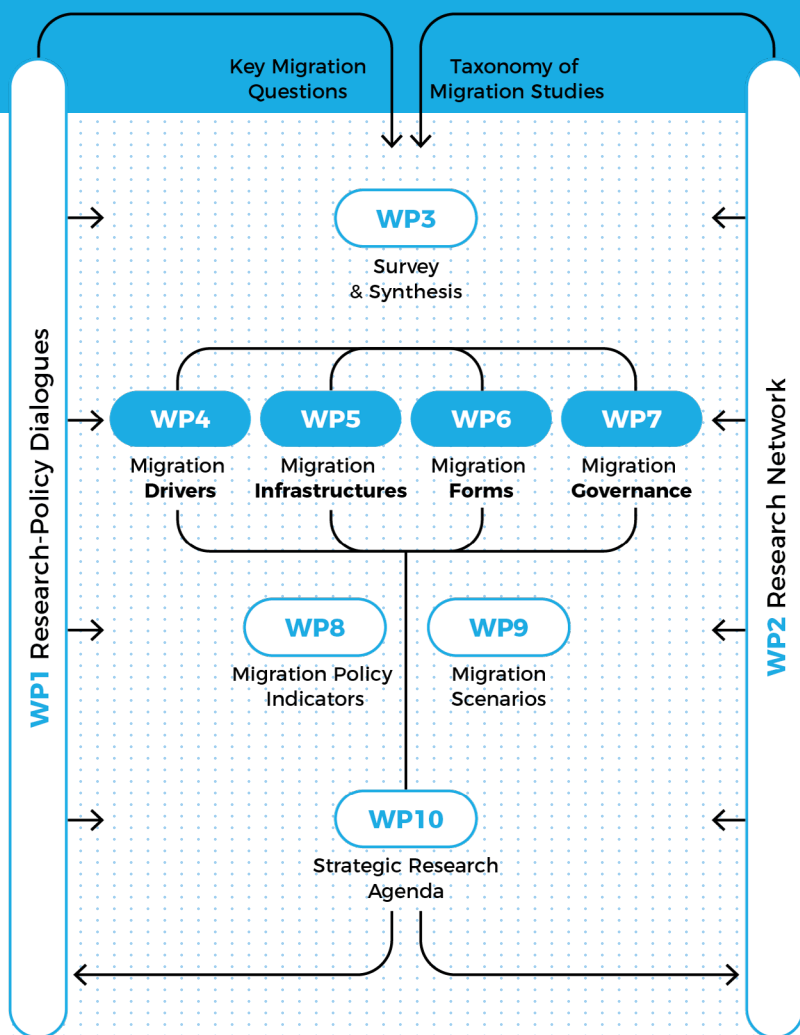


Policy Brief WP7

Key Knowledge Questions Migration Governance



Policy Briefs WP7

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The External Dimension of EU Migration Governance

by

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GRITIM-UPF

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About the project

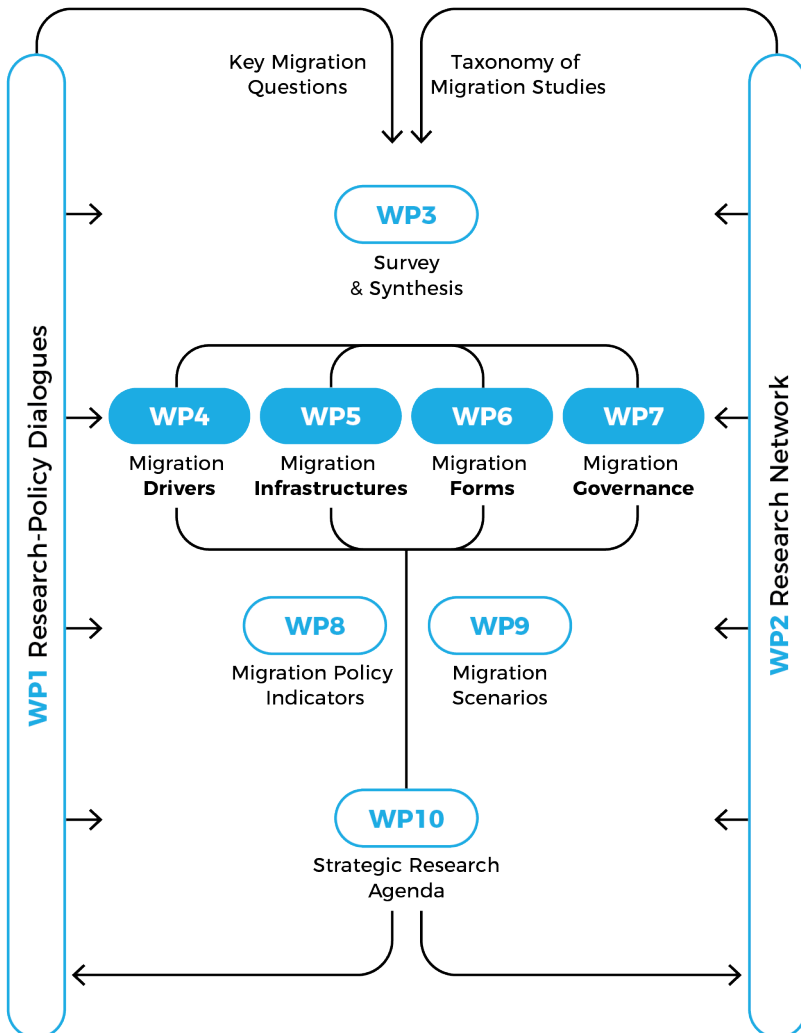
These policy briefs about key knowledge questions on migration are the result of a collaboration between Work Packages 1, 4, 5, 6, and 7 of the Horizon 2020 project, CrossMigration. They are intended to introduce new policymakers to what insights existing research can offer for understanding and addressing pressing questions on the topic.

Led by MPI Europe, Work Package 1 set out to define a set of empirical questions that are at the heart of major policy decisions that European policymakers are currently facing and will face in the coming decade. These questions synthesise the key areas of interest based on consultations with over 30 policymakers at EU, national and local level and the CrossMigration research partners. These questions are forward-looking, focusing on what knowledge will be needed to inform policymaking in the field of migration in the next 5 to 10 years.

Work Packages 4-7 bring together leading experts on the themes of Migration Drivers, Migration Infrastructures, Migration Forms, and Migration Governance. They were led by Danube University Krems (DUK), the Deutsches Zentrum für Integrations- und Migrationsforschung (DeZIM), the Peace Research Institute Oslo (PRIO), the University of Lisbon (IGOT-UL), the Centre of Migration Research Warsaw (CMR), and the Migration Policy Centre at the European University Institute (EUI), along with members of the IMISCOE research network:

Migration drivers are structural elements that have the potential to facilitate, enable, constrain, or trigger migration. Migration drivers might increase or decrease the salience of migration, the likelihood of certain migration routes, and the desirability of different destinations. The term is more encompassing than 'migration determinants' or 'root causes' of migration, which generally ignore human agency in the decision to migrate and assume a deterministic and causal relationship between one or more structural factors and migration. Migration drivers, however, affect migration directly but also, and most importantly, indirectly and in combination with other migration drivers, in complex migration driver configurations. While the migration driver environment might be the same for two individuals, different migration drivers affect them differently depending on individual characteristics.

Figure 1
Overview Work Packages

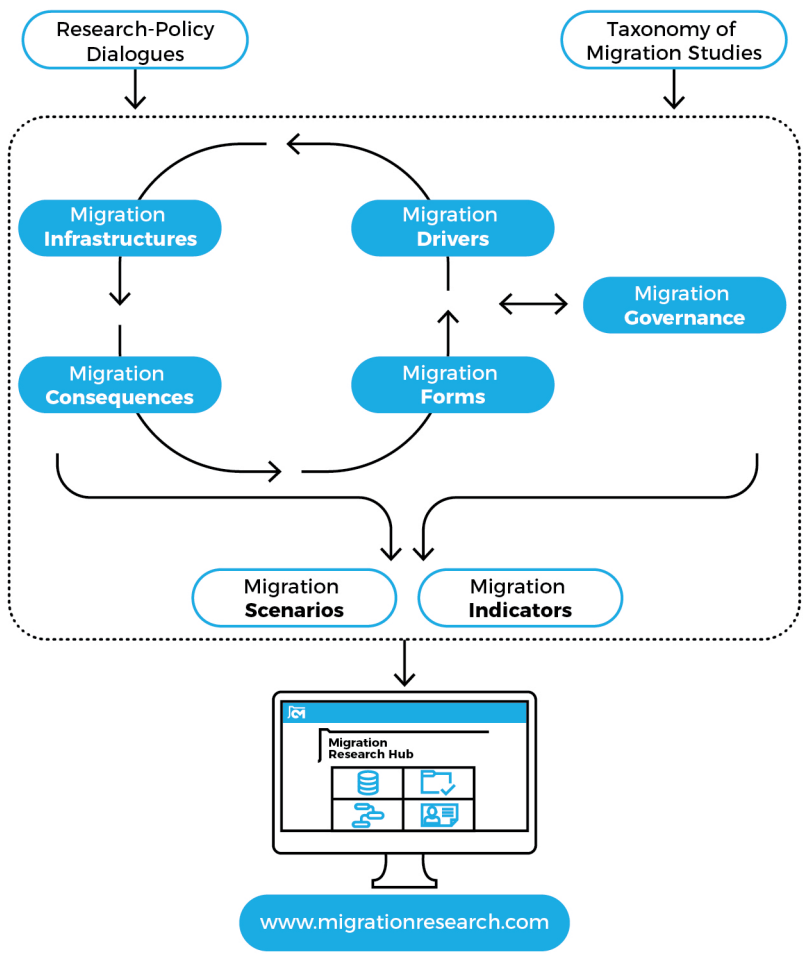


The emerging field of **migration infrastructures** sheds light on the processes that occur between the decision to migrate is made and arrival in the receiving country. It primarily asks the question of how people migrate, taking the perspective of the receiving country in three different angles: First, it focuses on regular and irregular, commercial and non-commercial actors facilitating migration, including visa brokers, work recruitment agencies, marriage migration platforms, human smugglers and humanitarian organisations. Then, it looks at the logistics of migration, exploring the role of routes, transit hubs and means of transportation. Finally, it investigates how digital technologies like the internet and social media shape mobility and influence migratory pathways.

The notion of **migration forms** concerns the question of who migrates. Global migration forms, or flows, include regular and irregular migrants who migrate for a broad array of reasons. Different migration forms are characterized by multiple and dynamic aspects. The differences between migration forms relate to variations in migration drivers, infrastructures, policies and experiences that shape migrants' journeys. The Migration Research Hub encompasses a research on a range of different migration forms – a specific set of migration forms are included in the database as they reflect the existing body of knowledge and focus regarding migration research on forms. While these are differentiated in a categorical manner, migration forms – and motivations – are rarely straightforward. Indeed, migration forms and flows are increasingly highlighted as mixed, as individuals' motivations can be multiple and constantly developing throughout migration processes.

Migration governance includes, but is broader than, migration policies. While the latter refers to laws, regulations, decisions or other government directive related to migration, governance encompasses these elements as well as the factors related to decision-making processes and implementation. While the term governance is frequently used in the field of migration studies, it remains ill-defined. Definitions of governance typically focus on the observable outputs of governance processes: i) norms, rules, policies, laws and institutions that can be binding or non-binding norms and frameworks, at the global, national or subnational levels.; ii) actors, institutions and institutional mechanisms; and iii) processes or methods of decision-making and of governing processes (including implementation and monitoring) that can be formal or informal and occur at different levels (local, national, global) and among diverse actors.

Figure 2
Simplified overview of project conceptual framework



We hope that you find these guides useful for navigating these key questions. For more information on the knowledge accumulation work of CrossMigration, please visit the [YouTube channel](#) to watch interviews with the authors. To find an index of knowledge and experts on migration all under one roof, be sure to visit and register at the Migration Research Hub (migrationresearch.com).

WP7

Key Knowledge Questions on Migration Governance

The External Dimension of EU Migration Governance

Introduction

This document aims at providing guidance to policymakers when approaching key questions and current debates regarding migration governance in the European Union (EU). We focus on questions about the external dimension of migration governance. In doing so, we attempt to capture what the knowledge base, the research and publications on the topics, has told us so far and how it offers guidance in addressing these questions going forward.

The external dimension: definition and conceptualisation

The “external dimension” is the component of migration governance that extends beyond national borders and is at the crossroads between migration governance, foreign affairs and international relations. Generally, it is implemented through collaborations with third countries, with regional or sub-regional organisations, as well as international or civil society organisations.

A variety of concepts are used to describe and analyse this part of migration governance: the descriptive “external dimension”; those of “externalisation”, “outsourcing”, “delegation”, “delocalisation”, all of which emphasize the transfer of tasks to third party actors in different ways, most frequently foreign governments, and looking at the process through which these policies are developed and implemented. Other definitions such as “remote control” or “buffering” focus on people on the move, while terms such as “(re)bordering” or “border stretching” are used to describe the way this type of governance modifies the typology and the meaning of borders. In a first phase of the analysis of the external dimension during the 90s and the beginning of the 2000s, when scholars look at the enlargement of the EU and the Schengen area, the policy diffusion and transfer in the field of migration management was approached from the perspective of the “Europeanization” of migration policy.

Main actors involved in the field, with different and sometimes-overlapping competences are the national governments, supranational or

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intergovernmental institutions at the EU level (Parliament, Commission or Council). Moreover, other actors also intervene as 'contractors' - which often include EU and member state (MS) agencies, international organisations (IOs), and non-governmental organizations (NGOs) - to assure the implementation of specific parts of this governance.

The external dimension of migration governance constitutes a complex "multi-level" or "multi-layered" system of governance whose result can be considered patchwork, with a plethora of initiatives at different levels and in diverse political areas, both at bilateral and multilateral levels, very often overlapping in some way and lacking coherence.

The main pillars of the external dimension that are developed alongside third countries, either "transit" or origin countries of migration, are: returns of irregular migrants (forced or voluntary) and re-documentation of undocumented ones; enhancement of control of informal migration routes (both maritime and terrestrial) and also of "transit" mobility inside third countries' territory to filter mobility supposedly toward EU; exchange of information; realisation of joint patrols; as well as the presence of European liaison officers in third countries. Other more unilateral pillars are less visible but nevertheless have a key role in the external dimension and also impact upon relations with third countries: the EU common visa policy; and, carrier sanction mechanisms.

Policy relevance

The external dimension of EU migration governance has progressively become a key element of migration governance in Europe during the course of the last three decades. Since the 1990s, European MS have signed bilateral agreements targeting readmission and cooperation on migration control-specific examples include agreements signed between Spain and Morocco, Italy and Tunisia, and Italy and Libya. To a lesser extent, some agreements may also seek to foster formal mobility channels. At the EU level, the EU-

ACP (African Caribbean Pacific) agreement of Cotonou was signed in 2000, and included a specific clause on readmission. Moreover, two important instruments pushing the migration governance outside the EU were also developed in the beginning of the 2000s: the common Schengen visa list, published in 2001, and the Carrier Sanction Mechanism, established in 2001 (Council Directive 2001/51/EC of 28 June 2001).

During the first half of the 2000s, MS as Spain and Italy developed new action in this field, paired at the EU level by the Global Approach to Migration (GAM) which was presented by the European Commission in 2005. EU competence for negotiating readmission agreements was established along with the enforcement of the Amsterdam Treaty in 1999, but the rigidity of negotiation mandate, among other issues, limited progress in this area. Member states continued to develop and implement their external governance on a bilateral level with third countries, often supported by the EU. After the Arab Spring in 2011, a new Global Approach to Migration and Mobility (GAMM) was presented by the EC. Progressively, the EU has increased efforts to coordinate these bilateral initiatives, leading EEAS and MSs to coordinate missions or to develop joint approaches for some key countries.

In the aftermath of the “refugee crisis” of 2015, a further deepening of the external dimension took place, whereas EU MS faced unprecedented numbers of arrivals, while at the same time being divided by heightened internal tensions. In November 2015, took place the La Valletta summit between Europe and Africa and the establishment of the EU Emergency Trust Fund for Africa (EUTF). In 2016, the EU concluded a deal with Turkey, considered another step towards the further development of the external dimension of migration governance. In this case, the external dimension focused on preventing informal/irregular entries to EU MS. In addition, the EC released in 2016 a communication on establishing a new Migration Partnership Framework with third countries, where is recognised the possible use of negative conditionality, which could mean sanctions and penalties for third countries that did not collaborate sufficiently with EU migration policy.

Overview of the key questions in the field

What are the key dynamics of the external dimension?

When considering the key dynamics that shape the external dimension of migration governance, it is crucial to differentiate between short-, mid- and long-term focus. Each one will bring different perspectives on the external dimension and employ different tools. Research also underlines the importance of considering the high politicization of the issues at stake at MS level, as well

as an increased importance of the symbolic dimension of policy making within the EU – where rhetorical commitments may not be backed up by political actions. Most policies developed in this field, both at bilateral and multilateral levels in Europe, tend to be reactive and short-term. This means that decision and policymaking are a response to a perceived “migration crisis” occurring along EU borders, rather than being developed proactively with a mid- or long-term vision. Moreover, measures within the external dimension mainly focus the effects of migration phenomena, even if more recently, at least at the level of political narratives, there is an increased interest for issues related to the ‘root causes’ of migration, as in the case of the EUTF.

What are the key factors of the external dimension?

Looking at the key factors of the development and implementation of EU external migration policies, first, it is crucial to underline the fact that there is often a significant tension between endogenous and exogenous elements. Sometimes interests and political agendas may be fairly divergent, both within the EU – where obstacles or disagreements may arise between the EU and its MS – or with third countries. Non-EU governments, or other regional and sub-regional organizations, may not share the EU point of view on migration management, especially when these countries are producers of migration flows or where migration is not a politically salient concern. This fact determines that strategies of negotiation need to include strong incentives or powerful conditionality to foster an effective agreement. In this case, the use of development aid is considered one of the main motivations, as too are larger visa quotas, better economic conditions considering the third countries’ products in the EU in addition to promises of foreign investments, or diplomatic support on specific political issues regarding the third country in question, among other issues.

To solve divergence of policy agendas and interests, the EU has also fostered the establishment of venues, generally managed by different IOs, where stakeholders from the EU and third countries and other regional organisations can meet and establish closer alignment and similar views on certain issues.

What are the key evolutions of negotiation?

Cooperation with the EU on migration control policy may represent a critical factor for third countries both in terms of their own domestic politics and in relation to their regional neighbours. At the same time, for the EU and its MS, agreements with third countries may cause issues to arise concerning accountability for cooperating with non-democratic or autocratic countries as well as responsibility for the negative effects of the external dimension on migrants and refugees, especially human rights concerns.

There is then an increasing use of informality concerning agreements in this field, especially related to the use of diplomatic means to address them. This informality drastically reduces transparency and prevents civil society and political parties from accessing the contents of the agreements, preventing an open forum for voicing their concerns and thus, further complicating and problematizing the issue of accountability.

What is known about efficiency and results?

To evaluate the results and gauge the efficiency of policy measures of the external dimension, it is necessary to define the main objectives of the external dimension, based on policy documents and declarations. The main three objectives are: diminishing irregular crossings/arrivals; reducing the number of migrant deaths when trying to access Europe; and fighting against smugglers and trafficking activities.

- 1 Reducing irregular crossings/arrivals by sea or land. In the short term, cooperation with third countries or other regional or sub-regional organisations has reduced flows in specific migration corridors. However, considering flows over the long-term, as well as with a larger geographical lens, the result is not so clear: very often the decrease in flows of a single migratory path may be followed by an increase in another migratory route, more or less connected to the previous one, but often-times more dangerous.
- 2 Reducing the number of deaths at the EU border. Evidence shows a progressive increase of fatalities at EU borders and outside the EU despite the growing external dimension. Displacement of migration paths results in riskier and less controlled routes leading to increased fatalities. This can be further complicated by the practices of third countries- such as indiscriminate roundups, re-expulsions and detentions- but also by increased activity of traffickers and smugglers.
- 3 Fighting against smugglers and trafficking activities, evidence shows that enhanced controls in transit spaces increase prices of border-crossing services provided by various and more or less structured facilitators. Moreover, due to the external dimension, refugees also experience a growing need to request services of smugglers or traffickers to access asylum systems.

Scientific evidence underlines that the employment of the external dimension as a key deterrent for irregular migrations to Europe produces serious and adverse results in terms of increased risks, violence, the growing possibility of death and violations to human rights in attempts to access

the EU, while the deterrent effect is not as effective as perceived. Further field-based research on these issues will allow a deeper understanding of these interactions.

What has been ignored and needs to be considered in future policy evolutions?

A wide variety of scientific evidence also suggests that several elements have been neglected in the external dimension of migration governance. These elements could be integrated into both policy and evaluation processes. First, it is essential to mention the consequences of the external dimension on human rights of the people on the move. Second, practical limitations on the right to asylum are produced by the external dimension with a potential indiscriminate buffering of the mobility of migrants and of asylum seekers. Third, the EU external dimension may cause limitations in the pre-existing free-movement agreements outside Europe, as it is the case of ECOWAS, and interference with migration systems that are not directed towards the EU, as inter-African mobility. Finally, further consideration is needed of how violence and criminality can affect migrants and refugees in spaces outside Europe, as a consequence of cooperation fostered by EU with third countries.

What are the main gaps that may affect future governance developments?

There are several existing knowledge gaps that may affect the ultimate feasibility and effectiveness of policy measures in the external dimension. The main ones include:

At the level of the decision-making process

- the informal and opaque aspect of the decision-making and the negotiation process
- the empirical knowledge of policy-making dynamics in third countries
- the evolution and trends in the collaboration between EU and MS on the external dimension, also considering the interaction with the internal dynamics concerning migration governance.

A deeper and more empirical-based scientific knowledge of these issues of the policy making, both at EU and third-countries level, will enhance the chances to establish a more coherent, effective and profitable cooperation for all parts.

At the level of the implementation

- the empirical knowledge of policy implementation and proper assessment of its impact on third countries
- the growing role of IOs, but also of CSOs, NGOs and other governmental actors and agencies in the implementation, reporting, evaluation and contestation of external dimension

Scientific evidence on these elements will enhance effectiveness of cooperation through a more complete understanding of social and political priorities by all countries and a more comprehensive implementation.

At the level of the impacts' assessment

- the analysis of economic and diplomatic costs as well as the evaluation in terms of costs and benefits for the EU and the MS
- the EU dependency on third countries' migration control and possible consequences
- the impact on democratisation processes in third countries, in respect of human rights for both migrants and third countries citizens
- the impact on the external image of EU as a global actor

An extensive and empirical-based assessment of results, both intended and unintended, of the external dimension will allow to improve effectiveness, through reducing the gap between objectives and results, to increase policy coherence with other political areas, and to avoid 'collateral effects' towards human security and human rights.

References to the main EU Policy Frameworks on this topic

- EU's European Neighbourhood Policy (ENP), developed since 2004, actually through the funding of the European Neighbourhood Instrument (ENI).
- Valletta Summit on migration (November 11th-12th 2015), the Action Plan and the Political Declaration approved there, and "The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa" (EUTF for Africa)
- Global Approach on Migration and Mobility (GAMM) of 2011, including the Africa-EU Partnership on Migration, Mobility and Employment and the Rabat Process (in the South), the Khartoum Process (targeting the migration route between the Horn of Africa and Europe), the Prague Process, and the Eastern Partnership panel on Migration and Asylum (in the East), the migration dialogue with Latin America, and dialogue with the countries along the Silk-route, including in the framework of the Budapest Process. Mobility Partnerships (MP) have been signed with Cape Verde, the Republic of Moldova, Georgia, Armenia, Morocco, Azerbaijan, Tunisia, Jordan and Belarus; Common Agendas for Migration and Mobility (CAMM) have been signed with Ethiopia and Nigeria.
- Western Mediterranean 5 + 5 Dialogue
- European Commission (2016), "Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration", COM(2016) 385 final, Strasbourg, 7th June.

Recommendations for key readings

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Note on references: For a complete list of references to academic and research work used for this paper, please consult the knowledge accumulation report.

The Migration Research Hub, developed in the CrossMigration project, supports the systematic accumulation of knowledge in migration studies. It aims to be the go-to resource for finding knowledge on migration, from the latest literature to the most appropriate topical experts.

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