# **Forced displacement and the external dimension of EU asylum policy: policy frames, external shocks, and institutional dynamics**

Roberto Cortinovis, Catholic University of Milan

# **ABSTRACT**

*The unfolding of the refugee crisis during 2015 has put the external dimension of asylum policy on top of European Union’s (EU) agenda. This article analyses how external shocks and internal institutional dynamics have influenced the framing of EU policies in this area. It argues that, in line with global initiatives to expand durable solutions for refugees, EU institutions have endeavoured to place the nexus between humanitarian and development interventions at the centre of the EU approach to forced displacement. As showed by the cases of EU cooperation with Turkey and African countries, however, this approach has been deployed in parallel with a policy agenda centred on containment, in which development aid is used to pursue migration control objectives. This article concludes that the uneasy relation that exists between these two different policy frames negatively impacts on the overall coherence of EU external asylum policies.*

# **Introduction**

The complex and multi-causal drivers of contemporary Mediterranean flows makes the basic distinction between voluntary and forced migration increasingly blurred. Several contributions have shown that, often, a common set of factors – including insecurity, weak state governance, lack of livelihoods opportunities, environmental degradation – underpin the movement of both refugees and migrants, shaping their choices at different stages of the migratory process (Van Hear, 2011). While such complexity should be ascertained, there is no doubt that forced displacement due to conflict and violence has been a central driver of trans-Mediterranean flows in the last years. As official statistics reveal, a large share of the migrants registered on the Italian and Greek shores in 2015 and 2016 were coming from some of the world’s main refugee producing countries, including Syria, Afghanistan, Eritrea and Sudan (UNHCR, 2016a).

In spite of rising movements of forced migrants towards European countries, it would be misleading to consider Europe has the epicentre of global displacement: 86% of the world’s refugees under UNHCR mandate (16.1 million) reside in developing countries. The main hosting countries are situated in the Middle East (Turkey, Lebanon, Jordan, Iran), Asia (Pakistan) and Africa (Ethiopia, Kenya, Uganda, Congo, Chad) (UNHCR, 2016b). The picture of global displacement also includes 40.8 million internally displaced people (IDPs), predominantly located in Colombia, Syria, Iraq, Sudan and Yemen (UNHCR, 2016b).

Another distinctive feature of global displacement is the increasingly protracted character of many situations: according to the UNHCR, in 2015, 6,7 million refugees were living in protracted situations (41% of those under the UNHCR mandate), with an average duration of displacement of 26 years (UNHCR, 2016b).[[1]](#footnote-1) While the international protection regime is premised on the international community to provide durable solutions for refugees – which traditionally include voluntary repatriation, resettlement, and local integration – available statistics show that only a small minority of refugees worldwide achieve a durable solution each year.[[2]](#footnote-2) One of the consequences of the protracted character of many displacement situations is that refugees are forced to look themselves for a solution to their situation, by undertaking secondary movements outside of the country (or region) were they first found protection.

In a context of increased migratory pressure towards Europe, cooperation with countries of origin and transit of flows has come to occupy central stage on the European Union (EU) agenda. Building on a consolidated approach, external action in the field of migration and asylum has emerged as the default option to address a deepening internal crisis that was threatening to break the EU political and institutional unity. In particular, tensions over the management of migration and asylum flows led some Member States to ask (and obtain) a partial suspension of the Schengen system (a cornerstone of the EU integration projects), while others member States fiercely refused to take part in a plan for the relocation of a share of asylum seekers hosted in Italy and Greece, thus putting into question the application of the principle of solidarity and fair sharing of responsibility in migration and asylum matters enshrined in Article 80 TFEU (Trauner, 2016).

The crisis-driven character of EU external action in the field of migration and asylum should not be considered as a novelty. In 2005, it were the tragic events occurring at the Spanish enclaves of Ceuta and Melilla that prompted the elaboration of the Global Approach to migration, the overarching framework of the EU external migration and asylum policy (Lavenex & Kunz, 2008). Again, in 2012, it was the changing geopolitical situation in North Africa and the Middle East following to the Arab uprisings that prompted the EU to adopt a revised Global Approach to Migration and Mobility (GAMM) (Commission, 2011).

Aim of the GAMM is to establish balanced and comprehensive partnerships with third countries covering all relevant aspects of migration. In the field of asylum, the GAMM emphasizes the need to work with partner countries to better articulate the nexus between humanitarian and development policies the context of displacement situations, thus echoing a long-standing albeit unfruitful debate among international actors. While the achievement of this objective has encountered repeated setbacks in the past, the related policy agenda has recently regained central stage on the global agenda. This renewed focus is motivated by the recognition that traditional approaches to displacement are not adequate to provide for comprehensive and sustainable solutions to current crises, in particular to protracted situations.

Taking as a starting point debates and initiatives carried on at the international level, this article looks at the ways in which the nexus between humanitarian and development policies has been framed in policy discussions at the EU level and analyses the role of EU institutional actors in shaping relevant strategic orientations and policy outcomes. While providing an historical perspective on the issue, the focus of the article is on the policies adopted in response to the “refugee crisis” that has confronted the EU since 2014. A central question that will be addressed regards the relation that exists between two different policy frames: the first one, which centres on the role of development policies in achieving sustainable solutions for forced migrants, and the second one, which is based on the nexus between migration and security and which has traditionally been associated with a set of mechanisms to control migration (and asylum) flows.

Section one introduces the theoretical framework of the analysis, which is borrowed from the strand of institutionalist literature that has analysed the interaction between ideational factors and institutional dynamics in order to explain the conditions and scope of policy change. Insights from that theorization are then applied to explain the emergence and evolution of the external dimension of migration and asylum policy as a specific area of EU cooperation. Section two discusses the debate on the nexus between humanitarian and development policies unfolding at the global level and highlights some of the major outcomes of this conceptualisation in terms of concrete policy initiatives. Section four turns to the EU framework: it looks at the way priorities included in the international agenda have been incorporated into the EU approach to forced displacement, underlying the ways in which political and institutional factors inside the EU arena have favoured (or constrained) policy change.

# **The emergence of EU external action on migration and asylum**

An increasing number of contributions within the neo-institutionalist family have analysed the impact of ideas and discursive processes on politics and policy change (Béland, 2009; Trauner & Ripoll Servent, 2015). This strand of research moves from the assumption that the predominant focus on policy legacies and formal political institutions that has characterized a large part of the institutionalist literature overlooks the many ways in which ideational processes may influence the scope and direction of policy change. Béland (2009: p. 702), in particular, underlines how ideational processes contribute to construct the problems and issues that enter the policy agenda and to shape the assumptions at the basis of reform proposals; moreover, these processes can also act as discursive weapons in the hands of relevant political actors that participate in the construction of reform imperatives.

According to this perspective, relevant actors within the institutional arena compete for the definition and public interpretation of a policy by means of discursive strategies that either legitimize or challenge the assumptions embedded in the prevailing policy frame (Rein and Schon, 1991).[[3]](#footnote-3) The struggle between alternative policy frames is influenced by both endogenous and exogenous factors to a political system. Institutional factors, such as formal and informal decision making rules play a crucial role in constraining, or facilitating the enactment of policy change. Institutions mediate actors’ access to policy arenas and thus their configuration is crucial in providing venues for actors to exercise their political strategies (Béland, 2009: p. 704). At the same time, exogenous factors such as global debates and external shocks may also act as a powerful mechanism of policy change: in particular, they can be exploited by actors to shift the substantive understanding of a policy problem and raise the sense of urgency and necessity for specific policy alternatives to those currently enforced (Trauner and Ripoll Servent, 2015: p. 24).

Insights from the research agenda reviewed before help to shed light on the origin and evolution of the external dimension of EU migration and asylum policy. An established body of literature has described how the framing of migration and asylum issues as “threat” to public security and to the stability of the welfare state that came to dominate national discourses from the late 70s onward was translated at the EU level into a security *continuum* linking migration, asylum, terrorism and organised crime (Huysmans, 2000). The securitarian character of the EU policy frame was further reinforced by the objective of abolishing internal controls between Member States pursued in the context of the Schengen project in the mid 80s: many contributions have underlined how policy officials working in the home affairs domain succeeded in shifting the rationale of the internal market from an economic to a security project, linking the lifting of internal borders to the adoption of “flanking measures” in the area of border controls and irregular migration (Guiraudon, 2000; Lavenex, 2006).

Since the inception, asylum issues were considered an integral component of the emerging security *continuum*: the assumption that a systematic abuse of national asylum systems was being perpetrated by “economic migrants” legitimated the enactment of a *non-entrée regime*, aimed at preventing potential asylum seekers from accessing the territory (Hathaway, 1993). The main building blocks of that regime - visa requirements, carrier sanctions, readmission agreements and “safe third country” provisions – testify of an emerging external dimension of asylum policy predominantly veered towards the objective of containing asylum flows (Lavenex, 2006).

The process of communitarization of migration and asylum policies initiated with the Treaty of Amsterdam in 1997 and concluded with the Treaty of Lisbon in 2007 implied that institutional actors such as the Commission and the EP, which had previously been sidelined in the decision-making process, acquired new instruments to influence policy outcomes. The impact of the process of communitarization on policy outputs, however, should not be generalized but assessed on a case by case basis. The external dimension of migration and asylum, in particular, continued to be dominated by the policy “core” established by the Member States during the previous intergovernmental phase of cooperation, which revolved around the priority of engaging third countries in fighting irregular migration. In particular, a strategy backed by the Member States consisted in making developmental assistance offered to third countries conditional upon their willingness to cooperate on border management and readmission (Lavenex & Kunz, 2008). The mainstreaming of migration and asylum issues into the field of EU external relations, however, proved to be a recipe for institutional struggles. As showed by Boswell, JHA officials inside the European Commission were keen to accommodate Member States’ requests to exploit the EU’s political and financial clout to engage third countries in the containment of migration, while Development and External relations officials resisted the subordination of their policy agendas to the objective of migration control (Boswell, 2008).

Different and competing policy frames also emerged in the field of asylum. In the early 2000s, debates regarding EU external asylum policy revolved around the concept of “protection in the region of origin” (Castles and Van Hear, 2005: p. 113). The rationale and content of policy initiatives to be adopted under that label, however, was understood differently by different EU actors. Some Member states, led by the UK, advocated protection in the region as a substitute to protection in the EU, and put forward a proposal for the creation of “transit processing centres” located in third countries, to which asylum seekers arriving in EU Member States should be transferred to have their claims processed. The UK proposal was subject to widespread criticism by human rights NGOs and eventually failed to gain adequate support among other Member States (Castles and Van Hear, 2005: p. 119). Responding to the UK proposal, the Commission made it clear in an ensuing Communication that initiatives to strengthen third countries asylum systems and reception capacities should be complementary to the processing of spontaneous asylum applications in the Member States (Commission, 2003: 12).

The evolution of EU external action in the field of migration and asylum, however, cannot be adequately accounted for without taking into consideration the impact of external events. In particular, it were “migration shocks” in the Mediterranean that exposed the limits of strategies exclusively cantered on containment and in providing legitimacy for the comprehensive approach set out in the GAMM (Lavenex and Kunz, 2008). The eruption of the refugee crisis set the stage for an overhaul of the EU framework of cooperation with third countries on migration and asylum matters, as already announced by the 2015 European Agenda on Migration (Commission, 2015: p.7). As underlined in the next section, EU external policies are not developed in isolation but within a global framework that encompasses a wide array of actors, including United Nations institutions, third country governments, regional organisations, international financial institutions (such as the World Bank), NGOs, and (increasingly) the private sector.

# **The debate on sustainable solutions at the international level**

The 1950 Statute of the UNHCR assigns the Agency the task to guarantee that refugees would have access to durable solutions, in the form of reparation, resettlement or local integration. As mentioned in the first part of this article, however, international efforts to provide solutions have proved highly inadequate to address the magnitude and protracted character of many of today’s displacement situations.

This scenario has ignited a debate among international actors on the need to explore new ways to achieve comprehensive and sustainable solutions that go beyond traditional approaches.[[4]](#footnote-4) Specifically, wide consensus has been built on the need to strengthen the nexus between humanitarian and development interventions in the context of displacement situations. According to a UNHCR officer interviewed in the contest of this article, 2016 could be named as the “year of solutions”, due to the number of international events addressing forced migration: among them, the London Conference – Supporting Syria and the Region of February 2016, the World Humanitarian Summit of May 2016, and the UN General Assembly High Level Plenary on addressing large movements of refugees and migrants of 19 September include specific commitments by States on the deployment of development resources to address displacement issues (Interview 5). Underpinning all these initiatives is the 2030 Agenda for Sustainable Development adopted by the UN General Assembly in September 2015, which underlines the need to step up cooperation in order to ensure human treatment of refugees and displaced persons, including by strengthening resilience of communities hosting refugees (UNHCR, 2015).

While high on the agenda of the international community in recent years, the humanitarian-development gap has a long history dating back to the early ‘80. At the time, the established model of assistance to displaced populations, based on extended and open ended relief programs, started to attract the criticism of donor states (Milner, 2009: p. 26). That model rested on the assumption that after temporally circumscribed phase, humanitarian assistance would be discontinued and refugees would be able to return to their country of origin or, in alternative, to integrate into the host society. This, however, was not the situation that was materialising in many refugee situations, especially those in African countries that were also facing important developmental challenges. In the absence of political and economic conditions needed to integrate locally or to return home, refugees were becoming increasingly dependent on humanitarian assistance, leading to an overburdening of the humanitarian response system (Crisp, 2001).

To address this circumstance, over the years several initiatives were launched by governments and international organisations in order to mobilise development partners and additional funding to address the socio-economic impact of displacement situations, not only in countries of first asylum but also in the context of return and reintegration of displaced populations into their countries of origin (Crisp, 2001, p. 5). International efforts culminated in 2003 with the launch of the UNHCR-led Convention Plus Initiative, whose aim was to complement the existing “global refugee regime”, i.e. the 1951 Convention and the 1967 Protocol, with substantial obligations as regards the issue of burden-sharing. Targeting development assistance to support durable solutions for refugees, whether in countries of asylum or upon return home, was one of the three “strands” over which Convention Plus initiatives were based. However, there is widespread consensus among analysts and practitioners, however, that the Convention Plus framework failed to bring about the expected results; moreover, the same negative assessment is generally extended to a number subsequent interventions aimed to address “the gap” between short-term humanitarian assistance and longer-term development (Interview 6). A set of conceptual, political and operational weaknesses have been identified to account for these failures.

On a conceptual level, early formulations of the “link” postulated that humanitarian and development interventions should be placed along a *continuum*: that is, as two sequential (but separate) phases of a crisis’ response. This model, however, has been recognized as inadequate to address the complexity of displacement crises, as it fails to recognize that, especially in the context of protracted situations, those issues preventing sustainable solutions for displaced populations – such as the absence of livelihoods and employment opportunities, and freedom of movement – are developmental and political in nature rather than humanitarian (Cordova, 2016: p. 9). To address these shortcomings, the nexus between humanitarian and development assistance has been reframed in terms of a *contiguum*, a conceptual shift that implies the simultaneous engagement of humanitarian, development and political actors from the onset of a displacement crisis. The primary objective of this new model is to build resilience among displaced populations, host communities and local institutions and sustain their development trajectory (UNDP, 2015; Interview 6,7).

Political issues have been central in limiting the effectiveness of humanitarian-development models: the short-term negative impact of displacement on receiving societies and the tensions that often arise between displaced populations and host communities over the use of scarce resources have represented a strong incentive for hosting governments to frame displacement crises as a temporary issue and to favour repatriation as a default option (Interview 8). To this should be added the resistance from donor states to endorse the principle of “additionality”, that is the commitment to deploy substantial new resources rather than diverting those already committed to standard development programs (Betts, 2004: p. 17).

Finally, political hurdles have been compounded by operational difficulties in establishing effective cooperation between humanitarian and development actors, due to differing institutional arrangements, funding instruments and programming cycles of these two policy communities (OCHA et al., 2015). The result has been the consolidation of a “compartmentalized approach”, which is reflected in the current financial architecture of international aid: assistance to the displaced is generally provided from “humanitarian baskets” that bypass the governments of host states and are based on a short-term programming cycle; in contrast, the provision of development assistance is largely a bilateral exercise, where funds are channelled directly to receiving states’ governments on the basis of multi-annual programs (Aleinikoff, 2015: p. 2; Interview 6).

Against the backdrop of previous failures, the last few years have seen increased efforts to develop new models of intervention based on comprehensive long-term frameworks where the legitimate concerns of all parties are addressed. In order to gain support of countries hosting displaced populations and avoid the politicization of displacement crises, international organisations have promoted the adoption of “localized” approaches that aim to respond to the social, economic and fiscal implications of displacement for receiving countries, setting aside the thorny issue of whether displaced individuals eventually will return to their origin communities or integrate locally (OCHA, 2015: p. 10; Harild, 2016).

The international community’s response to the Syrian crisis, in particular, has introduced a number of new investment and cooperation modalities that aim to address humanitarian and developmental challenges through a synergic approach. The Regional Refugee and Resilience Plan (3RP) for Syria and the region is meant to address the needs of displaced populations and host communities in neighbouring countries through a “hybrid” aid architecture. The 3RP is co-led by UNHCR and UNDP, with the participation of five countries (Turkey, Lebanon, Jordan, Iraq and Egypt) and more than 200 partners, including relevant UN agencies and national and international NGOs (Gonzales, 2016: p. 27). The UNDP manages the “resilience” component of the program, which focuses on the targeted use of development assistance to support self-reliance of both refugees and their host communities and on strengthening national and sub-national service delivery systems (Gonzales, 2016; Interview 6).

The new approaches deployed in the context of the Syrian crisis were fully endorsed at the first ever World Humanitarian Summit (WHS), held in Istanbul on 23–24 May 2016 (Interview 5, 6). In that venue, a commitment was taken by the UN Secretary-General and eight UN agencies, and endorsed by the World Bank the International Organisation for Migration (IOM) to “transcend humanitarian-development divides”. The parties agreed espoused a new working methodology based on increased collaboration across the UN system and the broader humanitarian and development community, multi-year time frames, and comparative advantage of diverse actors in specific contexts (WHS, 2016).

As described below, the EU and its Member states have aimed to play an active role in sustaining this emerging international agenda, making their voice heard in international fora and contributing to shape relevant policy initiatives. The process of integration the humanitarian-development nexus agenda in EU external action, however, unfolds within a complex political and institutional setting in which several actors compete for shaping the direction of the EU external migration and asylum policies. This competition generates political and institutional tensions, since some of the assumptions and priorities of the development-led approach to displacement described above contrast with containment priorities that have traditionally permeated EU policy responses. This fact, in turn, bears important implications for the overall coherence of EU external action.

# **The EU approach to forced displacement**

## **Integrating the humanitarian-development nexus in EU external policies**

Since the early 2000s, EU policies to address the humanitarian-development divide were carried out in parallel with relevant initiatives unfolding at the international level. Discussions concerning the concept of “protection in the region of origin” were related to UNHCR proposals for targeting development assistance to refugees advanced during the same period, such as the 2002 *Agenda for Protection* and the already-mentioned *Convention Plus Initiative* (Commission, 2003). In its 2004 Communication “Improving access to durable solutions”, the Commission recognized that humanitarian assistance was neither sufficient nor adequate to address all the needs arising from protracted refugee situations and to ensure durable solutions, and underlined the importance of adequate initiatives linking relief, rehabilitation, and development (Commission, 2004: p. 12).

The next step taken by the Commission to give substance to its vision of protection in the region of origin was the establishment of Regional Protection Programs (RPPs). The main objective of RPPs was to improve the institutional capacity of asylum systems in hosting countries, but the programs also foresaw development interventions akin to those suggested by the UNHCR. In the Commission’s formulation, RPPs should assure complementarity between different EU external policies, in particular humanitarian and development policies. The ensuing Communication on Regional Protection Programs set up the arrangements for launching two pilot RPPs in the Newly Independent States (NIS) – Ukraine, Belarus and Moldova – and in the Great Lakes Region (with an initial focus on Tanzania) (Commission, 2005). In 2010, two other RPPs were launched in the Horn of Africa and in North Africa (Papadopoulou, 2015: p. 8).

Despite the comprehensive framework envisaged in the RPPs Communication, the projects included in the RPPs dealt predominantly with capacity-building at different stages of the asylum process, including the establishment of new infrastructure and training programs for national officers and NGOs (Papadopoulou, 2015: p. 8). An external evaluation of the two pilot programs conducted in 2008–2009 concluded that coordination between refugee, humanitarian, and development policies had proved difficult to achieve, in particular due to the lack of strategic direction and involvement of Member States’ agencies. Moreover, the fact that RPPs were not financed through a dedicated funding stream emphasized coordination and visibility problems (GHK, 2009: p. 75). The same structural weaknesses of RPPs were recognised by the Commission in its 2013 Communication on the Task force for the Mediterranean, in which it was stated that for RPPs to be successful they would need longer term engagement and funding, as well as better coordination with all the stakeholders involved (Commission, 2013: p. 12).

In the same year, as part of the EU’s response to the Syrian conflict, the Commission launched a Regional Development and Protection Program (RDPP) in the Middle East, targeting Syrian neighbours, Lebanon, Jordan, and Iraq. Compared to previous programs, the RDPP includes a dedicated development component, which aims to address the impact of refugee influxes on affected countries by expanding economic opportunities and livelihood capacities (Interview 2). The 2015 European Agenda on Migration called for extending the RDPP “formula” in North Africa (Algeria, Egypt, Libya, Morocco, Tunisia) and the Horn of Africa (Ethiopia, Kenya, Sudan).

The revision of the RDPPs formula testifies of the new centrality acquired by the humanitarian-development nexus in EU external action. In 2014, the Commission launched a public consultation on the EU approach to forced displacement, with a view to defining the EU position in the run-up to the 2016 World Humanitarian Summit. This process resulted in the Communication “Lives in dignity: from aid dependence to self-reliance. Forced Displacement and Development” released by the Commission in April 2016 (Commission, 2016a). The Communication is the result of cooperative efforts between three DGs – International Cooperation and Development, Humanitarian Affairs, Neighbourhood Policy and Enlargement – and the European External Action Service (EEAS), a fact that signals the willingness to overcome organisational and operational divides that had prevented effective coordination of EU initiatives in the past. In line with the priorities established at the international level, the Communication advocates for the adoption of a “resilience approach” to displacement: integrated humanitarian and development strategies should be deployed to enhance self-reliance of both displaced people and the hosting communities, thus setting the stage for achieving sustainable solutions (Commission, 2016a: p. 2; Interview 9).

On an operational level, the Commission calls for a better division of labour not only at the headquarters but also on the ground, so that those actors that are best placed to intervene in a specific situation (be they Member States, EU delegations, UN institutions) should be those leading the process (Interviews 9, 10). Strategic engagement with partner countries is also considered as key in implementing the envisaged approach: policy dialogues with host governments should be established from the beginning of a crisis and cooperation with local authorities should be given special attention, since it is the local level the one most directly affected by displacement (Commission, 2016a: p. 10).

The Communication also stresses the importance to deploy flexible and predictable funding. The EU Trust Funds (EUTF) are singled out as promising instruments to integrate different EU financial instruments and additional funding from the Member States. The Madad EUTF, set up in 2014, focuses on non-humanitarian priority needs of refugees and hosting communities affected by the Syrian crisis: specifically, the Madad TF, which is currently endowed with a volume of €736 million, is supporting the resilience component of the 3RP for Syria and the region (Commission, 2016b). The Emergency EUTF for Africa was established in the context of the EU-Africa Summit on Migration held in La Valletta in November 2015. The Africa EUTF was initially endowed with €1.8 billion and targets 23 countries in North Africa, the Sahel region and Lake Chad area, and the Horn of Africa. While it also includes a set of resilience-based actions (including those implemented through RDPPs), the Africa EUTF also features a strong component dedicated to migration control and border management issues (D’Alfonso and Immenkamp, 2015: p. 7; Interview 11).

Commission’s efforts to strengthen the humanitarian-development nexus were met with widespread approval along the EU institutional landscape. The Council of Ministers endorsed the Communication “Lives in dignity” in its Conclusions of May 2016; on the same occasion, the Council adopted Conclusions in view of the World Humanitarian Summit, in which it reiterated the role the EU should play in engaging international partners to address the impact of protracted displacement and achieving durable solutions (Council, 2016a; 2016b).

The previously described initiatives are also in line with the holistic approach to migration advocated by the European Parliament (EP) (Interview 1, European Parliament, 2016a). At the same time, however, the EP has criticized the overall response of the EU and its Member States to the crisis in the Mediterranean, stressing the inadequacy of preventive measures for managing current migration phenomena. In a highly critical Resolution on the Africa EUTF released in September 2016, moreover, the EP warned against the use of EU funds from development baskets for migration management and control, especially in conflict-affected countries, and called on the Commission to ensure transparency and accountability over the use and amount of budget lines contributing to the Africa EUTF (European Parliament, 2016b). Besides, the EP also criticized the Trust Funds and the EU facility for Turkey (see section 3.2 below) as emergency-driven responses that risk to undermine the transparent management of the budget and to and bypass Parliament’s budgetary authority. The EP underlined that these instruments were needed because the EU budget lacked adequate and flexible resources to address migration crises promptly and comprehensively and called for more holistic solutions to be considered in future financial programming (European Parliament, 2016b).

## **The parallel agenda: development aid as a containment tool**

Concerns that EU initiatives to support refugees hosting countries (and, more broadly, regions of origin of migration flows) would be motivated by an overarching “burden-shifting” strategy have accompanied the development of EU external action in the field of asylum since the early 2000s (Castles and Van Hear, 2005: p. 114). Critics have exposed the “double-faced” nature of the EU’s strategy also in relation to recent initiatives, emphasizing how refugee protection in third countries is supported as a part of a broader effort to contain migration. This view is substantiated by the conditionality approach that has led the EU-Turkey framework of cooperation since the second half of 2015. The EU-Turkey Joint Action Plan of October 2015 included a commitment on the part of the Turkish government to reduce migration flows along the Eastern Mediterranean route; in exchange, the EU pledged to mobilize substantial new fund to support Turkey in coping with refugees in its territory, through a dedicated €3 billion financial facility. In March 2016, cooperation was further advanced through the signing of the EU-Turkey statement, which includes further action points on readmission: in particular, the return to Turkey of all new irregular migrants and asylum seekers whose applications have been considered unfounded or inadmissible, and a controversial “one to one” mechanism, on the basis of which for every Syrian being returned to Turkey from Greek Islands, another Syrian will be resettled from Turkey to the EU (Council, 2016c).

In parallel, the EU has also intensified efforts to reduce African flows. The financial support channelled through the Africa EUTF for addressing the root causes of migration and forced displacement was placed, in the context of the Valletta Summit Action Plan, into a broad agenda in which control and containment occupy central stage (Council, 2015). The conditionality approach that underlines the EU strategy towards both Turkey and African countries is clearly formulated in the Commission’s Communication on a new Partnership Framework with third countries under the European Agenda on Migration, released in June 2016 (Commission, 2016c). The partnership framework proposed by the Commission, which explicitly takes the EU-Turkey deal as a model, revolves around “migration compacts” to be offered to selected third countries, which should employ in a coordinated manner all the instruments, tools, and leverage available to the EU in different policy areas, including development aid, trade, mobility, energy and security. The Communication states that positive and negative incentives should be integrated in the EU's development policy, rewarding not only those countries cooperate in managing the flows of irregular migrants, but also those countries “taking action to adequately host persons fleeing conflict and persecution” (Commission, 2016c: p. 9).

Soon after the adoption of the Communication, cooperation has started with five priority countries in the African continent: Niger, Nigeria, Senegal, Mali and Ethiopia, some of which, as recognized by the Commission itself, are not only important countries of origin or transit of migration but are also hosting large numbers of refugees and are confronted with situations of internal displacement. Short-term initiatives have focused on sustainable reintegration of irregular migrants, border management, training to local police forces and capacity building to restore security and the rule of law (Interview 11).[[5]](#footnote-5) The migration compacts are in line with the *quid pro quo* approach that characterizes JHA officials’ approach to migration management; moreover, they reflects increased pressures from most exposed Member States, in the first place Italy, to fully exploit EU leverage in order to reduce migration pressure, which was considered politically and economically “unsustainable” (Interview 3, 4, 11). The non-binding and informal character of migration compacts, which are agreed between the Commission, the Member states and the third country, implies that the EP plays no role in their elaboration. Furthermore, this entails the avoidance of the oversight mechanisms typically associated with the Community Method of legislation (European Parliament, 2017: p. 20).

Beyond the choice of governance instruments, a number of questions arise about the coherence between the policy frame centred on migration control outlined above and the policy frame discussed in section 3.1, which is premised on the use of external policies to achieve durable and sustainable solutions. The most voiced concern is that financial and political pressure on some of the main hosting countries may result in the increasing use restrictive measures by those states, with the consequence of leaving many forced migrants in deprived conditions with little or no prospect of legal recognition and socio-economic integration (ECRE, 2016; European Parliament, 2016b: p. 33; European Parliament, 2017: p. 16).

This criticism is in line with the bulk of empirical evidence gathered in different geographical contexts affected by forced displacement, which has shown that displaced populations make widespread use of mobility strategies, both inside and outside the region, in order to find their own solutions to displacement (Interview 7; Long, 2011). From this perspective, the objective of discouraging secondary movements which is central to the partnership framework approach may be counterproductive to the achievement of sustainable solutions, since it prevents forced migrants’ access to those transnational social networks that are an important element of their livelihoods portfolios (Castle and Van Hear, 2005: p. 100).

The containment-led focus of EU external action on migration and asylum is compounded by the structural lack channels to seek protection in the EU. In line with the notion of “complementary pathways” advanced by the UNHCR, in the midst of the refugee crisis in 2015-2016, both the Commission and the EP urged the Member States to extend their resettlement and humanitarian programs and to explore other admission channels, such enhanced family reunification opportunities, private sponsorship and flexible visa arrangements, including for study and work (Commission, 2016e: p. 15-16; European Parliament, 2015: p.13). Overall, however, the response deployed by the EU has been rather fragmented. While there have been attempts to establish a common EU resettlement framework by offering financial incentives to Member States willing to resettle through common EU priorities, Member States’ commitments to resettlement have remained patchy (Commission, 2015: p. 4). Member States have also refused to adopt a common framework on the issuing humanitarian visas, despite repeated calls to act in this field from the Commission, the EP and many NGOs. In 2016, the European Commission announced a new reform proposal in the field of resettlement and committed to explore ways to coordinate EU approach on other legal entry channels for those in need of protection (Commission, 2016e). The voluntary nature of EU cooperation in these areas, however, implies that the impact and coherence of EU action will continue to depend on Member States’ autonomous choices.

# **Conclusion**

The external dimension of EU asylum policy is a case of a contested policy field, characterized by the competition between different policy frames. The aim of this article was to analyse the interaction between external shocks and internal institutional dynamics in influencing the policy-making process in this domain. As explained in section 1, the worsening situation of global displacement has fostered a debate within the international community on the necessity to overcome traditional approaches to durable solutions. While a long-standing issue on the agenda of the international community, the need to strengthen the nexus between humanitarian and development interventions in the context of displacement situations has emerged as a key pillar of the international agenda on refugee protection.

The gathering international momentum for a new governance architecture in the field of forced displacement has mobilized EU institutions. The EU has aimed to play a major role in shaping the outcome of major international events, such as the 2016 World Humanitarian Summit. This article has underscored the activism of the Commission in aligning its strategy with that of international organizations (such as the UNHCR and UNDP) and to establish the EU has a leading player on the issue of the humanitarian-development divide. On the internal side, this commitment has translated into a process of reform aimed at overcoming organizational and institutional boundaries between different DGs and Member States’ development agencies.

The EU strategy to address forced displacement, however, is nested in an overarching policy frame which has traditionally been permeated by Member States’ securitarian concerns. In the context of the refugee crisis of 2015–2016, national governments succeeded in framing the policy agenda related to the humanitarian-development nexus as a component of their broader containment strategy. Cooperation with third countries was carried out directly by national leaders in the framework of high level policy dialogues, such as those with Turkey and with selected African countries, which were driven by a logic of conditionality. Moreover, the fact that such agreements lie outside the boundaries of normal EU policy-making procedures, has implied a marginalisation of the EP in the decision-making process as well as the avoidance of the parliamentary scrutiny typically associated with normal EU legislation.

Finally, a number of concerns exist regarding the overall coherence of EU external action in the field of asylum. The risk that initiatives aimed at limiting migration movements in regions of origin could reduce the “protection space” for refugees and forced migrants and thus run counter to the objectives of promoting durable solutions for refugees and IDPs has been voiced in EP reports and also by many NGOs. Overall, the containment-led policy frame that has driven EU cooperation with Turkey and with African countries is clearly in tension with the recognition that mobility channels, both in the region and outside, are a key element of refugees’ livelihoods strategies and thus crucial in achieving sustainable solutions. Finally, the lack of a well-defined framework of legal pathways to the EU, both for humanitarian and non-humanitarian reasons, has reinforced charges that EU approach will eventually result in “burden-shifting” towards countries heavily affected by forced displacement, thus reinforcing the perception of a lack of coherence and comprehensiveness of EU external policies.

# **List of Interviews**

(1) Member of the European Parliament, April 2016;

(2) Commission official, DG Migration and Home Affairs, June 2016;

(3) Policy Officer, Italian Ministry of Interior, June 2016;

(4) Commission official, DG Neighbourhood and Enlargement Negotiations, June 2016;

(5) UNHCR official, June 2016;

(6) UNDP official, July 2016;

(7) IOM official, July 2016;

(8) IOM official, July 2016;

(9) Commission official, DG Humanitarian aid and civil protection, September 2016;

(10) EEAS official, September 2016;

(11) Commission official, DG International Cooperation and Development, December 2016.

# **References**

Aleinikoff, T.A. (2015) *From Dependence to Self-Reliance: Changing the Paradigm in Protracted Refugee Situations*. Washington, DC: Migration Policy Institute.

Béland, D. (2009) Ideas, institutions, and policy change. *Journal of European Public Policy*, 16(5), 701-718.

Betts, A. (2004) *International cooperation and the targeting of development assistance for refugee solutions: Lessons from the 1980s.* New issues in Refugee research, No. 107. Online: <http://www.unhcr.org/415d0d982.pdf>

Boswell, C. (2008) Evasion, reinterpretation and decoupling: European Commission responses to the ‘external dimension’ of immigration and asylum. *West European Politics*, 31(3), 491-512.

Castles, S., & Van Hear, N. (2005) *Developing DFID’s policy approach to refugees and internally displaced persons*. *Volume I: Consultancy Report and Policy Recommendations*. Oxford Refugee Studies Centre. Online: <https://www.compas.ox.ac.uk/media/ER-2005-Refugees_Policy_DfID1.pdf>

Commission (2003) *Towards more accessible, equitable and managed asylum systems.* European Commission Communication, COM (2003) 315.

Commission (2004) *Improving access to durable solutions*. COM(2004) 410 final.

Commission (2005) *Communication on Regional Protection Programmes*. COM(2005) 388 final.

Commission (2011) *The Global Approach to Migration and Mobility*. COM(2011) 743 final.

Commission (2013) *Communication on the work of the Task Force Mediterranean*. COM(2013) 869 final.

Commission (2015) *A European agenda on migration*. COM(2015) 240 final.

Commission (2016a) *Lives in Dignity: from Aid-dependence to Self-reliance. Forced Displacement and Development,* COM(2016) 234 final.

Commission, (2016b) *EU Regional Trust Fund in Response to the Syrian Crisis, the 'Madad Fund' State of Play and outlook 2016.* Online: <http://statewatch.org/news/2015/dec/eu-com-madad-info-note-outlook-2015-16.pdf>

Commission (2016c) *Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration.* COM(2016) 385 final.

Commission (2016d) *Strengthening European Investments for jobs and growth: Towards a second phase of the European Fund for Strategic Investments and a new European External Investment Plan*. COM(2016) 581 final.

Commission (2016e) *Towards a reform of the Common European asylum system and enhancing legal avenues to Europe*. COM(2016) 197 final.

Council (2015) *Valletta Summit, 11-12 November 2015. Action Plan*.

Council (2016a) *Council conclusions on the EU approach to forced displacement and development,* Brussels 12/05/2016.

Council (2016b) *Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the World Humanitarian Summit*. Brussels, 12 May 2016*.*

Council (2016c) *EU-Turkey statement, 18 March 2016*. Press Release, 144/16.

Cordova, S. (2016) The reality of transitions. *Forced Migration Review*, Issue 52, pp. 8-9.

Crisp, J. (2001) *Mind the gap! UNHCR, humanitarian assistance and the development process.* New issues in Refugee research*,* No.43. Online: <http://www.unhcr.org/research/working/3b309dd07/mind-gap-unhcr-humanitarian-assistance-development-process-jeff-crisp.html>

D’Alfonso, A., & Immenkamp, B. (2015) *EU trust funds for external action. First uses of a new tool*. Briefing November 2015, European Parliamentary Research Service.Online: [*http://www.europarl.europa.eu/thinktank/it/document.html?reference=EPRS\_BRI(2015)572797*](http://www.europarl.europa.eu/thinktank/it/document.html?reference=EPRS_BRI(2015)572797)

Deschamp, B., & Lohse, S. (2013) *Still minding the gap? A review of efforts to link relief and development in situations of human displacement, 2001-2012*, UNHCR Policy development and evaluation service. Online: <http://www.unhcr.org/research/evalreports/512cdef09/still-minding-gap-review-efforts-link-relief-development-situations-human.html>

ECRE (2016), *European Council adopts Migration compact despite NGOs statement* (1st July). Online: <http://www.ecre.org/european-council-adopts-migration-compact-despite-ngos-statement/>

European Council (1999) *Presidency Conclusions*, 15-16 October, Tampere.

European Parliament (2015) *Resolution of 10 September 2015 on migration and refugees in Europe,* (2015/2833(RSP)).

European Parliament (2016a) *Resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration,* 2015/2095(INI).

European Parliament (2016b) *European Parliament resolution of 13 September 2016 on the EU Trust Fund for Africa: the implications for development and humanitarian aid,* P8\_TA(2016)0337.

European Parliament (2017) *Report on addressing refugee and migrant movements: the role of EU External Action*, A8-0045/2017.

GHK (2009) *Evaluation of pilot regional protection programmes*. *Final Report*. Online: <http://ec.europa.eu/smart-regulation/evaluation/search/download.do;jsessionid=KookqLZ6lC-3auAZZJAVdr0atunUzG-d2GL-c7FqszHbE79XR2L1!1168777535?documentId=3725>

Gonzalez G. (2016) New aid architecture and resilience building around the Syria crisis. *Forced Migration Review*, Issue 52, May 2016, 26-28.

Guiraudon, V. (2000) European integration and migration policy: vertical policy-making as venue shopping. *Journal of Common Market Studies,* 38(2), 251–271.

Harild, N. (2016) Forced displacement: a development issue with humanitarian elements. *Forced Migration Review*, Issue 52, May 2016, 4-7.

Hathaway, J. C. (1993) Harmonizing for whom? The devaluation of refugee protection in the era of European economic integration. *Cornell International Law Journal,* 26(3), 719–735.

Huysmans, J. (2000) The European Union and the securitization of migration. *Journal of Common Market Studies*, 38(5), 751-77.

Lavenex, S. (2006) Shifting up and out: the foreign policy of European immigration control. *West European Politics,* 29(2), 329-350.

Lavenex, S. & Kunz, R. (2008) The Migration-development Nexus in EU External Relations. *Journal of European Integration*, 30(3), 439-457.

Long, K. (2011) *Permanent crises? Unlocking the protracted displacement of refugees and internally displaced persons*. Oxford Refugee Studies Centre, policy overview. Online: <https://www.rsc.ox.ac.uk/publications/permanent-crises-unlocking-the-protracted-displacement-of-refugees-and-internally-displaced-persons>

Milner, J. (2009) *Refugees, the State and the Politics of Asylum in Africa.* London: Palgrave Macmillan.

OCHA, UNDP, UNHCR, UNICEF, WFP, & The World Bank (2015), *Addressing Protracted Displacement: A Framework for Development- Humanitarian Cooperation*. Online: <http://cic.nyu.edu/sites/default/files/addressing_protracted_displacement_a_think_piece_dec_2015.pdf>

Papadopoulou, A. (2015) *Regional protection programmes: an effective policy tool?* ECRE Discussion Paper. Online: <http://www.ecre.org>

Rein, M., & Schon, D. (1991) *Frame Reflection. Towards the Resolution of Intractable Policy Controversies*. New York: Basic Books, 1994.

Trauner, F. (2016) Asylum policy: the EU’s ‘crises’ and the looming policy regime failure. *Journal of European integration*, 38(3), 311-325.

Trauner, F., & Ripoll Servent, A. (2015) The analytical framework: EU institutions, policy change and the area of freedom, security and justice. In: F. Trauner, A. Ripoll Servent (eds.), *Policy change in the area of freedom, security and justice: how EU institutions matter*. Abingdon: Routledge, 10–31.

UNDP (2015) *Guidance Note. A Development Approach to Migration and Displacement*. Online: <http://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/guidance-note---migration-and-displacement.html>

UNHCR (2015) Executive Committee of the High Commissioner’s Programme, Standing Committee 66th meeting.

UNHCR (2016a) *Refugees/migrants emergency response – Mediterranean*. Online: <http://data.unhcr.org/mediterranean/regional.php#_ga=1.151611770.212173094.1472291665> (Accessed 27th July 2016).

UNHCR (2016b) *Global Trends. Forced Displacement in 2015*. Online: <http://www.unhcr.org/576408cd7.pdf>

Van Hear N. (2011) *Mixed Migration: Policy Challenges*. The Migration Observatory, COMPAS University of Oxford. Online: <http://www.migrationobservatory.ox.ac.uk/resources/primers/mixed-migration-policy-challenges/>

WHS (World Humanitarian Summit) (2016) *Transcending humanitarian-development divides Changing People’s Lives: From Delivering Aid to Ending Need*. Online:<https://consultations2.worldhumanitariansummit.org/bitcache/50b4cd3ad07469f44235f8a4c60353dfda17dbb0?vid=581741&disposition=inline&op=view>

1. UNHCR defines a protracted refugee situation as one in which 25,000 or more refugees from the same nationality have been in exile for five or more years in a given asylum country (UNHCR, 2016b). [↑](#footnote-ref-1)
2. While there were 1.8 million more refugees at the end 2015 compared to 2014, in the same year only 201,400 were able to return to their country of origin, and only 107,100 benefited from resettlement (UNHCR, 2016b). [↑](#footnote-ref-2)
3. Rein and Schon (1994: p. 13) define policy frames as clusters of inextricably intertwined causal and normative beliefs “on which people and institutions draw in order to give meaning, sense and normative direction to their thinking and action in policy matters”. [↑](#footnote-ref-3)
4. Comprehensive approaches to solutions aim to address not only refugee situations, but also situations involving IDPs, stateless populations and returned refugees (UNHCR, 2016). [↑](#footnote-ref-4)
5. In the long-term, the Commission’s strategy envisages the creation of a € 3.35 billion European External Investment Plan, whose objective is to combine funding from different facilities and EU financial instruments to mobilise public and private investments in Africa and the Neighbourhood. The rationale of the Plan is to boost job creation in targeted countries, thus addressing the root causes of migration (Commission, 2016d). [↑](#footnote-ref-5)