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The EU's external migration policy and global political justice: the missing link

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# 1 The EU's external migration policy and global political justice

## The missing link

*Michela Ceccorulli and Enrico Fassi*

### Introduction

The European Union's (EU's) external action in the field of migration has been recently expanded to assume new forms and reach new actors. This renewed emphasis on migration as yet another domain of the EU's foreign policy is to be appreciated for its purported aim to achieve 'true partnerships' and to manage the issue more consistently with the EU's and third states' agendas on many matters of common interest, including security, stability and development, just to mention but a few. This process is not entirely new, but it has gained momentum since the 2015 "migration crisis" – also as a consequence of Member States' inability to find an agreement on how to jointly deal with the significant arrivals registered month after month that year (Attinà, 2016; Geddes and Scholten, 2016; Ceccorulli, 2019; Ferreira, 2019; Fassi and Lucarelli, 2021). Pushing the "problem of migration" as far as possible from European borders somehow seemed the easiest and most effective solution.

Indeed, the external dimension of migration management has distant roots. Initially limited in its development by the European Community's institutional design and by Cold War dynamics, the external dimension was set in motion in the 1990s, with the beginning of enlargement and the redefinition of the EU's eastern borders. Furthermore, the Barcelona Process (1995–2001) acknowledged the relevance of migration in the EU's relationship with third countries on the southern shores of the Mediterranean. The Tampere European Council in 1999 then reaffirmed the importance of creating stronger external relations in the field of Justice and Home Affairs, thus giving a political impetus to the provisions envisaged by the Amsterdam Treaty (1999) (Collyer, 2020).

The first real strategy for the external facet of migration policy was developed during the following decade, when it was clear that the EU's top priority – reducing irregular immigration – could not be attained through one-sided, short-term shielding policies (Boswell, 2003). In fact, the attempt we observe today can be regarded as the latest evolution of a conceptual framework already envisaged by the Global Approach to Migration (2005) – and updated with the EU Global Approach to Migration and Mobility (2011) – based on the integration of migration issues into the EU's external relations and closer cooperation with partner countries.

Although the idea of developing the external dimension of EU migration policy is well established, its actual implementation, especially in the most recent years, demands further scrutiny – first of all, in terms of the instruments used and the actors involved. Far from being a uniform, unitary and systematic policy, the same conceptual framework has been applied with varying intensity to a vast array of countries, instruments, platforms and initiatives. Moreover, the external dimension of migration has been increasingly put into practice through a distinctive mix of legal and non-legal tools – combining a limited amount of hard law with a larger array of less binding instruments such as migration profiles, migration missions, cooperation platforms on migration, migration deals and migration partnerships, which can be collectively regarded as “new modes of (migration) governance” (Cardwell, 2013).

Secondly, for all the measures that have been put in place, the development of the external dimension of migration and asylum policies has not always been warmly received by scholars, commentators and practitioners, especially due to the nature of the process and its consequences for third states and, mostly, for migrants. In fact, most of the well-established body of literature dealing with the EU’s external governance (Lavenex and Schimmelfennig, 2009; Wolff, 2009; Carrapico and Trauner, 2012) has looked critically upon this external projection. ‘Externalization’ processes (Burlyuk, 2017; Reslow, 2017) have been denounced as morally questionable (Bossong and Carrapico, 2016; Zaiotti, 2016); the abuse of technical devices has been pointed out in the analysis of bordering practices (Bossong and Carrapico, 2016; De Genova, 2017); and damning evidence of securitization dynamics has been provided (Huysmans, 2000; Bourbeau, 2011; Lazaridis and Wadia, 2015; Browning, 2017). Moreover, efforts to shift the burden of migration control away from the physical border of the EU have been denounced (Casas-Cortes et al., 2015; Collyer, 2020), as well as the tendency to militarize migration policy (Lutterbeck, 2006; Bence, 2018). Also, attention has been widely drawn to the criminalization of human movements, whereby immigrants and actors assisting them have been accused of either being guilty of violating states’ sovereign prerogatives or ending up contributing to smugglers’ illegal activities and fortunes (Carrera et al., 2018, 2019; Cassarino, 2018; Moreno-Lax, 2018; Cusumano and Villa, 2019; Perkowski and Squire, 2019). All in all, the external dimension of the EU’s migration policies and its intended and unintended consequences (Reslow, 2019) have sparked much criticism and have brought on a number of political and ethical dilemmas.

Moreover, the strengthening of the external dimension of migration bears relevant consequences for the EU’s foreign policy and its international role. The increasing involvement of third states, it has been argued, although positive in itself, is not always accompanied by greater transparency, openness, participation or respect for the rights of migrants. The risk that these cooperation frameworks open the way for practices that fall outside the remit of democratic control, especially in the light of the EU’s growing emphasis on its security agenda, has already been emphasized (Amnesty, 2017; European Council, 2019). Overall,

therefore, these developments could affect the EU's foreign policy priorities, its international stance and its credibility.

How can we assess this complex array of interwoven factors in order to appreciate the EU's role and actual performance? How can an ethical evaluation be attempted without losing track of the many facets of migration and the even more problematic contexts of international cooperation? This book aims to address these questions by trying to strike a balance between normative and analytical goals by applying concepts from political theory and international relations (IR) literature. Both fields provide significant insights, each in its own right, and both are enriched with the possibility of mutual dialogue (see Gibney, 2004; Sjusren, 2017). Political theory offers useful tools to reflect on the concept of justice but frequently fails to be applied to the analysis of the discourse, decisions and actions of concrete political actors at the international level. On the other hand, IR only seldom engages in an ethical investigation of political practices, and when it does so, it tends to reproduce the limits of normative theory. What we propose here is to draw from both traditions to conduct an analysis of the external dimension of the EU's migration policy, grounded in the perspective of global political justice.

Amidst the burgeoning literature on this subject, this book aims to contribute to the debate by providing insight into three specific aspects. The first is to document, explain and assess the implementation of EU migration policies, especially after the migration crisis of 2015, with reference to various "geographical" focuses: the European neighbourhood, the "neighbours of the neighbours" and the wider global context, thus providing an overall assessment of these policies and a comparison of the EU's action in different areas. These contexts, each encompassing different instruments and actors, are conceived of as *loci* of the EU's external action in the domain of migration policy, each with their own characteristics in terms of institutional solutions, practices and underlying norms.

Secondly, the book's composite approach to global political justice provides the means to normatively assess the EU's actions based on a threefold conception of justice – as "non-domination", "impartiality" and "mutual recognition" (Eriksen, 2016). In doing this, it brings to the fore the tensions between the justice claims made (more or less explicitly) by the many actors involved in the governance of migration. Moving from the assumption that all the actors involved (i.e. EU institutions, Member States, third countries, international organizations (IOs), NGOs and migrants) have their legitimate – if often mutually conflicting – justice claims, the book applies a threefold conceptualization of global political justice to the field of migration (Lucarelli, 2021) in order to evaluate which understanding of justice (if any) seems to be advanced by the EU in each of the contexts.

Thirdly, the book considers migration policy a key element of the EU's external action and thus a crucial domain for understanding and evaluating the EU's foreign policy and international role. In line with this perspective, it looks at how migration governance – and its specific normative equilibria – feeds into the EU's overall approach to specific countries or geographical contexts, as well as into the EU's global stance. This analysis is all the more relevant given the significant

transition that the EU has experienced in the last few years in its evolution as an international actor.

The following paragraphs expand on these three aspects in more details, while the last section introduces the book's organization and the contents of each chapter.

### **The EU and migration: from an 'external dimension' to 'foreign policy'?**

The development of an 'external dimension' to the Union's migration and asylum policy in order to more effectively relate with countries of origin and transit has been taking place in parallel with the EU's own transformation, in particular in terms of its foreign policy tools, goals and ambitions. The EU's enlargement policy of the 1990s and its neighbourhood policy (ENP) in the early 2000s had already attached great importance to this objective. The first document specifically delineating an overall 'strategy' for the external dimension in terms of freedom, security and justice dates back to 2005 (European Commission, 2005). As such, it represents a long-established goal of the EU's external action. Attracting a skilled workforce from third countries, regulating legal arrivals and those of protection claimants so as not to endanger internal social cohesion, and returning irregular migrants inevitably require a certain form of coordination/cooperation with third countries. The specific form this coordination/cooperation takes is not trivial for at least two reasons: countries with which agreements are sought are usually subject to many vulnerabilities, and thus development or security imperatives might coexist – or sometime conflict – with receiving states' migration goals; and individuals with unalienable rights are the ultimate referents of such policies. Any external action by the EU in this field could thus be considered a highly complex foreign policy exercise where multiple aspects have to be taken into account in order to develop a coherent and balanced approach.

In the past, however, steps towards developing an effective 'external strategy' have been mainly forced as a reaction to 'external' events. This was the case of the already mentioned Global Approach to Migration (2005) and the Global Approach to Migration and Mobility (2011) (European Commission, 2011). These initiatives were advanced respectively after tensions arose at the border between Morocco and Spain's exclaves Ceuta and Melilla in 2004 and after the 2011 Arab Springs. With the Lisbon Treaty (2009) and the establishment of the EU's new institutional arrangement, there was a clear possibility for the Union to at last develop a foreign policy in tune with actions in other external domains. This, however, has proved to not always be the case. Over the following years, the culpable absence of a long-term strategy guiding its external action on migration coupled with unresolved internal dysfunctions resulted in extemporaneous (and normatively questionable) solutions such as the EU-Turkey statement signed in March 2016 (Chapter 4, this book). The 2015 migration crisis, however, had a deeper, enduring effect on the EU, placing migration more firmly among its foreign policy priorities. The mid- and long-term objectives envisaged by the European Agenda on Migration (European Commission, 2015), as well as the

Partnership Frameworks proposed in 2016 (European Commission, 2016) seemed to reverse the merely reactive logic of the past and make the strengthening of the migration policy's external governance a core interest of the EU. Fresh activism regarding migration-related challenges, especially in the matter of human flows originating from Africa, has been evidenced and supplemented by several military and civilian operations deployed by the EU in the last years, signalling an "upgrade" of migration policy's external dimension to the rank of "high politics", (Tocci, 2016; Conley and Ruy, 2018; Baldwin-Edwards and Lutterbeck, 2019; Fassi and Zotti, 2020).

Triggered by the 2015 refugee crisis, the EU is in the phase of a major rethinking of its external approach to migration. Looking at most recent initiatives Woollard (2020) makes clear that the external dimension of migration policy continues to be an ostensibly 'control-gear'd' agenda, unwelcome outside and sometimes even inside European circles, lacking a legal basis and interfering with the objectives of other foreign policy domains. And the recently proposed Pact on Migration and Asylum does not really give the impression of reversing this. With the stated objective of making migration central to relations with third partners, according to Manservisi (2020), the Pact seems to wink at the Union's old instinct of allowing migration management to drive other policies. It appears to be an optimal moment to go beyond more conventional assessments of the EU's performance to include a consideration of the normative bearing of the EU's external policies. Indeed, most of the academic literature on this subject has focused on the single instruments set in place (Reslow and Vink, 2015; Carrera, 2016; Cassarino and Giuffrè, 2017; Collett and Ahad, 2017; Vankova, 2018; Bartels, 2019) or on countries or (sub)regions (Ippolito and Trevisanut, 2015; Liikanen et al., 2016; Yildiz, 2016; Ferreira, 2019). In so doing, they have neglected the wider picture related to EU foreign policy, one that provides a comprehensive overview of tools, geographical scope and cooperation/coordination dynamics and most importantly of their meaning for the EU's international role (Geddes and Scholten, 2016; Geddes, 2018; Carrera and Cortinovia, 2019). In addition, part of the literature has oversimplified the relationship between the EU and other actors in their collective management of migration, reducing externalization processes to a mere issue of burden sharing or burden shifting towards third countries. That being so, the book aims to further scrutinize these processes.

### ***The EU, externalization, and the governance of migration***

Over the last few years the externalization of the Union's migration policy has attracted increasing attention from scholars and policy experts, especially since the migration crisis. Externalization, however, is a contested concept, meaning different things to different publics. From one perspective, externalization could be simply defined as

the process through which destination countries promote, support, delegate, impose, or directly carry out activities related to migration and border

management outside their territories (i.e. in the territories of countries of transit and origin or in international waters) in order to prevent unwanted arrivals on their territorial borders.

(Cuttitta, 2020)

According to this perspective, externalization basically amounts to countries of transit and origin being pushed to adopt specific legislative and policy measures through some form of incentive or pressure by the country of destination (Cuttitta, 2020). The perspective is thus one-sided and often unidirectional. At best, in this view externalization is conceived of as the result of an intergovernmental bargain, where the power asymmetries and the (in)compatibility of interests are the main explicative variables. This perspective could be blamed for being excessively ‘Eurocentric’, with the Union simply imposing its preferences on third countries of origin or transit. From a different point of view, some International Relations scholars argue that the interaction can be more articulated, as ‘negative extraversion’ may arise (Pastore and Roman, 2020), with partner countries not just passive recipients of the EU’s *dictata* (Paoletti, 2010; Betts and Collier, 2017; Koch et al., 2018), but rather just as prepared to use migration flows as a diplomatic tool as the countries of destination (Greenhill, 2010; Adamson and Tsourapas, 2019).

In addition, we need to consider that the implementation of the EU migration agenda is concretely carried out by a multiplicity of actors. Some scholars, for example, highlight the fact that IOs dealing with migration on the ground can play an assertive role, rather than being neutral, technical partners simply implementing the EU’s decisions (Fine and Pécoud, 2018). This may derive either from these actors’ specific expertise, allowing them a significant amount of discretion, or from the working models they have developed over decades which enable them to offer ready-made (universal) solutions to well-established challenges (Betts and Collier, 2017).

The multiplicity of actors involved is not confined to external partners. Member States’ agendas – often based on volatile domestic political concerns – can translate into foreign policies that might diverge from those developed by the EU or from the positions expressed by specific EU institutions such as the European Parliament. EU agencies such as Frontex or Europol also have their own agendas and procedures and in recent years have enjoyed a greater role in the European management of migration (Scipioni, 2018).

Overall, the external dimension of EU migration policy appears to be a highly complex setting, characterized by multiple actors and overlapping dynamics more than being driven by a unitary and autonomous agent. In this view, the concept of the ‘*EU Migration System of Governance*’ (EUMSG) as elaborated in Ceccorulli et al. (2021) is particularly appropriate for understanding the external dimensions of the Union’s migration policy. Drawing on IR literature on governance, the EUMSG refers to a system involving non-hierarchically ordered and non-exclusive levels of government, with several actors at play. Indeed, the Union and its Member States can, to a considerable extent, be identified as distinct actors in their own right. At the same time though, the Union and its Member States are



inextricably embedded in a complex but not fully overlapping system of territorial dimensions (the Single Market, the Schengen Area, the Eurozone), as well as in a broader network of bilateral and multilateral relationships with third states and other actors outside the EU. Focusing on the external dimension of the EUMSG implies looking primarily at the EU level but also at the foreign policy of some EU Member States that are especially important in any given case, as well as the actions and perspectives of partners in the EU's neighbourhood and beyond, which contribute to the Union's overall performance in the asylum and migration policy area. The intrinsic assumption is that the political, institutional and normative contexts nurturing these actors are relevant to understanding both the challenges and the potential reach of the EU's migration governance (Geddes and Scholten, 2016).

Hence the book encompasses a number of case studies – spanning from Libya to Turkey, to Afghanistan, to West Africa, to the Global Compact for Migration – selected as a representative of different *loci* in the external dimension of the EUMSG, each playing a distinct role within this system. Our goal is to examine the main policy developments characterizing the external dimension of EU governance of migration, in particular since 2015, offering different perspectives on these developments. The approach, as the next paragraph explains, rests on a theoretical framework hinging on the three abovementioned conceptions of global political justice: justice as non-domination, justice as impartiality and justice as mutual recognition. Thus, we are interested in understanding which justice claims are embedded in these policy developments; which actors, interests and perspectives are driving these policies; what is the rationale behind the actions of these actors; and what is the overall normative balance emerging from these developments in the EUMSG. Seen from this standpoint, the process of externalization may also acquire a normative dimension that standard positivist approaches are ill-equipped to grasp. In this view, it is not just a neutral instrument used by the EU to achieve specific goals in terms of migration, but a form of social interaction among multiple actors, infused with meaning and bearing normative consequences both for the EU and, potentially, for its international role.

### **The EU and global political justice**

Ever since it took its first steps on the global stage, the EU has considered itself – and has often been regarded by observers – as a *sui generis* international actor. “Civilian power” (Duchêne, 1972), “normative power” (Manners, 2002), “civilizing power” (Mitzen, 2006) and “potenza gentile” (“kind power”) (Padoa Schioppa, 2001) are just a few of the labels that have been used to qualify this unique identity. A strong commitment to values such as democracy and human rights, both at home and in its external relations, has been central to this perception of the EU as somewhat “different” from more traditional actors in IR (Lucarelli and Manners, 2006). Recently the EU's response to the 2015 migration crisis seems to have called into question its commitment to liberal values (Lucarelli, 2018) or has at least exposed serious tensions between its (rhetorical) adherence to some of these

principles and its actual engagement in their implementation. The question that some scholars have already started to address (Riddervold, 2018) is the extent to which the EU's management of migration issues is in line with the normative standards the EU has so openly set for itself. However, our approach is not to follow the classical 'Normative Power Europe' argument. The point is not that the EU is 'different' because it promotes norms instead of interests; rather, we aim to emphasize that EU-promoted norms may play different roles and raise different forms of compliance and contestation (Sjursen, 2017). Indeed, the basis for our reasoning is the assumption that the EU conceives of itself as an actor aimed at promoting justice at the international level. This is well evidenced by its global strategy issued in 2016 (European Union, 2016). Yet we do not stop at the Union's clearly stated normative goals, as we mainly intend to single out justice claims that are *embedded* in the policies we are analysing, in terms of policy design and policy implementation.

Overall, the perspective of global political justice has been largely overlooked in the IR and EU foreign policy literature. The theoretical framework adopted here, based on a threefold conceptualization of political justice, allows us to go beyond the EU's "exceptionality", enabling the connection to normative debates in IR theory as well as a comparison between the EU's approach and that of other international actors. Hence, we deem our approach has the potential to stimulate a dialogue among different disciplines, which in the field of migration hardly speak the same language (Hollifield, 2012).

Justice and more specifically global political justice are core concepts in political theory. Applied to the issue of migration and asylum these concepts raise lively debates among equally powerful (yet significantly different) ethical approaches, prioritizing either the claims of states (the community, the members living in it) or the claims of individuals (human beings with equal rights). However, while these approaches, which coexist in liberal-democratic thinking, represent "powerful, ineliminable and conflicting moral claims", neither of them embodies a fair balance or integration of "personal and impersonal claims" (Gibney, 2004: 81, 83). As Greblo puts it,

until our planet will be divided among States employing the coercive force they dispose of to patrol and control their own borders and there will be persons willing to risk their lives in crossing them, immigration is doomed to remain not only a politically urgent issue, but also a morally controversial one.  
(2015: 7)

Some scholars have tried to reduce the distance between these approaches by specifying who the 'agents' under scrutiny are, their capabilities and the challenges that separate 'ideal' moral models from real-world dynamics (Gibney, 2004). Others have brought up the notion of 'porous borders' in order to advance a middle ground position between open borders and the sovereign claims of the Westphalian state (Benhabib, 2004). These attempts, however, still leave a significant conundrum at the centre of this issue. Not even a milder position is able

to account for the current migration dynamics, which often take place at a supra-national one (Little and Macdonald, 2015; Macdonald, 2015). In such cases, when migration is recognized as a truly global phenomenon, theoretical dichotomies such as ‘exclusion/inclusion’ or ‘openness/closure’ fail to fully capture the real moral dilemmas at play (Bader, 2012; Little and Macdonald, 2015: 383).

If it is true that political theory seems to be ill-equipped to make sense of the realities stemming from the communitarian/cosmopolitan debate (Lucarelli, 2021) and mirroring supra-national forms of governance as exemplified by the EU, it is also true that migration studies and the available literature often tend to oversimplify or make aprioristic, unilateral criticisms of the Union’s action. Instead, reproval can assume different forms: the EU may be considered a hegemon imposing its own values at the international level, or, alternatively, an actor failing to take into account other parties’ interests, or an entity sacrificing human rights considerations in the name of its own sovereignty. On a more positive note, the EU could also be regarded as an actor that is “just” precisely because it protects its citizens, addressing their fears and specific demands with regard to immigration or because its policies strengthen third states’ sovereign prerogatives, thus also reinforcing their role as “justice-enabling institutions” (Eriksen, 2016). The normative evaluation of the EU’s conduct, we argue, should be not a given, but the result of a rigorous and balanced analysis.

The application of a theoretical framework grounded in concepts of global political justice to the EU’s external dimension of migration does raise a number of questions: how does the EU justify – explicitly or implicitly – what it does outside its borders (i.e. what are the main principles and concerns underlying this aspect of its foreign policy) and how does it act, based on that justification (i.e. which policy instruments can it rightfully resort to on the basis of such principles)? Concurrently, more general questions arise: what does the EU’s behaviour in this field tell us about it as a foreign policy actor? With its inherent transnational dimension, migration seems especially pertinent for assessing the EU’s international performance. These are relevant questions from an IR’s point of view as well. Even though assuming sovereignty as a normative yardstick does not amount to embracing political realism, policy effects may be similar, with borders taking on central relevance, and multilateral arrangements only complied with on a voluntary basis. Also, the liberal agenda thus far supported by the EU may be at odds with the EU’s advancement of certain understandings of political justice: for example, should basic rights also be extended to individuals from outside the EU’s political community? Does the EU have duties with respect to third citizens? Are collective institutions created to avoid potential forms of domination perpetrated by states on their citizens or by the effects of EU policies on third citizens?

Our book shares the theoretical structure elaborated by the GLOBUS Horizon 2020 project on Global Political Justice and draws especially from the initial work of Erik O. Eriksen (2016), Helene Sjursen (2017) and Sonia Lucarelli (2018), as well as its application to the specific field of migration (Fassi and Lucarelli, 2017; Lucarelli, 2021). Basically, in this framework justice claims fall into three

categories: “non-domination”, “impartiality” and “mutual recognition”. All three conceptions are reasonable, and there is no intrinsic hierarchy between them:

- **Justice as non-domination** applies to relations between the EU (and its Member States) and third countries, so far as agreements on migration are concerned, from a state-based perspective. *We have justice as long as there is not prevarication over each other's sovereignty claims* (= absence of external *arbitrary* interference, in this case most of the time by the EU). Priority in foreign policy would be to treat states equally and create procedures and institutions aimed at this objective (Sjursen, 2017). Hence, for example, the EU's cooperation with a third country can be considered as verging on non-domination if states cooperate as equals, if a third state is enhanced in its sovereign capacities by the EU's actions, if states are considered inescapable actors in governing a certain issue, if a third state is not forced to accept the EU's action, but also if the EU does not interfere with a third state's sovereign prerogatives.
- **Justice as impartiality** refers to the *ability of the EU (and its Member States), but also third states involved, to apply (and develop) universal norms in the area of migration*, in compliance with universal human rights. According to such an interpretation, the EU's actions should be, both in design and in implementation, devoted to meeting the aim of protecting the human rights of individuals, irrespective of their nationality or conditions. This implies, for example, advancing the promotion of human rights in states which do not observe them or avoiding any policy that may put at risk migrants' lives or rights. In a nutshell, it means making 'human rights' a guiding light.
- **Justice as mutual recognition** refers to the relationship between the EU and migrants or other subjects involved in the EU's external governance of migration (vulnerable groups, NGOs, sub-state actors), as well as the EU's *ability to recognize them in their specific identity*, taking their self-perception into consideration. It refers not only to the recognition of the specific needs of different national communities or groups, but also to the specific needs of *individuals* and their self-representation. According to such an interpretation, voices of the affected communities are heard, and justice goes beyond a pure humanitarian perspective to adopt an approach that looks at migrants as active subjects.

Justice dilemmas are inherent in every aspect of the EU's external migration governance, although often implicitly so. This book aims to make these aspects explicit through the analysis of different case studies. In order to do so, we seek to *identify* and *expand on* who is the *main referent of justice* of each policy design and development, that is, to whom the policy is addressed (e.g. the EU, third states, citizens of the EU or third states, migrants as human beings, or migrants and specific subjects) and what is the normative *rationale* (e.g. protecting the state's territory/interests, protecting the interests of EU citizens/third states' citizens, protecting migrants' lives, recognizing their rights, or recognizing a single

individual's specific needs). Policies are thus interpreted through the categories of justice defined here in order to identify overarching trends across the cases under scrutiny.

### **Justice, migration and the EU as an international actor**

The existing literature on the EU's external migration policy, we argue, could also be enriched by this book's effort to consider the EU's approach in a variety of contexts in order to grasp trends and differences in the EU's international action in normative terms. The ultimate goal is not to reiterate well-known criticisms of the EU or to dwell on the sub-optimal conditions guiding the EU's action, widely discussed elsewhere (Geddes and Scholten, 2016; Reslow, 2019; Ceccorulli et al., 2021). Rather, we aim to place the EU's external action within a tripartite conception of what 'political justice' in the area of migration may imply. The aspiration is to overcome the usual, dichotomic 'open borders' versus 'closed borders' debate mentioned earlier, as well as the typical critique of the EU's pursuit of interests instead of values (Youngs, 2004). Endorsing this perspective means recognizing that political justice may legitimate actions moved by different priorities and offer different institutional recipes for collective action.

This does not imply that everything is acceptable but that different political solutions exist according to variegated understandings of political justice. As underlined by Gibney (2004: 16), "the requirements of morality might be the subject of different interpretations or the site of conflicting values". This essentially presupposes that every action – explicitly or not – advances a specific conception of how things should be working and in turn provides insight about that actor's contribution to political justice. The same applies to IR and global justice. However, as foreign policy is a realm mostly concerned with day-to-day problem-solving, the underlying normative assumptions often remain implicit. The book analyses the EU's external policies in the field of migration by pointing out the normative prioritizations on which they rest, so as to draw conclusions about the overall normative balance emerging from the EUMSG and its consequences for the EU in general.

The EU is indeed at a moment of major change: a change that concerns both its nature – as a polity and a political system (Hix, 2006) – and the international context within which it operates. This context will have inevitable repercussions on what kind of international actor the EU is, and is going to be in the foreseeable future.

The three events that have especially affected the EU in recent years (apart from the pandemic crisis we are experiencing right now) are the financial and economic crisis which began in 2008–2009 (Fabbrini, 2015), the UK referendum of 2016, which eventually led to "Brexit" in 2020, and the migrant crisis of 2015–2016 (Caporaso, 2018). Altogether, the confluence of these multiple, mutually reinforcing challenges facing the EU created what former European Commission President Jean-Claude Juncker (2016) called a "polycrisis", the effect of which was to cause deep uncertainty about both the nature and future of the

integration project. In particular, the EU's credibility in the eyes of both European citizens and international observers has been severely affected by the poor solidarity (Fassi and Lucarelli, 2021: 259–260) and cleavages between Member States which manifested themselves in these circumstances (Zeitlin et al., 2019).

These changes did not happen in a vacuum, or within a context characterized by a fairly stable background, but instead were flanked by parallel major evolutions at the international level: the relative decline of US global hegemony and the parallel rise of serious challengers such as China and Russia are long-term structural phenomena that seemed to have accelerated in recent years (Allison, 2017), thus raising questions about the specific positioning of the EU within a post-unipolar system. Moreover, especially during US President Donald Trump's administration (2016–2020), developments such as the crisis of democracies and the growth of populist forces on both sides of the Atlantic (Öniş, 2017), Brexit, and the weakening of multilateralism were interpreted as signs of an imminent demise of the liberal world order (Ikenberry, 2020; Lucarelli, 2020) and a turn towards a much more normatively contested system. The Covid-19 pandemic, if possible, has added a further element of change, acceleration and complexity to this scenario (Sachs, 2020).

The debates about the evolution of the current international system, changes in the EU's international role and in the integration process itself have not been confined to IR and EU scholars in academia, but have directly involved EU institutions and policymakers.

In this view, a crucial step has been the publication, in June 2016, of the European Union Global Strategy (EUGS), the document intended to review the European Security Strategy elaborated in 2003 and only partially updated in 2008. As such, the new text was expected to capture at least part of the changes mentioned earlier including, according to some, the need for the Union to acknowledge that – outside but not far from EU borders – “geopolitics still matter” (Biscop, 2016). In line with this view, the usual emphasis on value-laden goals and preventive, comprehensive and multilateral means had to be complemented by a robust geopolitical analysis of the EU's regional and global environment, so as to identify the most important threats and challenges and the material constraints limiting EU actions (Ujvari, 2016; Zandae, 2016). The EUGS was thus particularly welcomed by those who saw in it as a salutary downsizing of democracy promotion and transformative goals and a “return to Realpolitik” – though “with European characteristics”. Despite the reassurances about the EU still being committed to “principled pragmatism” and not forgetting its fundamental values, many observers saw in the Global Strategy a “realist” turn – or at least the concrete risk – of the EU actually forsaking its normative power and ambitions (Fassi and Zotti, 2018).

More recently, changes in the EU's international stance could be captured in the declarations of top figures of the EU institutional and political system, with the new High Representative and Vice President of the European Commission Joseph Borrell stressing the need for the EU to “learn to use the language of power”, while President Ursula von der Leyen has defined hers as a “geopolitical

Commission”, a concept that raised a lively discussion (Tocci, 2019). From the level of the Member States, French President Emmanuel Macron first declared that the Union will disappear altogether unless it understands itself as a global power and later reinforced the message affirming that the time has come for the EU to develop its “strategic autonomy” (Fiott, 2020; Lefebvre, 2021).

Regarding the background of this ongoing debate, the third goal of this book is to understand how migration has entered the foreign policy agenda of the EU and how it has affected the relationships between the actors involved. More importantly, applying the normative framework grounded on the three conceptions of justice – non-domination, impartiality and mutual recognition – we try to assess the consequences of the migration crisis for the EU as an international actor in terms of achievements, credibility and identity.

In contributing to the growing body of literature devoted to the EU’s external migration policy, this book addresses three sets of questions:

- What are the main policy developments that characterize the external dimension of EU governance of migration in different case studies, in particular after 2015? How broad is the scope of this external dimension?
- Which justice claims are embedded in these policy developments – which actors, interests and perspectives are driving these policies? What is the rationale behind the action of these actors? Which other actors are marginalized by these policies?
- How has migration entered the foreign policy agenda of the EU in each specific case study? How has it affected the relationships between the actors involved? What have been the consequences for the EU as an international actor in terms of achievements, credibility, actorness and identity?

## **Outline of chapters**

The book is based on a series of cases studies that show various *loci* of the EU’s external action on migration, highlighting the different normative dilemmas that can arise from distinct combinations of policy instruments, migration challenges and political conditions within both the third countries and the EU. Consequently, the criterion for selecting cases is not strictly geographical or institutional; rather, the idea is to conceptualize the case studies as representative of specific roles and positions within the external dimension of the EU Migration System of Governance. Although the cases analysed span from the regional level to the global level, the approach does not overlap with the usual “concentric circles” (Parkes, 2017) of the enlargement literature: that is, what we call the EU’s neighbours does not perfectly match formal participation in the ENP. Similarly, the concept of “neighbours of the neighbours” goes beyond the geographical element – the actual neighbours of ENP states – to include countries and regions of origin or transit that, although far beyond the usual focus of the EU’s external action, are attracting increasing attention due to their relevance for EU migration governance. The same applies to the “global” dimension.

Each chapter deals with specific areas or countries that play a particularly important role in EU migration governance and at the same time pose specific challenges in terms of the EU's compliance with normative criteria. Libya (Chapter 2) is a case in point. Ten years after the fall of Gheddafi's regime, a situation of "organized chaos" still reigns in the country, one in which leaders and alliances change but state institutions remain weak, with their authority confined to relatively small and often contested parts of the country. In this situation illicit trafficking – including that of human beings – has proliferated and consolidated to the point that the country has become the main gateway for migrants (mainly Africans, but not only) en route to Europe. This makes Libya an indispensable partner for the EU in its effort to curb (irregular) immigration. However, as is shown in the chapter by Varvelli and Ceccorulli, the absence of any type of policy framework with the country, coupled with progressive fractures among Member States' positions and an obsessive focus on reducing irregular inflows, has been a recipe for failure in efforts to advance any type of political justice. Quite to the contrary, many ethical issues are glaringly evident, such as the role of militias in controlling migration flows (Amnesty International, 2017) and the fate of migrants brought back to or prevented from leaving a country with acknowledged safety and security problems.

On the eastern flank the EU's actions within the Eastern Partnership also show interesting peculiarities in terms of political instruments and their consequences in terms of justice. With irregular migration along eastern routes at a relatively low level, human movement has not undergone the process of securitization experienced elsewhere. Accordingly, the countries of the region offer an opportunity to evaluate EU migration governance – and its normative performance – under "normal conditions". Focusing on the implementation of the Mobility Partnership (MP) in Moldova, in Chapter 3 Martine Brouillette assesses the role of this instrument in the circulation of norms, ideas and practices related to the "good governance" of migration, and whether these are internalized, elaborated or rather resisted by partnering third countries. Although the approach might be considered illustrative of a conception of justice as non-denomination, since it appears that the EU is supporting the Moldovan authorities in strengthening their own capacities in migration management, the detailed analysis of the policy networks that led to the establishment of the MP shows other perspectives. Not only does Moldova not emerge as an "equal partner", but the transposition of the EU's knowledge and know-how on migration management may turn out to be non-negotiable for third-country partners seeking rapprochement with the EU, thus raising doubts about justice as mutual recognition.

Among the EU's neighbouring countries Turkey stands out for the relevance it acquired within the EUMSG, the specific "emergency mode" that led to its involvement and the normative questions it raises. As Ayhan Kaya notes in Chapter 4, the EU-Turkey statement of 18 March 2016 proved extremely effective at stopping the inflow of migrants across the Aegean Sea, which dropped from around 850,000 in 2015 to 30,000 in 2017. But it has also ignited a number of controversies relative to its repercussions in terms of justice. The "deal", a non-binding



document whereby the EU pledged 6 billion euros to Turkey in exchange for its engagement with EU migration governance, had crucial consequences for EU-Turkey relations and for the migrants themselves. In terms of inter-governmental relations, the arrangement required the EU to list Turkey as a “safe third country for refugees” so that returns would not be considered illegal under international law (*non refoulement*) and also relaunched EU-Turkey accession talks, notwithstanding the alarming deterioration of Turkey’s civil and political rights record (Freedom House, 2018). Overall, the author shows, not only did the EU not exert “arbitrary interference” in Turkey’s affairs, but it ended up being exposed to the constant threat of potential blackmail by the latter, eager to use migration as a diplomatic tool (Adamson and Tsourapas, 2019). As for the migrants, the protection of their rights and the acknowledgement of their circumstances, the conditions of the 4 million people de facto blocked in the country (of which 3.5 are Syrians) – as well as the side effect of pushing migrants towards other, riskier routes – remain major concerns for both NGOs and IOs and question any progress in terms justice from the perspective of impartiality.

In the book’s following chapters attention is directed towards countries not bordering the EU in both Africa and central Asia/the Middle East – the so-called Neighbours of the Neighbours. As anticipated, this concept goes beyond geographical aspects to include countries (or regions) far beyond the usual focus of the EU’s neighbourhood, attracting increasing attention due to their relevance for EU migration governance.

In this view, a country such as Afghanistan (Chapter 5) seems to fit well in the picture – on the one hand, a distant and often overlooked country in terms of migration, yet for several years the main source of asylum seekers in the EU after Syria. On the other hand, Afghanistan has been a country of concern for Europe for almost two decades in areas such as security and reconstruction, while its role within the EUMSG seems to have significantly increased just recently in the midst of the migration crisis. In 2016, in particular, the EU launched an initiative of cooperation focused solely on migration, the “Joint Way Forward”, a statement which – notwithstanding its informal nature – sought to facilitate the return of rejected Afghan asylum seekers and irregular migrants. Angeliki Dimitriadi shows how this case is a perfect example of the EU’s desire to increase returns but also the impossibility of the task that lies ahead, and the normative issues and dilemmas arising from this complex balance. In particular, the author highlights how interpreting Afghan mobility through the lenses of the migrant/refugee dichotomy fails to capture the complexity of the situation on the ground after a 20-year-long conflict but also ignores the perspectives of Afghans.

The areas that gained most in relevance in recent years within the EUMSG are perhaps sub-Saharan Africa and the Sahel. In Chapter 6, Arrigo Pallotti analyses the EU’s long-term effort to make use of its development cooperation with African states to contribute to reducing irregular migration flows. Focusing in particular on the EU Emergency Trust Fund for Africa established in 2015, the chapter argues that while on the one side the structural imbalances of African economies remain one of the main causes of migration (in and) from

the continent, on the other side is the ideological vision at the core of EU-Africa development cooperation which prevents it from addressing the root causes of underdevelopment in Africa. Overall, the EU's potential contribution to more effective management of migration flows (in and) from the African continent and improving global justice from all three perspectives considered here – non-domination, impartiality, mutual recognition – seem doomed to be frustrated.

The comparatively robust involvement of African countries of origin and transit in the EU's external governance of migration has resulted in a policy shift that has added to the increased securitization of a vast region, in line with the EU's so-called "war against migrant smuggling" (Albahari, 2018). In this process, attested to also by the numerous EU missions in the Sahel/sub-Saharan area, the *externalization* of EU border control is being accompanied by the *securitization* of these third states' borders through partnership agreements and other instruments aimed, in the words of the Union, at enhancing the resilience of African states. In Chapter 7, Rahmane Idrissa analyses the policy measures developed by the EU regarding West Africa, and especially, the Economic Community of West African States (ECOWAS), Mali, Niger and Nigeria. The author finds that while committing to justice on paper, in practice the EU's measures overwhelmingly tend to violate it. In particular, instead of recognizing West Africans' perspectives and objectives, EU policies have negated all the three perspectives of justice in favour of expediency. This outcome is explained in this view by the specific nature of the EU as a civilian, normative and "derivative power" – a concept further expanded in Chapter 10.

The last three chapters of the book address the role of the EU within the broader migration landscape. The specific aim of this section is to understand to what extent the EU has been able to translate the "effective global governance" of the EU Global Strategy (2016), into concrete action within the migration domain, and how this has affected the perception of the EU as a normative actor.

A first element of interest in this picture consists of analysing the specific form of cooperation established between the EU and other IOs dealing specifically with migration, such as the International Organization for Migration (IOM) or the United Nations High Commissioner for Refugees (UNHCR), as an embryonic form of global governance of migration. In relation to the EU-UNHCR, for example, the research has identified at least three potential strategies of institutional interaction: 'counterweight', 'subcontracting' and 'rule transmission' (Lavenex, 2016), each with different implications in terms of diffusion, adjustment or contestation of EU norms in the governance of migration. Looking specifically at the IOM as the EU's implementing partner, Chapter 8 significantly contributes to the existing literature, filling a vacuum on EU-IOM interaction from a normative point of view. In particular, Inken Bartels argues that the IOM's projects enable the EU to defend its interests in terms of irregular migration but at the cost of any advancement from the perspective of global justice. While the IOM claims to ensure migrants' rights and protection, she writes, its everyday practices address them as objects of management and humanitarian aid. Thus, by

categorizing and reorienting migrants' trajectories, EU-IOM cooperation actually helps to maintain globally unequal and unjust relations between states as well as their citizens.

To assess the EU's role in the tentatively emerging global governance of migration, it is crucial to emphasize the increasing global attention the phenomenon of migration is attracting (Triandafyllidou, 2020). Already with the Sustainable Development Goals migration had been related to sustainable development as one of the targets to be achieved (10.7) inspired by (and giving the name to) the process leading to the adoption of the Global Compact for Migration in December 2018. Thus, in Chapter 9 Michela Ceccorulli analyses the role of the EU in promoting the Global Compact for Safe, Orderly and Regular Migration, the first-ever UN global agreement on a common and comprehensive approach to international migration. The focus in this chapter is on the normative content of the Global Compact, assessed through the threefold notion of justice proposed here, and its coherence/contrast with the EU's purported values. Bearing in mind the 'migration crisis' experienced by the EU, however, the chapter underlines the failure of the Union to speak with one voice, given its internal fractures. Left at the margin, the EU informally participated in the process, making clear what just global governance of migration might look like. Even this effort, no matter how contestable, has been weakened: Member States have not only challenged the EU's external approach but also opposed some of its main values and beliefs.

The final Chapter 10 looks at the EU as an actor contributing to the normative profile of the global governance of migration, elaborating on the theoretical premises of such concepts and on the results of the analysis carried out in the book's case studies. In particular, after identifying some overarching trends across the main policy developments that characterize the external dimension of the EU's migration policy after 2015, Enrico Fassi and Sonia Lucarelli turn to the perspective of justice. By systematically comparing the insights offered by each case they find that the normative balance of the EU's migration system of governance is leaning towards the conception of justice as non-domination at the expense of impartiality and mutual recognition. Building on these findings, the chapter assesses the mid-term impact of the migration crisis on the EU's foreign policy, arguing that the former is contributing to the "normalization" of the EU's international role, the transformation of its external image, and to a weakened role as a pillar of the liberal world order.

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