EU's southern external area is complicated since some of the transit countries have been ready to cooperate on tackling irregular migration on their borders while some of the origin countries want to avoid brain drain (Koenig, 2017). Also, the human rights of the migrants need to be taken seriously when talking about the fight against irregular migration

and border security in related to migration. The region's third countries do not have a positive record for respecting the basic needs and rights of those who are in disadvantaged position. The drastic human rights violations of migrants have been well documented by the third sector organizations and they have appealed EU to reconsider cooperation with these countries (Amnesty, 2014). Recently it has become evident that in Libya migrants are sold to slavery and migrants have reported to experience torture, rape and arbitrary detention (Sunderland, 2017; Kirkpatrick, 2017).

The EU has been trying to encourage these third countries to cooperation by using mainly financial and technical support coupled with conditionality (Balfour, 2012). Some of the southern Mediterranean partner countries have been receptive for monetary support but it is important to remember, that decreasing illegal migration means also a reduction in important remittances for them and at the moment, the smuggling business brings important money to the region which again is hampering the situation even more (Koenig, 2017). Especially for North African countries Egypt, Jordan, Lebanon, Morocco, and Tunisia the remittances are important source of income (Ibid.).

In short, it can be said that the interests of the EU and the southern Mediterranean countries differ and they are largely focusing on achieving different results through migration cooperation. Therefore, it is necessary to be ready to cooperate on multiple issues and on different levels in order to form efficient cooperation for all parties involved. Furthermore, since the EU is acting behalf of its member states, it is also relevant to take a closer look at who are the actors in this policy field and how they impact on the effectiveness of the cooperation. In addition, the barriers to the migration cooperation include also the influence of interior politics on policy determination (Weinar, 2017) and thus, in this case, the EU's interior politics and member states' national politics complicate this situation even more.

Therefore, this chapter will focus in more detail to the EU actors in this policy area but first, this chapter turns to briefly overviewing the relations of the EU and the Southern Mediterranean countries and then move on to the main actors in the Union's external migration policy area to locate what possibilities these parties have had in cooperation on migration policy.

## **2.1. Brief overview of the relations of EU and the Southern Mediterranean region**

Before the Arab Spring, the relations of the EU and the southern Mediterranean countries were characterized by support of the EU to the authoritarian regimes in the region (Balfour, 2012). Especially the migration cooperation approach realized before the political upheavals, has been called out as a ‘progressive externalization’ by the EU (Carrera, den Hertog and Parkin, 2012). Furthermore, the authoritarian leaders of the region kept the EU’s external borders closed from the region’s emigrants (Noutcheva, 2014) and thus, the attitudes, approach and actual activities in the name of cooperation needed to be changed due to the outbreak of Arab upheavals and the resulting increased immigrant flows to Europe.

Since the 1950s, the Union has been region-building in its external southern borders and the general aim has been to standardize the economic relations between the EU and the southern Mediterranean countries (Bremberg, 2016). Soon the relations were also seen with the importance related to the Union’s internal security and the Euro-Mediterranean Partnership (EMP), so called Barcelona Process, was created in 1995 to balance the EU’s Mediterranean relations and it included non-intervention notion in order to generate trust among the non-Mediterranean members (Ibid.) The main goal of the EMP was to expand the Union’s ‘area of peace, prosperity and stability’. However, Youngs states that even the EMP seemed very revolutionary policy instrument, in reality it has not been effective and in 2009 it was renamed as the Union of the Mediterranean (UfM) (2015).

In addition, already in 2004, the focus in policy cooperation shifted from the EMP to the Union’s neighborhood policy framework (ENP) which has been revised twice after the Arab upheavals, in 2011 and in 2015. The regional cooperation framework, the Union for the Mediterranean, was included to the ENP but since the region’s countries differ from each other greatly, the bilateral policies allow more progressive approaches towards each of the countries individually (at least in theory). Furthermore, under the ENP framework, the EU has association agreements with Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority and Tunisia. Negotiations with Syria and Libya has been suspended due to the conflict state in those countries. Bilateral action plans have been made with all the other southern partners except



Algeria, Syria and Libya. These action plans aim for “developing democratic, socially equitable and inclusive societies, promoting economic integration and education, developing small and medium-sized enterprises and agriculture, and facilitating the movement of people across borders” (European Parliament, 2016). However, Del Sarto and Schumacher (2005) argue that the change from the EMP to ENP was not planned to primarily target the socio-economic issues in the EU’s neighboring countries but to create a buffer zone to the EU’s external borders due to the adapted internal security driven approach.

After the Arab Spring, the EU revised its neighborhood policies with the intention to support the countries’ democratic transformation. Since then, the funding has been based on a ‘more for more’ approach, which means that the more democratic reforms are made, the more funding the country receives (EC, 2011a). However, the EU’s approach towards its southern neighbors has been widely criticized. Zielonka has claimed that the EU is using informal imperialism towards its neighborhood (2011). Mullin and Patel argues that the liberal governance approach applied by the EU has hindered the development of the Arab Spring states and they underline that the priority of the Union has been stability (2015). Balfour criticize the political conditionality driven approach and emphasize that after the Arab upheavals, the EU should have reconsider the nature of the relations what it had with these southern Mediterranean countries rather than just focusing on reforming the relations with the different policy tools (2012). Also, Schumacher disapproves the EU’s approach towards the southern Mediterranean countries and especially points out the continuation of securitization logic in the center of EU policy making even after the publication of the ‘revised’ approach and policy tools (2015). Furthermore, it is widely noted that the EU’s approach and policy frameworks have had the priority to ensure the internal order inside Europe and to manage the external borders of the EU (Ibid.).

Furthermore, the EU is currently negotiating Deep and Comprehensive Free Trade Agreements (DCFTAs) with Morocco and Tunisia. Earlier mentioned mobility partnerships have been established with Morocco, Tunisia and Jordan. The DCFTAs are EU’s attempt to include the North African countries to the globalized market and to co-develop the third countries to peaceful societies but EU’s trade cooperation approach to the region will most probably cause even more harm and social anxiety (Langan, 2015).

In short, the southern Mediterranean region has been essential for the EU in the sense of security and political strategy (Arribas, Pieters, Takács, 2013). However, the EU has also strong economic incentive for cooperation with the Mediterranean region since it is the source of many essential natural resources for the European internal market (Ibid.). Furthermore, the economic activity is important for both parties but the EU has excluded the membership opportunity from the southern Mediterranean countries and it has characterized the relations as partnerships (Collyer, 2016).

## **2.2. Relevant EU Actors**

According to Wunderlich, the EU multiple actors in the implementation propose limits for the EU's impact in third countries (2012). Furthermore, it is well noted that the EU's internal decision-making, complex institutional structure and the influence of member states' national level politics complicate the policy cooperation with third countries (Carrera, Radescu and Reslow 2015; Hampshire 2015; Papagianni 2014). As it has been mentioned earlier, the external dimension of migration policy is very much dependent of the member states' national interests regarding migration and especially in this case, immigration. Therefore, the EU's home affairs policy makers have strongly influenced on the external migration policy schema (Carrera, den Hertog and Parkin, 2013). Furthermore, both, the Commission and the Council, have been responsible of the external migration policy framework and to some extent, their differing ways of approaching the external dimension of migration policy have caused the cooperation ineffectiveness especially under the GAMM framework (Ibid.; Hampshire, 2015). In addition, already the Lisbon Treaty was supposed to enhanced the role of EP in this matter by giving it the co-legislative role in the Union and the creation of the EEAS evoked hope that migration cooperation would be handled more as foreign policy issue and not just governed by internal interests driven logic (Dimitriadi, 2016).

The Council's actor in this policy field is the High-Level Working Group on Asylum and Migration (HLWG) but the policy approach they put forward is strongly influenced by home affairs ministries through the Justice and Home Affairs council (JHA) (Hampshire, 2015). Furthermore, the home affairs ministers who form the JHA council are influenced by the national politics of member states. Moreover, the growing numbers of migrants and asylum seekers

entering to Europe after the Arab Spring and other factors brought by globalization raised the fear of instability and as a consequence, enhanced the politics of securitization of migration by national policy makers. Thus, the approach applied by the Council has been reasoned on the basis of migration management (Hampshire, 2015). Moreover, it can be said that this approach has been focusing on security of the member states but the results has been characterized by short-termism and therefore, this kind of approach may have even decrease the possibility of a long-term effective results.

On the contrary, Hampshire has interpreted the nature of the Commission's approach as more 'holistic' and this approach aims to go beyond the short-term management of the EU's external borders (Ibid.). However, Carrera, Parkin and den Hertog have pointed out the dominant role of DG Home Affairs body in the Commission and how the Commission's approach to external migration policy have resulted still to be very much internal driven external policy (2013). Furthermore, they highlight the more efficient cooperation possibilities with the approach driven by the Union's institution for foreign affairs, the European External Action Service (EEAS) (Ibid.).

Indeed, the European Commission's approach has been more complex since the establishment of the EEAS, even its creation has been seen as a step forward for the EU's foreign policy (Dimitriadi, 2016, Carrera, Radescu and Reslow 2015). Furthermore, before the creation of European Agenda on migration, the Commission's body of Directorate-General for Home Affairs (DG Home affairs) had more central role in the operational implementation of the external policy cooperation and that imposed challenges for the EEAS (Carrera, den Hertog and Parkin, 2013). For example, on implementing the GAMM, the DG Home Affairs has been leading the negotiations in the third countries (Hampshire, 2015; Papagianni, 2014). Consequently, the EU's interpretation of GAMM's cooperation framework has represented mainly the views of home affairs actors which have been characterized by short-termism and heavily security driven when in turn, the EEAS approach would have given more weight on long-term cooperation and more wider perspective on migration cooperation (Carrera, den Hertog and Parkin, 2013). Within this logic, the EEAS' approach would have more likely generated benefits for all parties involved.

However, since the new Commission and the EEAS did take the main roles in creation of the new Agenda on migration (Carrera, Radescu and Reslow 2015), it is important to evaluate if there has been improvement in the EU's governance on this matter after the creation of the new Agenda. When the new Commission was established, the role of migration policies was highlighted (Collett, 2015) and a better cooperation between the Commission's different departments was promised (European Commission, 2015a).

However, European Court of Auditors underlines the lack of organization among Commission's different departments and bodies in its research of EU external migration spending (2016). Also, recently Koenig has noted the imbalance of the different internal actors of the Union (2017). Moreover, as it was elaborated earlier, Hampshire underlines that the competing approaches of the Council and the Commission are the core reason for the ineffectiveness of the Union's migration policy cooperation with its southern neighbors (2015) and as there is no real improvement to combine these approaches (Carrera, Radescu and Reslow, 2015), it is safe to say that so far, the European Agenda on migration has not been able create sufficient governance in regarding cooperation on migration with the Union's southern neighbors.

### **3. THE POST ARAB SPRING MIGRATION POLICY: aims vs. practice**

Several scholars have noted that the issues in cooperation with third countries in this policy field have been concerning migration related development, lack of legal channels and human rights protection gap (Carrera, Radescu and Reslow 2015; Koenig, 2017, Lehne, 2016a). Thus, this chapter reviews the Union's post Arab upheavals migration policy in terms of aims versus practice by focusing on three key thematic areas: migration and development (3.1), legal migration channels (3.2) and human rights protection of migrants (3.3). Furthermore, as it was mentioned in the beginning of this research, after the outbreak of Arab upheavals, the EU emphasized these areas on its attempt to improve the migration policy cooperation. These topics also appeared various ways in the sources used and, it seems that the ineffectiveness of the EU's external migration policy cooperation lies to a great extent on these thematic areas in the sense that the EU level approach has concentrated on the immigration aspect of migration and thus, in all these three areas, the actions have fallen short.

Even the European Agenda on migration does not clearly state the role of the GAMM framework, it is important to include both of them in this examination. The GAMM was created right after the Arab Spring and the new Agenda was created as a reaction to the unprecedented migrant flows into Europe and as an attempt to bring all the relevant actors to act together for the 'common good'. Both, the GAMM and the Agenda emphasized these three themes but to some extent in different ways. This chapter will look each of the thematic areas' impact on the migration cooperation and examine the EU's approach effectiveness in these areas through a discussion where the information so far gathered is utilized and also by using other relevant academic sources.

#### **3.1. Migration and Development**

The migration related development is important topic to discuss when the long-term results are desired. One of the migration root causes is underdevelopment, but migration can be a very effective in enhancing the development and it should be highlighted globally as such (Van Hear

and Nyberg Sørensen, 2003). Furthermore, migrations' remittances tend to be greater than the aid provided (Ibid.) but there is no real liberalization of labor mobility between the EU and the Southern Mediterranean countries. In its development policy in this regard, the EU has applied the logic that the more development is generated the less illegal migration into Europe (Carrera, Radescu and Reslow, 2015).

The EU has included the migration-development nexus as one of the pillars in the GAMM but not in the European Agenda on Migration. However, the Union has underlined that migration can enhance the development and thus, it is important to consider all the relevant policy areas in cooperation (European Commission, 2013). Nevertheless, in order to reduce the immigration flows to Europe the EU offers migration related development aid coupled up with conditionality and thus, some of the countries refuses from it (Palm, 2016, Koenig, 2017). Moreover, Koenig stress that currently the development effect of emigrating from the third countries is more beneficial for the third country nationals than staying and receiving the aid from the EU (Koenig, 2017).

Furthermore, the Joint Migration and Development Initiative (JMIDI) was launched as a Union's project in this matter and it aimed for enhancing the migration related development in the origin or transit countries "through the engagement of small-scale actors and dissemination of global best practices" (European Court of Auditors, 2016). However, some of the cases organized under the JMIDI have been evaluated and it seems that the connection between migration and development has been rather vague (Ibid.).

In addition, the new Agenda on Migration is based on a wrong presumption that the strengthening of cooperation on development will produce more development for the origin countries and decrease the migration inflows, even though it is well noted that the migration flows actually increases during the first phases of development (García Andrade, Martin and Mananashvili, 2015; Lehne, 2016a). Brocza and Paulhart underline that the GAMM's instrument mobility partnerships have potential for targeting the migration-development nexus, since the MPs are flexible and more adaptable, and that is crucial when the migration is not seen just as a consequence of underdevelopment (2015). However, the different policy areas such as

migration, development, labor market, economy and security were organized in the MPs in a way which emphasized the security aspects of the migration (Ibid.).

### **3.2. Legal migration channels**

Especially after the outbreak of Arab upheavals and the realization of mass migrant movements into Europe, the crucial role of lack of legal migration channels in EU's migration policy has been widely stressed by the scholars (Carrera, den Hertog and Parkin, 2012; Gropas, 2013; Carrera, Radescu and Reslow, 2015; Triandafyllidou and Dimitriadi 2014; Dimitriadi, 2016; Palm, 2016). The EU's governance of migration has been focused more on managing irregular migration and asylum and less towards paving pathways for legal migration (Triandafyllidou and Dimitriadi, 2014). Gropas also notes that instead of enhancing the legal migration channels the EU actors have been trying to reduce labor migration and fighting against illegal migration (2013). In short, the security aspects of migration have been heavily highlighted and as it has been mentioned, the securitization approach has been rooted into the EU and its member states since the creation of Schengen area.

The Schengen agreement has been characterized as a European 'area of freedom security and justice' but this area have needed strong external borders, common visa policies and collective approach on asylum and immigration (Lehne, 2016a). However, the EU and its member states have tried to execute it by externalizing migration and border management to its neighboring countries. Lehne points out that the core reason for that is the rise of national sentiments and nation-state preferences which naturally hinders the integration of the Union (Ibid.).

The EU highlighted the need for improvement in the legal migration channels to Europe in the GAMM framework and it is also included in the European Agenda on migration but in the new Agenda it was underlined in relation to highly skilled workers (Carrera, Radescu and Reslow, 2015). In the MPs, one of the implementation instrument of GAMM, EU offers the possibility to visa facilitations when agreed to further cooperation but due to the EU's conditionality driven approach to the cooperation, the development has been very slow (Carrera, Radescu and Reslow, 2015; García Andrade, Martin and Mananashvili, 2015). Furthermore, they note that the EU

member states have not offered good enough legal migration opportunities for the third countries in order to actually expect results (2015). Thus, the interests of the third countries should be taken into account better in order to generate effective cooperation.

However, there is no consensus about the issue among the member states and opening borders for third countries' citizens is seen as a threat to the national cultures and identities (Lehne, 2016a). In addition, García Andrade, Martin and Mananashvili stress that the effectiveness of the existing tools for cooperation on legal migration does not predict long-term development in providing legal channels for migration (2015).

### **3.3. Human rights**

According to the EU's fundamental values, the human rights of the migrants should be taken into account in all areas and stages of the EU's migration policy cooperation. Furthermore, respecting the human rights of migrants is vital, especially, in cooperation on migration related development and establishing legal channels for migration. However, the EU Court of Auditors notes that the EU's projects in these matters mainly underline the importance of guaranteeing the human rights of the migrants in paper, but not really in practice (2016).

Furthermore, as it was mentioned in the section 1.2 when the GAMM was renewed, the human rights were officially first time set as one of the priority in the migration policy. In the European Agenda on migration the protection of basic needs of migrants were also highlighted and some scholars have interpreted the Agenda in paper as a holistic which predicts that the human rights are overseen also in the cooperation with relevant third countries (Koenig, 2017; Dimitriadi, 2015).

However, important transit countries, such as Libya and Turkey, have gained a significant amount of leverage on migration cooperation due to the EU's approach to the migration in practice. Furthermore, Palm stresses that externalization of the migration management has been reinforced in 2016 in cooperation with its southern neighbours (2016). The EU has long adopted the logic that it is more beneficial for all, if the migrants are kept outside the EU borders and the needed aid is directed to the origin and transit countries of the migrants (Ibid.). Further, the EU



has used several Frontex projects to manage the external borders and especially the main migration routes in cooperation with neighboring countries. Even these projects state to promote the human rights of the migrants, Wauters and Cogolati stress that the protection of EU external borders comes still first (2016).

In contrast to the EU's approach, Lehne underlines that the EU should not isolate itself from the neighbouring countries by using obstructive policies: "Any attempt to insulate EU territory and keep foreigners away through restrictive visa policies, technical surveillance, and fences and walls would have prohibitive costs and uncertain prospects. Given the length and complexity of the EU's external border, migrants and people smugglers would still seek and find alternative routes." (2016a). Furthermore, even the EU has highlighted to ensure the protection of migrants, it has left great number of migrants in transit countries which are not capable of respecting the human rights of the migrants. As Lehne and Koenig notes, Libya and most of the other southern Mediterranean countries are not able to provide the needed protection for the migrants and when the 'burden' has been put mostly on these countries, in a long-term the development of these countries might be in danger (2016; 2017).

#### **4. IMPACT OF MEMBER STATES' NATIONAL POLITICS**

As it has been underlined by scholars, the divide between member states and the EU institutions is hampering the achievements of the EU foreign policy (Vimont, 2015; Lehne, 2017; Reslow, 2011). The migration policy has become one of the most relevant external policy area to the Union in recent years. However, due to the sensitivity of this policy area, the member states have been able to find ways to narrow down the influence of EU's supranational institutions in matters concerning external migration policy. Especially, member states have not been able to cooperate on immigration since "legal migration policy (the decision to admit migrants to a country) has implications for social welfare and employment policies, which are central to national sovereignty" (Reslow, 2011). Furthermore, the member states have restricted the role of Commission, the European court of Justice (ECJ) and the European Parliament, which have been seen to aim for approaches which would require further deepening of the integration of member states (Ibid.).

The European Agenda on migration has aimed for common action and with this agenda the EU institutions have tried to include the member states to this external policy area. However, it has become evident that the increasingly polarised attitudes of the national publics towards migration (especially immigration) have resulted incoherent action by the member states in the EU level. The unprecedented support of the new populist right wing parties has underlined the anti-immigration views of national publics in the member states (Lehne, 2016b). Furthermore, the outbreak of Arab upheavals, terrorist attacks in Europe and the refugee crisis have created political climate where anti-immigration and xenophobic attitudes thrive. Moreover, when the national authorities obtain their legitimacy from their national publics, naturally they have approached the migration policy from the point of view of national politics (Ibid.). In addition, those who are against immigration tend to speak louder and show publicly their resistance to the issue and therefore, national authorities may feel the pressure to taking the middle way or even support harder migration related policies than the actual majority of the national public would support (Ford, 2017).

## CONCLUSIONS

In sum, the EU external migration policy cooperation with the Southern Mediterranean countries is still characterized by the externalization of migration control to the transit countries and securitization of external borders of the EU due to the member states actors' tendency to approach the external migration policy from the point of view of internal security. As well as the protection of the economic benefits of the Schengen area, the 'protection' of national cultures and identities by closing the borders and legal pathways, can be seen as a root cause for the security driven approach. It is also evident that the external migration policy is not really a domain of EU's foreign policy since the member states interfere on it and have created ways to obstruct the EU's supranational institutions.

Furthermore, the realization of cooperation with the Southern Mediterranean partner countries has fallen short since the EU has not been capable to act as a supranational actor but has carried out approach which highlight the national interests of many of the member states: the securitization and externalization practices. Moreover, the analysis of the three thematic areas made further evident the EU's securitization approach. The approach is prioritizing the European people and its internal security, as the EU has left number of migrants in transit countries which are not capable of respecting the human rights of the migrants, such as Libya. Also, the GAMM's instrument MP is emphasizing the different policy areas, migration, development, labor market, economy and security in a way it enhances the security aspects of migration. Moreover, the EU has not been able to offer appropriate cooperation incentives to its Southern Mediterranean partner countries. Furthermore, the visa facilitation and mobility partnerships' dependence on the third countries' level of counteracting the irregular migration and whether the third country agree on readmission agreement, is limiting the possible cooperation and highlights also the externalization still exercised by the EU.

In short, the migration is a complex issue to cooperate, especially when the parties involved have so different interests and ways to approach it. However, the EU's supranational institutions

should act together on this matter without too much involvement of national authorities of the member states. As it has been shown, the migration is a phenomenon which requires a global actor to effectively ensure the basic rights of the migrants, and as a supranational actor and living up to its official fundamental values, the EU could make this a reality. Cooperation on migration in this level requires the supranational institutions which are not too sensitive for political climate changes and xenophobic views of the public. In sum, migration policy cooperation should be viewed even more as a foreign policy matter of the Union and really be dealt accordingly.

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