Migration as a security threat: internal and external dynamics in the European Union[1]
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The aim of this work is to explore how the European Union deals with migration as a security matter, from the perspective of multilateralism and overall governance. Nowadays, migration stands on top of the European policy agenda. All in all, massive and 'unwanted' migrants are deemed to threaten the stability of the Union. Therefore, the need has arisen to envision policies aimed at controlling and limiting inflows. Due to the security interdependence existing among EU Member States, policy coordination was a preliminary step to undertake so as to tailor a consistent and efficient migration policy towards the external world; the coordination process though, has gone through pitfalls and drawbacks which testified to the distance between European aspirations and actual achievements. Migration policy foresees to-date an increasing –although contradictory- process of cooperation with third countries, regions and International Organizations, to restrain inflows: although the manifold governance channels and the cross-pillar attempts are huge steps forward in European dealing of the matter, the security concern underneath this latter negatively impacts on their features and on overall efficiency.

Keywords: migration; security governance; external governance; coordination.

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Introduction

Migration stands on top of the European policy agenda. Aside from its intrinsic importance, over the last years it has become one facet of European relations with the outer world. Defined as a strategic priority impinging on overall stability, the management of migration is considered as a security matter needing coordination and cooperation processes at more levels and with more actors. Thus, the objective of this work is to assess and evaluate the direction that a European approach towards migration is following through the lenses of multilateralism and security governance.

As security is no longer associated with pure military force new 'risks' threaten the stability or the typical functions of states. Dealing with these threats often requires processes of cooperation with other actors, so as to avoid unwanted outcomes. Patterns of regional cooperation from this point of view are mushrooming, envisioned to tackle problems likely to impact in a similar way on actors lying close. Moreover, as far as regional solutions appear to be sound to cope with risks and to coordinate responses within a defined cluster it would be normal to observe patterns of cooperation encompassing more regional units facing global or intra-regional threats. Thus, multilateral and multilevel solutions would promise a workable management of the challenges.

Treated roughly as a security matter, migration has fostered cooperation among EU-members: the coordination process though, has gone through pitfalls and drawbacks which testified to the distance between European aspirations and actual achievements. Also, the security framework in which migration policies have been envisioned has shown how cooperation can strengthen rather than dissolve state's resiliency. Owing to its connection to security, migration management has been upgraded to a matter of the utmost strategic importance, impacting on EU external relations and mingling with other core policy fields. As the enlargement process goes on, the geography of migration changes in the same way as the packet of measures envisioned for newly-accepted countries and new-neighbouring ones. The further the Union expands the closer it is to potential trouble-spots and the more likely to absorb negative externalities arousing from them (refugees, poverty-led migration etc). Policies undertaken to downscale the probability of these outcomes to appear are therefore conceived with a view to control and limit inflows toward Europe.

All in all, massive and unwanted inflows of migrants are deemed to threaten the stability of the Union. Generally speaking, 'unwanted' migrants are those who cross borders in an illegal status,

but can also be those who do not enter mainly for employment purposes, as refugees or asylum seekers. For all these reasons, migration policy foresees to-date an increasing –although contradictory- process of cooperation with third countries, regions and International Organizations, to restrain inflows but also to assure that the Union lives up to its aspirations. Sometimes though, the policies undertaken are alleged to be 'unidirectional', providing for a bad multilateralism or 'inconsistent', providing for an inefficient governance. This is so because the security risk lying beneath policy formation impedes a thorough harmonization within the Union and re-marks a major emphasis on controls in relations with third actors.

The first two sections of the paper, mainly theoretical, will introduce the implications behind a broadened assessment of security and the consequent cooperation dynamics within a regional cluster and towards external actors. The remainder of the paper will apply the theoretical findings on the migration issue, analysing how the understanding of migration as a security concern has determined the internal (within Europe) and external governance of the topic.

Non-traditional security issues and regional security governance

When thinking about security it is common to imagine a realistic threat to state survival. This understanding has been deeply influenced by the structural constraints of the Cold War and by the belief that security could represent only zero-sum games. Cold War's conception of security, argues Baldwin, was associated with 'military force', so that if the latter characterized an issue then the challenge became a security one and if the use of military force was not at stake the situation was regarded as a 'low politics' matter. After the end of the Cold War the perception of security is not only 'military', "the dimensions of security have not changed …but the substantive specifications of these dimensions that were appropriate during the Cold War are likely to differ from those appropriate for the 1990s. Economic security, environmental security, identity security, social security and military security are different forms of security, not fundamentally different concepts".[2] Therefore, security is not necessarily linked to survival but rather to the possibility of freely pursuing independence or protecting basic internal interests, "genuine security requires not only the absence of or protection against a military threat, but also the management of a multitude of risks concerning the political economic, and social well-being of states and their peoples".[3] The definition of security as 'a low probability of damage to acquired values' broadens the minimal and

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[2] D. A. Baldwin, "The Concept of Security", *Review of International Studies,* 23, 5, 1997, pp. 9, 23.

[3] H. Aftendorn, R. O. Keohane and C. A. Wallander, eds., *Imperfect Unions,* Oxford University Press, 1999, p. 2.

problematic realist identification with survival by specifying the values meant to be protected when this latter is assured.[4] If the threat to survival is not at stake security still regards some paramount values and interests that states will strive to protect, "security, in a broader definition of the term, is considered as against unwanted foreign intrusion: defence of physical and psychological security, of economic interests of language and cultures".[5]

If not all of the threats are 'military' then there is a high probability to face the challenges ahead through cooperation and accommodation processes. The 2003 European Security Strategy emphasizes that current threats to European security can be faced also by non-military instruments as not necessarily military are the risks posed to European stability; thus, military instruments can be complemented by political and economic ones and employed outside of the European perimeter especially towards neighbouring regions.[6] In the same way as with traditional security threats new security issues such as energy, environment and migration require proactive policies aimed at downplaying potential externalities: the new security programme is in addition and not a proxy of the old one.[7] Moreover, the security dimension of the new issues on the political agenda is underlined by the fact that sometimes these are a by-product of traditional security challenges. Thus, a 'rogue' state can threaten energy disruption or a civil conflict can cause refugee inflows both impinging on European stability: energy supply guarantee and border controls are measures framed for security purposes.

Dealing with security threats means envisioning the strategies and the actors more suited to preserve stability. Both elements are today more difficult to identify because of the transnational character of the risks. As challenges overcome states' borders, they end up encompassing more actors, requiring therefore broader patterns of cooperation. Global governance is pointless on some occasions though: when threats regard only some actors and manifest themselves in different modalities throughout the world, smaller schemes of cooperation seem more promising. This is so because 'most threats travel more easily over short distances than over long ones'.[8] Neighbouring actors are therefore exposed in a similar way to the potential threat. This implies that a sort of

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[4] The definition of security of Arnold Wolfers, cited in Baldwin, 1997, p. 13.
[5] W. Wallace, "Where does Europe end? Dilemmas of inclusion and exclusion", in Jan Zielonka, ed., *Europe Unbound. Enlarging and Reshaping the Boundaries of the European Union,* Routledge, London and New York, 2002, p. 241.
[6] "A Secure Europe in a Better World", European Security Strategy, December 12th 2003, Brussels.
[7] K. J. Holsti, "Something old, something new: theoretical perspectives on contemporary international peace and security", in E. Newman, R. Thakur and J. Tirman, eds., *Multilateralism Under Challenge? Power, International Order and Structural Change,* United Nations University Press, 2006.
[8] B. Buzan and O. Waever, *Regions and Powers. The Structure of International Security,* Cambridge University Press, Cambridge, 2003, p. 4.

'security interdependence' arises, and makes states very sensitive to near states' policy provisions.[9] Actors within a region are therefore prone to cooperate or coordinate their actions to avoid common security problems. Buzan and Wæver' emphasis on a neorealist variable such as 'territoriality' in their 'security complex' theory is noteworthy: not only threats involve neighbouring actors in a similar way, but policy provisions to cope with them spread out their effects on specific areas. If security interdependence means that no actor can hope to achieve its security through a 'go it alone' strategy it is also true that the security nature of the issue at hands renders the cooperation process problematic. Given the complexity of the challenge, a thorough harmonization of procedures within a cluster would marginalize the effects of security interdependence, while a problem-solving path envisioning a broad participation of the actors engaged would promise a sounder governance. Nevertheless, security complicates the accommodation process as no actor is willing to compromise on an interest deemed as paramount. Cooperation will be pursued as long as it strengthens states' security while not impinging significantly on internal arrangements. Also, states are likely to remain the main agents of policies, "states are still the agents through which the structures of governance are instituted and financed, and the agents through which the efforts of these structures are largely realised".[10] Thus, a common approach to face the problem may show inconsistencies or loopholes, trying to make up different national interests.

Facing security threats: multilateral and multilevel cooperation

As seen in the previous section, states are likely to coordinate their actions to avoid common security threats. As it happens in trade cooperation processes within a defined area, the first outcome of an integrated approach may be of closure towards third actors, the erection of formal or informal barriers to keep away a potential challenge. Nevertheless, as the black market or other illegal practices are able to by-pass legal barriers, other numerous threats are able to overcome states' porous borders. This implies that cooperation among states aimed principally at increasing barriers to alleviate security problems are ultimately inefficient. This is so because coordination within a cluster aimed at 'restrictive' policies can change the way an issue is dealt with, but not the likelihood or the pressures of the challenge. Processes of cooperation and negotiations with third actors, third regions and International Organizations assure that topics as migration, energy or

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[9] D. A. Lake and P. M. Morgan, eds., *Regional Orders. Building Security in a New World,* The Pennsylvania State University Press, Pennsylvania, 1997, p. 12.

[10] M. Webber, S. Croft, J. Howorth, T. Terriff and E. Krahmann, "The governance of European security", *Review of International Studies,* 30, 2004, p. 6.

environment are tackled in a consistent and sound way. Multilateralism becomes therefore a way towards problems-managing both as a principle and as a practice.[11]

If regional clusters are more able to control and manage the effects of security threats within them, a multilateral cooperation process may diminish the probability of security threats to arise, or may lower the probability of negative effects to spread out. This is the reasoning behind various attempts at intra-regional cooperation in today's international affairs. In this way, global governance may be advanced, making up for the lack of upper level authority and overall global solutions.[12] When inter-regionalism is not an option because a cluster is not as unified as to manage security threats collectively, then solutions can be envisioned at other levels: region-state, state to state relations are still attempts at downplaying risks, albeit with different degrees of success. Partnership, though, has to be envisioned in a fair way, providing for shared responsibilities, multi-directional flows and multi-layered participation: that is, the form multilateralism does take is of no less importance than the practice itself.[13] As new security threats require a broad partnership, all the relevant actors engaged in the security issue should take part to the arrangements to be undertaken, so as to answer the multi-faceted nature of the topic. The multilateral process of cooperation with third actors becomes therefore part of overall external relations and should match with other aspects of the external policy consistently.

Hereafter the European approach toward migration as a new security threat will be discussed. European stance as a security actor and a security provider in this topic will then be assessed.

Dealing with migration as a security issue

This work will not go through the issue of 'securitization' of migration. That is, it will not debate about whether the issue represents a security challenge or risks or instead represents an economic or humanitarian concern. A lot of authors have explained how migration has been presented as a security threat posing a danger on people well-being and identity, even if sometimes they did not properly explain why this has happened (political opportunism can explain national provisions or

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[11] J. G. Ruggie, ed., *Multilateralism Matters. The theory and Praxis of an Institutional Form,* New York, Columbia University Press, 1983.
[12] See R. Thakur and L. Van Langenhove, "Enhancing Global Governance Through Regional Integration", *Global Governance,* 12, 2006, pp. 233-240.
[13] E. Newman, *A Crisis of Global Institutions? Multilateralism and International Security,* Routledge, 2007.

intergovernmental frameworks but less so cooperation at the European level).[14] Instead, this work focuses on whether the European Union deals with migration as a security threat, conceived this latter as a basic threat to European stability and whether it acts accordingly and consistently. The logic behind this is that as long as the EU deals with migration as a security matter a 'securitization' approach cannot help any longer to investigate the logic underneath cooperation dynamics. In particular, this section will explore if uncontrolled and massive inflows of third country citizens towards the Union's territory have been associated with security threats. If this is so some indicators would show a certain attitude at control and inflow limitation to the point of creating filters or barriers at the EU's physical and political borders. Also, links among current threats and immigration should be noticed: external events such as terrorist attacks or civilian conflict should spur closure reactions and more difficult access to the Union. Because of its prevalent external origin, migration is likely to be managed as a facet of European foreign policy, tailored to accommodate different interests in different geographical areas. Finally, if migration is dealt with as a security threat a certain reluctance at supranationalization should be noticed notwithstanding the value of completely harmonized policies among Member States.

Over the '60s and the '70s migration was a bargaining tool in economic states' relations within the European context. The need for hands to trigger production after the World War and endowment differences within countries were at the basis of the bilateral contracts signed at that time. Migration was not properly seen as a danger, the main reason being that migrants were supposed to go back to their home countries at the expiration of the contract span. Contracts, though, requested 'useful' workers, quantified in numbers. When migrants started to settled down in recipient regions, - a process this latter that both anticipated and followed the economic downturn of the '70s - a certain contagious restrictive approach towards inflows was progressively undertaken, concretized by the creation of *ad hoc* groups charged to discuss about the consequences of 'unwanted' migration and possible related dangers. One of these loose intergovernmental structures, the Trevi Framework (1975-1993), a part of the European Political Cooperation structure and working on terrorism, drug-trafficking and organized crime, was an important stepping stone for cooperation among states and set forward the relation among inflows and international terrorism and organized crime. Another important group created at that time was the ad Hoc Group on Asylum and Immigration for the coordination of asylum and immigration policies. Restrictive actions related to the mounting concerns for the consequences of migration though, did not stop flows which continued in different

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[14] J. Huysmans, "The European Union and the Securitization of Migration", *Journal of Common Market Studies,* 38, 5, 2000, pp. 751-777. Moreover, pundits argue that in some cases cooperation at the European level has helped to downplay the strong requests of domestic constituencies.

forms and as a consequence of closure dynamics through asylum guarantee, family reunification, illegal entries and overstays.[15] As a matter of fact, huge is the number of immigrants who applied for asylum status, while small was the percentage in real need of international protection. Also, the issue of family reunification was a scapegoat able to exploit European normative and juridical commitments, " the adoption of obstruction policies ends up this way putting directly in contrast the states' restrictive intentions with the embedded liberalism regime that the same promoted under the Cold War pressure".[16] The incapability of stopping such unwanted flows created a problem of 'control': states no longer able to monitor who crosses a border encounter a security problem.

The '90s have seen the birth and the quick expansion of the Justice and Home Affairs domain.[17] The European economic project together with external factors put under the spotlight the potential consequences of the free movement of people. The Single European Act (1986), was a significant watershed for migration issues: internal free movement of goods, persons, services and capital was said to require 'compensatory' security measures to strengthen external border controls: it was clear that the movement of workers had to be freed only within the Union through the abatement of internal barriers. It was the willingness of France and the Federal Republic of Germany to speed up the abolishment of controls on common frontier, that built the basis of the Schengen Agreement in 1985 with the Benelux countries. This latter came into force in 1995, abolishing internal controls on the borders of signatories countries. When the Schengen Agreement did expand to encompass all other European states (albeit with exceptions), and internal controls were removed, it was even more apparent that controls at the external border together with cooperation on internal issues had to be intensified in order to enjoy a common internal security space, "from 1986 to 1991 the Member States created over 20 new intergovernmental bodies dealing with issues such as police and custom cooperation issues relating to the abolition of internal controls, asylum, immigration and external border controls and drug-trafficking".[18]

To a situation of free movement within the Union, which rendered *de facto* less traceable security threats, pressures exerted on the European borders and determined by the implosion of the Soviet Union and the end of the Cold War were added. As Monar recalls, "the sharp increase in the

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[15] F. Pastore, "Europe, Migration and Development. Critical Remarks on an Emerging Policy Field", CeSPI, August 2007, p. 2.
[16] G. Sciortino, *L'ambizione della frontiera. Le politiche di controllo migratorio in Europa,* FrancoAngeli, Milano, 2000, p. 69. The author underlines also that the colonial past of some European countries and the independence agreement signed did create a significant impediment to restrictive policies, p. 71.
[17] J. Monar, "The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs", *Journal of Common Market Studies,* 39, 4, 2001 pp. 747-764.
[18] *Ibid.,* 754.

number of asylum application and the mounting illegal immigration pressure at the end of the 1980s played a key role in bringing asylum and immigration on to the agenda of the 1990-91 Intergovernmental Conference and in making member states-under strong pressure by Germany as the main 'frontline' country-agree on the introduction of the third pillar".[19] Thus, international factors and structural changes have exerted a great impact on migration dynamics: to a certain extent the end of the military confrontation has determined or brought to the fore a series of security threats hardly manageable through traditional and confrontational strategies "even sovereign states have begun to view security as a collective management of subnational or transnational threats and the policing of borders and internal realm, rather than just the defense of territory against external attack".[20] The implosion of the Soviet Union, which for decades controlled and contained migration flows, pushed a huge amount of people towards the West, creating souring pressures on border states such as Germany. The Yugoslavian conflicts have speeded up provisions regarding refugees within Europe, while opening up a case of humanitarian intervention to avoid the outflow of the same, "it was the armed conflict in Bosnia-Herzegovina, the 1999 Kosovo war and the humanitarian crisis triggered by the displacement of more than 850000 people from the region that prompted EU Member States to adopt a coordinated response to tackle the critical situation on the Union's borders".[21] The flow of refugees was considered as a threat to regional security also because their movement could spread out the conflict in all Yugoslavia.[22] In 2000 a European Refugee Fund has been created (a new one has become operational since 2008). In the same vein, the soaring number of Iraqi asylum seekers towards Europe after the Iraq Wars at the end of the '90s shaped the debate on international protection and internal security within the EU. All these external factors are said to have had a great impact on taking forward migration legislation and on creating institutional provisions for that purpose. Against this background, not only illegal immigrants but also asylum seekers and refugees started to be framed as security problems requiring proper actions: the Dublin Convention which makes it impossible to submit an application for asylum in more countries is a restrictive policy aimed at curtailing the total number of applications, Dublin II, agreed on 2003, adds to the 1990 Convention the Eurodac fingerprint data system, which is basically a tool for recording asylum applications.

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[19] *Ibid.,* p. 753.

[20] T. Faist, "'Extension du domaine de la lutte': International Migration and Security before and after September 11, 2001, p. 9.

[21] S. Bertozzi, "A Common European Asylum Policy: which way forward?", *EPC Issue Paper49,* October 2006, p. 7.

[22] J. van Selm, "Immigration and Regional Security", in E. Guild and J. van Selm, eds., *International Migration and Security. Opportunities and challenges,* Routledge, London and New York, 2005, pp. 11-27.

The belief that a major engagement of sending and transit countries was necessary to manage migration consistently started to take ground in the mid '90s. While not new the idea was first outlined by the High Level Working Group (HLWG, 1998) and then formalised at the European Council in Tampere in 1999, where it was stressed that the real causes of migration had to be faced, envisioning a broad participation in policy formulation. Therefore, in addition to a common EU asylum and immigration policy an 'external dimension' of EU cooperation in justice and home affairs (JHA) had to be tabled. The external projection of migration policies, recalls Pastore, was essentially spurred by control and security logics and priorities,[23] so that it became an essential element of the European foreign policy. As Boswell recalls, two main directions have been undertaken since then to control and limit the inflows through external policies: the externationalization of traditional instruments of EU borders control -focussed on engaging third countries in controls on illegal flows, trafficking and smuggling and the draft of re-admission pacts and carriers sanctions- and a preventive approach focused on the reasons determining the abandonment of home countries and on foreseeing regional arrangements for the protection of displaced persons.[24] Also in the latter case, the end objective was to reduce pressures on EU borders, "in the end our aims must be to achieve durable solutions on a regional basis. And that will help to reduce the flow of migrants to Europe".[25]

The security threat posed by migration was underlined later on after the terrorist attacks on September 11th 2001. In this case, as in the cases of the terrorist attacks in London and Madrid, the emphasis on borders closure gained prominence. In the following Council meetings (Laeken 2001, Seville 2002), the necessity of hampering illegal immigration for security reasons was set as the first objective to be met. The security approach was confirmed by two other factors: the European Security Strategy[26] and the Transatlantic Relation. From 2001 on, the idea was taking more ground within the European strategic planning that terrorism as a rather immaterial and non-identifiable threat could travel with persons and could menace directly the security of the Western world. More to that, the influence that the Transatlantic Relation has exerted on the strengthening of control measures at the borders after September 11th cannot be overlooked. The connection made principally but not exclusively between terrorism and migration was made clear at the meeting of

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[23] F. Pastore, "Europe, Migration and Development. Critical Remarks on an Emerging Policy Field", p. 3.
[24] C. Boswell, "The 'External Dimension' of EU Immigration and Asylum Policy", *International Affairs,* 79, 3, 2003, pp. 619-638.
[25] Speech delivered by R. Verdonk, Former Minister of Immigration & Integration, The Netherlands, "Asylum and Migration in a Secure Europe", The Presidency Conference on Future European Union Co-operation in the Field of Asylum, Migration and Frontiers, 31st August-3rd September 2004, Amsterdam.
[26] A renewed emphasis on illegal immigration can be found in European Council, "Report on the Implementation of the European Security Strategy", Providing Security in a Changing World, 2008.

the SCIFA (the Strategic Committee on Immigration, Frontiers and Asylum) and a US Delegation: the US expected the European Union to cooperate on border control in transit areas, border-information exchange, return of inadmissible persons, expulsion/extradition, border security, visa.[27] As it is reported, "visa measures have been affected by the desire to obtain information about those crossing frontiers and ensure maximum security".[28]

Thus, measures to make it more difficult to enter the Union have for example seen the codification of two lists of countries: the citizens of the white list can have access into the Union without a visa for a period of less than three months, "a series of instruments, related especially to visa policies, have been activated in order to make it more difficult to travellers coming from troubled countries to reach the national territory".[29] Those of the black one should apply for a visa, undergo the common Visa Information System (2007) -which allows Schengen Member States to gather and exchange data (also photographs and fingerprints) of citizens of countries in the black list applying for a visa- and should not have any 'alert' within the Schengen Information system. Moreover, border control agencies have been agreed upon, such as the European Agency for the management of operational cooperation at the external Borders (FRONTEX, 2005), while an external borders Fund of 1.82 billion euros covering the period 2007-2013 (30% land borders, 35% sea borders, 20% airports 15% external borders) has been scheduled.[30]

The enlargement processes in 2004 and 2007 have answered the double objective of security and stability. The exportation or externalization of the European governance system on migration to those states was strongly characterized by security concerns, as the broadening of the border was likely to get the Union closer to trouble-spots.[31] The new-states had to accept and apply the *acquis communautaire* on external border controls as a condition for full membership within the EU, while entering a five years transition period before the whole elimination of their internal borders.[32] This has somehow shifted the burden of control from the core Europe, while broadening the new eastern borders, "there are also likely to be new security challenges linked to enlargement, such as longer and more exposed borders and a potentially increased attractiveness of the enlarged internal market for organized crime, traffickers, facilitators involved in huge business that illegal immigration has

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[27] E. Brouwer and P. Catz, *Immigration, asylum and terrorism: a changing dynamic in European law,* Nijmegen, KU Nijmegen 2003, pp. 100-106.

[28] J. van Selm and E. Tsolakis, "The Enlargement of an 'Area of Freedom, security and Justice': Managing Migration in a European Union of 25 Members", *Policy Brief,* Migration Policy Institute, May 2004, p. 8.

[29] G. Sciortino, *op. cit.,* p. 116.

[30] "European Disappearing Internal Borders", *Migration Facts,* Migration Policy Institute, December 2007, p. 4.

[31] European Security Strategy, "A Secure Europe in a Better World", Brussels, 12 December 2003.

[32] Noticeably, the enlargement process is itself a paramount and key European migration policy measure, see F. Pastore, *Dobbiamo temere le migrazioni?,* Editori Laterza, Roma-Bari, 2004, p. 92.

become".[33] Some of the new Member States that shifted from a transit to a destination country condition seem sometimes eager to strengthen entry requirements for third citizens, especially because of the persistence of limitations within the Union for their citizens. The new periphery of the Union, bordering troubled regions such as the Balkans and Caucasus is emphasizing the relevance of and the connections between the European foreign policy agenda, the idea being that stability within the Union can be assured when stable is its outside edge.

The intergovernmental approach has characterized to a great extent cooperation on migration and asylum. From this point of view this topic has shown that when a problem touches security dynamics the role of the state is still of the paramount importance. Thus, while states found it less problematic to agree on provisions regarding the strengthening of external borders measures and the undertaking of more protective and restrictive provisions, they found it more difficulty to undertake a more 'positive' path impinging on their national legislation, "since the last thirty years, prevention, containment and repression (trough the expulsion of the outlaws) of non-authorized migration flows have represented the key axis of the migratory policy of West Europe states".[34] As this point is fundamental to see how cooperation has developed within and outside the Union, the next section will be devoted to the assessment of internal cooperation dynamics.

Preserving internal 'borders'

Throughout the theoretical part it has been explained why security challenges spur cooperation among actors within a region. Coordination of security practices has time and again characterized states' efforts to face or avoid risks and threats. This was true in the case of traditional security issues, and is more so with 'new' challenges: in both cases a certain conformity of practices among actors is needed to avoid that an un-coordinated move by an actor risks endangering overall security. If states were able to face the threat alone there would be no reason for cooperation: instead, everyone's participation in the coordination effort is needed in order to avoid a likely result. Also, because of the nature of the threats ahead, states' actions impact on other states, independently from the own provisions. As in all security issues though, it is likely that the coordination path falls short of its potentialities: actors are willing to engage in patterns that strengthen their security (independence, ability to pursue their own interests) but less willing to agree on a 'positive' approach undermining national legislations.

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[33] J. Monar, "Justice and Home Affairs after the 2004 Enlargement", *The International Spectator,* 1, 2003, p. 6.

[34] F. Pastore, "Il vincolo interno. Immigrazione e relazioni esterne", in R. Gualtieri and F. Pastore, *L'Unione Europea e il Governo della Globalizzazione,* Il Mulino, Bologna, 2008, p. 131.

If the topic of our concern, migration, is conceived as a new security threat we should witness an attempt at coordinating actions among actors within the same region, "given traditional national differences, the interesting question is not why the immigration issue has become politicized in the EU, but why states would cooperate, and on what bases they would converge if at all".[35] Governance, that focuses on 'who does what', is based on the degree of coordination of national politicies at a European level.[36] It should be probable that overall arrangements are agreed upon on measures strengthening states' security. According to what said before, it should be also likely that common measures impinging on states' internal prerogatives will be hardly found or strongly debated. If the final referents of security provisions are national states, cooperation will not be as encompassing as needed by the topic to be handled. The analysis of cooperation on migration within the Union is a necessary step to be made, because the breadth and the features of the policies agreed upon within the regional cluster have an impact on the character and degree of multilateralism and governance with third actors.

As seen in the previous section, the European project for the free movement of people together with external facts have been the main reasons triggering cooperation among European states. As a consequence of these two macro-variables though, there was also the willingness to share evenly among states the burden of massive inflows of persons. From an external point of view, abating controls among states meant that third country citizens were able to go wherever they wanted once entered the EU. Thus, states with weak controls systems were not only a magnet for outside persons but also an easy transit towards other states within the region, "the system is only as strong as its weakest link, with a single weakness in any part of it having potentially serious implications for all other parts".[37] States needed each other to increase their security: thus, for example, Germany needed Italy for the patrolling of the Southern border, while Italy needed Germany for the Eastern one.[38] External factors increased pressures on European borders: massive inflows of non 'economic' migrants would have created organizational and management concerns for states. These factors determined an 'escape towards Europe'.[39]

Cooperation on migration and asylum issues has been started through an inter-governmental path, and was mainly based on the connection between migration and organized crime or terrorism. It

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[35] G. Lahav, *Immigration and Politics in the New Europe. Reinventing Borders,* Cambridge University Press, 2004, p. 2.
[36] Mario Telò, Professor of Political Science, Université Libre de Bruxelles (ULB), Belgium, interview, Bruxelles, January 26th, 2009.
[37] Jörg Monar, "Justice and Home Affairs after the 2004 Enlargement", p. 2.
[38] Mario Telò, interview.
[39] A. Geddes, "The politics of migration in an integrating Europe' in A. Geddes, ed., *The Politics of Migration and Immigration in Europe,* SAGE Publications, 2003.

was only with Maastricht that this policy framework was inserted within the structures of the EU and placed in the third pillar of Justice and Home Affairs. Cooperation at this point was minimal, ineffective and cumbersome, and Germany and France, more eager to foster cooperation at a broader level, proposed in 1995 a flexible (with opting out possibilities) but more efficient path. The end result reached in Amsterdam in 1997 was a compromise solution among 'minimalist and maximalist positions',[40] with states committed to harmonize national policies on European guidelines within a given time-span. Although moved from the third to the first pillar of the European architecture, for almost five years migration and asylum continued to be handled unanimously, with a shared initiative power between the Commission and Member States. After this period the Commission gained the sole initiative power, while agreements on the co-decision procedure and the qualified majority voting were subject to states' unanimous approval. As an author emphasizes, if the shift from the third to the first pillar has conferred some prerogatives to the Community it is also true that this has introduced the logic of exclusion and of security characterizing the third pillar into the first one.[41] Thus, notwithstanding the importance of the issue, harmonization among states has been based on common standards approximation by no way modifying internal policies, "the consequence of the intergovernmental origins of today's AFSJ(Area of Freedom, Security and Justice) has been that most of its *acquis* has been based on intergovernmental consensus favouring agreements on the lowest common denominator. The lowest common denominator, however, has in most cases meant restrictive measures".[42] Still today, and notwithstanding economic and demographic imperatives, decisions regarding legal migration require unanimous voting, while integration policies do not even appear among Communitarian competences. Thus, authors that analyse the juridical profile of migration procedures highlight that speaking of a 'common policy' in the way it is possible to speak of the CAP (Common Agricultural Policy) is hazardous. It is hard to affirm that the end objective of the migration policy is the internal harmonization of Member States policies, and this can be assessed by the difference occurring between the proposals of the Commission and the measures adopted subsequently by the Council.[43]

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[40] A. Geddes, *Immigration and European Integration. Towards Fortress Europe?,* Manchester University Press 2000.

[41] T. Kostakopoulou, « The 'protective Union' : Change and Continuity in Migration Law and Policy in Post-Amsterdam Europe », *Journal of Common Market Studies,* 38, 3, 2000, p. 499.

[42] J. Monar, "The Dynamics of Justice and Home Affairs : Laboratories, Driving Factors and Costs", p. 761.

[43] P. de Bruycker, "Le Niveau d'harmonization legislative de la politique européenne d'immigration et d'asile", in F. J. Laferriere, H. Labayle and Ö. Edström, *La politique européenne d'immigration et d'asile : bilan critique cinq ans après le Traité d'Amsterdam. The European immigration and asylum policy : critical assessment five years after the Amsterdam Treaty,* Bruylant, Université libre de Bruxelles, 2005 and Paolo Martino Cossu, Council of the European Union, interview, January 26th, 2009.

These aspects underline the security dimension conferred to migration and the fear of states to relinquish their prerogatives. From this point of view the concept of a European security seems to conflate with the security of the states composing it, "there is the idea that the communitarization of the migration policy is not a farewell to states but rather a new form of protecting their security".[44] The Amsterdam Treaty covered three fields of cooperation: immigration, asylum and external borders. The basic idea was that in order to limit the flow of people within the Union as well as to live up to its aspiration as an international and normative actor the European Union had to envision a packet of measures to regulate and manage transborder movements in a responsible way. As for immigration, pundits lament the lack of a thorough policy framework aside from family reunification and admission of students and researchers. As for asylum, common standards for asylum procedures, for refugees qualification and asylum seekers reception where delayed until the very ending period of the decided schedule (2004) and produced scarce outcomes, so that a Common European Asylum System is envisioned, very sceptically, in 2010, "the need for unanimous decisions on these 'first stage' instruments meant that discussions on specific issues were often protracted as individual Member States sought to safeguard national practices".[45] Thus far, three new proposals by the Commission have been forwarded to the Council and the Parliament: one on the minimal norms on shelter for asylum seekers in Member States, one on the adaptation of the Dublin system and the latter on Eurodac. Three proposals are still missing. The lukewarm expectation for 2010 is determined by two factors: first, the European economic slowdown will complicate provisions regarding asylum seekers shelters. Second, strong disagreements among states are foreseen for the modification of the Dublin system, also because of the increased number of member-states and of different frontiers.[46]

Thus, it is in the realm of security controls that the European Union shows the most important achievements thanks to a series of adopted provisions regarding visa, sanctions to carriers, expulsion, the setting of the FRONTEX agency, the European Fund for readmission and the European Fund for External Borders.[47] Also, the Return Directive adopted in 2008 and setting standards for sending illegal immigrants back home goes in the same direction, "while differing over details, all Member States have a common interest in a strong external border. But this consistency has been lacking in almost all other areas…while political rhetoric about demographic change and the role of migration in Europe's future competitiveness has increased exponentially,

[44] N. Walker, ed., *Europe's Area of Freedom, Security and Justice,* Oxford University Press, 2004, p. 16.
[45] S. Bertozzi, "A Common European Asylum Policy: which way forward?", *EPC Issue Paper 49,* October 2006, p. 8.
[46] G. Troncoso, Council of the European Union, interview, Bruxelles, January 26th, 2009..
[47] F. Pastore, "L'Europa e l'immigrazione: la pancia contro la testa", *CeSPI,* June 4th 2008.

only the bare minimum has been achieved in concrete terms".[48] The cluster of policies adopted is based mainly on making sure that unwanted persons keep outside of the common borders, while it does not provide information on who can lawfully enter the Union.[49] It is also noteworthy that, because of security concerns, membership within the Union acquired through various enlargement stages has not granted a simultaneous accession within the Schengen area. Thus, Italy has joined Schengen only in 1998, while the last comers, Romania and Bulgaria will eventually join it. In this case the process of regional governance has seen exclusionary provisions even within the Union.

One of the most important fault lines among states within the region is geographical: thus, states on the borders have always had to bear a disproportionate cost vis-à-vis migration and asylum policies. This has rendered difficult a thorough regional governance of the matter and has required for a fairer burden-sharing among states. It goes without saying that sometimes the lack of a fair distribution of work has impacted negatively on cooperation at the regional level, causing inefficiencies and disputes among states. As abovementioned, this has been the case in Southern Europe, which had to sustain huge inflows coming from Africa and the Balkans and in the new Member States, which have to patrol a widespread borderline.[50] In order to partly compensate for these shortfalls a European Refugee Fund and a Directive on Temporary protection have been envisioned to help states manage massive inflows of displaced persons.

EU multilateral approach towards migration

As seen in the previous section, the European handling of the migration issue has emphasized control measures. The reason is twofold: on the one hand the strengthening of controls increased states' security. On the other hand, the difficulty of harmonizing national measures has created a migration policy based principally on the restriction of inflows, easily agreed upon. At a certain point in time though, it became clear that simply restrictive policies were not able to stop inflows and that a more promising approach was to try to dialogue and work with origin and transit countries, with Organizations and other actors trough a multilateral path. Hereafter the 'external dimension' of the migration policy will be introduced, while the debate on the 'quality' and 'efficiency' of the same will be postponed to the next section.

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[48] E. Collett, "The EU Immigration Pact-from Hague to Stockholm, via Paris", *EPC Policy Brief,* October 2008.

[49] J. Apap and A. Tchorbadjiyska, "What about the Neighbours? The impact of Schengen along the EU's External Borders", *CEPS Working Document,* 210, 2004, p. 4.

[50] F. Pastore, "Europa avanti in ordine sparso", *Affari Internzionali,* 9 October 2006, www.affarinternazionali.it/articolo.asp?ID=203.

At the European Council held in Tampere in 1999, the European leaders reaffirmed their determination to develop the Union as an area of freedom, security and justice employing all the instruments provided by the Treaty of Amsterdam.[51] The political will expressed by the leaders at that point was so extensive as to endorse the objectives to be met for a sound and consistent European migration policy (Action Plan) and the organizational framework to achieve that: a five year timetable of deadlines together with a scoreboard for the constant review of the progresses made. That was the structure envisioned for the development of the common migration policy: in 2004, the Hague Conference did take notice of the thresholds achieved and provided a new five-years agenda for the further development of a common policy to be evaluated anew in 2009. Thus, Tampere is considered as a paramount stepping stone for the purpose of a common policy: the idea was that in order to ensure freedom in conditions of security and justice a common policy on asylum and immigration had to be developed. Also, an efficient and consistent approach on migration requested a partnership with countries of origin and transit, "this requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights".[52] Hence, the Council referred to a 'root cause' approach, that would have inevitably linked migration with external relation policies. The implication was twofold: on the one hand, migration had to be dealt with encompassing all the actors engaged in the process, i.e., countries of origin and transit; International Organization; non-governmental organizations; regional organizations; thus advancing a multilateral and multilayered path of governance. On the other hand, migration had to be framed within European external relations and combined with their multiple facets: development, foreign and security policy, trade. This would have assured a long-term but reasonable path for alleviating pressures on borders while also guaranteed that Europe could live up to its aspiration as an international actor and as an example. As was repeated, "the external dimension of justice and home affairs contributes to the establishment of the internal area of freedom, security and justice and at the same time supports the political objectives of the European Union's external relations, including sharing and promoting the values of freedom, security and justice in third countries".[53]

The emphasis on a comprehensive approach towards migration based not only on controls but also on a multilateral and cross-pillar agenda was stressed in a significant way through the 'global approach on migration' in 2005 and spurred to a great extent by the facts happened in Ceuta and

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[51] Presidency Conclusions, Tampere European Council, 15 and 16 October 1999.
[52] *Ibid*.
[53] Communication from the Commission, "A Strategy on the External Dimension of the Area of Freedom, Security and Justice", COM(2005) 491, Brussels, October 12th, 2005, p. 4.

Melilla and in the Adriatic sea, concerning desperate persons trying to reach the European border. The first priority envisioned by the global approach was to deepen relations with Africa and the Mediterranean countries pooling both Member States and Union's effort to strengthen dialogue and cooperation.[54] Partnership was therefore to be pursued with regional organizations such as the ECOWAS and the African Union and with single countries in the North (Morocco, Algeria and Libya) or Sub-Saharan ones on the basis of Article 13 of the Cotonou Agreement. The patrolling of frontiers through FRONTEX had to be partnered between North African countries and EU Member States; support, training and equipments as well as financial assistance in facing illegal migration and related issues had to be supported by the EU, taking always into account the paramount link existing between migration and development. As tabled, networks of immigration liaison officers should be regionally established in origin and transit states and work in cooperation with the Union to report on illegal immigration and trafficking in specific countries.[55] The aim, again, was to overcome an almost unidirectional approach towards Africa thus far, and foster patterns of circular mobility, mobility partnership to manage forms of legal migration opportunities between countries of origin and destination and draw migration profiles so as to answer with informed polices different situations.

More to that, the global approach on migration was a wording to recall that migration had to be faced in external relations worldwide, 'with an extended geographical scope and an enhanced content'[56]; thus, if the Mediterranean and African regions or the Western Balkans and Eastern ones were geographically strategic priorities, cooperation and dialogue had to be broadened to Latin America, the Caribbean and to Asia.[57] Towards the South-eastern region the EU' s approach focuses on how to reconcile the European security concerns and interests with neighbours' expectations.[58] With Asia, instead, readmission agreements constitute the bulk of cooperation

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[54] Council of the European Union, "Global approach to migration: Priority actions focusing on Africa and the Mediterranean", Brussels, December 13th, 2005.

[55] Commission of the European Communities, "Communication from the commission to the Council and the European parliament, "Priority Actions for responding to the challenges of migration: First follow-up to Hampton Court, COM(2005) 621, Brussels, November 30th, 2005, p. 5. Pastore emphasises though, that the delegation of control functions to third but non-democratic states can bring about undesirable effects on various perspectives, see F. Pastore, "Il vincolo interno. Immigrazione e relazioni esterne", *op. cit.,* p. 139.

[56] Council of the European Union, Council Conclusions on extending and enhancing the Global Approach to Migration, 2808 General affairs Council Meeting, Luxembourg, June 17-18, 2007.

[57] Commission of the European Communities, "Communication from the commission to the Council and the European parliament, "Priority Actions for responding to the challenges of migration: First follow-up to Hampton Court, p. 4.

[58] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, "Towards a Common Immigration Policy", COM 2007/0780. The Check Republic is trying to launch a Conference on the Balkans and on the East on the basis of the Budapest Process in order to figure out the implementation of the global approach toward the East. The Budapest process is a consultative forum of Governments and International Organizations with the objective of enhancing good governance in the field of migration and formulate common understanding of migration policies and concepts.

relations; Europe foresees regional cooperation with Central Asia on issues regarding border management, drug trafficking, organized crime, and more generally democratization.[59]

The channels in which the European security governance on migration has manifested itself are multiple: as it will be seen in the next section, this multilateral approach is not a guarantee of sound management. Nevertheless, the awareness that migration as a security challenge has to be tackled in cooperation with third actors is a building block of overall European security dimension. From 1999 the European Union has deepened relations on migration with third countries through different instruments and multilateral path, encompassing different actors:

- bilateral agreements: Association or Partnership and Cooperation agreements; readmission agreements[60], visa facilitation agreements, mutual legal assistance and extradition agreements;

- enlargement and pre-accession processes: with Croatia and Turkey and the Stabilisation and Association Process with the Western Balkans. This latter area stability is one of the European priority, "irregular population movements and unresolved displacement issues remain among the critical factors creating instability within South Eastern Europe"[61]; on this point MARRI (Migration, Asylum, Refugees Regional Initiative) is paramount to support a regional partnership approach and advancing harmonization with Union standards;

- European Neighbourhood Policy (ENP) Actions Plans;

- regional cooperation, i.e. ASEM (Asia-Europe meeting) and Euro-Med process. The proposal was also set forward to create a regional Black Sea Cooperation Platform encompassing Member States, EU agencies, countries bordering the Black Sea and regional organizations using existing cooperation frameworks, such as the Black Sea Economic Cooperation (BSEC), to enhance dialogue and work out together patrolling measures.[62] The Commission' s support for regional approaches has been strongly emphasized: cross-border challenges as migration or border controls measures can be better tackled through combined regional approaches.[63] Thus, the Union expects to deepen the regional cooperation framework with the Africa Union and to speed up those with the

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[59] Council Of The European Union, Council Conclusions On Central Asia, 2796th External Relations Council Meeting Luxemburg, April 23rd, 2007, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/93790.pdf

[60] Between 2001 and 2008 the Commission was authorized to negotiate Community readmission agreements with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Hong Kong, Macao, Montenegro, Moldova, Russia, Serbia, Sri Lanka, Ukraine. Negotiations are underway with Algeria, China,, Morocco, Pakistan, Russia and Turkey.

[61] Stability Pact for South Eastern Europe, Migration, Asylum, Refugees Return, http://www.stabilitypact.org/marri/default.asp

[62] Council of the European Union, Council Conclusions on extending and enhancing the Global Approach to Migration, *Annex,* p. 8.

[63] Commission Communication, "A Strategy on the external dimension of the area of freedom, security and justice", COM (2005) 491.

Middle East and Eastern Europe[64]. The understanding behind this is that migration regards not only the movement of people from a region to another, but also and for the most intra-regional routes. Thus, regional approaches could be better tailored to manage all the complexities and risks that states encounter and be better able to control flows of migrants between countries of origin and transit. Cooperation among regions is the further step towards a more reliable migration policy, which links countries of origin, transit and destination. Indeed, the aim of the EU is not only to cooperate but to understand migratory flows within continents and have data on that.[65] Attempts at regional cooperation have been tried through the Euro-Mediterranean Partnership, with the 5+5 Dialogue (Algeria, Lybia, Tunisia, Morocco, Mauritania and Italy, Spain, Portugal, France and Malta) and with Sub-Saharan Africa. To-date, though, the Union tries to enhance dialogue and cooperation between North and Sub-Saharan African countries. As an example, the Rabat Conference of 2006 endeavoured to advance cooperation and dialogue on migration and development among the EU, the West, Central and North African countries and saw the participation of various international organizations such as OSCE, UNODC, UNIDO, the African Union Commission, GCIM (Global Commission on International Migration), AMU (Arab Maghreb Union, IOM (International Organization for migration), ILO (international Labour Office, ICMPD (international Centre for Migration Policy Development, UNHCR (United Nations High Commissioner for Refugees, UNDP (United Nations Development Program), the World Bank, CEN-SAD (Communautè des Etats Sahélo-Sahariens), CEDEAO (Communauté Economique des Etats de l'Afrique de l'Ouest, CEMAC (Communauté économique et Monétaire de l'Afrique Centrale), the African Union. Another EU-Africa ministerial Conference was held in Tripoli in 2007 also with the participation of Algeria (which did not participate in Rabat). The last step on the south-dimension cooperation approach has been the creation in 2008 of the Union for the Mediterranean, with a chapter on migration (MED-MIG collects statistical information on migration), even if far below of its expected potentialities. At the Hague in 2004, an external dimension for asylum was emphasized: Regional Protection Programmes (RPPs) were thus envisioned in the framework of a more entrenched cooperation with third countries and with the aim of providing protection and durable solutions (repatriation, local integration or resettlement in a third country).[66] The objectives were on the one hand to curb asylum requests towards the Union, and on the other hand to help third countries to develop consistent protection measures in regions with a huge number of refugees based on a cross-pillar cooperation, respect of the Geneva

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[64] Council of the European Union, "Global approach to migration: Priority actions focusing on Africa and the Mediterranean", p. 12

[65] P. M. Cossu, Council of the European Union, interview, Brussels, January 26thth, 2009.

[66] Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, On Regional Protection Programmes, COM (2005) 388, Brussels, September 1st, 2005.

Convention and multilateral cooperation among the EU, UNHCR, Member States sustained by EU funds (AENEAS). Pilot RPPs have been started in Ukraine, Moldova and Belarus (Western Newly Independent States) and in Sub-Saharan African countries that experienced huge inflows from East Africa and the Great Lake region.[67] Other regions for consideration are North Africa, the Afghanistan region and the Horn of Africa;

- individual arrangements with the US, Russia, Canada, Australia, Japan, China and Ukraine. As seen above, the security relationship the Union shares with the United States under the Transatlantic Agenda has a deep impact on migration policies. On the other hand, the paramount trade relationships that the Union and its single countries entertain with China or Russia overshadow sometimes migration agreements and concerns;

- external aid programmes through external relations assistance programmes (CARDs, TACIS, MEDA) plus a Thematic programme for migration and asylum to be substituted to the AENEAS one. This latter is the "Thematic Cooperation Programme with Third Countries in the Developing Aspects of Migration and Asylum". It will cover the period going from 2007 to 2013, and has a specific focus on migration towards the European Union;

- International Organizations: International Organization dealing with development issues or with human rights protection cannot but take part, at least formally, to the multilateral negotiation process, especially now that migration starts to be more and more coupled with development. The Union recognizes the impact and the value of international forums. These latter can contribute to a great extent to advance European objectives: the Union has participated to the work of the 'High Level Dialogue on International Migration and Development' of the United Nations in 2006. Also, membership within the European Council and the UNHCR and other UN bodies guarantees a platform to work together and helps the promotion of common values. In most of the Commission Communications it is emphasized that the EU has to play a more prominent role within International Organizations. In fact, pursuing a multilateral approach is said to increase EU leverage in international bodies as well as to assure EU observance of agreed international standards.

While the Union has given priority to the areas at its periphery, with whom it has also envisioned cooperation on economic or development issues, migration stands more and more on the forefront of relations with further countries or regions. Ideally, the cooperation scheme should envision a concentric-circle policy that sees the centre cooperating with external circles and these latter cooperating among them. It goes without saying that as different regions provide different security

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[67] S. Bertozzi, "A Common European Asylum Policy: which way forward?", p. 11.

challenges for the Union and since European interests diverge in different regions, the approaches undertaken are different, country or region specific -through Country Strategy Papers or Regional Strategy Papers- the levels of cooperation multiple and the degree of success variable. The broadening of the geographical space of migration policies together with increasing tools at disposal, the cross-pillar approach and the encompassing of various actors testify to the weight of migration as a European strategic and security priority.

Assessing the 'quality' of multilateral governance in migration

Thus far, the work has presented two aspects of migration governance: one focussed on regional cooperation, the other focussed on relations with third actors. The key objective of investigating the internal and external aspects of cooperation is to find out if and in which ways the loosely coordinated approach observed at the regional level determines the shape of multilateralism with other actors. In fact, the last section has showed that multiple channels of cooperation have been envisioned and created with a view to 'secure' border zones and make them purposeful to migration policy: nevertheless this does not say much about the quality and the efficiency of this multilateral path from a broader point of view.

At the basis of the connection between internal and external cooperation is the understanding of migration as a security concern, risk. All sections have underlined that security is deeply imbued in attempts at managing migration and at policy-making at regional and multilateral level. Therefore, in order to grasp the way in which internal regional coordination impacted on the quality of multilateral efforts it was first necessary to assess the way in which security concerns did shape and direct internal governance. This attempt has been tried in the second section of the empirical part, emphasizing the need for coordination to handle the security threat but the lack of a thorough and common approach impinging on national prerogatives. As assessed in the European Security Strategy and in Commission documents, security within Europe is inevitably linked to security outside it: this has been the main underpinning behind efforts to cooperate with other states and regions, "over the coming decade and beyond, the Union's capacity to provide security, stability and sustainable development to its citizens will no longer be distinguishable from its interest in close cooperation with the neighbours".[68] The lack of a thorough approach to migration and the

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[68] Commission of the European Communities, Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, COM (2003) 104, Brussels, March 11th, 2003, p. 3. The security interdependence existing among states is particularly felt on the 'regularization' matter, which differs from state to state: while the objective of a regularization process within a state is to contribute to public and social order, other states are worried that these policies may determine flows towards their countries.

resilience of national states and of a statal concept of security has exerted its influence on external multilateral relations. Thus, even if the European Union understands the importance of a comprehensive cross-pillar and multi-level approach towards migration, states are still struggling to keep away from completely harmonized asylum measures, refugees qualification and legal immigration provisions. Alas, these are the real terms on which a sound multilateralism can be advanced and worked out and that assures and strengthens a fair coordination process within the regional clusters, "an essential component of EU migration management is partnership with third countries with a view to ensuring coherence between internal and external action".[69] The end result is twofold: on the one hand measures with a strong security connotations are those that seem to prevail in multilateral relations. As seen, coordination among Members on control and security measure creates restrictive postures conferring the idea of a fortress Europe, and promotes provisions to 'externalize' controls. If a uniform approach cannot be achieved internally, then security has to be strengthened at the borders. On the other hand, the lack of a 'positive' common approach on some facets of migration (legal migration, integration, asylum…) has detrimental consequences for Europe itself both because it cannot provide a legal and homogeneous system to enter the EU, and because different national policies will continue to have an impact on other Member States as long as migrants keep flowing into the region.

Cooperation with third countries can of course be achieved without internal harmonization, nevertheless this does not make sure that states' security is reached and that migration is handled properly in all its features. Thus, the kind of the multilateralism advanced is paramount: the spurious management of the issue within the Community (shared initiative power, opting out provisions…) and the strong emphasis on security has let national states determine the course of the governance with third countries in a rather unidirectional way; the same condition of 'destination country' confers a certain power to be exerted towards origin states so as to obtain agreements functional to control purposes.[70] The last case in point is the European Pact on Immigration and Asylum proposed by the French EU Presidency in Spring 2008. This pact is said to create the main political underpinnings upon which the new agenda (2009-2015) on migration should be based.[71] The Pact exhibits a strong emphasis on the Return Directive just approved (2008), on controls, and on national prerogatives and interests in legal migration and integration. In order to re-gain its competences in migration issues the Commission published in June 2008 a communication, 'A

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[69] Commission of the European Communities, Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals, COM (2006) 402, Brussels, July 19th, 2006, p. 3.
[70] G. Sciortino, *op. cit.,* p. 108.
[71] S. Carrera and E. Guild, "The French Presidency's European Pact on Immigration and Asylum: Intergovernmentalism vs. Europeanisation? Security vs. Rights?", *CEPS Policy Brief,* September 2008.

Common Integration Policy for Europe: Principles, Actions and Tools' and a policy plan 'Asylum: an Integrated Approach to Protection across the EU'. The Commission' s emphasis on prosperity, solidarity and security insists on a multi-dimensional overview of migration and call for coordination and integration at a European, national and regional level.[72]

Even if the multilateral character of migration governance is apparent, security concerns are always at the basis of the cooperative process, and this basic factor influences the way in which plans towards third countries or regions are envisioned or funds provided. This has led to say that there has been a slowdown from Tampere's principles; somebody else has contested that after September 11th and the adaptation to the new threats scenario, having rescued even a minimal European migration policy sounds like an astonishing threshold.[73] The idea that migration policy requires cooperation both among Member States and with third actors is borne in mind to-date. Also, as seen in the previous section, migration is now encompassed within the framework of external relations and represents therefore an important building block of the European foreign policy. Development is also recognized as an important facet of the migration policy, due to the fallacy of policies based purely on security and controls terms. To a certain extent, the presence of a 'migration dimension' within external relations and development policies has created overlapping schemes of cooperation that sometimes create inconsistencies because of conflicting aims between security and development and because of different decision-making procedures and actors encompassed in each policy field.[74] Primarily, the lack of clear objectives and priorities can create policy incongruence. Given the complexity of the issue, various stakeholders should take part into policy formulation or at least be consulted for that purpose: migrants, third countries, International Organizations, NGOs, the civil society represent all important sides of the topic. Instead, these actors' participation is very limited in European multilateral cooperation schemes, and their influence in decision-making scarce. Thus, the UN Refugee Agency did approve the European plan to work out Regional Protection Programmes but emphasized that attempts at creating regional protection programmes cannot substitute the possibility to get asylum in Europe.[75] In fact, among International Organizations and NGOs, a certain feeling exists that the decrease in asylum applications within the

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[72] Commission of the European Communities, "A Common Immigration Policy for Europe: Principles, actions and tools", COM(2008) 359/4.

[73] Mario Telò, interview.

[74] F. Pastore, "Europe, Migration and Development. Critical remarks on an emerging policy field".

[75] UNHCR, "UNHCR Observations on the Communication from the European Commission to the Council and the European Parliament on Regional Protection Programmes", COM (2005) 338, September 1st, 2005. The EU has signed an international commitment on asylum seekers protection through the Geneva Protocol for the status of refugees (1951, 1967), a provision contained in the UN Convention against torture and a regional obligation inserted in the European Convention on Human Rights, see E. Guild, "The legal Framework. Who is entitled to move?" in D. Bigo and E. Guild, *Controlling Frontiers,* Ashgate, 2005, pp. 14-48.

European Union space has been determined not only because of a decline in displaced persons around the world but also because of the instruments undertaken at the European level to render more difficult the application process: this causes both a political and a moral issue for Europe. As an example, Elspeth Guild sustains that within the list of countries whose citizens should be in possess of a visa are those states from which the flow of asylum seekers is higher, i.e., Afghanistan, Iran, Iraq, the Democratic Republic of Congo, Nigeria, Ethiopia, Eritrea, Somalia, Ghana and Sri Lanka. [76]From this point of view, highlighting is the statement of a migration expert, "the driving force behind the decision to grant the EU competence in the field of asylum…was not a noble and abstract political will to reinforce and improve the overall protection of refugees in Europe. Rather, the fundamental priorities were to a). regain control over forced migration flows into the EU; and b). spread the effort and cost of providing asylum more evenly among the EU' s Member States…".[77] From the very first steps of a 'root cause' approach with the HLWG on immigration and asylum it was underlined that too much attention was paid to 'control' measures. In general terms, the opinion is shared that as long as the migration policy is based mainly on limiting the inflows of persons without providing efficient and uniform measures to grant their legal entrance or safeguard their integration, the Union will not live up to its aspirations and will not acquire that international role that may be the example of a new and fair multilateral governance process. What is more, it will not achieve its expected goals.

Conclusion

The aim of this work was to analyse the modalities through which the European Union deals with migration as a security matter, from the perspective of multilateralism and security governance.

The relevance of the theoretical part presented has been to set the stage for the investigation of the empirical part by providing a consistent frame of analysis, and to help understand the multiple levels of cooperation needed to face new, many-sided and transborder threats to security. While a lot of pundits have studied the likelihood of regional patterns of cooperation and the necessity of a multilateral and encompassing approach to handle new security challenge, few of them have pinpointed the backsides that a security dimension of the matter can determine on overall governance processes.

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[76] E. Guild, "The Legal Framework. Who is entitled to move?", p. 35.
[77] F. Pastore, "How to assess the first stage of the EU's asylum policy", *EPC Issue Papers 49,* October 2006, p. 14.

To-date, migration is considered as a strategic matter for Europe, meaning that it can have an impact on security and stability. Conceived as a security threat, the unwanted inflow of third country persons should be controlled and limited. Accordingly, the management of migration has seen the adoption of restrictive policies, the strengthening of borders to prevent terrorism and organized crime, the upgrading of the topic as an important aspect of EU' s foreign policy, a firmness with intergovernmental procedures. Because of the security interdependence experienced by states and because of the continuous and massive flows spurred by external factors, European states found it rewarding to cooperate among themselves to share the burdens of migration management and to increase their security. Nevertheless, the end results of their internal cooperation were poorly harmonized national policies on migration and asylum and a strong emphasis on control measures. Challenging organizational capacities and internal stability, migration was believed to endanger states' security, so that these latter became both the referents and the determinants of security policies. Even when migration was introduced within the first pillar of the European architecture, states preserved initiative and exclusive decision-making prerogatives. Against this background, cooperation with third actors was deeply influenced by these security dynamics. While the need for encompassing and cross-pillar policies with origin and transit countries and other actors was assessed many times and especially in Tampere and with the 'global approach' on immigration, the cooperation frameworks created were strongly determined by control and restrictive measures. The lack of a common internal approach on migration and asylum has downscaled the perspectives of a fair partnership, by limiting provisions for legal migration and assuring a sound protection system for asylum seekers and refugees. Also, the resilience of states has sometimes sidelined the participation of other relevant stakeholders in the management of migration. If migration has been inserted within the context of EU foreign relation –and this has inevitably spurred multilateral relations -its security connotation has sometimes prevailed over development imperatives: thus, conflating migration with development policies has been difficult because of different actors engaged and different priorities.

As a matter of fact, regional cooperation can spur multilateralism, but the security dimension conferred to migration influences the governance of both processes. Even if a lot of multilateral cooperative paths are promoted by the European Union today, International Organizations and NGOs complain that these are too focused on the EU interests, neglecting sometimes the international commitments Europe has undertaken and that could make the same a new, fair and efficient security actor and provider.

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