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Migration: solid nations and liquid transnationalism? The EU's struggle to find a shared course on African migration 1999-2019

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Deutsches Institut für
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Migration: Solid Nations and Liquid Transnationalism?

The EU's Struggle to Find a Shared Course on African Migration 1999-2019

Irene Schöfberger

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Abstract

The European Union (EU) has been struggling to find a shared course on African migration since the entry into force of the Schengen Agreement (1995). It has done so through two interrelated processes of negotiation. Firstly, parties have negotiated *narrative frames* about migration and, in particular, whether migration should be interpreted in terms of security or in terms of development. Secondly, they have negotiated internal and external migration *policies*, that is, how migration should be managed respectively inside the EU (based on cooperation between EU member states) and outside it (based on cooperation with third states). In times in which narrative frames increasingly shape policy negotiations, it becomes very important to analyse how policymakers negotiate narrative frames on migration and how these shape policy responses. However, such an analysis is still missing.

This discussion paper investigates how European states and institutions have negotiated the relation between EU borders and African mobility between 1999 and the beginning of 2019. It focusses in particular on how the process of negotiation of migration policies has been interrelated with a process of negotiation of narrative frames on migration. It does so based on an analysis of EU policy documents from 1999 to 2019 and on interviews with representatives of European and African states and regional organisations.

Two major trends have characterised related EU negotiation processes: migration-security narrative frames have strengthened national-oriented and solid borders-oriented approaches (and vice versa), and migration-development narrative frames have strengthened transnational-oriented and liquid borders-oriented approaches (and vice versa). Since 1999, the European Council has mostly represented security- and national-oriented approaches, and the European Commission has mostly represented development- and transnational-oriented approaches. The two competing approaches have always been interlinked and influenced each other. However, in the last years, security-oriented national and solid border approaches have gained prominence over development-oriented transnational and liquid border approaches. In particular, the Commission has progressively mainstreamed national objectives in its transnational actions and security concerns in its development measures. Prioritising security over transnational development has augmented inequalities, in particular at the expenses of actors with scarce political representation in Africa and the EU. Such inequalities include increasing migrant selectivity and wage dumping.

Keywords: migration policy, narrative frames, EU, Africa, national, transnational, borders

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Bonn, February 2019

Irene Schöffberger

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Abbreviations

| | |
|--------|---|
| EASO | European Asylum Support Office |
| ECOWAS | Economic Community of West African States |
| EEAS | European External Action Service |
| EU | European Union |
| GAM | Global Approach to Migration |
| GAMM | Global Approach to Migration and Mobility |
| ICMPD | International Centre for Migration Policy Development |
| IOM | International Organisation for Migration |
| UK | United Kingdom |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| US | United States |

1 Introduction

The European Union (EU) has been struggling to decide how its borders should treat African mobility since 1995. That year, the Schengen Agreement established a European area of free movement, based on a model of flexible and transboundary flows of persons, goods and information. Referring to the loss of importance of former fixed territorial structures, Bauman defines this model as “liquid modernity” (Bauman, 2000). At the same time, European member states were being confronted with the need to define the rules of entry to this area for non-EU citizens. Essential for this definition was the identification of whether the EU external borders were to be liquid, as with the internal ones, “solid” (i.e. based on longstanding and fixed national borders) or based on a mixture of liquid and solid border approaches. When signing the Schengen Agreement, the EU and its member states decided that these issues were to be addressed in the first years following its entry into force, through the establishment of an EU migration policy that included an internal and an external dimension. The latter was to be based on cooperation with countries beyond the EU border. However, despite intense negotiations, 20 years have passed without white smoke signals. On the contrary, in recent years, increased migrant arrivals in the absence of clear rules have exacerbated tensions inside the EU and threatened the survival of the Schengen acquis.

Narrative frames on migration play an essential role in the negotiation and justification of EU migration policy approaches. Actors with different interests have negotiated competing narrative frames, which are dynamic and evolving sense-making processes contextualised in space and time (Benford & Snow, 2000). Since 1995, this negotiation process has rotated around the question of what African mobility *means* for EU borders, as a prerequisite for the policy question of how these borders should treat it. As pointed out by Lavenex and Kunz (2008), two main competing narrative frames have emerged – one conceptualising migration in terms of security, and the other defining it in terms of development.

A comprehensive analysis of how policymakers negotiate narrative frames on migration and how these shape policy responses is still missing. In recent years, researchers and policymakers have dedicated much attention to the interplay of security- and development-oriented narrative frames on migration, among other things through nexus debates (e.g. Ranieri & Rossi, 2018; Truong & Gasper, 2011). Other researchers have investigated how migration policies have evolved over time (Geddes, 2008; Parkes, 2010). However, researchers have not yet investigated how policymakers negotiate narrative frames on migration according to their evolving national interests, engagement in transnational governance structures, and to solid and liquid border approaches. They have also not yet looked at how historical practices of mobility and of state formation have influenced European and African processes of “bordering” (Castles, 2017) and the emergence of a related “sedentary bias” (Bakewell, 2008). In addition, researchers have still not looked at *how* the negotiations on narrative frames have shaped the negotiations on national and transnational migration policies. Addressing these research gaps is of primary importance during times in which narrative frames on migration are increasingly shaping national and transnational policy negotiations.

This discussion paper investigates how European states and institutions have negotiated the relation between EU borders and African mobility between 1999 and beginning of

2019. It focusses in particular on how the process of negotiation of migration policies has been interrelated with a process of negotiation of narrative frames on migration. In this way, the paper contributes to addressing the research gap identified by Geddes and Hadj-Abdou (2018) with regard to how policymakers frame migration causes and effects, and how these frames shape institutional responses. At the same time, it pays particular attention to the role of narrative frames on migration in making and unmaking solid vs. liquid and national vs. transnational border approaches.

The paper is structured as follows. Section 2 provides an overview of EU policy negotiations inside the EU and engaging with African states. Section 3 presents an overview of the related negotiations on narrative frames on migration, development and security. Section 4 investigates empirically how European states and institutions have negotiated the relation between EU borders and African mobility between 1999 and the beginning of 2019. It does so based on the analysis of EU policy documents from 1999 to 2019 and on 16 interviews with representatives of European and African states and regional organisations. To conclude, the paper draws some conclusions with regard to the interlinkages between the negotiations on migration policies and those on narrative frames.

2 EU migration policy: negotiating how EU borders should treat African mobility

The EU has been struggling to decide how to manage African immigration ever since the Schengen Agreement entered into force (1995). The establishment of the Schengen area of free movement led to the flexible transboundary flows of persons and goods inside the Union. At the same time, it raised two main questions with regard to the entry and permanence of non-EU citizens. Firstly, member states needed to define whether the Union's borders were to be: a) "solid" (see Bauman, 2000) and based on fixed geographic borders, b) "liquid" and allow for transboundary movements or c) a mixture of the two approaches. Secondly, member states needed to decide whether non-EU citizens who had already entered the area should enjoy the same free movement rights of EU citizens, that is, if they should enjoy solid or liquid internal EU borders. When signing the Schengen Agreement, the EU and its member states intended to answer these two questions through the early establishment of a shared migration management system. However, by the beginning of 2019, they had not yet identified it, in spite of long-lasting and intense negotiations.

Questions about the entry and permanence of non-EU citizens in the EU have implications both for the EU and Africa. Firstly, the question of whether or not migrants should be able to move freely inside the EU has been crucial in negotiations between member states. In fact, deciding that migrants should stay in one European state means affirming that both competency and responsibility on migration and asylum are national matters. On the contrary, granting them mobility rights inside the Union would lead to transnational competencies and responsibilities. Consequently, negotiators on the internal dimension of migration policy have given much attention to national vs. transnational approaches. Secondly, the question related to the nature of EU borders has had implications for EU-Africa cooperation. For instance, advocates of "solid" border approaches have mostly tried to gain the cooperation of African countries of origin and transit, for example for border

control and return tasks. Therefore, since the beginning, EU migration policies have entailed an external dimension. In this external dimension, European states have tried to share responsibilities with African countries, based on negotiations on the internal dimension.

The EU migration management system comprises an internal and an external dimension. The internal dimension took form in 1995, when EU member states agreed that an EU migration management system was to be established in parallel with the entry into force of the Schengen Agreement. The external dimension was introduced at the Tampere Summit in 1999, when the European Council affirmed that cooperation and responsibility-sharing structures needed to involve the countries of origin of migrants as well. The internal and external dimensions were intended to be mutually supportive. However, the internal policy negotiations have had a disproportionate influence on external policy negotiations.

2.1 EU migration policy negotiations: internal dimension

Defining a common approach for states with increasingly different interests has been the key challenge faced on the internal dimension. Divergences on migration between member states have been based on three main points. First, European states experience different levels of immigration, depending on such diverse factors as their geographical positions, their economic performance and their colonial pasts. Second, states also have different needs in terms of immigration, in particular with regard to their labour markets and their demographic situations. Third, states have different histories, including different immigration histories, processes of state formation, and colonial pasts. These divergences have strengthened member states' reluctance to give up their national competencies on migration and take up transnational responsibility on asylum. National divergences have furthermore grown in the last 15 years, in parallel with a growing distrust in EU transnational approaches by parts of the population. To begin with, national interests have become further differentiated. Following the 2004 EU enlargement, new Eastern member states entered the negotiations, and their needs and histories are different from those of old Western member states. Since 2008, the need for immigrant workforces has decreased in countries heavily affected by the economic downturn, but it has remained more constant in others. Between 2014 and 2016, the temporary increase in the number of migrant arrivals has furthermore affected member states unequally.

These challenges have worsened public perceptions of the EU and increased the prominence of nationalist approaches and political parties (Nugent, 2017). Starting in 2008, citizens began criticising the EU's responses to the economic crisis, which in their perception were based on macro-level and transnational considerations, as well as the failure to provide micro-level and national solutions to unemployment, job insecurity and labour rights. A pivotal moment in this regard was the 2015 Greek referendum through which voters rejected the rescue conditions established for the country by the Troika. Krastev (2017) suggests that when Prime Minister Alexis Tsipras accepted even worse conditions for the rescue plan, it became clear that if the euro was at stake, voters of debtor states could lose their right to make decisions on national economic policies. Therefore, the crisis strengthened an EU government formula in which "measures are adopted without politics in Brussels and at the national level politics are conducted without measures" (Krastev, 2017, p. 78; author's translation). The withdrawal of

important macro-economic decisions from direct democratic control accelerated a trend in which both distrust in the EU and trust in national governments increased (Krastev, 2017). According to Krastev, a success factor of populist parties has been their ability to counter EU meritocratic and elitist approaches with approaches that present society like a family – in which support is based on belonging – independent of merit. As a reaction to the 2015 arrival of migrants, distrust in the EU has increased further. This has been particularly true in countries hit by the economic crisis, such as Italy and Greece, which are also countries of first arrival. Whereas 36 per cent of Italian citizens expressed trust in the EU in 2015, the number dropped to 29 per cent in 2016, and the percentage of citizens expressing distrust rose from 44 per cent to 54 per cent. In Greece, the percentage of citizens who trust the EU declined from 26 per cent to 17 per cent from 2015 to 2016, and the percentage of citizens who do not trust it rose from 75 per cent to 82 per cent. Whereas in both countries trust in the EU began increasing again starting in 2017, trust levels are still well below 2006 levels, when they accounted for 56 per cent of Italian citizens and 63 per cent of Greek citizens (European Commission, 2006, 2015, 2016a, 2017). In both countries, a perceived unpreparedness or unwillingness of the EU to manage economic downturns and migrant arrivals based on solidarity has strengthened national approaches.

National approaches have not hindered, but rather diverted transnational approaches to migration policy. In the first decade that the Schengen Agreement was in effect, the negotiations on EU migration policies were based on two competing approaches. The first one was interlinked with the intrinsic transnationalism of the Schengen Agreement: It was based on “liquid” internal and external borders and a view of migration as being a transnational development opportunity. The second one put a stronger focus on “solid” national borders and on a view of migration as being a threat to border security¹ (see Lavenex & Kunz, 2008). However, over time, the competition between the two approaches has progressively mutated through a complex interplay. In fact, political actors supporting a national approach to solid borders have increasingly affirmed them in supranational EU political arenas such as the European Parliament. This has also resulted in the increasing influence of national interests and “solid” border approaches on transnational EU migration management structures. The increasing solidification of these structures is exemplified well by the 2018 Commission Proposal for an EU Border and Coast Guard. This has also led to the emergence of mixed “solid”-“liquid” border approaches, that is, border approaches granting different degrees of mobility to different categories of persons (see Sheller & Urry, 2006).

An essential component of mixed border approaches is the attribution of mobility rights to different categories of migrants and of corresponding responsibilities to states. In principle, establishing migrant categories allows for achieving both a reduction in the number of immigrants requested by “solid” border approaches and the fulfilment of labour market needs and international law standards claimed by more “liquid” border approaches. In practice, the definition of each category has been intensively debated in the last years, and researchers have pointed at a “categorical fetishism” (Apostolova, 2015). The negotiations on categories have been structured along two main dichotomies: a) asylum vs. non-asylum migration, and b) regular vs. irregular migration. In both dichotomies, only the first category

1 An analysis of how definitions of migration in terms of development and security have been negotiated is provided in the next section.

grants migrants a right to experience liquid borders, whereas the second is linked to solid borders.

Negotiations on asylum vs. non-asylum migration rely on the fact that EU member states are signatories of the 1951 Refugee Convention and its 1967 Protocol and are therefore bound to grant asylum to refugees. According to international laws, therefore, persons recognised as refugees should be allowed entry into the Schengen area. However, member states disagree on the mobility rights that refugees should enjoy inside the area. In fact, divisions between member states on the distribution of refugees have exacerbated recently and are currently hindering negotiations on the Reform of the Dublin III Regulation (2013). In other words, the refugees' right to experience liquid borders at the EU's external borders appears to have exacerbated conflicts on whether internal borders should be liquid or solid towards refugees. Member states have recently tried to overcome such internal conflicts by granting entry rights only to recognised refugees, based on asylum processing outside the EU. This attempt relies on the absence of clear indications in the 1951 Refugee Convention with regard to the form and place of processing asylum requests. It is part of an approach to asylum that foresees responsibilities being shared with states located beyond EU borders.

Negotiations on regular vs. irregular migration are different from negotiations on asylum because, in this case, EU member states are not bound by any specific international law when deciding whether their borders should be liquid or solid. Therefore, the influence of internal politics on this negotiation dichotomy is higher than it is for asylum. The increasing influence of national and solid border approaches on transnational negotiations has therefore shifted the focus towards irregular migration. According to De Haas, Natter and Vezzoli (2016) modern migration policies have not become more restrictive, but rather more selective. They are "mixed bags of measures" (Vezzoli, 2016, p. 2) that foresee liquid and regular mobility rights for high-skilled migrants who match labour needs in most EU member states, and solid borders for low-skilled migrants. Since individual characteristics determine the kind of border that migrants experience – and in parallel with an increasing use of technology, digitalisation and biometrisation – Collyer and King (2015) have suggested that borders are increasingly "embodied" and "portable". Given persistent unequal access to education (see Narayan et al., 2018), this embodiment appears to perpetuate inequalities in countries of origin (Schöfberger, 2017). EU member states tend to agree on the vision that irregular migrants – who, by definition, do not enjoy legal entry rights into the Schengen area – should also not enjoy mobility rights inside the area. However, they are divided on how to share burdens such as returning migrants to their countries of origin. In order to reduce such divergences on the internal dimension, they have increased efforts to ensure the solidity of external borders. In this context as well, they have sought to share responsibilities with extra-EU states.

2.2 EU migration policy negotiations: external dimension

EU member states have tried to overcome divisions on the internal dimension by sharing responsibility on migration also with non-EU countries. In 1999 the Tampere Council Conclusions led to the "shifting up and out" (Lavenex, 2006) of migration management and to cooperation with countries of origin and transit; in 2005 the Global Approach to Migration (GAM, created in 2005) introduced an overarching framework for EU third-

country cooperation. This approach has been applied to migration from Africa as well, in particular through EU-Africa Dialogues on migration, such as the Mediterranean Transit Migration Dialogue (2002), the Rabat Process (2005), the Khartoum Process (2014) and the Valletta Process (2015).

The external dimension of EU migration policy has been intended to support the internal dimension from the beginning. It has evolved based on negotiations on the internal dimension and, accordingly, to the shifting balance between solid and liquid border approaches. Therefore, in the initial years, it included both border control measures and measures supporting migrants as actors for transnational development. However, as divisions on internal migration management have strengthened solid border approaches, the stronger focus on solid borders and on migration as a threat has been transferred to the external dimension. In particular, European states have increasingly been searching for opportunities to reduce the number of asylum seekers and irregular migrants entering the EU and to expel/return irregular migrants. This strengthened focus on European national interests has had an impact on transnational EU-Africa cooperation. It has been suggested that, due to this transferral, an “externalisation” (Lavenex, 2006) of EU immigration and border control functions has taken place. This externalisation is quite recent: It took form in 2011, when a revised Global Approach to Migration and Mobility (GAMM) led to the extra-EU processing of asylum claims. The 2016 EU-Turkey Agreement concretised it, and current negotiations on “disembarkation centres” may lead to its expansion.

An approach so strongly based on EU national interests has been a difficult starting point for cooperation with African states, which have their own needs and interests. Indeed, African states have been reluctant to give up their national sovereignty and competencies on migration and border control and take up burdens with regard to asylum and immigration control. In addition, EU solid border approaches clash with regional free movement agreements, for example in the Economic Community of West African States (ECOWAS) region, and with the key role played by mobility for local resilience and development. In order to facilitate African states’ cooperation in spite of this, the EU has adopted a stick and carrot approach, using both “positive and negative incentives and [...] all leverage and tools” (European Commission, 2016b). Positive incentives meant to counterbalance the strengthened focus on border control have included development aid and concessions on legal migration.

Migration management models based on externalisation are not new in the world. Where implemented, they have usually included the extraterritorial processing of asylum claims in closed centres, resettlement channels for some recognised refugees, the expulsion of irregular migrants from the country of destination and a simultaneous focus on border controls. Carrera et al. (2018) identified seven key features to the externalisation experiences of Australia, Spain, Tunisia and the United States (US). Firstly, there is a lack of transparency with regard to the aims, implementation and results of the externalisation measures. Secondly, any evidence of their effectiveness in reducing the number of irregular entries is unavailable. Thirdly, such measures tend to be developed

outside the reach of national and international institutions (supervisory bodies, and specifically courts) designed to provide venues to scrutinise the actions and responsibilities of states in light of international human rights standards and commitments. [...] *as part of an implicit or explicit strategy to evade or shift legal*

and fundamental rights responsibilities. (Carrera et al., 2018, p. 47; emphasis in the original)

Fourthly, externalisation relies not only on third countries, but also on international organisations (e.g. the International Organisation for Migration (IOM) and United Nations High Commissioner for Refugees (UNHCR)) and private actors for managing the places where extraterritorial asylum claims are processed. Fifthly, human rights violations have emerged in all four cases, notwithstanding the participation of organisations with long-standing expertise, such as UNHCR. This is true, in particular, with regard to accessibility, the right of appeal and due process in procedures that determine refugee status. Sixthly, processing centres have a tendency to become detention centres with unacceptable reception conditions. Finally, with the exception of Australia, externalisation has been introduced as a reaction to an emergency. In this regard, however, Carrera et al. (2018) signal that “‘emergency funding’ is often symptomatic of a political choice favouring extraterritoriality in ways escaping proper democratic, legal, and judicial scrutiny and accountability”.

The externalisation of migration management raises questions with regard to the extent to which states can prioritise national interests over international laws. In particular, policymakers, researchers and lawyers have debated whether the responsibility held by states on human rights and asylum is limited to their territory or applicable also to extraterritorial actions. Whereas the US Supreme Court ruled that state responsibility is restricted to US territory, a “portable responsibility” (Carrera et al., 2018, p. 54) is foreseen in the EU legal system. Therefore, all EU member states and agencies are bound to respect the standards of EU legal and fundamental rights when engaging in the processing of asylum claims outside of the EU’s borders. The European Court of Human Rights confirmed this in its 2012 judgement on the case of *Hirsi Jamaa and others v. Italy* (European Court of Human Rights, 2012). Further questions about responsibility have been raised with regard to the implementation of migration management functions by international organisations and private actors (e.g. Rodenhäuser, 2014).

3 Narrative frames on migration, development and security: negotiating what African mobility means for EU borders

The making of migration policy has been interlinked with intense negotiations on what African mobility means for EU borders. Policymakers, international organisations and civil society have constructed competing narrative frames in order to give sense to migration and legitimise different policy approaches. Narrative frames have evolved to be interlinked with policy negotiations, and they reflect the shifting balance between liquid and solid border approaches. Solid border approaches have framed migration as a threat to national security, and liquid border approaches have framed it as an opportunity for transnational development. Both sides have underlined the interlinkages between migration and, respectively, security or development (see Lavenex & Kunz, 2008). Recently, attempts to reconcile competing positions have led to the emergence of the term “migration-security-development nexus”, which is intended to assert that migration is interlinked with *both* security and development, and that security and development are furthermore interlinked as well (see Ranieri & Rossi, 2018; Truong & Gasper, 2011). These three nexuses have been intensively debated, and it is therefore not surprising that

none of them has been clearly defined in research and policy. In the first decade that the Schengen area was in effect, migration- and security-oriented narrative frames coexisted, but recently security has gained more relevance together with the strengthened role of national approaches. In parallel to the emergence of solid-liquid border approaches, negotiations on narrative frames about the attribution of mobility rights (i.e. of the right to experience solid or liquid borders) to different categories of migrants have become particularly relevant (see Crawley, 2016).

Narrative frames can affect policies. Research has referred to processes of sense-making, both through frames and through narratives. Through frames, researchers have looked at

an active, processual phenomenon that implies agency and contention at the level of reality construction. It is active in the sense that something is being done, and processual in the sense of a dynamic, evolving process [...]. And it is contentious in the sense that it involves the generation of interpretative frames that not only differ from existing ones but may also challenge them. (Benford & Snow, 2000, p. 614)

Through narratives, they have paid additional attention to the social and discourse practices that such sense-making processes are associated with, and to their contextualisation in space and time. In particular, they have pointed at the role of narratives in generating and regenerating communities (De Fina & Georgakopoulou, 2008). Through narrative frames, this paper aims at analysing how different European actors have constructed processual and competing frames on migration in evolving social, political and economic contexts, and how these frames have affected migration policy. In this way, the paper contributes to addressing the research gap identified by Geddes and Hadj-Abdou (2018) with regard to how policymakers and policy influencers frame migration causes and effects, and how these frames shape institutional responses. At the same time, it pays particular attention to the role of narrative frames on migration in making and unmaking solid vs. liquid and national vs. transnational border approaches.

An increasing number of policymakers and other actors are participating in the negotiations on European narrative frames on migration. These include four main groups. National and EU institutions for internal and external affairs constitute the first group. Relevant internal affairs institutions are national Ministries of Interior, the European Council, the European Commission/ DG Home and the European Parliament/ DG Internal Policies. Relevant external affairs institutions are national Ministries of Foreign Affairs and Development Cooperation, the European Council, the European External Action Service (EEAS), the European Commission/ Directorate General, Devco and the European Parliament/ Directorate General External Policies. Complementary to this groups are EU bodies such as delegations and agencies, for example the EU Border and Coast Guard Agency and the European Asylum Support Office (EASO). The second group is comprised of international organisations, e.g. IOM, UNHCR and the International Centre for Migration Policy Development (ICMPD), acting as facilitators and implementers of EU-Africa migration dialogues and measures. The third group involves non-state actors, such as member states' development cooperation agencies, civil society organisations and the private sector. Investment banks, investment management firms and European agencies of credit export agencies constitute the fourth emerging group. These four groups have unequal political, economic and social capital; therefore, based on Bourdieu (1983) it can be argued that they also have different negotiating powers with regard to narrative frames. For instance, states have strong negotiating powers, among other reasons due to

the political and economic support they give to other actors. On the contrary, the interests of African actors – and, in particular, of migrants – are poorly represented.

The interests of EU member states are particularly well-represented in the negotiations on narrative frames about migration. However, national interests, EU cohesion and the ability to identify shared narrative frames change over time. An interlinkage between the EU's internal cohesion and its ability to agree on shared narrative frames on migration can be observed based on De Fina and Georgakopoulou's (2008) argument about the role of narratives for the maintenance of communities. When struggling to identify shared frames due to their divergences, EU member states have tended to adopt strengthened national-oriented, security-oriented and solid borders-oriented approaches, as recalled above. On the contrary, transnational-oriented, development-oriented and liquid borders-oriented approaches have required greater cohesion between member states.

Security- and solid borders-oriented approaches have long been an intrinsic characteristic of European states, which originated as nation-states. During their formation process, sovereignty and territoriality were combined. Since borders performed the function of separating different populations that were conceptualised as being homogenous (e.g. Foucault, 2007; Truong, 2011), they were essential for the creation and maintenance of nation-states. Essential to the idea of nation-states is, furthermore, the idea that people are sedentary and "belong" to a territory. This historically and culturally specific experience of space has led Europe to develop a "sedentary bias" (Bakewell, 2008), that is, a view of the world that is based on the assumption that sedentarism and nation-states are the norm, and mobility is problematic. This sedentary bias has been transferred to narrative frames on migration. However, geographers have challenged this assumption and shown that, in many regions of the world as well as Africa, mobility has been the norm rather than a historical exception (Verne & Doevenspeck, 2012). In many African regions, space organisation has been based for a long time on a "fluid and constantly moving territoriality" and structured "like an archipelago" (Lima, 2013, p. 344), that is, with a single authority controlling discontinuous, geographically distant places (Mbembé, 2005). Space organisation based on states and fixed borders was only introduced at the time of European colonial administrators (Walther & Retailé, 2008). However, the combination of nation and territoriality, which is constitutive of European nation-states, is still absent in African states, where trans-border ethnic groups and families are still common. In this sense, Africa-EU migration sheds light on a major contradiction between European solid border approaches and African liquid space experiences. At the same time, the Schengen Agreement has challenged the nature of solid European borders inside the EU. In addition, recent trends of the externalisation of immigration control – that is, their displacement from the borders of nation-states to third states – suggest that EU borders may be more liquid than expected.

The sedentary bias has impacted narrative frames on migration and development in two complementary ways. First, it has led to a conceptualisation of African mobility as being a consequence of development failures in countries of origin and to the promotion of measures tackling so called push-factors (or: root causes) of migration through development cooperation. This assumption, however, ignores that in many African regions, mobility has long played an essential role for resilience (e.g. in the form of nomadism, semi-nomadism and practices such as trade and shifting cultivation). Available data clearly show that contemporary migration also is, in most cases, not driven by

poverty, violence or underdevelopment, but rather “by processes of development and social transformation which have increased Africans’ capabilities and aspirations to migrate” (Flahaux & De Haas, 2016). Second, it has originated a debate on whether African mobility increases or decreases development in countries of origin. This debate has oscillated like a pendulum between optimist and pessimist approaches (see de Haas, 2010), which have tended to emphasise the migrants’ agency or the structural constraints that limit it. Optimist approaches have emphasised the migrants’ contributions towards development and promoted supporting measures such as the facilitation of remittances. Pessimist approaches have pointed at the negative consequences of migration, such as growing inequalities, brain drain and the limited impact of remittances. The possible benefits on development in the countries of destination have received less attention.

Narrative frames on African migration are the dynamic and evolving result of sense-making processes that are based on negotiations between European actors. Anderson (2017) has underlined the constructive and context-dependent nature of narrative frames by pointing at Brexit supporters’ claim that skilled migrants from the Commonwealth should enjoy greater access to the United Kingdom (UK) than migrants from Eastern Europe (Anderson, 2017). In some cases, actors “with opposing views on the interests they intend to promote, but who agree on the cognitive frame and the institutions to manage their conflict” may build a “discursive coalition” (Jobert, 2001, p. 5). One such discursive coalition can be observed, for example, with regard to humanitarian approaches. Supporters of both liquid and solid border approaches claim these, in the second case through a “narrative of rescue” of migrants from dangerous routes by impeding access to them (see Moreno-Lax, 2018). Discursive coalitions may lead to an apparent incoherence in migration policies (Jobert, 2001), such as policies aiming at promoting development in countries of origin and simultaneously a reduction of emigrants. In addition, narrative frames that are based on negotiations can lead to poorly conceived policy responses (Castles, 2004; Geddes & Hadj-Abdou, 2018) or to “policy failures” in the long term (Castles, 2017).

Researchers have criticised the theoretical flaws of narrative frames on migration, development and security. Firstly, they have pointed out that they do not take into adequate consideration the “*reciprocal* relationship between migration and broader development processes” (de Haas, 2010, p. 253; emphasis in the original). Secondly, they have suggested that a critical reassessment of the development concept against the dynamics of a “mobile world” (Bakewell, 2008, p. 1341) is needed in order to include “ideas of human development, human security, development as capability of freedom or autonomy” (Castles, 2009, p. 19). Thirdly, they have underlined that discussions about the migration-development nexus need to be based on a critical examination of the sedentary bias and how “security informs development and, in turn, the idea of development is inescapably caught within the logic of securitized migration” (Smith, 2016, p. 2126). Framing migration in terms of development and security has furthermore led to less attention being paid to the “ongoing, perhaps mundane social processes that drive mobility, such as the search for an education, a spouse or a better life in the city” (Bakewell & Bonfiglio, 2013, p. 4). It has also had implications with regard to the recognition of migrants’ agency as possibly being independent of EU interests in terms of development and security. For instance, Moreno-Lax (2018) has pointed at a criminalisation of smugglers and the victimisation of migrants taking place in the EU debate. Consequently, a new humanitarianism has framed interventions in the Mediterranean “as vital, with interdiction fulfilling the double role of

‘combating illegal migration’ and ‘saving the lives of migrants’” (Moreno-Lax, 2018, p. 119). In this way, this humanitarianism has been “(*de facto*) dispossessing them of the (legal) agency and (full) rights that come with the lives supposedly saved” (Moreno-Lax, 2018, p. 120; emphasis in the original).

4 An empirical analysis of the negotiations on narrative frames and migration policies between 1999 and 2019

This section provides an empirical analysis of the two interlinked negotiation processes that EU member states have participated in from 1999 until the beginning of 2019. First, it analyses the negotiations on narrative frames on migration, security and development. Then, it investigates how evolving narrative frames have influenced the negotiations on how EU borders should treat African mobility a) inside the European Union (internal dimension), and b) at and beyond the external borders of the European Union (external dimension).

4.1 Methodology

The analysis of the two negotiation processes is structured chronologically across four phases, which – based on the review of policy documents and the literature – are considered to concern specific, yet connected, periods in the development of EU migration policy. The beginning of each phase has been defined based on the release year of key policy documents introducing major shifts in EU migration policy negotiations. These shifts have been related to changes in migration arrivals as well as changes in the interests of EU member states (such as changing labour market needs); however, due to the length of the policy negotiations, they have taken place some months or years after the migration trends and the domestic dynamics that have induced them. Annex 1 furthermore provides a timeline with the indication of contextual events that have indirectly influenced policy negotiations, whereas more direct influences are cited in the text. The four phases are as follows:

1. 1999-2004: First attempts to define an EU migration policy

The beginning of this phase has been set in 1999, when the Tampere Council Conclusions first established an external dimension of EU migration policy, which was intended to support the internal dimension that was established by the Schengen Agreement.

2. 2005-2014: Growing divergences between EU states and an increasing willingness to cooperate with African states on migration, development and security

The beginning of this phase has been set in 2005, when the GAM introduced an overarching framework for cooperation with third countries. The declared aim of this cooperation was to address mutual interests on migration, development and security.

3. 2015-2016: A stronger role for African states in implementing an EU approach to migration policy in which development is increasingly conceptualised in terms of security

The beginning of this phase has been set in 2015, when the “Communication on a European Agenda on Migration” marked a shift from a declared cooperation on mutual interests to “more for more” approaches. In this approach, development cooperation became an essential component of security-oriented approaches to migration.

4. 2017-present: A security-oriented external dimension attempting to safeguard Schengen in spite of growing divergences on the internal dimension

The beginning of this phase has been set in 2017, when the “Joint Communication on migration on the Central Mediterranean route: Managing flows, saving lives” strengthened the role of third states for EU border control functions and marked a clear shift to security.

This section is based on an analysis of i) key policy documents of each chronological phase, and ii) 16 interviews conducted with representatives of EU institutions, EU member states, African regional organisations and African states. Interviews were conducted in Brussels between March and April 2018. Annex 2 provides a list of the analysed policy documents, and Annex 3 a list of the interviewed persons.

4.2 The negotiations on narrative frames on migration, development and security

In **Phase 1 (1999-2004)**, both development- and security-oriented narrative frames were present. Since the beginning, the Council adhered to a national-oriented line and advocated for security- and solid borders-based approaches. This line was strengthened following the 2001 and 2004 terrorist attacks in New York and Madrid, which increased public concerns about security in European states. In its 1999 Tampere Council Conclusions, the Council affirmed the need to create an “area of freedom, security and justice” based on a geographical extension of the nation-state model, implying solid external borders. In its 2002 Seville Council Conclusions, it furthermore called to protect its borders and prevent irregular migration with the support of all external policies, including through development conditionality. At the same time, however, the Commission assumed a rather transnational-oriented line and advocated for development- and liquid borders-based approaches. In its 2002 “Communication on integrating migration issues in the European Union’s relations with third countries”, it affirmed that migration could support development in countries of origin and of destination. In particular, it mentioned that it could be a contribution to demographic needs, prosperity and a dynamic knowledge-based economy in the EU (in line with the Lisbon Strategy, 2000). The Commission affirmed that the EU needed both low- and high-skilled economic migrants and should promote their legal and social integration (two proposals in this sense were blocked by the Council in 2001 and 2004), as well as their transnational actions (e.g. through measures facilitating circular migration). At the same time, however, in reaction to the security-oriented Seville Council Conclusions, the Commission integrated some solid-borders measures in its rather liquid and development-oriented approach. Indeed, even if it stressed the need to cooperate with third countries with a coherent external approach and warned of the risks of development conditionality, it also put a stronger focus on the “root causes” of migration, which – based on a sedentary bias – were identified as consequences of development deficits.

In **Phase 2 (2005-2014)**, security-oriented narrative frames progressively gained prominence over development-oriented frames. As described in the previous section, this occurred in parallel with increasing levels of divergence between member states, in particular following the 2004 EU enlargement, the 2008 financial crisis and the strengthening of national-oriented approaches in the Council. In addition, security aims were increasingly mainstreamed, also in the work of the Commission. This took place progressively. In the first part of this phase, in fact, the Commission continued to adhere to narrative frames that were primarily development-inspired. Both in the 2006 Joint Africa-EU Declaration on Migration and Development and in the 2008 “Communication on a common immigration policy for Europe: Principles, actions and tools”, it continued to frame migration as an opportunity for transnational development. The affirmation that EU security included both the security of citizens and migrants as well as the call to facilitate integration and diaspora investments exemplified its continuing adherence to transnationalism and liquid borders-inspired approaches. At the same time, however, the Commission reacted to the Council’s strengthened security focus by mainstreaming some national-, security- and solid border-inspired approaches in its communications. In particular, it specified that liquid border approaches were to be reserved for regular migrants and increasingly framed irregular migration as a threat to security. The Commission’s shift towards security was accelerated in the second part of this phase, when it started to narrow its previous development-oriented narrative frames on migration. The 2011 GAMM circumscribed the cases in which migration could be considered an opportunity for development for three cases: skilled migration, South-South migration and environmental migration (which mostly takes place in the South). This implied that non-skilled migration to the EU was to be dealt with increasingly through solid border approaches, including through aid conditionality. The Commission even went further by stating that migration could have a negative impact on development, for example through its consequences “on social cohesion and human development”, and that addressing “root causes” through development aid could curb migration. In this way, the Commission increasingly developed hybrid security-development narrative frames on migration, and migrant selectivity was introduced.

Phase 3 (2015-2016) was characterised by the strengthened influence of security-inspired narrative frames over development-inspired ones. This influence was strongly influenced by an acceleration of security-oriented and solid borders-oriented approaches at the national and Council levels following the 2015 increase in migrant arrivals. This acceleration shifted the former balance between development and security towards an approach in which development was framed in terms of security. In other words, a security-determined migration-development approach was adopted as a compromise solution between the Council and the Commission. In the 2015 Valletta Political Declaration and Action Plan, migration was framed as resulting from development failures in countries of origin. At the same time, it was also framed as a threat both to state security (in particular as linked with the 2015 and 2016 terrorist attacks) and to the security of migrants themselves, for example through the need – recalled in the 2015 European Agenda on Migration – of “saving lives and securing external borders”. The identification of these two security aims was also key to Africa-EU cooperation: The 2016 “Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration” stated that countries of origin needed to contribute to EU border control in order to save their citizens from the risks inherent in irregular migration. A lack of attention to migrants’ agency (including an astonishing lack of

participation by migrants in policy debates) and a strengthened focus on smugglers and traffickers – or on “criminal organisations [...] who exploit migrants” (2016 Communication) – were necessary to claim that solid borders were intended to protect migrants. The need for solid border approaches was furthermore stressed through emotional language, beginning with the 2015 European Agenda on Migration, which made extensive use of expressions such as “thousands of migrants”, “emergency”, “plight”, “shock”, “risk their lives”, “human misery” and “escape”. At the same time, reference to the potential of migration for transnational development almost disappeared in policy documents in this phase, together with references to supporting measures such as the facilitation of diaspora investments and integration. Cases in which migration was considered to be supportive of development were further restricted, based on increasing migrant selectivity. On the contrary, policy documents suggested actions to curb migration through development. This was to take place according to two lines of action. The first one intended to address the “root causes” of migration through development aid. The second one aimed at improving EU-Africa cooperation through positive and negative incentives and aid conditionality, as described in the following extract from an interview with a representative of an EU member state:

You need to have a carrot, an active diplomacy towards the African Union, to convince them effectively to some actions targeting illegal migration, return policies, etc., which is priority number one, even if sometimes not clearly articulated because it is not politically correct. The carrot are the financial instruments, EUTF [European Union Trust Funds] and APF [African Peace Facility], and the newly created instrument EIP [European Investment Plan]. (Interview 13)

In **Phase 4 (2017-present)**, finally, hybrid migration-development-security narrative frames have shifted further towards security- and solid border approaches. At the same time, a key challenge of the security-inspired migration-development narrative of Phase 3 has emerged: The radical challenge in terms of competency divisions implied in its being based on a combination of national and transnational approaches. Whereas in the previous phases the competition between the Council and the Commission was mainly a competition between security and development, solid and liquid borders, and national and transnational approaches, in Phase 4 it has become more blurred. The Commission has reacted to a rise in nationalism in member states and in the Council by aligning with their solid border claims and proposing to address security through EU transnational structures. However, member states and the Council have been reluctant to give up their national competencies. In addition, the Commission’s increasing adherence to a security approach has accelerated the shift in focus on European internal and external borders, which has, in turn, augmented divergences between member states.

This security focus has strengthened narrative frames conceptualising migration as a threat to state security and migrants’ security. In addition, migration has been increasingly framed as being inserted into a broader insecurity context in the countries of origin. Some interviewees made reference to the fact that migrants and arms smuggling coexist and spoke of an emerging link between migration and terrorism. All mentioned aspects of migration-security frames have been supportive of solid border approaches (ranging from border control to disembarkation centres; see June 2018 European Council Conclusions). Agency has still been attributed to smugglers’ networks rather than to migrants, for instance in the following extract from the Joint Statement adopted at the 2017 Paris Meeting on Migration and Asylum: “Our policy is directed against smuggler networks,

whose economic model we intend to break in order to limit irregular migration toward Europe and to protect migrants from the human rights abuses and degrading conditions they face” (Heads of state or government of France et al., 2017).

Two changes have taken place with regard to frames conceptualising migration as a development failure. Indeed, measures aiming at curbing migration through development aid have lost momentum, also due to increasing policy awareness of the migration hump (see Martin-Shields, Schraven, & Angenendt, 2017). At the same time, measures aiming at targeting migration-security concerns (e.g. border control and return) through development aid have gained relevance. This shift has been linked to an increasing influence of national interests, also in the narrative frames about EU development aid. Several EU member state interviewees reported a growing convergence in considering aid “an indispensable investment [...] we have to make in order to preserve stability in our EU” (Interview 3). Aid conditionality has been increasingly accepted, as underlined by an EU official: “We have to do it in a decent way, but we also have to put our view. We are not here to defend [...] and promote African interests. We are here to defend and represent European interests” (Interview 5). However, there have also been national divergences with regard to the extent to which aid should serve as a leverage tool for cooperation on migration management, as reported by a representative from an EU Eastern member state:

[African states] use their colonial past as an argument in order to maximise subsidies. But in [...] [my country] and in any new member state, this is a non-argument. We have nothing to do with that, it's someone else's homework. (Interview 13)

Since 2017, narrative frames on migration that are supportive of transnational development have not only lost visibility in EU policy documents. They have also been increasingly contested, as shown in some member states' claims that reference to it should be deleted from the Global Compact for Migration. In its “12 Point Proposal to the United Nations (UN)” (2017), entitled “Security First”, Hungary claimed that migration is “not beneficial for anyone” else than smugglers and denied possible development benefits. The visible loss of such frames has also led to a further restriction of migration categories that should have access to legal migration; according to the 2018 “Proposal on Enhancing Safe and Legal Pathways to Europe”, these are humanitarian resettlement and skilled migration. This last one, however, is presented primarily as a leverage tool to facilitate cooperation with African states.

4.3 The negotiations on EU migration policy

Membership in the EU is a new stage in the history of European nation-states. Negotiating migration and border policies has been a crucial aspect of this new stage. This policy negotiation has been influenced by the sense-making processes described above. As a result, there has been competition between two major approaches. The first policy approach has been in line with a development-oriented conceptualisation of migration. It has claimed liquid borders and the attribution of migration competencies and responsibilities to transnational structures. The second policy approach has been in line with a security-oriented position and claimed solid borders and national competencies and responsibilities. In the following paragraphs, the paper investigates the influence of narrative frames on EU migration policy negotiations across the four chronological phases.

For each phase, it first looks at negotiations on the internal dimension and then analyses how they have influenced negotiations on the external dimension.

From the chronological analysis of EU migration policy, it appears clear that both approaches have been continuously present across the four phases, but the balance between them has changed. In the first and second phases, both approaches were strong: the abolition of internal border controls was essential for inspiring the trend towards European transnationalism, which was, however, state-driven. States have furthermore played a crucial role in widening transnational approaches to include also African states. In the third and fourth phases, the balance between national and transnational approaches has gradually shifted towards a mainstreaming of national approaches into transnational approaches, and of security aims into development aims. In this way, new hybrid national-transnational approaches have emerged, in parallel with the hybrid security- and development-oriented narrative frames described above. This has been true in both the internal and external dimensions of EU migration policy. Two decades after the entry into force of the Schengen Agreement, European states are now treating both internal and external borders and migration through mixed approaches that are both solid and liquid and simultaneously national and transnational.

In **Phase 1 (1999-2004)**, the EU and its member states started negotiating a common migration management system (i.e. the **internal dimension** of EU migration policy), in line with the objectives of the 1997 Treaty of Amsterdam and the 1999 Tampere Council Conclusions and as an essential component of the Schengen system. A competition between national security-oriented and transnational development-oriented approaches was intrinsic in this project: The Schengen Agreement and common migration policies were intended to facilitate the economic and cultural development of the EU as a transnational unit, but at the same time, they presented a challenge to the former nation-based public order and economic security system. In Phase 1, both approaches were present in policy negotiations. To begin, there was a *momentum* for transnationalism, introduced by the 1997 Treaty of Amsterdam (granting the EU institutions new powers with regard to migration) and strengthened by the 2001 Treaty of Nice (providing for co-decision on border control, asylum and immigration). The Commission tried to seize the moment for advancing transnational cooperation on migration: For instance, in its 2002 “Communication” it called for greater EU third-country cooperation, and in the 2004 Hague Programme it stressed the need for a single asylum procedure. These years also saw the creation of the first two EU agencies on migration: Europol (1999) and Frontex (2004). The Commission’s approach was based on development-oriented narrative frames on migration and on a will to facilitate their integration and transnational actions. This approach is reflected in the call of the 1999 Tampere Council Conclusions to grant refugees and (both high- and low-skilled) migrants residing in single member states “rights and obligations comparable to those of EU citizens” (including access to free movement in the Schengen area). On the other hand, however, member states’ reluctance to give up their competency on migration led to permanence in national approaches and slowed progress on common policies. For instance, the 1999 Tampere Council Conclusions foresaw the introduction of a common asylum system only as a second stage, after a first stage in which national competencies should be maintained and asylum standards harmonised. The Council and member states hindered progress towards the second stage by keeping the state of first entry principle in the 2003 Dublin II Regulation. The unratified 2004 Treaty establishing a new Constitution for Europe that contained a

common EU immigration and asylum policy testifies to member states' reluctance to give up their national competencies as well. In this context, the Council's approach was based on security-oriented narrative frames and advocated for common EU policies to be focussed on solid external borders and security. This was to be done by distinguishing between refugees and economic migrants and through measures such as border management and return (see 2002 Seville Council Conclusions).

Competition between the two approaches was weaker on the **external dimension** of EU migration policy, which was introduced in the 1999 Tampere Council Conclusions. Actors supporting both transnational approaches and national approaches were in favour of sharing responsibilities with third countries – in the first case with a view to facilitating transnational development, and in the second case in order to externalise immigration control. As a result, in Phase 1 both development- and security-oriented EU interests were mainstreamed in Africa-EU cooperation. The 2002 “Communication on integrating migration issues in the European Union's relations with third countries” identified two external policy instruments. The aim of the first instrument was to facilitate EU candidate countries' cooperation based on the acceptance of the Schengen acquis as well as effective border control cooperation as prerequisites for the admission of candidate countries. In this way, cooperation on migration became an essential “bordering” tool. The aim of the second instrument was to facilitate cooperation and responsibility-sharing with countries of origin on the transit of migrants. In 2002, the Mediterranean Transit Migration Dialogue was the first dialogue between the EU and African countries of origin and transit. The ICMPD – the international organisation taking up secretariat functions – was the first non-state (state-supported, however) actor to actively contribute to the external dimension of EU migration policy.

In **Phase 2 (2005-2014)**, negotiations on the **internal dimension** first reached a critical stage. As described in the previous section, growing national divergences strengthened security-oriented narrative frames and the focus on external and internal borders. To begin with, following the 2004 EU enlargement, East-West mobility inside the union increased the pressure on internal borders. In addition, arrivals to Spain increased in 2006 in the absence of EU solidarity mechanisms, and both Spain and Italy adopted bilateral agreements with African states. Finally, since 2008 the effects of the economic downturn have included a rise in both intra-EU mobility and Euroscepticism. These divergences increased member states' reluctance to identify transnational migration management solutions and consider potential development benefits of migration. Significantly, when the Commission reaffirmed the need for a common immigration policy in support of EU development in its 2008 “Communication”, the Council reacted by proposing a security-oriented European Pact on Immigration and Asylum, to be based on coordination between national approaches, rather than on a shared system. In 2009, the Lisbon Treaty and the creation of the EEAS – as the diplomatic service of the EU, led by the High Representative for Foreign Affairs and Security Policy – strengthened transnational approaches providing for the principles of solidarity and fair responsibility-sharing, a common asylum system and co-decision on asylum. However, negotiations progressed slowly. Divergences between national and transnational approaches intensified, also with regard to the attribution of mobility rights to different categories of migrants. The Commission continued to support development-oriented liquid border approaches also for economic migrants, even though it put a stronger accent on high- rather than low-skilled migrants. The integration of migrants into EU societies and a broader affirmation of the

benefits of circular migration for transnational development were in line with this liquid borders approach (see its 2007 “Communication”). In turn, the Council and national governments increasingly turned towards solid border-oriented and security-oriented approaches. Measures meant to hinder migrants’ mobility inside the EU included the maintenance of the state of first entry principle in the 2013 Dublin III Regulation, the adoption of national laws classifying irregular migration as a crime and the opening of the first migrant detention centres. External border control measures increasingly focussed on cooperation with third states.

In Phase 2, EU efforts on the **external dimension** increased in an attempt to overcome divisions on the internal dimension. In parallel with the growing relevance of security-oriented narrative frames, the mainstreaming of national- and solid border objectives into EU-Africa tools increased. However, development-oriented transnational objectives were also mainstreamed, even if in a weaker manner, in particular at the beginning of Phase 2. The hybrid security-development nature of the resulting cooperation structures is reflected in the objectives of the 2005 GAM, which first introduced an overarching framework for cooperation with third countries, and in the 2006 Joint Africa-EU Declaration on Migration and Development. The areas of EU-Africa cooperation identified by this one, in particular, included regular and irregular migration; asylum and migration; security and development. The same diversified approach can be observed in the 2007 “Communication on circular migration and mobility partnerships between the European Union and third countries”. The first shift towards strengthened EU security-inspired narrative frames and solid border approaches took place in the 2011 revision of the Global Approach to Migration and Mobility. The GAMM first introduced the hypothesis that the EU concept of state of first entry may be applied also to EU neighbouring countries, based on an “external dimension of asylum policy”, which also included provisions for asylum capacity-building in third countries and a Joint EU Resettlement Programme. Border solidification trends and a growing security focus also increased the amount of attention paid to irregular migration and the role of smugglers. At the same time, the GAMM introduced a possible liquid externalisation of EU borders, in particular by establishing that the EU was to be a migration governance actor also outside its territory and “across the globe”. In addition, a number of new actors became involved in the external dimension. These included not only EU agencies such as Frontex and EASO created in 2010, but also international organisations such as the ICMPD (taking up Secretariat functions of migration dialogues), the European Investment Bank and the private sector.

In **Phase 3 (2015-2016)**, the EU was confronted with the consequences of not having a common migration management system in the **internal dimension**. Following augmented migrant arrivals in 2015, divergences increased between border states and states further out as well as between states with different immigration profiles. As a result, security-oriented narrative frames and national approaches gained prominence. The consequences for the EU as a transnational union soon became visible. Following a de facto suspension of the application of the state of first entry principle in the name of national security in Greece and Italy, border controls were reintroduced – again, in the name of national security – in Germany, France, Austria, Sweden and Denmark, thus enacting a temporary suspension of the Schengen Agreement. Shortly after, UK voters decided to leave the EU. Increased border controls inside the union did not affect the ability of EU citizens and regular migrants to experience liquid borders; however, they rendered borders solid for irregular migrants, in parallel with an increasing conceptualisation of migration as a

security threat. This security focus rendered it very difficult to identify transnational solutions: Negotiations on the Commission Proposal for a Dublin IV Regulation introducing responsibility-sharing mechanisms stalled in the Council. In order to avoid the dangers to EU development deriving from solidification trends in internal borders, the EU and its member states increased controls on the external borders. In other words, they tried to safeguard structures facilitating transnational development inside the EU by solidifying similar structures at its borders. Whereas most migration continued to take place regularly,² irregular migration was at the centre of attention for policymakers and further strengthened security-oriented approaches.

In Phase 3, the EU reacted to a lack of cohesion on the internal dimension by upscaling the **external dimension** and transferring security-inspired approaches from the internal to the external dimension. Central to this dynamic has been an extension of solid border approaches from the EU's physical borders to the territory of its neighbouring African countries. This implied challenges with regard to the will for cooperation of these countries, which have divergent interests with regard to Africa-EU migration and its role in development, territorial sovereignty and regional mobility agreements. This is recognised in the following extract from an interview with an EU member state representative:

Those countries are the basic element [...]. We depend on them. If we don't have this in our head, I think we will never be realistic. We have to admit that. So no position of superiority [...] A lot of patience [...] Turkey [...] is the recognition of one thing and it is that we depend on them. The 6 billion we have on the table are the symbolic recognition that we depend on Turkey to stop what is going on in the Eastern Mediterranean Region. This is something that could be applied to other countries. (Interview 3)

The EU has tried to overcome these challenges through a diversified approach. To begin with, it has affirmed the need for transnational responsibility-sharing on migration and asylum, in particular in its 2015 "Communication on a European Agenda on Migration" and in the following 2016 "Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration". It has advocated for these transnational responsibility-sharing mechanisms to include not only EU and African states, but also UN agencies. A need to allow migrants "to stay close to home" was claimed in support of this. Moreover, the EU has tried to insert its security-oriented border control objectives into a wider framework of cooperation with African states. The cooperation domains of the 2015 Valletta Political Declaration and Action Plan indeed ranged from security- and solid border approaches (e.g. return measures) to development- and liquid border approaches (e.g. legal migration, development projects). However, in practice, the increasingly security-oriented intra-EU negotiations have led to a stronger implementation of solid border approaches and of measures against irregular migrants. This has been justified based on an attribution of the responsibility for illegal border crossings to smugglers and traffickers, rather than to the migrants themselves. According to a diplomatic representative of a major country of origin, they have "shifted the emphasis on the symptoms, rather than the causes. Irregular migration is a symptom. It tells you that something is fundamentally wrong. [...] If traffickers were not there, we would still have

2 According to Frontex, in 2016 the ratio of regular to irregular entries was 206:1.

irregular migrants” (Interview 8). In addition, the EU aimed at increasing cooperation on migration management through aid conditionality and legal migration pathways. At the same time, the level of attention paid to migration as being supportive of transnational development has remained low.

Four major challenges have emerged with regard to EU cooperation with African states. The first one is related to the extension of EU border control functions to third territories. This is sensitive from a formal point of view because EU security functions can conflict with third states’ sovereignty and regional free movement agreements (e.g. ECOWAS) aiming at facilitating regional development. It is furthermore problematic because of the clash with space organisation practices that are partially different from the European ones. One interviewee from the region pointed at the fact that borders established by international treaties do not necessarily coincide with borders as experienced by people, whereas two others underlined the difficulty of tracing a borderline in a territory made up of sea and desert. The second challenge is related to the extraterritorial application of EU human rights standards, in particular with regard to cooperation with countries that are not signatories of the 1951 Refugee Convention (e.g. Libya). The third one is related to the possible consequences of conditionality on broader EU-Africa relations, for example in terms of trade and transnational development, in a changing global economic landscape. As suggested by a representative from an African country:

You can’t close your borders to our citizens and then ask us to open our borders to your goods. [...] if your borders would not allow our citizens, and you want us to open our borders to your goods, it’s not going to work. (Interview 8)

The fourth one is related to the transferal of intra-EU fragmentations to external cooperation. EU states have different preferences with regard to cooperation with specific African states, for example based on historic and commercial relations. In addition, both European and African interviewees have reported that the greater visibility of EU approaches over bilateral approaches increases negotiation sensitivity. These challenges strengthen the role of non-state actors, who are able to provide technical rather than political input to the implementation process. Their numbers have increased to include international organisations, EU agencies, member states’ development cooperation agencies and civil society organisations, financial institutions and the private sector.

In **Phase 4 (2017-present)**, the EU has tried to overcome stalled negotiations on the **internal dimension** through an increased mainstreaming of national- and security-oriented approaches into EU transnational policies. The national divergences that have emerged in the previous years have raised security concerns in domestic politics and led to the election of nationalist and Eurosceptic governments in some member states (e.g. Italy, Austria, Hungary and Poland). A distinctive feature of these governments has been the reluctance to engage in transnational migration management structures at the EU and global levels and the claim for solid border approaches for both internal and external EU borders. As a result, fragmented approaches have emerged along longstanding lines of divergence. Eastern member states have resisted Western claims for burden-sharing through the newly created Visegrad Group. Member states experiencing higher levels of immigration have, in turn, created separated platforms for cooperation with third states, for example through the Central Mediterranean Contact Group and the Paris Meeting on Migration and Asylum. In some cases, member state-led approaches have later been

adopted by the EU, as was the case for the up-scaling of Italy-Libya cooperation through the 2017 “Joint Communication on migration on the Central Mediterranean route: Managing flows, saving lives”. In 2017, divergences increased between the Commission, which advocated for the need to strengthen transnational solutions (see 2017 “Communication on the Commission contribution to the EU leaders’ thematic debate on a way forward on the external and internal dimension of migration policy”), and the Council, which refused to give up national competencies (see Leaders Agenda of the same meeting). In 2018, the Commission tried to overcome its divergences with the Council by mainstreaming national approaches that were informed by security-oriented narrative frames in its proposed transnational actions, for instance in its September proposals for an EU Agency for Asylum and an EU Border and Coast Guard. This testifies to an attempt to overcome the former development-orientation of transnational approaches. The newly proposed EU agencies would indeed broaden the scope of EU transnational competencies, but at the same time render EU structures to become more supportive of nationally determined security objectives, such as return, border control and sharing of asylum responsibilities with third states. This shift is based on the recognition that EU transnational structures are still dependent on their national legitimation. In particular, the EU recognises that national divergences on migration endanger the Schengen acquis. According to one EU officer: “Most member states are aware that if we do more and better [...] [with regard to the external border], it is possible to reduce pressure on Europe and to start negotiations around Schengen again” (Interview 5).

In line with the increasing relevance of security-oriented narrative frames, in this phase, discussions on (solid) borders have become more explicit. Reference to unauthorised border crossings has become key for policy discussions on irregular migration, whereas other forms of irregular migration (e.g. overstaying of tourist visas) have lost visibility. Reference to the development potential of migration has almost disappeared from policy documents. The right to liquid borders is increasingly selective and attributed mostly to high-skilled migrants and to beneficiaries of humanitarian resettlement (currently chosen through member state selection missions in Niger). Debates on integration as well as on the assimilation of the rights of migrants with those of EU citizens have almost disappeared.

The increasing focus on security-oriented narrative frames has also characterised the **external dimension** of Phase 4. In this phase, the EU has strengthened transnationalism and cooperated with a growing number of state and non-state actors. However, it has also progressively mainstreamed EU national approaches and solid border concerns into transnational cooperation structures. In some cases, the Commission has developed its policy proposals based on former member state actions. For instance, the 2017 “Joint Communication on migration on the Central Mediterranean route: Managing flows, saving lives” extended existing Italy-Libya cooperation structures. National- and security-oriented policy aims such as border control and return (see the September proposals mentioned above) have gained prominence.

Nevertheless, national and transnational approaches have remained difficult to harmonise. For instance, the creation of an African Union-EU-UN taskforce to address the migrant situation in Libya was a step towards increasingly transnational solutions; at the same time, however, Hungarian national interests hindered the EU from intervening jointly in the negotiations on the Migration Global Compact. Interviewed representatives of EU

institutions and member states also referred to national-transnational divergences. The first ones interviewed pointed at the risks that domestic politics imply for EU actions and the Schengen acquis, and the ones interviewed thereafter reported on growing competition with regard to migration policy initiatives. One EU officer commented that perhaps these divergences show that “we can’t go together everywhere, we can agree on the principles but we don’t have to have the same level of engagement” (Interview 6). Another EU officer expressed the opinion that “the EU is too fragmented and not yet ready to play a supranational role on migration” (Interview 14).

Currently, security-oriented objectives such as border control and national interests such as a reduction in asylum responsibilities for EU member states have gained more prominence in EU-Africa cooperation on migration. This trend is well exemplified by the September 2018 proposals for an EU Border and Coast Guard and an EU Agency for Asylum. The first one would be able to intervene inside the EU, at its borders and in the territory of third states. It can be expected that the proposed Border and Coast Guard would maintain the EU’s current geographical focus on North African countries (in particular Libya and Niger), but interviewees also reported a broadened understanding that “the borders needs to be shifted towards the South” (Interview 11). The EU Agency for Asylum would facilitate asylum responsibility-sharing with African states and, in this way, decrease pressure on European states and allow what one interviewee defined as a balance between border control and asylum responsibility. However, the focus on EU security-oriented national interests of the two agencies is likely to render EU-Africa cooperation more difficult because it challenges African sovereignty, regional mobility agreements and domestic politics. In 2018, several African states declared their unwillingness to implement strict EU border control functions such as the detention of migrants. In addition, they are increasingly aware that resettlements out of Niger in the context of a pilot UNHCR-EU programme are still low. Some African interviewees have furthermore pointed out that the extraterritorial validity of EU human rights standards has become problematic, not only because of cooperation with states that do not grant the same standards, but also because the EU may require partner countries to apply standards that would not be allowed on its own territory, for example the detention of migrants. The increasing level of participation of non-state actors, such as international organisations, civil society organisations and the private sector, has partially contributed to alleviating direct EU-African sovereignty clashes.

5 Conclusions

Negotiations on migration policies and narrative frames have been interlinked. Two major trends have emerged: migration-security narrative frames have strengthened national-oriented and solid borders-oriented approaches (and vice versa), and migration-development narrative frames have strengthened transnational-oriented and liquid borders-oriented approaches (and vice versa). Both trends are intrinsic to the EU, which is a transnational union of nation-states, even though the balance between them has shifted according to contextual factors, such as internal divergences, economic changes and migrant arrivals. From 1999 (Tampere Council Conclusions) until 2011 (Global Approach to Migration and Mobility), the two trends were equally present. The rather national orientation of the Council balanced the rather transnational orientation of the Commission,

and vice versa. Since 2011, and increasingly after the 2015 European Agenda on Migration, national-oriented approaches have gained prominence, following increasing levels of divergence inside the EU. Starting in 2017, this trend began to be mainstreamed, also in transnational approaches. Supranational actors such as the Commission have increasingly adhered to solid border approaches. In addition, security objectives have been increasingly mainstreamed in development measures. As a result, transnational-national approaches have become increasingly hybrid.

National approaches have not hindered the maintenance of transnational approaches, but they have restricted their objectives by aligning them with those of European member states, which are currently increasingly framed in terms of border security. Prioritising security over transnational development has augmented inequalities; in particular, it has come at the expense of actors with scarce political representation in Africa and the EU. In fact, security-oriented approaches have increased migrant selectivity to the detriment of low-skilled African migrants and their home communities. They have furthermore worsened the labour conditions of low-skilled EU workers because of the wage dumping linked to irregular migration. Mixed solid-liquid border approaches have reflected further inequalities. Indeed, borders are increasingly liquid for EU businesses and investors (with the support of EU instruments such as Economic Partnership Agreements and the External Investment Plan), international organisations, development aid agencies and highly skilled migrants. They are, however, increasingly solid for low-skilled migrants and asylum seekers. In this sense, improving equal access to political representation for vulnerable groups at the national and transnational levels would be essential to render EU migration and border policies more equal.

To conclude, the findings of this discussion paper raise two main questions. The first question is whether the recent “national turn” of the Commission will succeed in safeguarding EU-wide approaches or instead further undermine their transnational foundation. As described above, the Commission – which has long been the main supporter of transnational approaches – has recently started mainstreaming national-oriented, solid borders-oriented and security-oriented approaches in its actions. However, this strategy challenges previous competency divisions between EU institutions and member states. In addition, it is still an open question as to how the increasing influence of nationalism and security-oriented approaches on transnational cooperation structures will shape discussions around development policy. In 2015, the 2030 Agenda for Sustainable Development understood development as a transnational endeavour to address shared challenges. However, since then, the claims to strengthen the mainstreaming of European national and regional interests into EU development policy have rapidly gained visibility. The 2019 EU parliamentary elections will be key in defining the political arena in which such negotiations take place. An analysis of how nationalist and EU approaches will be combined can also inform broader considerations on the interplay between nationalism and transnationalism in times of manifold crises.

The second question concerns how the scarce political representation of vulnerable African and European groups in Africa-EU negotiations influences policy outcomes. Even though the number of actors intervening in the negotiations on and implementation of migration policies and narrative frames is increasing, vulnerable actors such as rural African communities of origin, irregular migrants and European low-skill workers still encounter considerable obstacles to participation in such negotiation processes. As a

result, their needs, strategies and self-determination are still not taken into adequate consideration. In many cases, this leads to the adoption of policies that may increase their vulnerability, for instance through migration selectivity or an indirect rise of illegal work in the EU. Recent developments in European national politics have shown that the resulting frustrations can fuel nationalist trends. The obstacles to political participation in Africa and the EU and the consequences of the scarce representation of vulnerable groups therefore deserve deeper analysis.

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Annexes

Annex 1: Contextual events

Phase 1 (1999-2004)

- 1995: Entry into force of the Schengen Agreement
- 2001: Terrorist attacks in New York, NY, USA
- 2004: Terrorist attacks in Madrid, Spain
- 2004: 10 new member states joined the EU

Phase 2 (2005-2014)

- 2005: Terrorist attacks in London, UK.
- 2006: Increased migratory influx from West Africa to Spain.
- 2007-2008: Global financial crisis. EU southern border member states were particularly affected by the following economic downturn. Among its consequences were an increase in the unemployment rates of native and migrant workers, national political instability and a strengthening of anti-EU political parties.
- 2008: Treaty on Friendship, Partnership and Cooperation between Italy and Libya. Cooperation against irregular migration and long-term investment were part of it.
- 2009: Entry into force of the Lisbon Treaty. Among its provisions was the creation in 2010 of the European External Action Service (EEAS) as the diplomatic service of the European Union, led by the High Representative for Foreign Affairs and Security Policy.
- 2009: Stockholm Programme, affirming the need for a major integration of internal and external policies and of different policy domains.
- 2011: Arab Spring, revolutionary wave in the MENA region. Beginning of the civil war in Libya, followed by a situation of acute political instability and loss of state control, culminating in clashes between militias and the establishment of an Islamic State in parts of Libyan territory in 2014.
- 2013: Lampedusa migrant shipwreck with more than 360 deaths, introducing topic of migration in the Mediterranean to the public's attention.
- 2014: Creation of the G5 Sahel.

Phase 3 (2015-2016)

- 2014-2016: Increased migratory inflow to Europe. A high percentage of this inflow was constituted of migrants from Syria.
- 2015: Terrorist attacks in Paris, France.
- 2015: Building of a barrier between Hungary and Serbia and Croatia.
- 2015: Beginning of multiple temporary suspensions of the Schengen Agreement.
- 2015: Skhirat Agreement establishing a Government of National Accord in Libya, based on an UN-led initiative.
- 2016: Terrorist attacks in Brussels, Belgium, Nice, France, and Berlin, Germany.
- 2016: EU-Turkey Statement and Action Plan, aimed at stopping the flow of irregular migration via Turkey to Europe.
- 2016: Referendum approval of a withdrawal of the UK from the EU.
- 2016: EU Global Strategy for Foreign and Security Policy.
- 2016: New York Declaration for Refugees and Migrants.

Phase 4 (2017-2019)

- 2017: Terrorist attacks in Manchester and London, UK, and Barcelona, Spain.
- 2017: Release of a CNN report about migrant slave trade, due to create emotion among the public.
- 2017-2018: Election of nationalist parties in Poland, Austria and Italy.
- 2018: Adoption of the UN Global Compact for Safe, Orderly and Regular Migration.
- 2018: Terrorist attack in Strasbourg, France
- 2018-2019: Divergences between EU member states with regard to the distribution of migrants arriving by sea.

Annex 2: Policy documents analysed

Phase 1 (1999-2004)

- Tampere Council Conclusions (1999)
- “Communication on integrating migration issues in the European Union’s relations with third countries” (2002)

Phase 2 (2005-2014)

- Joint Africa-EU Declaration on Migration and Development, leading to the EU-Africa Partnership on Migration, Mobility and Employment (2006)
- “Communication on circular migration and mobility partnerships between the European Union and third countries” (2007)
- “Communication on a common immigration policy for Europe: Principles, actions and tools” (2008)
- Global Approach to Migration and Mobility (2005³-2011)

Phase 3 (2015-2016)

- “Communication on a European Agenda on Migration” (2015)
- Valletta Political Declaration and Action Plan (2015)
- “Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration” (2016)

Phase 4 (2017-2019)

- “Joint Communication on migration on the Central Mediterranean route: Managing flows, saving lives” (2017)
- AU-EU Summit 2017 Declaration: Investing in youth for accelerated inclusive growth and sustainable development (2017)
- “Communication on the Commission contribution to the EU leaders’ thematic debate on a way forward on the external and internal dimension of migration policy” (2017)
- European Council Conclusions, 28 June (2018)
- “Communication on a proposal for a Regulation on the European Border and Coast Guard” (2018)
- “Communication on enhancing legal pathways to Europe: An indispensable part of a balanced and comprehensive migration policy” (2018)
- “Communication on an amended proposal for a regulation on the European Union Agency for Asylum” (2018)
- “Communication on a draft proposal for a Directive on common standards and procedures in member states for returning illegally staying third country nationals” (2018)

3 In 2005, the Global Approach to Migration (GAM) provided an overarching framework for EU third-country migration partnerships and marked the beginning of a new phase of migration policy. However, in this paper, the GAM is analysed in its renewed version as the Global Approach to Migration and Mobility of 2011.

Annex 3: Interviewed persons

| Cited as | Institutional affiliation | Date of the interview |
|-----------------|----------------------------------|------------------------------|
| 1 | EU institution | March 2018 |
| 2 | EU institution | March 2018 |
| 3 | EU member state | March 2018 |
| 4 | African state | March 2018 |
| 5 | EU institution | March 2018 |
| 6 | EU institution | March 2018 |
| 7 | African state | March 2018 |
| 8 | African state | March 2018 |
| 9 | African state | March 2018 |
| 10 | African regional organisation | March 2018 |
| 11 | EU member state | March 2018 |
| 12 | EU member state | March 2018 |
| 13 | EU member state | March 2018 |
| 14 | EU institution | April 2018 |
| 15 | EU institution | April 2018 |
| 16 | EU member state | April 2018 |

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- 20/2018 Scheumann, Waltina, & George Phiri. *Coordination: The key to governing the water-land-food nexus in Zambia?* (47 pp.). ISBN 978-3-96021-077-1. DOI: 10.23661/dp20.2018

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