



DANISH INSTITUTE FOR INTERNATIONAL STUDIES
STRANDGADE 56 • 1401 COPENHAGEN K • DENMARK
TEL +45 32 69 87 87 • diis@diis.dk • www.diis.dk

OUTSOURCING MIGRATION MANAGEMENT
EU, POWER, AND THE EXTERNAL DIMENSION
OF ASYLUM AND IMMIGRATION POLICY

Thomas Graae Gammeltoft-Hansen

DIIS Working Paper no 2006/1

© Copenhagen 2006

Danish Institute for International Studies, DIIS

Strandgade 56, DK-1401 Copenhagen, Denmark

Ph: +45 32 69 87 87

Fax: +45 32 69 86 00

E-mails: diis@diis.dk

Web: www.diis.dk

Cover Design: Carsten Schiøler

Printed in Denmark by Vesterkopi as

ISBN: 87-7605-119-6

Price: DKK 25.00 (VAT included)

DIIS publications can be downloaded

free of charge from www.diis.dk

Thomas Graae Gammeltoft-Hansen is a PhD candidate under the “Industrial PhD” scheme and affiliated with the Institute of Law, Aarhus University, the Department of Globalisation and Governance at the Danish Institute for International Studies (DIIS), and the Danish Refugee Council.

This paper draws in part on his Master’s thesis titled ‘The Risk of Migration Control: A reflexive Analysis of the common EU Asylum and Immigration Policy’, submitted at the Institute for Political Science, Copenhagen University, June 2005. Any comments towards this working paper are welcome and can be directed to: tghc@drc.dk

Contents

Abstract	ii
1. Introduction	1
The Argument	1
2. Conceptualising EU power	3
3. Migration as part of EU foreign policy	4
Readmission agreements: the need to ensure returns	5
Putting migration on the EU foreign policy agenda	7
Going hard on soft power? EU's hegemonic position	11
4. Conclusions	13
Literature cited	15

Abstract

The present paper explores the growing link between EU's migration priorities and its foreign policy agenda. As part of the evolving EU acquis on asylum and immigration issues, particular priority has been given to cooperation with third countries and efforts to extend EU's possibilities for regulating migration flows well beyond its borders. As an emerging foreign policy issue, this paper asks how EU's migration priorities have translated into policies vis-à-vis third countries, what objectives these policies serve, and how this affects EU's overall foreign policy agenda and relations with countries of origin and transit?

Using Joseph Nye's conceptualisation of 'hard' and 'soft' power, it is argued that EU is taking on a hegemonic position when initialising cooperation with third countries. As these countries are becoming more reluctant to take upon them the responsibility for preventing migration from reaching Europe, the EU is playing on a combination of 'attraction' and direct conditionality to ensure compliance. Yet, as the stakes are getting higher, ensuring cooperation may prove too costly, both financially and to EU's self-image.

1. Introduction

Since the first framework for common asylum and immigration policy was laid down at the EU summit in Tampere 1999, the EU has substantially expanded its economic and political involvement with non-EU countries on the issues of asylum and immigration. As tightened asylum policies, tougher border controls and more restrictive entry procedures have been found inadequate, solutions in or near the 'countries of origin' have gained increasing support. Thus, as part of the 'comprehensive approach' promised at Tampere, a whole section was devoted to 'cooperation with third countries', calling for the EU to integrate migration into all areas of external relations (European Council 1999; Boswell 2003: 115). Today, five years after Tampere, the political ambitions are beginning to materialise. In particular, funds have been increasing; The AENEAS programme (EU's special programme of financial and technical assistance to third countries in the area of migration and asylum) was recently expanded from 20 million Euros in 2001-2003 to 250 million Euros for the following four years. Reflecting the priority given to migration in the foreign policy agenda, this programme is managed directly by the JHA Council (Samers 2004: 15).

AENEAS seems a fitting name when thinking of Virgil's Aeneid, from which it is derived. The Greek hero of the Trojan War was himself a 'fugitive' forced to flee across the Mediterranean (Virgil 1990: 1). En route to Italy, he fell in love with the North African queen Dido. Yet, when forced to choose between his duties and her, she was left to become mad with grief and eventually commit suicide. Daring the reference to mythology, this paper asks the question, how is the EU handling its 'love affair' with 'third countries' as set out in Tampere? More specifically, this paper asks how EU's ambition to control migration has translated into policies vis-à-vis third countries, what objectives these policies serve, and how this affects EU's foreign policy agenda and relations with countries of origin and transit?

THE ARGUMENT

Both the Tampere conclusions and other position papers have emphasized the need to address human rights, democratisation and socio-economic causes of movement as means to prevent people fleeing poverty, conflict or personal persecution. Yet, as concrete initiatives have evolved, the so-called 'root cause approach' has been complemented by a set of more restrictive, entry and departure blocking mechanisms, designed to extend migration control to third parties and non-EU countries well. Although both strategies share a preventive logic, the 'root cause approach' focuses on long term, mostly economic and human rights instruments,

whereas the 'restrictive approach' follows a more distinct control-oriented logic, extending existing migration control measures outside the EU.

Looking into these restrictive policies that have dominated the implementation process so far, this paper argues that the externalisation of asylum and immigration policy has been done with the overall aim of expanding the migration control carried out domestically and at the EU borders. Whether it takes the form of readmission agreements or cooperation with transit and sending countries, primacy is given to the goal of preventing unwanted migration from reaching EU territory (Guiraudon 2003: 4). As such, 'root cause' approaches are often eclipsed by the more 'instant impact' control policies.

By using Joseph S Nye's concepts of power, it is secondly argued that the EU has largely been able to implement its migration policies vis-à-vis third countries through linking migration policy to a range of other issues on the foreign policy agenda. To some extent policy ambitions have been shared between EU and third states, yet to a large degree unilateral EU policies have set an agenda that other countries have been forced to follow as the EU has been able to assert its priorities through a combination of diplomatic and economic leverage. Thus, short of a military dimension, the EU may indeed show itself as a very powerful international actor utilising a combination of soft power and economic power to achieve its migration policy priorities.

Lastly, this paper concludes that while these developments allow the EU to extend its own migration control beyond any line of Westphalian authority, this may present a serious challenge to its future relations with countries of origin and transit. By linking migration policy to trade, development aid and security policy, the hitherto domestic policy area is given a global set of instruments to control migration flows towards Europe. Yet on the other hand, reinforcing control policies and pursuing readmission agreements risk overstressing the capacity of these countries to successfully manage migration and risks creating diplomatic alienation. In other words, using hard power to achieve its migration priorities may also entail a loss of soft power and will eventually make such policies unsustainable.

2. Conceptualising EU power

This paper wants to analyse the specific policy instruments available to the EU in order to say something about: 1) the goals of EU migration policy and 2) the extent to which EU is wielding a power position in regards to third countries in this field. Starting with the latter, this section sets out to develop a basic understanding of relational power.

At the most basic level, one might distinguish between behavioural and resource power; whereas the latter is the inert ability to achieve self-favourable outcomes, the former could be defined as the ability to obtain outcomes you want from others (Keohane and Nye 2001: 220). According to Joseph Nye, we should further distinguish between two kinds of behavioural power: hard power and soft power (ibid.). Whereas hard power employs material conditionality (incentives or sanctions) to get others to do what they would not have done otherwise, the latter works more succinctly as the ability to get desired outcomes by persuading others to adopt similar interests.

Assessing EU's *hard power*, most scholars agree that the EU is relatively weak in terms of military capacities, yet in relation to migration other factors may be more important (Bull 1982: 151). The sources of hard power stem primarily from EU's position as an economic actor. In terms of trade relations, the EU not only constitutes the largest trading entity in the world, individual Member States also long ago delegated a capacity to act on their behalf to the Union as such (Bretherton and Vogler 1999: 48; 78). Similarly, the EU could be said to hold economic power in the field of development aid. Together, the Union and its Member States provide around 60% of world aid and the Community alone is today the fifth largest donor (ibid. 109). Though some have argued that much less power is delegated to the EU compared with trade relations, the EU as a whole is likely to carry substantial weight in relation to transit and origin countries as these are often either developing countries, generally dependent on development aid, or neighbouring countries, in which financial assistance from the EU may be of particular importance (Niessen 2004: 3).

Identifying EU's *soft power* in regards to migration policy may be more difficult. According to Nye, soft power is essentially the ability to 'attract' others; it rests on the appeal of culture or institutional norms and the ability to set the agenda in a certain policy field:

'If a state can make its power legitimate in the eyes of others and establish international institutions that encourage others to define their interests in compatible ways, it may not need to expend as many of its costly traditional economic or military resources.' (Keohane and Nye 2001: 220)

In general terms, one may argue that the EU holds a special attraction in itself, especially towards its immediate neighbours (Wæver 2000: 263). This is particularly evident when looking at the ongoing enlargement process. In the course of membership negotiations, Eastern European states have been more than willing to adopt the otherwise tedious Schengen border control requirements, despite the negative impact on trans-border trade and diplomatic relationships between the new Member States and states further east (Samers 2004: 18). Yet, one could question whether a similar attraction exists with regards to the southern neighbours and more distant developing countries. Short of membership, these countries may require more direct incentives for cooperation.

More specifically, the EU may also hold a certain amount of soft power in relationship to migration as such. Most scholars agree that Europe has a leading role in the global refugee regime (Selm 2001: 9). As the historical bedrock of the present legal regime, European countries are looked to not only for the interpretation of legal standards but also for policy innovations and adoption. This ability to set the standards for migration policy may, however, also work to the detriment of the EU. The current surge in restrictive policies and concerns over migration in developing countries are often attributed to European developments. As an example of this, several African countries now apply dubious legal policies such as the safe country of origin and first country of asylum principles (*ibid.*). Yet this mimicry effect may not be in the interest of the EU when it comes to getting third states to accept rejected asylum seekers.

3. Migration as part of EU foreign policy

Analysing foreign relations with countries of origin and transit in regards to migration is at the same time a growing nexus and an analytically dispersed and incoherent field of policies, difficult to trace or even access. For this paper, I have tried to exemplify the increased salience of migration policy within the foreign policy agenda by looking first at a particular issue, readmission agreements, and secondly showing how migration issues are gaining importance within the traditional foreign policy areas of trade, development aid and political cooperation.

READMISSION AGREEMENTS: THE NEED TO ENSURE RETURNS

In practice, the extradition of illegal immigrants and refused asylum seekers requires the existence of a country willing to receive these people. Thus, over the last decade more than a hundred readmission agreements have been signed between Member States and non-EU countries (Kruse 2003: 10). As part of the Tampere programme, competence to sign and negotiate these agreements was delegated to the EU. The ambition was not only a streamlining of hitherto disparate practices; a united Europe is also likely to carry substantially more weight in negotiations with third countries. The EU has not been late to exploit this new power, despite reluctant or hesitant third countries. So far, common EU readmission agreements have been concluded with Albania, Hong Kong, Macao and Sri Lanka and negotiations have been initiated with Algeria, China, Morocco, Pakistan, Russia, Turkey and Ukraine (JHA Council 2004: 4).

The process commenced on the basis of the 2002 'Green Paper on a Community Return Policy on Illegal Residents' that prioritised countries according to three main criteria: migration pressure, geographical balance of countries and the perceived chance of successful implementation (Kruse 2003: 11). The importance of achieving concrete results was further emphasized at the 2002 Seville Council, which concluded that 'any future cooperation, association or equivalent agreement which the EU or the EC reaches with any country should include a clause on joint management of migration and on compulsory readmission in the event of illegal immigration' (European Council 2002: 10).

Besides underlining the political priority of implementing readmission agreements, the Green Paper also considers the potential problems of simply shifting the burden for processing asylum seekers to third countries:

Returning people on a large scale could have a considerable impact on the development of a country and on the willingness of the authorities to co-operate in controlling migration...The EU should therefore consider which forms of support are adequate also in order to ensure that returns are sustainable (European Commission 2002: 11)

As a result, the linking of migration control and foreign policy has been pursued through two dimensions. First, a range of targeted projects have been adopted to improve the institutions necessary for managing large scale migration and asylum flows. For example, the AENEAS programme mentioned at the outset of this paper is specifically targeting countries having

signed readmission agreements (Samers 2004: 16), and specific projects include improving border control, asylum systems, support towards repatriation costs and the deployment of EU Immigration Liaison Officers in third countries (Kruse 2003: 12).

While these initiatives have generally been welcomed by third countries, it may be important to contextualise them within the larger migration strategy pursued by the EU. Readmission agreements are essential for realising the so-called 'safe third country' and 'safe country of origin' policies pursued throughout Europe since the early 1990s (Byrne et al. 2002: 19).¹ The central feature of these policies is the possibility to reject asylum seekers without examining their claim on the basis that protection is or should be possible in either their country of origin or a country *en route*. These policies have generally been implemented unilaterally, but needless to say directly affect the countries in question. These policies set an agenda, in which third countries are forced to deal with rejected asylum seekers from Europe, whether they want to or not (Selm 2001: 12). Consequently, measures to improve third country border control (even exit border control), asylum systems and repatriation are seen as necessary compensatory measures for thus shifting the burden of asylum processing and migration control to third states. While the legality of this shift could, and has, been contested in the first place, third countries accepting such compensatory measures are also endorsing the structural condition behind them, namely EU's soft power to unilaterally implement safe country policies.

Secondly, hard power is wielded by a combination of stick and carrot, as many countries have been reluctant to sign readmission agreements. As the Commission notes itself, third countries see these agreements as being in the interest of the EU only. Positive incentives have been emphasized by those Member States who believe that the 'most effective agreements were those inserted in more complex migration management partnerships, which involved some elements of development assistance and of privileged access to the labour market, as opposed to those imposed by diplomatic strength, which tended to remain largely on paper' (House of

¹ The term first appeared in the 1992 London Resolutions. The Resolutions do not use the term 'safe third country', but instead 'host third country'. In the original definition this had the important implication that asylum seekers were assumed to actually have applied for asylum in these countries (equivalent to the general understanding of 'first country of asylum'), yet over the time this condition was generally disregarded and the phrase 'safe third country' more commonly adopted (Selm 2001: 8; 16). A similar principle is enshrined in the 1990 Dublin Convention, which takes the 'possible prerogative' of the London Resolutions a step further making it a 'pre-emptory obligation' of contracting states to identify a non-EU country to which asylum seekers could be removed (Byrne et al. 2002: 22).

Lords 2002: 29). Quotas for labour migrants, leaner visa policies, trade expansions, market access and increased development assistance have all been listed by the Commission as possible 'carrots' in negotiating readmission agreements (Kruse 2003: 13).

Failing to achieve results through these incentives, a number of Member States have suggested the imposition of sanctions on third countries that refuse to cooperate. The 2001 Action Plan on Illegal Immigration emphasizes that the EU should 'use its political weight to encourage third countries which show a certain reluctance to fulfil their readmission obligations' (cited in Samers 2004: 16). Although the exact measures are left open, the terminology used is clearly more conducive to a 'stick' approach (Cholewinski 2003: 14). At the 2002 Seville Council summit, Spain and the UK suggested that development assistance should be made conditional on cooperation on readmission agreements. Although this suggestion met resistance from some countries, it was principally agreed that a withdrawal of aid could form part of possible sanctions, if countries were found to be non-cooperative (Niessen 2004: 31). Thus, economic and political dependence of third countries on the EU, e.g. trade relations, development aid, potential membership or political support, may form a critical argument in ensuring the willingness of third countries to cooperate (Kruse 2003: 13).

Taking the case of readmission agreements, it becomes evident how the EU is employing a broad range of foreign policy instruments to achieve the overall purpose of returning rejected asylum seekers and illegal immigrations. Working in tandem with 'safe country' policies, readmission agreements could be argued to put these concepts into practice, by assuring that extradition is actually possible. In doing so, the EU is seemingly willing to utilise both its economic and political weight as well as its soft power to structure the migration agenda of third countries. Yet, the continued reluctance by key countries to sign readmission agreements point to the conclusion that despite EU's role as conceptual leader in the current migration regime, its 'soft power' has to be backed by more tangible benefits if third countries are to comply.

PUTTING MIGRATION ON THE EU FOREIGN POLICY AGENDA

The importance of readmission agreements as part of EU foreign policy negotiations begs the question whether EU more broadly is refocusing its foreign policy around migration concerns. The comprehensive approach enshrined in Tampere puts emphasis on linking development, trade and political cooperation as tools for reducing the push factors of migration. The notion was followed up by the 2002 Commission Communication on Integrating Migration in the European Union's Relations with Third Countries, which set out the ambition to address the 'root causes' of migration by improving human rights, good governance, economic growth

and social development (European Commission 2002b). This section attempts to trace the political implementation of these links within the above spheres.

Despite the fact that the largest recipients of EU official *development aid* are not generally large countries of emigration or transit (Niessen 2003: 10), there are some signs that development funds are being redirected towards focus migration countries. As part of the €5.35 billion MEDA programme for 2000-2006², substantial funds are devoted specifically for migration management, control and socio-economic development in migration prone regions. Thus, for migration focus countries such as Morocco, €115 million out of €426 million (more than 25%) are dedicated specifically to reduce migration (Kruse 2003: 17). Among the specific initiatives are efforts to reduce migration pressure in Morocco's northern provinces, responsible for almost 40% of Moroccan emigration to the EU (Boswell 2003: 635). Secondly, as was noted in the case of readmission agreements, the threat of reducing development aid has been employed to ensure cooperation on migration control from developing countries. A prominent example is the Cotonou Agreement, setting out the terms for EU's development aid to ACP countries. Despite protests, EU inserted a compulsory readmission clause (Article 13) as well as obligations of ACP countries to 'prevent and fight against illegal migration' (Niessen and Schibel 2004: 14).³ EU is the largest donor of development to many of the ACP countries, making it an unviable option for these countries not to sign.

Trade relations is the foreign policy issue in which EU has the longest history and carries the most weight, yet the possible links between migration and trade policy are generally hard to substantiate (Niessen 2004: 32). Most notably, mobility issues do crop up under general trade negotiations, such as GATS⁴. Within the GATS negotiations, developing countries have generally emphasized labour migration as an asset or opportunity for both sending and receiving countries (Niessen 2003: 12). Yet, despite the fact that these arguments are generally acknowledged by European economists, EU has been very hesitant to release barriers for

² MEDA is the primary financial instrument of the the financial instrument of the Euro-Mediterranean Partnership. This forum covers the succession of the Barcelona process commenced in 1995. The focus areas include the establishment of a free trade area by 2010, a peace charter, social, economic and political reforms, and the improvements of human rights (Niessen and Schibel 2004: 38)

³ Similar treaty obligations to readmit own nationals have been concluded with Egypt, Lebanon, Algeria, Armenia, Georgia, Azerbaijan, Uzbekistan, Croatia, FYR Macedonia and Chile (Peers 2003)

⁴ General Agreement of Trade in Services. This agreement was signed in 1994 and falls within the remit of the World Trade Organisation (WTO) (Niessen 2003: 12)

labour migration not directly tied to commercial companies or highly skilled professionals.⁵ The 'Marrakech Annex on Movement of Natural Persons Supplying Services under the Agreement' ensures that national immigration controls are not bound by GATS (Niessen 2003: 13). Thus, if anything, EU has generally been keen to reinforce a control oriented migration policy in this area. The possible exceptions are primarily the increasing number of labour quotas for countries signing readmission agreements and cautious attempts to open up under GATS for highly skilled migrants and professionals (Niessen 2004: 33). Yet, contrary to what may be expected, EU seems hesitant to explicitly use trade relations as leverage for obtaining migration priorities.

The link between migration and *political cooperation* with third states has seen a number of manifestations. Most have taken the form of bilateral agreements, such as the existing body of readmission agreements, yet regional frameworks have developed over the last years. The overall strategy seems to emphasize simultaneously improving asylum procedures and avenues for legal immigration and ensuring cooperation on migration management, visas and illegal immigration. The dual ambition is made explicit in the MARRI⁶ action programme for the Western Balkans⁷, which states:

The fundamental principle underpinning the MARRI Programme of Action is the appropriate balance between state and human security. On one hand, states need to be in charge of their borders and must have laws and structures in place to be in effective control of population movements to strengthen internal and regional stability and to have the foundations in place for a sound economic and social reform policy. On the other hand, movements of people must be managed in the interest of human security by protecting and empowering people, allowing citizens of the Western Balkans to move freely within and across borders in search of economic and social opportunities. (MARRI 2003: 11)

⁵ Under GATS, labour migration is a part of service providers treated under either mode 3 (service providers linked to commercial companies) or mode 4 (natural persons). Mode 4 is by far the most restricted and accounts for only 1,5 percent of total trade in services (Niessen 2003: 14)

⁶ Migration, Asylum and Refugee Regional Initiative

⁷ MARRI covers Albania, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Serbia and Montenegro, Bulgaria, Romania and Moldova.

This quote is telling in that it makes explicit the converse proportionality between migration control and liberal rights of protection and free movement, while at the same time adoring both. A similar duality is enshrined within EU's recent Neighbourhood programme, covering the Mediterranean and Eastern European countries.⁸ Although the scope of this programme covers all aspects of foreign policy, migration management is considered particularly important due to the geographic proximity of these countries and their general status as countries of transit or origin (European Commission 2003: 6). Yet, in addition to combating 'threats to mutual security' stemming from 'illegal immigration', there is an acknowledgement that 'EU and the partner countries have a common interest in ensuring that the new external border is not a barrier to trade, social and cultural interchange or regional cooperation' (European Commission 2003: 6; 11). Thus, although illegal migration is clearly defined as a security threat, the risks of excessive control obstructing wanted flows, trade and the alienating neighbouring countries are equally recognised.⁹

The picture painted above, is one of rights-based and 'root cause' approaches as compensating measures for the potential ill effects generated by the overarching aim of migration control. Although it would probably be an overstatement to argue that EU's foreign policy agenda generally has been redirected towards migration issues, there is a clear tendency within several areas that migration is being incorporated as an important policy aim. As regards the nature of this coupling, restrictive and control measures have so far been more dominant than the 'root cause approach' set out in Tampere (Boswell 2003b: 636). Relations with the Mediterranean countries are a case in point. Besides readmission agreements, initiatives have mostly focused on assisting third countries combating illegal transit migration and the improvement of exit border control, aimed at stopping undocumented migration and human smuggling towards Europe (Pastore 2001: 11; Niessen 2004: 36; Boswell 2003: 637). The main exception seems to be the establishment and improvement of asylum institutions, which is gaining increasing

⁸ The Neighbourhood Programme is set to take over the economic frameworks of TACIS and MEDA by 2007.

⁹ A number of authors have argued that migration is increasingly constructed as a security issue in Europe and that this construction becomes the impetus for the increased focus on migration control (Bigo 2002; Furuseth 2003; Huysmans 2000; Wæver et al. 1993). For an alternative view arguing that the so-called "securitisation of migration" is itself a by-product of the underlying trend to treat migration in a risk-based policy framework, please see Gammeltoft-Hansen, T. (2006 forthcoming), "Filtering Out the Risky Migrant: Migration control, risk theory and the EU", AMID Working Paper, Aalborg University.

support in the EU.¹⁰ Yet, although generally endorsed by refugee NGOs, these need not be at odds with EU ambitions to assert migration control. Under such a lens, supporting asylum systems would achieve the triple purpose of legitimising designating these countries as 'safe', increasing the efficient management of asylum seekers that might otherwise disappear into irregularity, and, lastly, act as a compensatory mechanism alleviating the possible risks of destabilising third countries when increasingly shifting the burden of asylum processing.

Whereas readmission agreements were meant to facilitate the return of rejected asylum seekers and illegal immigrants, the above measures can all be described as an export of existing migration control measures to third countries. The EU is pushing a replication of its existing migration management regime within the spheres of border control, measures to combat illegal migration, human smuggling and trafficking and the capacity and expediency of asylum systems to third countries.

GOING HARD ON SOFT POWER? EU'S HEGEMONIC POSITION

The policies described above all build on the premise that migration constitutes a transnational issue and as such demands a transnational policy. This picture fits well the notion of a 'cooperative' approach referred to throughout the Tampere document (European Council 1999). Yet, whereas this notion may be an adequate description of the Europeanisation of hitherto national migration policy, the picture is somewhat different when looking at migration cooperation with third countries.

The implementation of readmission agreements and other control oriented policies illustrate that these measures are negotiated through playing on a combination of economic incentives and the threat of sanctions as well as the ability to structure third country migration priorities, e.g. by imposing 'safe country' policies. Despite the fact that some of these measures, such as initiatives to improve border control and asylum systems, may be readily welcomed by third states, these are hardly in a position to refuse them. In addition to the possible economic and diplomatic costs of being branded as 'non-cooperative', these countries would be left to bear the brunt of EU policies shifting the burden for asylum seekers and rejected immigrants to these states. As a result, these countries themselves push for help to reinforce migration

¹⁰ Most recently, the European Commission funded UNHCR to strengthen the asylum systems in Morocco, Algeria, Tunisia, Libya and Mauritania.

management infrastructure, asylum institutions and border surveillance equipment (Pastore 2001: 10f).

Although the EU is seemingly dependent on third countries assisting in the management and control of migration, cooperation as noted above does not resemble that of equal sovereign states. Rather, the above analysis supports the picture of EU acting as a suzerain, asserting its sway over both transit and origin countries. The asymmetric relationship between EU and its neighbours gives EU the leverage to push its own migration priorities and co-opt third countries in the attempt to erect additional migration control outside EU borders.

One should, however, not take this power relation for granted. The continued reluctance of several states to sign general readmission agreements points to the fact that these states are concerned what this shift in migration management might entail. These countries may not have the institutional infrastructure to handle increased migration management, despite EU efforts to meet this risk by building up border control and asylum institutions in these countries.

Further, despite the formation of regional partnerships, such as the Euro-Mediterranean, there is a risk that the disjointed interests between the EU and third countries may become irreconcilable. As Pastore notes with regard to the Euro-Mediterranean Partnership:

For European countries, the only real priority was to secure greater cooperation from the countries of origin and of transit in the fight of illegal immigration, while for the non-EU countries the priorities were the protection of its emigrant communities and the maintenance of the vital economic resources represented in remittances. (Pastore 2001: 4)

Unlike the accession countries, the EU cannot flag the 'magnetic' instrument of future membership in these countries to ensure compliance (Wæver 2000: 263). As the reluctance to take on the burden of migration management grows in these countries, so may the incentives needed to have them comply. Using Nye's terminology, EU's use of hard power may eventually undermine its soft power. The analysis above paints a picture of rather hegemonistic EU cooperation on migration, in which the multilateral approach, which according to Nye is a European trademark, is seemingly lost in the ambition to effectively deflect the burden of migration control and asylum processing to third countries (Nye 2004).

4. Conclusions

The externalisation of EU asylum and immigration policy represents one of the most striking innovations in European migration policies. From its historical position as a purely domestic matter, and more recently a communitarised EU issue, it has now come to be a central feature of EU foreign policy. This in itself is perhaps the most important conclusion of this paper, as this development begs further research to the way this area ties together with other foreign policy domains.

From the brief sketch provided above, the conclusion is that externally directed migration policies have not materialised merely as efforts to prevent the 'root causes' of migration. Rather, the above examples point to a strategy by which the EU is seeking to simultaneously deflect the burden of migration processing and reproduce migration control mechanisms in third countries.

In doing so, it seems that the control element of 'migration control' is directed not only at migration flows, but also at the third states instrumentalised for this purpose (Guiraudon 2003: 3). There is little to indicate that the current export of migration policy to transit and origin countries is generally in their interest, except as compensatory measures for the shift in migration management that the EU is currently imposing on these countries. Thus, rather than the 'cooperative' solution to migration management envisioned at Tampere, migration cooperation follows a hierarchical structure focused around EU priorities.

The way that migration is being linked to a range of foreign policy issues illustrates that the EU is seeking to employ a wide range of hard and soft power mechanisms to assert its priorities vis-à-vis third countries. Most evident, migration is being tied to EU's development agenda and to a lesser extent the trade relations. In doing so, the EU is using a combination of positive incentives and threats of sanctions in order to obtain compliance. Further, the EU may be wield a certain soft power by either using its political attractiveness towards potential Member States or successfully implementing policies structuring third country migration policies around its own interests.

Yet, using Nye's concept of soft power reflexively, this paper also points out the possibility that EU may itself become a hostage to its external migration policy. In order to assure re-admission agreements and the establishment of control measures by third countries, the EU has not only taken on a power position, but also drastically changed its foreign policy priorities

towards a range of strategic migration countries. The designation of migration as a risk that must be controlled has forced the EU to take on a more proactive foreign policy role, with substantial political and economic concessions to countries, increasingly reluctant to take on the responsibility for EU migration management. This may prove the most important dilemma of the present political strategy. As several analysts have pointed out, the simple shifting of burdens for migration management is unlikely to prove sustainable, as third countries are themselves becoming increasingly concerned with the administrative and political implications of increased immigration (Stepputat 2004: 137). As EU's policy of external control and deflection is ultimately dependent on the willingness of these countries to take back rejected migrants and step up control procedures on behalf of Europe, the EU will likely be forced to either increase the positive incentives to a point at which it will clearly conflict with other core foreign policy goals, or more bluntly assert its role as regional hegemon, despite the costs, both diplomatically and to EU's self-image, of such a power display.

Literature cited

- Bigo, Didier. 2002. Security and Immigration: Towards a Critique of the Governmentality of Unease. *Alternatives* 27:63-92.
- Boswell, Christina. 2003. *European Migration Policies in Flux: Changing Patterns of Inclusion and Exclusion*, Chatham House Papers. London: Royal Institute of International Affairs / Blackwell Publishing.
- Boswell, Christina. 2003b. The 'external dimension' of EU immigration and asylum policy. *International Affairs* 79 (3):619-638.
- Bretherton, Charlotte, and John Vogler. 1999. *The European Union as a Global Actor*. London: Routledge.
- Bull, Hedley. 1982. Civilian Power in Europe: a contradiction in terms?. *Journal of Common Market Studies* 21 (1):149-70.
- Byrne, Rosemary, Gregor Noll, and Jens Vedsted-Hansen. 2002. *New Asylum Countries? Migration control and refugee protection in an Enlarged European Union*. Edited by E. Guild and J. Niessen. Vol. 4, Immigration and Asylum Law and Policy in Europe. The Hague: Kluwer Law International.
- Cholewinski, R. 2003. EU Policy on irregular Migration: Human Rights Lost. Paper read at Conference on Irregular Migration and Human Rights, at Leicester.
- European Commission. 2002. *Green Paper on a Community Return Policy on Illegal Residents*. Brussels.
- European Commission. 2002b. *Integrating Migration in the European Union's Relations with Third Countries*. Brussels.
- European Commission. 2003. *Wider Europe— Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*. Brussels.
- European Council. 1999. *Presidency Conclusions of the Tampere European Council*. Brussels.
- European Council. 2002. *Presidency Conclusions of the Seville European Council*. Brussels.
- Furuseth, Rita. 2003. *Creating Security through Immigration Control: An analysis of European immigration discourse and the development towards a common EU asylum and immigration policy*. Oslo: Norsk Utenrikspolitisk Institutt.
- Guiraudon, Virginie. 2003. Enlisting Third Parties in Border Control: A comparative Study of its Causes and Consequences. Paper read at Managing International and Inter-Agency Cooperation at the Border, at Geneva.
- House of Lords. 2002. *A Common Policy on Illegal Immigration*. London: House of Lords.
- Huysmans, Jef. 2000. The European Union and the Securitization of Migration. *Journal of Common Market Studies* 38 (5):751-777.

- Justice and Home Affairs Council. 2004. Background Paper. Brussels: JHA Council.
- Keohane, R. O., and J. S. Nye. 2001. *Power and Interdependence*, 3rd edition. Boston: Addison, Wesley and Longman.
- Kruse, Imke. 2003. Creating Europe Outside Europe: Externalities of the EU Migration Regime. In ECPR Conference, Theories of Europeanisation. Marburg.
- MARRI - Migration, Asylum and Refugees Regional Initiative. 2003. MARRI - Programme of Action. Vienna: MARRI Secretariat.
- Niessen, Jan. 2003. International Migration and Mobility on the EU Foreign Policy Agenda: Is there a case to be made? In European Parliament, PES Group Conference 'Migration and Development - The Missing Link'. Brussels.
- Niessen, Jan. 2004. Five Years of EU Migration and Asylum Policy-Making under the Amsterdam and Tampere Mandates. In Migration Policy Group (MPG) Occasional Paper. Berlin.
- Niessen, Jan, and Yongmi Schibel. 2004. International Migration and Relations with Third Countries: European and US Approaches. In Migration Policy Group (MPG) Occasional Paper. Berlin.
- Nye, J. S. Europe's Soft Power 3 May 2004 [cited]. Available from <http://globalpolicy.org/empire/analysis/2004/0503softpower.htm>.
- Pastore, Ferruccio. 2001. *Aeneas' Route - Euro-Mediterranean Relations and International Migration*. Roma: Centro Studi di Politica Internazionale-CeSPI.
- Peers, Steve. 2003. Readmission Agreements. In *EU Immigration and Asylum Law: Text and Commentary*, edited by Rogers and Peers. The Hague: Kluwer Law.
- Samers, Michael. 2004. An emerging Geopolitics of illegal Immigration in the European Union. *European Journal of Migration and Law* 6 (1):27-45.
- Selm, Joanne van. 2001. Access to Procedures, 'Safe Third Countries', 'Safe Countries of Origin' and 'Time Limits'. In Global Consultations on International Protection, Third Track, Background Paper. Geneva: UNHCR.
- Stepputat, Finn. 2004. Refugees in 'Regions of Origin': Towards a Common EU Policy? In *Danish Foreign Policy Yearbook*, edited by P. Carlsen and H. Mouritzen. Copenhagen: Danish Institute for International Studies.
- Virgil. 1990. *The Aeneid*. Edited by R. Fitzgerald. London: Vintage.
- Wæver, Ole. 2000. EU as a Security Actor. In *International Relations Theory and the Politics of European Integration, Power Security Community*, edited by M. Kelstrup and M. C. Williams. London: Routledge.
- Wæver, Ole, et al. 1993. *Identity, Migration and the New Security Agenda in Europe*. London: Pinter.