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The European Union instruments for the externalization of irregular migration management since 2016

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Abstract:

After the events of 2016, the European Union detected that its internal mechanisms to regulate migration coming from outside its borders had shortcomings. Thus, since that year, the international organization strengthened its external instruments to fight irregular migration. Thus, border control in third countries, the Agreement with Turkey and the Migration Partnership Framework became particularly important. Between these, they respond to different geo-strategies that the European Union employs abroad to externalize the management of irregular migration and prevent it from reaching its borders.

Keywords:

European Union, externalization of irregular migration, soft power, geo-strategies

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Introduction

The massive migration arrivals in 2016 to the European Union (referred in this paper with the abbreviation EU) coming from Middle East and North Africa highlighted the weaknesses of the internal mechanisms that the international organization had by then in the field of migration. The Dublin Regulation as well as the Common European Asylum System were highly affected by these events. In the light of this situation, the European Union had to find other ways to cover its internal migration policy flaws. The solution came from the strengthening of the external instruments the European Union had to fight against irregular migration¹.

Therefore, this paper will argue that since 2016 the management of migration of the European Union has based on external action instruments conceptualized in the concentric circles model of exercising power rather than internal regulations. In this sense, the main research question of the paper is which are the main instruments that the European Union uses for the management of irregular migration since 2016.

European geo-strategies for the externalization of the irregular migration management

There are different strategies that the European Union applies for carrying out its external action. There is an extended consensus² that views the European strategy as concentric circles in its external action towards migration management.

Papageorgiou³ explains that the European Union external action in this issue is based on a model of concentric circles with four dimensions. The inner and first circle would be comprised of the Schengen countries; the second circle would be filled by associate

¹ TAGALIPIETRA, Alberto. "The European Migration Crisis: A Pendulum between the Internal and External Dimensions", *Instituto Affari Internazionali (IAI)*, 2019, p. 2. Retrieved May 10, 2021 from <https://www.jstor.org/stable/pdf/resrep19673.pdf?refreqid=excelsior%3A496c1c7059a4a30ab33d9bc4a266de95>.

² PAPAGEORGIU, Vasilis. "The Externalization of European Borders", *Center for International Strategic Analysis*, Research Paper No. 23, 2018. Retrieved May 9, 2021 from https://www.researchgate.net/publication/324780431_The_Externalization_of_European_Borders and BROWNING, Christopher and JOENNEIEMI, Pertti. "Geostrategies of the European Neighbourhood Policy", *European Journal of International Relations*, 14(3), 2008, pp. 519-551. Retrieved May 9, 2021 from <https://journals.sagepub.com/doi/abs/10.1177/1354066108092311?journalCode=ejta>.

³ PAPAGEORGIU, op. cit., 2018; pp. 11-12.

states and Mediterranean Member States; the third circle by Turkey and North African countries and the fourth and last circle consisting of the Middle East region, China, and Sub-Saharan Africa. The third and fourth circle are the ones in which the European Union pays more attention. In the third circle, the actions are focused on transit checks and counterbalance facilitating networks. The fourth circle would be based on eliminating the motivations of migration.

Similarly, Christopher Browning and Pertti Joenniemi⁴ focus their attention on the European external actions by the different models of geopolitics. These include the Westphalian, Imperial, and Neomedieval European models of geopolitics. While the Westphalian consist of power held in the centre applying it up to the border and the Neomedieval is centred on a more disperse view of power, more regionalized and with various centres, the Imperial European model is comparable to the concentric circles' representation. In the Imperial model, power is positioned in the centre and is spread outwards in different degrees.

Furthermore, these two authors⁵ show that with the help of the William Walters' framework there are different geopolitical strategies developed by the European Union to manage the externalization of irregular migration to third countries. The first geostrategy is the 'networked (non)border' which is linked to the idea of a borderless world and globalization studies. In this type of strategy, spatial borders become blurry and not so important. Furthermore, the 'networked (non)border' strategy does not divide the inside and the outside of the border in 'us-them' dichotomy, but it focuses on sharing responsibility with the outside. The second geostrategy is the one of 'marches'. It is understood as having a zone that separates different entities as the border area between the inside and the outside of the EU is perceived as a buffer zone. The territory that constitutes this buffer zone is perceived as a security area that separates the inside of the border from the outside seen as chaos and disorder. The third strategy is called 'limes' which views a hierarchical order between the inside and the outside of the border of the EU establishing asymmetric relations due to the perception of unequal power. The last geostrategy is denominated 'colonial frontier' which conceives the border as dynamic and as an area of interaction and violence but also as a zone where a pacification mission

⁴ BROWNING and JOENNEIEMI, op. cit., 2008; pp. 522-526.

⁵ Idem, pp. 526-530.

can be carried out. Therefore, central to this strategy is the idea of the inside of the border willing to transform the outside with its own preferences with a gradual incorporation of the outside to the inside when those inside preferences are fulfilled. The difference between 'limes' and 'colonial frontier' is that the former does not see borders as dynamic, it does not aim to incorporate the outside to the inside.

This paper will defend that the European Union has carried out an Imperial or concentric circles model of geopolitics fuelled by the three main instruments it has applied since 2016. In addition, while the colonial frontier can be seen in the Accession Partnerships of the European Union, the paper will explain what other Walter geostrategies are useful to explain the behaviour of the European Union inside the Imperial model since 2016. The external common border of the European Union established by the Schengen Area will be taken to interpret these geostrategies being the 'inside' of the border the European member states and the 'outside' the rest.

European border control in third states

The externalization of border control is one of the key instruments that the European Union must manage irregular migration arriving to their external borders. The term is defined as 'the range of processes whereby European actors and Member States complement policies to control migration across their territorial boundaries with initiatives that realize such control extra-territorially and through other countries and organs rather than their own'⁶.

The externalization of European border control is framed in the legitimization that public opinion in Member states make of the externalizing measures due to the securitized psychology attached to western population and institutions⁷. Therefore, the externalization of European border control is based on the securitization concept that has been increasing over the years in Western states. The highest European institutions have frequently announced that one of their top priorities is to protect the external borders

⁶ MORENO-LAX, Violeta and LEMBERG-PEDERSEN, Martin. "Border-induced displacement: the ethical and legal implications of distance-creation through externalization", *Questions of International Law*, Zoom-in 56, 2019, p. 5. Retrieved May 9, 2021 from http://www.qil-qdi.org/wp-content/uploads/2019/03/02_Externalizing-migration-control_MORENO-LEMBERG_FIN-mod.pdf.

⁷ PAPAGEORGIU, op. cit., 2018; p. 5.

against irregular migration so that they can achieve internal security⁸. The European Union has two different ways on exercising border control in third states: the celebration of forums of mutual exchange (Summits or conferences), and the further expansion of its borders to third countries pushing away the threat of irregular migration.

In order to promote border control in third countries, the European Union —with the use of its soft power influence— manages to share its knowledge by working in the field. Inken Bartels⁹ argues that this dissemination and production of knowledge that the international organization provides to third countries is commonly perceived as objective and apolitical. However, far from this view, she explains that the forums that the European Union creates for mutual exchange with the third parties ‘enable them to mainstream their particular knowledge about how to manage migration’¹⁰. She states that the European organization uses its ‘symbolic power’ for externalizing the migration policies by this dissemination of knowledge. Similarly, Aysen Üstübcı¹¹ argues that the EU tries to force its neighbours to fight against irregular migratory flows by its side. Therefore, the different European discourses displayed in the different mutual exchange forums are shaping the direction of the third countries’ policies adapting them to similar views to fight together against irregular migration.

Contrary to this point of view that positions a hierarchical relationship between the European Union and its neighbours, Sandra Lavenex¹² defends a different perspective which is the one of horizontal governance. This governance perspective perceives the EU neighbourhood relations as a gradual process of ‘formal and informal horizontal

⁸ ÜSTÜBİCİ, Aysen and İÇDUYGU, Ahmet. “Border closures and the externalization of immigration controls in the Mediterranean: a comparative analysis of Morocco and Turkey”, *New Perspectives on Turkey*, No. 00, 2018, p. 6. Retrieved May 9, 2021 from https://www.researchgate.net/publication/329159896_Border_closures_and_the_externalization_of_immigration_controls_in_the_Mediterranean_A_comparative_analysis_of_Morocco_and_Turkey.

⁹ BARTELS, Inken. “Practices and Power of Knowledge Dissemination. International Organizations in the Externalization of Migration Management in Morocco and Tunisia”, *Movements Journal*, vol. 4, Issue 1/2018, 2018, p. 48. Retrieved May 9, 2021 from <https://movements-journal.org/issues/06.wissen/03.bartels--practices-and-power-of-knowledge-dissemination-international-organizations-in-the-externalization-of-migration-management-in-morocco-and-tunisia.pdf>.

¹⁰ Idem.

¹¹ ÜSTÜBİCİ, op. cit., 2018; p. 7.

¹² LAVENEX, Sandra. “A governance perspective on the European neighbourhood policy: integration beyond conditionality?”, *Journal of European Public Policy*, 15:6, September 2008, pp. 938-955. Retrieved May 9, 2021 from https://www.researchgate.net/publication/248990500_A_Governance_Perspective_on_the_European_Neighbourhood_Policy_Integration_beyond_Conditionality.

institutionalization'¹³. Furthermore, what this author explains is that from this perspective the European Union's influence is not hierarchical and it does not have a leading motivation of the third countries but rather is an attempt to create with them a common regulatory structure with the particularity of including them in the process.

However, joining both opinions, Lavenex and Bartels, although they have different ways of perceiving the motivations of the European Union in external border control, they are not necessary excluding but complementary. It could be true that the EU has extended on many occasions its influence by a non-hierarchical way, nonetheless, that does not mean that the effect of introducing its European and western perspective in migration policies in third countries has been avoided. Therefore, it can be affirmed that the EU has played its soft power intelligently.

Be as it may, considering the concentric circles model of exercising power, the European management of border control in third countries is conducted by the combination of the limes strategy as it wants to consolidate its 'empire' inside the Schengen Area and the push of the threat, which is migration, to further borders having a buffer zone in between as a source of security, that is march strategy.

Moreover, in the context of externalization of irregular migration management and in the line of creating a 'symbolic' border in third states, it should be mentioned other instruments that the European Union has been developing.

Turkey-EU Deal

Before the irregular migration crisis of 2016, the EU had already several instruments which it could address migration externally. It could be mentioned the Global Approach to Migration (GAM) of 2005 or the Global Approach to Migration and Mobility (GAMM) of 2011. The latter was based on various policy areas such as development cooperation, migration and asylum or aid and neighbourhood policy. However, the fact of touching several areas led to fragmentation and thus, to its inefficiency. In 2015, the Agenda on Migration was launched centred in a security approach. It stated the necessity to focus on the causes of migration, reinforcement of borders and readmission agreements. In the

¹³ Idem, p. 939.

same year, in the Valletta Summit, the EU admitted its failure in the migration area in front of the head of states and governments of several African countries and made it clear that the EU needed to adopt new measures to cope with the crisis.

In this line, one of the first direct steps in the externalization of irregular migration were the new statement signed with Turkey¹⁴. Although the EU had previous agreements with Turkey and their relation goes back a long way, the most recent one is the turning point in the EU's management of irregular migration as they decided to operate abroad directly. On 20 March 2016, the Deal entered into force with the objective of creating 'a system able to stop migration flow before they reached the EU'¹⁵ by Greece. As Üstübcü¹⁶ affirms, the Deal is understood as the 'continuation of the externalization of EU migration and border policies'.

As said, the Deal aimed to limit the number of irregular migration as well as asylum seekers that entered European soil. The Statement included, as Kyilah Terry¹⁷ explains:

'Irregular migrants attempting to enter Greece would be returned to Turkey, and Ankara would take steps to prevent new migratory routes from opening. In exchange, the European Union agreed to resettle Syrian refugees from Turkey on a one-to-one basis, reduce visa restrictions for Turkish citizens, pay 6 billion euros in aid to Turkey for Syrian migrant communities, update the customs union, and re-energize stalled talks regarding Turkey's accession to the European Union'.

As it is, with the Deal what was intended was to reduce the pressure that posed the will of irregular migration to reach the European Union. Coming back to the European models of exercising power, the Turkey-EU Deal is, again, framed in the Imperial model. With this Deal, the European Union makes it clear that sees the outside as a source of instability and insecurity from which it must be protected securing its own external borders. Furthermore, the Deal between these two actors is intended, from the European Union's perspective, as a march geostrategy establishing Turkey as the buffer zone where the outside is also perceived as chaos and immersed in instability, as it somehow was due to

¹⁴ TAGALIPIETRA, op. cit., 2019; p. 7.

¹⁵ Idem.

¹⁶ ÜSTÜBÜCÜ, op. cit., 2018; p. 20.

¹⁷ TERRY, Kyilah. "The EU-Turkey Deal, Five Years On: A Frayed and Controversial but Enduring Blueprint", *Migration Policy Institute*, 2021. Retrieved May 10, 2021 from <https://www.migrationpolicy.org/article/eu-turkey-deal-five-years-on>.

the consequences of the Arab Springs or the Syrian Civil War.

Migration Partnership Framework

If the Turkey-EU Deal was an Eastern oriented policy, the Migration Partnership Framework (MPF) has a more Southern perspective focusing its priorities on the African continent. As the European Commission explained in 2016, this instrument is included in the development and neighbourhood policy tools of the EU and ‘should reinforce local capacity building, including for border control, asylum, counter smuggling and reintegration efforts’¹⁸. In addition, the Commission also highlighted that the European Union member states and the third countries should work together to order irregular migratory flows.

The MPF has two aims. On the short term, saving lives in the Mediterranean was key as well as increase the returns of irregular migration to their countries of origin and transit. On the long term, the objective was to address the causes of irregular migration as well as improving the opportunities on countries of origin. Special attention was made to five countries due to their importance as countries of origin and transit: Mali, Niger, Nigeria, Ethiopia, and Senegal. The European Union helps to reduce the flows by supporting these countries in three main areas: strengthening borders, expanding the proportion of unauthorised migrants who are returned and addressing the main causes of migration¹⁹.

By doing so, the European Union is attaching the collaboration and cooperation of these countries to conditionalities such as funds and investments. Therefore, one of the problems of the MPF is that while it considers the perspective of the European Union and its member states, it doesn’t pay too much attention to the interests of third countries. Therefore, not all the countries involved in this Framework are keen to satisfy the conditions of the European Union and work along with it²⁰.

In the light of this, as it has already mentioned, the EU tries to expand its vision and its values to third countries with conditionality tools with the aim of securitizing its own

¹⁸ “Communication from the Commission on establishing a new Partnership Framework with third countries under the European Agenda on Migration”, *European Commission*, 2016. Retrieved May 10, 2021 from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016DC0385>.

¹⁹ TAGALIAPIETRA, op. cit., 2019; p. 12.

²⁰ Idem.

borders externalizing irregular migration management far from its territory. Furthermore, the MPF is also part of the concentric circles model of use of power. However, if the Turkey-EU Deal had a march geostrategy in which Turkey was seen as a buffer zone, the MPF is driven by a limes' geostrategic motivation. The MPF has, from the European point of view, nuances of superiority towards third states seen in the conditionality dynamics. Moreover, the MPF is a direct attempt to contain and deter irregular migration securitizing its own borders in with the aim of preserving its achieved security, just as the limes geostrategy pursues.

Conclusion

Although there are other instruments that could have been discussed in the frame of the externalization of irregular migration management such as the European Neighbourhood Policy or the readmission agreements, this paper studies the instruments that appeared and became relevant after the detection of the flaws of the European internal migratory policy in 2016. The main thesis was that, since that year, the European Union turned its attention to cope with irregular migration outside its borders pursuing the securitization of its own. In the light of the arguments explained in the paper, this thesis is fulfilled in practise.

Answering to the main research question —which instruments does the European Union apply for the externalization of the irregular migration management since 2016?— is of particular importance the management of border control in third countries, the EU-Turkey Deal, and the Migration Partnership Framework. From a critical point of view, these instruments have contributed to consolidate the European migration policy which is characterized by the Imperial or the concentric circles model of exercising power where the march and limes geostrategies have been equally helpful.

As a final remark, I want to stress the two faces of the externalization of irregular migration management. One of them is explained in this paper. It is focused on a critical perspective of this issue centring the attention in the self-interest motivation that the European Union towards the external action to other countries with the aim of securitizing its own territory. In this way, the European Union is exercising its role of normative power with selfish interest. However, on the other hand, the positive point of view, although less popular,

should be the fact that in the attempt of exercising its normative power to the third countries it could achieve the defence of human rights, fight against corruption or against authoritarian political systems in those territories.

Be as it may, the European Union as an international actor in the global system is, from a realist point of view, working for achieving better conditions inside its borders while securitizing them to survive.

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