Making Migration Policy to Save Europe

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Abstract

This thesis is an ethnography of EU migration and asylum policy. It explores questions relating to how policy makers conceptualise their roles in shaping migration and in shaping the EU. I have combined fieldwork in Brussels and a Weberian understanding of ethics to argue that policy workers understand their work as operating with an ethic of responsibility to save Europe.

An ethic of responsibility is a form of consequentialist ethics that involves basing decisions on foreseeable results, and each chapter of this thesis demonstrates that policy workers evaluate migration and asylum policy in terms of the foreseeable results *for Europe,* that is they view migration through an EU lens. Making migration and asylum policy to avoid harming the EU means, for policy workers, avoiding policies that could undermine solidarity between member states or deepen tensions between the institutions, and choosing policies that can demonstrate to the public that the "numbers are under control" in order to avoid fuelling the rise of far right, nationalist and Eurosceptic political parties that challenge "European values". Saving the EU is seen as an ethical endeavour because the alternatives risk posing a threat to the achievements of the EU including the border free Schengen area, and the EU is considered to be a union of values. This thesis argues that by furnishing ethnographic depth to the area of migration policy formation we can better understand the persistence of the policy direction characterised by attachment to border control, and the motivations of policy makers.

Glossary of Abbreviations

AFSJ	Area of Freedom, Security and Justice
ALDE	Alliance of Liberals and Democrats for Europe
CEAS	Common European Asylum System
CEE	Central and Eastern European
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
EASO	European Asylum Support Office
ECJ	European Court of Justice
ECOWAS	Commission of the Economic Community of West African States
EEAS	European External Action Service
EEC	European Economic Community
ECHR / ECtHR	European Court of Human Rights
EMN	European Migration Network
EP	European Parliament
EPP	European People's Party
ETIAS	European Travel Information and Authorisation System
EU	European Union
Eurodac	European Automated Fingerprint Recognition System
EUTF	EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States
GAM	Global Approach to Migration
GAMM	Global Approach to Migration and Mobility
GUE/ NGL	The Left in the European Parliament
IGC	Intergovernmental Conference
IGO	Intergovernmental Organisation
IOM	The International Organization for Migration
JHA	Justice and Home Affairs
LIBE committee	European Parliament's Committee on Civil Liberties, Justice and Home Affairs
MEP	Member of the European Parliament
MFF	Multiannual Financial Framework
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organisation
QMV	Qualified Majority Voting
Perm Rep	Permanent Representation to the European Union
SAR	Search and Rescue
TPD	Temporary Protection Directive
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UNHCR	United Nations High Commissioner for Refugees
WIIS	Women in International Security

Table of Contents

Chapter Three
Literature Review and Theoretical Statement

Introduction

1. Research question and framework

In 2010, in the office of a migrant rights association in Morocco, I was translating testimonies of migrants who had crossed the Sahara desert, passed the remains of those who had fatally attempted the journey they were on, and after making their way to the north of Morocco attempted to cross the 15 km stretch of sea to Spain. They were apprehended and later the Moroccan police expelled them into the desert between Morocco and Algeria. These migrants had returned to Morocco to continue their pursuit of a better life than what they had left behind. Their determination to keep going was matched by that of those on the other side of the strait of water to prevent these people from entering the EU. Where the motivation on the part of migrants seemed clear, what was less clear to me was what motivates those who make policies to prevent them from living and working in Europe. Policy makers' motivations to put huge resources (economic and political) into migration control cooperation with Morocco, (and several other countries in the Global South) were of interest to me. I wondered about the Brussels environment where these policies are created, did they know these testimonies I was translating, and how do they think about these migrants? Do they think these people are a threat, and if so, a threat to what?

I was curious about the context in which EU migration policy is made, the sets of beliefs and values that circulate where EU migration policy is produced. Some years later, I undertook fieldwork in Brussels to find out. The years I had spent in Morocco kindled the initial flames of this thesis. Subsequent readings of moral anthropology and migration and security studies developed the research questions that informed my fieldwork. My objective is to explore ethnographically questions regarding how policy workers evaluate a failure or a success, how do they see perceive and conceive of the migrants themselves? What is their

vision for international protection? This thesis seeks to document the reasoning of EU

migration policy from the perspectives of the policy makers, exploring the ways in which

migration policy is perceived, conceived and lived by those charged with policy making. I

used fieldwork in Brussels to address questions of how policy makers and influencers

imagine their role and the role of policy they create in the migration sphere, and how it

impacts on migrants and on the EU. This addresses a gap in the literature in understanding

the moral reasonings and ethical understandings that animate EU migration and asylum

policy making.

In Brussels in late 2017, I attended the launch of a research report at a Brussels based

think tank, where the Director for Migration, Mobility and Innovation, European

Commission, DG HOME, Mr Oel, speaking on a panel on the topic of 'policy challenges'

began his remarks thus:

> First general remark and I think we can easily agree on that: migration towards the EU
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> is one of the biggest *political challenges*, not only for the EU, but for the member states
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> and also for the regional and local level, and *populist movements* in several member
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> states and election results have shown that dramatically in the past two years. The
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> second general remark is that the discussion on migration does not only concern asylum
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> and refugee policy and even migration policy; it goes far beyond that. It concerns *the*
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> *stability of the Schengen area* as such. Let me say that 30 years ago the *subsidiarity*
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> question has been answered because in a space like Schengen where you don't have
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> internal borders anymore it doesn't make sense to have any cross border effective law
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> on the purely national level. Since migration and asylum are cross border, migration
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> and asylum law has to be issued on the European level, and that has been demonstrated
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> in 2015, *the Schengen area as such is at stake*.

And the second point of why it is more than refugee and asylum policy it concerns the entire debate of *solidarity and responsibility* … in the European Council and in this context the overall question where do we move in the area of Justice and Home Affairs, do we go further to *political integration* or will we end up somewhere else.

The third general remark is that over the last three years we probably have made more progress developing the Justice Home Affair areas than in the 20 years before.

Mr Oel's remarks offer some responses to the original question I had in Morocco, what is it that motivates actions to prevent migrants coming to live and work in Europe, what is the context in which these policies are made. The migrant is conspicuously absent from Mr Oel's remarks, rather than painted as a threat, but what *is* a threat is the potential reactions and repercussions for the EU. The migrants themselves and what they would or would not bring to Europe did not feature in his list of challenges. This is about Europe. Mr Oel summarised a version of what his colleagues in the institutions would reiterate over the following year of my fieldwork: policy makers are concerned that migration is a significant challenge because of the consequences on the following issues: the threat of populist parties who are Eurosceptic that would threaten the EU project and all that it stands for in the eyes of its policy officials. Secondly, the Schengen area and its monumental importance not just for economic and pragmatic reasons, but also as the symbol of a border free Europe. Thirdly, solidarity is seen as the bedrock of the EU project and the post-2015 migration policy negotiations exposed tensions between member states that future policy making in the field of migration strives to avoid. Finally, how the policy making process has been impacted by the migration policy crisis and whether it contributes to developing an "ever closer union" or less European political integration. This thesis aims to present the understandings that make EU migration and asylum policy make sense, and the above summary encapsulates two key elements. Firstly, we can only understand EU migration and asylum policy making when we

view it through an EU lens, that is with the interests and challenges of the EU in sight, including the internal issues Mr Oel outlined such as solidarity and policy making. Secondly, EU migration and asylum policy is made to "save the EU", to save it from "populist" Eurosceptic parties, save the Schengen area, and save EU values. This thesis argues that to understand EU migration and asylum policy it is necessary to comprehend that it is about the EU, first and foremost, more than it is about migrants or migration. I argue that the underlying driver of the EU migration policy regime is an effort to 'save the EU', and that this makes it an ethical endeavour in the eyes of policy workers.

My thesis is an ethnography of Brussels based EU migration and asylum policy makers. This is a terrain adjacent to that of Gregory Feldman's compelling ethnographic account of *The Migration Apparatus*. Feldman's main interest lies in exploring how "the myriad processes involved in these officials' daily work converge so as to form a decentralized apparatus of migration management" (Feldman 2012: 5). This leaves unexamined the moral reasonings and ethical understandings of migration and the role of the EU that render certain policy decisions 'sensible' to those involved and are, I argue, key to understanding the EU migration and asylum policy regime. On the question of how the EU migration and asylum policy regime persists, not seriously altered or perturbed by the thousands of deaths in European waters, Feldman looks to the mechanisms of the 'apparatus' that keep policy workers plugged into the "whirlwind of disparate policy processes". In Brussels, I found policy workers driven by more than a type of policy making treadmill of 'situated practices' of policy making breeding "bureaucratic indifference". Policy officials were driven by reflexive moral understandings of how their work on migration policy was part of the EU project, a project so 'good' it must be protected and preserved, even saved from threats to its achievements. I argue that a picture of EU migration policy making is incomplete without an examination of the moral reasonings of policy officials. Discussion of

policy makers' understandings of their work benefits from the insights offered by moral anthropology.

Didier Fassin describes the object of moral anthropology as "the moral making of the world" (2012: 4). Moral anthropology has a large scope, and of relevance here is its concern with "the moral categories via which we apprehend the world" as well as "the moral signification of action and the moral labor of agents…moral issues and moral debates at an individual or collective level" (ibid). Anthropological studies interested in moral reasoning do not define morality, but instead aim to understand agents' actions which *they* consider to be "moral or good" (Fassin 2012: 6). Anthropological studies of morals and migration policy in Europe have analysed the values and norms that drive migration policy as "compassion and repression" (Fassin 2005: 375), and examined the moral imperatives that simultaneously produce compassion for "morally legitimate suffering" migrants, and condemnation for all others (Ticktin 2011: 18). What I found in my search for the moral driver of EU migration and asylum policy was a morality that did not concentrate on migrants, nor even on the impacts on Europe of migration itself as a socio-economic phenomenon, but on Europe and the EU project.

This thesis discusses how policy officials articulate the ethics of saving the EU. For EU policy workers, the mission to save the EU is an ethical one because the EU is a force for good. They point to EU values, progressive laws, and the humanitarian contribution of the EU at a global level, all of which sustains their understanding of the EU as a project worth saving. Decades of peace within Europe is seen as the greatest achievement of the EU. Europe's 'dark past' of bloody wars and hyper nationalism is often invoked not only as further proof of the moral goodness of the EU, but also as a reminder of the fate that could befall Europe were we to neglect the EU. Policy workers articulate their work as acting responsibly and ethically, which can be understood as operating with an 'ethic of

responsibility' in Weber's terms. They conceive of their work on EU migration and asylum policy as an endeavour to 'save Europe' by making decisions that take into account the potential negative consequences, that incorporate the challenging policy making environment and the threats (as outlined above by Mr Oel), and thus make decisions that are responsible and will 'save' Europe. In the face of challenges, policy makers are animated by an ethical mission to preserve, even save the EU. Between 2016 and 2019, over 10,000 people died in the Mediterranean Sea while attempting to move to Europe.[1] Others have died on EU territory from the conditions they have been kept in, in refugee camps where they slept in tents in the snow. If migration policy makers have a choice between making policy to save refugees and migrants from death and suffering, or policy to save the EU, they choose to save the EU. This manifests in myriad forms for instance prioritising 'reducing the numbers' of migrants and asylum seekers entering Europe was presented by interviewees as a way to demonstrate to EU citizens that the political authorities are 'in control' and foster a stable environment for elections. Prioritising saving the EU was also evident when research participants stated that they avoided policies that would revive tensions between member states or draw further attention to the lack of solidarity, and instead focused on policies upon which all the actors can agree, such as increasing the number of border guards.

I argue that migration policy makers' understanding of their work is imbued with moral meaning, and the moral motivation is to save a union of values and peace. The fact that their moral reasoning is so firmly based on the EU as an ethical project prompted me to ask whether this had been impacted by the torturous suffering, and deaths of migrants and refugees at EU borders. In their understanding, the EU persists as a union of values because it is not responsible for these tragic moral stains. The EU is not responsible for Libyan coast

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[1] The number of deaths is contested. This is the estimate provided by the UNHCR
https://data2.unhcr.org/en/situations/mediterranean

guards and militias who mistreat migrants and refugees; it is the smugglers who essentially commit manslaughter, the Greeks who misuse EU funds for refugee camps, and NGOs who naively make the situation worse. In their view, not only is the EU not *directly* responsible for the crimes of these other actors, neither does it bear *indirect* responsibility because the EU cannot be held responsible both for those within its territory *and* those outside of its territory who happen to want to come to Europe. Once we understand that policy makers' moral reasoning is grounded in saving the EU, we can begin to comprehend the set of beliefs and understandings according to which EU migration and asylum policy 'makes sense'.

2. Saving Europe in context: EU Migration and Asylum Policy since 2015

"Lack of hygiene and sanitation, insufficient clean drinking water, streams of raw sewage and infestations of mice and rats are common in all camps" (Amnesty International 2018: 12). The refugee camps described in the above quoted Amnesty International report are located within the European Union, on the Greek islands of Lesvos and Samos. Until recently Europeans saw images of UNHCR (United Nations High Commissioner for Refugees) tents housing under-nourished and deprived refugees in the news, but now Europe has become a place where refugees suffer such conditions as Moria camp with a designated capacity for 2,000 housed 12,000 people in unsafe and unsanitary conditions (before it was burned down in September 2020). How this situation came to be is explained in part in the following two chapters with an outline of the history and evolution of the institutions, and the migration and asylum acquis[2]. But the post 2015 moment deserves attention as it gives necessary context to this study.

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[2] Migration and asylum acquis refers to all rights and obligations that are binding on EU member states with regard to asylum and migration, including those laid out in the Treaties, declarations and resolutions adopted by the European Union and instruments under Justice and Home Affairs.

In 2015 the number of people fleeing to Europe increased significantly. According to the UNHCR, over one million refugees and migrants reached Europe by sea in 2015, with almost 4,000 feared drowned, most fleeing conflict and persecution. 84 % of those arriving in Europe came from the world's top 10 refugee producing countries: Syria, Afghanistan, Somalia, South Sudan, Sudan, Democratic Republic of Congo, Central African Republic, Myanmar, Eritrea, Colombia (UNHCR, 2015). In 2015, Lebanon and Jordan, already hosting a large proportion of refugees from neighbouring countries such as Palestine, once again were called upon to provide shelter and safety to people fleeing war. Conditions were dire and many were forced to move on to find somewhere they could once again forge a feasible life, naturally looking to Europe.

In 2019, the European Parliament put forward a separate legislative act on Humanitarian Visas[3] but at present no such system exists EU wide. This means that an asylum seeker cannot apply for a humanitarian visa to get permission to enter the EU to apply for asylum. Article 26 of the Schengen Agreement obliges the signatory states to require carriers (such as airlines and ferry companies) to ensure that passengers have the required documents (including visas) before travelling to a Schengen state, and to impose fines for carriers who fail to do so. Not possessing the necessary visas, many refugees and migrants turned to smugglers to help them to flee and undertook perilous journeys to try to reach Europe. Smugglers tried to avoid being detected by border guards and so began using smaller and less safe boats, and the EU decided not to (co)fund an extension of Mare Nostrum, effectively creating a vacuum in Search and Rescue (SAR) capability (Heller and Pezzani, 2016). The result was that these journeys became even riskier and thousands of people drowned trying to reach Europe.

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[3] A humanitarian visa allows a third country national to approach the potential host state outside of its territory to apply for an entry permit to claim asylum or other international protection.

As the humanitarian crisis worsened and the populations of Europe saw image after image of desperate refugees at the borders, Angela Merkel (then Chancellor of Germany) swung into action. Merkel said that asylum seekers who arrive in Germany would not be asked through which EU member states they had passed in order to be returned to the first state of entry for their claims to be processed, but could stay and lodge an asylum claim in Germany. While it now seems that she never intended for this to be a general announcement that all and any refugees would be welcome to Germany, she effectively suspended the Dublin Regulation, the very basis of the Common European Asylum System (CEAS) (Betts and Collier, 2017). This move was interpreted in certain quarters as a unilateral single minded response which, coupled with lingering resentment of her handling of the eurocrisis (Dinan et al, 2017), left Germany slightly isolated in their handling of the migration policy crisis. Merkel called on the Commission to distribute asylum seekers across member states, and the result was the mandatory relocation plan of 2015, detailed below (Betts and Collier, 2017).

It was the view of some policy workers in Brussels that Merkel's suspension of the Dublin regulation created problems for the member states through which migrants and refugees would transit to reach Germany. An official from one such member state pointed to the sudden surge in demand for places on buses and trains as an issue that they had not been given time to prepare for. For a variety of reasons, some Schengen states refused to allow migrants and refugees transit through their territory on their voyage to Germany

> During a protest at Budapest's Keleti train station, we encountered a group of Syrians and Afghans chanting slogans at police officers who were blocking the entrance to the station and preventing them from boarding trains to the west. Up to that point, the migrants' mobility had depended on negotiating or evading many forms of violence, most of them state sponsored ... Now, in a Schengen Area member state and with their

destination in sight, the migrants were not going to give up. 'Let us go! Let us go! Let

us go! Freedom! Germany!' the migrants shouted in English, holding up the

international train tickets they had bought (Kallius et al 2016: 25).

Kallius et al describe migrants and refugees' reactions to the Hungarian state's efforts to

prevent them from crossing its border with Austria, their collaborations with local migrant

solidarity activists and eventual victory in September 2015 when the Hungarian state opened

the border, and Austrian locals drove to Budapest to transport those who had been unable to

board buses or trains (Kallius et al, 2016). Hungary's decision not to allow migrants and

refugees to proceed onto another EU member state was acting in accordance with the Dublin

Regulation that states that one must seek asylum in the first member state one enters. In 2015,

Hungary reinstated border controls at its frontier with fellow Schengen-member Slovenia.

This is one illustration of the mixed reactions from EU member states. Member states'

responses to arrivals of more people on their territories were to impact deeply on the very

fabric of the EU and formed the context for this thesis.

In the summer of 2015 a number of member states closed their borders and there were

real fears that the Schengen system was at risk of collapse. Schengen, or more specifically its

facilitation of the free movement of people and goods, is seen as one of the greatest

achievements of the EU (European Commission 2018: 6) and any threat to this represents an

existential threat to the EU thus suggesting that the migration crisis is a greater challenge to

the EU than even the Eurozone crisis (Dinan et al, 2017).

The assessment of many migration experts including at IOM (The International

Organization for Migration) was that the 'crisis' was not due to the large numbers of arrivals,

nor even an inability to cope, but was because of difference of views among member states

on what solidarity means (IOM representative speaking at the European Migration Network

conference in Brussels 15 May 2018).

In May 2015, the Commission adopted the European Agenda on Migration. This policy document sets out both longer term pillars of EU migration policy and immediate actions. The immediate actions concentrated on operations at sea to both conduct search and rescue operations and 'target criminal smuggling networks'; relocation of asylum seekers from Greece, Italy and Hungary and resettlement of refugees from regional host countries; support to frontline member states; and working with third countries to 'to tackle migration upstream'.

The first of the immediate actions 'Saving Lives at Sea' began with the statement that "Europe cannot stand by whilst lives are being lost" and proposed tripling the budget for the Frontex (the European Agency for the Management of Operational Cooperation at the External Borders) joint-operations Triton and Poseidon (Commission 2015: 3). The aim was to restore the level of intervention that the former Italian 'Mare Nostrum' search and rescue operation had provided. Unlike Mare Nostrum, these interventions did not have search and rescue as their primary goal. Operation Triton[4], which operated in the Central Mediterranean also collected intelligence about smugglers in Libya and assisted the Italian authorities and Europol in their investigations and efforts to "dismantle the smuggling networks". Operation Poseidon had been covering the eastern Mediterranean, controlling the sea borders between Greece and Turkey since 2006 and was reinforced in 2015 with an increased budget.

The second heading 'Targeting criminal smuggling networks' has at its first sentence "The criminal networks which *exploit vulnerable migrants* must be targeted" (ibid [my emphasis]). EUNAVFOR MED, named Operation Sophia, was launched on 22 June 2015. The mission's

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[4] In 2018, Operation Themis replaced Operation Triton with one main change, no longer having automatic authorisation to disembark saved refugees and other migrants in Italy.

core mandate is to undertake systematic efforts to identify, capture and dispose of

vessels and enabling assets used or suspected of being used by migrant smugglers or

traffickers, in order to contribute to wider EU efforts to disrupt the business model of

human smuggling and trafficking networks in the Southern Central Mediterranean and

prevent the further loss of life at sea (EEAS, 2017).

Supporting tasks of Operation Sophia include training the Libyan Coastguard and Navy.

Operation Sophia has rescued over 45,000 people from the Mediterranean, but search and

rescue is not part of its mandate (Operation Sophia, 2018).

The Agenda also introduced the hotspot approach. Hotspots are reception facilities set

up in member states "in the frontline of migrant arrivals" where the European Asylum

Support Office, Frontex and Europol "work on the ground with frontline member states"

(European Commission 2015: 6). At hotspots migrants are divided into the categories of

those who will have claims for international protection and those who will be returned. The

agencies work together to identify, register and fingerprint people who arrive, process asylum

claims and coordinate returns. By May 2016 four hotspots in Italy (Lampedusa, Pozzallo,

Taranto, Trapani) and five hotspots in Greek islands (Lesvos, Chios, Samos, Leros, Kos) had

been created. Hotspots on the Greek islands became notorious for the dire humanitarian

situation, for being dangerous and for giving limited access to food, water, sanitation and

healthcare (International Rescue Committee, 2020).

In December 2015, the European Commission proposed the establishment of a

European Border and Coast Guard (EBCG) to address the perceived difficulties of Frontex,

namely a shortage of resources and cooperation from Member States. In October 2016, at

Bulgaria's border with Turkey, the new agency was officially launched, and changes

included a significant increase in the number of permanent staff and the agency purchasing

its own equipment and deploying them in border operations.

The most contentious of the Agenda's six actions was the relocation scheme against which Hungary and Slovakia unsuccessfully brought court actions to the ECJ (the European Court of Justice). The relocation scheme was a recognition that those member states who were receiving the highest numbers of asylums seekers could not be expected to host all, or even the vast majority, of the refugees and migrants arriving to the EU. The Council took two decisions to operationalise an emergency relocation mechanism Council Decision No. 2015/1523 of 14 September 2015 and Council Decision No. 2015/1601 of 22 September 2015 to relocate asylum seekers from Greece, Italy and Hungary to other member states. The number of asylum seekers allocated to each member state was calculated using a formula that took into account the country's population, total GDP, average number of asylum applications over the previous four years, and unemployment rate, and the quotas were mandatory rather than voluntary. Receiving member states were granted €6,000 for each person received and Italy, Greece, and Hungary €500 for each person relocated to cover transport costs. Only asylum seekers hailing from a country with a 75% recognition rate in the asylum processes across the EU qualified for relocation. This was to create a number of problems since some refugee producing countries, for example Afghanistan, did not meet these criteria. Whether the relocation programme had harmed or helped the situation was a question that arose in interviews as is discussed in more detail in the fifth chapter, but most interviewees concluded that the programme had worked well, with contrary views most likely to come from Council staff or EPP (European People's Party) MEPs.

I conducted fieldwork in Brussels between December 2017 and March 2019, a period when negotiations on migration and asylum policy were ongoing. Laurent MUSCHEL, Director for Migration and Protection, Schengen Area, DG HOME wrote in July 2017 that "this inability to agree on the EU asylum law reform is currently the topic of fierce debate" (2017: 5). One of my first interviewees in December mentioned the European Council

summit of 14-15 December as a particularly contentious debate on the issue of mandatory relocation quotas. Another interviewee around this time referred to this period as "calm after a storm" and said that it was disappointing that in this "calm" period (of few migrant and refugee arrivals) negotiations were still so slow and contentious. There was also an awareness of the fact that the European Parliament mandate would come to an end in May 2019, which created some added time pressure.

3. Methodology and Methods

3.1 Methodology and Approach

The questions driving this study relate to why EU migration and asylum policy is as it is, my interest lies in the setting that produces these policies, the set of understandings, knowledges and values that circulate as common sense to produce this EU migration policy. What is it that policy makers imagine they are doing when creating migration policy, for migrants and for Europe? The question of how to study policy and policy makers has spurred interesting and dynamic responses from anthropology.

My methodology is influenced by Laura Nader's challenge to anthropologists to 'study up', to study those "…who shape attitudes and actually control institutional structures" (1972: 286). Nader drew attention to the potential importance, not just for the discipline but beyond that, for a democratic society to have information available about the institutions that make decisions that govern our lives when she asked,

> What if in reinventing anthropology, anthropologists were to study the colonizers rather than the colonized, the culture of power rather than the culture of poverty? ... Studying 'up' as well as 'down' would lead us to ask many 'common sense' questions in reverse. Instead of asking why some people are poor, we would ask why other people are so affluent? (1972: 289)

In this case, instead of asking why migrants try to come to Europe, I ask why does the EU invest so much in preventing them from coming to Europe. Nader highlights the importance of studying governing institutions for the functioning of a democracy. This point has been made in relation to European studies from disciplines other than anthropology. Ripoll Servent and Busby (2013) survey quantitative and qualitative studies of the EU institutions and make a case for the need for more qualitative studies of the EU saying that since the euro crisis has "further underlined citizens' lack of knowledge of and declining trust in EU institutions" it has become all the more "vital to embrace alternative approaches based on qualitative methods to better understand what goes on inside the institutions" (Ripoll Servent and Busby 2013: 3). They argue that an advantage of using qualitative methods is the opportunity offered to "explore actors' (emic) perspective on what they are doing" (2013: 11). My fieldwork offers a contribution to addressing this gap they identified.

What it means to 'study up' has been interpreted in various ways by anthropologists. Wright and Reinhold (2011) interpret Nader's call to study up as a move to invert the traditional anthropological bias of 'studying down' and while they recognise the innovative contribution, they criticise this approach on the grounds that it continues to work with an assumption that policies are made "on high" and implemented further "down". Wright and Reinhold go into detail about what it means to 'study through' as a method that "follows a discussion or a conflict as it ranges back and forth and back again between protagonists, and up and down and up again between a range of local and national sites" (2011: 101). González and Stryker contend that such critiques misinterpreted Nader's original meaning of studying up as it does not mean simply to study an elite, nor even to study powerful institutions but "in its original conception, actually meant studying up, down, and sideways" by locating and analysing "the connections between powerful institutions (particularly bureaucracies and corporations) and relatively powerless individuals" (2014: 13). This thesis does not employ a

methodology of "studying through" as I have decided to study policy makers and influencers, rather than follow how a policy is made and lived out "on the ground". This methodological decision allows the thesis to contribute to the literature that addresses a gap in studies of the EU institutions and of EU migration policy from the perspectives of policy makers, and in this way responds to the need for "scientific adequacy" and "democratic relevance" identified by Nader (González and Stryker 2014: 9).

Although the fieldwork for this thesis has not "followed" a particular policy to different geographic locales, the research has been informed by my experiences in Morocco and in Greece. I visited Greece five times during the years of this thesis and I volunteered there with migrant solidarity projects. I remained plugged into those networks when I left Greece and would often return from a day of interviews or participant observation to messages from friends in Athens detailing their experiences at the asylum office, efforts to find homes or jobs, or connect with family who had made it to other European countries. This network informed me of the perspectives of those living the policy, the importance of which is underlined by Davide Peró's study of migration policy which highlights the actions of "the governed" to transform, resist, neutralise and improve policy "from below" (2011: 244). Peró contends that studies of migrants' engagement contribute to a move away from viewing migrants as "objects" or "targets" and "complement the anthropological studies of policy makers" (2011: 245).By maintaining contact with and acting with those impacted by the policies I have studied, this research has been informed by an understanding of the agency and activities of migrants, as well as knowledge of how policies being discussed in the locale of my fieldwork are being experienced in a rather different location. This has contributed to maintaining what Shore and Wright identify as "oscillation between insider and outsider perspectives, which makes critical reflexivity possible" and allows for "critical distance to be able to keep asking fundamental questions about how they conceptualise their worlds" (2011: 15).

EU migration policy is influenced by the events and inputs from several geographic locales far beyond Brussels. Anthropology has responded to the challenges of studying processes associated with globalisation with ways of re-conceptualising the field. Gregory Feldman conceives of the EU migration policy making system as an "apparatus" and proposes using "nonlocal ethnography" as a methodological approach to such an empirical social construct that could be anywhere and nowhere at the same time (2012: 18). A nonlocal ethnography uses methods of interacting with research participants in several sites as well as other techniques such as document analysis. Feldman's nonlocal ethnography has been critiqued for its lack of "'thick description'" so cherished by anthropologists" (Andersson 2012: 31). Ruben Andersson asserts that in a nonlocal ethnography, "The anthropologist, instead of being-there or being there-and-there, is suddenly appearing everywhere yet nowhere" (ibid). Feldman's response to such critique of nonlocal ethnography is that the type of ethnography this produces, one that is not "thick" or "deep" enough, is a reflection of the policy process itself as "policy work itself is an exercise limited to surface appearances" (Feldman 2012: 18). Throughout my fieldwork I did not find the policy process to be "an exercise in superficiality" (2012: 19), as Feldman's ethnography had prepared me for and have used a number of in-depth interviews as well as participant observation at events in Brussels to offer a deeper view of the understandings of policy makers, their perspectives on migration, on the EU, and on their work. Having examined these studies I conclude that there is a lot to be learned from being in one locale and field site, and from inquiring into the values and understandings articulated and circulating *there*.

Shore and Wright address the question of how anthropologists studying policy choose to locate themselves in the field saying that "finding a location from which to gain a sympathetic 'insider's' understanding of the actors' policy worlds and to appreciate their beliefs, values and ritualised practices is essential for an anthropologist" (2011: 14). I chose

Brussels as that location. The reasons for this are obvious given that it is the home of the EU institutions, has a high concentration of policy workers and also a particular atmosphere where the future of Europe is debated, making it a prime site from where to study EU migration policy formation. Beyond the logistical advantages of Brussels housing the institutions, as the EU 'home' it also has a particular set of features that impact the policy making process but also the perspectives of policy makers themselves and for that reason is an interesting location for this research. Kortelainen and Koeppen (2018) describe the EU quarter, or to use the terms given by those who work there, the "EU bubble" or "Brussels bubble", as a place that is seen as an international community and those working in Brussels experience "a European sense of place" (Clark and Jones, 2013 in Kortelainen and Koeppen, 2018). For those reasons, situating my fieldwork in Brussels has allowed me to observe how this "European sense of place" contributes to a love of the EU that ultimately compels policy workers to orient their work on migration policy to 'save the EU', as discussed further in the 'values' chapter. Brussels is not however a "bubble" because it is very much connected to other locales, not least the capitals of member states who constantly feed back to my interviewees, as argued by Kortelainen and Koeppen who take issue with the bubble metaphor as, given the connections to "countless other places" in the policy making process, "it is too simplistic to treat it solely as an enclosed, fixed and uniform milieu, as the bubble image suggests" (2018: 41). I agree and have pursued this in the 'calculus' chapter by addressing the balancing of national and European interests, and the range of issues beyond the Bubble that policy makers consider when making migration policy.

3.2   Methods

Carrying out fieldwork in Brussels did bring the challenge observed by Hugh Gusterson that "participant observation is a research technique that does not travel well up the social

structure" (1997: 115 in Shore 2011: 170). My status was presented to me in visual form whenever I would look down at my all too prominent 'Visitor' badge during visits to the institutions. I did not become embedded in the "Brussels bubble" and socialise with migration policy workers. My participant observation at events in Brussels took place in a 'work' environment. The coffee breaks, lunch breaks, dinners and in some cases drinks receptions and late night parties were occasions for discussing the topics of my research with research participants, but remained restricted to a professional setting. Feldman suggests responding to the challenges involved in studying policy as an anthropologist by embracing a mix of research methods, "to marshal evidence from a wide range of empirical sources" (2012: 19). I have gathered evidence from press releases, official reports, media appearances, recordings of public speeches and twitter and Facebook posts by interviewees, the institutions and EU leaders. Between December 2017 and March 2019, I conducted forty interviews with personnel (and former personnel) of relevant organisations. The most represented among my interviewees are personnel of DG Home (seven interviewees), MEPs (seven interviewees), attachés of member state permanent representations to the EU (five interviewees) and Irish civil servants from the Department of Justice and the Department of Foreign Affairs (seven interviewees). The remaining fourteen were staff of the European Council, other areas of the European Commission, EEAS (the European External Action Service), the European Parliament, ICMPD (International Centre for Migration Policy Development), NGOs, a former chef de cabinet of a DG and a member of the European Military Committee. I interviewed two interviewees twice, the rest I interviewed once. These in-depth interviews provided a great deal of the material used in this thesis and interviewees were usually very engaged and responsive. The interviews always went over the time limit, although I was obliged to point out when we had reached the agreed upon allotted time for the interview, interviewees were usually keen to continue for much longer (some interviews only ending

when the café we were in closed or their assistant insisted for the second or third time that they wrap up or risk being late for meetings). Interviewees often put me in touch with colleagues of theirs who they thought I should meet.

David Mosse has written about studying up but without a visitor badge, resolving the issue of access to "closed organisational worlds" by the anthropologist becoming a member of the community they are studying (2006: 936). Mosse notes that in this case the problem of access is not getting in, but getting out, and it is in that context that he confronts issues raised by studying up including to what extent research participants can be "collaborators" and ethnographic representations competing with the representations of research participants. Mosse's approach to studying international development professionals followed Holmes and Marcus' (2005) strategy of a "'collaborative' mode of research among those expert subjects who are neither natives nor colleagues, but stand as counterparts" (Holmes and Marcus 2005: 248 in Mosse 2011: 53). Mosse discusses the problems that this brought, as acknowledged by Holmes and Marcus "when they refer to the 'implication for these [technocratic/managerial] regimes of the return of ethnography … back to the project's originating milieu'" (Holmes and Marcus 2005: 241 in Mosse 2011: 53). Research participants as collaborators in ethnographies of public policy raises challenges relating to whether collaboration extends to the production of the text, and how this effects the production of academic knowledge on public institutions and the ability to be free from control. Mosse suggests as a way forward a mode of interaction that allows anthropologists to "engage with professional interlocutors and public knowledge regimes beyond consensus while acknowledging the genuine underlying tensions of epistemology and purpose" (Mosse 2011: 65). Mark Maguire's (2015) research with security professionals also discusses what Holmes and Marcus' (2005) assertions regarding "collaboration" look like in practice. Maguire asserts that researching 'collaboratively' and treating expert research participants as 'counterparts'

means becoming familiar with their intellectual decisions and accepted narratives, but also pushing against the boundaries of their knowledge critically. In short, I tried, para-ethnographically, to be sufficiently familiar with their literature to speak to them about it (2015: 17).

This is the approach adopted in this thesis and as mentioned above I made sure to be up to date on the latest developments in EU migration and asylum policy news. I discussed news articles, tweets, politicians' public statements and occasionally academic literature with interviewees. To avoid a situation where interviewees would repeat to me what I could read on their website about the details of the relocation scheme or the development of the CEAS I needed to demonstrate a certain level of policy expertise and knowledge of the political developments at both EU and member state levels. This meant following policy negotiations closely but also keeping abreast of debates and developments by tracking exchanges between EU leaders, usually via twitter, as these would often be referenced by interviewees and a failure on my part to engage in an informed discussion slowed down or lowered the level of the interview.

Another aspect to consider is that many of the interviewees in such a context have studied social science and have their own views on how research should be conducted. Amy Busby reflected that "anthropology can help reveal taken for granted practices which participants don't regard worth commenting on" and related this to her experience of a MEP telling her after their interview that "he thought he had not told me anything interesting" (2013: 217). I had a similar encounter early on when an interviewee, herself an economist in the Commission, finished by saying that she had not told me anything interesting because my questions did not focus on data and that it is useless to talk about "narrative" because "for example, if Trump had the narrative that his inauguration was the most well attended ever, but photos showed otherwise then his narrative doesn't matter" so I should change my

research focus. Her answers throughout the interview had been fascinating to me and are quoted throughout the thesis, but the fact that in her view she had not said anything "interesting" illustrates the extent to which these utterances represent the "taken for granted" and a shared common sense, while they were for me offering very interesting insights.

I carried out participant observation at a variety of policy related events in Brussels, from the European Asylum Support Office (EASO) annual report launch to the NATO summit event 'NATO engages', and from the 'European Development Days' (annual two-day gathering of representatives of the international development community organised by the European Commission) to the European Defence Industry Summit. I attended events hosted in the European Parliament, the European Committee of the Regions, European Economic and Social Committee, universities, think tanks, and several hotels and other seminar venues around Brussels (See Appendix I for a list of events). The hosts of the events at which I conducted participant observation included EU agencies and institutions, political groups of the European Parliament, think tanks and professional networks. I joined three 'networking groups' and attended events hosted by these groups, whose audience comprised members and non-members. I cast the net wide in the events I attended for three reasons. Firstly, this thesis does not focus on only one specific area of migration policy but is instead interested in how EU migration policy makers imagine the phenomena of migration to the EU and how this interacts with 'saving Europe, rather than specifically asylum policy or highly qualified workers policy, for example. Secondly, there is overlap in how different categories of migrants are treated and not restricting observations to one category allows for attending to this. Finally, it is my contention that migration has been given significant weight as a 'policy issue' (and political issue) and I wanted to observe how this takes form in various domains. An illustration of the final point is that in Summer 2018 at an event in a Brussels-based think tank on the global role of the UK post-Brexit, Ambassador Paul Johnston,

Representative of the United Kingdom to Political and Security Committee, pointed out that the EU and UK share the same values in the face of the major problems facing the world and he listed these as; climate change, irregular migration, cyber-crime, war. In painting the 'big picture' of threats he placed the approaching destruction of our planet alongside people moving from one region to another. These utterances regarding migration give a glimpse into how migration is imagined amongst Brussels based policy workers.

3.3   Access and Ethics

As mentioned, studying above brings certain challenges in terms of access and participant observation was reserved to professional settings. Interviews with policy workers furnished significant insights for this thesis. I secured interviews with policy professionals by emailing them cold or after I had met them at an event or through previous interviewees. In the few cases when a contact was unavailable they directed me to a colleague of theirs who did the interview instead, so access to interviewees was facilitated by civil servants and other policy workers. In this way, I secured interviews with senior policy workers including directors within the Commission. The interviews were all in-depth and semi-structured in format. Interviews took place in cafés in the European quarter or in the office or canteen of the interviewees' workplace. Interviewees usually chose to do the interview during their work hours and only occasionally did we meet in the evening or at the weekend.

I conducted participant observation at events that were open in theory to members of the public to register for and some of these events were recorded and available to watch on the hosts' websites. I gained informed consent from all research participants, interviewees signed consent forms and I secured oral consent from research participants I spoke with at events. The ethical terms agreed with Maynooth University Ethics Committee have been adhered to in full. I have disguised the identities of interviewees by mixing up their nationality, gender and any other identifying characteristics.

4. Terminology

The terms used to refer to people who have moved from their home can be loaded with implied meaning and for this reason I have engaged with the practitioner and scholarly literature on the topic. Firstly, regarding the word "refugee", Liisa Malkki famously asserted that there is too much diversity in the category of persons called 'refugees' for that label to be meaningful for scholarly purposes (1995: 495). Malkki's contention has been refuted by a number of scholars as discussed in the literature review of this thesis and scholarly work has acknowledged the diversity of experiences of refugeehood while maintaining that the category "refugee" remains meaningful because of the legal implications and the specificity of refugee circumstances, as people who were not only forced to move but who have experienced "fundamental social disfranchisement" and are "uniquely within the protective ambit of the international community" (Hathaway 2007: 350).

A more difficult issue is distinguishing when to use the word refugee as opposed to migrant or forced migrant. Article 1 of the 1951 Refugee Convention defines a refugee as

> a person who is outside his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there, for fear of persecution.

The UNHCR assert that it is important to distinguish in our use of the terms refugees from migrants and define migrants as those who

> choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no

such impediment to return. If they choose to return home, they will continue to

receive the protection of their government (Edwards, 2015).

The UNHCR position is that failure to distinguish between the terms 'refugee' and 'migrant'

leads to problems for both populations. Protecting the category of refugee in order to protect

the legal protection offered a refugee is important, however distinguishing between

'refugees' and 'migrants' *also* can lead to problems for both populations. Reece Jones in his

book 'Violent Borders' published in 2016, points out that the 'Refugees Welcome'

movement has achieved many of its goals but a side effect has been the de-legitimising of

migrants who cannot be called refugees, who are forced to move because of other hardship,

and that this has led to implying that only Syrians are welcome, a problematic development

for others on the move. James Hathaway, writing on the debate about whether refugee studies

should be incorporated into forced migration studies cites Josh DeWind's assertion that

> breaking our thinking down by reference to sub-categories of migrants plays into the
>
> hands of governments which invented those labels to justify management responses
>
> that assign greater value to some migrants than to others, with detrimental
>
> consequences for some migrant populations, in particular persons in flight from
>
> environmental causes and poverty (Hathaway 2007: 351).

A further issue with the term 'refugee' is that its limited definition does not manage to

account for people who are forced to flee for reasons other than persecution. This is

addressed in the 'understandings of migration' chapter using the work of Betts and Collier

(2017).

In this thesis, I do not want to contribute to any increase in pejorative use of the term

'migrant' nor do I want to add fuel to the construction of "good" refugees who are fleeing vs

"bad" migrants, as highlighted above. I also do not know if groups are refugees or not, I

might not know their legal status or reasons for fleeing (whether poverty, war, or other).

Therefore, I have chosen to say refugees and migrants, or migrants (without casting judgement as to whether the group contains refugees) and occasionally 'forced migrant' for brevity. When I use the term 'migrant' I am not excluding the possibility that they are a refugee, while recognising that refugee is more than a sub-set of migrant. I also sometimes use the terms employed by my research participants, because my aim is to make their perspectives central. EU actors have started to refer to asylum seekers as irregular migrants and the entrance for the purpose of seeking asylum as an irregular entrance. I do not employ the term irregular migrant for an asylum seeker, following the work of Erica Feller (2006) who argues that not only is the blurring of the distinction dangerous, but it is also legally unsound since the right to seek and enjoy asylum is "firmly entrenched in international human rights law" (2006: 516).

5. Outline of the Thesis

There are three key pieces to the argument of this thesis: understanding EU migration and asylum policy by viewing it through an EU lens; that migration policy workers are not bureaucratic automatons but reflect on the ethics of their work; EU migration policy is framed as an ethic of responsibility to save Europe. Each of these is unpacked in the chapters that follow.

The following two chapters trace the evolution of EU migration and asylum policies, giving context to this ethnography. Chapter one traces the history of EU migration and asylum policies and argues that the seeds of the current set of policies were sown early on in European integration. Chapter two focuses on the roles that each of the institutions of the EU have taken in shaping EU migration and asylum policy development historically and surveys theories of European integration. This chapter uses case studies of specific policy

negotiations to argue that institutional change has not brought significant change in policy direction. The aim of this chapter is to offer a historic perspective on the roles of the institutions in migration policy formation and how this has developed more recently is discussed later using my ethnographic material in chapter four.

In chapter three 'Literature review and theoretical statement', I situate this thesis' contribution at the intersection of a number of fields of literature: migration studies, European migration policy studies, anthropology of policy and moral anthropology. This thesis addresses a gap in the literature on studying the perspectives of policy makers, the addition of which adds fresh perspectives to questions that animate these fields, in particular by paying attention to policy makers' understandings of migration and the future of the international protection regime. The argument of this chapter is that contrary to prior presentations of policy makers as ethically disengaged bureaucratic automatons (Feldman, 2012), my fieldwork findings show policy makers engaged in an ethical project. My interlocutors' articulation of this ethical project can best be framed using Weber's 'ethic of responsibility' and this chapter presents policy makers' understanding of their work as an 'ethic of responsibility to save Europe', that is to incorporate the consequences *for Europe* into their decision making in a way that saves Europe from falling into crisis and ultimately to the Eurosceptic far right.

Ethnographic material is used in chapter four to present policy makers' understandings of migration dynamics; the role of smugglers, the 'root causes' of migration, the institution of asylum and the regime of international protection, the role for the EU and the complexities of migration and asylum. This provides a necessary basis for grasping the context in which certain policy decisions 'make sense' and how policy makers conceptualise their role in migration policy making. Policy workers view migration dynamics through an EU lens, with the interests and priorities of the EU ever in their sights. This is evident in how

they evaluate migration and asylum policies in terms of their impact on Europe, and demonstrates an ethic of responsibility to save Europe, as policies were discussed in terms of what Europe "could handle" and what is "politically sustainable".

An ethic of responsibility involves considering the "foreseeable results" in Weberian terms, and while chapter four presents policy workers understandings of migration that they incorporate into their ethic of responsibility, chapter five 'calculus' argues that an ethic of responsibility to save Europe means considering the foreseeable results of migration and asylum policy for the EU in a range of areas including public opinion of the EU, EU relations with third countries, and the internal stability of the EU as impacted by member state relations and relations between the EU institutions. Policy workers' articulations of each of these factors are considered in this chapter which argues that policy workers make migration and asylum policy considering each of these areas in order to save the EU. What it is they are saving and why the EU would need to be saved is the topic of chapter six 'values'.

Chapter seven revisits Gregory Feldman's contention that the migration "apparatus" is propelled forward by the mechanics of the apparatus, to argue that on the contrary, it is a belief in the EU and its values that animates migration and asylum policy making. This chapter outlines what those values are and puts forward the argument that the policy making landscape is one in which those values are seen as being under threat, from the far right, from member states actively disagreeing on the values and from fractured solidarity between member states. Policy workers conceptualise their work on migration and asylum policy as being part of an ethical project, and this chapter argues that this is because the EU is seen as an ethical project, and that the alternative to the survival of the EU is painted as being disastrous for human rights. Theoretical issues regarding the thesis that policy workers act with a Weberian 'ethic of responsibility' are raised by the limitations of the extent of that responsibility, whether it applies to abuses beyond EU territory, in Libya, and whether it

extends to migrants and refugees. An ethic of responsibility *to save Europe* has as its primary responsibility the European integration project, and not refugees and migrants. This does not translate into accepting "ethically ambiguous" means for the EU as is demonstrated in relation to policy workers' articulations on EU cooperation with Libya. The EU is distanced from human rights abuses and deemed to be the ethical actor by cooperating with an "unsavoury partner" rather than choose to remain ethically pure in the manner of a Weberian 'ethic of ultimate ends'. This chapter gives meaning to the 'save Europe' element of an ethic of responsibility by illustrating that policy makers see their work as saving core values.

Chapter seven is animated by the question of what it is that is being 'secured' in the 'security' dimensions of migration policy. Before delving into the question of what the referent object of EU security efforts is, this chapter reviews literature on the securitisation of migration in the EU and contends that migration has been heavily linked to security during the course of the research period of this thesis. The importance of the security dimension of migration policy demands an inquiry into what is the referent object of these security efforts. The most common answer to this is that 'borders' are secured and this chapter insists on a deeper answer by arguing that securing borders is securing the functions of the state or political authority. The current system of states requires the state to be in control of who enters the territory, to uphold the rule of law (against smugglers) and to 'see' who is on their territory. This thesis asserts that policy makers understand their work on EU migration policy as 'saving Europe', saving a union of values from Eurosceptic political forces that threaten those values. Along similar lines this chapter demonstrates that what is being secured is the political authority of the European Union by securing state functions.

Chapter One

The development of EU Migration and Asylum Policy

Introduction

This thesis presents an ethnographic account of the policy making sphere and this chapter contributes to understanding the context of migration and asylum policy making by examining the history of how these policies evolved. Tracing the development of EU migration and asylum policies demonstrates that the seeds for the current set of policies were sown in early European cooperation and offers an understanding of the background for and context in which the research for this thesis took place, that is the set of policies that were in place when the "migration policy crisis", as Den Heijer et al (2016) have named it, unfolded in 2015.

This chapter will trace the evolution of EU migration and asylum policies, paying particular attention to the early features that contributed to shaping the current set of policies. Later chapters analyse migration policy documents and fieldwork findings to argue that core features of EU migration and asylum policy include an emphasis on exclusion with the aim and measure of success being 'reduce the numbers' (not just of irregular migrants but of those seeking international protection in the EU), security-oriented approaches, and a self - imposed dependence on cooperation from third countries. Early policies were forerunners and an examination of the formation of the Common European Asylum System (CEAS) is particularly useful for illustrating that the primary aim of asylum policies has not been oriented towards international protection but has rather revolved around member state preferences for reducing the secondary movement of asylum seekers, the privileging of this aim is indicative of a policy making sphere characterised by privileging the interests of the EU and its member states, as argued in this thesis. It is instructive to look at both the content

of early policies and at the governance structure, which moved from ad-hoc cooperation to pillarisation defined by intergovernmentalism in the Maastricht Treaty and finally full communitisation[5] with the Lisbon Treaty. This evolution was defined by the member states' reluctance to relinquish sovereignty in the area of migration and asylum policy, and this was a significant factor in shaping the policies that emerged.

1. The early years and the establishment of the four freedoms

The European Economic Community (EEC) Treaty signed in Rome in 1957 established a common market to be based on measures to promote not only the free movement of goods, services, and capital between the member states but also the free movement of workers, as established in Article 48. The Council of Ministers was mandated to adopt measures to facilitate freedom of movement, and a number of regulations followed. Free movement was not established for individuals as citizens but for those who move for an economic purpose (Stetter 2000: 85). Overall, migration of third country nationals was not within the remit, instead confined to national competence and sovereignty. Refugees were not included in the legislation on free movement of workers as the member states could only agree a resolution (that is, non-binding) on the matter where they agreed to treat favourably where possible requests by recognised refugees to move and work in other member states (Guild 2006: 633). The 1968 Council Regulation (1612/68) removed restrictions on the movement of workers by permitting movement without the offer of an actual job.

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[5] Communitisation means transferring a matter which is dealt with using the intergovernmental method to the Community method. The Community method, in contrast to the intergovernmental method is characterised by the sole right of the European Commission to initiate legislation, the co-decision power between the Council and the European Parliament, and the use of qualified majority voting in Council.

The first major set of revisions to the founding treaties came with the 1986 Single European Act. It set a deadline of 1992 for the creation of a full single market as an area without internal frontiers within which the free movement of people, services, goods, and capital would be assured. A more generalised free movement of persons was viewed as necessary to realise a genuine single market. These early commitments to free movement of people represent a "transnational mobility [that] defines the single market and constitutes a backbone of the Union's constitutional identity" (Thym 2013: 711). In the above-mentioned legislation and treaties, free movement only applied to those who were nationals of a member state (Huysmans 2000: 754). This is worth noting because experts pointed to the free movement rules for nationals of a member state to argue that "EU legislature and/or the ECJ should approximate legal rules governing intra- and extra-European migration", but this did not transpire (Thym 2013: 712). Many scholars identify this early differential treatment of third country nationals as sowing the seeds for the policies we have today (Guild, 2006; Gsir, 2013; Huysmans, 2000; Thym, 2013).

1.1 The Schengen Agreement

The Schengen Agreement has been of monumental importance in shaping EU migration and asylum policies. This section examines what influenced the shape it took and the impact of those initial policy decisions on the migration and asylum regime that we have today. In the post war period during the 1950s and early 1960s a number of European states including France, Germany, Belgium and the Netherlands treated immigrants as an extra workforce. A number of countries in North-Western Europe had bilateral agreements with sender countries and actively recruited migrant workers (Van Mol and de Valk, 2016). This began to change in the late 1960s and 1970s when immigration policies became more restrictive (Huysmans

2000: 754). Political rhetoric at this time framed migration as out of control, and a challenge to national social and political cohesion and public order (Kostakopoulou 2000: 506). From the mid-1980s immigration became increasingly politicized through the question of asylum (Huysmans 2000: 755). During the 1980s and 1990s EU member states interpreted the Geneva Convention in a more restrictive way and so recognition rates declined, as did public tolerance of asylum seekers. With the growing number of rejected asylum claims, public opinion began to hold that if most asylum seekers did not 'deserve' refugee status then the asylum system was being used as a way to circumvent labour migration restrictions in the wake of the ending of the guest worker schemes (Moreno-Lax 2014: 161). National governments needed to stifle support for the extreme right and gain electoral appeal without attracting charges of overt racism and so sought to use policy change in immigration to reassure voters that states "were still capable of managing migration and of determining the composition of the community" (Kostakopoulou 2000: 506). It was in this political landscape that the Schengen Agreement was negotiated.

In 1985 the Schengen Agreement was signed, creating a border free area with no passport checks or controls between France, Germany, Belgium, Luxembourg, Spain Portugal, and the Netherlands. This has since been expanded to encompass 22 EU states plus four non-EU member states. The Schengen Agreement and later the 1990 Convention Implementing the Schengen Agreement contained 'flanking' or 'compensatory' measures to compensate for the erasure of internal borders. These include the Schengen Information System that allows national border control, customs and police authorities to exchange information, a Schengen Visa, and a shared list of countries whose nationals require a visa to enter the Schengen area. Article 26 of the Schengen Implementation Agreement of 1990 contracts states to oblige carriers to ensure that passengers are in possession of the required documentation (including visas) and to impose fines on carriers who fail to do so thus

harmonising the externalisation and privatisation of the visa requirement (Den Heijer et al 2016: 620). The Schengen Agreement was made outside of the EU Treaties framework and has been criticised for its lack of transparency as it was negotiated in secretive fora devoid of democratic accountability (Guild, 2006).

The rationale behind the flanking measures is worth exploring. The fact that third country nationals would now be able to travel onwards to another member state from the one in which they were admitted raised concerns relating to national security, law and order and economic costs (Givens and Luedtke, 2004). Firstly, it was considered that if a state had decided to pursue restrictive efforts on migration, these could be undermined by liberal policies of another state, since the free movement of persons also means free movement of irregular migrants or rejected asylum seekers (Niemann, 2008). Secondly, migration was framed as a security and public order threat. The Schengen Agreement emphasis on the need to maintain security after the abolition of border controls placed "illegal" migrants alongside organised crime, terrorism, and drug trafficking on the list of security threats (Huysmans, 2000; Kostakopolou, 2000; Moreno-Lax, 2014).

Theodora Kostakopoulou calls this a "double interpretive logic", that is the belief that a security problem exists in a Europe without internal border controls and the perception of immigration as a security threat and/or a problem (2000: 505). Migrants were framed as a threat based on a depiction of immigration as 'uncontrollable,' a 'law and order' issue and a challenge to the welfare states and to the cultural composition that was the basis of national and social cohesion (Huysmans 2000: 756, Kostakopoulou 2000: 506). Violeta Moreno-Lax argues that although the principle has become a taken for granted basis for all subsequent action in relation to immigration and border policy, it remains open to question whether the absence of internal controls necessitates a reinforcement of the external frontiers that necessarily translates into restricted criteria of access for third-country nationals and that

"There is no connection of structural necessity. What has been portrayed as a technical constraint involves, in reality, a political choice" (2014: 154).

Schengen advanced the objective of the free movement of persons, vital for the proper working of the internal market (Niemann 2008: 570). Regarding the relation between the creation of a border free area, and the provision of asylum, Moreno-Lax asserts that "the foreigner is not only perceived as alien to the free movement project, but is also reified as a potential danger to it" because "uncontrolled migration" has been placed next to terrorism and drug trafficking as potential threats to public order that come with the erasure of internal borders. This accounts for the enduring connotations of cross-border crime in asylum and immigration discourse (2014: 155). Elspeth Guild argues that the system for deciding to which member state to allocate responsibility for an asylum seeker actually works on a logic that is contrary to the internal market since rather than erasing border controls on individuals moving between member states "it requires their retention at least for one group of persons - asylum seekers. Thus, an exception to the logic of territorial integration is created out of the bodies of refugees" (2006: 637).

There is widespread agreement in the literature that the impetus for European cooperation on immigration and asylum came about from the breaking down of internal borders introduced with the Schengen Agreement. The Schengen Agreement's removal of physical barriers between participating countries meant that "immigration space is now shared" (Givens and Luedtke, 2004) as third country nationals as well as citizens of member countries could move freely. Schengen introduced the possibility for a situation where once an asylum seeker or refugee had entered Schengen territory if they could move to any Schengen state then they would likely choose the states with the best conditions for refugees. Avoiding a situation where certain member states would see an increase in the numbers of refugees on their territory was thus the corner stone of what would become the Common

European Asylum System (CEAS), and part of the logic of the Dublin system, as discussed below.

Schengen is of crucial importance to the European project for a number of reasons, both functional and symbolic. According to Eurobarometer a majority of Europeans name Schengen, or more specifically its facilitation of the free movement of people and goods, as one of the greatest achievements of the EU (European Commission 2018: 20). The goal of protecting and facilitating Schengen continues to direct migration and asylum policy making and is often cited as what research participants want to 'save' as part of an ethic of responsibility to save Europe. Schengen is also seen as having both been influenced by and contributed to the securitisation of migration and in particular the framing of the migrant as a threat to national security and public order. As we have seen Schengen accepted and reproduced the logic that migration is a security threat, and introduced measures accordingly, focusing on border control, visas and a common database.

2. Migration Policy in the Treaties

This section will discuss the treaty changes that are most relevant to this study: the Maastricht Treaty, the Treaty of Amsterdam, and the Lisbon Treaty. The changes these treaties brought both to the content of migration and asylum policy and to how it was governed in terms of the interactions between the EU institutions are addressed here.

2.1 The Maastricht Treaty

The first phase in the development of a European migration policy from 1985-1991 entailed ad hoc and informal co-operation between national governments that was attentive to their

sovereign prerogative (Kostakopoulou 2000: 498). The Maastricht Treaty on European Union was signed in 1992 and introduced the second phase of Justice and Home Affairs (JHA) cooperation (1992-1998). The Maastricht Treaty on European Union (TEU) sought to resolve some of the weaknesses of informality by placing immigration and asylum within an intergovernmental pillar dealing with Justice and Home affairs (JHA) issues (Geddes, 2001). The TEU established three pillars; the Central pillar being the Community pillar and two 'flanking pillars' that dealt with foreign and security policy, (CFSP) and Justice and Home Affairs (JHA). The JHA pillar brought aspects of immigration and asylum policy under the EU's roof, but as matters of "common interest" and not subjects for a "common policy", and did so in a way that kept them apart from the more usual decision-making process in the "Community" pillar. The result was that the Council was the focus for decision-making with intergovernmentalism dominating. The Commission, European Court of Justice (ECJ) and European Parliament (EP) were largely excluded from this area and the institutional links it established with other Community institutions were weak (Geddes 2001: 25, Kostakopoulou 2000: 498). The form of cooperation the TEU introduced was what Kostakopolou has called "diluted intergovernmentalism" (2000: 498), or what Helen Wallace refers to as "intensive transgovernmentalism" (Wallace 2000: 28 in Lavenex 2001: 854). According to Daniel Thym this intergovernmental design appeared as the "mal nécessaire" of a political compromise due to member state reticence towards suprantionalisation (2013: 717).

The Third Pillar has been widely criticised as being defined by its lack of parliamentary oversight, weakness of judicial control and the opaqueness of its working methods. Although the Commission was supposed to be fully associated in the area of Justice and Home Affairs, scholars have suggested that it merely had the status of "privileged observer" (Guild 2006: 640, Kostakopoulou 2000: 498, Niemann 2008: 571). Kostakopoulou asserts that

The praxis of post-Maastricht JHA co-operation highlighted the shortcomings of the intergovernmental method; namely, the ineffectiveness of policy-making due to unanimity and the over-cumbersome five-tier decision-making structure; the absence of clearly defined objectives; the secretive negotiations; the absence of Parliamentary involvement and judicial supervision; the absence of binding legal instruments and the lack of enforcement mechanisms (2000: 498).

Since early co-operation on migration and asylum policy was so much in the hands of national governments, it was heavily influenced by domestic depictions of migrants, often negative and security focused. Kostakopolou asserts that the fact that Community competence was largely absent during the first phase and only marginal in the second phase allowed the national JHA ministers of the member state to put in place an institutional framework which "lacked coherence, consistency, democratic accountability, respect for the rule of law and for human rights, and effectiveness" (2000: 498). Whether or not Community competence would lead to a different set of polices with more "respect for the rule of law and for human rights" is a point of debate for scholars of EU migration policy, as we will see in the next chapter (Bonjour et al, 2017). What there is widespread agreement on is that this period of cooperation was key in the securitisation of migration and asylum. While "output" during this period was also limited in legal effect it is understood as having been more significant in developing and consolidating a security-oriented way of understanding immigration and asylum (Geddes 2001: 25).

Although it was riddled with problems, the Third Pillar was an important milestone for migration and asylum policy. It was the first step towards moving the field of asylum into EU law, provided a venue for discussion among EU interior ministry officials, and importantly it is the first time that a reference to the Geneva Convention appears (Guild 2006: 640). The Maastricht Treaty on European Union states that migration and asylum policies

shall be "matters of common interest" for the purpose of achieving the objectives in particular of free movement of persons, thus linking it to market integration (Stetter 2000: 90). The Maastricht Treaty finalized the process of establishing freedom of movement for all nationals of member states by introducing the concept of a common European citizenship, a move that according to Moreno-Lax "reinforced the idea that treaty freedoms were reserved for member state nationals" (2014:151). According to Thym this division enforcing the rights of free movement for EU citizens alone is noteworthy because EU law is often influenced by "earlier layers" of policies, and so migration policy could easily have been influenced by earlier policies regarding the free movement of workers which could serve as a model for freedom of movement of third country nationals (2013: 711).

2.2 The Treaty of Amsterdam

The Amsterdam Treaty, signed on 2 October 1997 and entered into force on 1 May 1999, brought major institutional change. It formed a legal and constitutional basis for a common immigration policy (Gsir 2013: 108). The Amsterdam Treaty moved measures in the fields of immigration and asylum, the rights of third country nationals, external border controls, visas, administrative co-operation in these fields and judicial co-operation in civil matters, from the Third to the First Pillar. This meant that these areas shifted into the community sphere and became Title IV of the TEC (Treaty Establishing the European Community). The Amsterdam Treaty resolved

> to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime (Article 1).

The main thrust of the measures to be taken in migration and asylum policy concerned the establishment of minimum standards among member states, rather than common rules (Niemann 2008: 565). The Amsterdam Treaty established a five-year transitional period during which decisions were to be taken by unanimity in the Council on an initiative of either the Commission or a member state. Thus, throughout this first period, only the Council could decide upon the binding instruments (i.e. directives and regulations) and had to do so unanimously. This situation continued for labour immigration up until the adoption of the Lisbon Treaty of 2009 (Gsir 2013: 94). Five years after the entry into force of the Amsterdam Treaty, the Commission would obtain an exclusive right of initiative and the Council would decide unanimously whether all or part of the areas of the new title were to be decided by qualified majority voting (QMV) and co-decision (Article 67) (Niemann 2008: 565). The transitional period did not apply to measures concerning the list of third countries whose nationals require visas and a uniform format for visas, as these have been subject to QMV since Maastricht (Kostakopoulou 2000: 501). After the transitional period, the remainder of visa policy was to be subject to qualified majority voting and co-decision.

As mentioned above, assessments of the Maastricht Treaty pointed to a number of procedural problems. The extent to which the Amsterdam Treaty remedied all of the procedural problems is limited. Since Amsterdam did not fully communitarise all decisions, unanimity on the Council was still required for some policy areas and the right of initiative shared, the European Parliament was relegated to a consultative role and the jurisdiction of the ECJ was curtailed. This all meant that

> member states could use the new institutional and procedural framework to extend the forms of social control, strengthen their regulatory capacities, and reinforce the culturally constructed representation of immigration as both a 'problem' and a 'law and order' issue (Kostakopoulou 2000: 505).

Member state reluctance to relinquish much control over the shape of the new legal and institutional framework on asylum and immigration has been and remains an enduring theme.

In his assessment of the Amsterdam Treaty, Arne Niemann notes that the Intergovernmental Conference (IGC) establishing the Amsterdam Treaty made "noticeable inroads in terms of supranationalisation of Title IV" and Title IV should be viewed as a significant achievement attained "against all odds" (2008: 566). Niemann goes on to say that when measured in terms of "progressiveness" Title IV "can only be judged here as 'medium to high' (and not 'high')" and that this is largely down to "the considerable distance still to be covered before arriving at a fully-fledged Community method" (ibid). This is in contrast to others who argue that the Amsterdam Treaty, far from being "progressive", was responsible for the continuation and consolidation of the securitisation of migration the impacts of which have been felt for decades (Guild, 2006; Huysmans, 2000; Kostakopoulou, 2000; Moreno-Lax, 2014).

A significant legacy of The Amsterdam Treaty is that it integrated the Schengen *acquis* into EU law. The significance of this move endures in migration and asylum policy today and is cited by many as a moment when an exclusionary and security focused approach to immigration became entrenched. Moreno-Lax points out that the Treaty of Amsterdam not only consolidated the divide between EU citizens and third-country nationals, "but also gave it supranational legitimisation … the *Schengenisation* of the Union brought the logics of exclusion within the supranational framework" (2014: 152).

2.3 The Lisbon Treaty

The Lisbon Treaty, which was signed on 13 December 2007 and entered into force in December 2009, was heralded as a game changer for EU migration and asylum law. Firstly, the Lisbon Treaty is seen as the moment when EU migration and asylum law became a policy

field in its own right, freeing itself from being presented as a 'spill over' or 'flanking measure' of the internal market (Kostakopolou 2010: 154, Thym 2013: 717, Hampshire 2016a: 542). Secondly, Lisbon was expected to yield more cohesive and progressive migration and asylum policies and remedy past failings (Kostakopolou 2010:151, Kostakopolou et al 2014: 131, Hampshire 2016a: 543, Moreno-Lax 2014: 148).

Steve Peers accurately sums up the dominant view in the literature on the pre-Lisbon Justice and Home Affairs law when he describes it as "…dismaying many supporters of judicial control, democratic accountability, the rule of law and human rights protection" and sees the Lisbon Treaty as "the chance for a new beginning for EU JHA law" (2014: 17). A great deal of this optimism was based on the fact that Lisbon brought about a transition to a fully communitarised process for migration and asylum policies (Peers, 2008). For example, the changes in governance in the Area of Freedom, Security and Justice (AFSJ) "made secretive and national executive-driven decision-making a thing of the past opening up new roads for better and more efficient law making in AFSJ matters" (Kostakopolou 2010: 152).

The Lisbon Treaty brought migration policy making under the ordinary legislative procedure, with 'co-decision' between the European Parliament (EP) and the Council, meaning the EP has been "upgraded" to a co-legislative body in this domain. Most of the issues that were still subject to unanimous voting in the Council were brought under Qualified Majority Voting (QMV) meaning that no single member state can veto legislation (Hampshire, 2016a; Kostakopolou et al, 2014; Peers, 2014). In addition, the jurisdiction of the European Court of Justice (ECJ) was extended, in particular by allowing it to issue 'preliminary rulings' on migration and asylum matters. The increased powers of the ECJ to review and interpret EU migration law were expected to make migration policy more responsive to Human Rights protection across the EU (Kostakopolou, 2014; Hampshire, 2016a). The Commission gained the exclusive right of initiative in the areas of border

checks, asylum and immigration and civic judicial cooperation. It was expected that the involvement of these institutions that were traditionally more liberal on migration policy than the Council would have a progressive impact on the policy direction. The next chapter will examine the debates about why this has not played out as predicted, paying particular attention to the role of the European Parliament since Lisbon. While the Lisbon Treaty developed a situation where "today almost every aspect of migration—from outside and within the Europe—has a supranational dimension" (Hampshire 2016a: 537) it maintained the dominance of state sovereignty in certain aspects of migration policy. For instance, Article 79 secured the right of member states to determine how many third country nationals it admits to its territory for the purpose of seeking work (Gsir 2013: 106, Kostakopolou 2010: 156).

In terms of asylum policy, Article 78(1) of the Treaty of Lisbon provides for developing a common EU policy on asylum, subsidiary protection and temporary protection and details the necessary measures to be adopted. A common asylum procedure and a uniform status goes far beyond the earlier goal of common minimum standards and was welcomed by some observers (Bauloz et al 2015: 6, Kostakopolou 2014: 156). Less warmly received by many scholars of migration was the provision in Article 78 which refers to measures concerning partnership and cooperation with third countries for managing inflows of asylum seekers. Concerns regarding this provision related to the risk of legitimising attempts to "subcontract" the member states' international protection obligations to third countries via the establishment of reception centres or even resettlement schemes (Kostakopolou 2010: 156). In terms of protecting the rights of all third country nationals in the EU, the Lisbon Treaty explicitly renewed the EU's commitment to respecting the rights of third country nationals on its territory, reiterating the need for the asylum policy to respect international refugee instruments and other treaties relevant to international protection.

Article 78(1) provides that the Common European Asylum System shall be developed "with a view to offering protection and ensuring compliance with the principle of *non-refoulement*. This policy must be in accordance with the Geneva Convention" (Bauloz et al 2015: 8). Article 79 refers to the "fair treatment of third country nationals (TCNs) residing legally in the member states," (Kostakopolou et al 2014: 131).

3. Asylum policy in the EU

This chapter has addressed the background to and development of migration policies at European level, in particular the Treaty changes, and moves now to focus specifically on asylum policies. This section will outline the development of the Common European Asylum System (CEAS) and the instruments of which it is composed. Following the removal of internal borders, member states were concerned that asylum seekers could move from one state to another and that this would lead to an unfair portion of the duty to provide international protection falling on the shoulders of those states perceived to have the most progressive asylum policies. To address this issue and combat 'secondary movement' the Community adopted two strategies. Firstly, the Dublin Convention signed in 1990 allocates responsibility of processing an asylum claim to the state of entry, and secondly by harmonising asylum policies so as to reduce incentives for secondary movement (Bauloz et al 2015: 2).

3.1 The Dublin System

Criticised by some as an expression of the decline of the 'European values' of solidarity and fairness (Hampshire, 2016a; Den Heijer et al, 2016) celebrated by others as a significant

achievement on the path towards a harmonised EU asylum system, the Dublin system certainly plays a significant role in Europe. An understanding of its logic and practice gives insight into why the EU continues to struggle with a migration policy crisis. The Dublin Convention of June 1990 laid out a hierarchy of criteria for determining which member state would be responsible for examining applications for asylum lodged in one of the member states. It established the principle that a person seeking asylum must usually claim asylum in the first EU country they enter. The Convention aimed to ensure that every asylum seeker would get their application processed in one of the member states, to prevent secondary movement within EU territory and relatedly to ensure that asylum seekers could not submit applications for asylum in more than one member state (so-called 'asylum-shopping'). As at the time, asylum policy did not yet fall into the competence of the European Community, the process was taken ahead by intergovernmental negotiations. Although signed in 1990 the Dublin Convention was not ratified until 1997 illustrating weaknesses in the system and the fact that "asylum continued to be a thorny issue for the EU and a source of division among member states" (Geddes 2001: 24). The Dublin Convention was the only legal measure in the asylum field within the EC until the Tampere Conclusions of 1999.

With the adoption of the Amsterdam Treaty and in line with the objective of a common European asylum system, it was necessary that the Dublin Convention be replaced with a Community instrument and so in 2003, the European Council adopted the Dublin II Regulation. Also established in 2003 was Eurodac, a large-scale IT system of asylum seeker fingerprints that supports the Dublin Regulation by assisting with determining the member state responsible for examining an asylum application made in the EU. If an asylum-seeker is found to have made a claim or simply been detected transiting through another EU member state (using the Eurodac fingerprint database), then they may be returned to that country. This has had the (predictable) effect of placing the responsibility of processing asylum

applications disproportionately on states with an external border, especially to the south and south-east, where many asylum-seekers enter, something that has become the source of growing political controversy in recent years. Following rulings by both the European Court of Human Rights (ECHR) and the European Court of Justice (ECJ), transfers to Greece were suspended in 2011 on the grounds that migrants' fundamental rights could not be guaranteed in Greece. For similar reasons, transfers to Italy, Hungary, Poland, and Malta have also been suspended for short periods (Hampshire, 2016a).

Some of the criticisms concerning the rights of asylum seekers were addressed in 2013 with the adoption of the recast Dublin III Regulation. Dublin III includes new safeguards like granting asylum seekers the right to appeal a Dublin transfer before they are transferred and the right to remain on the territory pending the court decision, and a series of provisions on protection of applicants such as compulsory personal interview and extended possibilities of reunifying minors with relatives with a broader definition of 'family' to include aunts, uncles and so on. The Dublin III Regulation claims as an achievement an early warning, preparedness, and crisis management mechanism, geared to addressing the root dysfunctional causes of national asylum systems or problems stemming from particular pressures intended to "prevent the degeneration of member states' asylum systems" (Hampshire 2016a: 538).

Scholars have pointed out that these changes do nothing to address the "systemic deficiencies of the Dublin mechanism, and that Dublin III "has remained loyal to the wording of its predecessor" (Bauloz et al 2015: 10). The cornerstone of Dublin, that asylum seekers would normally claim asylum in the first EU member state they enter, remained intact. Dublin III's provision for ad hoc support for countries like Greece did not do anything to meaningfully shift responsibility from those member states with an external border to be

shared more evenly across the union nor did it introduce any genuine solidarity and responsibility sharing instruments (Ripoll Servent and Trauner 2014: 1150).

Some early criticisms of the Dublin system remain relevant, particularly that the Dublin convention was overdetermined by a policy aimed at reducing the number of applications. Making it impossible to submit applications for asylum in different member states reduces the chances of being accepted, which obviously will deter some refugees from seeking asylum in Western Europe (Huysmans 2000: 756). Guild asserts that an organising principle underlying the Dublin system was punishment of states that permit the asylum seeker to cross the border (2006: 640). Those states that are geographically at the periphery of the EU such as Greece and Italy have had to take responsibility for a disproportionate share of the asylum seekers entering EU territory, while other member states not at the 'frontline' have not played such a role in processing and hosting refugees and have not experienced the influx of refugees with the same urgency (Carrera et al, 2015). The impact of this for both the relations between member states and for the asylum seekers in Europe will be discussed later. The conditions for asylum seekers in Greece have been deemed a humanitarian crisis by international NGOs and IGOs and some lay the blame on Dublin's giving disproportionate responsibility to those member states with an external border. The Dublin system has been widely criticised for not building in the principles of solidarity and responsibility to its design (Den Heijer et al, 2016; Hampshire, 2016a).

3.2 The Common European Asylum System

The Common European Asylum System (CEAS) is a legislative framework on asylum seeking and international protection. The Common European Asylum System (CEAS) was born from the conclusions of the Tampere summit in 1999. Tampere required the

establishment of an asylum regime based on the application of the Convention relating to the Status of Refugees (Refugee Convention) as amended by its 1967 Protocol. While the Dublin Convention had presupposed harmonisation or similar asylum procedures among member states, working on the assumption that there was no need for an asylum seeker to move between them, Tampere set about making harmonised policy a reality through a Common European Asylum System (CEAS). The CEAS was to be accomplished in two steps: adopting minimum standards in key areas as a first step and a 'common procedure' and 'uniform status' in the long term. The Amsterdam Treaty provided the legal bases for the adoption of the instruments of the first phase. Three key directives introducing minimum qualification standards, minimum criteria for determination procedures, and minimum reception conditions were adopted, in addition to the Dublin II Regulation establishing rules to apportion responsibility for asylum applications. Criticism has been voiced by multiple actors, including the United Nations High Commissioner for Refugees (UNHCR) on the low quality of some of their provisions (Moreno-Lax 2014: 146).

Harmonisation proved to be challenging. In 2008, the Commission recognized that this first phase of the CEAS had not been entirely successful in achieving the complete harmonization of asylum policies because there remained unacceptably divergent results from one member state to another and "This is creating secondary movements and goes against the principle of providing equal access to protection across the EU" (EU Commission in Bauloz et al 2015: 5). From its inception, it was always intended that the first phase of the CEAS should be quickly followed by a second phase of development, with a change of emphasis from minimum standards to a common asylum procedure on the basis of a uniform protection status. In 2008 The CEAS entered a second phase of harmonisation, which effectively began with the European Pact on Asylum by the European Commission. As underlined in the 2009 Stockholm Programme, its objective was that of

establishing a common area of protection and solidarity based on a common asylum

procedure and a uniform status for those granted international protection. While the

Common European Asylum System (CEAS) should be based on high protection

standards, due regard should also be given to fair and effective procedures capable of

preventing abuse (Stockholm Programme para 6.2).

To achieve this objective, the minimum standards developed during the first phase of the

CEAS had to be replaced with common standards. As a result, most of the Regulations and

Directives that had been adopted in the first phase of the CEAS had to be recast in what is

now commonly referred to as the second generation of CEAS instruments. A Recast

Qualification Directive was thus adopted in 2011, followed in mid-2013 by Recasts of the

Reception Conditions Directive, Asylum Procedures Directive, Dublin III Regulation, and

Eurodac Regulation (Bauloz et al 2015: 6).

The second-generation instruments have received mixed evaluations and scholars are

divided over whether they represent a significant improvement. Moreno-Lax asserts that on

the one hand "The recast Qualification Directive … has, indeed, better aligned recognition

provisions with the Refugee Convention". However, the Dublin system, seen by many as the

most problematic of CEAS instruments has not been substantially changed by the Dublin III

Regulation (Moreno-Lax 2014: 148). Another development during this period was the

establishment of the European Asylum Support Office (EASO). EASO is an agency of the

European Union established with the aim of enhancing practical cooperation on asylum

matters and helping member states fulfil their European and international obligations

regarding the provision of international protection. Established in 2010, both the agency's

existence and the form that it has taken is seen as a "breakthrough in the European spirit"

particularly given that ten years earlier "no one would have thought possible" the creation of

such an agency in this sector (Comte 2010: 404).

It is important to examine the logic and philosophy underlying the architecture of the Common European Asylum System as a key to understanding the current system and the years of negotiations to reform it since 2015. Ensuring high standards of international protection is far from being the sole, or perhaps even central, goal of the CEAS. The CEAS was not built simply as a protection-oriented system on the basis of member states' obligations under international refugee and international human rights law, but as a system to address the complexities arising from the erasure of internal borders. In fact, "the goal of combating asylum shopping constitutes both the foundation upon which the CEAS was built and its main driving force" (Bauloz et al 2015: 3). This is evident in the design of the instruments. In order to deter asylum seekers from moving to a different member state to the one they first entered, CEAS instruments provide for the possibility of withdrawing reception conditions, for the detention of applicants, and for the reduction of procedural guarantees under certain circumstances (Moreno-Lax 2014: 148). Moreno-Lax finds that "Instead of a predominant focus on refugee protection, the CEAS combines humanitarian objectives with considerations of border management and the fight against unauthorised movement" (2014: 146). She highlights the fact that the CEAS is focused on 'preventing abuse' of the asylum system and concludes that "the question hence arises as to why control and abuse have become part of the foundation of the European asylum regime" (2014: 149).

In addressing this question, a number of scholars have turned their attention to analysing the public perception of asylum. Firstly, as already discussed the member states' domestic context in the 1970s was marked by growing hostility towards migrants in Europe, and the negative perception of migration impacted upon asylum policy (Huysmans 2000: 769, Moreno-Lax 2014: 161). Throughout the 1970s and 1980s there was a change in the direction of refugee flows from traditionally being regarded as an East-West phenomenon to South-North (Moreno-Lax 2014: 161). This change was due to instability in many African

and Middle Eastern countries (Malbin 2014: 427). When EU member states interpreted the Geneva Convention in a more restrictive way it followed that there were more negative decisions on asylum claims. With the resultant increase in negative decisions came a public perception that the majority of asylum claims were false and so, "The rights of asylum-seekers in EU member states have also been questioned because of the widely expressed view that many claims are 'bogus'" (Geddes 2001: 33). It followed that as far as member states were concerned the duty to provide international protection took a back seat to the need to 'combat abuse' of the asylum process (Guild 2006: 639, Moreno-Lax 2014: 161).

When member states came to negotiate the CEAS it was "with the objective of controlling numbers and reducing abuse" (Moreno-Lax 2014: 162). Reducing the numbers of asylum seekers in Europe remains a priority for the EU but is not an uncontroversial ambition. Thomas Gammeltoft-Hansen and Hans Gammeltoft-Hansen (2008) examine the drafting of Article 14 of the Universal Declaration of Human Rights (UDHR) to determine whether the intent behind the Article (the right to *seek* rather than simply the right to *enjoy*) is today being undermined by EU border control and the CEAS. They point out that while of course the UDHR is not legally binding it is an "expression of basic values to which our part of the world also subscribes" and so if there is a conflict between the content of UDHR and EU practice then that is "a serious moral and legal political issue which in this sense also has legal implications" (2008: 442). The Stockholm Programme of 2009 included in its guidelines for Justice and Home Affairs, a provision that,

> The strengthening of border controls should not prevent access to protection systems by those persons entitled to benefit from them, and especially people and groups that are in vulnerable situations. In this regard, priority will be given to those in need of international protection and to the reception of unaccompanied minors (Stockholm Programme, para 5.1)

No channels, for example humanitarian visas, to facilitate access to protection have been created (Moreno-Lax 2014: 149). Writing in 2008, just before the second phase of the Common European Asylum System Gammeltoft-Hansen and Gammeltoft-Hansen describe the CEAS as "various attempts to prevent access to asylum procedures – at least within the EU" (2008: 448). They describe two strands to this: firstly, the replacement of proper asylum procedures with simplified procedures or other types of protection and secondly EU attempts to prevent asylum seekers from ever arriving on EU territory to present their claim for international protection. The second strand relates to the involvement of third countries in EU border control efforts and will be discussed later, but at this point it is worth noting that such externalisation of border control "in reality becomes a countermove to the right to an asylum process, as it denies the asylum-seeker access to the 'procedural door'" (Gammeltoft-Hansen and Gammeltoft-Hansen 2008: 448).

4. Externalisation of EU Migration and Asylum Policy

Later chapters discuss EU cooperation with third countries, in particular Libya and Niger, in the realm of migration, and this section provides a historic understanding of some of the forms this cooperation has taken and the policy framework in which third country involvement has operated. The issue of third country involvement in EU migration management is not new and like the CEAS, dates back to the Tampere Summit of 1999. The Tampere Conclusions promised an ambitious and proactive approach to third country cooperation in the realm of migration that would address the root causes of migration but studies of both policy formation and implementation have since found there to be a heavy focus on external border management and creating a 'buffer zone' between the EU and

migrant sending countries (Papagianni 2013: 285). This is not surprising as "keeping the migrant out is the basic rationale of the 'root causes' approach" (Kostakopolou 2000: 286).

In 2005 the EU announced the Global Approach to Migration (GAM), a strategic framework for the external dimension of EU migration policy. GAM was initially to concentrate on the southern Mediterranean and Sub-Saharan Africa, especially 'the fight against illegal immigration' in those regions, but gradually the geographical scope has been expanded and other types of movement have been incorporated (Hampshire 2016b: 572). The GAM was criticized for having too much of a focus on border control and security, over-emphasising instruments like readmission agreements while neglecting visa facilitation and other policies that could benefit non-member states. In response to both these criticisms and the tragic incidents at Ceuta and Melilla (Spanish enclaves of Morocco) when a number of migrants were shot dead by border police, the EU re-considered the GAM and recognized that a new approach was needed (Papagianni 2013: 284).

The result was the launch in 2012 of the Global Approach to Migration and Mobility (GAMM). GAMM was organised into four 'pillars' dealing with legal migration and mobility, the prevention of irregular migration, the development impact of migration, and international protection and asylum. According to Georgia Papagianni the GAMM "constitutes beyond doubt a key turning point as to the way external EU migration policy is viewed" (2013: 292). Her positive take on GAMM is based on its reference to a 'balanced framework' with equal emphasis on both legal and irregular migration, its commitment to maximising the development impact of migration and mobility and that it states, for the first time clearly, that the EU's policy should be migrant-centred (Papagianni 2013: 292). James Hampshire on the other hand notes that while many have welcomed the 'migrant-centred' approach it is never spelled out what that actually means. Like Papagianni, he notes the 'rhetorical shifts' and sees them as an attempt on the part of the EU to move towards dialogue

and cooperation with third countries in an area where the EU was previously criticised for making unilateral demands. Also of note is the inclusion of 'mobility' in the title, which signals the EU's intention to use short-stay entry visas, and also temporary migration schemes, as a negotiation tool in its external relations. The GAMM Communication includes the aim of being more strategic by embedding migration negotiations into EU foreign policy through the European External Action Service (EEAS) (Hampshire 2016b: 579). Neither Papagianni (2013) nor Hampshire (2016b) find that the GAMM has overcome the problems associated with the earlier GAM, for reasons discussed below.

The GAMM is composed of a variety of instruments, some of which are judged to be quite innovative (Papagianni 2013: 289). These include 'classic international law instruments;' readmission, visa facilitation, visa liberalisation and visa reciprocity agreements, migration clauses included in EU co-operation and association agreements, and the working arrangements concluded by Frontex (European Agency for the Management of Operational Cooperation at the External Borders of the Member States) with a series of third countries. The main instruments for the GAMM are Mobility Partnerships, which are non-binding and flexible agreements between the EU and third countries. The core idea is to offer third countries migration or mobility opportunities for their citizens in return for their cooperation in preventing irregular migration. Mobility Partnerships also include a commitment by both parties to open formal negotiations on visa facilitation and readmission, which aim to create legally binding agreements (Hampshire 2016b: 579). For example, in 2008 the EU signed a mobility partnership with the Republic of Moldova to "confirm their intentions with regard to" a range of initiatives set out including cooperation on border management, training and expert support for asylum policy in the Republic of Moldova, to cooperate in providing information on routes for legal migration to the EU, offer circular migration projects and continue dialogue on readmissions. Of note in these agreements is that

they only apply to the signatory EU member states and each area of cooperation (whether it is fighting trafficking or document fraud etc.) includes activities between the signatory third country (in this case, Moldova) and a small number of member states who propose to undertake the activity.

The GAMM involves a vast array of actors; the European Parliament, European Commission, the Council, the ECJ, Frontex, The European External Action Service (EEAS), the EU delegations and member states diplomatic missions in third countries. Internal coordination, linking all of these actors and the various policy goals both internal and external has proven to be quite a challenge (Papagianni 2013: 287). It is not just the number of actors that has been problematic, but the fact that their interests frequently diverge. Hampshire identifies three dimensions of the EU's multilevel governance structure that shape its external migration relations: first, relations between the Commission and the Council, each of which has a distinct view of the content of the EU's external migration policy; second, relations between national governments and the European institutions, which must take into account each member state's national interests and their pre-existing migration relations with non-EU countries; and third, intra-institutional differences between the European Commission's departments and agencies (2016b: 575). Intra-institutional differences are evidenced by the lack of involvement of the European External Action Service in the Global Approach to Migration and Mobility. Interestingly, within the Commission the DG responsible for international development has in the past been reluctant to work on GAMM. They strove to avoid a situation where development aims are subverted to those of migration control by directing aid towards relatively wealthy countries with high numbers of migrants to Europe or at individuals most likely to migrate, rather than to the most vulnerable (Hampshire 2016b: 577, Papagianni 2013: 288).

Nonetheless, development assistance has been linked to migration management more and more, particularly in the current context (Van Hertog, 2016). In 2006 the first Euro-African Ministerial Conference on Migration and Development was held in Rabat. The conference was partly a response to the arrivals by boat to the Canary Islands and brought together over 50 ministers with responsibility for migration and development issues. The conference launched the 'Rabat Process' (the Euro-African Dialogue on Migration and Development), a mechanism of cooperation and framework for policy dialogue among countries of origin, transit and destination of migrants coming from West and Central Africa to Europe. The Rabat Process facilitates dialogue among its 56 member countries from Europe and West and North Africa but also between the EU and the Commission of the Economic Community of West African States (ECOWAS). The Khartoum Process, a platform for cooperation among the countries along the migration route between the Horn of Africa and Europe was established in 2014. The Khartoum Process is a forum for the 40 participating states but also facilitates EU – African Union (AU) policy dialogue. According to Lavenex and Kunz the outcome of the Rabat conference was a focus on making migration work for development (2008: 451). However, Gregor Noll argues that regarding the (Article 13, UDHR) Human Right to leave a country "The Rabat conference might be remembered as the occasion when some African governments sold out this human right at the behest of Europeans, in return for conditional development assistance" (Noll, 2006).

When the EU is negotiating with non-member states of the Global South, each party has different aims. The EU wants migration management and to curb irregular flows, while the Southern states want to increase the benefits of migration for their country and are therefore not very motivated to prevent migrants from leaving their country, never mind sign readmission agreements (Hampshire 2016b: 574). According to Hampshire these asymmetrical interests imply the need for issue-linkage, whereby cooperation on one policy

issue is linked to cooperation in another (ibid). Progress cannot be made when the issues that could be linked are member state competencies, and as they are outside the remit of the Commission it cannot negotiate on them in the context of GAMM (Papagianni 2013: 290). There is no doubt about the asymmetrical power between the EU and the non- member states with the EU setting the rules and the agenda (Papagianni 2013: 295). Few non-member states have signed Mobility Partnerships and they resist readmission agreements, seeing them as serving only the security interests of the EU. Hampshire highlights the 'policy gap' between rhetoric and implementation of the GAMM as being particularly stark, even in the realm of migration policy (2016b: 580). Certainly, the small number of mobility partnerships that have been successfully concluded is evidence of this gap.

These challenges notwithstanding, there is no doubt that a great deal of EU migration activity is on the external front. Daniel Wunderlich (2013) examines how EU migration projects play out in practice and identifies five areas of activity: border management, asylum, readmission, labour migration and migration and development. He looked at the impact of the EU provided material resources, funding, and training to border guard services in Morocco and Ukraine. Wunderlich found that in Ukraine the EU-funded training built up the border control staff's capabilities on domestic security, but that they used this to move into the private sector where they found better pay and career opportunities. In both Ukraine and Morocco, the EU funded security equipment allowed these states to build up more of a presence in their politically sensitive border regions. Morocco has increased the number of troops in Western Sahara and Ukraine has pushed for border demarcation with Belarus and Russia and strengthened controls (2013: 34). As Morocco and Ukraine became more effective at closing their EU border, the number of migrants on their territories increased. Wunderlich found that this "provided both countries' security actors with an intrinsic interest in EU cooperation on migration control, which strengthen their control capacities and allow

them to respond forcefully to unwanted immigration" (2013: 34). Third country involvement predates the large influxes of 2015 involves some myriad consequences beyond preventing irregular migration to the EU, as is addressed in later chapters with a focus on the Sahel region.

Part of the stated logic of externalisation is to widen the geographical reach of international protection by helping third countries to build up their asylum capacities and provide protection to those fleeing persecution. Many scholars, NGOs and experts however assert that the underlying logic on the part of the EU is to "offload protection duties" because once the EU can declare a third country as 'safe' then they can fast track the asylum request of any asylum seeker who passed through that country in transit and send them back. Wunderlich notes that the basis of disagreements between non-member states and the EU is often that the former is equally unwilling to host large numbers of refugees (Wunderlich 2013: 32). This issue has become all the more salient since 2015 given the EU Agenda on Migration, the EU Turkey statement and the Valetta summit outcomes, among other policy developments that centre around third country involvement in reducing the number of asylum seekers who enter Europe.

In terms of labour migration, member state preference is for short term migrations that preclude the possibility of integrating the 'labourer' into the national community (Gsir, 2013; Fudge and Ollsen, 2014). On the one hand, scholars have found that circular migration for service providers and seasonal workers holds great potential for the economies of both the EU and non-member states (Wunderlich, 2013). On the other hand, are criticisms of schemes like circular migration because they argue that the EU is calling the shots and extracting from Africa what it needs. Hansen and Jonsson (2011) conclude that these schemes are emblematic not of EU-African "win-win" dynamics and African development gains" but instead is a win-win dynamic for the EU "between its own security-oriented fight against illegal migration, on

the one side, and its neoliberal fight for growth and competitiveness, on the other" (2011: 267).

Finally, the EU funds campaigns against irregular migration in sender countries. Information campaigns warn against illegal migration and provide information on legal immigration channels. While empowering migrants to make well-informed choices is positive, studies have concluded that these campaigns are cynical given that substantial legal immigration channels are literally non-existent for most member states (Carling and Hernández-Carretero, 2011; Wunderlich, 2013). Ruben Andersson's (2014) ethnography provides a deeper insight into what these policies look like on the ground. He describes his visit to the *Centre d'Information et des Gestions des Migrations* (CIGEM) (Centre for information and management of migration) in Mali as a visit to a "jobless job centre." Media fanfare had encouraged around forty hopeful migrants to visit CIGEM a day, but they were to be disappointed as since 2009 when twenty-nine seasonal workers had gotten to work in Spain, the job market had frozen (2014: 242).

Conclusion

This chapter has traced the evolution of EU migration and asylum policies, with an eye on the situation today and how a historical analysis helps our understanding of the current set of migration and asylum policies. My research participants often framed the policies they were working on as being products of a particular historic, political moment in which a large number of refugees and migrants arrived on EU territory while the EU faced a number of crises, as part of their understanding of their work as an 'ethic of responsibility to save Europe'. By surveying scholarly work on the history of EU migration and asylum, this chapter has argued that current policy trends are not a peculiarity but rather on a course set

over decades. This is not to deny the novelty or innovativeness of particular policies like hotspots or the relocation scheme, nor the particularity of the historic moment in which the far right has been in ascendance, a member state left the EU and the number of migrants and refugees coming to Europe increased starkly. The aim is rather to show that the trends of exclusion, third country involvement, and focus on security were already in place. The current migration and asylum policies do not represent a 'break' from the past in any definitive way, despite the frequent reference to a 'migration crisis' in the EU. While policies evolve, this chapter has shown that the dominant features of current EU migration and asylum policies are not a reaction to a 'crisis', to the Arab Spring, nor the Syrian War, but represent rather the most recent iteration of policy trends set in place decades ago, albeit in a manner that is influenced by current events. For instance, a feature of post 2015 policy has been a disproportionate emphasis on security and framing migration as a 'security problem', including in the 2015 EU Agenda on Migration (Carrera et al 2015), the emphasis and increased resources devoted to Frontex, and the orientation of Common Security and Defence (CSDP) missions towards migration control. This chapter has demonstrated that the central place that security holds in migration policy can be traced back to early European cooperation in this area and particularly to the Schengen Agreement negotiations which identified migration as a potential threat, alongside drug trafficking and terrorism following the erasure of internal borders.

The governing of migration policy has evolved from being dominated by Ministries of Justice to a type of 'diluted intergovernmentalism' and finally full communitarisation with the Lisbon Treaty. The next chapter examines each of the EU institutions, their particular policy preferences and how they pursue these in their interactions with each other. The marks made by the early dominance of national governments are still seen in the migration policies of today. Throughout my fieldwork I found that policy officials were driven by reflexive

understandings of how their work on migration policy was part of protecting, saving the EU project. This thesis argues that what animates EU migration policy making is not necessarily the dynamics of migration or international protection, but a whole range of considerations, from foreign relations to fostering solidarity between member states. Similarly, a number of scholars have argued that the creation of the Common European Asylum System was driven by the needs of a border free Schengen area (Moreno-Lax, 2014).

Thym analyses the constitutional rationale of EU migration policy from the starting point that European integration had a "historic mission" to "overcome closed nation States and prevent relapse into darker manifestations of nationalism" (2013: 732). He argues that given that European integration has been defined, for half a century, by the dismantling of borders, "it was no far-fetched assumption that the European Union would grant workers from Ukraine or spouses from Algeria similar rights to EU citizens living in another Member State" and the fact that the Area of Freedom Security and Justice has served instead to re-confirm borders towards third country nationals both physical and legally under the CEAS creates a "conceptual tension at the heart of the European project" (2013: 709). The "conceptual tensions" inherent in EU migration and asylum policy are at the heart of this thesis and explored in more detail in the chapter, devoted to 'values', specifically the proclaimed 'European values'.

Chapter Two

The Institutions of the European Union

Introduction

This ethnography offers an account of the migration and asylum policies of the EU, presents some features of the policy making landscape in Brussels that produces these policies and presents policy workers' understandings of their role and their work. This thesis will use fieldwork findings to discuss policy workers' perceptions of the relative weight of each of the institutions and how this impacts migration and asylum policy, and these first two chapters provide a historic context for this ethnographic exploration. It is important therefore to outline the characteristics and policy preferences of the European Commission, the European Parliament, and the member states, and how each have exercised their powers to promote their preferred policies. Diego Acosta (2009) sums up the dominant perception of where each of the institutions stands on migration, characterising the European Parliament, the Council and the Commission, as respectively "the good, the bad and the ugly". The European Parliament (EP) and the Commission are seen to embody a "liberal" approach to migration in contrast to the "conservative" preferences of the Council. The case studies discussed in this chapter present a slightly more complex picture.

Theoretical approaches to understanding migration policy formation have their roots in earlier theories on the motor of European integration and whether an intergovernmental framework focusing on the member states (Moravcsik, 1998), or a supranational approach that pays attention to the roles of transnational society and the supranational institutions (Sandholtz and Stone Sweet, 1998) can best account for the pace and character of European

integration. Two prominent theories that deepen an analyses of EU migration policy formation are the intergovernmentalist 'venue shopping' thesis (Guiraudon, 2000) and the supranational 'liberal constraint' thesis (Kaunert and Léonard, 20120). In looking at the policy preferences of each of the institutions the two main issues are, firstly, their degree of preference for deepening integration and policy harmonisation when it comes to migration and asylum policy, and, secondly, whether they pursue more restrictive or liberal policies regarding migration.

These issues are explored in this thesis in relation to the policy negotiations in the wake of the migration policy crisis from 2015, using my fieldwork findings. This chapter presents a historic understanding and addresses these questions through studies of the characteristics of each of the institutions that impact their approach to migration policy formation, case studies of negotiations on particular policies (Blue Card Directive (Gsir, 2013), Racial Equality Directive (Givens and Luedtke, 2004) and the Seasonal Workers Directive (Fudge and Ollsen, 2014) and analyses of Parliament voting records (Ripoll Servent and Trauner, 2014; Lopatin, 2013).

1. Theoretical approaches to understanding European integration

Theoretical work addressing the role that each of the institutions play in migration policy formation is about "explaining the outcomes of European Union (EU) decision-making. It is a question that has occupied scholars since the 1950s and remains of fundamental significance" (Niemann 2008: 560). Analyses of migration policy formation and the impacts of Treaty changes on migration policy link to earlier debates regarding whether European integration is driven by national governments acting in their rational interest, as argued by Andrew Moravcsik (1998), or driven more by supranational institutions and transnational society, the case for which is put forward by Wayne Sandholtz and Alec Stone Sweet (1998).

For Moravcsik, it is national governments making "rational choices" in pursuit of their economic interests, rather than supranational institutions or transnational society who are at the centre of European integration. Moravcsik argues that European integration reflects the will of national leaders and does not supersede or circumvent their political will (1998: 4). Moravcsik presents a "rationalist framework" that "assumes, above all, that the primary political instrument by which individuals and groups in civil society seek to influence international negotiations is the nation-state, which acts externally as a unitary and rational actor on behalf of its constituents" (1998: 22). According to this view, states pursue 'national preferences' that are shaped through political groups at the domestic level (ibid). Sandholtz and Stone Sweet (1998) on the other hand seek to challenge approaches that present European integration as a straightforward product of member state interests, power, and bargaining and claim to demonstrate that the crucial actors are transnational society and supranational institutions. Sandholtz and Stone Sweet refute the claim that integration simply reflects the will of national leaders and instead argue that while governmental actors can attempt to push integration in directions favourable to their perceived interests, "they do not drive the process nor fully control it" (1998: 12). Sandholtz and Stone Sweet propose moving away from "simple characterisations" of the European community as either "intergovernmental or supranational" and seek instead to explain uneven levels of integration as a "continuum" between the two modes of governance (1998: 8). A "supranational" mode of governance is one in which supranational institutions do not simply work to facilitate bargaining and coordination between national governments, but may exercise substantial autonomy in policy formation, "at times even in the face of member state indifference or hostility" (1998: 10). For Sandholtz and Stone Sweet, national governments can be seen as powerful actors who are "constrained by rules whose production they do not control" (1998: 18) and whose capacities to control integration are ultimately overwhelmed by a dynamic by

which increased transnational exchange leads to a need for supranational coordination and rules which pushes supranational bodies to legislate and to clarify the rules (1998: 14).

In the context of EU migration policy, a number of the tenets of Sandholtz and Stone Sweet's theory have been contested. For instance, Andrew Geddes studies the movement towards "a more Community-based form of integration" in migration policy and finds that this has not involved states being "swept along by an inevitable logic of integration" but that supranational institutions have remained relatively weak in this policy area (2000: 29). This chapter will discuss case studies of policy negotiations on labour migration policy (Gsir, 2013) and external migration policy (Papagianni, 2013) that portray the European Commission as being hampered from pursuing its policy goals by the member states.

Since the 1990s, understandings of EU migration politics have been dominated by the intergovernmentalist framework, building on the work of scholars like Moravcsik (Bonjour et al 2017: 1). In 2000, Virginie Guiraudon put forward her 'venue-shopping' thesis, which has become the "most influential" among intergovernmentalist accounts of European migration policymaking (Bonjour et al 2017: 2), seen as "recognising the shortcomings of both state-centric and supranational accounts" (Hampshire 2016a: 542).

Guiraudon stresses the role played in migration policy formation by security officials who in the early years of European cooperation worked together in groups or "clubs" dedicated to policing themes such as drugs or terrorism that then "branched out" to also cover migration and asylum (2000: 254). Guiraudon's venue-shopping thesis accounts for the "vertical dimension" of migration policy making as a response on the part of policy makers to constraints they face at the domestic level. Guiraudon argues that 'law and order officials' who pursue restrictive migration and asylum policies seek new venues where they can avoid constraints, exclude possible adversaries, and find new allies. Guiraudon refers here to policy makers seeking to "elaborate and implement policy away from the judges' gaze" (2000: 262),

to exclude the EP and to avoid the supervision of NGOs (2000: 264). In terms of policy aims, these officials seek to secure the cooperation of third countries in establishing a "buffer zone" around Europe's borders (2000: 266). The venue-shopping thesis presumes that member states hold restrictive policy preferences in the field of migration and asylum and that supranational institutions are more likely to be "a friend of third country nationals" (Guiraudon 2000: 264).

Bonjour et al (2017) argue that the intergovernmental framework of venue shopping is challenged by the shift of power with the gradual communitarisation of EU immigration and asylum policy. They find that the power assumption of the venue shopping thesis - which they characterize as being that member state governments have full and exclusive control over European migration governance – no longer holds and point to the 'liberal constraint thesis' argument that Treaty changes have given new powers to supranational institutions and they are using these powers to act as a "liberal constraint", curbing member states' quest for restriction (2017: 4). While both the 'venue shopping' and 'liberal constraint' theses share the assumption that member states pursue restrictive policy preferences, the 'liberal constraint' thesis focuses more on the power of supranational institutions. Kaunert and Léonard argue that it is important to re-assess the EU 'policy venue' ten years after Guiraudon's influential study and they not only argue that the EU 'policy venue' is a liberal one, but credit the increased involvement of the European Commission, the European Parliament and the European Court of Justice with having transformed the EU 'policy venue', meaning that "member states are now locked into a more liberal system of policy venues" (2012: 1410). One issue with the 'liberal constraints' discourse is that it neglects to coherently define what is meant by 'liberalisation' or 'restriction' and how this would be measured. As Bonjour et al point out the question remains "liberal or restrictive *compared to what?* To pre-existing national policies? … To international norms?" (2017: 9).

A second issue is the attribution of 'liberal' or rights-based preferences to supranational institutions coupled with the assumption that they will be able to use their increased capacities to shape policy in that direction. This chapter explores the extent to which these assumptions have played out in migration and asylum policy formation.

2. The European Court of Justice

The Court of Justice of the European Union has played a significant part in shaping and making EU law. A combination of the Court's duty to ensure that EU law is interpreted and applied correctly, and the nature of EU statute law being that it is often unclear and incomplete, has contributed to this. In fact, the EU's courts "inevitably often go well beyond merely giving a technical and grammatical interpretation of the written rules. They fill in the gaps in the law and, in so doing, they not only clarify the law but also extend it" (Nugent 2017: 232).

In the realm of migration and asylum however, the court's role has been significantly curtailed by the dominance of the intergovernmental mode of cooperation (Kostakopoulou 2000: 498). According to Guiraudon's 'venue-shopping' thesis, national governments were motivated to "prevent the ECJ from applying its integrationist outlook to migration and asylum issues" and the fact that the European Court of Justice (ECJ) had no role to play in the intergovernmental pillar of the Maastricht Treaty and was granted such a limited role by the Amsterdam Treaty is "testament to its influence in other areas of European integration and its expansive jurisprudence on the free movement of workers" (Guiraudon 2000: 262). Although the Maastricht Treaty limited the role of the ECJ and the Amsterdam Treaty did little to significantly alter this, Geddes (2000) cautions against dismissing the role of the ECJ in migration and asylum as research has shown that courts have managed to play a significant role in protecting migrants' rights (2000: 31).

With the entry into force of the Lisbon Treaty in 2009, the European Court of Justice was empowered and had its jurisdiction extended in relation to the AFSJ, including migration and asylum policy (Hampshire 2016a: 542, Kaunert and Léonard 2012: 1405). This enabled a more 'activist' role for the ECJ (Hampshire 2016a: 543). The ECJ, like the European Parliament has been seen as a body that pursues a 'rights based' approach to migration and as being more 'friendly' towards migrants and refugees (Kaunert and Léonard, 2012; Block and Bonjour, 2013). An example of this stance is the 2011 ruling that suspended transfers of asylum seekers from other member states to Greece under the Dublin Regulation on the grounds that migrants' fundamental rights could not be guaranteed in Greece (Hampshire 2016a: 538). Kaunert and Léonard (2012) and Block and Bonjour (2013) contest the 'venue shopping' characterisation of the policy making space at EU level on the grounds that the EP and Commission and notably the European Court of Justice have managed to reshape the policy making "venue" into a liberal one where restrictive asylum and migration legislation was unlikely to pass. Block and Bonjour give as an example the Court's expansive interpretation of the Family Reunification Directive which they say demonstrates the Court has taken "an ever stronger stance against all-too harsh instances of family migration restriction" (2013: 223).

3. The European Commission

The European Commission is sometimes compared to a civil service, but is both more and less than a civil service, since it has executive functions as well as being the 'guardian of the treaties', 'the conscience of the community' and responsible for mediating between member states with diverging interests (Nugent, 2017). The Commission therefore is called upon to act both as a type of administration and a political force.

The question of whether the European Commission can provide the political leadership that Europe needs is addressed by David Coombes (1970) through his study of whether or not the European Commission is a bureaucracy and more specifically, "Is this a case of bureaucracy being asked to substitute for the roles of other part of government?" (1970: 119). Coombes addresses this question with an examination of The Kennedy Round of trade negotiations which took place in 1964 and have been seen as a success and a positive step for European integration. Coombes puts this success, in part, down to the fact that the Commission was able to act with a degree of political leadership. He concludes that

> clearly, the Commission's role is much more than that of an administrative organisation or bureaucracy. It is expected to adhere to certain values and certain goals of its own … and must innovate in order to survive (1970: 188).

Coombes goes on to say,

> there is another side to the Commission's role. In many ways, it is like that of an administrative organisation or bureaucracy in that the Commission's leaders only too clearly lack effective means to impose their own view of the common interest. The commission depends on the whims of the member states (1970: 189).

Though the Kennedy Round of trade negotiations took place over five decades ago, the above lament that the member states call the shots is echoed in my interviews as discussed in later chapters and there are lessons to be learned from Coombes that can be applied to examining the EU of today. If the Kennedy Round revealed the Commission to be riddled with contradictions, an organisation with bureaucratic traits but expected to take on functions far beyond those of a bureaucracy, this gives some clues as to the source of certain of the Commission's problems. It may well remain the case that, as Coombes says, the Commission lacks the means to impose their view of the common interest, an issue widely debated.

It is often remarked that the Commission has not in fact reconciled the tensions in its organization structure outlined above, specifically that between being an administrative organization and being a policy initiator and agenda setter. The Commission is thought to be constrained by its rather rigid organizational structure, from emerging with a broad vision (Nugent, 2017). Nugent and Rhinard (2016) present the case for the Commission as an agenda-setter, a position that they say endures in the face of challenges from other institutional actors and new posts in the EU's leadership landscape. Drawing on examples from various policy spheres, Nugent and Rhinard argue that the Commission has maintained its strong influence in driving the EU's agenda through a combination of using its formal Treaty powers, taking advantage of opportunities that present themselves, and activating informal leadership. For them, the EU response to the migration policy crisis illustrates the Commission's role as "the main repository of policy arguments, ideas, expertise and memory" because it adopted "high policy activism" and set the terms of debate (2016: 1204).

Arne Niemann (2008) provides insights into the role of the Commission in his examination of the negotiations and outcomes of the Intergovernmental Conference (IGC) negotiations at Amsterdam, Nice and Lisbon and tries to account for the varying levels of progress made at each. In analysing the role the Commission played at each Intergovernmental Conference, he notes that the Commission facilitates and pushes agreements on integrative outcomes in a number of ways. For example, it can act as a promotional broker by upgrading common interests, for instance by facilitating package deals. In addition, it is centrally located within a web of policy networks and relationships, which often results in the Commission functioning as "a bourse where problems and interests are traded and through which support for its policies is secured". The Commission's often superior expertise allows it to exert itself. By presenting well-researched, creative and

balanced proposals, the Commission had demonstrated that it could bring some added value into the "politically sensitive field" of migration and asylum policy (2008: 573).

3.1. The European Commission's policy preferences

We turn now to examine the Commission's view on immigration and asylum and how successfully it has imposed it. Traditionally, the Commission is thought of as embodying a progressive and liberal position on immigration and asylum. Although as we will see the picture is more complex than this and I think that it would be more accurate to characterize the Commission's position as pragmatic than progressive. It is important to note the heterogeneity of the Commission, with different DGs approaching the issues of migration and asylum from different perspectives, and even within DG Home the various departments can express divergent priorities, as articulated by my interviewees.

A case study of the Commission's efforts to pursue a more harmonised migration policy in the area of labour migration is provided by Sonia Gsir's (2013) fascinating analysis of labour immigration policy developed at EU level since Amsterdam. Gsir traces the interaction between two conflicting discourses on migration. On the one hand, the restrictive 'zero-immigration' national discourses, and on the other that of the Commission who in the mid-1990s observed the de facto existence of labour migration in Europe and promoted cooperation between States in relation to the needs of the labour market (2013: 93). Gsir cites the communication 'Community Immigration Policy' published by the Commission in November 2000, as an example of the emerging Commission discourse which rather than consider labour migration as a problem to be solved through restrictive policies or border closures, presented it as a positive phenomenon, a solution to solve economic and demographic problems (2013: 94). Gsir traces several phases of bargaining between the

Commission and the Council that were marked by the Commission's proposals being rejected and their scope being curtailed. Some Member States considered that in respect to the discrepancy between the needs of various labour markets of the Member States, the political solution proposed violated the principle of subsidiarity (Gsir 2013: 97).

Eventually the Commission put forward a proposal that appealed to the member states in the form of the Blue Card Directive. The Blue Card Directive was supposed to be similar in ways to the US Green Card but exclusively for highly skilled workers with higher qualifications and earning above a given salary threshold. Even the term "migrant" is avoided, and the term "highly skilled worker" is used. The Blue Card was more acceptable to member states because the lack of highly qualified workers and the international competition for these talents was already acknowledged at the European level, and crucially since the Blue Card Directive only concerned a very small number of workers policy workers did not expect there to be a rejection from public opinion. Interestingly, the Commission interviewees reported to Gsir that member states were not worried about integration because the Blue Card was only for highly skilled workers and so it was expected that this class of worker would integrate very easily and not disturb social cohesion (Gsir 2013: 104).

Although the Blue Card includes some attractions for migrants, notably easier family reunification, the Directive removed the objectives of the original proposal which claimed to establish an immigration policy that would be able to compete with those of non-EU countries, particularly the US system, and with added value compared to national systems. Gsir's interviews with officials demonstrate that the Blue Card is not seen as a great victory by the Commission whose original ideas were not followed and there is some frustration within the Commission that this was a lost opportunity for added value of a European system of admission (2013: 105). Gsir's study shows the Blue Card as an example of the Commission demonstrating more openness to immigration than the member states and at the

same time failing to shape policy in this direction, with its proposals being repeatedly rejected or watered down. Of course, this is not an isolated case, as Acosta notes the Commission has repeatedly met with opposition to its proposals in the realm of migration policy (2009: 20).

If the Commission could be characterised as having a more open approach to labour immigration, it shares with the member states the goal of combating irregular migration. Where they diverge is on the question of the best methods to use. The Commission has favoured a 'carrot' approach and the Council a more restrictive and punitive approach (Fudge and Olssen 2014: 448). While the Commission has tried to push a root causes approach to curbing irregular entries, they are increasingly working with the Council's more control oriented agenda on measures such as returns and external border control (Hampshire 2016a: 549).

The Commission is not a homogenous institution and the various DGs have been known to take different approaches to migration, depending on their understanding and priorities. This has come to the fore all the more since the EU Agenda on Migration was published in 2015. The EU aims to maximise the involvement of third countries in achieving the EU goal of 'migration management' and to mobilise international cooperation programmes for this purpose. The GAMM (Global Approch to Migration and Mobility), discussed in the previous chapter, similarly involved DG Home Affairs needing the cooperation of a reluctant DG Dev Co (DG International Cooperation and Development), whose officials are concerned that adopting migration policy objectives might undermine negotiations with third countries or result in aid being targeted at relatively wealthy countries with high numbers of migrants to Europe or towards individuals most likely to migrate rather than the most vulnerable (Hampshire 2016b: 577).

4. The European Parliament

The power of the European Parliament has increased over the past decades, beginning from a series of reforms of the rules for adopting the annual budget of the EU in the 1970s and from the introduction of "direct elections" to the Parliament in 1979 (before 1979, the Parliament was composed of part-time delegates from national parliaments) (Hix and Høyland, 2013). According to Desmond Dinan, the EP's success can be attributed to the moral authority it derives from being the only directly elected EU institution, its effective leadership and incidents of political opportunity which often came from treaty changes (Dinan, 2014). This section will examine some of these political opportunities, particularly the reforms introduced by the Lisbon Treaty and discuss how this impacted EU migration and asylum policies, the contribution that the EP makes to this policy sphere and the institutions' interactions in this area.

4.1. The European Parliament since Lisbon

The European Parliament (EP) has been described as one of the 'winners' of the Lisbon Treaty (Mahoney 2010 in Dobbels and Neuhold, 2012). When the Lisbon Treaty entered into force in 2010, the European Parliament was made a co-legislator on equal footing with the Council of the European Union regarding migration legislation. Lisbon brought JHA under the ordinary legislative procedure giving the EP significantly more influence in this area, at least in theory.

Many expected that Lisbon would bring about a transformation of EU migration policy and it has been described as "a unique opportunity for ambitious transformation of the EU's Area of Freedom, Security and Justice as well as its migration-policy components" (Carrera et al 2011: 6). In their analysis of policy change Ripoll Servent and Trauner (2014) distinguish between what they call the substantive dimension (policy content) and the

functional dimension (degree and type of integration). In terms of the substantive dimension, many expected that the European Parliament would use their newly increased powers to mould a more liberal, "progressive" and "refugee friendly" set of legislation. The European Parliament had a track record as the 'pro-migrant' or 'refugee-friendly' institution. Historically, the Parliament "consistently argued for a comprehensive and migrant-friendly approach" (Acosta 2009: 21). This position was largely down to the work of a coalition of socialists, liberals, greens, and radical-left MEPs (Ripoll Servent and Trauner 2014: 1148). The Parliament had also favoured more harmonised policies and so it was expected that in terms of 'functional dimension' changes, the Parliament would aim to bring about a more harmonised migration and asylum regime.

While there seems to be a consensus that the anticipated large-scale changes did not come about, opinion is divided on the extent of influence the European Parliament has succeeded in exerting over migration and asylum policies. Steve Peers argues that the enhanced involvement of the EP "has had a modest but real impact" (2014: 36). He points to the raising of standards in the Qualification Directive and limiting the waiting period for refugees and persons with subsidiary protection to gain long-term residence status, but concedes that progressive gains in one area could be undercut by a more conservative turn in others, like border control.

Ripoll Servent and Trauner (2014) address the question by systematically examining EU asylum law before and after Lisbon. They examine four texts of the Common European Asylum System (CEAS) that were part of a recast concluded in June 2013 and find that pre-Lisbon the EP pushed for an approach that was both more human rights based and more harmonised, in clear opposition to the Council of the European Union, but post Lisbon their opposition mellowed. Importantly, while the recast CEAS was less restrictive it did not question the 'core' of the asylum laws. For example, during negotiations for the first

generation CEAS the EP had strongly opposed including the possibility of detaining an asylum-seeker in the 2003 Receptions Directive. When it came to recasting the Directive in 2013 their position had shifted from questioning whether detention should ever be permitted, to the length and conditions of detention (2014: 1150). This shift notwithstanding, they do conclude that the recast CEAS was more harmonised and less restrictive than its predecessor and agree that this is evidence of the power of EU institutions to make EU asylum and migration policies more liberal, even if the difference is only in degree and leaves the core intact (2014: 1153).

We turn now to address the issue of why the European Parliament has not fully exploited the opportunities of the post Lisbon era, or at least not in the ways expected of it. Co-decision in the area of irregular migration was adopted in 2005 and the first important immigration instrument adopted afterwards was the Returns Directive (2008). The Returns Directive has been widely criticised on human rights grounds, yet the European Parliament approved the text negotiated with the Council in the first reading, without introducing a single amendment (Acosta 2009: 29). Acosta examines why, given the Parliament's traditionally liberal stance on migration, this transpired. He emphasises the difference between how co-decision works in theory and in practice, especially the role played by *both* formal and informal trilogues (2009: 24). While formal trilogues take place between representatives of the Council, Commission and Parliament, informal trilogues give greater influencing power to the Parliament's rapporteur and the Council's representative and take place behind closed doors and try to find an "early agreement" between the Council and Parliament. According to Acosta when the 'early agreement' is discussed in the Parliament's plenary the Parliament are reluctant to change anything because to do so runs the risk that the Council will withdraw from the process or adopt a tougher stance in the negotiations. According to Acosta, what this procedure gains in efficiency it loses in accountability, but

despite these issues informal trilogues were significant during negotiations of the Returns Directive, which partly explains how the Returns Directive passed without amendment (2009: 25). Another factor in the passing of such a Directive, was that the European Parliament wanted *some* legislation to pass, rather than none. While Acosta concedes that without the European Parliament's participation the Returns Directive would have been more restrictive, he argues against the logic that it is better to have this Directive than none at all and raises the issue of the Parliament's demonstrated "inability to seduce the Council" (2009: 39).

Esther Lopatin's (2013) study of European Parliament votes echoes Acosta's findings. Lopatin's statistical analysis of migration related votes in the EP since Lisbon, found that the EP has in fact become more restrictive. She found that the EP repeatedly gave in to most of the Council's provisions, voted in favour of compromises and did not introduce the more human rights centred policies that many had expected (2013:751). Lopatin argues that this can be accounted for by the Parliament attempting to be effective by proposing amendments that had the most chance of gaining the consent of the Council. The EP wanted to avoid a situation where legislation would be dropped altogether and so she concludes that there is an inverse correlation between the level of decision-making authority and the freedom to vote for a liberal immigration and asylum policy (2013: 753).

Similarly, Ripoll Servent and Trauner's (2014) research found that the European Parliament was more anxious than the other institutions to ensure that some legislation passed and "Some in the EP even considered that, after the long and difficult negotiations, voting against the measure would have made them 'look like a fool'" (2014: 1152). The EP moved from being a voice of opposition to sharing responsibility for policy outcomes, prompting a new understanding of its role and for some in the EP, it learned to "get its hands dirty" and be more conciliatory towards Council (ibid). They also address the significance of alliances

between political groups in the European Parliament. During the Common European Asylum System recast negotiations in particular, the EPP (European People's Party) group successfully gaining ALDE (Alliance of Liberals and Democrats for Europe) as an ally helps to account for the restrictive nature of the policies negotiated.

The importance of these alliances between political groups lies in the fact that the European Parliament needs to have a common position in order to compete for influence in the policy making process with the other institutions of the EU (Brack and Costa, 2018; Busby 2013). Brack and Costa maintain that the reliance of a 'grand coalition' between the two largest political groups, (EPP and S and D (Socialists and Democrats), often with ALDE support) to obtain a majority actually weakens the Parliament. The coalition dilutes ideological differences and impedes Parliament's capacity to make innovative decisions and break the path of previous institutional decisions (2018: 4). They raise this point not necessarily in relation to migration and asylum policies, but to the position of the European Parliament more generally within the EU political model.

Indeed, there are debates over the relative influence of the European Parliament as an institution over the past few 'crisis' years. Dinan (2018a) explains how one effect of the euro crisis was to reposition the European Council from an institution providing overall political direction, to one that was very much at the forefront of day-to-day decisions as it became an "executive body operating in almost permanent crisis mode" (2018: 51). The EP was rather excluded from the management of both the euro crisis and the migration policy crisis (Brack and Costa, 2018). This led the European Parliament's president and leading MEPs to criticise the European Council for threatening the Community method by using excessive intergovernmentalism (Dinan 2018a: 20).

To summarise, the European Parliament has gained influence in recent decades even if this influence has been less than was foreseen. Although the European Parliament has not

re-directed EU migration and asylum policy down a more liberal path it maintains its position as the more liberal of the EU institutions on the migration question. The handling of recent crises has involved side lining the European Parliament, not least during the migration policy crisis as will be discussed in more depth later.

5. Member States and the European Council

Member state interests are represented at both the Council of the European Union and the European Council. The Council of the European Union is comprised of the government ministers from each member state, according to the policy area in question. The European Council's members are the heads of state or government. The European Council was formed in the 1970s but was only made a fully-fledged EU institution by the Lisbon Treaty which also introduced the role of the European Council president.

As we saw in the above discussion on the development of EU migration and asylum policies, the member states very much moulded the early policies, the shape of which certainly endures today. This section will discuss the two defining characteristics of member state approach to migration policy; an attachment to sovereignty over policy harmonisation, and a restrictive approach to migration and asylum that favours border control, what influences member state policy preferences, and how successful they are in pursuing their preferred policies vis a vis the Commission, the European Parliament, and other member states.

5.1 Member State Policy Preferences

Member states have consistently displayed a reluctance to relinquish sovereignty through cooperation on migration policy (Brack and Costa, 2018; Geddes, 2001; Kostakopoulou,

2010; Thym, 2013). Of relevance here is that this has translated into an insistence on retaining the capacity for national governments to decide on how many migrants enter their territory through labour migration, and a reluctance to harmonise asylum policies. Since the Commission and European Parliament push for a more harmonised migration regime, this has created significant tension between the institutions (Hampshire, 2016a).

Sandra Lavenex points out that when it comes to refugee policies, there are in fact two tensions: "the tension between state sovereignty and supranational governance, and the tension between internal security considerations and human rights' issues", with the member states consistently favouring the former (2001: 852). The Council has consistently favoured proposals that narrow the rights and benefits of asylum seekers, concentrate on reinforcing border control, and shift responsibility to third countries. This displays a negative view of asylum and a suspicion of those who apply for international protection in the EU (Ripoll Servent and Trauner 2014: 1146). The same trend can be observed in relation to labour migration. Gsir's study of negotiations on the Blue Card scheme found that even Ministers who, while in meetings in Brussels, recognized the need for labour migration and are even "extremely positive", later say in a domestic arena "'Labour migration only over my dead body! Not taking place with me'" (Gsir 2013: 96)

Of course, the EU Member States are far from a homogenous group and certainly experience migration in very different ways depending on their geographic location, economy, culture and so on. This has become all the more evident in recent years, with divisions arising between 'East and West' and 'North and South'. With the 2004 enlargement, the EU admitted countries to the east that have much lower average incomes than the rest of the EU and this brought with it issues concerning labour migration and free movement as East-West movements have become hot political topics in certain member states (Hampshire 2016a: 547). The member states to the South have been much more

exposed to the effects of both the Eurozone crisis and the increase of migration to Europe since the Arab Spring began (Hampshire 2016a: 548). As discussed in the fifth chapter, the handling of the migration policy crisis since 2015 has heightened tensions, with certain Visegrad member states publicly insisting that migration is "not a European problem" but a problem for *specific* member states, of which they are not one. These tensions notwithstanding, two goals the member states *have* seemed to always be able to agree on, are to reduce the number of non-EU citizens entering their territories, and to enhance border controls (Hampshire, 2016a).

Both the venue shopping (Guiraudon, 2000) and 'liberal constraints' theses (Bonjour et al, 2017) assume that member states seek to pursue restrictive policies regarding migration. When it comes to explaining this policy preference, scholarly work looks to public opinion and the degree to which migration is a politicised policy area. As mentioned in the next chapter, national governments in Europe have been keen to reassure voters that states were still capable of managing migration and of determining the composition of the national community (Kostakopoulou 2000: 506). In most EU member states, migration is an extremely politicised topic. The spectre of election defeat at the hands of a more right wing party has played a role in shaping the less than liberal positions of national governments (Hampshire 2016a). Givens and Luedtke (2004) explain national governments' resistance to policy harmonisation in the field of migration and asylum using a model of intergovernmental bargaining that focuses on political salience, political partisanship, and institutions that protect immigrant rights. Their study surveys thirty-four proposed EU immigration policies and their status by issue area, indicating the salience, success, and restrictiveness of each proposal. Using this data, they conclude that expansive (liberal) harmonisation is less likely to occur when the political salience of a given immigration issue is high (2004: 146). Theirs is a 'bottom-up' perspective that sees politics at the national level

as determining the success and the nature of various harmonisation proposals by determining the positions of member states when negotiating in the European Council. They argue that when an immigration issue has high political salience, then restrictionist national executives protect de facto national sovereignty over immigration in order to maximize political capital (2004: 149).

Member states may face domestic pressures that constrain their capacity to act for EU integration. They may be constrained directly by agents, such as lobby groups, opposition parties, the media/public pressure, or more indirectly by structural limitations, like a country's economy, its geography or its administrative structure, especially when distinct from that of the European mainstream due to potential adjustment costs of integration (Niemann 2008: 564). Moreover, member state resistance to more harmonised or liberal migration policies may be rooted not just in ideological and political factors but also in more logistical considerations, like the administrative cost of adjusting their existing system to any changes (Zaun, 2016). Substantiating this view, in their analysis of the Common European Asylum System recast negotiations, Ripoll Servent and Trauner found that "The negotiations within the Council focused on administrative costs of different asylum laws and accommodating national practices rather than on ideological questions" (2014: 1151).

It is not as straightforward as national governments bringing to Brussels the anti-migrant sentiments they see at home, some studies suggest that national governments 'escape to Europe' when they want to introduce restrictive legislation that domestic constraints, whether public opinion, civil society or a powerful judiciary, would make impossible. Givens and Luedtke's study shows how each member state has various levels of motivations to 'escape to Europe' depending on the constraints that they face at home. For example, since the United Kingdom does not face a particularly strong, independent judiciary to protect immigrant rights, it has no need of the EU's "venue" to legitimise its immigration crackdown

and thus tended to block even the most restrictive harmonization proposals that have been on the table, preferring to maximize pure sovereignty instead of strategic policy cooperation (2004: 153). Germany on the other hand used EU harmonization to tighten its political asylum rules which had previously been protected by domestic judges (2004: 147).

While the venue shopping thesis assumes that the intergovernmental mode of co-operation "favoured lowest common denominator measures" (Guiraudon 2000: 267) and the 'liberal constraint' thesis argues that the supranational institutions have restrained the restrictive preferences of the member states (Block and Bonjour, 2013), Natascha Zaun goes against the grain somewhat when she argues that it is not the supranational institutions who have always maintained higher standards in asylum policy, but the northern member states. According to Zaun, an examination of the first phase of the CEAS shows that contrary to the expected 'race to the bottom' or agreement on the 'lowest common denominator' the higher standards of northern states prevailed. This was not due however to an ideological drive to provide high standards of international protection, but because those states that had higher standards also had stronger bargaining power and they used it to ensure that others would match their system, so that they would not have to make changes. These 'strong regulator' states were effective in influencing intergovernmental policymaking, partly because they had more expertise in asylum policy (Zaun, 2016). However, she also puts their success down to the fact that the 'weaker' states did not have many asylum seekers on their territory at that time, and obviously that situation has reversed since 2015.

5. Interactions and policy negotiations between the Institutions

This chapter has made use of case studies to analyse the policy preferences of the Commission and European Parliament and their levels of success in promoting their preferences and the focus here is on studies that explore the degree to which member states

have dominated migration policy formation. Geddes argues that the move from pillarisation brought about by the Amsterdam Treaty in 1997, as discussed in the next previous, does not necessarily weaken the position of member states in the sense that they "lose" or "surrender" power to the EU. Geddes goes so far as to say that "Supranational institutions have been weak and marginal in this policy area. Member states have made the running and have kept a tight grip on the policy process" (2001: 29). Kostakopoulou (2000) appears to agree with this assessment. Although she cautions against viewing European integration as "a tool in the hands of national governments " (2000: 500) she concludes that "Communautarization of migration and asylum policy …offers states the opportunity to expand the logic of control and law enforcement which underpinned the intergovernmental framework of co-operation and to construct new forms of power which not only increase their regulatory capacity but also enable them to impose their security agenda beyond the confines of the Union" (2000: 515). Both of these scholars were writing in the years following the changes brought about by the Amsterdam Treaty. It was anticipated that this balance of influence could shift following the Lisbon Treaty (Kostakopoulou, 2010; Peers, 2008).

In their study of the process of externalizing EU migration policies Trauner and Wolff (2014) find that in the area of third country involvement member states continue to wield particular influence, the changes brought about by the 2009 Lisbon Treaty notwithstanding. Trauner and Wolff find that member states maintain their influence through their use of bilateral agreements on migration control with third countries, and their influence vis a vis the EU institutions (Trauner and Wolff 2014: 5). The challenges involved in negotiating an external migration policy have shed light on the relations between the Commission and the Council in this area. The Commission has favoured a 'root causes' approach whereas the Council's control-oriented approach focuses on border controls and readmission agreements (Hampshire 2016b: 578). The Council's approach has prevailed since the Commission can

only begin negotiations with a third country when it is mandated to do so by the Council and it must consider what the Council and the national governments will accept. The Commission has been hampered from pursuing its "global and rather ambitious vision" instead obliged to take on "a rather pragmatic and somewhat restrictive approach in practice" (Papagianni 2013: 293). Once the Commission opens negotiations on a Mobility Partnership each member state can choose whether   to participate or not. Hampshire notes the importance of their respective history with the third country in question as well as their geographical location in determining member state participation in a Mobility Partnership. While this is not surprising "it clearly illustrates how national interests persist within a common European external migration policy" (2016b: 580). Papagianni describes the EU as often functioning "as a mere framework for the development of bilateral agreements" (2013: 290).

Fudge and Ollsen (2014) track the negotiations that took place between the Council, Commission and European Parliament from the initial Commission proposal for a Seasonal Workers Directive to its adoption four years later. Fudge and Ollsen present the various aims of each actor, and how they evolved over time. The Commission's twin aims for the Seasonal Workers Directive were firstly to improve the functioning of the EU's labour market by achieving circular migration. The Commission identified existing problems such as migrant workers flocking towards the member states that had the easiest entry procedures, rather than spreading across member states according to the need for their labour. Secondly the Commission aimed to protect seasonal migrant workers from exploitation. Fudge and Ollsen question whether this was in reality a goal for the Commission because their initial proposal for a Directive "would not have achieved this goal". Moreover, it would have severely undermined it given that "it is likely that if the original proposal had been adopted it would have been in violation of basic human rights prohibition against of discrimination, such as the EU Charter of Fundamental Rights" (2014: 446). This point is worth considering in light of

the above discussion on 'liberal constraint thesis' as it may call into question the extent to which the Commission aspires and acts to constrain the more illiberal tendencies of member states.

For its part, the EP aimed to use the Directive to protect migrant workers from potential exploitation. The EP wanted to add to the Directive criteria for admitting seasonal workers and reasons for withdrawing employers' permission to employ them that were designed to protect workers. The member states were concerned with avoiding administrative burdens and retaining control over the decision about which migrants would be allowed to enter their territory (Fudge and Ollsen 2014: 447). Where the goals of all three actors overlapped was in aiming to tackle irregular migration. They disagreed however over the best strategy for this with the EP and Commission proposing circular migration since the entitlement to return the following year was seen as a "carrot" to encourage seasonal workers go back home. Member states would not accept these incentives "preferring instead to use sticks" (2014: 448). Fudge and Olsson's analysis of successive drafts of the Directive over the three and a half years that elapsed from the Commission's initial proposal to its adoption illustrates how the institutions negotiated with each other and what each actor held firm to or let go of. In terms of what we can learn from this study about the likely future of EU migration policy, Fudge and Olsson conclude that the obstacles the Commission faces in achieving its goal of a common EU immigration policy are clearly illustrated by the process that led to the adoption of the Seasonal Workers Directive (2014: 465).

The focus of this chapter is interactions between the institutions, but it is worth noting there are a myriad of actors. Georg Menz (2011) conceives of Europeanisation as a 'two-level game' where national governments interact with non-state actors at the domestic level and with other governmental actors in the Council of Ministers. He analyses three pivotal European Union migration and asylum directives to argue that in order for non-state actors to

influence the national position they must build successful coalitions, as German employers did by lobbying a Ministry of Interior already sceptical of communitarian efforts regarding economic migration (2011: 458).

Like Menz, Givens and Luedtke emphasise the importance of coalition building for non-state actors to influence the national position. They cite the 2000 Racial Equality Directive (RED) as an example of the impact that pro-migrant institutions can have when they are coordinated and working on an issue of relatively low salience. The Racial Equality Directive is an expansive policy that was achieved when more than 400 organisations from around the EU were successful in gaining support for their proposals from actors within the EU's central institutions (2004: 160). Hampshire finds that a strength of this intergovernmental bottom up approach is that it connects European developments to national politics, a linkage which, he argues, has become stronger in recent years. However, he argues that a major flaw is that this model underplays the influence of EU institutions, notably the agenda-setting powers of the Commission and, since the Lisbon Treaty of 2009, the legislative power of the Parliament (Hampshire 2016a: 542).

Conclusion

"In many ways, the recent history of European migration governance is one of 'institutional change and policy continuity'" (Lavenex 2014: 2). It is true that migration policy has evolved but, as discussed in the following chapter, early trends have endured and the changes have been more in degree than in kind. So why has institutional change not led to decisive policy change? Although the supranational institutions have been empowered by Treaty changes, the member states remain dominant in the field of migration. Despite claims to the contrary by proponents of the 'liberal constraint' thesis, it is my contention that the EU 'policy venue' has not been transformed into a liberal one and supranational institutions have not been

successful in overriding the preferences of member states. This has been further reinforced by the handling of the euro crisis and the migration policy crisis that saw the Council meeting very frequently, as will be discussed in chapter five. Of course, the Commission retains a lot of influence and the European Parliament has some agenda setting powers but I find that the 'liberal constraint' thesis proponents have not presented sufficient evidence of a "liberal venue".

This chapter has presented studies of the institutions that trace negotiations of a specific policy (Gsir, 2013) or analyse voting records of the EP (Lopatin, 2013) as a step towards understanding the relative influence each of the institutions exercises in making migration policy. This thesis is not concerned with asking who 'really' holds the most power but rather with how institutional dynamics shape the policy making terrain and the impact this has on migration policy, *as perceived by my research participants*. My fieldwork therefore presents my research participants' perceptions of the preferences and roles of each of the institutions, how they balance national and supranational demands and how the Brussels environment impacts their views on migration and asylum policy. How the interactions between the institutions play out on the ground to influence EU migration and asylum policy making is discussed in the fieldwork analysis in chapter five, and these first two chapters provide a historical understanding for the context in which the migration policy crisis took place.

Chapter Three

Literature Review and Theoretical Statement

Introduction

This thesis is based on ethnographic fieldwork in Brussels and aims to address questions of how policymakers and influencers imagine their roles and the role of policy they create, how it impacts on migrants and on the EU, what it is they imagine they are doing when making EU migration and asylum policy. This research argues that to understand EU migration and asylum policy it is necessary to comprehend that this policy is about the EU, first and foremost, more so than it is about migrants or migration. The argument put forth is that policy proposals and their potential impacts, as well as developments in global migration are evaluated with an EU lens, relative to EU interests, and that the underlying moral driver of the EU migration policy regime is an effort to 'save the EU'.

The EU is understood as a "unique" political project but one that has faced immense challenges in recent years and is therefore in need of 'saving'. Saving the EU is imagined as an ethical goal because the EU is imagined standing for core human values, the rule of law and peace and democracy. The ethnographic data that I present demonstrates that EU policy makers are not automatons following bureaucratic rules but are motivated by their desire to serve the European Union. Moreover, they have a reflective understanding of why they see this as a moral work. In Weberian terms then EU migration policy makers see themselves as operating with an 'ethic of responsibility', and their responsibility is primarily to Europe, not to refugees and migrants, what I call 'an ethic of responsibility to save Europe'. This

addresses a gap in the literature in understanding the moral reasonings that animate EU migration and asylum policy making.

My research question situates the thesis at the intersection of a number of fields of literature from which it has benefited and to which it contributes. A study of migration policy has required engagement with studies of the phenomenon and experience of migration, mainly from the discipline of anthropology, and with legal scholarship that analyses international protection and the characteristics and contours of EU migration policy. The topic of EU policy is more popular among political scientists than anthropologists, and so I engage with that body of scholarship concerned with EU integration and EU policy making, but I pay particular attention to ethnographies of EU institutions (Busby, 2013) and migration policy professionals (Infantino, 2019). I apply an anthropological approach to a subject area dominated by quantitative studies, situating this work in the field of anthropology of policy, which has influenced the research questions pursued in this study. The ethnography of Gregory Feldman receives particular attention herein, especially his (2012) study of the EU migration policy "apparatus," which attends to an overlap between migration and security and shares some research questions with this thesis, but addresses these with a Foucauldian theoretical lens. Feldman finds the migration apparatus to be devoid of ethics, occupied instead with a drive to efficiency. My research offers a departure from this approach as my fieldwork findings include policy makers' articulations of their work as an ethical endeavour. In discussing what type of ethics my research participants pursue, I outline relevant contributions of moral anthropology before turning to Weber's 'Politics as Vocation,' which provides a frame for analysing the ethical understanding of migration policy professionals.

1. Migration Studies

Migration studies scholarship studies the determinants, processes and outcomes of migration and the majority of the literature in this field is dedicated to studying the experiences of migrants. Mine is a study of policy making and it is instructive to survey the literature on the phenomenon which the policies I study are aiming to impact. Later chapters will outline how policy makers articulated their understanding of migration and perceptions of migrants and their experiences. I will not conduct a comparison between the knowledges of policy makers and academic work, but it is nonetheless useful to survey research on the experiences of migrants.

Despite the much smaller numbers involved relative to other types of migration, the bulk of political attention in Europe focuses on two areas of migration: asylum and irregular migration. It is policy in the areas of asylum, border control and irregular migration that the EU member states have failed to reach agreement over the past three years and which has challenged solidarity among member states and relations between the institutions of the EU. Thus, it is on these aspects of migration that most of this review of migration studies is concentrated.

Refugee and forced migration studies emerged as a distinct field of analysis during the 1980s, and the discipline of anthropology played a significant role in its development. Anthropology "has given the growing field of forced migration studies its core conceptual binaries such as: place and space; home and homeland; territoriality and liminality; belonging and identity…" (Chatty 2014: 83). While legal scholars tended to examine international humanitarian institutions, particularly the United Nations High Commissioner for Refugees (UNHCR) (Weiner, 1998), and the influences on international refugee instruments, the anthropological contribution was concerned with using detailed ethnographic studies to

document lived experiences of forced migration (Chatty 2014: 79, Fiddian-Qasmiyeh et al 2014: 5). The boundaries of what constitutes forced migration and whether the field should also include irregular migration for instance continue to be debated (Fiddian-Qasmiyeh et al 2014: 5).

The discipline of anthropology has been deemed well suited to study "uprootedness" since a process in which boundaries are called into question and social institutions undergo changes can be usefully studied using organising concepts from mainstream anthropology such as kinship, reciprocity, role, social networks and boundary creation and maintenance (Colson 2003: 4). Liisa Malkki's influential criticism of refugee studies points to the risks of ignoring the diversity of those people who have in common the "broad legal or descriptive rubric" of "refugee" (1995: 496) and assuming that there is *a* "refugee experience" made up of "normative stages" (1995: 508). Responses to Malkki have countered that a legal status like 'refugee' constitutes a fundamental social category, and commentators have defended the study of commonalities across experiences and responses of uprootedness (Colson 2003: 3, Hathaway 2007: 350). Over two decades since Malkki identified these issues, a rich array of ethnographies have contributed to a refugee studies field that attends to the differentiated experiences of forced migrants and how they interact with factors such as social class (Harrell-Bond, 1999; Kaiser, 2006; Van Hear, 2004), age (Hart, 2004), gender (Callemard, 1999; Hart, 2008), and national and ethnic identity (Bakewell, 2000; Chatty, 2010; Kaiser, 2006). Ethnographies have documented a variety of experiences and stages of forced migration including of refugees living in camps in the Global South (Harrell-Bond, 1999; Kaiser, 2006; Turner, 2004), self-settled in the Global South (Campbell, 2006; Crisp et al, 2012), repatriated (Hammond, 2004) and resettled in the Global North (Matsuoka and Sorenson, 1999). The lived experience of borders and border control for the migrants who are trying to move towards and into Europe is of relevance to this thesis and is richly illustrated

in ethnographic work such as Ruben Andersson's (2014) multi-sited ethnography that stretches through Mali, Senegal, Mauritania, and Morocco and highlights the experiences of migrants in transit to Europe and those who have been returned to Senegal and Michael Collyer's (2006, 2007) research on migrants in Morocco. Collyer documents how new technologies and the facility of communication (through mobile phones and email) have opened migration from Southern to Northern Africa, across the Sahara to more people (Collyer 2006). At the same time, the increased risk of detection has been passed on to migrants crossing from Morocco to Europe in the form of higher price rates for smuggling (Collyer 2007: 684). The result is that migrants find themselves 'stuck' in Morocco, staying for longer than planned (Collyer 2006:130). More recently, McMahon and Sigona's research with newly arrived boat migrants to Italy seeks to challenge the assumption that Europe is the "ultimate destination" for migrants who arrive here, and instead assert that as migrants move through different places the conditions in which they find themselves determine whether they stay or continue to travel (2018: 509). McMahon and Sigona argue that their analyses that many migrants had set out without a clear idea of a destination "reveal a fundamental disjuncture between the drivers and dynamics of migration and the assumptions underpinning policy development" (2018: 497) because policy was made with the assumption that migrants sought out to reach Europe. The migration studies literature illuminates our understanding of migrants' lived experiences and is important for a study of migration policy. This thesis makes a unique contribution by offering insights into policy makers' understanding of migrants and migration which includes how they imagine the experiences of those who are the 'recipients' of the policies they craft, as discussed in the fourth chapter of this thesis.

2. Trends in international protection

The EU and its member states contribute to shaping the regime of international protection. The policy makers I encountered during my fieldwork in Brussels presented their views on the future of asylum and international protection, frequently expressing a preference for resettlement over spontaneous arrivals of asylum seekers. These policy preferences and the context and set of understandings which produce them are discussed in the chapter 'understandings of migration'. In this way, this research contributes to the literature that traces trends in international protection. Research on policy makers' views of international protection is contextualised by this literature's insights into the historic evolution of the international protection regime and how it has been influenced by the political context of each era of its development. As mentioned above, a significant body of work mainly from legal and political science scholars, examines the development of international protection in terms of the impact of the particular historic setting: the 1951 Convention was designed in the aftermath of World War II, and the context of the Cold War provided political motivations for a "somewhat liberal trend" (Gibney, 2004; Moreno-Lax, 2014). The end of the Cold War, the change in the profile of refugees, and economic decline following the 1973 oil crisis combined to produce among Western states a more closed attitude to refugees and asylum seekers resulting in a more restrictive interpretation of the Geneva Convention, an unwillingness to resettle refugees, and increased border control measures (Chimni, 1999; Gibney, 2004; Goodwin-Gill, 2001; Malkki, 1995; Moreno-Lax, 2014). Of particular relevance for this study is the work of legal scholar Guy Goodwin-Gill who identifies as a further challenge the according of "undue priority" to any one measure, giving as an example that the 1990s were to be "the decade of repatriation" (2001: 141), and Bhuinder Chimni who draws our attention to the role that certain (Northern) states play in shaping trends in

international protection (1999: 17). Writing on the occasion of fifty years of the UNHCR, Goodwin-Gill observed that the "political reality" is that states seem no longer willing "to work towards standards for the common good" (2001: 136). On the occasion of "UNHCR at 70" Goodwin-Gill's fellow UNHCR alumnus, Jeff Crisp, described this as "a time when the future of the international refugee regime is so uncertain" (Crisp 2020: 368). Crisp goes so far as to say that "in terms of the international environment confronting UNHCR, the current outlook has arguably never been bleaker" (2020: 366).

Almost twenty years later, Goodwin-Gill's conclusions that "the international community and States individually will continue to face the question of who is in need of protection" (2001: 137) and states are less willing to work for the common good, are more pertinent than ever. Both topics have been taken up more recently by Alexander Betts and Paul Collier in their well-known book *Refuge: Transforming a Broken Refugee System* (2017). As the title suggests, Betts and Collier survey the EU response to the 2015 increase in the number of refugees and asylum seekers arriving to Europe, as well as the conditions facing those millions of refugees in the Global South and conclude that the international refugee system is 'broken' before putting forward proposals for Europe to embark on a different response, to support 'havens' close to the refugees' countries of origin.

My research inquiries into the factors that shape EU migration and asylum policy and so literature detailing the historic 'eras' or 'phases' in the international protection regime and how these have been marked by the geopolitical events of the time provides an especially useful foundation and background. This thesis contributes to this body of literature by discussing policy makers' opinions on the Geneva Convention and examining the influence of the political moment of the migration policy crisis of 2015 and the attendant threats to the Schengen system which played a role in shaping migration policy formation, as articulated by policy makers and politicians. Following the assertion that Northern states, including EU

member states, play a large role in shaping international protection trends globally, and that international protection is at a pivotal moment, it is important to examine EU policy makers' preferred solutions and visions for international protection, which is a contribution of this thesis.

3. EU migration policy formation

My research question relates to what drives and shapes EU migration and asylum policies and so literature analysing these policies provides an essential background. I have focused on legal and political science analyses of the Common European Asylum System (CEAS). A number of scholars have analysed the 'raisons d'être' of the CEAS, arguing that its goals relate not to improving the provision of international protection but to eliminating secondary movements of asylum seekers around the EU (Bauloz et al, 2015; Moreno-Lax 2014).

Studies have highlighted that throughout its evolution from the Tampere conclusions in 1999, central to the Common European Asylum System has been an emphasis on significantly reducing the number of asylum seekers entering EU territory (Baldwin-Edwards et al 2019: 2145, Gammeltoft-Hansen and Gammeltoft-Hansen 2008: 448, Moreno-Lax 2014: 152) and a perceived need to 'combat abuse' of the asylum process (Guild 2006: 639, Moreno-Lax 2014: 161). A central plank of the CEAS agenda has been to secure the cooperation of third countries, both countries of transit and origin, in measures such as border control and readmission agreements designed to discourage or prevent the mobility of all but the most highly skilled (Baldwin-Edwards and Lutterbeck, 2019; Carling and Hernández-Carretero, 2001; Hampshire, 2016b; Kostakopolou, 2000; Papagianni, 2013).

Bonjour et al (2017) begin their discussion of EU migration policy making from the premise that "European Union (EU) asylum and immigration politics and policies have

witnessed a major change since their *communitarisation* in the early 2000s" (2017: 1). While migration policy has in one manner been a dynamic field, most often noted in the literature is the degree to which this area of policy remains loyal to its original form, with the changes having little or no impact on the cornerstone policies that have maintained their core form over decades (Bauloz et al 2015: 10, Moreno-Lax 2014: 148, Ripoll Servent and Trauner 2014: 1150). This is particularly evident in an examination of the Dublin system, with Dublin III deviating little in intent from its predecessor. Scholars have raised concerns that the migration policy crisis of 2015 has also not managed to jolt any meaningful change to the CEAS, but has in fact consolidated pre-existing practices (Baldwin-Edwards et al 2019: 2148, Den Heijer et al 2016: 608).

This field of literature has traced how Treaty changes and legislative developments have shaped EU migration policy and the relative influence of each of the institutions in this area, from the Schengen Agreement through the Maastricht Treaty and Amsterdam Treaty (Geddes, 2001; Guild, 2000, 2006; Kostakopolou, 2000; Niemann, 2008; Thym, 2013) and the Lisbon Treaty (Hampshire, 2016a; Kostakopolou, 2010; Kostakopolou et al, 2014; Moreno-Lax, 2014; Peers, 2014).

Two questions that have animated scholarship on EU migration policy are whether member states have retained significant control over this policy field (or as Ripoll Servent and Trauner (2014) entitled their study of asylum law post 'communitaurisation' '*Do Supranational EU institutions make a difference*?'), and has the 'communitarisation' of asylum policies, and the increased (formal) powers of the European Parliament (EP) and Commission resulted in more 'liberal' policies? Since the 1990s, understandings of EU migration politics have been dominated by the intergovernmentalist framework, building on the work of scholars like Moravcsik (1998), (Bonjour et al 2017: 1). Within the

intergovernmentalist framework, the most prominent thesis for explaining EU migration and asylum policy is that of 'venue shopping' put forward by Virginie Guiraudon in 2000 (Bonjour et al 2017: 2). The 'venue shopping' framework holds that actors strategically seek new policy making venues when they want to avoid constraints, such as those of their national judiciary, "eliminate adversaries, and enlist much-needed co-operating parties" (Guiraudon 2000: 262). Guiraudon traces the restrictive nature of EU migration policies back to pre-existing groups or 'clubs' dedicated to policing themes such as drugs or terrorism that then 'branched out' to also cover migration and asylum (2000: 254). A strength of Guiraudon's venue shopping thesis is that it accounts not just for the motivation for EU cooperation on migration policy but also offers an explanation for the *form* that the resultant policies took. Guiraudon's thesis attributes the dominance of security themes in migration policy to the fact that interior and justice officials dominated the policy making space from the beginning of European cooperation in this field (2000: 267). Guiraudon's argument that member states have managed to shape the agenda by using the EU policy making venue has been contested by a number of scholars of asylum policy who emphasise the increased influence of EU supranational institutions brought about by the Lisbon Treaty (Kaunert and Léonard, 2012) and argue against the assumption that member states have restrictive policy preferences (Zaun, 2016).

The characterisation of the EU 'policy venue' as more 'liberal', referred to as 'liberal constraints' thesis, rests on the argument that supranational institutions are able to impose 'liberal constraints' on member states' quest for restrictive policies, but does not firmly define 'liberal' (Bonjour et al 2017: 9). Scholars have pursued this hypothesis by analysing European Parliament (EP) voting and negotiations at trilogues on migration and asylum policy and have found that the EP has supported more restrictive policy in the years since Lisbon granted them increased competencies in the field (Acosta, 2009; Lopatin, 2013).

Others have investigated the relative influence of each institution in negotiations of specific policies such as Gsir (2013) who traces the Blue Card Directive and Fudge and Ollsen (2014) who tracked the negotiations of the Seasonal Workers Directive. Menz (2011) conceives of Europeanisation as a 'two-level game' where national governments interact with non-state actors at the domestic level and with other governmental actors in the Council of Ministers. The significant role of domestic politics and domestic pressures at the national level for EU level migration policy negotiations has been stressed by several scholars including Hampshire (2016a) and Kostakopolou (2000). Both statistical analyses of voting records, and investigations of negotiations furnish worthwhile insights into the policy making process that advance our quest to understand what shapes EU migration and asylum policies. This approach is outcome-focused and concentrates on formal institutional structures and rules, leaving a gap in the literature on qualitative studies of institutional dynamics, as identified by Ripoll Servent and Busby (2013: 3) and Dinan (2018b) and discussed further below. This thesis addresses the gap in the literature by including policy makers' descriptions of policy negotiations, particularly the interplay between national and supranational demands, their accounts of how their work on migration policy has been influenced by working in the 'European' environment of Brussels and their perceptions of the relative influence of each of the institutions.

4. Critical studies of migration policy and its paradoxes

There is an extensive body of literature that critiques the migration policy of European and North American states on the grounds that it contains contradictions, and paradoxes, fails to meet its own goals or that its goals are unethical. A prominent example of which is the work of Stephen Castles (2004) who contends that the more that states and supranational bodies do

to restrict migration, the more they seem to fail and that the gap between the goals of migration policy and the outcomes is "wide and growing wider in all major industrialised democracies" (2004: 205). Castles examines the complexities of migration and the dynamics of the global economy to offer insights into why EU policies fail to address the "root causes" of undocumented movements and forced migration (2004: 2212). Castles acknowledges that the dynamics of international migration, themselves extremely complex interact with "another complex set of forces in the processes of policy formation and implementation" and that it is thus unsurprising "that the results are often poorly conceived, narrow and contradictory policies, which may have unintended consequences" (2004: 222). What could be usefully added here is that the policy makers involved in those policies in question are often acutely aware of this, interviewees listed the factors that Castles mentions, and so this thesis goes beyond this style of critique by including the policy makers' response to this and why they continue down the path to "contradictory policies".

Ruben Andersson (2016) also endeavours to explain Europe's "failed" migration policies, in particular border control. Andersson's main point is that "politicians have been looking in the wrong 'place' (the border) and at the wrong kind of measure (security) to 'solve' the migration 'problem'" (2016: 1072). Andersson rightly points out the human cost of the border policies he examines but does not include perspectives of policy makers. This thesis contributes to a critical literature on migration policy by focusing on policy makers' understandings of what counts as successful migration policy, without presuming what their goals are.

David Mosse (2011) proposes an anthropological approach to examining the persistence of particular policies in the face of repeated failure saying that in order to understand how policies manage to maintain such resilience and even "over-optimism" we must turn "to the way that policy ideas are shaped by the politics of the institutions in which

they are conceived" and examine institutional processes of knowledge production and how knowledge production is social (2011: 53). This is the nature of the contribution to understanding of policy offered by chapters four and five of this thesis, particularly by presenting understandings of migration that circulate in the Brussels migration policy making environment.

David Haines (2013) addresses the paradox set out by Andersson: the continued pursuit of failing border control policies, but Haines takes a different approach. Rather than present the failures as a somewhat bizarre or obvious paradox, Haines points out that its many problems notwithstanding, border control has "a veneer of plausibility" explaining this as

> Wouldn't making it more difficult to cross the border reduce border-crossings? Wouldn't fortifying the border somehow produce control over immigration and immigrants? As it turns out, this is not quite so simple as it seems. Yet there is nevertheless a logic to the emphasis on border control … (2013: 79).

Haines' view is that, even ill-intentioned, border control policy is "plausible" in its basic contention, a fact that is in my opinion overlooked or at least not sufficiently dealt with by certain critical literature that points out how border control fails to meet its own goals. Haines appears to accord more agency or insight to policy makers than is evident in some policy critiques when he suggests that policy makers do understand that the world is complex, but that they must "suspend their disbelief that the world can be understood in fairly simple positivist ways" because this "may be the price to be paid in order to participate in the policy process rather than to merely critique it" (ibid). Haines' approach is closer to that taken in this thesis, and chapters four and five present Brussels based policy makers' understanding of the complex issue of migration and their understandings of the "complex world" in which policy operates.

This thesis addresses a gap in the critical literature on migration policy by following an approach closer to the anthropological work of both Mosse (2011) and Haines (2013), describing policy makers' responses to critiques of border control policy. Research participants argued that these policies had saved lives and had been successful in political terms, in that they achieved a "normal environment" for the European Parliament elections of 2019. Policy makers also pointed to the "success" of border control measures in curbing the electoral success of the far-right across Europe, going so far as to say that had the EU done otherwise Marine Le Pen would likely be president of France. This is an important contribution because by including policy makers' assessment of their policy actions this research shines light on a question previously incomprehensible – why do policy makers pursue policies that appear to "fail"?

5. Anthropology of Policy

Anthropology of policy has shaped my research question and approach particularly works that have discussed a shift away from seeing policy making as a purely rational response to a problem but instead attend to the myriad factors that shape policy including institutional dynamics, not asking *if* policy works but *how* it works, or rather *why* it works, connecting policy to broader political issues and foregrounding policy makers' own understandings. Anthropology of policy involves a move towards articulating the policy process and the views of policy professionals and thus sees anthropology "straying" into those areas more frequently inhabited by disciplines such as economics, political science, and public administration (Haines 2013: 86, Wedel and Feldman 2005: 1). Wedel et al (2005) see the anthropological contribution as an important move away from the positivistic paradigm that views policy as a linear process of finding the best 'solution' to a given 'problem'. Wedel and

Feldman in distinguishing the anthropological contribution from that of other disciplines present a convincing case for turning anthropological attention to public policy, and of particular interest for this thesis is their assertion that

> Anthropologists can explain how taken-for-granted assumptions channel policy
> debates in certain directions, inform the dominant ways policy problems are
> identified, enable particular classifications of target groups, and legitimize certain
> policy solutions while marginalizing others (2005: 2).

This work contributes to an anthropology of EU migration policy by presenting in the fourth and fifth chapters how policy makers in Brussels classify or perceive different groups of migrants as well as the public or publics of European citizens who react politically to their policies, the rationales they articulate for prioritising certain policy solutions in particular border control and 'reducing the numbers', and the assumptions that underpin their logic. In their edited volume, *Policy Worlds: Anthropology and the Analysis of Contemporary Power* Shore et al (2011) present an anthropological understanding of policy, one aspect of which is attending to the ways that policy can be used to build relationships between stakeholders, and always carries in it the governing ideologies of the time or place such that examining policy can be a window onto the broader political landscape. One central thesis of their work is that an anthropology of policy

> aims to track the way macro-level forces or events impact upon (and interact with) the
> local. However, it is also interested in what micro-level studies reveal about the nature
> and trajectory of those broader historical and political processes themselves (Shore et
> al 2011: 126).

The challenge then is to study the interaction between this 'policy world' and the actors within it, and the 'broader historical and political processes' of the time. This thesis takes up that challenge by outlining how the broader historical processes regarding the challenges to

the EU shape the options that policy decision makers see as viable, and the ways in which policy makers see themselves as shaping or in some cases defending the worldviews that according to them are encapsulated in the EU as a political entity.

Writing on international development studies, Mosse (2004) outlines two approaches to studying policy, instrumentalist and critical, and he makes the case for rejecting both in favour of an ethnographic approach. While the "instrumental view" is of policy as rational problem-solving and suffers from being "obviously naïve in relation to the institutional politics", the "critical view" also misses the complexity of policy making. Mosse takes issue with the "critical view" of policy that uses a Foucauldian analysis of power as it "merely replaces the instrumental rationality of policy with the anonymous automaticity of the machine" (2004: 644). Mosse contends that the "critical view" of development policy is one that

> as Latour (2000) puts it, substitutes false objects with real ones — development with social function (for instance, the extension of bureaucratic power) — and therefore destroys its object. Once the substitution is complete, there is nothing to say (2004: 644).

Mosse's solution to this involves adopting an ethnographic approach that focuses on the complexity of organisations and the diversity of interests as well as "the perspectives of the actors themselves" (2004: 644). This study has benefited from Mosse's reflections on ethnographic approaches to studying policy and this is reflected in my foregrounding of the perspectives of 'actors themselves' and inquiry into the diversity of interests behind policy models. This is discussed in depth in the calculus chapter. Mosse stresses the advantages of anthropological studies asking not 'if' policies work but 'how' they work. The contribution of this thesis is to address *why* policies work, in the view of policy makers.

In outlining the key questions for an anthropology of policy, Wedel et al (2005) anthropology of policy is interested in understanding

> the cultures and worldviews of those policy professionals and decision makers
> who seek to implement and maintain their particular vision of the world
> through their policies and decisions (Wedel et al 2005: 34).

This thesis has been driven by the pursuit of such an understanding and argues that policy professionals experience their work as an effort to "maintain their particular vision of the world", that is of a European Union that stands for and embodies the values they deem important – human rights, rule of law, peace, and see their policy work on migration as defending this from Eurosceptic forces, as discussed in depth below.

6. The EU Institutions and migration policy professionals

Studies of the EU institutions and of European integration represent a significant body of literature that contributes to understanding the nature of EU migration and asylum policies and how they have developed. In his *Historiography of the European Parliament*, Desmond Dinan (2018b) notes that since the 1990s when Marc Abélès (1992) wrote his ethnography on the 'everyday life' of the European Parliament, most studies of the EP were quantitative studies. Dinan raises the concern that such an overemphasis on "highly quantitative" studies may result in a failure to capture the unique character of the institution (Dinan 2018b: 38). Ripoll Servent and Busby assert that the existing literature on "the empirical investigation of influence in EU institutions also shows worrying gaps" (2013: 4). They present a convincing case for a significantly enhanced role for qualitative research on EU institutions particularly the need to "focus on actors, their practices, and self-perceptions" to further our understanding of the institutions and of the policy making process (2013: 14). This thesis uses qualitative research to make a significant contribution to understanding how actors

involved in EU migration and asylum policy perceive their role in 'making Europe', their self-perceptions in terms of ethical considerations regarding migrants, the European project, and European citizens, and their vision for the future of the EU and the migration regime and how they imagine they contribute to that.

In her ethnography of the European Parliament, Amy Busby (2013) investigates the "everyday practice of politics" by Members of the European Parliament MEPs. Busby too is interested in the factors that shape the type of policies that emerge, and indeed the policy making process which she characterises as "European" and "consensual". Like Kortelainen and Koeppen (2018), Busby provides a good description of the "Brussels bubble" that stresses the international feel of this "multinational and multilingual space" (2013: 204). With a Bourdieusian lens, Busby examines how actors employ their position and capital to influence "what is at stake in the game" by focusing on the everyday behaviours of MEPs and their assistants (2013: 213). Specifically, Busby asked her interviewees what MEPs must do to be "effective". She found that they highlighted the 'consensus culture,' meaning that it is important to work together and build alliances if one wants to influence policy. This is partly due to the specificities of the European Parliament, a parliament where there is no permanent majority or government. Busby notes that MEPs may disagree on one policy here and now but may need support on another later, which fosters co-operation. The European Parliament's development and its position in relation to the other EU institutions also significantly shaped the context. The EP's internal dynamics are shaped by its "quest for power", the desire for the EP to gain more influence in relation to the other institutions, which means there is a collective institutional interest. Busby provides evidence of a perceived need to reach consensus within the House or face being dismissed by the Council and the Commission for not having a broad majority, which means that they "lose collectively" (2013: 218). Busby cites her interviewees' understanding that if the MEPs do

not agree amongst themselves then they are dismissed by the Council altogether and thus the EP, as an institution, risks losing influence if they are not in agreement (ibid). Similar findings are reported by quantitative studies of the EP's voting record post-Lisbon and the impact that ordinary legislative procedure has had on fostering a consensual EP, such as that of Lopatin (2013) as is discussed in more depth in Chapter two. Similar to the member states' attachés I interviewed, MEPs were adapting to a field that lead to them adopting dispositions that involved seeing beyond their own policy priorities and working also for the priorities of the EU institution. Busby effectively demonstrates how the particular dynamics of the European Parliament foster a collective institutional interest, which shapes policy making. My study does not focus on one particular institution but rather aims to capture a 'wide-lens' picture of the policy making landscape and uses fieldwork in contexts ranging from NATO to the Committee of the Regions and with interviewees from within the EU institutions as well as the member states and EU agencies. Chapter five of this thesis presents a picture of policy makers balancing a wide range of interests, institutional relations being one amongst many others.

My study benefits from Busby's insights into the impact that institutional arrangements have on policy making and her presentation of policy makers' motivations to work in a "consensual" manner. However, Busby's aim is to apply a Bourdieusian lens to the 'Brussels bubble' and thus her focus is on how "the doxa penetrates the institution" (2013: 218) and not on a specific policy area nor on policy makers' perceptions of their work in relation to migrants and the European project. Instead of focusing on how their relationships with each other shape policy, I am interested in how policy makers understand what they are doing in ethical terms.

Federica Infantino's (2019) research based on her fieldwork in the visa sections of the Italian, Belgian and French consulates in Morocco offers a wealth of insights into both the policy making process 'on the ground' and policy workers' perceptions of migrants, migration, and their roles. Of particular interest here is Infantino's discussion of how consulate staff of the Schengen visa section perceive migrants, and how they imagine their role as 'representative of the state'. Infantino's work is illuminating when it comes to policy workers' understandings of their role as she addresses what it is they imagine they are protecting from the 'risk' of migration arguing that they see their role as protecting the state's social welfare and health care systems and probes policy makers' reactions when this comes into conflict with what they would like to do 'as a human being'. This aligns with my own argument that policy makers in Brussels are occupied with working for the EU rather than for migrants and refugees and this involves making decisions based on the foreseen consequences for the political entity of the EU (in Infantino's case it is the state). This thesis also benefits from her historic analysis of the development of visa policy and how diplomatic concerns with third countries are always an important consideration (2019: 46) as discussed in the later calculus chapter.

Infantino also adopts an approach inspired by the work of Wedel et al (2005) that involves using fieldwork at "supranational locations of legislative design to shed light on the understandings of public policy questions, the controversies and the undecided issues" (2019: 7). Infantino's is a study of "street level bureaucrats" who are concerned with the interests of their respective states, while I am interested in Brussels-based policy makers and argue that migration and asylum policy is made to "save" Europe. Like me, Infantino is interested in how these individuals imagine their role but as her primary contribution is in theorising the policy making process as continuing into 'implementation' (rather than implementation as a separate stage) her focus is not on the ethics of such a role and her theoretical contribution is

to work on "communities of practice". Infantino is keen to break down a division between policy making and policy implementation using her descriptions of the sharing of practical knowledge within inter-organisational communities (consulates) to argue that practitioners engage in "transnational policy-making from below". Her main argument is that she sees policy implementation not as a 'gap' but as continuing the process of policy making. She points out that there are divergences between member states that are attended to a lot in the literature but that she found that they influenced each other, and some wanted to learn from others, so there was convergence as well as divergences. Infantino details the formation of a "community of practice" and the informal and formal exchanges between consular staff that result in the transfer of policy practice (2019: 218).

This thesis addresses how policy makers imagine their work in terms of what kind of Europe they are building, or saving, in terms of the underlying value system. This is a concern of Douglas Holmes (2000) who used his fieldwork at the European Parliament to examine "surrogate discourses of power that … have imparted a moral perspective, organisational theory, and technocratic practice to the construction of this federal polity" (2000: 28). Holmes' focus is on how far right figures like Jean Marie Le Pen[6] were exploiting or capitalising on certain paradoxes and shortcomings of the European project, and of global capitalism, for their political gain. Holmes' insights into the connections between what he calls 'fast capitalism', and anti-migrant politics provide valuable insights but this thesis seeks to move away from a focus on the far right and, like Gregory Feldman (2012), probes the positions taken by policy workers who often identify as 'liberal' or 'centrist' and seek to distance themselves from the far right.

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[6] Jean Marie Le Pen is a French politician who founded the 'National Front' political party which opposed European integration and painted immigration—particularly of Arab immigration from France's former colonies in North Africa as a threat to France.

Analysis of how migration policy makers imagine their work as "saving" Europe and the foundational values it is imagined embodying and upholding benefits from scholarship on the crises the EU faces. Several scholars have addressed how the 'crisis climate' has impacted EU migration policy making (Baldwin-Edwards et al 2019: 2149, Rhinard 2019: 617) and likewise how the migration policy crisis has impacted the European integration project. Brigid Laffan points out that how Europe deals with the multiple crises it faces "will shape the future of the Union and the continent" (Laffan 2016: 916) and for Dinan et al (2017) it is the migration crisis more so than the eurozone crisis that poses the more profound challenge because the reintroduction of temporary checks on internal EU borders and the erection of fences between Schengen states "represent an existential threat to peace and prosperity, to fundamental EU values" (2017: 367). This thesis contributes to literature on the direction of the EU by arguing that policy makers position their work on migration as both constrained by crisis and as an effort to "save" a union of values and even the system of liberal democracy.

7. Gregory Feldman's *Migration Apparatus*: How the *mechanisms* of policy making sustain the apparatus

The ethnographic work from the Anthropology of Policy that this thesis interacts with most is Gregory Feldman's (2012) ethnography *The Migration Apparatus: Security, Labor, and Policymaking in the European Union*. Feldman's non-local ethnography provides a compelling view of the disparate actors engaged in crafting and implementing the EU's migration regime, spread across various agencies and countries. Many of Feldman's research questions overlap with my own. For example he says that he is interested in "Where do these officials' moral arguments come from? How do they pertain to ongoing social, political, and

economic processes? What assumptions do they hold about citizenship, territory, the individual, and the economy?" However, he finishes his list of research questions with "Most significantly, how do the myriad processes involved in these officials' daily work converge so as to form a decentralized apparatus of migration management composed of disparate migration policy agendas, generic regulatory mechanisms, and unconnected policy actors and policy "targets?" (2012: 5) because his primary theoretical concern is with the "apparatus" of migration. Feldman's work is motivated by a desire to interrogate the security dimension of migration policy and most importantly driven by a Foucauldian concern with how an "apparatus" operates. The chapters of this thesis have benefited from Feldman's insights in particular the discussion in Chapter 4 (Understandings of Migration) regarding policy makers' views of migrants, and Chapter 7 (Security)'s interrogation of the referent object of the EU's border control security efforts. Both mine and Feldman's ethnographies observe that the EU migration policy sphere rumbles on unperturbed by deaths at EU member state shores (or on EU territory) but where Feldman finds the reason for this easy perseverance in the mechanisms of the apparatus, I find it in a contentment amongst policy workers that the overall project of the EU is a worthwhile one and they are working as part of that ethical project.

This thesis' conclusions therefore are rather different and it is worth noting three main points of divergence in our studies as this has helped me to formulate the framework of this thesis, and also outlines this thesis' contribution to the literature. Firstly, Feldman is focused on the apparatus and how it functions, while my focus is on why migration policy takes the shape it does and how policy makers understand their work on migration. Secondly, while Feldman does mention morals throughout his work, the moral question is not to the fore and he does not interrogate the morality, or ethics, of the policies he discusses nor does he discuss the moral reasonings of his interlocutors, while this is a focus of mine. Finally, and most

significantly, Feldman paints a picture of the "apparatus" as being animated by a pursuit of efficiency and a drive to maintain and reproduce itself, somewhat devoid of moral reflection or reasoning. This is in contrast to my own argument that migration policy workers engage in moral reasoning, that they can see and present their work as an ethical endeavour to save the EU, which is for them synonymous with saving peace and human values of justice, respect, equality and decency.

Feldman is occupied by the transformation of living dynamic humans from subjects into policy object.

> This terrain may seem superficial and insubstantial, but again, that appearance is the ultimate embodiment of the very superficiality that policymaking actively generates. It *reduces the complexities of social life to thin representations of people as policy targets, statistics, and stereotypes*, and it demands little substantial connection among its coordinating policymakers, officials, and technocrats. *How such superficiality manifests an enormous hold over millions of people is the frightening ethnographic question to be asked*. (2012: 193 [my emphasis])

In my opinion, policymakers are more well informed than Feldman gives them credit. As discussed in chapter 4 (Understanding of Migration) one can see and credit Feldman's argument regarding superficiality when we observe policies with rather simplified understandings of for example smuggling or "push and pull factors", but saving the EU is far from superficial. Throughout my fieldwork I observed that when policymakers reduce the complexities of social life, they are most often aware that they are doing so but reason that it is a necessity for policy-making. This was touched upon in the above discussion of David Haines (2013) work and is notably described in James Scott's (1998) classic work on how the state "sees". Scott argues that certain forms of knowledge and control require a narrowing of and he used the example of a forest to describe how different occupations will "see" the

forest in a different way depending on whether they are a conservationist, an economist etc. I argue that my research participants are occupied with the EU and therefore "see" migration policy in terms of EU interests. This is distinct from a Feldman type portrayal of policy makers who do not "see" the complexities of a situation as I do not argue that my research participants have only a "superficial" understanding of migration, but rather that every aspect of migration is seen through an 'EU lens'. I have quoted many interviewees who painted an extremely complex picture of the terrain and for example potential unintended consequences. If one focuses on the relation between policymaker and migrants then one could support his conclusion. My argument is that we must look elsewhere, in our effort to understand the context in which EU migration and asylum policy makes sense we must look not only at how policy makers relate to migrants, but rather how they relate to the EU. Migrants, or rather migration, is merely to be dealt with to not interfere with the EU. The 'ghost in the machine', what animates their work, is a commitment to belief in the EU as a political project, and the values they imagine it to stand for.

Feldman's primary interest is the "mechanisms" of the system, and this is evident throughout his ethnography. This can be bluntly summarised thus: Feldman is interested in *how* the system works, how it meets its aims and I am interested in *why* it works this way, as in why does it have those aims in the first place. Feldman's usage of the conceptual frame of apparatus is influenced by and builds on Foucault's concept of apparatus and in particular Paul Rabinow's (2003) development of the concept of 'apparatus'. Rabinow details the various times Foucault used the word apparatus and how its meaning evolved (2003: 49). Rabinow has defined an apparatus as "an articulation of technologies aimed at first specifying[.] targets and then controlling (distributing and regulating) them" (Rabinow 2003 in Collier et al 2004: 4). Rabinow explains that an apparatus can be applied to any "pressing situation" and Feldman is of course examining the migration apparatus of the EU, as he says

"this book's object of study is the de facto apparatus of migration management forming through countless policy processes and regulating ex post facto what the EU now identifies as the 'Area of Justice, Freedom, and Security'" (2012: 14).

Feldman is particularly interested in how the apparatus functions given that there is no central authority, and it is peopled mostly by "a wide array of largely unconnected specialists" and he details the "devices that make the sundry 'tactics' work in awesomely synergistic ways…" (2012: 15). Feldman identifies these devices as; rationales of governance (such as 'humanitarian borders'), technical standards that create a common mode of processing information, linguistic "shifters" that can move across and integrate disparate policy domains because of their generic quality and bureaucratic experts who are assembled temporarily but experience a sense of community in their work. These devices are what Feldman found when he went looking for "the ghost in the machine – what Foucault calls a network – that pulls an apparatus together while simultaneously separating, homogenizing, and/or collectivising individuals?" (2012: 15). From the perspective of Anthropology of Policy, policy is the ghost in the machine, "the force which breathes life and purpose into the machinery of government and animates the otherwise dead hand of bureaucracy" (Shore and Wright 1997: 4). For me, the 'ghost in the machine' is the policy makers' love of and belief in the EU as a political project, and the values with which the EU has become synonymous for them. I argue that this is what makes their migration policy work 'make sense', that they relate their work on migration policy to the European integration project and see this as a moral project that motivates them and provides coherence. As Feldman's primary theoretical interest and contribution relate to the functioning of the apparatus it follows that his work is closely linked with that of Rabinow, and this body of work is not the most instructive for my own purposes. My focus is not on *how* the apparatus functions in terms of mechanisms for standardising knowledge and building networks, but rather on what that knowledge is and

what that tells us about their values and how they situate their work on migration in relation to those values, what is their understanding of the political backdrop to their work. Since my fieldwork brought me a different empirical and theoretical route that is more focused on how policy makers understand their work on migration as an ethical endeavour to protect the EU, I have not used Rabinow's work on apparatus, but have turned to moral anthropology in particular 'consequentialist ethics' and Weber's (2013) *Politics as Vocation* as discussed below.

I have found that EU migration and asylum policy is made with the overall aim of protecting the EU and its interests. I argue that EU migration policy making is not a kind of machine devoid of a moral centre, but is rather a contribution to maintaining the European integration project. The policy makers I met in Brussels spoke of their duty and desire to create policies that combat anti-EU forces and promote EU interests. This is not lacking in ethics in their view because saving the EU is, for them, the ethical choice. In contrast, Feldman appears to view the migration apparatus as a kind of machine that is driven not by any moral reasoning but by a drive for efficiency and rationality. This can be observed in his conclusion, borrowing from Hannah Arendt's (1958) work on the fabrication process, that

> Apparatuses, of course, do not inherently reduce humans to automatons, but they do encourage the sacrifice of one's powers of original thought for the cause of utility and efficiency. We risk sacrificing our capacity for moral judgment on the contradictions that compose daily life (2012: 197).

While I would not disagree with this conclusion when it is applied to *specific policies* (most notably hotspots), I think that policymakers retain moral judgement regarding the *overall project* for which they work. I will discuss policy makers' appraisal of hotspots to explore this point. Hotspots were introduced by the European Agenda on Migration as the model of operational support to Member States faced with disproportionate migratory pressure.

Hotspots were set up at the EU's external border in Greece (on five island) and Italy. Frontex, Interpol and the European Asylum Support Office supported the member state by fingerprinting, identifying and registering people who arrived by sea. They also serve to channel newly-arrived people into international protection, return or other procedures. On the one hand the hotspots appear to exemplify what Feldman has described as prioritising efficiency over morals in policy work. When I asked interviewees about what they counted as a success among the developments since 2015 many focused on the working relationships of the various institutions and agencies. One Justice Home Affairs attaché from a member state that held the presidency during the "crisis years" seems to claim the hotspots as a success because of improvements in efficient working arrangements when she said

> But what was interesting were the hotspots. A way to integrate it, between border guards, asylum experts, security people, and also civil society organisations. And hotspots helped to keep people at the place, give them the opportunity for asylum, check if they are a security risk or not and from there start relocation process. This is the positive aspect. I know the circumstances in all the hotspots are certainly far from perfect but you can invest in it and improve it.

Speaking at a European Migration Network (EMN) conference, a Director in DG Home described hotspots as "a game changer" because through them the EU had changed their policy and now had a coordinated response when migrants arrive in Greece and Italy. He acknowledged that the system is "not yet perfect" but said that now people are processed through the right channel, be it asylum or, if they have "no right to stay", return. In both of these instances the speakers allude to the humanitarian crisis that the hotspots are responsible for but appear to nonetheless evaluate them as a success because of their functional strengths in terms of efficiency and coordination. Based on his published work, it is safe to say that Feldman would take the prioritising of efficient working dynamics between various European

agencies over a humanitarian crisis as proof that the apparatus lacks morals. However, if we go deeper and ask why this efficiency is important to them, they answer that working together promotes solidarity among member states, that without the "control" brought about by hotspots a crisis would have brought the far right to power across Europe. If we probe deeper, we find that they conclude that the EU needs solidarity between member states to survive, and that saving Europe from the far right is for them saving a project of peace, values and stability. This is ethical work; it is engaged, and it involves thinking. Since my fieldwork findings depict policy professionals as engaged in ethical thinking regarding their policy work, it is necessary to examine theoretical tools with which to examine the natures of this "ethical thinking," and for this I turn to Weber, as discussed below.

Feldman's migration apparatus pursues goals, but never morally driven goals that reflect an agreed upon ethics of 'the good life' as he says of the apparatus "No longer seeking the "good" but merely the functional or the utilitarian, the apparatus never risks obsolescence" (2012: 190). Feldman goes on to say,

> The apparatus needs only to transmute to encourage behaviour that contributes to *the goals of social tranquillity and economic productivity*. In the process, it identifies and objectifies risk as the opposite of those two goals: unidentified people are thus potential security threats in the form of criminals, terrorists, or illegal labourers. *The first group threatens property; the second, life and limb; and the third, equal opportunities for sustenance* (2012: 190 [my emphasis])

I would question why working for the goals of social tranquillity and economic productivity are not considered to be "seeking the good"? I contend that many of my research participants see their work as protecting "social tranquillity and economic productivity", but that there is a moral aspect to that. They articulate the alternative as a collapse of the system which would lead to the rise of the far right, and a high risk of social discord and potential violence and

suffering. Europe's dark past of fascism and war is recalled to prove this point (as discussed

in depth in Chapter 6, 'Values' in dialogue with Tuuli Lähdesmäki's (2019) work on the EU

founding myth).

Feldman compares the migration apparatus to the computer HAL in '2001: A Space

Odyssey' to illustrate his point about the risk of sacrificing moral judgement and the

apparatus' dispassionate modi operandi

> HAL's reassuring voice masks its amoral decision-making criteria, as the liberal's
>
> universal humanitarianism is never fully distinguished from the cold logic of
>
> productivity, security, and particularity (2012: 197)

I would argue that the decision making I encountered is not "amoral". It results in suffering

and death of migrants and refugees not because the decision-making criteria are amoral but

because the decision-making criteria relate to the EU and not to those who are drowning at its

shores. Migrants are not significantly factored into the morality of the decision, only the EU

is. On a slightly similar note, Feldman's final sentence reads

> Disturbingly, the vast inequalities that the migration apparatus sustains today perhaps
>
> result more from the violence of social indifference than the targeted, tangible
>
> brutality of collective hatred. In this age of right versus right, it takes its toll through
>
> the benign neglect of liberalism as much as through the sting of nationalism (2012:
>
> 198).

It is my contention that policy professionals reflect on the ethics of their work rather than

lean into an "indifference". Any indifference to suffering on the parts of policymakers is

because migrants and refugees suffering is less important to them than is the survival of the

overall project. Since I argue that my research participants are ethically engaged and not

'unthinking cogs' nor 'indifferent', it is necessary to examine the nature of this ethical

engagement. Therefore, the next section discusses anthropological literature on morals and ethics.

8. Moral Anthropology

This thesis argues that migration policy makers consider their work as an ethical endeavour, as part of an effort to protect the EU, which they see as an ethical project. To understand the type of ethical thinking they engage in, I use Weber's work on an ethic of responsibility. This fieldwork-grounded description of a style of ethical reasoning makes a contribution to 'moral anthropology'.

Didier Fassin (2012) begins his *Companion to Moral Anthropology* with an outline of the aims and approaches of moral anthropology. In his differentiation of moral anthropology from philosophy, his description of a "social scientist" treatment of morals chimes with the approach of this thesis when he says that

> Rather than defining what is 'morality' and verifying whether people's deeds and judgments correspond to the definition, they tend to apprehend morality in acts and discourses, to understand what men and women do which they consider to be moral or good or right or generous (Lambek, 2010 in Fassin 2012: 6).

This thesis presents policy makers' articulation of the "good" of their work on migration policy and does not seek to measure whether it corresponds to a given definition of morality but rather examine their own understanding of the ethical dimension of their work. Fassin posits that following this position he does not provide a definition of morals or morality nor choose between the terms "ethics" and "morality" because "Anthropologists themselves diverge on this point, depending on the philosophical tradition in which they are inscribed,

some insisting on the distinction between the two concepts, others attaching no importance to it." (2012: 6). Following Fassin, this thesis has used both terms but tends more towards "ethics" as this is the term used by Weber in his description of an "ethic of ultimate ends" and an "ethic of responsibility".

Fassin provides an overview of the approaches to morality and ethics that moral anthropology studies are influenced by. He identifies three "theoretical lines corresponding to philosophical traditions" (2012: 6) as deontological ethics, virtue ethics, and consequentialist ethics. Deontological ethics finds its roots in Durkheim and is based on the three principles "defined in his lecture on 'The Determination of Moral Facts': 'all morality appears to us as a system of rules of conduct'" (Durkheim 1974 [1906]: 35–36 in Fassin 2012:7). Anthropological studies influenced by this approach have studied the "moral codes" of a society. The second approach, Fassin describes as having a 'Foucauldian lineage' with its roots in an Aristotelian geology related to virtue ethics. This approach focuses on "the manner in which one ought to form oneself as an ethical subject acting in reference to the prescriptive elements that make up the code" (Foucault, 1990: 7 in Fassin 2012: 7). Anthropologists influenced by this approach to morals "regard ethics as the subjective work produced by agents to conduct themselves in accordance with their inquiry about what a good life is", inquire into the "moral reasoning" of their research subjects, and see ethics as a process (2012: 7). The third approach, consequentialist ethics is the most relevant to my study and Fassin describes consequentialist ethics as that which assesses acts according to their consequences "rather than their conformity with pre-existing rules or their resulting from a specific disposition of the agent" (Fassin 2012: 8). Fassin clarifies that in "real world" situations an anthropologist can rarely strictly differentiate the deontological, virtuous, and consequentialist threads in their attempts to understand the moral arguments expressed by their interlocutors to justify their actions. Therefore, I use consequentialist ethics as a tool for

analysing the 'moral styles of reasoning' of my interlocutors rather than engage in strictly boxing them into a particular philosophical tradition.

Fassin asserts that of the three philosophical traditions he outlines, consequentialist ethics has been overlooked in the recent 'moral turn' of anthropology and connects this neglect to a dearth of anthropological work addressing morals in politics

> Yet, the question 'Should one do the right thing or act in function of the foreseeable consequences?' is crucial to the practice of politics, whether it concerns remote societies or closer horizons. (2012: 9).

My work addresses this "relative neglect of politics" in anthropological work that discusses morals by presenting policy makers' understandings of why their work on migration is an ethical pursuit.

Cheryl Mattingly and Jason Throop (2018) trace the evolution of morals and politics in anthropology beginning with the works of Nancy Scheper-Hughes (1995) and Paul Farmer (1992, 1999), for whom discussions of morality were about responding to structures of oppression and inequality, a type of critique of political decisions, thus constituting efforts to engage anthropology in responding to "issues deemed of moral and political concern" (Mattingly and Throop 2018: 484). They contrast this approach with those early contributors to the 'ethical turn' in anthropology who "sought to carve out a space to think of an ethics/morality that rendered it analytically distinct from the political" (ibid). The most relevant to my work is the third strand they examine, the work of Miriam Ticktin and Didier Fassin who both "explore the point of articulation between morality and politics" in the context of migration policy (ibid). Ticktin's (2011) study of migration and 'the politics of humanitarianism' argues that moral imperatives such as compassion are mobilised to make exceptions for "morally legitimate suffering bodies" for instance in the French law that permitted irregular migrants to remain in France on health grounds. In her inquiry into the

relationship between morality and politics in the realm of migration and humanitarianism, Ticktin's focus is on

> situations where the moral order becomes a primary order; that is, where the drive to do what is moral, distinguishing itself from politics and the political – although not power – takes the upper hand in forms of government (2011: 20).

Ticktin differentiates between politics – policies and the everyday work of operations – and the political – that which has the potential to bring real change and aims to demonstrate that the centring of the moral imperative leads to a focus on the urgency of the present which can be a form of "*antipolitics"* (ibid), in a similar vein to that of James Ferguson's analysis of development projects in Lesotho (Ferguson, 1994). While Ticktin's focus is on what happens when 'moral imperatives' take centre stage in migration politics, my concern is to demonstrate that those who work on migration policies are not devoid of reflections on morality, they articulate their work in a manner that can be seen as an ethical project, a duty and desire to save a political project, the EU, that for them is a morally worthwhile project. Like Ticktin, Fassin (2005) identifies an element of compassion in the French state's treatment of asylum seekers, but he brands this "compassionate repression" as episodes of compassion are "privileged moments of collective redemption" for Europeans from an asylum policy that is repressive (2005: 375). Fassin conducts an extensive analysis of developments in international protection from 1945 onwards at both French and EU level to arrive at his conclusion, but unlike Fassin my interest is not in analysing the policies, actions or discourses of EU migration policy to arrive at a conclusion about what kind of morals they embody, but rather to show that my interlocutors do engage in ethical reflection and to present and discuss their own articulations of the ethical aspects of their work on migration policy. This thesis departs from the approaches taken by Ticktin and Fassin as I will not evaluate the morality of my research participants nor the consistency of the morals of their

work, but aim instead to focus on why and how my research participants understand their work as ethical, and what type of ethics they articulate.

9. An Ethic of Responsibility to Save Europe

Feldman contends that Eurodac finger printing is one example that shows that "The ultimate concern at stake shifts from ethics…to administration (the most efficient procedures…" (2012: 148). I would argue that Feldman overlooks that the drive to efficiency is guided by an overarching "ultimate concern" and that this concern is to protect the EU. When my interviewees spoke about working to achieve "the most efficient procedures" they also spoke about *why* they wanted to be efficient. Several interviewees spoke about increasing the efficiency of asylum procedures or border control for instance as a way to "get the situation under control" in order to demonstrate to European populations that "control" has not been lost and therefore protect the EU from the rise of Eurosceptic political forces who "exploit" the migration situation.

Their concern is not efficiency for its own sake but rather relates to a larger understanding of what their work does and this, I argue, involves their ethical understanding of their work. The policy makers I encountered in Brussels were far from 'cogs in the machine bureaucrats' unthinkingly following regulations in a drive for efficiency devoid of a guiding goal. On the contrary, they frequently presented to me a considered ethics behind their EU migration policy work. Policy is made primarily with the EU in mind, the interests and needs of the EU. This is seen as an ethical endeavour because promoting the EU is ethical since the EU is for them synonymous with 'values' such as human rights, the rule of law and democracy. The European integration project had already suffered some blows and

the fallout from the migration policy crisis threatened the EU in an important way. Policy makers see themselves as responsible for incorporating potential consequences into their decision making, in a manner reminiscent of Weber's "ethic of responsibility". Failure to create migration policy that attends to the consequences for Europe could stoke serious threats to Europe including fractured solidarity among member states, the rise of a Eurosceptic far right and a hostile public opinion. Theirs is an 'ethic of responsibility *to save Europe'*. I argue that policy makers articulate an ethical understanding of their work, and that an analysis of the ethics that policy makers articulated is illuminated by Weber's description of an 'ethic of responsibility' (Weber 2013: 117). This section will discuss Weber's 'ethic of responsibility' as described in his 'Politics as Vocation' lecture in relation to policy makers' articulations of the ethics of EU migration policy. Discussion will then turn to the points on which my research participants diverge slightly from a Weberian ethics, including on the issue of accepting "morally dubious means" (Weber 2013: 121).

Weber describes "two fundamentally differing and irreconcilably opposed maxims: conduct can be oriented to an 'ethic of ultimate ends' or to an 'ethic of responsibility.'" (Weber 2013: 120). An ethic of responsibility means moving away from acting on 'pure conviction' and instead paying attention to the consequences of an action. The follower of an ethic of responsibility incorporates the foreseeable consequences of their actions into their ethical decision making and does not believe that doing the 'right thing' according to a religion or set of values, "a conviction", is sufficient. I argue that my research participants articulated their work in terms of an ethic of responsibility and placed their critics in the category of followers of an ethic of ultimate ends. This is evident in how they speak about their efforts to protect the European integration project by endeavouring to protect the Schengen area, stem the rise of the far right, avoid conflicts between member states, the potential negative consequences of "uncontrolled migration" for the European project, their defence of EU

cooperation with Libyan border guards and the cancelling of search and rescue (SAR) operations in the Mediterranean. In these cases, policy makers speak of their migration policy work in terms of the consequences for Europe, demonstrating an ethic of responsibility to save Europe.

It is perhaps easiest to understand Weber's ethic of responsibility when it is contrasted with an ethic of ultimate ends, which Weber describes thus,

> there is an abysmal contrast between conduct that follows the maxim of an ethic of ultimate ends-that is, in "religious terms, 'The Christian does rightly and leaves the results with the Lord'-and conduct that follows the maxim of an ethic of responsibility, in which case one has to give an account of the foreseeable results of one's action (Weber 2013: 120).

My research participants often described their critics (whether open border activists, NGOs, academics, or colleagues within the EU institutions) as following an ethic of ultimate ends. They did not allude to this in religious "Christian" terms but rather painted a picture of their critics as being motivated solely by their idea of "doing right", in accordance with their values or morals, and then failing to "give an account of the foreseeable results". EU officials expressed exasperation with this approach and saw themselves as acting responsibly and even left to deal with the results of the actions taken by the actors of 'ethic of ultimate ends'. This is evident in the discussions of certain research participants from the EU institutions on the topic of SAR operations in the Mediterranean.

An interviewee working at the European Council called into question the ethics of Search and Rescue efforts for not going far enough, or following through on their actions when she said

> Back in 2015 largely because he had to say something and he didn't know what to say, Juncker foolishly said 'Italy are saving the face of Europe.' But actually, they are

not. It's fine to rescue people but then they don't do anything for them. That's like if I picked someone up and said 'o dear, well listen I won't help you but I'll take you in and then take you to Aideen's house, she has a big house, plenty of money and I know she won't mind.'

For this interviewee, the rescuers are, in Weber's terms, failing to *give an account of the (foreseeable) consequences of their actions* as they do not take responsibility for the people they rescue but instead pass that responsibility onto others. These comments were couched in a discussion about member states with an external border 'waving through' asylum seekers to other member states, the consequences of which, according to my interviewees, included undermining the integrity of the Common European Asylum System (CEAS) in particular the functioning of the Dublin system, and stoking tensions and mistrust among member states. These consequences are significant for the EU as will be discussed in the values chapter. Thus, for this research participant the Italian rescuers are following an ethic of ultimate ends by taking action that is considered to be "doing right", rescuing people from drowning, but without incorporating the consequences into their ethic. From this interviewees perspective, the result was that it was up to her and others who adopt an ethic of responsibility to deal with the consequences of the Italian rescuers' actions; to smooth tensions between member states, facilitate negotiations on CEAS reform, negotiate relocations of asylum seekers to other member states. Throughout our interview she painted herself and her like-minded colleagues as following an 'ethic of responsibility'. For instance she said that while others were celebrating the Arab Spring in 2010 she thought of the consequences for Schengen. Here she demonstrated an attention to consequences for European interests (how the Schengen area would manage an increase in migratory arrivals) and not simply to a celebration of "the good" such as democracy prevailing. Policy makers' discussion on Search and Rescue (SAR) operations provides interesting insights into their perspectives on ethics in

relation to migration and the EU and their painting of those engaged in SAR operations as adhering to an ethic of ultimate ends, in contrast to their own felt obligations to act with regard to the consequences of their actions. This chimes with Weber's description of an ethic of ultimate ends which he elucidates with the following example;

> You may demonstrate to a convinced syndicalist, believing in an ethic of ultimate ends, that his action will result in increasing the opportunities of reaction, in increasing the oppression of his class, and obstructing its ascent-and you will not make the slightest impression upon him. … The believer in an ethic of ultimate ends feels 'responsible' only for seeing to it that the flame of pure intentions is not quenched (Weber 2013: 121).

In Weber's terms then the follower of an ethic of ultimate ends is not concerned with taking into account the consequences of their action, even if they ultimately do harm to their cause. Adhering to an ethic of ultimate ends prioritises "pure intentions" and convictions over outcome. A number of research participants described their critics as failing to take into account that their actions or the actions that they were advocating EU actors to adopt, would have bad results. Along similar lines to Weber's description, when I asked a senior official in DG Home his opinion on various NGOs, he responded that some are "just ideologists", like those conducting search and rescue operations off the coast of Italy

> These NGOs are just transporting migrants, they say it is search and rescue but it isn't because they set off from Libya, they have a satellite phone, they call them, they say their lives are in danger – well they are, fine, I mean they are in a boat not meant for this many people on this voyage, and they come and transport them back to Italy. They are in my opinion *a threat to our democracy* because they are *responsible for extremism, for the rise in the far right*. Because people see that in Italy and they don't like it and then the far-right gains power.

For this official, those conducting search and rescue do not take into account the political and social consequences of their actions – a hostile public opinion and the rise of the far-right. Like Weber's syndicalist motivated by the aim of maintaining a "flame of conviction", he characterises these NGOs as "just ideologists". Just as Weber's syndicalist took actions that inadvertently resulted in the oppression of his class, the very thing against which he fights, these NGOs' actions, according to this interviewee, result in a loss of democracy and an increasingly hostile political environment for migrants and refugees – the very things against which they struggle. In contrast, EU officials painted themselves as working to prevent the rise of the far right and other threats to European democracy (and the Schengen area), so they see themselves as acting with an 'ethic of responsibility to save Europe'.

In contrast to this policy makers' characterisation of NGOs, Weber describes the follower of an ethic of responsibility as being concerned with taking responsibility for the consequences of their action

> However a man who believes in an ethic of responsibility takes account of precisely the average deficiencies of people … he does not even have the right to presuppose their goodness and perfection. He does not feel in a position to burden others with the results of his own actions so far as he was able to foresee them; he will say: these results are ascribed to my action (Weber 2013: 121).

Weber's ethic of responsibility is one which obliges adherents to incorporate the consequences of their actions into their decisions making and to accept the world as it is, including undesirable 'bad' consequences that may flow from a 'good' or 'well-intentioned' action. The follower of an ethic of responsibility must respond to the world as it is, rather than as they would like it to be, part of which is to incorporate other people's reactions to their actions. In the context of migration policy this means, according to my interlocutors, taking actions that will assuage a hostile public opinion (control the numbers), disarm the

arguments of the Eurosceptic far right (border control) and tend to solidarity among member states. That policy makers view themselves as following an ethic of responsibility was evident in how they discuss the logic behind policy direction. Policy makers often painted themselves and their colleagues as being obliged to act responsibly and contrasted this with those who follow an ethic of ultimate ends, as seen in the interview quotes above. According to my research participants, if they were to implement the policies that their critics suggest (as they read them), the consequences would be dire: opening all detention centres in Libya would leave migrants vulnerable to being recaptured, providing search and rescue in the Mediterranean encourages people to 'risk their lives' in dangerous boat journeys, refusing to work with the Libyan coast guard would make conditions worse for migrants, and ultimately uncontrolled migration and large numbers of asylum seeker arrivals to Europe would damage public trust in the EU, bring the far right to power and empower Eurosceptic political forces that would seek to undermine EU values. Policy makers see themselves as responsible for incorporating these (and more) potential consequences into their decision making, in this way their ethics aligns with Weber's "ethic of responsibility". The consequences most important to them are the consequences for the EU, rather than for migrants and refugees and policy makers see their responsibility as being to the EU thus making theirs an 'ethic of responsibility *to save Europe*.

Having already interviewed many policy makers who painted themselves as taking "tough decisions" and being practical, I asked an interviewee from DG Home his opinion on this contrast and his answer was more appreciative of the followers of ultimate ends than his colleagues quoted above but ultimately joined in differentiating policy workers "in the practical world" from NGOs and other critics.

> But I think it's also up to the job. I think the NGOs have to keep us accountable. They
>
> have to have that role. Criticism is good. And different point of view is good. And ok

say 'you went too far with Libya', for example, it's good to have this, and to have academics who think about the theoretical world because if you just think about *the practical world* then you're going to miss a great opportunity to improve in the future. And we have to think about where we want to be as a society, in the future even if right now the situation doesn't allow us to do it. And we have to be very careful. *Europe is falling apart, Schengen is going to fall apart if we don't do certain things*, so we have to do an agreement with Turkey or we want to train the coast guard of Libya. But we need the academics that still think of the society we want to achieve, and NGOs to say you have crossed a line, they confront us with ourselves and I think it's positive.

By positioning himself and his colleagues as thinking about "the practical world" and what the situation allows, he has articulated an ethics of responsibility. Weber's syndicalist following an ethic of ultimate ends turned a blind eye to the situation in which he acted, but these policy makers took account of a situation where "Europe is falling apart" and acted according to the reality as they saw it, rather than blinding themselves to that reality and pursuing the "flame of pure intention" come what may. For this policy worker, those who took the decisions to "do a deal with Turkey" or "train the coast guard of Libya" are doing so to prevent Schengen, and Europe from "falling apart". In this way they are acting with an ethic of responsibility, taking account of the consequences of action (or inaction). To return to Feldman's remarks regarding the "ultimate concern" being that of efficiency, this policy maker has demonstrated an "ultimate concern" with protecting Europe and the Schengen area from "falling apart". This concern for Europe is at the core of their ethics.

I argue that EU policy workers articulate their work as taking responsibility for the consequences for the EU. Policy workers spoke about search and rescue operations in terms of their consequences *for the EU*, consequences they say would be negative – feeding the rise

of the far-right, rather than consequences for the rescued people who would have drowned. This thesis will demonstrate that policy makers discuss EU migration policy in terms of its potential consequences and that these consequences are those that concern the EU; EU relations with third countries, public opinion of the EU, relations between member states, relations between the institutions, the place of the EU on the global stage. Serving the EU and protecting it from damaging consequences is for my research participants an ethical endeavour.

It is worth bearing in mind that as Bradley E. Starr points out "For Weber, the ethic of responsibility implies no diminishment of a sense of moral obligation, and certainly no loss of conscience" (1999: 429). I argue that my research participants articulated their work on EU migration policy as conducted in accordance with a conscience and with a sense of moral obligation, but that moral obligation was to the European integration project. In his concluding remarks on an ethic of ultimate ends and an ethic of responsibility, Weber states that, "Surely, politics is made with the head, but it is certainly not made with the head alone. In this the proponents of an ethic of ultimate ends are right" (Weber 2013: 127).

Policy makers are acting with their heads when they evaluate consequences, but not with their heads alone because they demonstrate a passion for the European integration project and all that for them the EU stands for. Policy makers described the EU as a union based on values, as a "unique" and "wonderful" project. The EU is portrayed as a force for human rights, justice, equality and democracy and interviewees point to examples of EU actions that for them are evidence of this. Saving such a political entity is then an ethical endeavour. The alternative to the survival of the EU was invariably described as dystopian and leaving the door open to a return to fascism, the memory of which is regularly invoked.

EU policy workers see their duty of care as public officials as being owed to the EU, rather than to the individual migrant or refugee or even to the regime of international

protection. Since my research participants articulated their work as being part of an ethical project, to protect the EU, does it follow that they describe their ethics as a willingness to accept any means necessary to save the EU? I argue that it does not. Weber contends that

> No ethics in the world can dodge the fact that in numerous instances the attainment of 'good' ends is bound to the fact that one must be willing to pay the price of using morally dubious means or at least dangerous ones - and facing the possibility or even the probability of evil ramifications (Weber 2013: 121).

Weber adds this further level of complexity to the question of ethics in politics that must also be confronted in examining the ethics of policy makers convinced of the need to attain 'good' ends of protecting the EU. On the point of accepting "morally dubious means" I found that my research participants were divided but that the majority did not accept this. Those who justified actions by saying they were necessary to "save Europe" went on to defend those same actions as moral and legal. Interviewees who portrayed the decision to train the Libyan coast guard and do a deal with Turkey in order to protect the EU also defended these actions as being in compliance with international law, better than doing nothing and even "life-saving".

The issue of "morally dubious means" is also addressed in Michael Walzer's (1973) 'dirty hands' dilemma with his assertion that while it is not possible to "govern innocently" it is possible to "do the right thing while governing" (1973: 161). Walzer continues that if an individual chooses to "remain innocent" "he not only fails to do the right thing (in utilitarian terms) he also fails to measure up to the duties of his office" and that this failure would make him largely responsible for any damaging outcomes and consequences of the inaction (ibid). Walzer's argument is that a political actor is in fact ethically obliged to accept "morally dubious means" in order to fulfil the ethical duties of public office. This is reminiscent of

Weber's suggestion that a political actor is forced to adhere to a different ethics to those of a private individual acting in their personal life when he says

> For if it is said, in line with the acosmic ethic of love, 'Resist not him that is evil with force,' for the politician the reverse proposition holds, 'thou shalt resist evil by force,' or else you are responsible for the evil winning out (Weber 2013: 119).

For Weber, the duty of office obliges the politician (or in this case policy maker) to think of the consequences of inaction (evil winning out) and accept the necessity to act. Aspects of both Walzer's and Weber's descriptions of what constitutes ethical action for public servants chime with the ethics described by my research participants, particularly that they are bound to fulfil the duties of office and they are compelled to resist "evil winning out", which they speak of in relation to stemming the rise of the far-right. However, my interlocutors do not describe their ethics of responsibility as one that accepts "dirtying one's hands" in Walzer's terms. Walzer clarifies that an action can, in utilitarian terms, be "the right thing to do" yet still "leave the man who does it guilty of a moral wrong" (1973: 161). My research participants have insisted that they are not doing anything 'wrong' in order to fulfil their duty to the EU. This will be discussed in more depth in the values chapter but policy workers are clear about why they are not "guilty"; they are not the actors with dirty hands, it is not the EU but others who are responsible for "moral wrong", the EU did not create the migration situation and is reacting to it in an ethical manner. The majority of my interlocutors did not describe their actions as accepting "morally dubious means" in Weber's terms, or "dirtying their hands". Instead, they accepted that unethical actions take place but they distanced themselves and the EU from these.

These issues can be examined by looking at interviewees' comments on the ill treatment of migrants and refugees in Libya. Interviewees were clear that it is not the EU who are engaging in, nor responsible for, the morally reprehensible treatment of migrants in

Libya. Research participants distanced the EU from these "moral wrongs" in a number of ways. Firstly, most interlocutors pointed to the fact that migration to Libya had a long history that certainly pre-dated Libyan involvement in EU migration management. Secondly, they asserted that since under international law the EU (or any member state) cannot be held responsible for what happens in a separate state to place responsibility on the EU is akin to arguing that Libya is not a state in its own right. Interviewees also insisted that slavery had existed in Libya "forever", and it was "normal there" so therefore not related to the current context. In this way, rather than painting themselves as "doing the right thing" (saving the EU) yet with "dirty hands" or accepting "morally dubious means" (funding torture of migrants in Libya), my interlocutors distanced the EU from immoral actions. In fact, they pointed to the "good" that the EU does in Libya in supporting the institutions and civil society organisations and providing humanitarian support. The Libya desk officer of the European External Action Service (EEAS) concluded her presentation on a panel on 'International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militia' by saying that

> not only is the EU not contributing to human rights abuses, but is actively using political, diplomatic, financial measures to actively improve the situation on the ground.

I argue that this is part of an ethic that acts to "fulfil the duties of office" but with 'clean hands'. My interlocutors spoke of their concern to act responsibly to save Europe but *not* by any means necessary.

Shalini Satkunanandan's (2014) interpretation of *Politics as Vocation* is instructive for discussing the complexities of policy makers' ethic of responsibility. Satkunanandan argues that a Weberian politician "knows that consequentialist calculations could never cancel out the *moral* arguments against torture" (2014: 180, emphasis in

original). According to Satkunanandan's reading those policy makers who portray their work as guided by the ethical goal of saving Europe, and simultaneously distance themselves from any "morally dubious" means to attaining that goal are acting with an awareness that no matter how strong the 'moral arguments' for saving Europe, this cannot "cancel out the moral arguments against torture" and inhumane treatment of migrants in Libyan detention centres. In addition, Satkunanandan argues that a Weberian politician is aware that even in a moment of crisis they are obliged to "actively attend to the incalculable dimension of the situation at hand (such as, say, the intangible undercutting of the rule of law)" (2014: 180). I would argue that my interlocutors attend to the "intangible" good of maintaining the face of EU values as a part of what constitutes the EU, and this could never sit alongside accepting "morally dubious" means.

This ethic that my interlocutors articulated is one that is conscious of the consequences of an action, accepts the flawed nature of the world and the duty of the political actor to respond to this reality, and is driven by an ethical duty to the European integration project and is thus an 'ethic of responsibility to save Europe'.

Chapter Four

Understanding of Migration

Introduction

> Migration is one of those issues which cannot be viewed in the totality at one sitting, because it is so complex, emotive and all encompassing. So, depending on their ideology, active players hoping to make a difference simply pick a side (control or openness) and push as hard as they can.

An interviewee from an EU institution made this comment regarding what she called the "partial narratives" of "each side of the debate" on migration. Her point was that migration is much more complex than either "side" articulate, and this chapter examines how policy makers articulate and understand those complexities. This chapter presents how policy makers articulated their understanding of the dynamics of migration, for instance; what motivates a person to leave their home, or to come to Europe, how do people travel, how many of the people coming to Europe are refugees and how many are economic migrants, can the distinction between the two be so sharply drawn and what are the characteristics of each type of migrant, as well as the role for the EU in international protection and refugee hosting. This chapter has two primary aims, to use ethnographic insights to contribute to an anthropology of EU migration policy, thus addressing a gap in the literature on EU migration policy making identified by Ripoll Servent and Busby (Ripoll Servent and Busby 2013), and to further explore how policy workers understand their work as an 'ethic of responsibility to save Europe' by presenting how they see migration dynamics and policy solutions through an EU lens, with the overarching aim of protecting EU interests.

The impetus to study policy workers' understandings of migration is influenced by anthropology of policy's move away from a simplistic 'linear model' of policy making (that sees policy making as a rational problem-solving process where a range of options are considered and that which best fits the problem is selected) that has traditionally dominated policy studies (see Shore et al, 2011; Wedel, 2005). In their call for anthropology as a discipline, to give more attention to public policy, Janine Wedel and Gregory Feldman (2005) assert that anthropological studies of policy attend to how

> …taken-for-granted assumptions channel policy debates in certain directions, inform the dominant ways policy problems are identified, enable particular classifications of target groups, and legitimize certain policy solutions while marginalizing others (Wedel and Feldman 2005: 2).

The following two chapters outline those 'taken-for-granted assumptions' in the migration policy making sphere and the ways in which policy makers identified 'problems'. Christina Boswell et al (2011) note that many studies of policy as a 'non-linear' process "stress that conceptions of policy problems do not simply flow from the objective 'facts' of the situation," and instead examine the role of 'ideas' in policy making (2011: 1). Boswell et al recognise the strengths of studying 'ideas' in policy making but also make a compelling case for examining the '*knowledge* claims' of policy makers about the causes, dynamics and effects of international migration. Political debate increasingly revolves around "competing knowledge claims" and "societies" are obliged to process multiple knowledge claims, meaning that "knowledge claims become key in strategies of political argumentation and policy deliberation" (2011: 3). Boswell et al's arguments in favour of paying attention to the "knowledge claims" of policy makers also apply to my research as policy workers and politicians often use "knowledge claims" about migration to argue for their policy preferences.

Migration scholarship has challenged the (sometimes assumed) 'knowledge claims' of policy makers (see Castles, 2004; Andersson, 2014, 2016). In her ethnography of European migration policy makers in Casablanca, Federica Infantino used in-depth fieldwork on "actual practice" with the aim of "de-masking the framing of public policy questions" (2019: 27). I adopt a different approach which foregrounds the perspectives and perceptions held by policy makers (Mosse, 2004) with the aim of deepening our understanding of the migration policy making sphere. In setting out the knowledge claims of policy makers this chapter seeks to understand them, and not to 'test' the empirical validity of their knowledge about migration, nor to 'de-mask' them. My approach is closer to that of Lisa Stampnitzky who, in her study of expert knowledge on terrorism, analyses how the concept of terrorism is constructed. A particularly insightful element of her approach is her insistence that to look at how an object as constructed is "not to make it fall down" and that

> It is often assumed that demonstrating that some phenomenon is socially constructed is akin to an unveiling, pulling back the mask to show the true face underneath, and thus causing it to lose its power over us. But to show that something is constructed is not to negate its reality (2013: 5).

The aim of this chapter is not then to "pull back the mask" on policy makers' understandings or presentations of the empirical reality of migration dynamics but to engage with it as they articulated it and to take it on its own terms, in order to deepen our understanding of the policy making sphere. Such an understanding is especially pertinent at a point when the international protection regime is being reformulated and the future of asylum is being debated, to such a point that some experts are questioning whether this era is one which will see the "end of asylum" (Crisp, 2020).

The question of policy makers' understandings of migration is addressed by David Haines (2013) who suggests that policy makers understand the complexities of the issue of

migration but none the less they must "suspend their disbelief that the world can be understood in fairly simple positivist ways" because this "may be the price to be paid in order to participate in the policy process rather than to merely critique it" (2013: 79). I found that policy makers were often keenly aware of many of the complexities of migration and the paradoxes and contradictions that accompany policy making, as discussed below in relation to international protection, labour migration and using development to "tackle the root causes" of migration. This can be contrasted with Gregory Feldman's portrayal of policy makers' knowledge of the terrain as "superficial and insubstantial" (2012: 193). Feldman argues that the policy making sphere "actively generates" a superficial knowledge, that the "apparatus" produces this type of knowledge. It is my contention however that policy makers are not blinded to complexity by the "apparatus", but rather have a complex knowledge and when they make choices that appear to not accord with this it is because they have chosen the policy that best suits the EU, even if it does not best suit the migration dynamics, and this can be understood when we see their work as acting with an ethic of responsibility to save Europe.

This thesis argues that policy makers operate with an 'ethic of responsibility to save Europe'. I counter Feldman's conclusions that EU migration policy makers are not thinking in ethical terms when they make policy and instead show that their 'moral style of reasoning' is a type of Weberian 'ethic of responsibility' that obliges the actor "to give an account of the foreseeable results of one's action" (Weber 2013: 120). Policy makers present themselves as responsible actors who take account of the potential consequences of their actions, rather than blindly following that which accords with an abstract notion of "good" or "values" in a manner in which those who follow an "ethic of ultimate ends" do (Weber 2013: 121). For policy makers, theirs is the truly ethical action because they take action appropriate to the circumstances, are willing to take tough decisions when necessary, they have a

"responsibility to respond to the world 'as it really is'" (Satkunanandan 2014: 173).

Therefore, it is necessary to present their understanding is of "the world as it really is" when it comes to migration dynamics. For instance if one's "knowledge claim" is that in "the world as it really is" search and rescue operations (SAR) encourage migrants to take risky journeys, then one can show a preference for cancelling SAR that aligns with an ethics of responsibility.

> Weber describes the decision maker operating with an 'ethic of responsibility' thus:
> He does not feel in a position to burden others with the results of his own actions so far as he was able to foresee them; he will say: these results are ascribed to my action.
> (Weber 2013: 121).

The picture is more complex for my research participants. They distance the EU from certain negative outcomes, such as the human rights abuses of migrants in Libya as discussed in detail in the 'values' chapter. The results for which they take responsibility relate to the EU, more strongly than to migrants and refugees. This is framed as an ethical choice as the EU is seen as in need of saving, and worth saving because it embodies core values. That policy workers conceive of their work on migration policy as an ethic of responsibility to save Europe is reflected in how they perceive each aspect of migration in terms of how it can impact the EU.

1 Understandings of Migration

1.1 Forced Migrations and 'push and pull' factors

This section will address the understandings articulated by policy makers of the spectrum of forced migrations, and in particular the 'push and pull' factors at play in migration to Europe.

> What I'm saying is those who are in need of international protection because they are in danger of grievous bodily harm are not the same as those who get up one fine day

and say 'this is crap I'm going to find something better.' That we have to organise.

Now obviously if everyone who is not satisfied with their respective material

circumstances decides to get on the move that would mean a few billion people on the

run and that is not something that we would be able to handle, either here or in the

other parts of the world they would want to go.

This from a MEP of the EPP (European People's Party) group was fairly typical of the

emphasis placed on differentiating between asylum seekers and 'economic migrants', with

policy makers being clear on what the correct treatment of each should be. One Commission

official summarised the views of many I had interviewed when she said,

What I think we need is predictability, that if you come to Europe with a well-

founded case then you will get international protection, if you come to Europe

irregularly with no right to be here you will get deported.

While some judged economic migrants for 'opportunistically using the breakdown in control

to come to Europe' or 'stealing the place of a genuine asylum seeker', others expressed

empathy and said that in their shoes, they would do the same thing. Some interviewees

wondered why those fleeing death from war should be categorically privileged over those

fleeing death from hunger or preventable disease. Along similar lines, on the topic of France

granting leave to remain based on serious illness, Miriam Ticktin asks why it is that illness

can cross borders put poverty cannot (2011). This question is also treated by Betts and Collier

who note the growing number of people who fall outside of the category of generally

recognised refugees but are not "simply voluntary economic migrants" because they have

been forced to move due to generalised violence, food and water insecurity, climate change

or some other 'new driver' of displacement (2017: 43). This issue of discrepancy between

those who are forced to migrate yet do not meet the definition of refugee is thus addressed

both by interviewees and scholars and Gregory Feldman describes denying people access to

the EU as using negative measures to contain a type of migration that structural inequality generates, rather than rectifying that inequality (Feldman 2012: 78). Betts and Collier put forward a proposal to address this discrepancy when they argue that one way of grounding how we should identify refugees in a changing world is the concept of *force majeure*, the absence of a reasonable choice but to leave (2017: 44). Matthew Gibney explains that 'the traditional way' of distinguishing between refugees and economic migrants has been to examine the 'push' and 'pull' factors that motivated their migration. 'Push' factors are those negative influences that encourage people to leave a country, such as political instability, a low standard of living, civil war. 'Pull' factors are positive influences that attract migrants to a particular place such as a high standard of living, democratic political institutions, job opportunities and so on (2004: 12).

In terms of how these issues played out during the period of my fieldwork, Baldwin-Edwards et al assert that throughout the policy crisis since 2015, EU member states have placed a greater emphasis on pull factors than push factors and been unwilling to accept the complex and mixed nature of migration flows (2019: 2148). A concrete example of this is how in Italian hotspots the first interview to evaluate if someone should be considered an asylum seeker asks why they came to Italy. Maurizio Veglio argues that this calls into question the procedures because "a very basic knowledge of asylum law suggests that investigation should focus on the need to leave the country and the risk linked to repatriation, instead of the destination country" (Veglio, 2017). I often found that in our discussions on the dynamics of migration, policy makers placed more emphasis on pull factors to Europe than on the factors pushing displacement.

Policy workers presented smugglers as a pull factor, rather than as facilitators of a desire or plan to migrate that was already in place. This is an important 'knowledge claim' given that "combatting smugglers" features so prominently in EU policy. The way that

interviewees spoke about smugglers it almost seemed that they believed that smugglers *created* demand to migrate by selling an image of Europe. At the European Migration Network conference, Margaritis Schinas, Chief Spokesperson and Deputy Director-General, Directorate-General for Communication, European Commission said that "we should make migrants see that basing decisions on your future on advertisements of smugglers is not optimum". One MEP of the EPP group mused how different the current situation would be "if from Libya the merchants of death had not swarmed out recruited people in their 100s of 1000s to get on the move." Another MEP (also of the EPP group) said that smugglers were circulating pictures that promised a life of swimming pools and Lamborghinis in Germany. I discussed a rather toned-down version of this with an official from the Council who told me that smugglers promise that people will get cars and houses when they come to Europe. I was a bit sceptical, probably because of the Lamborghinis conversation with a previous interviewee but this was our second interview and so I asked her if she had actually seen this herself and she said that, yes, she had seen lots of smugglers' Facebook accounts, especially in 2015. In this way, officials spoke about smugglers as not just facilitating a move but creating the demand for that move in the first place. In her report on the EU Agenda on Migration from 5th March 2019, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, Federica Mogherini said that one life lost is one too many but also framed it as people putting *themselves* in danger, "the flows have decreased, but still too many *put their lives at risk*" (European Commission, 2019). This is also the way it is framed in the EU Agenda on Migration which speaks of "The plight of thousands of migrants *putting their lives* in peril" and goes on to say that it aims "to try to halt the human misery *created* by those who exploit migrants". The Commission document therefore implies an understanding that people are putting their lives at risk by attempting to move to Europe, meaning that there is an element of choice and that

their lives would not be at risk if they stayed where they are, and similarly that their "human misery" is *created* by the move rather than that their move is to escape misery.

A very different perspective on smugglers and movement was given by a young Syrian refugee who spoke at a GUE/ NGL (The Left in the European Parliament) alliance organised event 'Trading Humans in Libya and the Middle East' which took place in the European Parliament in September 2018. Speaking on a panel alongside MEPs and senior DG Home officials this young man described his journey from Syria to Brussels which involved traveling legally to Turkey on a student visa and from there linking up with a smuggler on Facebook. He described to the audience how one meets a mediator who operates between the refugee and smuggler, most of whom are Syrian with some Iraqis. He paid €1,200 to travel on an inflatable boat to a Greek island, but he gave the money to an office and when he would arrive in Greece the office would give it to the smuggler but if he didn't arrive then he would get his money back and try again. He tried many times before eventually completing the journey to the Macedonia region of Greece. After describing the next stages of his journey on to Berlin he finished by saying that he paid €50 for a train ticket from Berlin to Brussels but had paid thousands to get from Turkey because instead of using 'normal transportation' he was paying smugglers. His argument was that closed borders "facilitates smugglers". This refugee used his platform to problematize the understanding that smugglers are the problem and create desire to migrate, and instead appeared to accuse EU migration policy of creating the market for smugglers.

From a different perspective an expert from the Commission also proposed a more complex understanding of smuggling. At a report launch for 'Better policies for people on the move' hosted by a think-tank, a frank speaking expert from the Commission argued that smuggling is facilitated by European border control explaining this as

we are complaining about the irregular Africans coming to Italy but we are bringing them to Europe, this is the overlooked missing link. The smugglers yes maybe in Libya but the main smuggling organisation is the European Border and Coast Guard. They pick up people in the Med and they bring them to Italy or increasingly also to Spain…so we have an ambivalent approach, on the one hand driven by humanitarian considerations but on the other hand we are complaining about the result of our own humanitarian considerations to a degree… let's be honest. Because if you think that's illegal migration which FRONTEX has it on its home page, the question is where is the illegal immigration taking place. Is the boarding of the European Border and Coast Guard ship illegal? Then the captains of these ships should go to court? Is the disembarkation in Italy illegal then who is responsible for the illegality? So you're losing the notion of illegality… the perception is this is not ok what is happening but at the same time we are doing it.

He went on to explain how 'perverse incentives' had been created.

the strategy first was to rescue people near the Italian shores, but this was a time when the smugglers were sending people on decommissioned trawlers, large ships with 900 people on board, this is why you had shipwrecks with 500 people dying on the same day in the Central Med which triggered this response. Then we were saying we're going to tow you back, led to this self-inflicted ship wreckings that the smuggles were doing. OK we create a shipwreck and you will not be able to tow it back, creating an additional risk. So, we had to rescue the people and bring them to the shore. Then the boats became smaller. Fisher boats instead of decommissioned trawlers and slowly gradually the rescue operations moved closer to the Libyan coast, at that time also involving NGOs for the first time, we're talking about mid 2015, late 14, the closest rescue operation that has taken place so far was 700 metres away from the Libyan

coast so there you don't even need a boat you can swim. The reaction of the smugglers was the following. The smugglers said we just buy via the internet cheap inflatable dinghies from China. So it made the trajectory to Italy easier and cheaper. So it is an unintended consequence of our rescue operation was to make it easier and cheaper to come. Then we had negotiated with China to stop the export of inflatable dinghies to Libya. This was an achievement, there's no inflatable dinghies anymore from China employed. These inflatable dinghies were never meant to serve as smuggling boats they were made to sit on the yachts of posh people and to bring them to the harbour. Now, and as an economist we shouldn't wonder what happens next and this gives hope to Libya and its future, for the first time in 2000 years now we have an inflatable dinghy industry that has popped up in Libya itself because they have the raw material, oil in the soil. Now what is the difference between the dinghy from China and the one from Libya. The Libyan one is only meant to be used once for 15 km so there's no security features, you poke a hole and the boat disappears in the Mediterranean. And so, the rescue operations inadvertently have made it easier, cheaper *and more deadly* and that's the dire consequences. On these 15 to 30 km between the Libyan coast and the rescue ships, more people die per 10,000 trying than ever did on the decommissioned trawlers. On the trawlers there was a captain, a smuggler. On a dinghy you never have a smuggler on board, they just put people on the boat who cannot swim, have never seen the sea before and they pick one to pay less and steer the boat, tell them they will see the European ships. That is something that had not happened before we started rescuing people. That brings a moral dilemma. Getting in is easy because we uphold European values. Getting out is more difficult. This is why we invest in the Libyan coast guard. We have transformed militias into coast guard members… So that's the next stage of intervention because

we want to prevent people from even reaching the high seas, which might reduce the

casualties, but unfortunately then creates the next set of unintended consequences – of

very unpleasant conditions in Libyan detention camps.

He asserted that there are perverse results and unforeseen consequences to actions that may

have been well intentioned but ultimately lead to a very difficult set of circumstances and

decisions for the EU, and horrendous conditions for those migrants in Libya. The recognition

that 'reducing the flows' is not a straightforward 'success' and in fact can mean that for some

their suffering is prolonged, was extremely rare to hear and especially in a public forum such

as this one, as will be discussed below.

An official from the Council also stressed the role of search and rescue operations and

was adamant that MSF (Médecins Sans Frontières) and other search and rescue NGOs are "a

pull factor" and that their presence has led to more deaths than before the search and rescue

(SAR) started. I told her about research I had just read by Steinhilper and Gruijters (2018)

arguing that the empirical data shows that SAR operations substantially reduce relative and

absolute mortality in the Mediterranean and that the absence of SAR had not discouraged

crossings. I asked her what she thought about this and the proposition that many migrants say

they would much rather risk their lives than be in Libya, which might not be the case for

example for migrants in Jordan where conditions are not as heinous. She responded that those

people would not be in Libya in the first place were it not for the pull factor, they think they

will get picked up and brought to Europe. If smugglers and SAR are both imagined as

creating a pull factor this has consequences for policy making and so deepens our

understanding of the knowledge that informs policy making.

Another 'pull factor' mentioned was the low rate of returns of irregular migrants. The

view of a number of officials, in particular from DG Home, was that the current low rate of

returns was creating an incentive for migrants to come to Europe irregularly. At one

conference I noticed an official from the 'Irregular Migration and Return Policy' section of DG Home nod enthusiastically to the following section of an academic's presentation "in some countries the return rate is less than 50% and while that's the case it kind of makes sense to swim to Europe and try your luck."

Of course policy makers were also concerned with examining 'push factors'. When it came to assessing whether someone should be considered for international protection they were quite attached to basing this on the country of origin. This was obvious in the relocation scheme because it only applied to those coming from countries whose nationals had an average recognition rate as asylum seekers of 75% across the EU. On the topic of how relocation was working an official from the Commission stated that

> The situation in Greece, you have real refugees. In Italy you don't. So the people arriving in Italy don't qualify for relocation and along the lines we established in 2015 when we knew nothing about the flows. The idea was to take asylum seekers and redistribute them but if you have asylum claims from people who will never get asylum, because they are from Nigeria or Cote D'Ivoire or Senegal. The people from Nigeria are not coming from Boko Harem areas, they come from the south.

While he recognised that within one country there are regions that are less safe than others, he seemed to dismiss whole countries. An interviewee from the Commission also raised the issue of discrepancies in recognition rates between member states. She put it down to a combination of the fact that member states have not agreed a common list of safe countries and, importantly, that asylum decisions are influenced by the politics of that state

> if you are a judge in a country that thinks that within Afghanistan there is safe and unsafe areas and if you feel unsafe in Kandahar why don't you move to Kabul then you will say there is absolutely no reason why Afghan people should get asylum in Europe. In particular when it turns out that this person who no longer feels safe in

Kandahar has lived for three years in Iran. And has crossed via Greece for example. Then a Polish judge will say you've been in in Iran, Turkey, Greece, you did not get killed in any of them. Why are you in Poland, we don't want you.

Both of these are examples of the shared understanding circulating in Brussels, that many of those who have travelled to Europe did not "need" to move, in that they could have found safety in their country or region. This is important as it gives ethnographic depth to the understandings informing the debate on the future of asylum in Europe, as discussed below.

I had a long interview in spring 2018 with an attaché from the permanent representation of a member state who had held the presidency over the previous three years. As I asked my questions, he took notes before giving considered and expansive responses based on his experience, his reflections and extensive reading. As was very common with interviewees, we discussed the ups and downs of the relocation scheme. On the topic of the 75% average acceptance rate, I asked him whether there had been discussions about lowering the acceptance rate or including Afghan asylum seekers since they made up such a large number of the asylum seekers in Greece.

Yes, absolutely. Iraq was once in and then out. Afghanistan too was a discussion. But there are several problems. The first is recognition rates ranging from 20% to 100%. You see the difference. At the lowest level you have Bulgaria, at the highest level you have Luxembourg. Both, I'm not sure if both are fine. (laughs). One is certainly too small and other may be too high. But you cannot really compare it because you have attraction factors based on regions. And in some regions there is still serious persecution so there is still this risk and in others not so that partly explains these differences, but it's not all about that. So it's difficult to include a nationality like Afghans. Because maybe, for some of them there is this risk and for others there is not…Personally, I think it's not a good idea to work with nationalities.

In this case, he explained the complex factors at play. This is important for an ethnography of the policy making process because it shows that policy makers are often well aware of the critique raised by scholars and commentators, and that their understanding of the dynamics may be more complex than is suggested by the actual policies. This reflective policy worker, aware of the contradictions and complexities in his work is far from the apparatus led policy worker who seeks only a superficial understanding that Feldman (2012) presented in his ethnography. This interviewee then moved from critique to outlining alternatives, saying

> I would prefer a system where we would speak about a need for protection independently of nationalities. It works like that in resettlement where UNHCR looks at the cases and informs if a person is in need of protection. We could do it in the same way with relocation, with EASO look at the file and prepare a file for the member state and where you are sure that afterwards you will give an international protection status to this person. Because when you look now at the people who were in Italy and Greece. Greece, it was mostly Syrians who were eligible for relocation, but there were also many Afghans. They were simply out. If somebody would have looked at the cases of these Afghanis then they could have also resettled some Afghani people. In Italy, it's even worse because you have only the Eritreans who were in, it was limited, 15 or 20% of all the people there. That's not sufficient, but you also had many people from Nigeria, Sudan. If someone was looking at these cases there were also vulnerable women, children, men or from Senegal, so I would have preferred a different approach. Now some negotiations on Dublin and Italy is asking for the same. Nationality is always problematic, it would be better to look at individual cases. Because, if you would lower the threshold to 50% what does this mean, that 50% are in need of protection? You can also have people who are to be

returned and does it make sense to change their member state. I would prefer someone evaluating the need for protection.

A nuanced view was also presented at a GUE (The Left Group in the European Parliament) organised event in the Parliament on Libya where one speaker said that the difference between asylum seekers and economic migrants becomes complicated if a Senegalese person is detained and tortured in Libya for three years, for example. Despite these critiques and proposals circulating among policy makers in Brussels, a move away from focusing on nationality seems unlikely. This is not because they fail to reflect or have only a superficial and insubstantial" knowledge of the terrain, as Feldman argued (2012: 193) but relates instead to the fact that the driver of EU migration policy making is an 'ethic of responsibility to save Europe' which means making policy that will not create more problems *for the EU*. Interviewees said that some member states feared that a less nationality focused approach would create a 'pull effect'. Policy workers want to reduce the number of people arriving in Europe in order to reduce the appeal of the far right, thus saving Europe and European values. A policy that would do the opposite of that would fail to incorporate the "foreseeable results" *for Europe* and thus not be the ethical choice, according to their framework.

1.2 Asylum and Refugees

An issue that persists is that of differentiating between refugees and economic migrants, as evident in media reports and utterances from politicians who use the term "genuine refugee". I found that this was a big issue for my research participants who both were keen to differentiate between the two categories, and recognised the complexities of forced migration and the contradictions inherent in the established definitions. At this particular historic moment, the lynchpins of international protection, particularly asylum (and treatment of

spontaneous arrivals of asylum seekers), are being questioned in a more serious way than before. This makes it especially important to furnish ethnographic depth to the issue of how international protection is discussed in Brussels, what policy makers view as the essentials of international protection, and the proper role for the EU in the future of international protection, which is the contribution of this section.

One of my first interviews in Brussels was with a Justice Home Affairs attaché from the permanent representation of a Western European member state. He told me that differentiating between asylum seekers and economic migrants was a major topic on the Justice and Home Affairs Council and that contrary to what the media coverage might lead people to believe, not all migrants to Europe are refugees fleeing war. Almost all the interviews and events that I attended over the following year echoed a stress on delineating between different types of migrants. Nearly everybody I met with stressed the importance of asylum, and (whether or not the rest of their comments suggested that they actually believed this) spoke of it as almost 'untouchable', a basic right of the individual, and duty of the state, that cannot be questioned. Of course this is constantly reaffirmed in the public discourse of each of the institutions, but also in my interviews. In an interview with a conservative MEP of a Visegrad state, couched in the middle of his utterances about the dangers of failed multi-culturalism was a declared commitment to asylum

> there are real refugees, they must and this is not a question it's not for discussion we
> must help them…if someone is a refugee his life, his existence is in dangerous
> situation in his country and we must help them ...

Even those interviewees who prioritise border control and reducing the number of migrants in Europe, would in the next breath stress their commitment to asylum, often by drawing on Europe's own history of producing refugees and a sense of moral obligation.

At the European Migration Network Ten Year Anniversary conference, held in Brussels in May 2018, a number of speakers such as the EU Commissioner for Migration and Home Affairs, the Chair of the LIBE Committee (European Parliament's Committee on Civil Liberties, Justice and Home Affairs) and a head of unit in DG Home, used part of their speeches to celebrate some of the achievements of the EU in the realm of migration. Near top of the list was hosting such a large number of asylum seekers and refugees. However, amongst the achievements lauded were renewed border control measures and *reducing* the number of migrants entering the EU. Given that over 90% of those asylum seekers who are granted international protection entered the EU irregularly (Van Ballegooij and Navarra 2018: 13), this would seem to be a contradiction. Increased border control means that asylum seekers will not be able to claim asylum in the EU if they can't enter the territory to do so. Thus they simultaneously celebrate granting asylum and efforts to prevent more people from applying for asylum in Europe.

This apparent paradox has concerned many legal scholars, with the EU's border control efforts described as "attempts to prevent access to asylum procedures – at least within the EU" (Gammeltoft-Hansen and Gammeltoft-Hansen 2008: 448). Violeta Moreno-Lax notes that although Stockholm posits that '[t]he strengthening of border controls should not prevent access to protection systems by those persons entitled to benefit from them', no channels for such access have been created (2014: 149). Officials were keen to dismiss any claims that the EU has closed borders and the following utterance from an official in the Council was very typical "are our borders open or closed – they're open, as soon as you arrive and say you are an asylum seeker you get in".

Despite the declarations of commitment to asylum discussed above there are reasons to suggest that in fact the institution of asylum *is* being questioned at a conceptual level, as is the role that EU states should play in international protection. As discussed in the

introductory chapter, the international protection regime has for some decades, and especially

following the end of the Cold War, faced significant challenges (Chimni, 1999; Goodwin-

Gill, 2001). Jeff Crisp if of the opinion that since 2015 the challenges have become

> so acute, in fact, that we now have to contemplate the question … are we witnessing
>
> the end of asylum? Sadly, there are reasons to think that this might be the direction in
>
> which the world is heading (2020).

I contend that in the EU we are seeing efforts to move away from being 'attached to the

principle of asylum' as illustrated in the following fieldwork findings.

In June 2018, Italy's proposal at a mini-summit was for third countries close to EU

borders to host 'international protection centres'. The 'disembarkation platform' idea had

known a previous life as 'external processing' proposed by then Prime Minister Tony Blair in

2003, and at that time was opposed strongly by Germany. Leaving the mini-summit, Greek

Prime Minister Alexi Tsipras pointed out there are serious reasons to question the

compatibility of the disembarkation centres with international law while French President

Emmanuel Macron endorsed the idea. Dimitris Avramopoulos, the European Commissioner

for migration, appeared strong in his opposition stating "I am against Guantanamo Bays for

migrants. This goes against European values" (Gerdziunas, 2018). My interviewees were

divided on the question of whether the proposal had a future, but the fact that it has been

raised and discussed again does tell us something about the EU's vision for its own role in

international protection. Writing in 2005, Liza Schuster raised the issue that proposals to off-

shore protection whether it be through 'regional protection zones' or 'external processing

centres' may well represent the emergence of a 'new asylum paradigm' (2005). I would like

to discuss what this 'new asylum paradigm' might look like to those policy makers and

influencers in Brussels for two reasons. Firstly, as a contribution to the literature examining

EU migration and asylum policy, at this historic juncture. Secondly, how policy workers

discuss international protection in terms of what the EU can "handle" and what is "sustainable" for Europe gives insights into how the fact that policy makers understand their work ethic of responsibility for Europe is applied to asylum policy and the future of the international protection regime.

One senior official from the Council predicted quite firmly during our interview that the Geneva Convention will 'fall' in our lifetime. The 1951 Convention and 1967 Protocol have been long criticised for their historic specificity, narrow definition of refugee based on persecution, and failure to prescribe what exactly international protection means in practice (see Shacknove, 1985). This same official recommended that I read *Refuge: Transforming a Broken Refugee System* by Alexander Betts and Paul Collier, which I promptly did before our next interview. Published in 2017, this book was described to me by an official working for a member state as "the only migration scholarship that even policy makers have heard of" and while this is an exaggeration, it does seem to have had a degree of impact on discussions in Brussels. Betts and Collier's rather convincing critique of the Convention echoes many others, tracing the Convention's origins to a very particular moment when the widespread revulsion of the Holocaust aligned with the Cold War era efforts to contain communism, in other words a vastly different context to today. However, Betts and Collier also incorporate into their critique the recent movements of Syrian refugees and the reactions of EU member states and institutions to argue that the political will to seriously reform the system may be building and this could be a moment of opportunity for change (2017: 60).

In December 2018, at the invitation of the European Migration Network's Norwegian contact point, Betts and Collier presented their vision of what this change could or should look like at a conference in Brussels to "showcase the results of a highly productive collaboration between the European Migration Network National Contact Point for Norway and Professors Paul Collier and Alexander Betts…" This event is worth examining alongside

their book because it was attended by a number of policy workers from the EU institutions and member state permanent representations and because of the apparent popularity amongst policy makers of their book. Panels at this event discussed topics that give us insights into the assumptions and understandings of migration and the future of asylum circulating in Brussels which is part of a basis for understanding how they evaluate consequences and the manner in which they conceptualise their responsibility for migration dynamics.

The invitation stated that the conference aimed to "present and debate sustainable migration in Europe, which can help guide and inform governments and elected politicians." In addition to the three academic papers on 'sustainable migration in Europe', Magnus Ovilius, Head of Return Sector, Irregular Migration, DG Migration and Home Affairs presented a paper on the 'challenges and relevance for the EU'. The conference was well attended and I spoke at the break to a JHA attaché who said that he was there because his country would soon have the presidency and they were keen to learn more about the proposals presented by Betts and Collier. One of the speakers opening the conference informed us that since there was a summit that day and security was tight, we were asked not to go outside the front of the building, but that there were lovely gardens either side of the conference room where we could go if we wanted to move. This struck me as a metaphor for the central tenet of the event and their book's proposals; that those who want (or are forced) to move should stay in their region rather than venturing farther afield. Betts and Collier's vision is for Europe to play a greater role in supporting the countries in the Global South who do the lion's share of refugee hosting, to create a situation where refugees are receiving adequate protection in their region thus removing the obligation to proceed to Europe to have their needs met. After presenting a thorough analysis of both the current system of encampment of refugees and the failures of the current European response to refugee movements, Betts and Collier reiterated to the assembled audience in Brussels the proposals

outlined in their book. Two of the central tenets of their proposal are that countries of the Global North should make it not only feasible but also beneficial to countries in regions of conflict to become 'regional havens' and that this involves job creation schemes (2017: 158). They propose creating jobs for both refugees and the local population by encouraging firms to move to refugee hosting countries, creating special economic zones and encouraging business. For them business has a key role to play here, "global business could be put to work, bringing refugees the opportunities to thrive" (2017: 181).

The logic behind this proposal is worth looking into. The speakers pointed out something I had also been told by interviewees; that EU states spend significantly more money on refugees and asylum seekers who are in countries in the Global North, even though the overwhelming majority of refugees in the world live in the Global South. In fact, one interviewee from the permanent representation of a Northern European member state had told me that her country cut their aid to a refugee hosting African country, in order to divert that money to the asylum seekers they are hosting following the 2015 increase in arrivals. Refugees in the Global South are mostly in camps, where they are kept in a limbo prevented from working or really living their lives. Betts and Collier see their proposal as a 'third way' between the extremes of camps and unsustainable urban settlement. They argued that it is necessary to give hope in regions of origin so that refugees don't move onwards. A combination of inhumane conditions in their regions of origin, and EU countries disproportionately putting resources into supporting those asylum seekers who arrive on their territory, motivates refugees to continue their journey and thus drives them into the hands of smugglers and results in tragic loss of life. They outline the advantages to getting refuge in the region of origin. It is where they already are so they do not need to travel too far, it makes it easier to return home when it is safe to do so, refugees are more likely to retain ties to home "rather than assimilating in a radically different society or culture", and it may offer more

opportunities for refugees to participate socially and economically in their host countries (Betts and Collier 2017: 133).

Betts and Collier also argue that the 'socio-political crisis' faced by liberal democratic states around the world and public hostility to asylum seekers

> cast serious doubt on spontaneous arrival asylum in developed regions of the world as a viable long-term solution for the majority of the world's refugees. 'Sanctuary Europe' became politically unsustainable in less than a year (2017: 135).

I think this is quite key because alternative proposals have been made to attempt to find a way to address the drownings in the Mediterranean of those forced to migrate, like humanitarian visas[7]. When humanitarian visas were brought up in the discussion portion of the conference, an official from an EU institution interjected with "sounds fair enough but how many millions more of asylum seekers do we *risk* having, and how would Europe handle that?" Her interjection chimes with my argument that EU officials working on migration policy differentiate between an ethic of ultimate ends (in this case that would view humanitarian visas as "fair enough") and an ethic of responsibility that looks at the consequences, but primarily the consequences for Europe, in other words "how would Europe handle that". This line of thinking illustrates an ethic of responsibility to save Europe, as Weber says that an ethic of responsibility involves accounting for the "foreseeable consequences" and the consequences flagged here are the consequences *for Europe*.

Betts and Collier's book was recommended to me by interviewees from different EU institutions and the conference was attended by officials from each of the institutions. The work of Betts and Collier is appealing to policy makers for a number of reasons. Firstly, it

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[7] See the legislative own-initiative report prepared by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) (Rapporteur: Juan Fernando López Aguilar (S&D, Spain)), presenting recommendations to the Commission on EU legislation on Humanitarian visas

backs up their preferred policy solution. For many policy makers, the ideal situation is for EU states to drastically reduce the number of spontaneous arrivals of asylum seekers in Europe and they say that European countries could instead fulfil their role in international protection via resettlement. In *Refuge* Betts and Collier provide an empirical and ethical justification for this aim. Betts and Collier interrogate the ethical duty of the EU towards asylum seekers by examining competing philosophical positions, and couple this with empirical work such as case studies of refugee programmes in Jordan and Uganda, to argue that the EU should concentrate a smaller proportion of their efforts on spontaneous arrivals of asylum seekers. Betts and Collier make the case for a system where those in need of it, would receive international protection in their region of origin. In this case, EU countries would provide financial incentives to "regional havens" and would provide international protection primarily through resettlement. Traveling to countries in the Global North or being granted resettlement would be reserved to particular cases (2017: 136). This chimed with what I had heard from many interviewees, that spontaneous arrivals of asylum seekers to Europe was unsustainable and inefficient and, as highlighted also by Betts and Collier, had largely lost public support (2017: 93). Secondly, while Betts and Collier do not frame their work in Weberian terms of an "ethic of ultimate ends" and an "ethic of responsibility", they do analyse the ethics of potential policy solutions under the headings of "the principles of the heart" and "the principles of the head" and discuss Germany's offer to host Syrians in terms of "adverse consequences of the headless heart" (2017: 108). This echoed what I had heard from a number of interviewees. Their work incorporated what is "politically sustainable" for Europe and so accords with an ethic of responsibility to save Europe. Scholarly work has emphasised the complex nature of the relationship between research and policy being far from a linear process of research informing policy, and draws attention to the fact that policy can inform research (Geddes, 2014) and to the 'symbolic role' of research in legitimising

existing policy choices (Boswell, 2009). These insights can be applied to the popularity of Betts and Collier's work in Brussels.

I explored this issue of which academic work reads as relevant to policy makers with a policy worker from DG Home asking him if he finds that academic work can sometimes be missing something from a lack of 'on the ground' knowledge of policy makers' work and I had barely finished the sentence before he enthusiastically agreed and gave examples.

> There was a whole discussion about why the Commission didn't activate the Temporary Protection Directive (TPD) instead of going for the Council decision for relocation. And it was like, '*guys you don't get it*'. First because the whole procedure in TPD is super complicated, also because the objective was not to protect the Syrians, they were mixed flows, so the problem was to support Greece and Italy with the management of the flows. And then with the screening so that we could really separate the ones who needed international protection from the rest.

Here he expresses frustration with how his work is negatively evaluated based on what he sees as partly a misunderstanding of the *aim* of the scheme. The fact that he has articulated the aim as supporting member states Greece and Italy is, I argue, evidence of the prioritising of EU needs, and evaluating policy in terms of what is good for the EU. Asylum policy in the midst of a humanitarian disaster aims of course to assist refugees but as the above comments show, to help the member states and to ensure that those migrants deemed not in need of international protection, "the rest", can be separated and deported. This can be understood as approaching policy work with an ethic of responsibility to save Europe, by aiming to support the member states first and foremost.

Resettlement is the selection and transfer of refugees from a state in which they have sought protection to a third state that has volunteered to admit them as refugees and

ultimately grant them permanent settlement. The number of places offered for resettlement is miniscule relative to the number of displaced persons in the world. There were 20.4 million refugees of concern to UNHCR (United Nations High Commissioner for Refugees) around the world at the end of 2019, but less than one per cent of refugees are resettled each year (UNHCR, 2020). For most officials I met, when it comes to giving international protection they would much rather *invite* refugees to come under resettlement programmes, than have asylum seekers arrive spontaneously off their own bat, at their borders to claim international protection.

A number of interviewees explained their preference for resettlement. The most important reason was of course that it can save lives. Rather than risking their lives in boats, the refugees can wait in a safe third country in their region and then be transported safely to their country of resettlement. A JHA attaché from a member state permanent representation expressed regret that resettlement had not been prioritised over relocation, saying

> A third (option) could have been tabling a very high number for resettlement. Some
> years after, I say it was a mistake in the union that we didn't do so.
> Me: from Jordan Lebanon and Turkey?
> Yes, instead of 140,000 for relocation we could have done 140,000 for resettlement.
> This would have made people stay outside because then realistic chances of being
> resettled and no need to become dependent on traffickers.

An official from the Council argued that resettlement is the best solution because "it means they are already refugees not asylum seekers and it is voluntary and it works and states have a history of it they understand it and they don't have security concerns."

One national level civil servant who coordinates the resettlement programme in their country explained that logistically it is far easier to manage resettlement because they can plan in advance; they conduct a needs assessment pre-arrival, making it easier to arrange

suitable accommodation, education, health care and so on. Resettlement is a way of supporting not just refugees, but the country currently hosting them. Refugees are resettled from countries who are already hosting a disproportionate number of refugees, like Jordan, Lebanon, or Kenya for example. At a university-organised conference, a senior official from DGH Home noted that at the moment member states make resettlement pledges on the basis of their own political priorities in terms of the states from which they would come. He explained that the Commission proposed placing these voluntary pledges in a European framework in order to use resettlement in a more *strategic* way. Speaking at the European Migration Network conference, MEP Claude Moraes joined others in stressing that countries outside of the EU are hosting the lion's share of refugees, especially Lebanon, Jordan and Turkey. He said that *if* EU countries had resettlement then we could 'look those countries in the eye'. The preference for resettlement exhibits an 'ethic of responsibility for Europe' as the consequences have been outlined, and emphasis is placed on the consequences for Europe; that resettlement is logistically easier, provides leverage for the EU politically, and avoids the publicly unpopular system of spontaneous arrivals.

A further point worth noting on the topic of policy makers' understandings of asylum, is that a number of interlocutors claimed that that the asylum system is too open to 'abuse' and 'bogus claims'. This was a concern of a number of interviewees including one senior official in DG Home who said "people, and I say it in inverted commas, misuse the asylum right because they're coming for economic reasons. And this is not part of the right to asylum." As discussed in the previous chapter, the Common European Asylum System (CEAS) was formed partly aiming to 'prevent abuse' and secondary movement of asylum seekers. Moreno-Lax argues that we must ask why control and abuse have become part of the foundation of the European asylum regime, a system that exists ostensibly to provide international protection (2014: 149). For Gibney, a preoccupation with potential 'bogus'

claims 'abusing the generosity' of a host state is not so surprising given that in order to be an asylum seeker "an individual merely has to claim to be a refugee". He also points to the long history of such concerns going back to Jewish refugees attempting to move from Nazi Germany to France in the 1930s (2004: 10).

1.3 Root Causes and International Development Cooperation

The above discussion of policy makers' understandings of migration mentioned 'push and pull factors' and an important aspect of this relates to how they conceptualise and discuss 'root causes' of migration and connect this to the 'solution' of international development cooperation. Baldwin-Edwards et al's (2019 finding that the emphasis of EU migration and asylum policies have been disproportionately focused on 'pull' factors to the neglect of 'push' factors also rings true with my fieldwork findings but both in policy documents such as the EU Agenda on Migration, and in public discourse and private interviews, there is also a focus on the 'root causes' of migration to Europe. The articulated understanding of the 'root causes' of migration is that they are diverse, but those that can be 'tackled' are thought to be dire economic conditions and chronic unemployment, and to a lesser extent poor governance. If the crisis produced attachment to a 'silver bullet' solution then a 'Marshall Plan for Africa', as it was often called, is a contender.

Scholarly attention has been directed towards this topic, notable ethnographic work is that of Ruben Andersson who conducted fieldwork in various countries and so documented how this looks not at a Brussels level but on the other side of these policies, in West African countries. Andersson details the migration 'industry' from state level down and notes the impact that EU countries focus on migration has had on local NGOs "At the grassroots…a local development association had scribbled *migration clandestine* at the end of its typed-up

list of projects" (2014: 52). This aspect of his analysis is however impoverished by a lack of engagement with literature on the phenomenon of trends in donor preferences impacting "local partners". Whether relating to human rights or gender or environmental protection, there is a well-documented phenomenon of certain words being 'sprinkled liberally' in funding proposals and some astute analyses of the political reasons behind this, as discussed thoughtfully by Andrea Cornwall *in Buzzwords and Fuzzwords: Deconstructing Development Discourse* (Cornwall, 2007). Thus, this is neither new, nor unique to either migration or to the EU at this time, but it is worthy of attention and the impacts for key EU partner countries discussed in the security chapter which pays attention to EU actions in the Sahel in particular.

As mentioned, research participants were often keen to note that not all of the migrants arriving in the EU are refugees, many are economic migrants. While it was often remarked that so called economic migrants are often forced migrants who are desperate to survive, none the less the EU's duty of care towards them legally and ethically was different to that for refugees. A shared understanding circulating in my field site was that the best course of action would be to help create conditions in their home countries that they would be happy to stay in. It was striking to me that so many interviewees whose backgrounds and expertise were quite far from international development spoke with such enthusiasm about its potential to 'stem the flows'. From a general on the EU Security Committee to MEPs with no related experience, to DG Home returns personnel, international development was spoken of as the most promising solution. Investing in targeted development in order to deter migration has long been a strategy of the EU (Andersson, 2014; Papagianni, 2013). But since 2015 this has taken on a new urgency and become more politically charged, leading Fine et al to conclude that "a general sense of crisis over migration is reshaping European development culture" (Fine et al 2019: 13).

The linkage between challenges in migration policy formation, and the realm of European development cooperation was addressed by a number of research participants. One DG Home interviewee reasoned that since migration has such an enormous impact on the sender countries, the EU could not, as the world's largest donor, *not* direct some development aid towards migration. When I asked her whether development was in her opinion being replaced by migration control, she responded that this is the accusation made by the European Parliament and others. A speaker from the Danish Refugee Council (DRC) began his presentation at a conference I attended in Brussels on the topic by stressing that aid should not be used "as an instrument" and that far from diverting money away from those who are unlikely to move to Europe, aid should be targeted towards those who most need it. A number of policy makers I met appeared to confirm that this approach was somewhat marginal or marginalised. A more frequent utterance was that international development cooperation should be geared towards meeting the critical EU aim of "reducing the flows", as part of an ethic of responsibility to save Europe.

An interviewee from the JHA section of a permanent representation to the EU of a Benelux member state, saw the changes in the development realm as progress saying that since her country have moved to working on the root causes of migration this means that now the Ministry of Interior and the Ministry for International Cooperation are "on the phone every day", and identified this cooperation as "one good thing that has emerged". She mentioned the diverting of development funds away from non-sender countries saying that her country had been funding projects in some countries of Southern Africa that are not sender countries and "it makes more sense to use whatever small funds we have to direct them at the communities which really need them so that people won't feel like they have to leave." She went on to say that the development community in her country, including those that are working for the government, has resisted this move because they are 'traditional' and

are concerned when they hear about aid being linked to returns. In her opinion they are starting to accept it because they see the necessity. This chimes with Fine et al's (2019) assertion that the EU reaction to migration has involved a change in the "culture" of international development cooperation, a point reinforced in an interview with an official from the Council who was distinctly unimpressed by DG Dev Co. (DG International Cooperation and Development),'s personnel resisting linking development cooperation to curbing migration saying that they had "blocked and stalled everything we needed to do" but that since October 2015 "scared everybody" they too saw that is was necessary to use international cooperation in a more strategic way.

Obviously, the realm of policy makers is heterogeneous, and a development celebrated by some has been mourned by others in the field. An interviewee from an EU institution had left his role in development because he said that what is being done under the heading of development now is "simply not development, it is security". One interviewee from DG Near was so despondent at the changes she saw following the moves to further connect development cooperation to migration control that having worked in the area for twenty years he was now looking for a new job. An early career official from DG Dev Co told me that morale in Dev Co was "very low". For these interviewees, the impact of the "development space" becoming politicised and crowded has been that there is an increased spotlight on their work so they can no longer do the projects that, in their opinion were much more effective, and the work that they were asked to do instead was not something they could reconcile to their principles.

Just as opinion was divided as to whether moving EU development cooperation into 'migration prevention' was a good thing, opinion or rather statement of fact over whether or to what degree this was happening was also presented differently. In late 2018, I attended a conference in Brussels on the topic of addressing irregular migration from Africa to Europe,

specifically to "explore concrete policies – particularly development aid and labour migration – to reduce incentives for irregular migration, in the medium to long term". The panellists included academics and researchers from think tanks as well as officials from the European Commission. One thing that struck me at this event was that the intervention from Stefano Signore, Head of Unit Migration, Employment (DG DEVCO), European Commission contradicted what some interviewees had told me in relation to the focus of aid and how it has changed. Mr Signore stated that he was not there to defend each and every project but that what the EU is doing in Africa is what they have been doing for decades; addressing issues regarding governance, human rights, health care and so on, that this has not changed and will not change. Mr Signore said that what has changed is that there is now more emphasis on youth unemployment, which he identified as the 'number one issue' in Sub-Saharan Africa and he cited here Mr Juncker's state of the union speech committing to creating jobs in Africa. He said that development policy has been asked, "by political masters" to have an impact in the short term, so they could no longer rely on exclusively a long term approach. Efforts to have a more immediate impact are made through the Trust Fund for Africa with programmes targeting specific communities and specific areas. Another interviewee from DG Home maintained that when one actually examines the projects in the Trust Fund, many are in fact traditional development type projects.

Although some interlocutors presented as common sense that investing in development would alleviate poverty, improve conditions and thus encourage people to stay in their own countries rather than migrate to Europe, many policy makers spoke of a reality that is far more complex. The first time I heard this issue spoken about at an event a national civil servant from a Ministry of Interior disputed the logic of investing in development to stem migration saying that his department notice a spike in arrivals at the times of year when

people in sender countries have more money, like after a harvest. I put this to an expert from the Commission who concurred saying

> Oh definitely. Development means more people can leave the country…I have not seen a historical example where this has worked. If you want to make sure that people don't move you have to make sure they are poor, that many children remain uneducated and stay outside the cash economy. These are the people who can't move. So the richer the country is the more people are emigrating.

I asked him why, in the face of evidence to the contrary, the EU can continue to invest in 'tackling the root causes' in this way and he responded that there is an urge to do something and big organisations in such a situation 'throw money' at the issue. In addition, "with the migration development nexus it could take a number of years for it to emerge that it does not work, by which time this Commission is no longer going to be in power so it can buy time". This chapter is concerned with knowledge claims, and his statement here is an example of how policy making does not simply involve finding a solution to a problem but that there are many more levels, and that even the solution-problem continuum is not clear because the 'knowledge claim' premise is not always agreed upon; in this case the premise that improving conditions in 'sender countries' decreases migration. The premise that international development cooperation *should aim* to reduce migration flows is part of an ethic of responsibility to save Europe, to meet the needs of the EU by reducing the number of migrants who come to Europe, thus combating an argument of the Eurosceptic far right.

1.4 Labour Migration

Most of the policy makers I interviewed displayed a high level of awareness of the criticisms both of their work and of EU migration policy. One senior Commission official warned at an

academic conference that we should "beware of falling for the idea of Fortress Europe". An interviewee from DG Home similarly rejected the characterisation saying

> we are not proposing Fortress Europe despite what we hear. Every time we propose something to increase border controls it is also to increase legal migration pathways to legal migration.

When I put it to one interviewee (working on EU Libya cooperation) that many academic analyses conclude that the EU is trying to stop migration to Europe she didn't let me finish the question before interjecting that such a conclusion is "ridiculous" and that there must be something "very wrong in their research". Yet when she went on to prove her point by giving examples of the legal avenues through which one can migrate to the EU all she came up with was the Blue Card, the failed highly skilled visa system (See Gsir, 2013). On the other hand one senior EU official I interviewed joked that DG Home is nicknamed 'DG *Don't* Move' (a play on DG Move Mobility and Transport). Some interviewees pointed to family reunification and to the number of Schengen visas issued per year (which was, in their opinion, very high).

At events and during interviews I very frequently heard that we need more legal pathways to migration to the EU. One interviewee claimed that the Dublin system is "abused" by people who are in fact economic migrants claiming asylum as a way to enter and live in the EU, and most interviewees echoed this in some less blunt form. For them, the fact that economic migrants are in the asylum system simply because it is the only route to Europe demonstrates the need for measures for economic migrants to enter the EU. A related goal was of course to reduce irregular migration. The phrase '*credible* legal pathways' was sometimes used, so if aspiring migrants had good reason to believe that there was a legal way to come to Europe they would be less likely to come irregularly.

The logic behind the above cited benefits of more legal migration routes was however contested by some. A few interviewees believed that migrants would rather claim asylum than go through the extensive paperwork involved in getting a work permit, and correspondingly that many employers might opt for paying lower wages to irregular migrants rather than operating within the system. At a discussion on 'EU – Africa Migration: the role of aid and labour migration', a panellist from the legal migration unit of DG Home began her answer to the question of whether legal pathways prevent irregular migration with "it depends". She said that while she wouldn't say there is direct causality, whenever member states cut regular routes we see a correlation with irregular flows, and vice versa, citing the example of Germany and Balkan countries. She concluded that even though very limited legal routes encourages irregular migration, it would be a stretch to say that opening legal routes solves all the problems of irregular migration because there are different drivers of migration and this would only address part of those drivers.

On the question of other drivers, an expert from the Commission speaking at a conference put it quite frankly

> Let's be honest, we are the root causes of migration. Have you ever refused to buy food because you thought it was too cheap? Have you ever made sure the nanny of your children is covered by social security and can retire? In years from now are you sure about the legal status of people taking care of your parents? If you can tick these boxes you are not part of the root cause. Many of us are creating a demand for irregular employment and irregular migrants. That's a kind of a blind spot.

A further argument in favour of opening up legal migration was the following from a MEP of the Socialists and Democrats group

> This is very important, we have a demographic problem in Europe. We need people, in
> the next few years we won't have enough people to work, we see it in Germany in
> several industries

and "For people who think we have enough migrants – how do they propose to solve the problem of having more pensioners than workers."

Others disputed this line of argument, expressing concern that in contemporary global capitalism, with the creeping automation of certain jobs there are not enough jobs for the current population and that it would then be unwise to have more migration as this would increase the number of 'low skilled' workers. At an event for policy makers an expert said that since we don't know what robotics will do, we should be wary about low skilled migration and especially about bringing in a lot of low skilled migrants on a permanent basis. An MEP of the EPP (European People's Party) group expressed similar concerns in an interview, saying

> We've been digitalising, globalising for some time - moves that are problematic to
> those in our own society, how we imagine to take on these additional millions who
> come from elsewhere and who simply say well I want to work. OK, well at what? All
> the things that we don't do any longer! That is of course the problem.

At the European Migration Network 2018 annual conference, a speaker from the European Investment Bank cautioned against using training in countries of origin as a tool to prevent migration, as it might do the reverse, suggesting instead to think of it as something that could lead to "better migration". "Better" means better for Europe, which again is an example of thinking of migration in terms of consequences for Europe, as part of an ethic of responsibility to save Europe.

An interviewee from DG Home described a pilot project on legal migration from Africa to the EU as a "triple win". The pilot scheme would work in the following way: The

EU approach African governments and offers to bring people to Europe, but those who have the skills and profile that the EU wants, based on labour requirements. The migrants who come get training, and they must return to Africa after six or seven years but with €10,000 to invest at home. The 'first win' is for the migrant who gets training and experience, secondly, the member state solves their demographic problem, and thirdly the country of origin does not lose out from 'brain drain.' She noted that the African countries sometimes fear that Europe just takes the country's promising workers but in this case they benefit from a returning migrant bringing back skills they can pass on and enough money to start a business. She added that having a legal pathway like this would also reduce irregular migration. When I asked what would happen if the migrant wanted to stay because they had built a life in Europe, she explained that was the purpose of the cash incentive. It seemed to me that the idea was to have migrants come and service Europe and then leave, without 'integrating'.

The same is obviously true of seasonal workers schemes. A number of interviewees pointed me towards Spain's seasonal workers scheme as an example of a successful migration policy. I had read that it was open to women who had children, as a way of guaranteeing that they would return to Morocco and one interviewee confirmed this but went on to describe it further.

> Yes but they also provide them with adequate social security and they know they can come back next year. So it's a circular migration in a way that is not depending on, that they stay once the work is over but they come back and know the next year that they'll be taken again, they know that they are protected, so there is a whole policy which is between different ministries; Labour, Foreign, Interior where they get multiple visas if needed. So there is a whole long term thinking behind which the people accept because it is for their benefit, and the states the third countries accept it as well because they consider it to be a fair deal. Many of our policies, from the

beginning if you look at the Malta Summit at that time, they could not accept that this was something, they thought it was just that we stop the flows and they are left all by themselves they didn't get anything out of them and I think this is what Spain managed to establish with some of the African countries that they were able to provide a system that was acceptable for both sides, for managing migration, for the benefit of both sides also.

Even though he describes the benefit to the third country and to the migrant, it is still in my opinion seen through the eyes of what works for Europe, rather than examining the migrant experience. While discussing the seasonal workers scheme with an official from the Commission I mentioned that it is criticised in the literature for preventing social integration, focusing only on labour integration and therefore not seeing the migrant as a whole person but simply as a worker. He responded simply "Yeah but that's not the aim. It is for them to work and go back." Both the pilot scheme between EU and African countries, and seasonal worker schemes can be seen as examples of migration being examined with an 'ethic of responsibility for Europe' as in both cases the consequences have been thought through, a key tenet of the ethic or responsibility. The primary aims are to help Europe's economy, curb irregular migration by providing an alternative pathway, and encourage migrants to leave Europe at some point rather than integrate, demonstrating an ethic of responsibility for EU interests.

2. Perceptions of migrants

This thesis argues that the policy makers understand their work as an ethic of responsibility to save *Europe*. Since migration and asylum policy is seen through an EU lens, with the needs of the EU in sight, the migrant and refugee are largely absent. This became obvious from the

outset of my fieldwork in Brussels. A field note entry from the first event at which I conducted participant observation in Brussels, a report launch at a think tank, noted the absence of migrants' voices "My biggest take away from this event was the extent to which an event on migration can talk for so long without including or hearing from actual migrants." Even though nobody on the panel was from Belgium, each hailed from a different EU country, they were talking about migrants (including migrants in Brussels) as Other, a different type of migrant. Throughout my fieldwork the number of events with migrant participation were far fewer than those without.

Feldman's ethnography of the EU migration "apparatus" provides insightful analyses of the lack of focus on migrants and refugees themselves in the migration and refugee policy sphere. Feldman focuses on the "non-connections" and argues that from the point of view of policy makers, it is necessary to keep a distance with migrants, not to know them as 'a person' because this type of engagement with migrants would risk undermining the arguments underpinning their policies (2012: 4). Feldman's assertion about *how* policy makers conceive of migrants rings true for my findings here when he says that

> they "see" migrants through the mediated practice of policymaking… Hence, the "migrant" is not policy officials' primary interest qua policymakers but rather is the object of the political economy that their policy efforts serve. Similarly, poverty and hunger are not the primary interests of World Bank officials but rather their primary business; as loan officers they do not fly around the world to meet itinerant laborers and street dwellers but rather ministers of industry and high level corporate executives. In both cases, connection with the policy object – the migrant or the poor – is neither established nor desired (2012: 6).

Along similar lines, I argue that *migration's* impact on the EU, not *migrants* are the concern of migration policy makers. Policy makers attempt to tailor migration policy to a myriad of

factors including public opinion, EU institutional dynamics, and foreign relations with third countries (as discussed in the next chapter). Knowing the migrant is, in that case, "neither established nor desired" because it is the needs of the EU which are the primary concern, as part of an ethic of responsibility to save Europe.

On the one hand, it is not surprising that migrants and refugees would be absent from migration and asylum policy events in Brussels because, unlike grassroots activist or NGO events there is no emphasis on representation of migrants and no feeling of obligation to intersperse 'lived experience' with statistical data or labour market forecasts. These fora seem far from the cry of 'nothing about us without us' that has congealed into an unwritten but unbreakable rule for many fora. On the other hand, in this Brussels policy maker milieu I did observe some concern about the issue of representation. Representation is clearly an issue when it comes to the gender make up of a panel of speakers for instance. As part of my fieldwork I became a member of the group 'Women in International Security' (WIIS pronounced wise) of which some senior professionals in the world of security are also members, as well as many early career professionals looking to network. At a WIIS event on gender in CSDP (Common Security and Defence Policy) I saw a journal on their shelf with the front-page headline 'An end to manels? Closing the gender gap at Europe's top policy events'. It was extremely common at events for speakers to comment on the genders of the panellists, either to apologise for an all-male panel or to celebrate a (gender) diverse or all female panel. Even if this was sometimes met with (nervous) low laughter from the audience it shows awareness of the issue of representation. These panels were not about 'gender issues' or 'women's issues' and had they been I am sure there would have been even more attention paid to having women's voices represented. When it comes to migration and migrants this is not the case. This relates to my argument that migration policy is evaluated through an EU lens. Refugees and migrants are not often present at events discussing

migration because these events are about 'us' on the 'inside' of Europe discussing 'our' society and 'our' economy, and *their* impact on it. The migrant is not seen as being part of that discussion because. Refugees and migrants are usually absent from events about refugee and migration policy because the concern is with how policy will impact on the EU, as part of an ethic of responsibility to save Europe. The values chapter discusses in detail policy workers' ethic of responsibility as one that incorporates the "foreseeable consequences" for Europe primarily, and policy workers see their duty of ethics as being owed to the European project and all that it stands for.

Rather than being a demonised figure, I found instead that the migrant was quite absent not just physically from events, but also from the discourse of policy makers. It was rare for interviewees or speakers at events to discuss characteristics of migrants and they focused much more on their vision for Europe and how migration interacted with that. Nonetheless there are some interesting points worth noting regarding how policy makers perceive migrants and how this intersects with ideas of race, class, and gender. The most common characteristic of refugees and migrants that interviewees raised was their potential to contribute to the economy. Speaking at the launch of a report on migrant integration, an expert from the Commission said that

> when we look at Family reunion plus asylum we might come to the conclusion that we are not getting the right migrants. Of OECD countries, Europe gets 50% of low skilled migrants, while the USA and Canada get the lion share of qualified migrants.

The migrant was often imagined as being uneducated and likely to be unemployed or employed in low skill work on the black market. In an even more blunt form than 'right migrants' one MEP said

> we are getting a lot of crap. But we're getting the crap not because we're too stupid

not to but at the time when the massive tide was flowing in we were just we were

just… overwhelmed by the numbers of the phenomenon itself and there was no way

of finding out who these people are, where they come from, what their intentions are.

We are getting crap.

She went on to link class and 'culture' to gender norms as discussed below. Bonjour and Chauvin's compelling work on the classed nature of discourse and policy on migration and integration outlines an extensive literature exploring how politics of selection that purport or appear to be based on labour shortages and economic concerns are actually shaped by conceptions of national identity (2018: 6). They outline two bodies of scholarly work. Firstly, the 'rationalist political science perspectives' tend to treat economic considerations and identity concerns as two distinct rationales with social class connected to the first rationale relating to employment and income. Secondly, the 'constructive or political sociology approach'

which analyse migration policies as instances of 'politics of belonging' … of

'boundary work' that nation-states perform to define insiders and outsiders of the

national community (Wimmer, 2008), tend to conceptualize migration policies as

shaped by concerns related to identity, ethnicity, and culture. In other cases, the two

rationales are represented as competing with each other (2018: 6).

Bonjour and Chauvin demonstrate how in migration policies economic rationales are in fact fused with identity rationales. They contend that policy makers think of having a degree or a high salary as being connected to other desirable characteristics like shared values and ability and willingness to 'integrate' (2018: 10). The following quote from an expert at an event on the future of EU migration and asylum policy resonates with their analysis

Many countries have imported an underclass who are culturally different from them, residing at the bottom, not seen as part of the nation and frequently do not see themselves that way, at least not without hyphenation.

In her detailed analysis of the negotiations of the Blue Card Directive, Gsir notes that highly skilled workers are "a type of ideal migrant" and they are considered to be "pre-integrated" and expected to cause no disturbance to social cohesion (2013: 106). As discussed above, in terms of the ideal types of legal migration articulated by policy makers, the seasonal workers schemes involve low skilled workers who come for only months at a time, and the pilot scheme with workers from Africa involves highly skilled workers who stay for six or seven years. Thus this could be seen as an example of policy accommodating a longer stay for highly skilled workers without fears of them being unable to integrate. Since the workers who would come to Europe under the pilot scheme are 'highly skilled' they are imagined as "pre-integrated". On the other hand, the seasonal workers schemes between Spain and Morocco are primarily for agricultural work which is obviously seasonal, and the pilot scheme between the EU and Africa *does* plan for highly skilled workers to return to Africa rather than fully integrate into Europe and potentially have children who would identify as Europeans. These qualifications notwithstanding, the linkage between class and imagined ease of integration is still noteworthy.

Another factor to consider in this section is gender. Men, and in particular young single men are often mentioned as being seen as threatening, if not by interviewees themselves then by European populations. One (EPP) MEP was aghast to find so many young men at the refugee camp he had visited in Greece. He felt positively duped by the images of Syrian women and children that he had, in his view, been fed. The deserving female victim is of course an image that the migration industry also perpetuates in their imagery and discourse. Another MEP said in an interview that in his efforts to recruit support

from his colleagues for progressive policies he plays on this 'deserving victim'. Instead of speaking of 'unaccompanied minors' he wins over colleagues by always talking about 'children'. He acknowledged that if they saw the 16 year-old Afghan boys to which he is referring their empathy might evaporate but was strategic in getting their support for the European Parliament's Dublin IV proposals.

On a few occasions participants spoke about how the majority of asylum seekers arriving to Europe are men. After saying that most arrivals are men, one DG Home official asked "What about the women? Where are they?" This was asked in a tone that suggested that the women had perhaps been neglected, maybe both by the men in their families and by the EU who deal too much in spontaneous arrivals rather than resettlement. However the question 'what about the women' is answered in migration studies research on refugee movements and was described well by an interviewee from a member state Perm Rep. When explaining why the relocation agreement was not well accepted by the national population, she said that when people saw images of strong, able-bodied young men arriving to her state under the relocation scheme they thought that it was wrong because women and children should have been prioritised. She said that what they didn't understand was that the strongest come first and then bring the family over safely. Of course it makes sense that the strongest undertake the perilous journey, and then use family reunification to bring the rest of the family members, so it is not necessarily the case that the women and children have been abandoned to their fate in the conditions which the men chose to flee. In response to the 'what about the women' question, another participant at that conference offered that Canada has a rule; no single men, an utterance met with approval from many of the assembled policy makers. These types of utterances call to mind Miriam Ticktin's observation that the 'ideal' migrant victim is 'female and brown' (2011). Eleonore Kofman's (2019) analysis of refugee journeys to Europe is relevant here also as she discusses how vulnerability and mobility are

gendered. She notes a tendency to treat women as victims who will need special assistance and how the differences in the composition of flows between the central and eastern Mediterranean routes and changes over time have been used to exclude men from the category of vulnerable persons.

The social class of the migrant is often presumed to impact upon how they live their gender and how they conceptualise gender differences. This was evident in the following depiction from a MEP who described in an interview 'separate societies' of migrants or those of a migrant background in Europe thus

> Ah, where the regularities of the work, of life as we know it don't apply. You don't have a job because there is no work for you, you live on petty crime. Of course, you beat your wife if you have one otherwise you beat the girl next door because that's what you do.

Being violent to women and not having a job were rolled together here. This recalls Bonjour and Chauvin's (2018) discussion of economic rationales as signifiers for culture and values.

Two interviewees who identified as 'pro-migration' mentioned the 'challenges' of 'their culture'. One left-wing MEP vocal, active and I would say uncompromising in her migrant solidarity gave an unusually frank account of the situation:

> politicians must find answers to the real problems we are facing which is not anything easy if migrants came and we know ehm there are problems regarding equal rights for women and men, we are facing problems, with Palestinian anti-Semitism, we do not, we should not close our eyes for these problems but we must see the problems and we must work on it.

A JHA attaché at a member state perm rep put it in somewhat similar terms

> We all know that the benefits of migration are much higher than the negative but there are certainly negative. You have Afghans with their cultural different background, men

consider women not equivalent, the incident in Germany thinking women aren't correctly dressed and they can do with them what they want. This is a problem but you can address it with integration and trying to bring them closer to our values, not imposing our values. But this kind of incident in the media … but all the others who are behaving correctly are not mentioned. Those who find job, integrate, go to language classes

The migrant was sometimes imagined as a figure who posed a threat to liberal European values such as gender equality. Of course, this is nothing new nor unique to post 2015 EU and Delanty et al describe a 'liberal xenophobia' that sees liberal values as "antithetical to migrants who must be excluded in order to protect the liberalism of the majority" (2008: 10). At a *Women on the Move* conference organised by the Party of European Socialists in Brussels, a question from the floor asked what can be done about migrant women whose husbands control them and prevent their integration into society by not allowing them to attend language classes. The woman asking the question was sitting near me so I could see that on her folder she had a 'no to mosques in Europe' sticker, an image of a mosque and an X through it. One speaker on the panel responded that she found the question problematic as it returned to clichés about passive women, but the question seemed to be received passively by the audience and did not motivate a disturbed reaction. Along somewhat similar lines to the MEP quoted above, an interviewee from DG Home talked about how in European cities, ghettos of migrants were forming where women didn't have the freedom to do as they wished, policed by the men in the community, and they were as controlled and restricted "here" as if they were "there". She went on to express the opinion that there exists a danger that Western societies could become like 'theirs' in a negative way. The idea that 'their' culture and especially 'their' lack of gender equality could exist, flourish and eventually pose a threat to 'our' gender equality brings to mind Ghassan Hage's argument that the siege

mentality is based on an idea that the 'civilised' world risks being over-run by 'primitive' forces (Hage, 2016).

I sometimes found it strange when a speaker at an event would remind us that 'migrants are humans like us', because I thought it went without saying. The effort made more sense though when certain speakers bemoaned how policies erased the individual and the following from a socialist MEP explained why it is necessary sometimes to remind people of our shared humanity:

> the migrants are not seen as an individual person they are a mass of people who you have to fight against and eh they are only a threat and ehm they are not any longer individual persons with wishes and with dreams and they are so sad if they lose their child as a German or an English or someone else, and we have to see all the migrants as individual persons with their specific characteristics they are human beings and if you are a human being you are an individual and the debate the public debate goes more in the direction not to see them as individuals it's more a mass and ehm many even they are not even humans so we can treat them like animals or something like that…

When a MEP was decrying the anti-migrant rhetoric of the far right I asked him what he thought of his own group, the EPP and their discourse on migration.

> Of course there is a responsibility for us. Christian Democracy has one essential political tenet and that is called personalism. Personalism means whatever we do and in whatever context and whatever policy arrangement we promote the outlook must be the person. Not the individual that would be liberalism. But the person, in all its complexity and all its entirety. The refugee from I don't know where is as much a person as the two of us so Christian democracy would say we do not kick that person out unless we have a very good reason. That is an attitude that I would want to promote.

Again, there is a need to recall that a refugee "is a person". This will be discussed in more depth in the later chapter on values.

As mentioned above, migrants themselves were not often included in events I attended. A notable exception was the GUE organised event on Libya 'Trading Humans in Libya and the Middle East 'held in the European Parliament. After hearing from a MEP, and a journalist we were joined via skype by a woman from Cote d'Ivoire who had migrated to Italy, via Libya. She shared with us a tearful and harrowing account of the physical and sexual abuse she had been subjected to in Libya. Over the past two decades I have attended or organised many events on human rights issues where survivors have shared testimony, and I found this particular event unusual and uncomfortable because the space was not held to bear witness to her suffering. As often happens at moments when an event depends on technology, the skype connection was not great, and the difficulties this brought were compounded by the fact that some testimonies were being translated from French to English. The woman from Côte d'Ivoire, now residing in Italy, opened her discourse by saying "I want to tell you what I saw and what I lived in Libya"

> When I arrived in Libya, I was there to work as a housekeeper, but it wasn't easy. I was maltreated and raped. Every day I worked from 5am to 1am without resting. My employer hit me every day, and he brought his friends to rape me every day. One day his wife helped me to escape from the house. When I went out in the street I walked, I didn't know anyone, and I don't speak Arabic. I saw a young Libyan who had raped me, so I hid. I saw a young man and he asked me where I was from. He told me that there were Ivoirians at his house, and I hid there, where I found Ivoirians who helped me. We hid there for two weeks and then some soldiers and rebels found us and put us in prison. In prison I saw women mistreated. I saw women raped. I also saw men raped

and forced to work. There was no medical care, no water, no food. I saw people drank

urine.

At this point, the MEP chairing the session apologised to the speakers and said that it was too

difficult to follow the intervention for reasons of translation, and said thank you but we will

now cut the transmission due to technological issues we can't overcome. The woman

responded "OK, merci". At this point he called on a young Syrian man living in Brussels on

the panel, who described in detail his journey to Brussels (as referenced above). The jarring

between the words of the Ivorian woman recounting the horrors of migrating to Libya and

this European Parliament setting to discuss Libya, was further increased when it came to the

turn of the representative of the European Commission.

Myria Vassiliadou, EU Anti-Trafficking Coordinator, DG HOME, European

Commission began her input by saying "I'm the EU anti-trafficking coordinator. My mandate

is about strategic policy on trafficking. We've heard very little about trafficking today.

Trafficking is about buying and selling people." She went on to say

> In this room today, we heard about irregular migration, we heard about people
>
> wanting to leave their country to go and live in another country, we heard about
>
> smuggling we heard about awful stories of exploitation, we heard about rape, and we
>
> heard a little bit about trafficking.

Thus, she shifted the conversation sharply from an emotional account of abuse to a

clarification on the definition of trafficking, and to an 'expert' taking the floor to name for

survivors what their experience was. This recalls Feldman's assertion that for policy makers,

> Their policy terrain is where the migrant emerges as a knowable problem, thus
>
> sparing the official the discomfort of listening to migrants tell their stories in their
>
> own words. Policy officials do not learn what they must about the migrant through
>
> *immediate* personal engagement instead, they 'see' migrants through the *mediated*

practice of policymaking, rendering the migrant an 'object of information, never a

subject of communication'… (Feldman 2012: 6 [emphasis in original]).

This event was organised by GUE (The Left), a European Parliament political grouping who

have been outspoken and critical of the EU and member states for restrictive policies and

human rights violations. The parallels therefore are limited with the policy makers who

Feldman described avoiding contact with migrants for fear that such contact would

expose to attack the moral arguments underpinning the officials' power position and

that of the judicial, political, and economic systems they represent (2012: 4).

As far as I was concerned, a main point of the event was in fact to "*expose to attack*" the

systems that have created policies that keep migrants in Libya. The title of the event read "it

is unacceptable to see calls from humanitarian organizations to put an end to the violence,

suffering, and devastation of Syrian people go unheeded." GUE consistently use "moral"

arguments to attack these systems. This notwithstanding, for me, sitting in the audience of

this event felt like observing the privileging of one type of expertise and knowledge over

another and importantly of the participation of one panellist over another as the expert had

arrived late and was being facilitated while one survivor was cut off.

Conclusion

In my team we can see the difference in view between those who work in asylum unit,

have you seen the organigram? Or C3 or in C1, so the difference between asylum and

the fight against irregular migration and on return. People in return are often tougher

than people dealing with asylum. People in return have a more police mentality and in

asylum are a bit too much NGO naïve vision of the world, and then the other want to

increase returns and focus on the numbers not the individuals. That's the perception but

of course most are well-educated and they can see but there are nuances in some units also, different views.

As this interview quote from an official from DG Home illustrates, policy workers do not operate with a homogenous uniform understanding of migration and migrants. However, following Wedel and Feldman, an anthropology of policy recognises that "taken-for-granted assumptions channel policy debates" (2005: 2). This chapter has presented elements of shared understandings of migration that circulate in Brussels, at conferences, seminars and also in the reports, press statements and speeches that make up the space in which the policy is created.

This is an era in which international protection is facing pronounced challenges and the lynchpins of international protection, particularly asylum, are being questioned in a more serious way than before. This makes it especially important to examine how international protection is discussed in Brussels, what policy makers view as the essentials of international protection, and the proper role for the EU in the future of international protection. This chapter used the text of Betts and Collier's (2017) *Refuge*, participant observation at the event organised around their proposals, and interviews with policy makers to examine policy makers' conceptualisation of international protection. This makes an ethnographically rich contribution to the body of literature tracking EU migration policy formation and trends in international protection.

This chapter's outline of policy makers' understandings of migration has shown that they are not 'unthinking cogs' in the EU machine, but do in fact reflect upon the dynamics of migration and are aware of much of the academic critique of their work. Here I differ from Feldman's (2012) conclusions on the "superficial" understanding and knowledge claims upon which policy making is based. For instance, policy makers at times spoke of the complexities of forced migration, pondering the unfairness of granting shelter only to those fleeing death

from war rather than death from hunger. I contend that policy makers' understanding of migration is more complex than suggested by the actual policies produced. This can be accounted for by grasping the driver of migration policy formation, an ethic of responsibility to save Europe.

A Weberian 'ethics of responsibility' is characterised by a willingness to consider the consequences of any action (Weber 2013: 127). This chapter has illustrated how policy makers consider the consequences of policy actions in relation to labour migration, asylum, resettlement and returns. They have also considered the consequences of non-action, for instance when saying that a low rate of returns from EU countries encourages migrants to "try their luck" and come to Europe, or that Europeans benefiting from cheap labour incentivise irregular migration. Just as policy makers are not unthinking, neither does an ethic of responsibility suggest that they are devoid of an ethical understanding of their work. They operate with an 'ethic of responsibility' and "no diminishment of ethical demand is implied in this ethical perspective" (Starr 1999: 425). Instead, their "ethical demand" is directed towards Europe, saving the EU, rather than towards migrants and refugees. Later chapters will examine why protecting the EU is considered an ethical project but for now it is worth noting that this chapter's outline of policy makers' understandings of migration has shown that they observe and understand migration as a phenomenon through an EU lens. For instance, the provision of international protection being evaluated in terms of what European countries can "handle" and what is easiest for EU countries as part of a preference for resettlement, labour migration for fixed periods of time favoured so that migrants can service European economies without integrating, and diverting development funding towards sender countries rather than those most in need as an effort to use development cooperation to serve EU aims of reducing migration to Europe. Migrants and refugees themselves are largely absent from the policy making imagination, as people with characteristics (good or bad). This

will be discussed further in the 'Values' chapter which discusses how an 'ethic of responsibility *to save Europe'* means policy makers do not see themselves as having a primary duty or responsibility towards migrants and refugees.

Once we understand how policy makers see the phenomena at which their policies are targeted, we can better understand how they conceive of their work. But an understanding of the phenomena towards which the policy is addressed is not sufficient. To understand the policy making sphere it is necessary to grasp that migration policy makers find that they must go beyond evaluating migration policy in terms of its impact on 'migration,' and also consider a myriad factors—from relationships between member states and EU institutions, to the progress of the EU as a political project, to public opinion and election cycles, to EU foreign policy. An ethic of responsibility considers the "foreseeable consequences" of migration and asylum policy for this range of areas in terms of how it impacts the EU, as part of an ethic of responsibility to save Europe. The next chapter turns to this understanding of the policy making sphere.

Chapter Five

Calculus

Introduction

> Quite quickly we realised that we had to work in a package logic. We had to work on
>
> external aspect, we had to work on borders, we had to work on solidarity measures,
>
> on financial matters the whole range.

This response from an attaché of a member state that held the presidency of the EU during

one of the 'crisis' years depicts a public servant attempting to manage the multiple facets of

migration and asylum policy. Attending more to the 'big picture' the following comment

from a senior official from DG Home (DG Migration and Home Affairs) portrays the EU

public servant taking responsibility for a wide range of areas when approaching migration

and asylum policy.

> To have a discussion like this about policy possibilities you need to look at irregular
>
> migration, international protection, labour migration, the 27 different countries of the
>
> EU, the sender countries, the countries of transit, the public opinion, elections…Very
>
> few people have that kind of overall picture.

This chapter will discuss a range of factors that policy makers consider when approaching

EU migration and asylum policy, and by doing so achieve two aims. Firstly, to outline policy

makers' perspectives on some of the factors that they "give an account of" as part of an ethic

of responsibility. This thesis argues that policy makers operate with a Weberian ethic of

responsibility which means "conduct that follows the maxim of an ethic of responsibility, in

which case one has to give an account of the foreseeable results of one's action" (Weber

2013: 120). The "foreseeable results" relate to factors on which policy makers' perspectives

are presented in this chapter. These include public opinion on migration particularly policy

makers' understandings of what causes public hostility to migration; international relations both in terms of EU relationships with relevant third countries whether countries of transit or partner countries on 'migration management' and in terms of the impact of the migration policy crisis on the EU's ability to present a united front on the world stage. Policy makers also attend to institutional dynamics and the impact that policy negotiations have on relations among member states as well as the relations between member states and the EU institutions in particular the European Commission, and relations between the institutions. An interviewee from DG Home described the EU as "more than a collection of states. It's not an intergovernmental system. It's unique, it's what Jacques Delors said '*un objet politique non identifié*'". For policy makers then migration policy negotiations must factor in the needs of the EU as a political project, and one that can be seen as somewhat fragile or at least precarious and this chapter pays attention to the dynamics between the institutions of the EU. It is worth examining how the perceived needs of the EU as an entity influences migration policy formation as well as the role each institution has played in migration policy making, the dynamics between the institutions, and the overall impact on European integration, particularly since migration is an area where member states have long resisted Commission efforts at supranationalization, as discussed in chapter two.

That policy workers articulate their work as a complex process of balancing the needs of various EU interests deviates from the picture presented by Gregory Feldman (2012) in his ethnographic presentation of policy workers engaged in the EU "migration apparatus". Whereas Feldman argues that what connects migration policy workers (spread across different locales) is the "apparatus" in which they work, I argue that they are connected by shared understandings of the policy making landscape and a shared value of the EU and all that it stands for. Where Feldman looks at *how* the apparatus functions in terms of mechanisms for standardising knowledge, my interest lies in the content of that knowledge,

how policy makers understand the factors that they consider when making policy; what they articulate about the public and public opinion on migration, about the role for third countries and the EU's place in international relations. Feldman presents a view of policy making as based on "superficial" understandings (2012: 193). This chapter presents the perspective of policy makers that are not "superficial" but that are filtered through an EU lens, that perceive each factor in terms of how it will impact the EU. This is a necessary element of an ethic of responsibility to save Europe.

Secondly, an understanding of the factors that contribute to shaping migration and asylum policy formation, such as relations between institutions and considerations of public opinion and foreign policy demands addresses a core research question of this thesis which seeks to understand what drives and shapes EU migration and asylum policies. Relatedly, an understanding of the factors that policy workers consider contributes to literature on migration policy formation at EU level. This chapter contributes to addressing a gap in the literature on EU migration policy formation, namely a dearth of qualitative studies of institutional dynamics (identified by Ripoll Servent and Busby (2013) and Dinan (2018b) by including policy makers' accounts of working at European level and the impact this has on their migration policy work and on how they understand their role. This is achieved by including research participants' descriptions of policy negotiations, accounts of their experiences of working in a 'European' environment and their perceptions of the relative influence of each of the institutions.

The comments of the interviewees quoted above can be interpreted as an 'ethic of responsibility' because they demonstrated a desire to attend to a range of factors in their approach to migration and asylum policy. Each of the factors is seen through an EU lens and this is part of an ethic of responsibility to save Europe, that is considering the foreseeable consequences of an action in terms of how it could impact the EU. This is framed as an

ethical endeavour by my research participants as saving Europe is saving values, as discussed in the following chapter.

1.   Public Opinion

Policy makers' perception of public opinion is worth examining because they so often cited it as a reason for choosing a particular course of action; they framed public opinion as a constraint, or as something which it is policy makers' duty, as public servants, to respect. The former strand was divided on whether public opinion was fickle and emotional or a rational response to the situation. The topic of the impact of public opinion on policy makers is treated in the 'values' chapter in particular the connection between maintaining public trust and favour vis a vis the EU by being careful to create migration policy that will not, in their view, provoke anti-EU sentiment amongst the public. Whenever migration was spoken of as a 'threat' to Europe, it was most often because of the 'threat' of negative public opinion regarding migration translating into votes for far-right parties around Europe. In this way, policy makers are clear that they must take responsibility for public opinion as part of their 'ethic of responsibility for Europe'. In order to discuss the weight that policy makers attached to public opinion on the area in which they work as one of the consequences they consider, it is important to first outline what policy makers perceive and understand of public opinion on migration and asylum.

1.1 Policy makers' understanding of public opinion

Policy makers I interviewed most often expressed the opinion that the public is rather hostile to migration and staunchly opposed to any increase in the number of migrants in Europe. A few interviewees did talk about Europeans who are acting in solidarity with migrants. These

officials mentioned individuals like the French farmer Cedric Herrou[8] and communities who

have been the first responders to those arriving in Italy and in Greece. These examples

though were seen as the exception. I interviewed an official in DG Home the day after 1,000

people had marched through Brussels in a demonstration of solidarity with migrants, and she

was quick to dismiss them as "not representative of Belgian people". When I asked a MEP

from the EPP group what her constituents want her to do at EU level she responded that they

want to talk about welcoming refugees from the comfort of their leafy suburbs and church

groups without having migrants in their neighbourhoods. A few interviewees mentioned that

some of the Greeks and Italians who are now demonstrating *against* migrants had originally

welcomed migrants to their communities and helped those in need, but as time went by and

they were left alone to deal with the crisis, not supported in their efforts, they changed.

Occasionally when I asked interviewees about what the public think of migration and

of their work they confessed to feeling too disconnected from 'the public' to answer and they

instead asked my opinion. For the most part, the 'public' who hold anti-migrant opinions

were cast as the antithesis of the stereotypical EU worker; provincial, working class, not

educated to third level, not cosmopolitan or well-travelled and sceptical of the European

integration project. The most common response from research participants though was to

point to both Eurobarometer results and the election results around Europe as illustrations of

negative attitudes towards migration. This section will discuss how policy makers perceive

public opinion, how they account for the emergence of anti-migrant sentiment, and what role

public opinion plays in their work as they think through the "foreseeable consequences" of an

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[8] Cedric Herrou is a French olive farmer and migrant solidarity activist. He became known in internationally following his arrests for helping more than 250 migrants cross into France from Italy. Herrou was charged with "facilitation of irregular entry" and in 2017 given a suspended sentence which he appealed. His case has become emblematic of the "criminalisation of solidarity". France's Constitutional Council later said that Herrou's actions did not qualify as a crime under the "principle of fraternity" and in 2020 the appeals court voided all charges against him.

action, operating with a Weberian ethic of responsibility. I begin by listing policy makers'

understandings of the *causes* of public opinion that is hostile to migrants; economic, political

manipulation, a lack of accurate information, and fears connected to the volume of arrivals.

Reasons for anti-migrant sentiment:

I.   Economic reasons

One interesting take on hostility to migrants linked it to negative changes in the economy,

both contemporary global capitalism and the handling of the euro crisis. A small number of

MEPs and officials did not see a link between economic conditions and anti-migrant

sentiment and as an example to illustrate their point pointed to Germany where, they said, the

far-right (both the AfD(Alternative for German) party and the move further to the right of

factions of more traditional right wing parties) is in ascendance on the back of hostility to

refugees even while the economy thrives.

MEPs from the Socialists and Democrats (S and D) political group in particular

presented a well-developed account of this economic connection, as one would expect. One S

and D MEP had a poster on her office door of Angela Merkel writing lines Bart Simpson

style 'I will not destroy Europe with austerity' so it was no surprise that when I asked a S and

D MEP about the root causes of anti-migrant sentiment she began with an account of the

impacts of austerity

> One of the central reasons of the existence of right-wing forces is that we are facing in
>
> the last ten and twenty years with austerity policy and this leads to social inequality,
>
> increasing social inequality and people have the fear that they must witness a process
>
> of social decline.

Her analysis went much deeper than this however, linking anti-migrant sentiment to both the re-organisation of global capitalism and associated changes in social identity, both for the rise in nationalism:

> If you have a look at workers. In the past they had a kind of self-esteem to be a worker and to be a member of the working class. But in the time of neo liberalism you do not speak about social groups you speak about everybody is himself responsible for his life and not the social group. We the group had to fight for social and democratic rights, and now I just do my own. And if you have no consciousness about your social group then something has shifted then you are not proud of your social group then you are proud to be an Italian, Belgian, German something like that and then you have problems.

And to a resentment that can be directed towards the Other:

> And I must confess in my own S and D party we made in the past a lot of big mistakes regarding this and if we always say you are yourself responsible for your way and if you are busy and if you are doing what people expected from you then you will have a successful life and many people made the experience, no. I tried to be busy and tried everything and now if I am 65 and if I am retired I must fear that I have this situation that I am a poor old man or poor old woman and then this ideology breaks. And then they are looking what are the reasons, and they are looking who is responsible and then they see the migrants.

In this way then she connected both the ideology and the material conditions produced by neo-liberalism to a rise in anti-migrant sentiment. A socio-economic system that breaks class identity encourages in her assessment, people to identify elsewhere and national identity has stepped into that gap, with the attendant dangers that can accompany nationalism. An ideology that attributes one's economic success or failure not to class position but to one's

own individual hard work creates problems when that hard work is not rewarded with financial stability leaving those looking for answers as to why they are poor despite their hard work turning to blame migration. A slightly less sympathetic version of this connection was also presented by an interviewee from a Member State permanent representation who described it thus

> It's a narrative many people like. It's easy to see foreigner as the problem because it's not including you. So they are the pre-selected cause of all problems, even though these problems like unemployment and poverty are not actually linked to migrants.

A number of interviewees also argued that the migrant is the new scapegoat for economic failure and sometimes the failures of politicians to manage the economy. An interviewee in DG Home also saw the root of the problem as the changes to the welfare state, work, and in-built cyclical nature of capitalism:

> We have a clear crisis of capitalism and neoliberalism. There is a crisis that has led to lower social standards in Europe, all the safety nets and blankets, my kids are going to be worse off than my generation. This builds on anxiety.

Both this DG Home official and the above quoted MEP went on to expand their analyses of the root of fear from changes in the economy to social changes in general, citing gender relations and the changed roles of women and men as causing anxiety that is transferred onto migrants and a general resistance to any changes in society, including the entrance and inclusion of people from other countries. Along similar lines, Zygmunt Bauman contends that aversion to the Other comes from feelings of inability to control change in our modern times and that the anxiety this causes is channelled into hostility to migrants, compounded by the fact that migrants can become "symbols" of globalisation "they are embodiments of the collapse of order" (2016: 15) who have come from a location where order has completely

broken down, to reminds us of the fragility of our own position, and of the forces of globalisation.

In January 2019, I attended the New Year Reception of FEPS (The Foundation for European Progressive Studies is the think tank of the social democratic political family at EU level) where European Commission First Vice-President Frans Timmermans answered questions from attendees. On the topic of migration and anti-migrant sentiment in Europe, Timmermans appeared to display some empathy for anti-migrant voters attributing their hostile attitudes to their suffering socio-economic inequality. When asked about re-balancing social inequality he asked in exasperation "How long will it take these people to understand that trickledown economics don't work and won't work?" He also blamed his own political family for believing in the failed economic logic. So far his remarks seemed fairly standard but his discourse took a turn that is a bit less common in Brussels when he described how in his home town he has friends who if he calls with a problem they will come to his door in 10 minutes: "wonderful". And these friends vote for Geert Wilders (Wilders is a Dutch politician who founded and leads the 'Freedom Party' known for the promotion of anti-Islamic and anti-immigration views). He said that "they are not bad people, they are disappointed people" and that Wilders, Salvini (Matteo Salvini is an Italian politician who led the far-right 'Lega' party known for its anti-immigration and Eurosceptic politics) and their ilk blame "the Other" for this disappointment, even knowing that the social economic project on which they campaign can never work. Timmermans then, while adopting throughout the evening discourse of uncompromising commitment to international protection and humanitarianism, did not dismiss those who would oppose this commitment as unthinking, uneducated, or bigoted but attempted to display empathy and frame them as failed by a flawed economic system and set of bad decisions taken by a political elite. A portion of the blame also went to those far-right politicians who "exploit" these "disappointed people", a

common pattern in Brussels as discussed below. Rather than a purely superficial view of public opinion that one might expect if one follows Feldman's (2012) view of migration policy making as based on superficial knowledge, policy workers and politicians interrogated the bases of public opinion that was hostile to migration.

This challenge for the EU to deal with these economic factors was raised by a national level civil servant who works on migrant integration. She said that whenever she travels to Brussels to meet with her counterparts from the other member states she is struck by how "inequality and socio-economic inequality is a little bit the elephant in the room". She finds that in the 'EU space',

> people are you know, you can be tinkering around the edges all day about cultural
>
> stuff and unless you tackle the socio-economic inequality then you're probably not in
>
> the right room having the right discussion I think and it can be quite frustrating.

This civil servant works at national level, and I was interested to hear the perspective of a European Commission employee. When I asked a senior official in DG Home whether this was an accurate assessment, he responded that the proposed Multiannual Financial Framework (MFF) integrates different areas much more to reflect this need to "make links".

II.   Political manipulation

As touched on by Timmermans quoted above, most interviewees believed that public opinion was manipulated on purpose mostly by the far right but a few also mentioned other actors. An interviewee from DG Home said that most people don't really care about migration until they are manipulated by one side or another whether it be think tanks, employers, politicians or other groups. For him, these bodies are the ones who actually have strong opinions on migration and not the average member of the public.

The vast majority of interviewees only discussed manipulation as being a cynical project of the far right, usually listing the parties and individual politicians who they believe are exploiting the situation for their own ends. One interviewee from the Commission went so far as to pose the rhetorical question of whether there are certain European governments who don't actually want their citizens to feel less anxious about migration because they are using migration as a way to get power.

III. Control and Volume

In accounting for public hostility to migrants, interviewees were most likely to cite the large numbers arriving and the feeling of being inundated. They saw the perceived lack of control as a big contributing factor to the rise of populism across Europe. A common discourse from those in Brussels was that the public feel afraid because of the images of "the flows" that the media project and that they feel like they are being "overrun". At the same time, most interviews held the opinion that the public would in fact accept migration once they felt that it was controlled. Some of this was summarised by an EPP MEP who said

> if you're going to assuage these feelings you've got to make sure that people safely believe that you are in charge, as politicians, as government, as the political phenomena and everything that goes with it

The most common line of thought I heard from interviewees was that public opinion would be less hostile to migrants (and to the EU, and the political centre) once the "numbers are under control" *and* that information is communicated clearly to the public. Once they could see that 'control' was in the hands of the political authority rather than smugglers, and that they were not being 'over run', then anti-migrant sentiment would lose its force.

Interviewees stressed the *volume* of people but rarely mentioned any characteristics of the people arriving. I was curious to know whether they thought that race, ethnicity, religion

and gender also played a role. Whenever I asked this question, they seemed to accord these features secondary importance, but some interviewees guessed that had the migrants been white and fleeing Putin they would have been more accepted by Europeans. A number identified an intersection of race and gender, saying that people had more sympathy for women, in particular Syrian women, than for a man and especially a black man. One attaché from a member state said that when the news showed images of relocated asylum seekers and they were strong young men, people were annoyed because they only wanted to help those who they thought were vulnerable and that meant women and children. A policy maker from DG Home explained

> If you look at the Eritreans they're the worse off. Because in Eastern Europe they might say a woman with her kids ok. ... Whereas an Eritrean is a guy, alone, and black so you have *la totale*. This is a reality you have to deal with. You will have all sorts of values, some not the best. So yes, I think it has an impact but it's like this perfect storm.

IV.   Information

The root of all of the problems discussed above was most frequently said to be a lack of accurate information or often either incorrect information or blatant lies. 'Misinformation' is one of the political issues of our time for all topics of public interest. Policy makers found it frustrating that even though the EU had worked hard over the past few years, the public didn't seem to know about the reduction in the number of arrivals since 2015, support given to 'frontline' member states, increased border control or other programmes. Other information they wanted to disseminate was that "illegal migration compared to legal migration is a very small percentage", success stories of migration to Europe and to challenge those who are "pretending that migration is a big threat to Europe". Interviewees said that

members of the public got their information about migration either from friends "down the pub", from social media or that they had not received updated information since the 'crisis' of 2015. In the case of social media a few interviewees talked about how shocking they find it to read comments on articles and one interviewee from the Commission mentioned that "On twitter you see the complete parallel universe. You really need to subscribe to other areas in order to understand how people argue and think and how information is spread."

A number of interviewees from both the Council and the Commission said that the EU has been weak on communications and in particular using social media to communicate both the reality of the migration situation and the strengths of the EU. I was struck by how fervently the overwhelming majority of interviewees believed in the power of 'objective facts' to win the argument or to achieve some level of public consensus. One interviewee from the Commission was sceptical given the mistrust of public institutions and asked, "Who will believe their governments or the Commission" and many participants acknowledged how emotional the topic is. These caveats notwithstanding, at the end of the day the overwhelming majority professed an "if only they knew" sentiment. At the European Migration Network 2018 conference in Brussels, many speakers from the EU institutions and agencies praised the EMN for providing the 'facts' and 'evidence' saying that the reason this is so important is because "the facts are on our side" and are "good enough". After one speaker said that the facts would convince people because the situation is more 'under control' now than in 2015, the moderator got laughs from the audience by responding that he found it endearing that he believed in facts because if people wanted facts, then Trump would not be in power.

I asked an interviewee in DG Home if she really believed that the public would have a different attitude if they knew these facts and she responded "Yes, for sure" and gave the example of the "need" for closed detention centres. Public opinion is often against them but in her opinion "But if you explain to the population, we need closed detention centres,

because without them we can't do returns, and so that migrants with no right to be here can be sent back, then it is clear."

As well as blaming themselves for not having effective social media communication, some policy makers were aware of the gap between themselves and the people they are trying to reach. At the EMN conference Margaritis Schinas, Chief Spokesperson and Deputy Director-General, Directorate-General for Communication, European Commission argued that we need debate but "not, with all due respect among the geeks, the connoisseurs, it must go out of Brussels." Along similar lines, a participant from DG Home said at another event that "we" (the event was for policy makers) have a duty and an obligation to engage with the general public. He went on to say that he wasn't doing that enough neither as a citizen nor as a Commission employee but asked where citizens who don't have university education get their information. He said that it would certainly not help if he gave a speech about the technical details of the Return Directive, which was greeted with some laughter from the audience.

2. International Relations

As well as a complex myriad of internal considerations, policy makers demonstrated a desire to consider the impacts of migration and asylum policy choices on the EU's external goals and relationships with third countries. Considering this dimension is part of an 'ethic of responsibility to save Europe' as they take account for the foreseeable consequences, in Weberian terms, on the EU's interests on an international scale. An attaché from a member state described the external aspect of migration policy as "very broad, almost infinite" because it overlaps with trade, defence, development, diplomacy and other important areas. Federica Infantino notes that the design of EU visa policy is partly driven by the foreign affairs concerns of the European Union. The Schengen Visa Code aimed to portray the image

of "unified Europe and a friendly Europe" (2019: 45). This section will discuss three

dimensions of the overlap between migration policy and international relations; enlisting the

help of third countries in managing migration, tackling the root causes of migration in third

countries, and geo-political concerns. This makes a contribution to the migration studies

literature by including policy makers' perspectives on the involvement of third countries, an

important aspect of EU migration policy which also has repercussions for international

development. Since policy workers frame their work as operating with an ethic of

responsibility, that is acting ethically by considering the consequences of an action for an

array of factors that they must carefully balance, it is instructive to gain an insight into how

they understand this range of factors.

2.1   The proper role for third countries in managing migration

The participation of third countries is integral to the EU's efforts to 'control migration'. This

has been the case for decades, is provided for in the Lisbon Treaty and has taken form in

various programmes including the GAMM (Global Approach to Migration and Mobility) as

discussed in the third chapter. Third country involvement has moved even more centre stage

since the migration policy crisis of 2015 and the European Agenda on Migration (presented

by the Commission in May 2015) has as one of its 'immediate actions' "Working in

partnership with third countries to tackle migration upstream" (European Commission 2015:

5). Several scholars have analysed the EU's efforts in externalising migration and asylum

policy, (see for instance Papagianni, 2013; Trauner and Wolff, 2014). However, in early

2018, at a conference I attended in Brussels on legal scholarship on EU migration policy, the

Deputy Director-General, DG Migration and Home Affairs insisted in his talk that

externalisation is simply not happening, and suggested that the extensive discussions of the

topic were based almost on a mirage. Third countries refers to 'sender' countries, countries of

transit and host countries, and interviewees noted that a country can move from one category to another, a good example of which is the case of Morocco which has become a host country. Third countries were factored into the ethic of responsibility approach of policy makers in terms of what kinds of migration management cooperation they would accept and how this cooperation could impact on the EU's other goals with those countries.

Research participants did acknowledge that the EU is not alone in hosting asylum seekers and refugees and the topic of third countries was rarely raised without the speaker acknowledging that the vast majority of refugees and displaced people in the world are hosted by developing countries. They often cite the number of people being hosted by Jordan and Lebanon in particular.[9] What follows this observation can vary depending on their perspective and priorities. For many, this fact should serve to motivate Europe to step up and take more responsibility and host more refugees, arguing that one of the richest regions in the world should not leave the responsibility to poorer regions. For others, this argument does not make sense because it is not comparing like with like. This was the case for one interviewee from the Council who dismissed the former line of thinking saying we cannot compare EU countries to non-Western countries in this sense since their 'rule of law concept' is different to ours. I imagine that she might mean that some societies are more malleable and flexible because they have less rigid formal rules, as is more often the case in developing countries, which makes it easier for refugees to integrate. According to this particular interviewee, if we want to compare the EU's refugee hosting to that of others, it makes sense to look at other OECD countries and here she pointed out that Canada was "heaped with praise" for welcoming just 40,000 refugees.

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[9] In his 2015 State of the Union speech, Juncker noted "There is certainly an important and unprecedented number of refugees coming to Europe at the moment. However, they still represent just 0.11% of the total EU population. In Lebanon, refugees represent 25% of the population. And this in a country where people have only one fifth of the wealth we enjoy in the European Union." (2015: 7)

The previous chapter on policy makers' understandings of migration discussed proposals for third countries to host more refugees and asylum seekers, and the role that the EU could play in enabling that. The role for third countries of course goes far beyond hosting refugees, and extends to such areas as border control, cooperation on returns of both the countries' own citizens and others who have transited through, and discouraging their citizens from migrating to Europe irregularly.

Feldman's ethnography of 'the migration apparatus' is concerned with how a consensus of shared understanding is achieved, both among EU migration policy officials and with their counterparts from third countries. Feldman notes that at meetings of the 3MP (Mediterranean Managed Migration Project) there was a degree of animosity and Arab partner state delegates asserted that "we are simply solving Europe's migration problem for them" (2012: 73). While from the perspective of the European partnership states, European delegates described the "more cooperative" Arab partner states as "pragmatic" (ibid). Feldman notes the "hidden factors" in the relationship between these sets of partners since the EU is likely to be more forthcoming with development aid and immigration quotas for those countries who cooperate on migration. I also found that officials I interviewed looked favourably upon those third countries who cooperated with EU migration priorities.

Far from seeing it as third countries "solving *Europe's* problem", some officials I interviewed framed the issue in terms of the responsibility of third countries, and their duty to take back their citizens who migrated to Europe irregularly. Rather than seeing it as the EU pressuring third countries to act against their own interests, the third countries must act to take responsibility for their citizens; both those who the EU is trying to return, and those who are at risk of embarking on dangerous journeys. This way of seeing the dynamic is illustrated by two comments from an interviewee from the Council. He described how African states who had for many years been reluctant to engage with the EU finally began to cooperate

when on the eve of the 2017 African European summit, the CNN footage of slave auctions in Libya was released. Coverage of their citizens being abused so severely forced them to act and this research participant described it as, for the first time instead of talking *at* each other the Europeans and Africans were talking *together*, which led to the Niger cooperation on the 'Emergency Transit Mechanism' from Libya to Niger. Framing third country cooperation as them fulfilling their duties towards their own citizens is also evident in how he spoke about Egypt. He said that once el-Sisi saw that so many of "their people" were dying he decided something had to be done and increased the penalty for smuggling and "really cracked down and it worked". These two examples frame the situation in terms of African governments taking on their 'rightful responsibility' towards their citizens, and fulfilling their functions with EU assistance. Thus, he is clear that the responsibility in the cases both of Nigerian citizens enslaved in Libya and of Egyptians dying, is *not* Europe's, but the governments' of the countries from where those victims originated. This forms a key part of the ethic of responsibility to save Europe, as EU policy makers accept consequences, but not the consequences necessarily for individuals issuing from non-European countries. They accept and incorporate consequences for EU interests, EU public opinion, EU foreign relations, and so forth but not for non-EU interests, such as the welfare of citizens from non-European countries for whom they are not in their view ethically (nor legally) responsible.

On the subject of taking responsibility, there are many who have condemned the EU for offloading their responsibilities onto countries with less resources. Sophie Magennis, Officer in charge for EU Affairs, United Nations High Commissioner for Refugees (UNHCR), raised the point at the European Migration Network conference that "if you were a country outside of the EU you might be less motivated to develop your asylum system if you felt the long term vision of the EU was for you to provide a safe asylum space outside of the EU." Thus she voiced a concern also present in much scholarship on EU refugee policy;

that the EU seeks to 'outsource' its international protection obligations. This can be contrasted with views expressed by other research participants who questioned why should Europe be the one to take responsibility for these people. Thus there is a divergence between those who argue that EU member states have an ethical obligation (to migrants and refugees as human beings), and those who argue that the EU cannot "accept all the misery of the world". This relates to an 'ethic of responsibility to save Europe' that prioritises ethical obligations *towards the EU*. My research participants do not conceive of third country cooperation as a dereliction of ethical duty in part because they do not see the EU as responsible for the people in question, as discussed in detail in the following chapter, and in part because theirs is an ethic of responsibility to save Europe. As public servants, their duty is to the public who they serve, which is the European public, and their ethical project is to save the EU. The EU is perceived as in need of saving from far right Eurosceptics and is worth saving as it embodies core values such as democracy and human rights. Cooperation with third countries that reduces the number of people arriving to the EU, thus reducing the electoral appeal of the far right, is an ethical choice according to this frame.

2. 2 Geo-political Concerns

Migration policy can overlap with other goals regarding diplomacy, international relations and the strength of the EU as a global actor, which demonstrates the diversity of factors other than migratory dynamics that are incorporated into migration policy making. A senior official I interviewed in DG Home twice expressed concerns about the influence of China and Russia and how this interacts with migration. The first aspect concerned the question of African countries joining the European Migration Network (EMN). He explained that some EU member states are categorically against such a move because they fear that the African

countries would, through membership of EMN, learn more about their migration policies and thus be better able to navigate them, which could leave the EU member states with "even more" migrants. He was trying to persuade these member states to be more open to including African states, partly to help them to improve their systems and to bring up their standards but also to ensure that these states are aligned with the EU, rather than with other global powers. For him, it is necessary to have these states alongside EU member states because "we" want them to have "our values" and the risk is that they could turn to Russia or China unless they are brought into the European fold, so to speak. Similarly, at an event for policy makers an academic presented the familiar argument that Europe needs to seriously invest in African countries in order to stem the desire of their populations to move to Europe. He added that if the EU doesn't do it then China will, but in a different (and implied inferior or hostile) way to how Europe would. Thus, decisions such as which states should be included in a network incorporate an 'ethic of responsibility' by considering the foreseeable consequences in Weberian terms.

When an interviewee from the Council was critical of the decision to give visas to Balkan states like Serbia, I put it to him that this move was about building alliances with neighbouring states to Russia. He confirmed that concerns over Putin's influence are a major factor and were also the reason for giving visa liberalisation with certain Eastern states like Ukraine. On the topic of hostile public opinion to migration, a senior official in DG Home suggested that migration is possibly being instrumentalised for de-stabilising purposes. He posed his theory as a series of rhetorical questions about whether it may be in the interests of certain political forces within the EU for populations to fear migration because it helps their political aims, and also for third countries outside of Europe for migration to be a problem. He proposed the possibility that Russia is perhaps watching Brexit happen because of migration, and realising it is in their interest for migration to be a problem in Europe. In both

of these scenarios interviewees were conscious of the fact that how the EU handles migration policy and the issue of migration will impact not just the relations between member states and the institution, domestic politics, and the functions of the EU, but also the EU's place on the international stage in terms of how the EU's strength and how divisions that are as deep as those over migration could weaken the EU *externally* as well as internally.

3. Institutional Dynamics

This section will discuss the dynamics of policy making at EU level, considering member state preferences, the relative power of each institution, national and supranational interests, and relations between member states. These are significant considerations in terms of factoring in and taking responsibility for the *consequences* of migration policy because EU unity is important for the EU project. Two dimensions to this are that working with the EU and particularly in Brussels shaped to a degree how policy makers saw the issue of migration and refugees and contributed to influencing them to see the issue through an EU lens. Thus, this section outlines how policy makers are impacted by working in an "international environment" how this shifts their ethics of responsibility towards incorporating the consequences for Europe and not just their own member state, as articulated by officials who have experienced this. Thus working in an European environment influenced the development of an ethic of responsibility to save Europe. Secondly, EU institutional dynamics are one of the factors considered in an ethic of responsibility to save Europe because saving the EU means taking care of the institutional dynamics and internal relations, and avoiding any disruption on this front that could further weaken the EU.

3.1 Operating in a pluralistic environment: national and supranational demands

I asked many interviewees whether officials working at a national level approached the issue of migration policy differently to those working at EU level. An interviewee from EEAS simply responded "yes, it's not even a question", and her colleagues in the EU institutions and member state permanent representations echoed this, if a little less forcefully. A number of interviewees described how national officials based in Brussels were more likely to see issues form an EU perspective than their counterparts back in the national capitals, and some discussed this as a change that had come about since they had been working in Brussels, in cooperation with colleagues from other countries.

An official from DG Home said that national administration officials "very much forced national perspective" but that they also understood that migration is an issue that cannot be dealt with solely at national level. Many interviewees described how the dynamic is far more nuanced than an 'uploading' of interests from national to EU level, and member state attachés work in a more complex manner than simply transmitting a message or agenda from their national capital to Brussels. A Justice Home Affairs (JHA) attaché of a member state explained this well;

> The colleagues that are here, first they understand better the positions of Italy and Greece. The politicians in the capital are not so interested in what thinks Italy and Greece. And, they also see this international environment and that has also a lot of advantages so they are less scared so it's already helpful ... And here they try to have an influence on what is decided back home. Member States that are longer in the

process succeed. Because Finland too was not in favour [of relocation] but in the end they could be convinced back home.

In this case, the officials working in Brussels managed to persuade their colleagues in national capitals to opt into relocation. According to this attaché then national civil servants working in Brussels think of consequences not just for their own member state necessarily but also the consequences for other member states which they are more concerned about than their counterparts based in the national capital. In addition, working in Brussels has exposed them to in an "international environment" outside of the context of their home country and so they become more well disposed towards migration having experienced first-hand living in a context with migration. A caveat here is that the attachés mentioned are not from 'frontline' member states for whom migration is an issue of very high salience and the extent to which an EU mind-set can permeate must be connected to the salience of an issue. For instance a Greek attaché speaking at an event noted the Greek situation and beseeched the audience to understand and take that on board saying that migration is "part of everyday life in Greece" and that this should be the case for *all* member states.

The JHA attaché quoted above also gave an example of Brussels based officials who having failed to persuade their national level colleagues to support the relocation decisions opted instead to work with their counterparts in other member state permanent representations:

And at that time, their prime minister made a statement publicly saying we are against relocation so I remember they invited us to a meeting at their perm rep and they told us listen we cannot really start to elaborate a new system for the crisis management can you already informally plan for it. So, we had very good cooperation with them, so if we are going to do it because they would push on all sides, from the European

commission, the Parliament so if we are going to do it we will have a problem with

our political leadership.

These are illustrative examples of national officials taking on board the interests of both their

international colleagues, and of the EU overall, being motivated by an ethic of responsibility

to save Europe, rather than a narrower view of their own national agenda. This is not to argue

that national civil servants do not retain as their primary goal the interests of their own

member states but rather that they see the survival and health of the European project as

being also an interest of their member state and are very motivated to find a solution that

works for Europe *and* for their own member state. In the case of pursuing relocation for

example I would argue that these attachés in question did not see relocation as something that

would be detrimental to their own member states, they were not sacrificing their own member

states' interests for the 'greater good' of Europe, but rather saw this as something necessary

for Europe and not damaging to their own member states and so pursued it either by

persuading their capital based counterparts (Finland) or working with attachés of other

member states.

In a discussion about the relocation scheme, an interviewee from DG Home described

how the experience of working together in hotspots in Greece had impacted the member state

staff;

> By the end of the relocation scheme in Greece for example … The human context is
>
> very important so the liaison officers became friends, they were partying together,
>
> they were going on holidays together so by June 2016 there was a feeling that 'we are
>
> in this together this is not me in this, me Greece, me Germany, me Italy, we are all
>
> really just Europeans who are trying to achieve a goal'.

If these policy workers feel strong affinity not just with their national identity but their

European identity, "we are all really just Europeans", then when it comes to taking

responsibility for actions in Weberian terms, they will not just look at the consequences for their own member state but for Europe, in an 'ethic of responsibility to save Europe'. This official's description is particularly interesting because he describes a process and a context for this sensibility emerging; both working and socialising together and being away from their usual work place (Brussels or capital) and instead in a different environment where they were presumably detached somewhat from their usual routines, together with counterparts from other EU member states. He went on to say that this could influence the national position as they fed back to capital.

> So even the people from places not doing relocation for example, they would still attend the meetings, and they would still try to try to find solutions with the capital and say 'maybe we can do this and that' and that also helps because they were reporting back saying 'ok this is what is happening and we are the only ones who are not doing anything', this peer pressure because of course at local level you also at the end it's not any longer you Romania or whatever, you are also the colleagues of the others. So you see they are doing this and I'm doing nothing.

He describes then how working in this environment with counterparts from other EU member states produced a sense of responsibility, a desire to act. These instances illustrate how national officials working with their counterparts from other member states can be more likely to see the 'big picture' and support policies that they see as being good for Europe, not just for their state.

One member state Justice Home Affairs (JHA) attaché admitted to having been somewhat Eurosceptic before his stint of working in Brussels but said that he had been "completely converted", so much so that he is sometimes accused by his colleagues at home of thinking "too European" and not of his own country which he put down to "that's what I see all day in Brussels". When I asked him what was at the root of his 'conversion' to a

European mind-set one of things he talked about was how "impressed" he is by his colleagues, in all the member state permanent representations as well as in the EU institutions. He also seemed to have been impacted by being in the "EU bubble" because when he said that "there are so many smart people here" the example he gave was "if you go out to buy a sandwich, the guy in the shop can speak four languages". He is influenced by the colleagues he works with but also the surroundings of Brussels outside of a strictly work based setting, the "international environment" as another JHA attaché described it above. His assessment of consequences is now informed not just by his experiences of working as a civil servant in his national capital, but by working closely with his counterparts from the other member states in an international environment. The realm for which he feels 'responsibility' has expanded to encompass the interests of the EU and European integration, similarly to how his counterpart quoted above described how she cares about the outcomes for Italy and Greece even if those working in the national capitals are less concerned by them. Reconciling the national and European interests is of course a constant feature. One interviewee from a member state described how those who are posted in Brussels can sometimes forget that theirs is not the whole picture, and that the EU dimension is not necessarily the most important one to their colleagues in the capital. She was of the opinion that younger colleagues were more likely to be 'European looking' and that even her national level colleagues are in much more contact with like-minded states through email and regular meetings.

Regarding the "international environment" of Brussels mentioned as a factor by a number of attachés, it is useful to turn to the work of Jarmo Kortelainen and Bernhard Koeppen (2018) who examine the EU quarter as a context for policy making. They describe the "EU bubble" or "Brussels bubble" as a place that is seen as an international community and cite the work of Clark and Jones (2013) who found that those working in Brussels

experience "a European sense of place" and dense social networks that together create a consensual political atmosphere. The effect is to make policy makers more inclined to think in a "European way" than they would do "back at home" (2018: 42). As part of understanding the production and operation of an ethic of responsibility to save Europe this chapter is interested in how working in the EU produces and sustains an EU lens through which policy is seen. Amy Busby (2013) terms this a "European and consensual habitus" in her ethnography of the European Parliament. Busby inquired into the "everyday practice of politics" by MEPs and conducted fieldwork in Brussels to investigate the shared understandings and ways of being that impact on the types of policies that are produced. Like Kortelainen and Koeppen (2018), Busby provides a good description of the "Brussels bubble" that stresses the international feel, a "multinational and multilingual space, an intense environment … which feels like a small village" (2013: 204). With a Bourdieusian lens, Busby conceptualises the field of the European Parliament as a transnational political field with a particular elite habitus (2013: 212). She explores the *doxa* operating beneath habitus, and how actors employ their position and capital to influence "what is at stake in the game" by focusing on the everyday behaviours of MEPs and their assistants (2013: 213).

Specifically, Busby asked her interviewees what MEPs must do in order to be "effective". She found that they highlighted the 'consensus culture' meaning that it is important to work together and build alliances if one wants to influence policy. This is partly due to the specificities of the European Parliament, a parliament where there is no permanent majority or government. Busby notes that MEPs may disagree on one policy but need support on another at a later time, which fosters a co-operative habitus. The European Parlimant's internal dynamics are shaped by its "quest for power" which means there is a collective institutional interest. Busby provides evidence of a perceived need to reach consensus within the House or face being dismissed by the Council and the Commission for not having a broad

majority, which means that they "lose collectively" (2013: 218) (see Chapter one for a discussion on the EP's voting record post-Lisbon and the impact that ordinary legislative procedure has had on fostering a consensual EP). For Busby, this demonstrates how "the *doxa* penetrates the institution" (ibid). Similar to the attachés I quoted above, MEPs were adapting to a field that lead to them adopting dispositions that involved seeing beyond their own policy priorities and working also for the priorities of the EU institution. Thus, like me Busby observed a shared understanding and mode of operating among policy makers that went beyond responsibility for one's narrow set of interests but extended to the good of the EU – in this case the good of the institution in which they work, the EP, and in the case of my research participants, the good of other member states and in that way the EU. While Busby's illuminating study is interested in what this tells us about the *doxa* of the EU bubble, this section has been concerned with how working in an international environment impacts upon policy makers' understanding of their work as an ethic of responsibility to save Europe.

3.2 The European Council

Speaking in Brussels at a report launch in December 2017, Matthias Oel, Director for Migration, Mobility and Innovation, European Commission, DG Home said that

> over the last three years we have probably made more progress developing the Justice
> and Home Affairs Area than in the previous twenty years, and the political blockage
> in the European Council should not overshadow what we have reached in the last
> three years on the European level.

This was to be an isolated remark as the more commonly voiced view was that the Council had blocked any significant progress in JHA. Over the following year at almost every event that I attended, speakers lamented the Council's stalemate and MEPs and Commission

officials publicly pleaded with the member states to engage in meaningful negotiations, stressing the importance of the issue of migration and the time pressure. This section addresses the divisions among member states (and the resultant lack of progress at Council level) as a factor incorporated into the consequentialist ethics of policy makers, as they seek to avoid perpetuating divisions and foster instead solidarity and coherence in the union, to operate with an ethic of responsibility to save the EU.

A MEP who was a member of the LIBE committee (European Parliament's Committee on Civil Liberties, Justice and Home Affairs) began our interview by discussing the current challenges to significant policy reform

> … the general problem is that we could achieve a good result if only the European Commission and European Parliament had the opportunity to decide what would happen regarding migration and the refugees. The main problem is that the EU member states and the Council is often blocking our proposals. At the moment we are discussing about the new asylum package and our committee, our LIBE committee made I think some good proposals and the Member States are not willing to discuss it with us.

This was a frequently articulated view of MEPs and described also in the literature, for instance Natascha Zaun's (2018) examination of the failed negotiations over permanent relocation quotas, Natascha Zaun (2018) characterises the member states as 'gatekeepers' who chose to maintain an ill-functioning system rather than adopt a quota system, demonstrating the importance of domestic politics in strategic interactions among member states. She argues that the 'non-decision' over quotas can be largely explained by the political salience of migration. Member states are less willing to transfer additional powers to supranational institutions when the issue at stake is one that is hotly debated at national level and is important to voters (2018: 46). Zaun argues that the member states are more likely to

be restrictive on migration than the Commission or Parliament and that this is connected to the national governments' interest in staying in office and catering to voters. Zaun accounts for their restrictive stance on migration by looking at governments' perceptions that the majority of the population hold latent anti-migrant sentiments that are brought out to the foreground by far-right parties. At the 2018 European Migration Network conference, Claude Moraes MEP and (then) chair of the LIBE committee echoed Zaun's assessment, connecting blockages on Council to national government concerns about anti-migrant sentiment. Moraes outlined his vision for the CEAS being one that was robust and, crucially, included legal pathways to migration through resettlement for refugees and labour migration for economic migrants. However, he went on to say that "everyone here from Council and individual member states will regard what I've said as extremely difficult because of the pressures within members states".

Interviewees offered additional explanations for the Council's lack of progress. A senior official from DG Home considered that there are member states who "…come with their own ideas of how the system should work because they think that their system is the best". This official explained that problems arise when member states don't fully understand that their system may not work in 27 different member states and that this is a problem they encounter very often. This echoes Zaun's finding that member states sometimes strive to avoid making changes to their migration legislation because doing so risks incurring "material and ideational costs" (2016: 138).

An additional explanation for the lack of progress on agreeing policy at Council level was offered by MEPs and Commission officials who raised the issue of an increase in nationalism. We have seen that the threat of right-wing populists as a spectre can shape the preferences of national governments, and when such parties do come to power, as they have done in some member states, they have not worked to progress a harmonised migration

policy. When I asked one MEP about the lack of progress at the mini summit on migration and asylum in July 2018, he blamed the rise of nationalist politics

>Yes, we are disappointed and the problem is with the new government for example in Austria or in Italy the problems are increasing and they are not interested in finding a solution which is based on fundamental human rights. They want one that says Austria first, Italy first or something. And therefore I wasn't really surprised that we didn't achieve a step forward. We can see a kind of nationalisation in the EU.

A small but illustrative example of the impact of nationalist parties coming to power in member states was described to me by an interviewee in the midst of dealing with a challenging situation with Italy. In June 2018, on the day that Italy blocked a boat that had rescued over six hundred migrants off the coast of Libya from docking at Italian ports, I interviewed an official in DG Home who was in the middle of negotiating the affair with Italy. She noted that Lega had not been in power for long and believed they were "sending a message" and that from her perspective dealing with a far-right government in Italy made things more difficult.

A number of interviewees from the Commission and the Parliament noted that the Council is "divided" when it comes to the issue of migration. The values chapter will discuss how the issue of migration has contributed to exposing cultural differences between member states and how migration policy negotiations have negatively impacted solidarity, while this section is concerned with how these divisions impacted an ethic of responsibility to save Europe, to evaluate migration policy options in terms of their potential to fuel divisions between member states which ultimately damage the European integration project, or to unite member states on a policy upon which they can agree.

Interviewees from DG Home and some member state permanent representations described how the negotiations in 2015 for a temporary relocation mechanism had been

"easy" because all of the member states understood that the EU faced a crisis and that it was imperative to take action. A DG Home official argued that this was only possible because at that time an increasing number of member states were affected by the situation. In her opinion, the Western member states had been "happy to keep refugees as a 'problem' of Greece and Italy once they stayed in the South". It was only when refugees began to use routes that went through the Western Balkans and over the Alps that there was "a total paradigm change".

The situation between member states has been described to me as 'three camps'; those states with an external border who are most affected by migration (most notably Greece and Italy), those who do not want to participate in any solutions and argue that this is not a European issue but an issue impacting those few states (as publicly stated by Hungary's Prime Minister Viktor Orbán (Zalan, 2015)) and those who want to act in solidarity with impacted member states, recognise the necessity of doing so for the European project but remain unwilling to commit to the demands of the 'frontline' states. Zaun's (2018) study of the failure to negotiate a permanent EU refugee quota system in early 2016, focuses on the divergence between those states who receive high numbers of refugees and those who do not. She notes that the Visegrad countries were the most vocal in their opposition, but that they were certainly not alone with as many as 15 member states actively opposing the quota system. She argues that the traditional asylum recipient states such as Germany, Sweden and Austria pursued permanent quotas, but the majority of member states opposed this proposal fearing that it would increase the number of asylum seekers who arrive to their countries (Zaun 2018: 45). Similarly, an attaché from a member state outlined his vision for a better functioning system but lamented that it would not be realised because "It's simply we need to decide it together" and certain member states fear that a permanent system of quotas would create a pull effect, going against the agreed aim to "reduce the flows". My findings therefore

chime with some of Zaun's conclusions that the member states have not been united in working on EU migration and asylum policy.

Member state relations are one of the factors considered when assessing policy solutions within an ethic of responsibility to save Europe that is concerned with considering the consequences of any policy proposal for the well-being of the European integration project. In late 2017, Donald Tusk (then president of the European Council) described the conflict among member states over the issue of migration (and specifically in relation to relocation quotas) as a "completely unnecessary conflict" that must end. He added that "it's important to find an understanding that does not separate Poland and other Visegrad group countries from the rest of Europe" (Rettman, 2017). An interviewee from a member state permanent representation described how the failing Common European Asylum System negotiations created negativity and tension since ongoing discussion of the same issue meant repeating their (opposing) positions again and again, and being "forced to once again restate our disagreements." I spoke to another justice attaché in a member state perm rep about the proposal to process asylum seekers externally on 'disembarkation platforms' in neighbouring states like Tunisia and Albania. Although he began by listing the many problems with the proposal, he said it had potential because it is something new for everyone to rally around rather than having the same arguments again. Thus for this policy maker, a policy proposal could be looked upon favourably if it avoided conflict or "restating our disagreements" and instead opened a possibility for member states to hold more positive negotiations, its strength was not necessarily related to its content but rather to how it sat with member state relations. In this way, the consequences of a policy proposal that could deepen divisions by "forcing" member states to "restate our disagreements" were considered. An important consequence considered was that divisive policy proposals could further fracture solidarity with negative consequences for the European integration project, the success of which is I argue the ethical

driving force of policy makers. An ethic of responsibility to save Europe considers migration

policy in terms of how it will impact the European integration project, thus this policy worker

is describing how a policy proposal can be negatively evaluated if it deepens divisions

between member states, a situation that does not strengthen the European integration project.

3.3 The European Parliament

Chapter two discussed how although the EP had been successful in using political

opportunity and effective leadership to increase its power (Dinan, 2014), ultimately the

Parliament has not used its enhanced post-Lisbon role to exert more influence on migration

policy nor to steer policy down the less restrictive path that has traditionally been associated

with this particular institution (Brack and Costa, 2018). The migration policy crisis did not

see the Parliament break with this trend in any significant way.

MEPs I interviewed often enthusiastically described the work that they were putting

in to reforming migration and asylum policy, individually, as a political group or member of

a relevant committee. Despite some fierce opposition to refugee quotas (particularly from

Visegrad MEPs), Parliament's report on reforms of the Dublin regulation did, under the

stewardship of rapporteur MEP Cecilia Wilkstrom (ALDE, Alliance of Liberals and

Democrats for Europe), win a two thirds majority when put to vote. In fact, MEP Alessandra

Mussolini (EPP, European People's Party) described the level of cross-party support as

"revolutionary". She made this remark in May 2018 while participating in a press conference

hosted by no fewer than six political groups, calling on the Council to enter trilogue on their

Dublin IV proposal. Also on the panel was fellow Italian MEP Elly Schlein (Socialists and

Democrats) who remarked that "if we look at the Council drafts it looks like they haven't

even thought about the proposals that have come from the Parliament". Indeed, none of what

the Parliament proposed appeared to have featured in talks at the mini-summit on migration a few weeks after that press conference. Speaking in Brussels in May 2018 at an academic conference, MEP Jean Lambert said that as a parliament, they have been "annoyed" by how limited their participation has been. MEPs frequently lamented the fact that parliament had been side-lined during the migration policy crisis.

MEPs held that their Dublin IV proposal aimed to tackle member states' concerns over secondary movement and disproportionate numbers of migrants being hosted by border states like Italy, and at the same time grant some agency and decision making to persons seeking asylum in Europe. The Parliament proposed doing away with the cornerstone of Dublin; the principle that the country of first entry is responsible for the asylum seeker, and replacing it with a system whereby the asylum seeker would be relocated to a state with which they have some connection. An official I interviewed in the European Council described the Parliament's proposal as "bananas" because Dublin was never intended to include relocation. She succinctly pointed out the divergent aims of the two institutions saying "when you take the emotion out of it, they want redistribution of asylum seekers around Europe, and Council want to reduce numbers. That's basically it." A MEP from the Greens political group took this further when he said that the member states prioritised their national systems, the Commission worked to promote "European solutions" and to "stem the flows" and the Parliament for their part were working towards a high level of international protection. He stated that MEPs had been told that high standards were not necessarily the aim, and should not be prioritised over convergence between member states, a situation he described as "a step backwards." Therefore, interviewees from the EP and the Council described their aims as divergent from each other's. This division is part of explaining the features of the policy making process, an important part of understanding the policy making

process of EU migration and asylum policy and thus contributing to one of the aims of this thesis which is to understand why EU migration policy has taken the form that it has.

A number of MEPs who I interviewed expressed frustration with or criticism of the Council's lack of progress over the previous three years and MEPs often publicly called on the Council to progress policy negotiations, stressing that there was a time pressure not least because of the EP mandate coming to an end in May 2019. When I raised this with an official from the Council she was critical of the EP's interpretation of the situation. She described a recent post-summit report of the President of the European Council to the European Parliament as Tusk having been "absolutely roasted" by the Parliament adding that MEP Sophia in 't Veld "basically accused him of being up here sitting down having lunch and doing nothing on the migration issue at all." This comment is illustrative of tension between the two institutions. This kind of tension between the institutions is not new nor unique to this political moment. However, in a political climate where the EU is seen as being in a fragile position because of the recent crises and the electoral gains of the Eurosceptic far right, divisions and tensions between the institutions take on some weight. As my research participants articulated their work as operating with an ethic of responsibility to save Europe, that is to make migration policy decisions that in this case avoid stoking tensions between the institutions and instead promote European unity, it is important to understand the nature of these tensions and the positions of the institutions.

3.4 The European Commission

The role of the Commission and relations between member states and the Commission form part of the policy making landscape of consequences considered by policy makers, particularly since migration is an area where member states have long resisted Commission

efforts at supranationalization, as discussed in chapter two. The migration policy crisis raised a number of issues for the relationship between the Commission and certain member states. Several prominent voices from frontline states such as Greece and Italy accused the EU and particularly the Commission of having abandoned them to cope alone with large numbers of people arriving at their shores. The Commission have denied this claim. Paraskevi Michou, Director-General DG Migration and Home Affairs (and herself a Greek national), said at an event I attended in April 2018 that "this simply didn't happen" and that the Commission along with the majority of member states had indeed helped those frontline states. The more significant rift is that between the Commission and those member states who resisted relocation quotas.

In September 2015, the Council adopted two Decisions regarding the relocation of asylum seekers from Greece and Italy to other Member States. The Commission had overall responsibility for the relocation scheme and each month produced a progress report assessing actions taken. For months, each report repeated that the member states were not acting to pledge to relocate, nor to implement relocation pledges made and called on the member states to accelerate progress. For instance, in April 2016 the *Second Report on Relocation and Resettlement* from the Commission to the European Parliament stated that "Overall, progress since the First Report on Relocation and Resettlement has been unsatisfactory" (European Commission 2016b: 1) and almost a year later in March 2017 a Commission press release said that the Commission was "making a *renewed call* on Member States to pick up the pace of relocation" (emphasis added, European Commission, 2017a) and in September 2017, the report called for "Member States that have not yet resettled or are far from reaching their target should immediately step up their efforts" (European Commission 2017b: 1). I spoke to a DG Home official involved in drafting those reports who described trying to decide

whether to write these reports in a cautious manner or to "name and shame" those member states who were not participating.

In 2017, the Commission took infringement procedures against the Czech Republic, Hungary and Poland for failing to meet their legal obligations on relocation. An official from DG Home described how their views diverged

> So for us it's clear there was an obligation to do relocation, they didn't do it, they go to court…whereas for Hungary and Poland we are determining the cultural composition of their societies so I think this is where the clashes are very clear.

Therefore what is on view here is more than the 'foot dragging' associated with certain policies 'coming from Brussels' because of a logistical headache or slow adaptation, but a more ideological and existential disagreement. The disagreements related both to this issue of culture, and to whether migration is a "European issue". As one official explained in an interview "what we see here very clearly that the EU level is absolutely needed in order to achieve a sustainable policy area and policy making" but she added that this understanding was "not shared by all member states." DG Home officials noted that different areas of migration policy require differing levels of "European solutions" and pointed to integration as a competence best left in the hands of the member states, with the proper role for the Commission being that of funding initiatives and facilitating exchanges of best practice between member states.

As has been well documented, when it comes to labour migration policy the Commission has faced an uphill battle with member states (Fudge and Olssen, 2014; Gsir, 2013). This gap between Commission plans and member state willingness to participate was evident when an official from DG Home was describing to me a pilot project on legal migration from Africa, she had factored in a strategy to deal with member state reluctance. She said that by linking the project to returns by rewarding those migrants who choose legal

pathways, and using the project to negotiate returns with African governments "if you say we want a carrot in our rucksack for returns for illegals then they [European politicians] are triggered."

An official from DG Home speaking during the questions and answers session of an event said "Of course you know the Commission is not the one who decides it's finally the member states", a view I heard repeated a number of times in Brussels. The picture is however more complex than this. In considering the extent to which the Commission does succeed in its agenda it is beneficial to turn to John Peterson's (2016) work in which he considers Juncker's 'political Commission' in light of the theoretical claims of new intergovernmentalism, that member states' reluctance to cede powers to the Commission represents 'integration without supranationalization.' He challenges the portrayal of the Commission "as losers in the advance of co-operative solutions that eschew traditional methods of integration" (2016: 15). Peterson cites Juncker's decisions to force a vote on relocation quotas as one sign that his Commission took more political risks and was more ambitious than the previous Commission. He concludes that while the Commission and European Council "remain rivals in a kind of 'competitive cooperation'" they are 'joint agenda setters' and so a better way of understanding the dynamic is to move away from "simple binaries about who wins or loses" (2016: 16). On a similar note, Neil Nugent contends that while the extremely frequent formal and informal summits bringing together Heads of Government has meant they are more directly involved in EU decision-making than ever before, supranationalism has not actually faded. Any decisions taken by national leaders have been prepared by the Commission and it is the Commission who gives them legal effect. The change then is not a severe diminishment of supranationalism (and therefore the Commission's influence) but rather supranationalism operates in "an overarching intergovernmental context" (2016: 10).

At the beginning of an interview with a senior official in DG Home, I was explaining that my research is about people who make and shape EU migration policy and she responded that I was "in the right place because here we are really the centre, the heart of it." This seems to contrast with his colleague quoted above whose comment that "it's the member states who decide" does not necessarily suggest that the Commission is "the heart of" policy making. Later when we were discussing intergovernmentalism she emphasised the power of the Commission

> It's a weird hybrid, so heads of state have a big say and if they don't, well we don't progress like you can see in Dublin they don't cooperate, and we don't progress. But Dublin is just a fraction of our migration policy, 95% is done by the Commission and without objection by heads of state. They don't always know what we're doing, in Greece, in Italy for example. Some of our policies go to the Council of Ministers and some go to Heads of state, but not all.

In this way she introduced nuance into the question of the Commission's powers. When I asked if then the character of the Commission could determine the policy direction she agreed saying

> Yes, definitely. And there is political sensitivity. In the past I was working with Cecilia Malmström, the Swedish Commissioner, and at that time she put the emphasis much more on rights of asylum seekers and very little on security. Now, it is more on security, border guards etc. and much less on rights. That's a change that is linked to the political environment also. If you're a Commissioner on the left it's very different to if you have a commissioner from the right.

Another official from DG Home strongly agreed that the character of the Commission shaped policy development but placed the importance less on the political leanings of the Commissioner and more on the structure of the Commission that Juncker had established. He

emphasised the importance of the fact that "Juncker and his team, his cabinet, and also Timmermans and Mogherini have very strong views…very clear ideas of where they want to go" and that they give "more of a political steer" to the Commissioner than the previous Commission had. He went on to outline how this impacts on the dynamic between the Commission and the member states

> Of course, when you have people with such political impetus it's much more important than when you have someone who says ok I'll just leave it to the member states, stand back, see how the different member states react and then you be the honest broker and find agreement among all the member states and then when we go to the Parliament, between the Parliament and the Council. Or you can really try to steer the debate and propose solutions that you know might not be the most popular solutions for certain member states but you think they are the only ones that can solve the problem.

This echoes his colleague's comments above and suggests that certainly for some DG Home officials they view the commission as a powerful political actor able to shape migration policy and not merely follow the member states. Both of these interviewees also showed that another factor that influences the type of EU migration policy produced is the personnel in leadership positions in the European Commission.

As noted, the solution of relocation quotas was an example of the Commission proposing innovative solutions that were resisted by member states, and the Commission endured a lot of criticism in the aftermath. When I asked officials in DG Home about the criticisms of the Commission they felt that this was "normal" and pointed to the fact that they are being criticised by "both camps" (those in favour of more restrictive and more liberal policies) as a sign that the Commission is "doing our job" in "trying to strike a balance." One interviewee went on to say that the Commission must be seen as somewhat neutral, "like an

honest broker" who is not defending the interest of one or other member state but is "just trying to help" and that it is important when working on the ground not to defend the agenda of one government in order to retain credibility in that role. She spoke about part of the "broker" role as "I always say the Commission is like couples counselling, everybody is going to complain to us" and said that "Everybody will complain about everything to us and at the end what we do is to find very operational solutions." A number of interviewees also said that the member states sometimes propose solutions that are illegal, and the role of the Commission is to protect the legal obligations. One official from DG Home spoke about member states questioning the obligations that are enshrined in the treaties and in international commitments and concluded that "the Commission is there to really uphold those values that are enshrined in those treaties". The question of protecting values is one that is explored in the next chapter.

Nugent lists some of the roles of the Commission as; proposer and developer of policies and legislation, guardian of the legal framework, mediator and conciliator, and promoter of the general interest (2017: 161). Data from interviews demonstrated how officials within the Commission see each of these roles and how this played out in relation to migration policy. One interviewee from DG Home summed up their position as "We push for European solutions, protection of the legal framework and fundamental rights."

Conclusion

Migration itself is but one of the factors that policy makers find themselves compelled to incorporate into their migration policy work. Policy makers gear migration policy towards addressing a range of other factors including public opinion, EU relations with third countries and relations between the EU institutions. Of course, the policy making sphere is not

homogenous and there are always 'critical voices'. This degree of diversity notwithstanding, some shared common sense can be identified. Every development, every proposed policy is looked at through an EU lens, is evaluated in terms of how it will impact the EU; relations between the EU institutions, whether it will lead to the EU becoming more intergovernmental or supranational, relations between the institutions and the member states, among the member states, public support for the EU, EU interests with third countries, EU security (including the security industry), the chances of euro sceptic parties coming to power and how this will impact EU integration, the budget (MFF).

That policy makers consider this range of factors can be understood as operating with an ethic of responsibility. Weber describes acting with an ethic of responsibility as meaning that one "does not feel in a position to burden others with the results of his own actions so far as he was able to foresee them" (Weber 2013: 121). Thus, these policy makers feel compelled to think of the results of migration policy actions for a range of EU interests. The meaning of this is examined in more detail in the value chapter but this chapter has outlined policy makers' understandings of these factors that they incorporate into their desire to act with an ethic of responsibility to save Europe.

An 'ethic of responsibility *to save Europe'* meaning that policy makers do not want to "burden others with the results" (Weber 2013: 121) of migration policy actions *for Europe*, but not necessarily for migrants and that they see through an EU lens. The focus on how policy impacts the EU often came to the fore when I asked interviewees about what they counted as a success among the developments since 2015. Many focused on the working relationships of the various institutions and agencies. A JHA attaché focused on working relationships between the institutions when I asked him about the challenges and success of the response to the 2015 migration policy crisis. This interviewee answered that one thing they had gotten from the crisis was that the institutions work better together. He said that

prior to this, the Council, Commission and EP were each doing their own thing but "now there is more of a sense of us all working together", in particular the member states and the Commission. This was echoed by an official from DG Home when I asked him if he thought that relocation had been a success:

> I think it was a success. I think for me the biggest success would be the fact that we have managed to bring together agencies and competent authorities in the member states and IGOs to work together as a team, for me it's one of the biggest success we had …. And I think what we managed to do is avoid this silo mentality and look at migration as different individual boxes; border control, asylum, fighting illegal migration and traffic of humans, security, relationship with countries of origin and transit and they were not communicating with each other and what we managed to do whit the agenda on migration was to bring them all together and understand that we are all working in the same direction.

I followed this by asking what that "same direction" was to which he responded,

> I think the direction was to help Greece and Italy to manage the flows in an efficient way and also ensure that the people who have their right to international protection in the EU were distributed to other member states according to the relocation decisions.

This shows that the priorities were conceptualised as the member states and the system, ensuring that no member state became overwhelmed and that the asylum system continued to function. That migration policy is so often evaluated in terms of how it will impact the EU, and internal relations within the EU was particularly evident in an interview with a senior EU official who had been integral to the creation of hotspots. When I asked her about how policy comes about she gave the example of hotspots saying

> That's a good question… The hotspots for example it's a concept that I invented it. So, the idea came from me. I thought ok why, we need to coordinate better on the

> ground, between Frontex, Greece, then back to European Commission for funds etc. the system needs to be better coordinated. Let's develop a hotspot concept, so I put it in a communication paper and that fed into the EU Agenda, we drafted it, it was supported … and the concept was born. Even though the French weren't happy because it is an English word, with no French translation. I had seen it actually in a regulation. But that's just an example of how it can go

What is interesting here is that on the topic of hotspots she speaks about the need for coordination between the various EU actors and then about the language issues within the EU (the dominance of the English language seemed throughout my time in Brussels to be both a running joke and a source of tension for EU workers with many references to the impact that the Eastern European accession states had on the dominance of English over French, conflicts over paying for translation in meetings etc.). The hotspots created a humanitarian crisis involving acute suffering for thousands of migrants and refugees. She did not mention this. The focus of the person who 'invented' the concept was on how the hotspots impacted the work of the EU and a light reference to what is really a 'Brussels bubble' issue. This is an example of thinking of responsibility for an outcome in terms of the consequences for the EU not for migrants and refugees. The "foreseeable consequences" in Weberian terms considered by this policy worker relate to the functioning of the EU, its member states and agencies. This can be understood as en ethic of responsibility to save Europe because only the European interests are here considered.

On a similar note a JHA attaché from a member state that had held the presidency during the 'crisis years' seems to claim the hotspots as a success based on the results for the working relationships of the various institutions and agencies.

> But what was interesting were the hotspots. A way to integrate it, between border guards, asylum experts, security people, and also CSO. And hotspots helped to keep

people at the place, give them the opportunity for asylum, check if they are a security risk or not and from there start relocation process. This is the positive aspect. I know the circumstances in all the hotspots are certainly far from perfect but you can invest in it and improve it.

This attaché did acknowledge the humanitarian disaster but devoted the bulk of attention to the "positives" which were listed here as positives for the EU. Speaking in Brussels at a EMN conference in 2018, a Director in DG Home described hotspots as "a game changer" because through them the EU had changed their policy and now had a coordinated response when migrants arrive in Greece and Italy. He acknowledged that the system is "not yet perfect" but said that now people are processed through the right channel - be it asylum or return if they have no right to stay. In both of these instances the speaker alludes to the humanitarian crisis that the hotspots are, but appears to nonetheless evaluate them as a success because of their functional strengths in terms of efficiency and coordination.

In the above pronouncements on hotspots the logistical aspect trumps the human suffering. One way of looking at this would be the approach taken by Feldman (2012) that EU migration workers are concerned with efficiency and administration to such an extreme extent that there is no ethics or room for reflection or ethics. For instance in relation to the finger print database (EURODAC) Feldman says "The ultimate concern at stake shifts from ethics…to administration the most efficient procedures…" (2012: 148). I interpret this differently however and contend that a focus on efficiency does not preclude ethics. Celebrating smooth coordination at a hotspot or an increase in cooperation between member states or EU agencies is not a matter of obsession with administrative procedures or logistics, it is part of keeping the EU running smoothly, avoiding any pressured or conflict situations that could contribute to damaging the EU by for instance being used by Eurosceptic parties or by fracturing solidarity among member states. These policy makers are concerned with the

functioning of the EU first and foremost not because of a lack of ethics but because the ethics with which they operate is an ethic of responsibility *to save Europe.* Being responsible for keeping the EU on track *is ethical* from the perspectives of EU officials because for them the EU is an ethically worthwhile project that promotes and protects basic values, has achieved peace and prosperity and moved a continent with a dark past of conflict away from fascism. Protecting these achievements is ethical to them. This will be discussed in more depth in the next chapter which considers why policy is geared towards 'protecting' the EU, the crises that have challenged the EU and the 'European values' that policy makers articulate as important for the union.

Chapter 6

Values and Ethics

Introduction

While waiting to interview a senior official in DG Home I noticed the decoration on the door of her assistant's office. There was a faded, peeling-at-the-edges sticker that read 'Refugees Welcome Here' stuck up next to a postcard size picture of a group of boxers in a boxing ring joined in a huddle with one large boxing glove emerging over their heads as if in triumph. That one boxing glove had the EU flag on it. The faded welcome for refugees next to fighting for the EU appeared as a visual depiction of some of what I would hear during interviews in that building over the course of my fieldwork: that hosting refugees and migrants must be backgrounded when the EU is fragile, and fighting together for the European Union and all that it stands for is crucial, that is, an 'ethic of responsibility to save Europe'.

The previous chapter contributed to understanding the impetus behind and rationale for migration policy making by outlining policy makers' understandings of the factors that they consider, that is the concerns and interests of the EU. My research participants often framed migration policy formation as having to address the need to save the EU, not from migrants nor from the direct impact of migration, but from political forces that they see as being explicitly opposed to the European integration project, to the values and norms that the EU seeks to promote, and even to the basic tenets of liberal democracy. This thesis explores the cultural context, understanding and value (or moral) system in which decisions on EU migration policy 'makes sense'. A contribution of this chapter is an examination of the context

of policy making as one in which the EU is seen as in need of saving. Weber describes an 'ethic of responsibility' as one which obliges its adherents to make decisions not based on 'pure conviction' but instead to pay attention to the foreseeable consequences of their actions (Weber 2013: 121). This thesis argues that policy makers operate with an ethic of responsibility to save Europe and this chapter offers an account of what it is policy makers imagine they are saving, and from what.

The chapter begins by examining some of the crises that have affected the EU, with particular attention to the crisis in solidarity. It is argued that solidarity is seen as fundamental to the European integration project and was significantly impacted by the migration policy crisis. To illustrate that migration policy has been formed in a context in which Europe was seen as in need of 'saving' this chapter analyses the policy making landscape as one in which the dissolution of Schengen and even of the EU was being discussed, basic values of the EU and tenets of EU membership were being internally questioned (by Visegrad member states), and the values associated with liberal democracy are no longer taken for granted within the EU. As Weber describes an ethic of responsibility as one which takes into account the likely consequences of an action and therefore the context in which one acts, this helps us to understand the significance of the policy making landscape in policy makers' understandings of the ethical dimension of their work on migration policy. A discussion of these elements and how they were articulated by my research participants and by EU leaders provides the necessary backdrop for the contention that it has been seen as necessary to act with an ethic of responsibility to save Europe. Europe is being saved from losing its "achievements" (to quote Tusk), from the spread of "illiberal democracy" promoted by certain member state leaders, and from a return to its dark past (Lähdesmäki, 2019). What is being saved in an ethic of responsibility to save Europe is an union of values. The EU is promoted as a union based on values and these values are key to policy makers' imagining of what they are doing when

making migration policy. This invites a discussion on what EU values are and why they are framed as fundamental to the European integration project.

The image of the EU as a union of values has persisted through controversies and accusations of complicity in human rights abuses, and, according to my research participants, the image is largely untarnished. This is examined in this chapter in relation to EU cooperation with Libya on border control and migration management. It is argued that in the portrayals presented by my research participants the EU is distanced from any actions that run counter to its values, as it is not the EU but its partner committing human rights violations. This serves to preserve an image of the EU as a promoter of and exemplar of values of human rights and the rule of law.

The limits of the extension of EU values, or of an imperative to act with responsibility for the results of actions are explored by examining the extent to which the EU is imagined to have responsibility for migrants and refugees. Hannah Arendt's question of who is responsible for the refugee, along with literature that examines the capacity of the EU as a unique political entity to go beyond the state-citizen relationship of responsibility is illuminating here. Ultimately as my interlocutors articulated it, theirs is an ethic of responsibility *for Europe*, and saving Europe is privileged over saving refugees and migrants. Saving Europe is an ethical endeavour because it is a union of values, and this animates my research participants' work on migration and asylum policy. For Gregory Feldman it is the devices of the "apparatus" that are "the ghost in the machine" (2012: 15), what drives and maintains the work of making migration and asylum policy. My argument is that the "ghost in the machine" is not the mechanisms of *how* policy makers work, but the understandings of *why* they work, and that this is policy makers' love of and belief in the EU as a political project, and the values with which the EU has become synonymous for them.

1. The EU beset by crises

In his opening remarks at an event on migration and Libya held in the European Parliament in September 2018, MEP Stelios Kouloglou (GUE / NGL, The Left group in the European Parliament) said that the reason for organising this event was that there are many things happening in the EU which "a few years ago would have been unimaginable," listing the rise of the far right and the brutal treatment of migrants by certain member states. I conducted my research in Brussels during a particularly trying time for the EU, between 2017 and 2019, when the EU and everything it declares itself to stand for was seen as being under attack.

The euro crisis of 2008, the outcome of the United Kingdom referendum on EU membership in 2016, the migration policy crisis from 2015, and the ongoing rule of law crises in certain Central and Eastern European (CEE) member states had left the EU in a state where there is a sense of the fragility of the EU. It is not my aim to argue that the EU was in a fragile state but rather to describe the crisis atmosphere I observed during my fieldwork and that interviewees discussed in relation to the migration policy making landscape.

The crises have exposed deeper issues such as a lack of solidarity, and political integration lagging behind economic integration. EU leaders and officials also worried about the possibility of Brexit contagion leading to other member states coming under pressure to hold a referendum on continued membership (McGowan and Phinnemore, 2017). Each crisis contributed to a situation where the EU is seen as fragile and in need of 'saving' and also interacted in a unique way with migration policy making. Two of the main achievements of the EU, the single currency and border free Schengen area, were seriously threatened.

2. Solidarity Crisis

As soon as the number of migrants arriving to Europe greatly increased, it was clear that member states would need to work together and support each other in handling migration. At the April 2015 special summit on migration, President of the European Council Donald Tusk repeated the EU line that the "dramatic situation in the Mediterranean" is not simply an issue for those Southern member states directly impacted but is "a European issue." Tusk was very clear that there was a need to "reinforce European solidarity" but referred to this as "perhaps the most difficult" task ahead (Tusk, 2015).

For migration policy making, a crisis in solidarity has meant firstly that the 'policy making landscape' is marked by this 'big picture' undermining of the EU project and the need to craft and negotiate policies in the shadow of this concern, and secondly that negotiations are stalled because member states cannot reach agreement and the solutions that are agreed upon are not implemented, specifically evident in the relocation scheme.

2.1   The importance of Solidarity for the EU project

Solidarity between member states is seen as key to overcoming 'the dark side of nationalism' which the EU project is built in opposition to. Ian Manners reminds that the historical context in which the EU was created: "a post-war historical environment which reviled the nationalisms that had led to barbarous war and genocide" was the basis for Europeans committing to solidarity in the interest of protecting peace (2002: 240). In the context of the migration policy crisis, EU leaders took every opportunity to reinforce how crucial solidarity is to the European project. European Commission President Jean-Claude Juncker said on the topic of member state cooperation on the relocation scheme "either we are Europeans living together in a family where people do love each other or we are an inter-governmental

organisation like others. For me, it was re-visiting the fundamentals of the EU" (BBC, 2019)[10].

At the 2018 European Migration Network conference, Commissioner for Migration and Home Affairs, Dimitris Avramopoulos reminded us that solidarity is mentioned fifteen times in the founding texts of the EU and said that the EU "can only exist if solidarity and responsibility remain". If solidarity is necessary for the EU to exist, then threats to solidarity create for policy workers a responsibility to "save" the EU.

Solidarity is complex both as a concept and in practice. Article 80 of the TFEU states that EU policies on migration and asylum must be "governed by the principle of solidarity" but putting this into practice has proven difficult. Donald Tusk (then President of the European Council) expressed this well speaking after a special summit on migration "when Renzi said it is a matter of solidarity my answer was 'sorry dear friend but there is no such thing as forced solidarity, it is an oxymoron'" (BBC, 2019). In her inquiry *Is there solidarity on asylum and migration in the EU?,* Iris Goldner Lang points out that even though Article 80 of the Treaty on the Functioning of the European Union explicitly relies on the principle of solidarity, the Treaty provides no specification to help determine what constitutes these terms, and measuring solidarity and fair sharing of responsibility is not an easy task (Goldner Lang 2013: 9). A senior official from DG Home explained to me how the 2015 negotiations on relocation forced a reflection on whether solidarity means an obligation to help with hosting refugees, or whether it can simply be expressed financially, a question which he said remained unresolved four years later.

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[10] Juncker was speaking in an interview for the BBC documentary 'Inside Europe: Ten Years of Turmoil' the episode entitled 'Unstoppable' that aired in February 2019. I spoke to personnel of a member state permanent representation who said that the JHA staff watched the documentary together in the office and agreed that it was a good representation of that time of negotiations.

2.2 Solidarity in crisis

The crises faced by the EU have both contributed to and exposed a crisis in solidarity. Dinan et al. (2017) called the crises faced by the EU "wicked crises" in that attempts to mitigate one crisis have had a negative impact or caused further crises and this relates strongly to the crisis in solidarity. They point to how the EU's approach to the Eurozone crisis further weakened the Greek economy making it more difficult for Greece to deal with migration (2017: 361) and Germany's insistence on austerity caused resentment from other member states, states who Germany later needed to share in the hosting of refugees (2017: 7). In the years running up to the migration policy crisis, solidarity had already been sorely tested by the Eurozone crisis and according to some had not passed the test. Yanis Varoufakis sees this as Europe's "legitimacy crunch" in the wake of its credit crunch painting a picture devoid of solidarity when he says of Greece:

> That a European country embedded in the continent's great common currency experiment would end up being pushed around like a banana republic is a devastating indictment of a union supposedly founded on the promise of shared prosperity and mutual respect (Varoufakis 2017: 48).

Brigid Laffan describes how the handling of the Eurozone crisis transformed member states into "programme states" with serious implications for domestic autonomy and authority (2017: 144). She contends that the framing of the crisis created a "'them' and 'us' dynamic" because of the (false) narrative of government over-spending creating a public finance problem, and the solutions to the crisis that were ultimately pursued eroded trust between member states (2017: 145). Not only was trust between member states eroded, but also public trust in the EU's capacity to address crises (Dinan et al, 2017). This coupled with the higher political salience of migration has discouraged national governments from acting in solidarity when it comes to

migration and asylum (Hampshire 2016a: 545). This section has discussed the declared importance of solidarity as a bedrock of the European integration project to argue that a crisis in solidarity leaves the EU in need of "saving", and the following section will discuss the particular relevance of solidarity to migration policy.

2.3 Solidarity crisis and the EU project in the context of migration policy

Tusk's 2015 prediction that solidarity would be both the most necessary and the most difficult element of the migration policy crisis did play out over the years that followed. Member states have been unable to agree on migration policy development, blocking reforms to the Common European Asylum System as discussed in the previous chapter. In fact, James Hampshire (2016a) argues that migration policy has stalled since 2009 owing in part to tensions between member states; with 'north-south' tensions over asylum and 'east-west' conflicts over freedom of movement (2016a: 547). Hampshire maintains that one of the few areas upon which member states have been able to agree is their desire to curb irregular migration (2016a: 549). While such disagreements on policy content obviously pose a serious problem, it is the underlying lack of solidarity which has caused monumental concern for the EU.

A key mechanism for practical solidarity during the migration policy crisis was the relocation scheme as its plan to disperse asylum seekers was a recognition that those member states who were receiving the highest numbers of asylums seekers could not be expected to host all, or even the vast majority, of the refugees and migrants arriving to the EU. The Council took two decisions Council Decision No. 2015/1523 of 14 September 2015 and Council Decision No. 2015/1601 of 22 September 2015 to relocate asylum seekers from Greece, Italy and Hungary to other member states based on mandatory quotas calculated using a complex formula. The decision was adopted however amidst opposition. At the September 2015

extraordinary Justice Home Affairs (JHA) Council there was resistance, in particular from the Visegrad member states. The decision was adopted at a later JHA Council that same month, after Poland lifted its objections and by using qualified majority voting rather than consensus (Haughton 2017: 260). Slovakia and Hungary which, like the Czech Republic and Romania, voted against the adoption of the second relocation decision in the Council, brought a case to the Court of Justice of the European Union to annul the decision. The Court dismissed the actions on 6 September 2017 in its Judgment in Joined Cases C-643/15 and C-647/15 Slovakia and Hungary v Council. A fixed term relocation scheme was eventually agreed upon but the Commission's proposal to reform the Common European Asylum System (CEAS) to include a permanent quota system for crises failed to win sufficient support from the European Council. It is important to note that while the most vocal opposition came from the Visegrad Four (the Czech Republic, Hungary, Poland and Slovakia), as many as 15 member states opposed a permanent relocation system (Zaun 2018: 45).

Opposing relocation demonstrated a lack of commitment to solidarity among member states. Public rhetoric from both the EU institutions and most EU leaders has communicated that migration is a *European* issue and not an issue for the individual member states who have an external border. Orbán has consistently said the opposite, stating that migration is "a German problem" (Zalan, 2015). The European Parliament's proposals for reforming the CEAS included relocation quotas. When in late 2017, Tusk called on all players to move on from quotas he referred to the conflict over relocation as a "completely unnecessary conflict" that must end (Rettman, 2017). Calling the conflict "unnecessary" suggests that it is based on a pointless misunderstanding when in fact it revealed the deeper problem of a scarcity of solidarity.

At several events I attended in Brussels, speakers framed the evident lack of solidarity in terms of certain member states seeing the EU as a sort of menu from which one can select

for instance to take structural funds but not to act in solidarity with fellow member states, nor to respect the laws and uphold the values of the union. In other words a lack of shared understanding on the fundamentals of what the EU *is* and what membership entails. The lack of solidarity between member states has impacted migration policy making by stalling negotiations, blocking progress on the relocation scheme but also on a grander level. Given that solidarity is proclaimed to be 'foundational' and essential to the existence of the EU and to combating the dangers of nationalism, the evident scarcity of solidarity demonstrated throughout the migration policy crisis contributes to a political and policy making landscape characterised by concerns over the future of the EU project and a resultant need to protect or foster European solidarity when making migration policy. This thesis argues that policy makers adhere to an 'ethic of responsibility to save Europe' and that this means avoiding actions with consequences that could damage the EU, including damaging solidarity. This section has illustrated the importance of solidarity to the EU and that solidarity is seen as under threat. This translates into saving solidarity and making policy that will not further erode solidarity as part of an ethic of responsibility to save Europe.

3. A changed policy making landscape

Assessing the monumental impact of the euro crisis, Yanis Varoufakis maintains that before the financial crisis of 2008 hit:

> Those in authority believed that history had ended, and their job was one of micro-management, of nudging a magnificent self-guided, self-managing system in a broadly predetermined, rational direction (2017: 48).

A lack of complacency was palpable during my fieldwork in Brussels and contributed to a sense of a need to 'save Europe'. The euro crisis was the first of a number of crises to topple

any complacency. Over ten years later, French President Emmanuel Macron made reference to this a number of times, in his interview with *The Economist* in 2019 he noted the move away from the popular "end of history" mentality and in his speech at the Ambassadors' conference of 2019 he spoke of the seismic changes afoot both domestically with regard to a shift in the "equilibrium" for the "middle class" and internationally,

> The international order is being disrupted in an unprecedented way, with massive upheaval, probably for the first time in our history, in almost all areas and on a historic scale ... Twenty years ago, we all thought that human rights were on an unstoppable trajectory, that everybody would automatically embrace democracy and the same values that we do. But look at the situation we are in. In some countries – some of them in Europe – you will find a decline in rights and judicial independence, and a rise in threats to human rights activists…

In 2019, I heard a similar sentiment when I attended an event on the topic of rule of law crises in Central and Eastern Europe EU member states hosted by the IIEA (Institute of International and European Affairs) Brussels, held in the building of the Irish Permanent Representation to the EU. The speaker, a constitutional lawyer, recalled the past popularity of Francis Fukuyama's pronouncement that we had reached "the end of history." He began his talk on the judiciary in Poland by drawing this Brussels audience's attention to the fact that the underlying tenets of liberal democracy are no longer taken for granted and this shift is crucial. It indicated the particularity of this moment in EU history that a lawyer speaking to an audience of Brussels based professionals (within the 'EU bubble'), was asking us to understand that the tenets of liberal democracy are called into question in an unforeseen way, from within the EU. A small number of my research participants disputed this idea that the EU is facing challenges like never before, and cited previous crises like Charles de Gaulle's 'chaise vide' (when in 1965, French President de Gaulle suspended France's participation in the European Economic

Community, leaving an empty chair or chaise vide at meetings and effectively blocking decisions being taken) adding that since they had started their careers in the EU it has apparently been 'in crisis' (one such commentator was a retired diplomat who had started his career in the 1970s).

Scholarly work has addressed the EU's recent crises, the most convincing of which is the edited volume by Dinan et al (2017). Dinan et al contend that although disintegration of the EU is unlikely, it has arisen as a possibility in a more serious way than ever before (Dinan et al 2017: 361). They provide a thoughtful analysis of the issues that have accompanied the crises facing the EU, in particular the strains in the EU's system of governance, legitimacy and identity issues, a decline in popular support for the EU and tensions between member states. They brand the crisis "unprecedented" because of the number and severity of specific crises it has contained and address the question of how the EU can survive.

A number of interesting works have emerged to analyse the impacts of the crises and debate whether this really is a crisis 'unlike any other'. Douglas Webber (2018) warns against complacently presuming that European political integration is irreversible. Ivan Krastev (2017) echoes this adding that the Soviet Union was thought too stable to collapse, and yet collapse it did. Krastev goes further, saying that the disintegration of the EU, once thought unthinkable now appears "inevitable" and the narratives that "only yesterday" guided our assumptions are now completely called into question (2017: 5). The point for my purposes here is not whether there is or was such a strong possibility of EU disintegration, but that such discussions are circulating signals the gravity of the challenges to the EU and contributes to a particular policy making climate. The policy making climate is now one in which protecting the EU and all that it stands for is the top priority and therefore much as one may wish to host refugees, this is not seen as possible because of the sense of potential turmoil and the fragility of the political entity, the priority is to "save the EU".

The gravity of the challenges faced by the EU and the particularity of this period of history was noted by Donald Tusk, who Desmond Dinan (2018a) quotes, saying that

Tusk was far from sanguine about the seriousness of the crisis facing the EU, telling MEPs in October 2015 that the situation 'that we, all of us, as a community, as the European Union, are facing now is perhaps the biggest challenge we have seen for decades. I have no doubt that this challenge has the potential to change the European Union we have built. It has the potential even to destroy achievements such as border-free travel between Schengen countries. What is even more dangerous, it has the potential to create tectonic changes in the European political landscape. And these are not changes for the better. These are truly extraordinary times that require extraordinary measures, extraordinary sacrifices and extraordinary solidarity. Together, we will handle this crisis. Otherwise, I do not want to think of the alternative' (27 October 2015) (Dinan 2018: 26).

The European Commission also reflected on the potential changing face of Europe, by publishing on 1 March 2017, ahead of the 60th anniversary of the Treaties of Rome, *The White Paper on the future of Europe*. The White Paper set out five scenarios, each offering a glimpse into the potential state of the European Union by 2025 depending on the choices Europe would make. The White Paper aimed to "open an honest and wide- ranging debate with citizens on how Europe should evolve in the years to come" (European Commission 2017: 26).

For some commentators, the conclusion to that debate was to be the European Parliament elections. When in May 2019 the elections did not deliver the sweeping far right victory that many had predicted there was a profusion of articles announcing the decline, or at least stalling, of far right populism in Europe. Recent election outcomes across Europe had signalled the rise of the far right; the Lega dominates Italy's politics, Marine Le Pen made it to the second round of the French presidential election in 2017, Law and Justice (PiS) are in power

in Poland and elsewhere smaller parties from Alternative for Germany (AfD) to the Danish People's Party and Vox in Spain are influencing mainstream politics, but *The Economist* declared that the European Parliament elections results should calm "the more excitable commentaries about the rise of nationalists in Europe" (Charlemagne, 2019). The expressions of relief from news outlets were tempered by acknowledgements that the far right has gained ground in recent years, with the *Financial Times* warning that "Europe's diminished far right still poses a threat" (Barber, 2019) and political scientist Cas Mudde making the bold claim in *The Guardian* that "The far right may not have cleaned up, but its influence now dominates Europe" (Mudde, 2019).

3.1 A changed policy making landscape and EU migration and asylum policy making

The section above illustrated a changed policy making landscape and this section uses my ethnographic findings to argue that policy makers' work on migration policy is impacted by the policy making landscape as one in which Europe and Schengen must be "saved". It is my contention however that EU migration and asylum policy from 2015 onwards has not in fact entailed a significant deviation or departure for the EU. In the second chapter I traced the history of EU migration and asylum policy and I follow Guild (2006) and others who show that the seeds of the current migration regime were sown in early European cooperation on migration. There are strong arguments that the solutions to the 2015 'crisis' not only built on pre-existing policies and practices but also helped to consolidate them (Jeandesboz and Pallister-Wilkins, 2016 in Baldwin-Edwards et al 2019: 2148).

If the EU crises did not bring about a departure in policy, it is still worth examining the extent to which the presence of the far right impacted how policy workers framed and related to their work on migration. Though actual policies have not changed significantly, meaning

making and the imagined trajectory of the EU as a host region has been impacted. How policy makers articulated their migration policy work in relation to this somewhat changed or historically specific political environment can be understood as acting with an ethic of responsibility to *save* the EU.

When I asked attachés in member state perm reps, and officials in DG Home or EEAS (the European External Action Service) about the impact that the EU's existential crisis (there seemed to be almost daily events on 'the future of the EU' in some part of Brussels) had on their work and policy negotiations, their responses were somewhat muted. They explained that the more mundane aspects of their day to day policy work were not impacted by more high level discussions about values and the future of the union. Importantly, however many interviewees spoke about the electoral successes of far right parties, and the generalised threat to the future of the EU when they were discussing migration policy options. They framed policy decisions that exclude asylum seekers in terms of the need to save a fragile EU.

Speaking at the European Migration Network conference in Brussels, Laurent Muschel, Director, Directorate-General for Migration and Home Affairs, European Commission said that the "key message" is that "we need strong external border control to ensure Schengen will *survive*." In calling for border control, Mr Muschel was calling for *saving* the free movement project, a key tenet of European integration. Some interviewees drew a direct link between a specific decision and the need to deflect the far right. In an interview with a senior official in DG Home, discussing where policy direction comes from she gave me examples of policies that had come "from the top" and those that had come from a team of advisors within the Commission. I asked her the origin of the idea to have a standing corps of 10,000 border guards and she responded:

Good question. I think we were reinforcing FRONTEX, planning to increase personnel... But the politicians thought, refugee policy is not working well, but

257

everyone agrees that we need a strong external border, so the president saw that it was something to make a priority for the future. Also helpful at a time when there is a shift to the right.

In this case then the proposal advanced partly for political reasons because it could respond to the charges from the right that the borders are too porous, and partly to do something that they were all in favour of. On a similar note, a few months later when I asked a colleague of hers in DG Home why 'reduce the flows' seems to be the main aim of much EU migration policy he responded:

I think if you look at absolute numbers it's peanuts for this entire continent … I think that what happened is in 2015 the majority of migrants arrived at the same time. So we had these arrivals 10,000 people a day in Greece which is unmanageable, and the population panicked. So, I think from the political point of view we had to stop the flows, control the flows, and then we can discuss asylum and relocation. I think that was the main idea. We had to, there was this *populism rising, migration became such a toxic issue for all the elections*, in France in the UK, well in UK it was more the Polish migration but in Hungary, Poland, Austria even in the German elections migration became toxic so there was this moment to say ok we need to control the flows, manage the flows and make the EU citizens feel a bit more comfortable we have the situation under control, we have to reduce the flows. And that will allow us to start again a reasonable, rational, discussion on asylum. I don't know if we will succeed because the flows are now very low but I don't see the rational.

This interviewee identified as a liberal, cited liberal news outlets throughout our discussion and distanced himself from right wing politicians. He saw as a legitimate aim to reduce the number of people entering Europe for international protection, not because of some anti-migrant sentiment, but to save the EU from "toxic" discussions on migration that could lead to electoral

success for far right parties across Europe. The need to make migration policy with the aim of reducing the electoral appeal of the far right was echoed by a number of interviewees and one interviewee from an EU institution said she thought that they had done quite a good job of calming things down by reducing the numbers of people entering Europe, for there to be a "normal" environment for the EP elections. In this way, policy makers articulate their actions as an ethic of responsibility to save Europe. In Weberian terms an ethic of responsibility takes account for the foreseeable consequences of action, in this case that relates to reducing the number of arrivals in order to combat the far right and reduce their chances of electoral success. As the far right is Eurosceptic and seen as a threat to Europe, they act with an ethic of responsibility to save Europe.

3.2 "Background Ideas" of Saving Europe

Policy decisions are framed by policy makers in relation to the political moment, what is seen as necessary or what they "had to do" and conversely what is off the table is influenced here by what Christina Boswell and James Hampshire (2017) describe as "background ideas". Boswell and Hampshire examine both theoretically and empirically, the role of ideas in policy making. They note that there is agreement in the literature that ideas matter, but divergence over *how*. They identify two strands of ideational scholarship; instrumentalist approaches that conceive of ideas as tools or resources that actors employ to pursue their policy preferences, and institutional accounts that depict ideas as paradigms or frames that constrain agents by delimiting what is seen as feasible or legitimate (2017: 134). They propose combining these insights through 'constructivist' or 'discursive' institutionalism recognising that policy entrepreneurs "are constrained by 'background ideas'" but at the same time they "have 'foreground discursive abilities' that enable them to reflexively deliberate on and deploy ideas"

(ibid). Boswell and Hampshire use the work of Vivien Schmidt (2008) to identify three 'levels' of ideas and discourse. The first, policy ideas includes specific policy proposals; programmatic ideas involves defining problems and contains underlying assumptions; finally, public philosophies which are "fundamental sets of ideas understood as worldviews" (2017: 135). They use case studies of the discursive strategies of politicians regarding discourse on immigration policy liberalisation in Germany and the United Kingdom between 2000 and 2008 and argue that

> in line with institutionalist theories…background ideas influence which policies are seen as feasible and appropriate. It follows that changes to these background ideas will have effects on policy making, altering the structures that shape and delimit which options are mooted and adopted (2017: 136).

For our purposes, their work is useful for thinking about how ideas can delimit what policy options are seen as feasible and what is 'off the table', what is seen as fitting an ethic of responsibility and what is seen as irresponsible. This is particularly poignant in this 'crisis moment' when for instance Tusk said he doesn't even want to think of the alternative to handling the crisis together (Dinan 2018a: 26), and research participants repeatedly spoke of the dangers to Schengen. In this way the background ideas are that the EU is in crisis and must be saved because the alternative is 'unthinkable' and it is in this policy making landscape that migration policy is negotiated. The data from my interviews suggest that this means that policy proposals that are seen as risking the stability of the EU (for instance those that would increase the number of arrivals) in this time of crisis or giving any advantage to those far right parties that oppose the EU are framed not just as "inappropriate" but even as unethical and irresponsible. Policy solutions that prioritise saving the EU are framed as the ethical, or the only option. Policy makers articulate their work as responsible in a manner that can be interpreted as adhering to an ethic of responsibility to save Europe which involves creating

policies that they understand as reducing the far-right's basis by reducing the number of arrivals, and avoiding policies that challenge solidarity among member states, such as the permanent relocation mechanism. Saving the EU is understood as an ethical action because the alternative is "unthinkable" but also, importantly, because the EU is seen as a union of values, so by saving the EU they are saving this values. The following section will discuss how the "unthinkable" alternative to the EU is linked to Europe's history of war, and the European values that policy makers imagine themselves as saving.

4. Saving European Values

The threat of the far right (discussed below) is far more than a kind of 'constraint' that makes certain policy choices untenable. In my understanding, the far right fits into an understanding of the work that policy makers do because they situate their work as saving the European integration project. Saving the European integration project is the *ethical* choice when the EU is seen as a union of values and the alternative is turning ones back on these values and leaving the door open to a return to fascism, the memory of which is regularly invoked. Additionally, EU policy workers see their duty of care as public officials, as being owed to the EU, rather than to the individual migrant or refugee or even to the regime of international protection. European values are at the heart of this.

In January 2018, I arrived at the Altiero Spinelli entrance of the European Parliament for my first of many visits to the Parliament. My attention was drawn to the overhead exhibition circling the entrance that celebrated the life of Simone Veil. The exhibition was of pictures of Veil with Pope John Paul II, Nelson Mandela, and other figures known for their 'values', testimony to her lifelong defence of 'European values'. Entitled 'Conscience of a Century' it included a quote from Ms Veil "Europe had a duty to be an example of democracy and respect

for human rights". The European quarter has other visual representations of EU values, for example the zebra crossing at Justus Lipsius that is a rainbow flag crossing. These are visual representations of the image that the EU is invested in diffusing to all of us visitors who arrive to EU buildings, and to themselves. Europe Day is also an occasion to display European values. In Brussels Europe Day, May 9th, is celebrated by opening the buildings of the EU institutions and several EU agencies to the public. I spent the day in the European quarter, at the EEAS (European External Action Service) building and in the European Parliament. Both of these provided interesting opportunities to see how EU values are represented. The EEAS halls were lined with information stands on various Common Security and Defence Policy (CSDP) and European Union Border Assistance Mission (EUBAM) operations around the world, with military personnel in uniform handing out information leaflets and gifts such as pencils and scarves with the mission logos. There was also a stand with security equipment we were invited to try on. In the European Parliament the displays and stands of the political groupings communicated a broad spectrum of priorities. Political groups' respective tables were filled with everything from badges calling for lower taxes (found at the European Conservatives and Reformists stand) to condoms packaged in the 'My Body, My Rights' slogan (courtesy of the Socialists and Democrats).

The EU is presented as a union of values, the values being what makes it special and worth fighting for. President of the European Commission, Ursula von der Leyen wrote in 2019 "These values, and our attachment to them, are our very foundation. … They define and encapsulate what our Union is about" (von der Leyen, 2019). Her predecessor Jean Claude Juncker consistently and emphatically framed issues that the EU faced in terms of EU values. In his 2014 opening statement to the European Parliament, Juncker stated that, "Our European Union is more than a big common market. It is also a Union of shared values". Three years and

a migration policy crisis later, Juncker repeated the same message in his state of the union address when he said.

> Our values are our compass. For me, Europe is more than just a single market. More than money, more than a currency, more than the euro. It was always about values. (Juncker, 2017).

In public speeches and private interviews, officials of the EU institutions often raise the issue of 'values' in relation to migration policy. Speaking at the press conference after the special meeting of the European Council on migratory pressure in the Mediterranean on 23 April 2015, Commissioner Avramopoulos said that the crisis was one that "related to the core values of the EU". It is common to hear European values used as a call to action on migration. For instance at the same meeting of the European Council on 23 April 2015, Italian Prime Minister Matteo Renzi told his fellow leaders "I'm not here to ask you – please save Italy with me. I'm here with you to save European values" (Renzi speaking to the BBC, 2019). The social media content of the Commission, Parliament, and Council are often 'European values' themed and references to values can be found in documents such as the 'European Agenda on Migration' that speaks of the need to "uphold our values, while securing our borders and at the same time creating the right conditions for Europe's economic prosperity and societal cohesion" (European Commission 2015: 2).

Feldman credits the functioning of the EU migration "apparatus" to "devices" including "technical standards" that create a common mode of processing information, linguistic "shifters" and the sense of community in their work that bureaucratic experts who are assembled temporarily experience (2012: 15). This thesis argues that belief in the European integration project and the shared values it is believed to symbolise and uphold is what animates EU migration and asylum policy making. I contend that though my research participants conceive of their work as operating with an ethic of *responsibility* to save Europe, and that they

frame their work as objectively evaluating "foreseeable consequences" they are also animated by a love of the EU. This follows Weber's observation that

> Surely, politics is made with the head, but it is certainly not made with the head alone.
>
> In this the proponents of an ethic of ultimate ends are right (Weber 2013: 127).

Policy makers' drive to act with an ethic of responsibility to save the EU is not done "with the head alone" and their love of the EU is largely tied to the values it encapsulates for them. Dâmaso et al found that amongst European Commission civil servants "attachments and allegiances to the Union run deeper … [than the single market] …transcending concrete economic concerns and reaching something nearer the spiritual" (2019: 12). It is my contention that this "near spiritual" attachment to the EU is what renders making European migration and asylum policy with an ethic of responsibility to save the EU an ethical project for my research participants, and values are key to this. The self-representation of the EU as a union built on values, and of EU action as driven by values invites discussion on what the values are, and what this means for EU migration and asylum policy and its impact on the EU integration project.

4.1 What are European Values?

In his ethnographic study of far-right European parties, Douglas Holmes (2000) looks at the history of key values that influenced the construction of the EU. Holmes draws our attention to the historical roots of the EU's political development, and is interested in the conceptual approaches behind the bedrock of the EU. Holmes contends that Catholic social doctrine and French social modernism "have imparted a moral perspective, organizational theory, and technocratic practice to the construction of this federal polity" (2000: 28).

Thomas Diez (2012) surveys EU Treaties and speeches by EU leaders to argue that although there may not be agreement on what exactly constitutes the "list of core values of the EU", it is clear that justice and democracy are common themes. Diez clarifies that justice refers to both the rule of law and the observation of human rights (2012: 524). When I asked interviewees what was meant by 'European values' the most common response was to cite Article Two of the Treaty on European Union which states that

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (TEU, Article 2).

A number of interviewees put human rights at the core of EU values. One Justice Home Affairs attaché from a member state Perm Rep (Permanent Representation to the EU) said European values is a reason for her continued admiration of the EU, even though she had become more critical of the EU since moving to Brussels. When I asked her what European values are she said that human rights are "still at the centre of everything" and that this was particularly evident in the Turkey statement and the process that lead to it. Von der Leyen lists "our common values: freedom, equality, democracy and respect for human dignity" (von der Leyen, 2019). The 'core values' of the EU then relate to human rights, freedom, equality and the rule of law. EU actors also refer to values associated with 'liberalism', which has been targeted by politicians in Visegrad countries (Rupnik, 2018).

4.2 History and EU values: a constant reminder of the need to save the EU

As mentioned above, EU values are often spoken about alongside the memory of the devastation of World War II, and peace in Europe is invoked as a reason to celebrate the EU and to save the EU from falling to the potential pressures of fascism, the realities of which were all too known in Europe's recent past.

In his controversial interview with *The Economist* in late 2019, French President Emmanuel Macron summarised a commonly held view of the history of the EU integration project and its gravity today when he said,

> Personally, I think Europe is a miracle. This continent has the greatest geographical concentration of cultural and linguistic diversity. Which explains why, for almost two millennia, Europe was rocked by constant civil wars. And over the past 70 years we've achieved a minor geopolitical, historical and civilisational miracle: a political equation free of hegemony which permits peace. And this is due to the fact that Europe experienced one of the most brutal conflicts, the most brutal in its entire history, and, I would say, reached its lowest ebb in the 20th century (Macron, 2019).

Macron invoked the horrors of Europe's past conflicts and juxtaposed this with the peace that is enjoyed in Europe today, the achievement of which is attributed to the European integration project. Tuuli Lähdesmäki (2019) examines how the European Parliament and European Commission narrate the "constitutive story of EU Europe" by analysing two heritage initiatives; the European Parliament's visitor centre 'Parlamentariam' and the Commission's 'European Heritage Label'. These EU administrative bodies narrate a constitutive story that connects the brutal history and the wonder of the EU in a similar manner to that of Macron. Lähdesmäki finds that in the "founding myth" of the EU narrated in these initiatives

> EU Europe rises like a phoenix from the ashes of the total destruction of WWII. Totalitarianisms, the death of millions of people and ruined cities in Europe are narrated in this founding myth as a turning point in history and as the root cause and initial

impetus to the development of the EU. Although the starting point of this myth is negative with its emphasis on extreme agony, violence, hatred, oppression and injustice, the myth turns the legacy of this turning point into a positive ethos of conquering these negative extremes and promoting their positive opposites: peace, freedom, justice, and solidarity (2019: 789).

This understanding of the EU project is not just in the museum in Brussels but is part of a shared common sense among Brussels based policy makers. This is frequently invoked by EU leaders, for instance in the conclusion of his 2015 State of the Union address, President Juncker made reference to the past turmoil when he said "All my life, I have believed in Europe. I have my reasons, many of which I know and am relieved are not relatable to generations today" (Juncker, 2015) and policy makers too shared this understanding. As Jeff Edmund Katcherian finds "the historical basis of present policies can still be seen in references to war and the ability to practice restraint in not 'killing each other'" (Katcherian 2012: 282).

Lähdesmäki reminds us that origin stories such as this contain "ideological attempts" and a look at how the EU constitutive story is told shines light on the purpose of the historical narrative (2019: 784). In the EU 'founding myth' the bloody past is invoked as a reason for why it is important to support the EU, to save it from those who would destroy it (particularly far right parties across Europe) and in this way is part of the impetus for policy workers to act with an ethic of responsibility to save Europe. The historical narrative is part of the 'ethic of responsibility to save Europe' because it is a reminder of the need to "give an account of the foreseeable results of one's action" (Weber 2013: 120) regarding migration policy decisions as failure to do so could be grave.

Lähdesmäki illustrates that historical narratives contain "ideological motives" to promote the EU and demonstrates this by examining an extract from the audio tour of the Parlamentarium that illustrates the place of nationalism in the 'founding myth' of the EU:

For decades, the stage of Europe progressed under the same principle: Each nation for itself. Countries fought to secure their own interests with force, if necessary. The dreadful consequences of this approach were the two World Wars (2019: 789).

Lähdesmäki contends that this extract is an example of how the "scape goat" for the post war ruins is "the national". "National interests" had to be discarded in order for a "peaceful and prosperous Europe" to emerge. Lähdesmäki argues that EU founding myths contain "ideological motives" including to promote acceptance of European integration. In this case the motive is to warn against focusing on national interests and to draw attention to the dangerous side of nationalism. This is important for our purposes because there is a narrative among migration policy makers that "the national" is resurging across Europe, is profiting off of the migration policy crisis, and that it is crucial to combat this resurgence because it brings with it the potential return to the bloodshed of the World Wars. The EU must be saved from the dark side of nationalism and migration policy is crafted and deliberated with this responsibility in mind.

As discussed in the previous chapter, policy makers are keenly aware that nationalist parties have been gaining ground across Europe. Certain national leaders are openly disputing key tenets of EU values, including the focus on European identity. In what looks like a move against scapegoating the national, Hungarian Prime Minister Viktor Orbán criticised EU efforts to downplay national identities when he said

I've been going to Brussels regularly for eleven years. The European elites—the political decision makers and the people who run the media—imagine that human development moves forward via the liquidation of our identities; that it is not modern to be Polish, Czech, or Hungarian; that it is not modern to be Christian. Instead, a new identity has appeared in their place, that of the European…The British have said 'no.' They have decided to remain British. … The identity of European does not exist. There

are Poles, there are Hungarians. ... All these phenomena observed today in Europe show
that a cultural counter-revolution is possible (cited in Rupnik 2018: 27).

The impact that the rise of the national has on migration policy was invoked by a MEP of the
Socialists and Democrats group when I asked him about the lack of progress at the mini summit
on migration in July 2018 he responded,

Yes, we are disappointed and the problem is with the new government for example in
Austria or in Italy the problems are increasing and they are not interested in finding a
solution which is based on fundamental Human Rights. They want one that says *Austria
first, Italy first* or something. And eh, therefore I wasn't really surprised that we didn't
achieve a step forward. *We can see a kind of nationalisation* in the EU.

The rise of the national is connected to migration policy in three significant ways; it is seen as
an obstacle to policy formation, policy makers often accuse nationalist parties of exploiting the
issue of migration to spread fear and increase their popularity, and thirdly the rise of
nationalism is taken into account when considering migration policy options as the need to
make policies that will lessen the appeal of nationalist parties is seen as essential. Thus the rise
of the national is part of what Europe is being saved from in an ethic of responsibility to save
Europe. The alternative to this is painted as leaving the way open for nationalist parties to rise
and the "founding myth" of the EU reminds us of the bloody outcome of nationalist parties
holding power in Europe.

This thesis argues that policy workers understand their work on migration policy as
operating with an ethic of responsibility, in Weber's terms. They operate ethically by giving
due consideration to the foreseeable consequences of policy decisions and the consequences
that they consider are those for Europe. Why saving the EU (and thereby saving Europe) is an
ethical endeavour is illuminated in this chapter. It is ethical to save the EU because the EU is
synonymous with core human values and is *needed* to uphold those values across Europe.

Lähdesmäki traces the linking of the EU institutions to upholding human values to the EU founding myth and cites as an example the European Heritage Label award to the buildings in Strasbourg, the report of which states

> Bilingual Strasbourg has a symbolic location in the centre of Europe. After the Second World War, European institutions created for maintaining peace were housed in an area which became the European district of Strasbourg. These institutions are the drivers of European consolidation; they are central to the strengthening of human rights and to the defence of democratic values and the rule of law. (EC, 2015: 14 in Lähdesmäki 2019: 790)

Lähdesmäki adds that

> The founding myth of EU Europe that emphasizes a temporal break has an explicit ideological motive; it promotes *the necessity of the EU and the EU institutions to create and maintain societal values, such as peace and prosperity, in Europe*. ([my emphasis] 2019: 790).

That EU institutions are necessary for upholding EU values becomes all the more critical at this particularly point in time when core values are under threat as will be discussed in the next section.

5. Challenges to European Values

Throughout my fieldwork I encountered concerns regarding threats to EU values such as solidarity, the rule of law, human rights, respect for minorities, freedom of the press and of civil society and commitment to liberal democracy. In January 2018, I attended the ALDE (Alliance of Liberals and Democrats for Europe) group's New Year Seminar entitled 'The State of Democracy, the Rule of Law and Fundamental Rights in the EU: Safeguarding a Community

of Values' held in the European Parliament. Guy Verhofstadt, (MEP, ALDE President) in his opening remarks emphasised that this is a decisive time for the EU because the threat to the EU is "no longer a hypothetical threat, it is a real threat". Mr Verhofstadt argued that progress made by the EU over the last 30 years is being undermined because there is open violation of the rule of law in certain member states who undermine the independence of the judiciary and curtail civil society. Mr Verhofstadt described certain Visegrad countries as turning their backs on several EU values saying

> What we are seeing is a new political narrative, embedded in so called 'Christian values' and the need to establish 'illiberal democracy,' and exaggerated anxiety against migrants, especially Muslim migrants or as Mr Orbán calls them Muslim invaders…The role model for such EU leaders is no longer Churchill, Mitterand, nor Merkel nor Macron, it is Vladimir Putin. A fine role model. And this is not just a case for CEE states but look at Bavaria…it could be Italy tomorrow.

Mr Verhofstadt echoed the sentiment discussed above, that Europe had been progressing along a set trajectory, with some continuation even between leaders, but that has been disrupted in a new way that calls into question even the basics, like liberal democracy. The rule of law crisis and the migration policy crisis both exposed a lack of meaningful consensus on the part of all member states on the basic values of the EU. Like Mr Verhofstadt, most commentators on how the migration policy crisis exposed a cleavage on values refer to Visegrad member states. There are good reasons for this, for example Hungary has engaged in push backs of migrants (with asylum claims) to Serbia, and Hungarian police have been accused of beating migrants (Human Rights Watch, 2016). On the other hand, these member states are not the anomaly deviating radically from a rights respecting norm in all other EU member states that is sometimes

presented[11]. In 2018 Oxfam found that French border guards were mistreating migrant children by detaining them illegally without food or water, taking their sim cards and verbally abusing them before sending them back to Italy (Oxfam, 2018).

It was the CEE states however who publicly and forcefully disavowed EU values of anti-discrimination and human rights. While the French border guards were abusing migrant children, French President Emmanuel Macron was justifying a stricter migration regime on the basis of wanting to host fewer people "in order to be able to *welcome* everyone *properly*" (Chrisafis, 2019). In contrast, in his (2015) Christmas address to the nation, Czech President Milos Zeman warned that Europe faced "an organised invasion", not a spontaneous movement of migrants, and in 2016, Slovakia's Prime Minister Robert Fico called for the rejection of all Muslim refugees (Haughton 2017: 260). The French president's rhetoric was consistent with EU values and the basis of migration policy while that of the Central and Eastern European leaders quoted here was disruptive on several levels.

On 31 January 2017, Donald Tusk wrote to the 27 EU heads of government or state in preparation for the Malta summit. Once again he was clear that the challenges were grave, writing that "The challenges currently facing the European Union are more dangerous than ever before" and he listed three challenges; the "internal situation": a rise of the nationalist, increasingly xenophobic sentiment in the EU itself; the "state of mind of the pro-European elites" relating to a decline in attachment to fundamental values of liberal democracy, and the external challenge of a changing geo-political landscape (Tusk, 2017). The first two challenges identified by Tusk relate essentially to EU values. It is more than the EU that is being

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[11]Human Rights watch accused Greek police of beating migrants while engaging in 'push backs' of migrants to Turkey (HRW, 2018). By 2018, Moria camp on the 'hotspot' island of Lesvos with a designated capacity for 2,000 housed 8,000 in unsafe and unsanitary conditions (Amnesty International, 2018). Spain has been accused of violating the rights of asylum seekers by conducting summary returns, including of unaccompanied minors (Human Rights Watch, 2019).

questioned, but the model of liberal democracy itself. One interviewee from DG Home said that "the EU was created as an example of liberal democracy and I think this is what guides us in our policies". As Mr Verhofstadt said, Viktor Orbán has declared himself in favour of an "illiberal state," saying that liberal democracy is incapable of defending the national interest, which he sees as the first task of government (Orbán, 2014 cited in Rupnik 2018: 26). Rupnik contends that

> It is no longer particular policies of successive governments that are being criticized; it is now the whole of the liberal vision underlying all these policies that is being called into question (2018: 34).

Several commentators have noted that the migration policy crisis, more so than the euro crisis, put to the test member state commitment to EU values. Didier Fassin notes that "In spite of its marginality—or maybe because of it—immigration has therefore become one of the most crucial sites where democratic states are put to the test" (Fassin 2011: 218). One Commission employee seemed to agree with Fassin when I asked her about EU values. She had mentioned European values and when I asked her how they interact with policy making in the field of migration she responded

> Commission expert: I think it's easier to uphold European values when we manage not to have irregular migrants who are not deportable.
>
> Me: In what way, because they're not challenged or?
>
> Commission expert: They don't know how to get rid of these people in a decent way. And we bring parties to power who care much less about democracy or free speech or facts based policy making. If Merkel would have let in 2 or 3 more million Syrians the AfD would have 30% and Marine[12] might be president of France

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[12] Marine Le Pen is the leader of the French far-right party *National Rally* (Rassemblement National), previously the National Front, and stood for election as president of France.

This policy worker articulated a clear connection between the EU not "managing" to keep the number of irregular migrants low, and the rise of far-right parties. She portrays these far right parties as divergent from EU values and therefore a threat to these values of "democracy". An ethic of responsibility to save Europe means saving Europe from these parties by incorporating the foreseeable consequences of policy decisions, in this case failure to exclude irregular migrants would lead to a rise in the far right.

Jacques Rupnik summarises the divergent approaches to the migration policy crisis and also the values underlying each approach in his assessment of member state reactions to the increase in the number of migrants arriving to Europe in 2015;

> This wave laid bare the contrast between two European approaches. Political leaders in Central Europe are on guard against the dangers that the migratory influx poses for the security and the identity of the nation and of Europe. Those who govern in other parts of Europe, such as German chancellor Angela Merkel, advocated the admission of migrants without limit in the name of 'European values,' which in her eyes flowed from the universality of human rights (Rupnik 2018: 33).

In this way, Rupnik demonstrates that what is at stake in member state disagreements over migration policy relates to fundamental questions regarding European values. According to Tim Haughton, the migration crisis was far more challenging to the CEE states than even the austerity that came with the Eurozone crisis because it tapped into a deeper sense of vulnerabilities. Haughton attributes this to the fact that for many of these states, their statehood had been created (or in some cases re-created) relatively recently and so in this post-Communist era the prospect of 'others' posed a potential threat to them (2017: 259).

Each time I interviewed MEPs from those Central and Eastern European states who opposed relocation they told me that countries like France, Germany and the UK are examples of the "failure of multi-culturalism" and gave the examples of "ghettos" where they said the

police cannot go and the 2014 Paris terrorist attacks which, in the minds of these politicians in Central and Eastern European helped to reinforce a perception that the integration of Muslim immigrants into Western societies had failed. They said that relocation would trap them in the same fate that other EU countries were now suffering. An official in DG Home with responsibilities for relocation was very much in favour of the scheme and deemed it a success but also said he could comprehend the opposition as "for Hungary and Poland we are determining the cultural composition of their societies so I think this is where the clashes are very clear."

Thus member states' reactions to the migration policy crisis has shone a light on the lack of consensus on or commitment to shared values. As Kelly Greenhill concluded, member state reactions to the arrival of migrants are "symptomatic of a larger set of underlying political and normative and ethical tensions" between member states (Greenhill 2016: 332). A JHA attaché of a Benelux member state perm rep while discussing the rule of law crisis in Poland and Hungary summarised her thoughts on this and the migration policy crisis saying that "perhaps in the past we were too optimistic that we all share the same values." Ethnographic data cited in this section has demonstrated both that policy makers see European values as in need of saving, and that the threat to European values is linked to migration policy. In an ethic of responsibility to save Europe, what is being saved is a project of peace and values, and it is being saved from the adverse consequences of a migration policy crisis.

6. An ethic of responsibility to save Europe: taking responsibility for "foreseeable results" of EU cooperation with Libya?

This thesis argues that Brussels based policy workers frame their work as acting with an ethic of responsibility to save Europe. Two issues raised by this when EU cooperation with Libya is

considered are: how the EU persists with its self-representation as an ethical force in the face of its cooperation with Libya, and if an ethic of responsibility means "accounting for foreseeable results" (Weber 2013: 120) then are the foreseeable results for migrants detained in Libya incorporated into this ethic? The EU has a long history of involvement with third countries who are guilty of human rights abuses against migrants. The case of Libya, however has been called "an extreme case" because "there is, arguably, no country in the EU's neighbourhood with more severe and widespread abuse of migrants than Libya" (Baldwin-Edwards and Lutterbeck 2019: 2254). The EU works extensively with Libya in their efforts to control migration into Europe. In 2015, Operation Sophia was established and with it the main basis for cooperation with the Libyan coastguard. In 2017, the European Council adopted the Malta Declaration, promising to "step up our work with Libya" with seven actions in Libya including training and equipping the Libyan coast guard.

These agreements were adopted at a time when the dire abuse of migrants in Libya was widely known. In December 2016 the Office of the United Nations High Commissioner for Human Rights (OHCHR) published its report 'Detained and Dehumanised' in which they state unequivocally that the situation of migrants in Libya is a human rights crisis. The report describes how the breakdown in the justice system has led to a state of impunity, in which armed groups, criminal gangs, smugglers and traffickers control the flow of migrants through the country. Migrants are subjected to arbitrary detention, torture, other ill-treatment, unlawful killings, sexual exploitation, and a host of other human rights abuses. Migrants are also exploited as forced labour and suffer extortion by smugglers, traffickers, as well as members of state institutions. In several detention centres visited by the UN, migrants were observed in large numbers in a single room without even sufficient space to lie down (OHCHR, 2016). In 2017, an EEAS (European External Action Service) Initial Mapping Report on the EUBAM

(EU Border Assistance Mission) to Libya, described dire conditions for migrants in detention centres:

> There are reports about these detention centres which describe gross human rights violations and extreme abuse and mishandling of detainees, including sexual abuse, slavery, forced prostitution, torture and maltreatment. Detainees do not have access to proper medical facilities. The trafficking of migrants for organs has also been reported. (EEAS, 2017 in Skordas, 2018).

In 2017, both the IOM (The International Organization for Migration) and UN Secretary-General reported the existence of 'slave markets' in Libya, also involving extreme violence against migrants. When CNN showed concrete evidence of the slave trade the suffering of migrants in Libya caused public alarm (Skordas, 2018).

No EU officials I met denied that the situation is horrific in Libya, they called it "a stain on humanity", "completely dire human rights abuses", and "depressing". I am interested in how EU cooperation in Libya interacts with EU values and how officials frame working with human rights abusers, as a union "founded on values" at the core of which is "respect for human dignity". The dominant framing that emerged from interviews and participant observation was that the EU bore no responsibility for the situation in Libya, and officials pointed to both the 'good' work the EU was doing in Libya, and to those who were, in their opinion, responsible for the atrocities in Libya. The topic of *International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militia* was discussed at a workshop of that title at the Odysseus Network (Academic Network for Legal Studies on Immigration and Asylum in Europe) Annual Conference I attended in Brussels in 2018. The convenor introduced the workshop by asking panellists to consider whether the fact that the EU and its Member States collaborate closely with the Libyan coastguard by providing training, equipment and funding, with the *knowledge* that human rights abuses are committed, means

that there is responsibility on the Union for direct violation of human rights. The first panellist was Alexandra Gatto, (Desk Officer Libya, EEAS European External Action Service) and her presentation of the EU's mission in Libya provides some understanding of how officials situate their work in relation to the question of EU values and an ethic of *responsibility*. Gatto began by saying that her role was to provide some facts. This was a common response from officials questioned on Libya who said that many critiques of the EU were based on a false understanding of where legal responsibility lies, and the actual policy of the EU on Libya. She continued her presentation by saying that it is important to understand the broader picture of what the EU is trying to achieve in Libya overall and proceeded to list some of those actions not directly related to migration control; supporting mediation at a local level, strengthening of governance and the judiciary, supporting civil society organisations, human rights defenders and the needs of the Libyan population in health and education, including €30 million in humanitarian support to aid those who are internally displaced due to conflict. She went on that the EU institutions condemned the human rights abuses and slavery "in the most straightforward way", and the EU had been taking positive action to improve the situation on the ground and that the Libyan coast guard had saved lives. As well as providing funding, the EU worked with IOM to conduct 'assisted voluntary returns,' and began evacuation in view of resettlement. She concluded very definitely that

> This very brief overview has shown that not only is the EU not contributing to human
> rights abuses, but is actively using political, diplomatic, financial measures to actively
> improve the situation on the ground.

This sentiment was echoed when I met two people who were working 'on the ground', one official of the EU mission in Libya and one military officer involved in the human rights and English language training of the Libyan coast guard (the training does not take place in Libya). The official based in Libya spoke about the importance of the work the EU was doing with

Libya, to help them to prepare for elections, since the mandate of the Government of National Accord had expired six months ago, and to help them in securing their Southern border in order to "protect Libya's economy". The military officer described how she had not known what to expect before beginning the training but had found the Libyan coast guard officers she trained to be "great guys". I asked her how they address incidents like that of the Libyan coast guard whipping migrants they had rescued (as documented in video in *The Times* showing guards assaulting the men, women and children in the boat, see Kington, 2017). She responded that the situation is more complicated because "a lot of the time they are not really the Libyan coast guard" and so it is likely that they are some criminal group calling themselves the coast guard. In this way she distanced the EU from those committing abuses. This was a common device for maintaining the narrative of the EU as an ethical actor.

A defining feature of an ethic of responsibility is assuming responsibility for adverse even unintended consequences of one's actions. Weber describes this as one of the characteristics separating an ethic of responsibility from an ethic of ultimate ends which would say that

> If an ethic of good intent leads to bad results, then in the actor's eyes, not he but the world, or the stupidity of other men, or God's will who made them thus, is responsible for the evil. However a man who believes in an ethic of responsibility takes account of precisely the average deficiencies of people. … He does not feel in a position to burden others with the results of his own actions so far as he was able to foresee them; he will say: these results are ascribed to my action (Weber 2013: 121).

I argue that, though my interlocutors articulate their work as acting with an ethic of responsibility, they did not assume responsibility for the adverse consequences of EU cooperation with Libya, *for migrants*, as theirs is an ethic of responsibility *to save Europe*. In addition, interviewees deflected responsibility from the EU as they did not accept that EU

actions including border control resulted in migrants being in Libya in the first place. When I discussed this with personnel of EEAS, DG Home, and the Council they all pointed out that Libya had a significant history as a destination country for migrants, rather than as a transit country and so migrants were already in Libya, without necessarily having Europe as their destination. Some interviews also said that the reason migrants were in Libya was because "they think that they will get picked up and brought to Europe" because a "pull factor" has been created by search and rescue operations (SAR). Interviewees insisted that slavery had existed in Libya "forever", and it was "normal there" so therefore not related to the current context. One MEP said that "trade in humans is what these desert populations have been doing for centuries". An official from DG Home explained to me that the treatment of migrants in Libya is very racialized and the people in detention centres are from Sub Saharan Africa. He went on to say that "even Libyans in key posts are racist." In this way the situation is portrayed as the EU trying to do some good by working with a partner whose behaviour includes slavery and racism, and who cannot manage a situation of migration in their own country which they themselves created before any EU involvement.

The previous chapter 'Understandings of Migration' discussed how smugglers are spoken of as creating a pull factor luring migrants to Europe, and as unscrupulous "merchants of death." When I asked an official from EEAS about the EU's aims in Libya, he began his response by saying that since the death toll increased there has been a shared sense of urgency between member states "that the situation can't go ahead with manslaughter, which is essentially what it is". For a moment I was shocked because I am very used to hearing migrants' rights activists accuse the EU of manslaughter of migrants, but I realised after a moment that he of course meant that it was the smugglers who were guilty of this crime when he followed up by saying that this urgency had triggered the mission to stop smuggling. He is essentially saying that the smugglers are guilty of manslaughter. The Deputy Director-General for

Migration and Home Affairs, speaking at an academic conference said that it is "smugglers who are bringing misery and exploiting human beings". In this way, policy makers avoid responsibility for the fate of those migrants whose lives are shaped by EU migration policy and border control efforts, since it is smugglers who take their money and put them in unsafe vessels and are therefore directly responsible for their suffering.

In his analysis of policy documents, Feldman found that Frontex' border control work in cooperation with third countries is framed in a way that makes the EU "a passive player" simply responding to "events that history throws at it" (Feldman 2012: 98). A similar approach can be seen in the discourse in more recent years. In April 2015, in his remarks after the special European Council meeting on migration, Tusk stated "Let me be clear. Europe did not cause this tragedy. But that does not mean we can be indifferent" (Tusk, 2015). I have argued here that EU officials reconcile the EU being a force for values, in the face of atrocities in Libya for which they are accused of being complicit or even legally responsible (see Skordas, 2018). They do this by pointing to the good work that the EU is doing in Libya, in the context of what they frame as a pre-existing situation not of the EU's making, and apportioning the responsibility to some obvious culprits like the smugglers. By pointing out that Libya was hosting migrants long before EU involvement, and that many migrants there did not intend to travel to the EU, policy makers can make a case that they are intervening in a bad situation to try to improve it and bring the good influence of the EU. For my interlocutors their ethic of responsibility endures because the EU is not imagined as being responsible for the abuse of migrants in Libya.

6.1 Working with an unsavoury partner – better than doing nothing?

The well documented human rights abuses of migrants in Libya have not impacted on EU cooperation with Libya. Baldwin-Edwards and Lutterbeck conclude that even though it is well

known that the Libyan authorities commit dire abuses against migrants, "they are seen as legitimate partners in the EU's efforts to stop irregular migration flows" (2019: 2254). This view that they are legitimate partners was dismissed or scoffed at by some of my interviewees, but earnestly supported by others from the European External Action Service (EEAS) and a member of the military who had trained the Libyan coast guard. Some interviewees who said that the Libyan authorities are not legitimate partners wished for the EU to continue working with them, or with whoever they could in Libya.

At the Odysseus Network workshop described above, the EEAS Libya desk officer repeated what her colleague from DG Home had told the conference that morning, that "not engaging was not seen as a solution in the face of the increasing number of deaths, in particular in the Mediterranean". The sentiment of choosing to act rather than to do nothing in a dire situation was echoed by a number of interviewees in the following months, including an official in DG Home who said that the choice is to either work with "an imperfect partner" or not intervene at all and "if you intervene, that's what happens". An interviewee from EEAS pointed to some minor "progress" in Libya, that in the previous one and a half years there had been a decrease in the number of detention centres in Libya, and that they have more access to the detention centres than before. During the same interview when I asked him if he had visited detention centres in Libya he said that even though the one he had visited had been most likely prepared for his visit and so was probably "better" than the other centres, it was "still awful, really awful".

Framing EU work in Libya as a choice between "doing nothing" and working with "unsavoury partners" recalls Michael Walzer's (1973) "dirty hands dilemma." Walzer asserts that while it is not possible to "govern innocently" it is possible to "do the right thing while governing" (1973: 161). Walzer asserts that an actor in the public realm who chooses to "remain innocent" "fails to do the right thing (in utilitarian terms)" and "fails to measure up to

the duties of his office" (ibid). This failure would make them largely responsible for any negative outcomes and consequences of the inaction. Walzer's work builds on Weber's discussion of the ethical duties of a political actor who cannot follow the dictate "'Resist not him that is evil with force," without being "responsible for the evil winning out" (Weber 2013: 119).

6.2 Working with Libya: an ethic of responsibility to save migrants or to save the EU?

In Walzer's terms then EU cooperation with Libya relates to both the need to fulfil the duties of office, as a public servant, and to doing good in utilitarian terms. Interviewees spoke of the need to act in Libya in order to prevent further deaths in the Mediterranean. The choice almost seems to be framed as one between allowing people to drown, and working with an unsavoury partner. But what are the duties of office and what counts as a utilitarian good in this situation? An ethic of responsibility in Weber's terms would dictate rising above one's desire to remain pure by refusing to cooperate with a partner who goes against one's values. An ethic of responsibility demands the actor consider the consequences of their actions, or inactions. In this case then research participants who framed their action with Libya as necessary in order to prevent drownings are framing their work as an ethic of responsibility. However, I have argued that theirs is an ethic of responsibility *to save Europe*, which means acting in consideration of the consequences primarily for Europe, not for migrants.

Rainer Bauböck disputes the grounds of the argument that the EU is compelled to work with human rights abusers in Libya in order to save migrants. He accuses those who argue for these types of policies in order to deter migrants from taking dangerous journeys of wanting to "claim the moral high ground for themselves" (2019: 2). He is critical of the basis of the

argument which he says rests on a willingness to sacrifice fundamental rights of individuals for a presumed but uncertain greater benefit. Bauböck goes further though than simply disagreeing with the reasoning and accuses proponents of the argument of political hypocrisy as he says

> the transparent goal is not to prevent migrants from drowning but to win votes through whipping up xenophobia and to dismantle European integration through flagrant non-compliance with the EU's laws and values (2019: 2).

Although he does not specify, by talking about 'winning votes' Bauböck is not referring to EU policy makers or even those politicians who argue against SAR but are pro-EU. This is an oversight because it gives the impression that the argument he is criticising is the preserve of anti-EU politicians when, as I have shown this is in fact common among pro EU politicians and policy workers. When it come to my research participants, I would not go as far as Bauböck and argue that they are somehow purposefully using "the moral high ground" in order to pretend they care about migrants' lives as a veil for their "real" more nefarious agenda. I do however question whether preventing the deaths of migrants is the primary aim or driving force behind engaging with Libya, as discussed below with an analysis of research participants' discussions on EU Libya cooperation.

EU operations in the Mediterranean involve sending migrants back to Libya where they certainly risk torture or death and have almost no hope of accessing international protection. Under Operation Sophia the EU provides funding to the Libyan coast guard[13] who intercept boats of migrants and refugees and take them back to Libya. These people are then usually kept

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[13] Libya is the main beneficiary of the EU Trust Fund for Africa (EUTF) North Africa window created in 2015. The EUTF is the main tool for actions in support of migration related actions in Libya but the EU also provided assistance to the Libyan coast guard through civilian/military missions under the CSDP (Common Security and Defence Policy). The forms of these supports are outlined in more detail in the 'security' chapter.

in detention camps with horrific conditions. Since it is set out in the Maritime Surveillance Regulation that disembarkation should take place "in the third country from which the vessel is assumed to have departed and only '[i]f that is not possible' (due to legal/factual impediments), will interdicted/rescued persons be brought to EU territory", if vessels have departed from Libya they will be returned to Libya. Thus there is a large risk of violating the principle of refugee law *non-refoulement*, which provides that no one shall expel or return ("refouler") a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom (Moreno-Lax 2018: 133). Regarding the stated aim of preventing drownings, Violeta Moreno-Lax cites a 2016 EEAS report that found that Operation Sophia had not dissuaded migrants from attempting the crossing from Libya to Europe. Instead, the outcome was a significantly increased death toll.

> The likelihood of perishing at sea – despite enhanced surveillance and EUROSUR round-the-clock activity – has mounted from 'one [in] 269 arrivals ... [to] one for every 47' in the Central Mediterranean (UNHCR, 2016 in Moreno-Lax 2018: 129).

Moreno- Lax argues that by framing their efforts as humanitarian work the EU agencies escape critique for carrying out problematic (potentially lethal) control, instead redefining it as a life-saving tool, and ultimately these efforts are more concerned with protecting the border than with protecting the lives of migrants attempting to reach Europe.

In early 2018, I had a long interview with a MEP from a centre right party of one of the six founding countries of the EU. He sat on relevant committees and had in that capacity visited refugee camps in Europe as well as some African countries that assist in EU border control, and had strong opinions grounded in those experiences, even if he made rather controversial comments. He appeared to see EU Libya cooperation as conceding to do something unsavoury in order to save lives because when I asked him whether he thought that the EU being in

partnership with Libya undermined the EU's international position in relation to human rights and its normative power he responded,

> No, the thing is we are not doing this because we want to. I mean I'm absolutely convinced that the Italian government did not happily and gladly and voluntarily negotiate with the people they were eventually sitting down with. They simply did not have a choice. And in case of needs, I tell you that in terms of human rights, if this saves a few thousand people from drowning in the Mediterranean I'm not sure whether it's reprehensible in human rights terms. I know the detention terms in Libya is not fun. Certainly not fun. Plus the slavery images from Libya and realities we have seen and what not.

Here he appears to view EU Libya cooperation as valuable because of its life saving project, however his later utterances add complexity to this. Throughout the interview this MEP expressed serious concerns about what could happen in Europe if more African people came to Europe. His argument was that with advanced technology the number of Africans able to come to Europe was huge, and that since Europe doesn't even have enough jobs for the existing "not particularly qualified" segment of the population due to automation and other changes in the economy, this is a problem. In fact he saw it as a big problem: "European societies are going to fall all over themselves, we will have civil wars, and we will definitely be eclipsed from the rest of civilised humanity from that moment on." Given the gravity of his pronouncements on what will happen to Europe if more African people move here, this raises the question of whether he sees EU cooperation with Libya as necessary to "save lives" or to save Europe from "being eclipsed from the rest of civilised humanity".

Several interviewees spoke about how cooperation with Libya was key to reducing the number of migrants arriving to Europe, for example a Justice Home Affairs attaché explained how Italy had made a deal with Libya before the EU and said that "Everyone clapped Italy on

the back for being proactive in getting the numbers under control." He did not say that his colleagues had applauded Italy for saving lives by cooperating with Libya, but for reducing the number of migrants arriving to Europe. Reducing the number of arrivals is seen as key to preventing the rise of the far right and so while saving lives can be a motivation for cooperating with Libya, I think it is fair to say that so too is 'saving Europe'.

As discussed in the Theory and Literature chapter, Weber contends that "one must be willing to pay the price of using morally dubious means or at least dangerous ones" (Weber 2013: 121). I have cited Walzer's 'dirty hands dilemma' that a political actor is obliged to accept "morally dubious means" in order to fulfil the ethical duties of public office. The ethnographic data in this section has not depicted EU policy workers as willing to accept that *the EU* employ "morally dubious means" in the case of cooperation with Libya. Instead, they distanced the EU from the morally dubious actions with assertions that it is not the EU but its partners who carry out the bad actions, and that the EU in fact does a lot of good in Libya. If policy workers did not accept "morally dubious means" for the EU but acknowledged that the EU cooperated with an "imperfect partner" they justified this as a necessary action to save lives. It is my contention that the aim has been to save the EU. By permitting themselves to cooperate with a partner like the Libyan coast guard they are, according to the "official line", acting ethically because they are doing it to save lives. However this section has argued that a closer analysis shows that the primary aim is to save the EU. Cooperation with Libya is part of an ethic of responsibility to *save Europe*. I argue that cooperation with Libya is seen as part of saving the European integration project and thus is framed as the ethical choice, rather than as being symptomatic of being divorced from ethical reflection in the manner described in Feldman's (2012) ethnography of the "migration apparatus".

7. An ethic of responsibility to save Europe: What ethical duty towards migrants and refugees?

This thesis argues that migration policy workers articulate their work as an ethical endeavour, as acting with an ethic of responsibility to save Europe. An ethic of responsibility in Weberian terms requires attention to the consequences of an action. This raises the question of the consequences for whom, and I argue that the consequences considered are those that impact the EU. In this chapter I have argued that migration policy makers see their policy work as saving the EU, a union that is worth saving because it is a union of values. Is their duty to EU citizens who they serve as public servants, to all of humanity, or is their ethical duty to the overall system of a union of values and example of liberal democracy? I wish to examine here the extent to which policy makers' ethic of responsibility incorporates responsibility for refugees and migrants. Hannah Arendt famously addressed the question of responsibility for refugees in her study of the nature of human rights through her observations of the situation of refugees and minorities in the fall out of the two World Wars. She concludes that once a person loses their state or the protection of their state, they essentially have no meaningful rights since rights are guaranteed by one's state. Despite political declarations that rights are inalienable, Arendt says that the situation of 'stateless' persons proved that these rights were unenforceable "whenever people appeared who were no longer citizens of any sovereign state" (2017: 383). The loss of community membership means also the loss of "the right to have rights" when one no longer belongs to a community that can enforce or guarantee rights. Arendt traces the basis of this to the end of the eighteenth century when the declaration of the Rights of Man meant that "from then on Man, and not God's command or the customs of history, should be the source of Law" (2017: 380). No external authority other than Man existed to guarantee rights

and this is important in how it relates to sovereignty. Arendt points out that since it was the people who were sovereign, 'the Rights of Man' would be guaranteed by the people.

> The whole question of human rights, therefore, was quickly and inextricably blended with the question of national emancipation; only the emancipated sovereignty of the people, of one's own people, seemed to be able to insure them (2017: 381).

The problem then of what happens to those who no longer belong to a community, "the people" that can guarantee their rights only arose much later, in the aftermath of World War I. For Arendt, the Minority Treaties made clear that "only nationals could be citizens" because for persons of different nationality it was necessary to have a "law of exception" until or unless they assimilated completely to the nation of the state (2017: 359). According to Arendt this proved that the state had been transformed from an instrument of law into an instrument of the nation. When national interest took precedence over law it followed that the state guarantees the rights only of those who belong to the nation. The existence of international laws regarding the treatment of refugees does not fundamentally challenge this. Arendt shows that the dilemma for refugees is that

> Not the loss of specific rights, then, but the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity which has befallen ever-increasing numbers of people. Man, it turns out, can lose all so-called Rights of Man without losing his essential quality as man, his human dignity. Only the loss of a polity itself expels him from humanity (2017: 389).

Arendt's argument is based on a conception of the nature of the state, as a state that only guarantees rights to its own nationals. For a number of scholars, the European Union as a unique project built on the idea of freedom of movement that dissolved the importance of national borders, a project to overcome the dark side of nationalism held the possibility of a reconfiguration of how states relate to non-citizens, but ultimately has not achieved this (Diez,

2012; Thym, 2013). Thomas Diez (2012) enquires into whether the EU is "sui generis enough" to represent a different vision of polities, one that would truly transform the nature of borders. Diez uses the example of external border control to demonstrate that the EU has not overcome the tension between

> the core norms of sovereignty and non-intervention guaranteeing order and self-determination, and the notion of world society, with human rights and transnational welfare (2012: 528).

Diez concludes from the EU's management of its external borders that while "freedom" may in theory apply to all people regardless of territorial boundaries, it is still guaranteed through citizenship and therefore through the state (2012: 534). The EU has not offered a different model to one where states are primarily responsible for the welfare of their citizens. In other words, the quandary articulated by Arendt holds true in the EU despite its reconfiguration of borders as a 'sui generis' project. It is of course true that EU member states have ratified international conventions and are bound by international law and that ratifying the 1951 convention is a condition of membership. However, for Arendt such agreements continue to treat the refugee as an exception, in need of a law of exception rather than being part of the polity claiming rights.

Arendt's argument that rights are connected to polity appeared to be borne out in some of my interviews when policy workers framed their work as a duty to their polity and not to those outside of it. When I asked an attaché from a member state perm rep about interacting with NGOs she noted that "their point of view is that of migrants and ours is the state". Later, on the topic of criticisms of the EU she was adamant that the EU is often criticised for things beyond its control, for instance the conditions in detention centres in Libya. I asked her how she "squared that circle" since the only reason the migrants were in Libya was because of

European border control and refusal to allow them enter EU territory. She thought about it for a few moments before responding with an analogy:

> That's true, but ehm … let's say if you …. You've a bar, and a bouncer, and the bouncer he bounces some people not acceptable, he is not responsible for people on the street, but for people inside. So we're not responsible for everyone who wants to come here, otherwise we're responsible for those we let in and for those we don't.
>
> She asked my opinion and I said that I think the EU has responsibility because those people are prevented from coming here by EU border control, so if there are push backs (of boats) then there is an ethical if not legal responsibility. She returned that the state has to be in charge of controlling who comes in. If we were to be responsible for everyone attempting to come it would mean the breakdown of Europe …

These comments fit into an ethic of responsibility to save Europe, in limiting responsibility in a way that absolves the EU from taking responsibility for those outside of its territory. An ethic of responsibility can prevail if the responsibility is towards Europe, preventing the "breakdown of Europe", and not towards all those "attempting to come".

If the EU is imagined as a bouncer keeping certain people out of the territory, yet responsible for those inside then does it follow for this line of thought that the EU is responsible for *all* of those inside, not just EU citizens but also refugees and migrants, and what does this say about the link between territory and rights? Papoutsi et al have used their field research on the island of Lesbos and in Athens to produce a stimulating theoretical examination of how hotspots have produced a "swift untangling and re-entangling between territory, citizenship and rights" (2019: 2210). They describe how the operation of hotspots in Greece has created what they call a "liminal" space because firstly, hotspots are the parts of the territory next to the border, "the threshold separating the outside from the inside" and secondly, they have become a "space of exception" (2019: 2207). The hotspots apply certain practices and

standards that either do not adequately comply with, or are contrary to, the EU asylum and immigration acquis. Many newly arrived migrants have been trapped in prolonged detention without access to asylum, have not received the right information in order to apply for international protection, or have been swiftly returned as a result of the hotspots approach that separates those deemed eligible to *apply* for international protection from the 'others' who are detained and returned (Papadopoulou, 2016). Papoutsi et al call this "a sorting space that filters through the 'deserving few' and detains or removes the 'undeserving' and the '*rightless*'" (2019: 2201 [my emphasis]). In this way then, the operations at hotspots mean that the people there have "negative, increasingly right-less relationship with the spaces they inhabit" (ibid). This entails a degree of de-linking between territory and rights, meaning that in Arendt's terms refugees lose rights when they lose membership of a community that can guarantee those rights. In addition, even the rights they have as "exceptions" are linked to territory since the state is responsible for guaranteeing some minimum rights for those 'exceptions' on their territory, are now challenged by hotspots. Papoutsi et al describe this as

> the border-like evaluation of who is to be included or excluded is redrawn; departing from the border it follows those traversing inward the EU, and it now incorporates entire territorial segments of exemplary post-Westphalian western states: the EU's so-called front line states. (2019: 2207)

The interviewee quoted above asserted that the EU cannot be responsible for those not on EU territory. The idea of liminal space raises further questions about the extent to which the EU is acting as responsible for those who are on its territory, or creating new spaces that challenge this link between territory and rights for non-citizens. This fits into a frame of ethical responsibility to save Europe because I argue that policy workers can maintain an understanding of their work as an ethical project when their project is to save Europe, and their ethical duty as public officials is towards the European Union.

The question of ethical duty towards those outside of the polity is addressed by Matthew Gibney (2004) in his work on "the ethics and politics of asylum in liberal democracies". Gibney characterises asylum as a site of struggle between those who are trying to escape desperate situations, and those citizens who want to limit access to the territory and resources of their community (2004: 2). He is critical of those political theories that fail to take into account the "legitimate difficulties and dilemmas" that confront those who are charged with constructing entrance policy (2004: 17). For Gibney, a theory on the proper ethical duty of states regarding access to their territory, must strike a balance that refuses to accept the "very restrictive" practices of today while escaping the trap of falling into irrelevance by being too utopian. He assesses what he sees as the two dominant ethical perspectives on the responsibilities of states in entrance.

Firstly, partiality argues that states are morally justified in privileging the interests of their own citizens in entrance. The basis for their claim is that for partialists, individuals' identities are constructed largely by their membership of cultural and national communities and that individuals have the right to publicly express that identity, and to protect the "integrity" of their communities (2004: 25). Gibney criticises the partialist argument for glossing over the ethnic and cultural diversity of contemporary liberal democracies, and for overlooking "many features of modern states that make them dubious claimants for moral immunity from the interests of outsiders" (2004: 58). Impartiality on the other hand requires the state to consider the claims of members and strangers alike. Gibney outlines the two strands of impartiality; that based on global liberalism which prioritises the right of all individuals to move to where they wish to live, and the utilitarian claim that a state is obliged to accept refugees up to a point where the costs outweigh the benefits (2004: 63). Gibney is not convinced by the impartialist argument as he says that while goods and capital can move freely they do not bring with them

the same moral obligations or changes to the community that people do, and so it does not make sense to apply the same logic.

Rainer Bauböck (2019) also attempts to flesh out an alternative vision for a political ethics of migration in Europe by asking fundamental questions about what duties democratic states have to admit migrants and refugees. Bauböck cites the decades long debate on whether immigration controls can ever be legitimate but his aim is to concentrate on how this can play out in Europe today. He seems to agree with some of what Betts and Collier (2017) argue in *Refuge*, that Europe should focus efforts beyond asylum on EU territory and support neighbouring countries to provide international protection. However, this leads Bauböck to ask "Are non-entry policies and the aim to deter asylum seekers from trying to reach European borders and coasts then ethically justified after all? My answer is no" (2019: 12). His reasons for answering 'no' are that refugees' rights to international protection are enshrined in law, and non-entry policies feed into the agenda and discourse of populists and are thus not politically prudent.

These debates are relevant to how an ethic of responsibility is conceived and how EU values interact with migration; the extent to which a state or political entity like the EU is expected to apply their values to those outside of their polis who wish to reside on their territory, and to an ethical framework that is based on an ethical imperative to save the political entity and its values. The question of whether migration policy officials have an ethical duty to migrants and refugees or to the political entity is addressed by Federica Infantino's (2019) ethnography of Schengen visa officials. In her fieldwork in the visa sections of the Italian, Belgian and French consulates in Morocco Infantino found that the consulate staff assessing Schengen visa applications asked themselves similar questions regarding the state's right to exclude. Her research participants declared that their duty in their work was to do what was best for the state, not for the visa applicant. A French interviewee understood "from a human

point of view" the Moroccans who wished to travel to where their families lived in France and receive health treatments there, but concluded that it was not possible because of the health services bill for the state (2019). A good illustration of their position is summarised by this quote from a visa worker

> I understand and can justify it as a human being, everybody would like to go to the West, but as a representative of the state I cannot (Infantino 2019: 250).

The issue of whether one should have in mind the interests of the refugee or of the state/ political entity was not always as clearly addressed in Brussels as it was by Infantino's research participants. Policy workers in Brussels speaking both at public events and in anonymous interviews, sometimes paused to clarify that "at the end of the day we are talking about human beings", indicating a sense of responsibility to migrants when deliberating EU migration policy. A Justice Home Affairs (JHA) attaché described an event that the Commission organised in conjunction with the Italian presidency in 2014 which seemed to aim to encourage attachés to think of the individual human beings whose lives were impacted by migration policy

> It was maybe the last days of Cecilia Malmström's time as Commissioner for migration and so the Commission and Italians organised an event with journalists really trying to make us on JHA understand the reality. Lampedusa[14] had already happened. They reconstructed it, with the screams of the people and some images and an actor, running form side from side as though on a sinking boat. We heard the first cries and the first calls for help. It was extremely moving. I saw that many people were crying. I will never forget it. They wanted us to understand. The Commission were pushing to show us that really everything is about human beings, everything we do is at the end of the day about human beings not just other things.

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[14] On 3 October 2013, a boat carrying people from Libya to Italy sank off the Italian island of Lampedusa. Over 360 people died and 155 survivors were rescued by the Italian Coast Guard.

Encouraging a group of JHA attachés to think of the individual human being impacted by the policy, in some ways diverges from what interviewees reported, which was that they had to think in terms of saving the EU, and EU values. One policy maker in DG Home in an interview four years after the event described above stressed the gravity of the situation that, "Europe is falling apart, Schengen is going to fall apart if we don't do certain things". He listed these "certain things" as "so we have to do an agreement with Turkey, or we want to train the coast guard of Libya". His statement suggests that the priority is to save Europe from "falling apart" because the EU Turkey statement and the training of the Libyan coast guard are not in the interest of the refugee or migrant (despite arguments that they contribute to "saving lives" by discouraging migrants from embarking on unsafe boats), but are done with the survival of the EU in mind. In Arendt's terms the refugee is not part of a people who will guarantee their rights, even if the above exercise during Malmström's tenure did succeed in making policy makers think of the individual refugee, their overall duty is to ensure that Europe does not "fall apart". Schengen is more than an area that facilitates trade, it is part of what Macron described as a "miracle" and represents the extent of peaceful cooperation between member states. Ensuring that Schengen does not "fall apart" is part, in the policy maker imaginary, of protecting a peace project, and European values. An ethic of responsibility to save Europe helps to understand how policy workers frame their work, with a responsibility to save Schengen and thus save Europe.

Conclusion

Today is exactly 86 years that Hitler came to power in Germany. Weeks later he opened the first concentration camp…Every bit of humanity you take away from another you strip it of yourself, so this was the Germans stripping their own humanity. Every bit of

humanity you take away from a migrant or refugee you strip it off yourself. Each time

we deny refuge to someone fleeing, we not only take a part of their humanity away we

strip ourselves part of our humanity. If we lose that as Europeans, we have nothing left

(First Vice President of the European Commission, Frans Timmermans, January 2019).

Timmermans made this comment at the FEPS[15] New Year's reception in January 2019 in

response to a question about his stance on migration. Like Timmermans, a number of EU leader

invoked European values in the context of EU responses to migration and the importance of

values to European identity. This line of thinking was illustrated in a speech by Commissioner

Dimitris Avramopoulos.

The Christmas break was again marked by migrant arrivals and Search and Rescue

activities. Let us be frank: the past weeks have not been Europe's finest hour. Having

forty nine people on boats at sea, for almost 3 weeks, is not what the European Union

stands for. The European Union is about human values and solidarity. And *if human*

values and solidarity are not upheld it is not Europe. (Avramopoulos, 2019 [my

emphasis])

The message from these senior figures in the Commission is that without European values there

is no EU, or at least not the EU that we know, and they call for migration policy to adhere to

European 'values'. Adhering to values in order to maintain these values is a characteristic of

an ethic of ultimate ends, as Weber calls it "seeing to it that the flame of pure intentions is not

quelched" (Weber 2013: 121). Those on the other side of the EU migration policy debate[16]

often seemed to characterise these types of utterances quoted above as unrealistic and idealistic.

Tusk himself remarked upon this when he noted how his post summit speech to Parliament

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[15] The Foundation for European Progressive Studies (FEPS) is the think tank of the
progressive political family at EU level.
[16] For a compelling analysis of the debates between EU leaders in the post 2015 period see
Hugo Brady, 2021, 'Openness versus helplessness: Europe's 2015-2017 border crisis'

was received compared to Parliament's reaction to Juncker's speech. Speaking in a BBC documentary, Tusk said that Juncker was applauded for making an appeal to "open the doors to stop people coming through the windows" and that his own appeal for border protection met with a cold, hostile silence (BBC, 2019). Along similar lines, an official from the Council expressed frustration at what they saw as a lack of willingness on the part of several EU officials, in particular from the Commission to take on board 'the reality' of the migration situation. Gesturing out the window of the café were we sat, uphill towards the Schuman roundabout they said that "this place" was full of "unthinking liberals" who they later referred to as "salon intellectuals" who are shielded from democratic elections. This was another case where I had the impression that these policy workers were frustrated by those who they saw as taking the moral high ground because they felt that their preferred solutions were impractical and that it was up to the policy workers to 'clean up the mess'. Being "shielded" from elections is similar to Weber's characterising of the follower of ultimate ends as being "shielded from" or simply not attending to the results of their actions (Weber, 2013).

This chapter has featured quotes from a number of interviewees who spoke about their work on migration policy in the context of the rise of far-right populists. They framed their task as being to reduce the chances that these parties would come to power or gain more influence and they saw the route to that not in sticking firm to one's values by "opening your homes" (to use Juncker's phrase in his 2015 State of the Union) but in reducing the number of migrants entering the territory, and especially in demonstrating to the population that the borders are "controlled", in order ultimately to protect European values. This recalls Delanty et al's critique of liberalism's capacity to negate racism in which they say that according to "the legacy of the liberal idea of tolerance" migrants must be excluded "in order to protect the liberalism of the majority, who must also be protected from becoming intolerant" (2008: 9). Those policy workers who articulated their work as taking into account the political context in

order to best 'save Europe', prevent the rise of Eurosceptic parties and thus save European values, articulate their work as an ethic of responsibility to save Europe.

It is important to note that while these comments from the Commission and the Council have demonstrated characteristics of the two ethics as outlined by Weber, I am not suggesting that either institution was homogenously one or the other and I have quoted many interviewees from the Commission who adhered to an ethic of responsibility to save Europe, even if their senior figures demonstrated in their speeches some characteristics of an ethic of ultimate ends. Additionally, the interviewees who criticised "unthinking liberals" for acting *solely* in accordance with abstract values, were themselves very much attached to these same values. This thesis has argued that policy workers adhere to an ethic of responsibility to save Europe, which is seen as an ethical endeavour both because of the values that the EU represents for them, and to counter the alternative which is painted as bleak. I recall here Weber's assertion that "Surely, politics is made with the head, but it is certainly not made with the head alone. In this the proponents of an ethic of ultimate ends are right" (Weber 2013: 127). The 'heart' that makes these policies is European values, and this animates the project of making policy with an 'ethic of responsibility to save Europe. This chapter has used ethnographic data to demonstrate the importance of European values to policy workers, how they imbue the work with meaning and create a common purpose. Far from acting as unthinking bureaucratic cogs, or having sacrificed "capacity for moral judgment on the contradictions that compose daily life" (Feldman 2012: 197), these policy workers are animated by a project to save European values. An examination of what these values are and how Europe's bloody history is invoked as a reason to protect these values was provided in this chapter.

Given that the EU self-identifies and self-promotes as a union of values, a driving force of human rights this chapter has been concerned with how this sits alongside EU actions that lead to human rights violations and how the core idea of what the EU is can persist in today's

situation. How does the EU manage to avoid getting 'dirty hands' in Walzer's terms. This has

been examined using the case of EU cooperation with Libya to curtail migration to Europe and

ethnographic evidence on demonstrates that policy workers distance the EU from the actions

that do not adhere to EU values, blaming their unsavoury partners or the pre-existence of such

practices prior to EU involvement.

A further element of complexity in the ethic of responsibility and EU values addressed

in this chapter is to whom these values apply. In his 2015 state of the union speech, Juncker

addressed the issues raised by refugee arrivals to Europe by speaking about what a European

reaction to this should be

> But pushing back boats from piers, setting fire to refugee camps, or turning a blind eye
>
> to poor and helpless people: that is not Europe. Europe is the baker in Kos who gives
>
> away his bread to hungry and weary souls. Europe is the students in Munich and in
>
> Passau who bring clothes for the new arrivals at the train station. Europe is the
>
> policeman in Austria who welcomes exhausted refugees upon crossing the border. This
>
> is the Europe I want to live in (Juncker, 2015).

Juncker is saying then that Europe is humanitarian actions. Europe is essentially characterised

by openness and solidarity. We have seen in this chapter that solidarity is a key European value

but one issue here is to whom does this solidarity extend? Juncker outlines a manner of

treatment that theoretically applies to everybody in the world, so the ethical mandate is not in

sync with the political one. This issue was addressed in the section above regarding the duty

of states to those not part of the polity. This thesis argues that EU migration policy makers see

themselves as operating with an 'ethic of responsibility', and their responsibility is primarily

to Europe, not to refugees and migrants, what I call 'an ethic of responsibility to 'save Europe'.

Given that the migration policy crisis has exposed (old) contradictions in the idea of

European humanism and challenged EU values, some questions worth addressing are how the

EU will proceed, what kind of union will emerge from these crises, how is migration policy making impacted, and what role will EU migration policy play in shaping this 'union of values'. I asked one interviewee from the Council if she thought the EU was fundamentally impacted in an existential sense by the Libya cooperation and the enormous number of deaths at EU borders, if she thought that in the face of these atrocities the EU could continue with its identity as is. She was adamant that the EU would not be impacted in any existential way, and compared the situation to that when in the 1990s the United States made two deals with Cuba, a regime it did not recognise, to prevent refugees from traveling to the US, "and did it make it any less the land of the free? So then why is Europe over?" As mentioned, Commissioner Avramopoulos attested that "if human values and solidarity are not upheld it is not Europe" in relation to the treatment of migrant arrivals. It is my contention that EU policy workers' attachment to EU values has proven impermeable to the critiques raised by actions such as cooperation with Libya and inhumane conditions at the hotspots, and EU values persists as a motivation for policy workers. This thesis argues that EU migration policy is made with an ethic of responsibility to save Europe. In answer to the question, from what are they saving Europe this chapter has demonstrated that they imagine their work as saving Europe from the rise of political forces that challenge European values such as democracy. The question what are they saving is answered in this chapter with an outline of the values which Europe is imagined to embody.

Chapter Seven

Security

Introduction

> Effective control of the external borders is an absolute prerequisite for guaranteeing
>
> security, upholding law and order, and ensuring properly functioning EU policies, in
>
> line with our principles and values (European Council 2019: 3).

Security is a significant feature of EU migration policies, and concomitantly migration is a

target of security policies and actions (both internal and external). This thesis is an inquiry

into why EU migration policies take the form they do, and the meaning behind this for policy

makers. Thus, given the prominent place of security in EU migration and asylum policy but

the fact that security was almost never raised by interviewees or at events I attended, I asked

interviewees why migration is linked to security. I wanted to hear their perspectives on what

makes migration a security concern, what is being secured in these policies, and the

responses from interviewees did not directly address this:

> Migration and security, because it's in the same ministry. The Ministry of Interior is
>
> the job that every politician wants because it's got police (who are hugely respected in
>
> my country) fire and rescuers and then … migration unfortunately. So because it's in
>
> that ministry people link migration and security. I personally don't think it's good, I
>
> think they should be separate in discussions (Justice Home Affairs attaché of a
>
> member state permanent representation to the EU).

Well I think this is a kind of propaganda. The goal is to discriminate against refugees and migrants (MEP, Socialists and Democrats).

It's linked because it's linked. It is. That's how it is and politicians don't need to make things more complicated than they actually are (MEP, European People's Party).

For me migration and security, we have always denied the link we have always said that the one has nothing to do with the other. That's the official line on this and that the increase in migration does not mean an increase in security. But that is where we come back to what I said before it is easily transported in the media or is used in the media (DG Home).

The liberal intelligentsia say migration is not a security issue, of course it is – not necessarily because of the migrants themselves or what they do but because masses more people means public order issues. It is of course a security issue when you have 100 people sleeping in a square, when you have many more people, when you have smugglers and organised crime, more murders, more crime because of more people – not necessarily relating to the migrants themselves, people kill themselves even (European Council).

The paradox that arose the more interviewees I asked this question to was, security is central to EU migration and asylum policies, yet what is being secured is not articulated clearly either in the policy documents nor by my research participants. Political speeches and policy documents declare the need to secure borders but what is the referent object behind borders?

This thesis argues that policy makers conceptualise their work on policies that exclude migrants as part of an ethic of responsibility to save Europe because by reducing the numbers of entrants they reduce the appeal of the Eurosceptic far right, and avoid fracturing member state solidarity thus saving Europe and European values. Therefore, a goal of securing borders is to save Europe from the far right, but another dimension to this is put forth in this chapter. This chapter argues that when the referent object is named as "borders" that need to be "made secure", it is the state functions linked to territory that are the referent object. Securitised migration policy and migration related security efforts have as their referent object the maintenance of functions of the political authority including being able to control its borders, know who is on its territory, decide who enters, and uphold the rule of law. The previous chapter argued that "saving Europe" is saving the "achievements of the EU" including peace in Europe, and European values such as democracy, that is preserving or maintaining the current situation. It is my contention that security efforts are concerned to preserve the system of borders and states and political authority that necessitates the functions listed above. This chapter broadly has two aims: firstly to outline the ways in which migration is linked to security in EU policies, and secondly to analyse what is meant by *security* in this context, that is, what exactly is being secured, or what is the 'referent object' of security measures.

To contextualise my ethnographic examination of the focus on security concerns in migration policy, this chapter first outlines scholarly understandings of 'securitisation', alongside debates on whether or in what ways migration to Europe has been securitised. Fieldwork findings and document analysis are used to provide an illustration of the centrality of security concerns in EU migration policy. Prioritisation of the security focused aspects of migration policy is evident also in EU relations with third countries, particularly in the realm of international development cooperation. Migration and security are closely linked when

migration policy focuses on the security aspects and when security policy orients towards migration related goals, and an analysis of external security policy and actions shows this to be the case. An analysis of CSDP (Common Security and Defence Policy) mission materials, interviews and participant observation findings will argue that migration is linked to external security as it is seen as a carrier of external insecurity into Europe, a problem to be reduced, and that this is a goal of external security missions.

In the name of security, and particularly border security, military vessels are deployed, ten thousand border guards are employed, billions of euros are allocated and intense diplomatic efforts with third countries are engaged, but what is it that is being secured? As Barry Buzan points out "security as a concept clearly requires a referent object, for without an answer to the question 'the security of what?' the idea makes no sense" (2016: 42). Scholarly understandings of the referent object have evolved since the end of the cold war to include 'societal security' 'human security' as well as 'state security' (Bilgin, 2003; Buzan, 2016; Williams, 2008). In exploring the question of the referent object of securitised migration policy, this chapter examines the issue of state functions that are necessary for the state or political authority. In the excerpt from the EU Strategic Agenda (2019 – 2024) quoted above, it is clear that a political authority cannot implement its policies and uphold law and order (key functions) without control of the territory and border. Therefore, security efforts in the realm of migration have as their referent object the functions of the state actor.

A number of scholars have connected securitised migration policy with displaced fears over economic insecurity and social and economic changes relating to global capitalism (Bauman, 2016; Holmes, 2000). This idea is explored via an analysis of the creation in 2019 of a new Commission portfolio *Promoting our European way of Life*, which has responsibility for migration policy, building a "security union" as well as adapting to a

changing labour market by helping citizens to upskill and promoting societal cohesion using sports.

Disparate policy areas are linked to migration and in a securitised manner. International development, external security, internal security and the security of the "European way of life" including a functioning labour market and community cohesion, each have migration in their portfolio, oriented to security. This is illustrative of a common ethic which is an ethic of responsibility to save Europe. A Weberian ethic of responsibility describes an ethic of action for public life that takes responsibility for the foreseeable consequences of an action and makes decisions accordingly (Weber, 2013). This thesis argues that migration policy workers frame their work as a responsibility to ensure that migration policy does not negatively impact the EU and contributes to its exit from the crises that have afflicted the union, an ethic of responsibility to save Europe. This is an ethical project as the EU is seen as a guardian of values, without which Europe would be at risk of being run by the far right fascist parties who oppose the EU. Securing borders is part of securing, saving the European project.

1. Securitisation of Migration

This chapter will analyse the referent object of security efforts in migration policy but will first establish that migration is linked to security in EU policy. Before exploring these manifestations of the 'securitisation of migration' it is necessary to outline scholarly understandings of 'securitisation', both its definition and its manifestations in the European context.

The Copenhagen School addressed the question of how an issue comes to be a security concern with the concept of 'securitisation'. Securitisation is understood as a process through which a particular issue is declared a threat to security. Securitisation occurs through

"speech acts" that is utterances that do not simply articulate a view of an external reality but provoke tangible *results*. By declaring an issue to be a security concern, the actor has made it so. The speech acts, or "securitising moves" successfully move an issue to the realm of security if it is accepted as so by the audience (Buzan et al. 1998: 25). Didier Bigo takes issue with this Copenhagen School view of the impact of securitisation, arguing that a focus on the "exceptional" ignores the importance of the "day to day practices" of bureaucracies and the "effects of power that are continuous not exceptional" (2002: 73). Bigo does however agree that securitisation promotes "quick and coercive options, often police and military options" and delegitimises long-term solutions and negotiations (Bigo 2008: 126). For the Paris School, the securitisation process involves more than a successful speech act and they examine also how securitisation takes place through "more mundane bureaucratic decisions of everyday politics, with Weberian routines of rationalization, the use of technologies…" (Bigo 2008: 126). Securitisation turns certain objects or entities into a threat, and once an issue is successfully securitised it is lifted out of the realm of 'normal politics' and addressed instead by exceptional, emergency measures.

There is debate in the literature regarding whether or not migration has been securitised in Europe (see Baele and Sterck, 2015). The goal of this section is not to assess the extent to which migration has been securitised in a way that maps onto a definition of securitisation as outlined above, but rather to discuss the ways in which migration has been linked to security. A proponent of the argument that European migration policy is securitised, Jeff Huysmans (2000), argues that the European integration process, specifically the migration policies and the institutional setting in which they came about, is key to how migration has developed into a security issue in Europe. As discussed in chapter two, Huysmans names the "spill-over of the economic project of the internal market into an internal security project" as the key development linking migration to security in Europe

(2000: 752). Huysmans asserts that policies such as the Convention Applying the Schengen Agreement (1990) link migration to crime and terrorism, and he stresses the significance of the institutional settings in which policies were developed, from pre-integration intergovernmental fora such as Trevi, the Ad Hoc Group on Immigration and the Schengen group, to Justice and Home Affairs. The prominent role taken by the police and the Ministries of Home Affairs contributed to migration being defined as a 'security problem' because the "professional disposition" of these groups is to categorise a policy issue as a security concern requiring security measures (Huysmans 2000: 757). Huysmans cites Bigo's assertion that when it came to border control the "issue was no longer, on the one hand, terrorism, drugs, crime, and on the other, rights of asylum and clandestine immigration, but they came to be treated together" (Bigo 1994: 164 in Huysmans 2000: 760).

In the outline of the evolution of EU migration and asylum policies provided in the first chapters, it is noted that in the 1970s immigration policies became more restrictive and immigration was framed as a threat to political and public order (Huysmans 2000: 754). Many have linked this to the oil crisis of 1973 and subsequent economic turmoil but Bigo cautions against reading any kind of inevitability into this linkage, noting that it is important to understand that such events do not "bluntly" cause migration to become a security problem,

> rather, it becomes a security issue when it is presented as such by some professionals of threat management in their struggle to maintain their position and when particular forms of institutional knowledge (military, police, intelligence services) converge in order to give "one" meaning to the migration referent in structuring a network of meanings with security concerns, allowing each bureaucracy to sell to the others its own fears and to try to prioritize this fear upon the others (2014: 76).

On the question of *how* migration came to be linked to security, while Huysmans (2000) looked to specific European policies, Bigo concentrates on the work of both "security professionals" and "political professionals". Political professionals, according to Bigo, use the concepts of both security and migration to mobilise political responses and they contribute to the securitisation of migration with their political discourse of danger and emergency. My fieldwork findings diverge somewhat from this characterisation of policy professionals because I did not find policy workers keen to associate migration with security, as will be discussed below, but Bigo's focus on the process and actors involved in securitisation of migration reminds us that securitisation of migration is not inevitable but is actually an active process.

Christina Boswell (2007) takes issue with a number of aspects of the thesis that migration has been securitised since the 9/11 terror attacks and argues that contrary to what one would expect according to the securitisation thesis, migration control policies in Europe do not appear to have become securitised as a result of 9/11. While Boswell notes that certain European countries did indeed introduce more restrictive policies for asylum seekers and refugees she adds that at EU level the rationale for migration control was focused on the need to combat trafficking and to protect Europe's external borders from "unwanted migration" rather than to use migration control to prevent the entrance of terrorists. She points to the fact that the Hague Programme (2004) did not define excluding potential terrorists as a function of migration control (2007: 598). Boswell also highlights the need to differentiate in our analyses between political discourse and policy practice. In the wake of 9/11, migration control instruments were indeed used by counter-terrorism agencies in their surveillance efforts but this has not impacted on the goals and practices of migration control, which were established before 9/11. Pre-9/11 goals and practices were indeed securitised and Boswell points to how irregular migration was framed in Europe as concerns about "'hordes' of illegal

migrants invading the territory of European countries", about smuggling and trafficking, and the "social and economic impact" of irregular stay and employment. (2007: 597). Boswell asserts that

> The thesis about securitization at the level of practice appears to be plausible as an account of many areas of European migration policy. But … we should be aware that this describes just one possible pattern of organizational behaviour (2007: 593).

Boswell concludes that insights from the critical security studies literature offer a useful way of thinking about the political agendas underlying the framing of migration in public discourse, but cautions that adopting that approach risks missing possible "alternative patterns of issue-framing in public discourse and taking for granted a uniform rationality in explaining organisational action" (ibid). Boswell's point here is an important one as certain aspects of the securitisation of migration literature can risk leading to a kind of "tunnel vision" that seems to suggest that migration policy professionals look at migration *solely* through a security lens, which was not what I found in my field work. It is worth integrating into an analysis of migration policy that security concerns, though prominent, are only ever one of a myriad issues considered by policy makers, as argued in the fifth chapter of this thesis that outlines a range of factors that policy makers take into account when examining migration policy. I found policy workers acted with an ethic of responsibility to save Europe, not solely in a securitised manner, but also from negative public opinion of the EU that leads to electoral success of the far right, as much as from crises in solidarity between member states.

Like Boswell, Baele and Sterck expand the examination of securitisation of migration from a focus on speech acts and seek to "undermine artificial separation of discourse, on the one hand, and practices, on the other" (2015: 1125). Baele and Sterck argue that the literature on the securitisation of migration has failed to conclusively establish whether immigration

has actually been securitised at the EU level and they attribute this largely to what they see as a methodological shortcoming, which they attempt to address using their method of a statistical analysis of the language in EU policy documents to determine the frequency of security language in migration policy (2015: 1124). Their evidence supports arguments that migration has been securitised in the EU, "albeit in a nuanced way" (2015: 1121) and thus adds a further layer of complexity to Huysman's (2000) thesis. The 'nuance' they found is that securitisation processes are not the same for each category of migration and that it is important to differentiate between the extent to which for example asylum seeking, irregular migration, or highly skilled migration has been securitised. They are correct to caution against an over-generalisation from one "immigration policy subfield" to others and with this in mind chapter four presented an overview of fieldwork findings relating to how policy makers view different categories of migrants. Policy makers I interviewed spoke of the importance of differentiating between economic migrants who had "no right" to stay, and asylum seekers who "must be helped". Gregory Feldman illustrates certain migration policy workers' views of different categories of migrants when he quotes a biometric expert advocating differentiated border controls on the grounds that

> there is a risk of terrorism, economic migration, whatever … but it also means the
> same rule applies to the rich businessman who just wants to take his wife to Paris six
> times a year to go on a super-shopping spree (2012 137).

Of note here is both the fact that this expert argued that a 'rich businessman' need not be subjected to such rigorous security checks because he presumably is not a security threat, and that he spoke of economic migrants and terrorism as a risk in the same breath.

Missing from Baele and Sterck's conclusion that "It follows that one can only claim that 'immigration is securitised' if one shows that all aspects of the phenomenon have been securitised" (2015: 1123) is an acknowledgement that the issue is not just that different

categories of migrants are securitised to different degrees, but that different categories of migrant are framed as security threats *in different ways*. One category of migrant as a threat to the economy, another to law and order, to societal cohesion or to the welfare system. This will be discussed later with regard to the referent object, but for now it is worth noting that when virtually any policy field can be deemed a security issue, or "appropriated and colonised by the project of security" as Mark Neocleous (2008: 3) eloquently phrased it, then different types of migration are framed as a threat to different security objects, one can speak of the *security* of the state, of the health system, of borders etc. Having outlined scholarly understandings of the securitisation of migration and the discussion in the literature regarding whether or how migration to Europe has been securitised, this section will turn to a discussion of how migration has been securitised since 2015 in both discourse and in policy.

1.1 Migration and Security in EU Policy and Discourse

To illustrate the extent to which migration policy is security oriented, this section examines how policy makers presented to me the links between security and migration, and some key developments in the policy field since 2015. Early in my fieldwork in Brussels in late 2017, I interviewed a Justice Home Affairs (JHA) attaché from the perm rep of a Western European member state and asked why migration is linked to security and he responded that in 2015 the discourse amongst his colleagues was certainly that migration and security were *not* linked, that migration was about providing protection to those in need, and returning those who were not, and that security was an entirely different issue. He noted that since then this had changed and the moment he really realised this was when he saw a colleague from a Central and Eastern Europe member state making a presentation in which she explicitly drew a link between migration and security. This interviewee reported having been quite taken aback by

this but noted that the narrative had changed over recent months and in his opinion, it began with the Estonian presidency and continued with the Bulgarian presidency[17]. A year later an interviewee from DG Home reported a similar change at the level of day-to-day discourse internally amongst her colleagues in the Commission. I interviewed a policy worker from DG Home whose background is in countering terrorism and who currently works in migration and security cooperation with third countries. When I asked him what was the biggest threat to Europe he said that years ago he would have said terrorism but now it was migration, or he corrected himself to say by that he meant cohesion in society and shared values. He clarified that it was not migrants themselves that were a threat to security, but rather migration as a phenomenon. He went on to say that in the Commission one is not "allowed" to say that migrants are a threat to security, and that is a good thing because just because someone is a migrant it does not mean that they are a security threat.

When I asked another colleague of his in DG Home about the link between migration and security, he responded that it was member states and the media who "put it always together" whereas

> For me, migration and security we have always denied the link, we have always said
> that the one has nothing to do with the other. That's the official line on this and that
> the increase in migration does not mean an increase in security. There is definitely an
> aspect of migration for example border control that has become much more important
> on the security side … but migration and security for us is not true, it's not the policy
> that we perform

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[17] Estonia held the presidency of the Council of the EU from 1 July to 31 December 2017 and Bulgaria held the presidency from 1 January 2018 to 30 June 2018.

A third interviewee from DG Home whom I met in the summer of 2018, insisted that policies had *not* become more restrictive since 2015, but remarked that there had been a shift in discourse

> Juncker's last state of the union speech is all about 'control, control, control' compared to three years ago. OK you can say that. But if you look at the policies we are implementing I think we are on the same track we were in 2015, at least in the tools.

The policies that she pointed to as evidence of this policy consistency were Commission proposals for legal migration, resettlement and a commitment to providing international protection to those who need it. There is some divergence therefore in the degree to which policy workers reported an increase in the linkage of migration to security policy at the level of discourse. For this policy worker, the policies she was working on implementing were still "on track" and had not deviated into more security related tools. This was not the case for a fourth interviewee from DG Home who I also met in the summer of 2018. She reported that the focus of her work had changed and she attributed this change to the political environment and the new Commissioner. She said that when she had worked under Cecilia Malmström "she put the emphasis much more on rights of asylum seekers and very little on security" but that now the emphasis had shifted to "security, border guards etc. and much less on rights". She went on to say that she now spends more of her time on negotiating returns to third countries, and less on the asylum package. The above interview extracts do demonstrate that migration is increasingly linked to security, though not personally for them nor in their view of what it is they are saving Europe from, in their ethic of responsibility to save Europe.

This section outlines how migration has been linked to security in policy documents and actions pursued since 2015. In May 2015, the European Commission adopted the EU Agenda on Migration setting out both longer terms pillars of EU migration policy and

immediate actions to address the crisis. Of the six immediate actions, there are just two that do not relate to security (relocation of asylum seekers from frontline Member States, and resettlement). Three "immediate actions" are direct security projects; two CSDP missions and an expansion of Frontex's capacities. Finally, 'Using the EU's tools to help frontline Member States' is indirectly related to security because it is establishing "a new 'Hotspot' approach" (European Commission 2015: 6).

That hotspots constitute a security focused approach to migration and asylum has been argued by a number of scholars. De Vries and Guild (2019) describe hotspots as more than geographical sites, as 'mechanisms'. They describe how migrants are separated in hotspots, divided into those eligible for protection and those not "on the basis of nationality rather than individual circumstances" (2019: 2160). The mechanism is therefore one of "rejection, detention and illegalisation" (ibid). Neocleous and Kastrinou argue, based partly on the etymology of 'hotspot' and its associations with a zone of conflict and crime, that to define the zones as hotspots "suggests that migrants have arrived as somehow already 'illegal' in some way, enabling them to be situated within the much wider and never-ending 'war on crime'" (2019: 7). The securitised nature of hotspots is significant because hotspots are so central to the EU strategy of managing migration, described by policy makers as one of the main successes of the post 2015 interventions and as a "game changer".

A further development that indicates a security focused approach to migration and the extent to which border control is prioritised is the changes in Frontex. In December 2015, the European Commission proposed the establishment of a European Border and Coast Guard (EBCG) to address the perceived difficulties of Frontex, namely a shortage of both resources and cooperation from member states. In October 2016, at Bulgaria's border with Turkey, the new agency was officially launched and its new features included a significant increase in the number of permanent staff and the agency purchasing its own equipment and deploying them

in border operations. Frontex's budget is often the subject of commentary on the EU response to migration, which is understandable given its striking growth. When Frontex was established in 2005, it had a budget of €4 million. Just six years later in 2011, the budget had been increased to €118 million. After decreasing to €85 million in 2012 it has steadily grown since then to €254 million in 2016 and by 2020 Frontex had a budget of over one hundred times what it started with fifteen years earlier, at €460 million (Frontex, 2020). It is important to note that the context of this budget increase is one in which the EU has responded to the increased number of arrivals in 2015 with an increase in funding for migration-related issues and a broadening of the scope of EU institutions and agencies in the management of border control and asylum-related issues (Chiacchio et al, 2018). Nevertheless, the budget does reflect the importance placed on security related projects in the realm of migration.

Speaking on a panel on *National and European immigration policy challenges* at a report launch in a Brussels based think tank in late 2017, Matthias Oel, Director for Migration, Mobility and Innovation, DG Home confirmed that the security element of the EU response had been somewhat prioritised from 2015 when he said that

> Over the last two years we probably have made more progress developing the Justice Home Affairs (JHA) area than in the twenty years before…Border management is probably *the* area where we made the most progress in the last two years. Three examples: we have made Frontex a real European Border and Coast Guard agency with enhanced remits and resources, a new entry-exit IT based system for our external borders has just entered into force and should become operational in 2020. We are building up if you think about the American ESTA system for visa free travellers a European travel information authorisation system where in future you at least have to register on line. The Commission adopted an inter-operability programme yesterday to make the various systems Eurodac, visa, Schengen, etc. more inter-operable.

Mr Oel was certainly not fixated solely on the security elements of migration to the EU and he went on to talk about other areas of migration policy, including integration and creating legal avenues through resettlement. However, he was pointing out that while negotiations on all other aspects (especially reform of the Dublin system) faced a "blockage in Council" the one area where real progress had been possible was that which relates to security. The importance of the security element was also evident when in his address to the European Migration Network 10th Anniversary conference held in Brussels in April 2018, Commissioner for Migration, Dimitris Avramopoulos described the creation of the EBCG as "one of the greatest achievements of our Commission", adding "we are ready to go further … we propose a new integrated border management fund which will help guarantee a high level of security in the EU with about 20,000 border guards."

It is possible that Mr Oel was overly optimistic in his conclusion about the progress made in JHA over that two year period, but nonetheless the security aspects of migration have been bolstered as the following developments illustrate. Two border security measures have advanced: in October 2018, the legal basis for the European Travel Information and Authorisation System (ETIAS) was established. The ETIAS aims to identify any potential security or irregular migration risks associated with visa-exempt third-country nationals travelling to the Schengen area. The new Entry/Exit System (EES) will be an automated IT system that will register visa-obliged and visa-exempt travellers' data (name, type of travel document, fingerprints, visual image, and the date and place of entry and exit) each time they cross an EU external border. The European Parliament and Council adopted interoperability proposals concerning the three existing centralised EU information systems for security, border and migration management (the Schengen Information System, the Visa Information System, and Eurodac). More migrants are fingerprinted upon entry, which is facilitated by the procedures at hotspots. In September 2018, the Commission proposed a targeted recast of the

Returns Directive but agreement was not reached on this in the term of the European Parliament.

Carrera et al's survey of the EU response to the increase in the number of arrivals in 2015 argues that the policy response is driven by security, diplomatic and military concerns, citing the predominance of measures on removal and readmission, border control and "the fight against smuggling" (2015: 18). They note that the "official justification" for prioritising security related measures has been that they are the "immediate actions" but conclude that in fact the "single-minded focus of the EU measures and developments" has prevented proper consideration of other, non-security related, policy fields relating to migration in particular the economic and social dimensions (2015: 20).

We have seen then a focus on security in the field of migration policy reflected in the fact that it has been the area of migration policy to garner the most support from member states, celebrated as one of the great achievements of the Commission in their mandate, and border control has been allotted significantly more funding and importance since 2015. Security has been at the core of the EU response to the increase in migrant arrivals since 2015. This demonstrates that migration policy is closely linked with and directed by security concerns. This chapter will explain the central role of security as an effort to secure the referent object of state functions of control over borders, rule of law on the territory and the ability to 'see' who is on the territory. This is part of a Weberian ethic of responsibility to save Europe, as efforts to 'save' Europe from far right threats aim to save 'European values', efforts to "secure the borders" aim to preserve the political authority that needs secure borders for the functions of "upholding law and order, and ensuring properly functioning EU policies, in line with our principles and values" (European Council 2019: 3).We turn now from the internal security related developments to examine external security's concern with migration and EU relations with third countries.

2. Migration, Security and Third Countries

In the wake of 2015 the EU has given a greater role than ever to third countries in achieving the EU's aims regarding decreasing the number of migrants who travel to and arrive in Europe. With intra-EU cooperation on migration and asylum effectively deadlocked, "foreign policy has become a dominating element of EU migration management" (Collett and Ahad 2017: 3). This section will demonstrate that third country relations and international development cooperation is increasingly oriented to the security aspects of migration; border control and returns, mobilises security tools for migration policy goals, and represents a policy response to migration that is security oriented. This focus on migration goals establishes the importance of inquiring into the referent object of these efforts which this chapter argues is the functions of political authority that are "necessarily bordered".

As discussed in chapter four, a significant number of interviewees spoke of the need to invest in development in third countries in order to address the "root causes" or "push factors" of migration. The impact of this funnelling of development cooperation has been documented ethnographically by Ruben Andersson who argues that the EU directing funds towards third countries in this manner has turned "illegal migration" into an industry. Andersson crafts his argument using his fieldwork in EU partner countries including Senegal where he observed how the police force are gifted with patrol cars, other equipment and per diems in return for patrolling the beaches vigilantly for would be migrants. The Senegalese government have benefited from increased "development aid", some local associations have received funding from European partners, yet the returned migrants themselves are left with nothing but the traumatic memories of their boat journeys to Spain (2014: 63).

The intersection between development cooperation and migration goes much deeper and broader than focusing development efforts on a specific cohort deemed most likely to migrate, but relates to how the securitisation of migration impacts upon development cooperation and EU relations with third countries. While much of the EU development budget directed towards migration is spent on humanitarian projects and employment creation, a significant amount is directed towards security projects aimed at stopping migration which has prompted concern in the NGO sector "about the use of aid money for hard security" (Abrahams, 2017).

The form of EU – Africa cooperation on migration was discussed in November 2015 when European and African heads of state and government convened in Valetta to agree on a common approach to addressing migration and launched the 'EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa' (the EUTF for Africa), a European financial instrument for implementing the Valetta Action Plan. In June 2016, the EU launched the Migration Partnership Framework, a follow-up initiative to Valetta. The Partnership Framework aims to "fully integrate migration in the European Union's foreign policy" (Oxfam International 2020: 10) as evidenced by the Framework's assertion that agreements with third countries will be

> governed by a clear understanding that the overall relationship between the EU and
> that country will be guided in particular by the ability and willingness of the country
> to cooperate on migration management (European Commission 2016: 17).

Oxfam conducted a review of all the project proposals funded by the EU Trust Fund for Africa and reported that success in development projects was more likely to be measured in terms of the achievement of reducing migration to the EU than in the development benefits to local communities (Oxfam International 2020: 4). While the Migration Partnership Framework does include a long-term commitment to addressing the root causes of irregular

migration, this aspect is light on detail compared to those immediate actions with specific

measurable targets on border and migration management, increased rates of return and

readmission and reducing the numbers of irregular migrants arriving to Europe (Trócaire

2016: 7). This suggests that the framework privileges those migration policies and initiatives

that relate to security.

The use of development cooperation funds for security initiatives aimed at stopping

migration to the EU illustrates the extent to which migration policy has been linked to

security. This thesis argues that the privileging of securing borders is part of an ethic of

responsibility to save Europe, as Europe is seen as being at risk otherwise, not because of the

migrants themselves but because of parties who "exploit" the issue of migration, and because

the political authority is undermined if it cannot control its territory. A look at EU

cooperation with Niger demonstrates that the EU has privileged a particular security oriented

aspect of migration in its cooperation with third countries and invested heavily in security

practices regarding migration.

2.1 Niger

Interviewees and speakers at events I attended in Brussels frequently spoke of EU

cooperation with Niger, usually as an example of successful collaboration to "reduce the

numbers", and it was even described as the "showcase" for the EU. Niger's northern Agadez

region is recognised as the main transit hub on the road to Libya for those trying to reach

Europe via the Central Mediterranean route. Niger has been identified as a priority partner for

cooperation on migration control. The European Agenda on Migration committed to making

migration a "specific component" of the ongoing Common Security and Defence Policy

(CSDP) mission already deployed in Niger, 'EUCAP Sahel Niger' (European Commission

2015: 5). Launched in 2012, the mandate of EUCAP (tasked with training of, assistance and advice for security forces) was thus extended in 2015 and given an additional task, to "support the security forces' capability to better control migration flows and to combat irregular migration and associated criminal activity more effectively" (Davitti and Ursu 2018: 2). The Migration Partnership Framework provided for "close coordination of CSDP activities in Mali and Niger with development projects, including those supported by the EUTF for Africa", which it suggested could work to facilitate joint patrolling operations across borders of the G5 Sahel (European Commission 2016: 16).

As well as enhancing its military mission, the EU has invested in 'development cooperation' that is aimed at re-integrating returned migrants from Europe, discouraging migration through investment in livelihood projects, and blocking migration through border control. Niger has become the world's biggest per capita recipient of EU development aid "due to its active role in stopping onward migration towards Europe" (Fine et al 2019: 12). A significant amount of these funds are directed towards securitised responses to migration. The EU Trust Fund for Africa allocated €253 million to Niger since 2015, of which €122.2 million was marked for migration control (Oxfam International 2020: 20). A further €7 million from the EU Trust Fund for Africa is to be spent on creating a new Sahel Security College to collaboratively train military forces from Mali, Mauritania, Niger, Burkina Faso, and Chad to strengthen security in the region, with a focus on tackling terrorism, organised crime and human trafficking. Money from international development was again diverted to security aims when in June 2017, the EU committed a further €50 million to support a joint military force between these countries, with the money drawn from the African Peace Facility via the European Development Fund (Abrahams, 2017).

The focus on border control contradicts many of the main goals of the EU's Sahel Regional Action Plan 2015-2020 which provided for maximising the development impact of

mobility and migration. The security-oriented approach of EU- Niger cooperation has been criticised as counter-productive and accused of undermining the region's economy and stability by restricting movement, leading some to conclude that economic interests have been supplanted by migration control interests (Davitti and Ursu 2018: 3, ECFR 2019: 9, Oxfam International 2020: 20). MEPs have raised concerns about the fact that the EU's migration partnership with Niger includes using development assistance "in political deals and *quid pro quo* purchases of cars, helicopters and planes" (Oxfam International 2020: 20). EU leaders have reasoned that security policies targeting migration are necessary to counter "two perils originating in the Sahel, namely the spread of radical armed groups and the potential increase in EU-bound migration flows" (Davitti and Ursu 2018: 4). This coupling of migration and terrorism is an instance of framing migration as a security concern. My fieldwork findings suggest that migration is framed as such a "peril", because the political situation in Europe cannot "handle" an increase in numbers and those who understand their work as adhering to a Weberian ethic of responsibility to save Europe consider that the "foreseeable consequences" of increased migration would be a rise in the far right thus undermining the European integration project and its achievements including a border free Schengen area and values such as democracy. A further reason is presented in this chapter, that what is secured in these efforts is the capacities of the political authority to function: to decide and control who enters its territory, uphold the rule of law and "see" who is on its territory. A phenomenon that undermines these claims is therefore treated as a security threat. EU cooperation in Niger is viewed as contributing to saving Europe by reducing the number of migrants who enter the EU.

2.2 Securitised migration policy and third country engagement

A cornerstone of the EU response to the increase in the numbers of migrants arriving in Europe since 2015 has been to enlist further engagement of third countries both in border

control and to divert development cooperation towards the aim of curtailing departures. In 2017, I interviewed a long-time civil servant of the EU who had spent most of his career working in international development. He had mentioned in our email correspondence that he was "not a fan" of using development cooperation as migration containment so when we met, and he began to explain why he had left his post in development cooperation and asked to be moved to a different department I presumed it was because of this critique. However, what he was far more concerned about, what had caused him to feel he could not stay in his job, was what he reported as development cooperation being used for hard security projects and the impact that this had on the sector. He described how since 2015 there had been many "fights" on committees over what he described as using development assistance for CSDP (Common Security and Defence Policy), for funding armies and pursuing the aims of foreign policy rather than of development. He emphasised that for him development is about the needs of the recipient country, otherwise "it's not development". A committed believer in the EU project, having worked in development in the EU institutions for fifteen years, he felt forced to leave this area he was clearly still passionate about because of the direction it was moving. He closed by saying that it is "a battlefield" and that while he had left, there were still people there "defending" development. On the other side of this argument, an interviewee working on Justice Home Affairs in an EU institution described the process of trying to get colleagues from foreign policy and development "on board". They said that since 2015 there had been "some bullying" to get DG Dev Co colleagues "on board" as they had protested that "that's not what this is about" but that since October 2015 they have seen that "it is needed". The experiences of these policy workers are echoed in Oxfam's report that "Justice and Home Affairs objectives are increasingly directing the allocation of funds for development aid and emergency responses" (2020: 10). It is important to note that the EU still engages in a great deal of 'traditional' development cooperation, nonetheless a security-oriented treatment of

migration has had a significant impact on the development sector, and this is an example of how migration is treated as a security concern.

The financial aspect of these developments has been outlined by Leonhard den Hertog in his in-depth analysis of the EU budgetary responses to the 'refuge crisis'. Den Hertog demonstrates how the creation of flexible initiatives such as the EUTF for Africa has entailed "a significant re-labelling, reorganisation and re-prioritisation of EU funding" since rather than pledging 'new' funds, existing EU funds have been transferred into separate bank accounts and re-labelled (2016: 14). The flexible nature of the funding initiatives has partly allowed the EU to address humanitarian needs but den Hertog concludes that

> The inherent logic of having rapid and flexible funding allocations leads to questions over whether such allocations will serve the long-term development interests of third countries or rather the short-term security interests of the EU (2016: 13).

Between 2015 and 2019, 26% (€1.011bn) of the EUTF for Africa was spent on migration governance (Oxfam International 2020: 4) and in Niger 25% of the EUTF for Africa was for border management and security (Davitti and Ursu 2018: 4). Since its inception, the EU Trust Fund for Africa's ways of working have changed in several respects. The changes responded to the criticism from the Court of Auditors concerning defining the list of priority criteria, improving visibility and public communication and efforts at monitoring the instrument's performance. At the same time, the fundamental character of the EU Trust Fund for Africa as a flexible instrument has not changed and it continues to be used as a political tool of the EU, and investment in projects directly connected to migration management and border controls increased in 2018–19 in comparison with 2015–17, at the expense of development cooperation projects (Oxfam International 2020: 4).

A great deal of EU development cooperation still funds what are considered 'traditional' development initiatives and of that aid directed towards migration a significant

proportion is for humanitarian support and legal migration (Akkerman 2018: 17). Engaging

third countries in EU efforts to reduce the number of migrants arriving in Europe and

investing in development have been dominating aspects of the EU response to migration, and

frequently spoken of by interviewees as the most hopeful or viable areas for future policy.

This overview has shown that development is a securitised policy area, and that securitised

migration policy has seeped into development cooperation in a more intense way since 2015.

Policy workers conceive of their work as an effort to save the EU, an ethical project that

involves gearing their policy decisions around the "foreseeable results" in Weber's terms, for

EU interests and to offset threats to the EU. Directing development assistance towards the

aim of reducing migration to the EU fits with an ethic of responsibility to save Europe.

3. Migration and External Security

Migration is a key policy area in EU foreign policy and this manifests in development

cooperation and in external security, as we have seen that there are linkages between the two.

Migration is a concern of external security, and we can see this in terms of how it is framed

in discourse, the actors involved, and the tools mobilised to mitigate the 'threat' of (irregular)

migration to Europe. This section will analyse policy documents, CSDP (Common Security

and Defence Policy) mission materials and fieldwork findings at security and defence events

to demonstrate that migration is very much on the 'security agenda' and seen as significant

by security and defence actors. This is important because it shows the extent to which

migration is conceptualised as a security issue, illustrating the extent to which migration

intersects with a Europe that needs to be 'saved'. This has accelerated since 2015 but is not a

new development. Placing migration in the realm of external security can be seen as part of

the overlap between, or merging of, external and internal security, as described by Bigo

(2002 and 2006). Bigo argues that the end of the Cold War brought an end to bipolarity and a perceived diminishment in the threat of nuclear war or war between states, and this was accompanied by a "coalescing of crime and war", the merging of internal and external security (2006: 386). Bigo contends that transnational crime evolved in a way seen as threatening to states and when this combined with an increase in the number of displaced people there was a concern that if they came to Western countries, they would take the conflict and disorder with them.

> The 'core' of the world, meaning the West, was now endangered by the infiltration of the violence of the 'rest' of the world through transnational channels. A 'common sense' rhetoric emerged using the semantics of international disorder, failed states and the need for a more global security (2006: 387).

This framing of the potential for the 'rest of the world' to disrupt Europe's security is evident in the following opening line on the EEAS (European External Action Service) website "There is a strong link between what happens outside of the EU's borders and security within Europe". One MEP I interviewed was concerned by the impact of insecure regions in the neighbourhood, argued that the EU should secure these regions to decrease migration to Europe, and regretted that the EU was not more active in asserting itself abroad:

> MEP: it [migration] wasn't a massive phenomenon yet because we didn't have all the smugglers and the traffickers. People had been trickling down there and up there for eternities, but it was a trickle really. ... But from the moment you blow a huge hole of 1.7 million square km into Northern Africa you have all the arms flowing out that Gaddafi's mercenaries held, many of them black Africans, there to eventually support his big African dream of an African union … then you have traffickers. ... Desperate families who say to the eldest son now you go and try. That only happens *when you abolish governance and the authority of the state on a huge territory*. Without Libya

being blown up, the whole thing would never have happened. It would have remained

a trickle. That's not saying that in 20 years depending how desperate the African

predicament becomes it might still have happened without Libya being blown up. But

at this point in time this would never have happened if in Libya we had not come to

where we came to. And if from Libya the merchants of death had not swarmed out

recruited people in their hundreds of thousands to get on the move. …

The problem is that we see all that we see, and we can do nothing, or we decide to do

nothing. If we were the US, we would have put boots on the ground in Libya a long

time ago.

Me: Motivated by?

MEP: Motivated by the fact that we cannot tolerate 1.7 million square km of vacuum

right next door.

Although in this case the MEP cited the role played by NATO in the problems in Libya rather

than seeing Libya as a kind of isolated 'failed state' as Bigo describes, his view that external

security actors (boots on the ground) should intervene in a neighbouring state to protect the

security of the EU from people "on the move" is illustrative of the manner in which

migration has been connected to external security. A "vacuum next door" is seen as a

sufficiently serious security concern to merit military intervention and the security concern is

migration to the EU.

The link between external security and internal security, and the latter being impacted

by the former, can be seen in how EEAS describes CSDP missions: "their aim is to stabilise

our partner countries in the neighbourhood and *thus provide security at home*" ([my

emphasis] EEAS). Michael Collyer explains the link between external security and migration

as in Europe the dominant vision is that Europe is a safe area but surrounded by areas that

are, in contrast, "innately insecure". Migration is thus "seen as an incursion of an insecure

space into a secure one" (2006: 256). CSDP (Common Security and Defence Policy) missions aim to enhance security in the EU by making neighbouring countries more stable and also to directly stop migration to the EU. In 2019, the EU was conducting six military missions, one of which was Operation Sophia, which as previously described was a military operation in the Mediterranean whose aim was to "disrupt the business model of smugglers and prevent further loss of life at sea." The European Neighbourhood Policy is also an example of policy connecting migration and external security. Launched in 2004 as a framework to govern the EU's relations with sixteen of the EU's Eastern and Southern Neighbours, the European Neighbourhood Policy was reviewed in 2015 by the European External Action Service and the European Commission services. In the reviewed policy there are four main domains; one of which is security and another is migration and mobility. The revised policy is described by EEAS as working towards "a more stable EU Neighbourhood" and states that

> Strengthening the state and societal resilience of the EU's partners is a key priority in the face of threats and pressures *they* are experiencing, *including the challenges associated with migration and mobility*. ([my emphasis] EEAS).

It is noteworthy that while migration and mobility are here identified as a challenge for "EU's partners", for many EU neighbours, migration is seen as an asset. Circular labour migration and remittances can contribute to sustainable development (Oxfam International 2020: 28)[18]. Migration from the EU neighbourhood is rather seen as a challenge for the EU.

I found during my fieldwork that migration was commonly framed as a carrier of the outside insecurity into the secure space. One example was when I attended the European Defence Industry Summit and heard EEAS Deputy Secretary General Pedro Serrano speak

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[18] There is some disagreement in the literature over whether the benefits of remittances outweigh negative consequences of 'brain drain' (Skeldon 2008:10).

on a panel about 'growing closer to a defence union'. Mr. Serrano began by outlining some steps that the EU had taken towards a defence union and said that these steps had been "pushed by an international environment that is increasingly challenging, actually dangerous". Mr. Serrano surveyed the neighbourhood saying this is evident if we look to the east (meaning Russia), to the Middle East which is "in regional crisis" and to the South in particular Libya and the Sahel region. He pointed out that "all this is having consequences in Europe" and specified the three impacts as organised crime, *irregular migration* and terrorism. He laid out the rationale for strengthening Interpol, Common Security and Defence Policy and European Border and Coast Guard as "if we want to be secure in our countries, we have to be secure abroad". Serrano framed migration as a threat (alongside terrorism and crime), as an incursion of the chaotic "outside" into Europe, and as a motivation for Europe to go to those "challenging" regions and intervene to calm the threat there (through CSDP) and stop it from moving to Europe via migrants (using European Border and Coast Guard and Common Security and Defence Policy). Securing Europe is part of an ethical project for these policy workers who believe in the European integration project and forecast that its demise would be a "disaster", as discussed in the previous chapter. By evaluating the "foreseeable consequences" that insecurity abroad could have for Europe, they see their work as acting with a Weberian ethic of responsibility that accounts for the results of an action. I argue that part of this entails seeing through an EU lens, so that unrest abroad is seen in terms of its potential impacts on the EU. Adhering to an ethic of responsibility means acting on this, as Weber describes the maxim "turn the other cheek" to violence will not do as "for the politician the reverse proposition holds, 'thou shalt resist evil by force,' or else you are responsible for the evil winning out" (2013: 119). Weber explains that "the absolute ethic just does not ask for 'consequences.' That is the decisive point" (Weber 2013: 120). Thus asking about consequences defines the ethic of responsibility, as distinct from the "absolutist ethic"

and for my research participants the consequences are those that relate to the EU and the stability of the European integration project, as theirs is an ethic of responsibility to save Europe.

During my fieldwork, I found those actors who are traditionally concerned with external security (the military and NATO), paying a significant amount of attention to migration.[19] In July 2018, the NATO summit was held in Brussels. I attended 'NATO Engages: The Brussels Summit Dialogue' through a volunteer programme for young professionals. Held at the NATO headquarters, 'NATO Engages' was organised by the consortium of the Atlantic Council, German Marshall Fund, Munich Security Conference and Women in International Security in partnership with NATO. As the "official high-profile outreach effort for the Alliance", the two-day event hosted a number of heads of state[20], Ministers of Defence, industry representatives, and senior military, and aimed to "take an in-depth look at new and emerging security concerns". NATO does not input into EU migration policy making but participant observation in this setting was relevant for observing the security discourse in the milieu, NATO has been active in maritime missions to control migration, and many of the participants were EU policy makers and influencers including Commissioners, senior civil servants, and interest group. Although 'migration' was not explicitly in the remit of any of the sessions, I observed that migration was discussed much more frequently and as a significant threat to the security of the EU than I had anticipated when I attended several sessions as a seat filler. At a discussion entitled '(In)stability in NATO's Neighbourhood', one speaker summarised those challenges facing the alliance as

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[19] Migration featured very strongly in external security but it must be noted that the perceived threat of Russia was dominant and most external security stakeholders I met mentioned that since the incursion into Ukraine, the external threat of Russia has returned to Europe.

[20] Heads of state present included Justin Trudeau, Prime Minister of Canada, Katrin Jakobsdottir, Prime Minister of Republic of Iceland, Giorgi Margvelashvili, President of Georgia, Petro Poroshenko, President of Ukraine and Mohammad Ashraf Ghani Ahmadzai, President of Afghanistan.

There is tension in the Aegean between Greece and Turkey, challenges within the alliance but if you look at the broad range of challenges being faced in Southern Europe it's clear NATO and the EU need to be doing more; we have a significant migration problem which is an example of where NATO and the EU have been cooperating effectively, we need to continue to do more there, we need to continue to resolve the conflict in Syria which is contributing to the migration crisis, there are broader questions about Iran and sanctions and Iranian aggression in the region as well as what we are trying to do to solidify democracy in North Africa …

Here we see migration placed in the same utterance as Iranian aggression, and migration framed as a type of 'fall out' of the war in Syria. Migration was also placed alongside terrorism in this instance and again when on the topic of lessons learned from military interventions, the speaker said, "Libya wasn't dealt with and is a weak link in terrorism threats and also migration threats".

A United States Lieutenant General speaking on this panel again demonstrated that migration is seen as a threat to security that demands the attention of the military:

It's in the interest of the alliance to address threats and challenges at the source, not wait until they come to the gates. The Roman Empire invested immense amounts troops and money to protect their people and I think conceptually the alliance ought to be doing the same thing with a combination of development as well as security forces in North Africa to address why do you have Islamic extremism there, why do you have hundreds of thousands of people willing to risk their lives to come across the Mediterranean or come through Turkey to *get into Europe*? And by the way I think a lot of Europeans would be willing to invest more money in security if they saw it in that regard, protecting Europe versus thinking just in terms of jets or something like that.

In this way, migration is clearly framed as a threat from which Europe needs to be "protected", as it is placed alongside "Islamic extremism", and one that is external but can breach the secure space of Europe, can come to "the gates" and "get into" Europe. When I interviewed a General who represented his member state on the European Union Military Committee (EUMC) he, like this Lieutenant General, called for mobilisation of both military missions *and* development cooperation to address the "threat" of migration. In this case the EU Military Committee member was clear that international development cooperation was "the answer" to a lot of these problems and that what was needed was a "complex mission" of which military would represent "one small piece" in combination with sate building, education and so on.

While the military has a significant history of participation in humanitarian actions, the fact that senior military professionals are paying such attention to development cooperation and as a long-term strategy, is a significant statement for the sector. Another example of military use of other 'tools', and of a military mission with migration control aims, comes from the EU NAVFOR – Operation Atlanta – mission in Somalia. Operation Atlanta was launched in 2008 "in response to the rising levels of piracy and armed robbery off the Horn of Africa and in the Western Indian Ocean" and has a mandate for the protection of World Food Programme vessels, "deterrence, prevention and repression of acts of piracy and armed robbery at sea off the Somali coast", the protection of vulnerable shipping and to contribute to the "monitoring of fishing activities off the coast of Somalia" (EUNAVFOR: 5). I interviewed an official connected to the mission who described how Operation Atlanta has been "running" a radio show in Somalia with the key message to encourage young people not to turn to piracy, but it also covers other issues like the "realities" of migration, and attempted migration, to Europe. The radio show has been very successful in attracting local interest, with 10% of all Somali smartphone owners subscribed to the show. In addition, it boasts

"some of the largest engagement scores and message retention scores ever recorded and validated". The radio show is part of the Operation's "comprehensive approach to security" but is not in any way explicitly related to the EU or the operation. This interviewee compared radio show's cost of about €550 thousand per year, to the cost of a naval vessel; roughly €2.3 million *per month*. The radio show is based on the model of the post war BBC show 'The Archers' that aimed to teach the importance of growing vegetables. When we discussed the situation in Somalia, she was keen for me to understand that the radio show is "more than – don't migrate" because it is more subtle, and it includes story lines that are based on events that happened. Operation Atlanta is an example of a military operation in a non-EU country using a communications tool to achieve, amongst many other goals, EU security goals relating to migration from Africa to Europe. This shows that migration is conceptualised as a security issue to such an extent that deterring migration from Somalia to Europe is part of the work of a military mission.

This outline of various EU policy documents and operations as well as discourse from security actors, has demonstrated that migration is within the realm of external security. We have seen that there is debate in the literature regarding whether migration has been 'securitised' in Europe. The fact that migration is a concern of external security is further evidence that migration is in fact very much linked to security. The focus on third countries represents a foreign policy heavily influenced by migration and a concentration on the security aspects of migration policy. The migration focused nature of EU foreign policy is evident when we examine how other sectors, like development, are increasingly saturated in migration aims and when we look at the use of *security* tools like CSDP mobilised to meet migration policy aims. Having established that migration policy is connected to security we move on to discuss what security means in this context. If migration policy is centred on securing from (the threat of) migration, then what is *the referent object* of security focused

migration policy, what is it that is being secured? In an ethic of responsibility to save Europe, what is being *saved* is the European integration project, its achievements and values. In securitised migration policy, what is being *secured* is the functions of the political authority, control over its borders that allows the state to 'uphold rule of law' and 'ensure properly functioning policies'. The latter is a necessary element of a Europe that is 'saved'.

4. The Referent Object of securitised migration policies and migration related security policies: What is being secured?

Barry Buzan states that for the concept of security to be meaningful, we must inquire into "the question 'The security of what?'" (2016: 42). The previous sections of this chapter have established that migration is linked to security at the level of discourse and policy and that the security related aspects of migration policy have received significant attention and resources. The security element has been the sole area of migration policy upon which the EU Council has reached agreements, has come to dominate EU relations with third countries and is extremely well resourced. Security focused migration policy includes but is not limited to border control, readmission agreements to facilitate deportations, security-oriented development cooperation and CSDP missions. This focus on security demands an analysis of what is being secured in these efforts. This chapter argues that the stated aim of securing borders is about securing the functions of the political authority. This is part of a Weberian ethic of responsibility to save Europe, as secure borders are seen as necessary for a 'saved Europe' as is socio-political cohesion in the face of economic challenges and security-oriented migration policy is also linked with changes in the labour market and associated fears, particularly in the portfolio of the Commissioner for 'Promoting our European way of life'.

The concept of security only has meaning in relation to a referent object, something to secure. For decades, it was taken for granted that the referent object was state security, or rather a particular conception of "the national interest" (Williams 2008: 7). Since the end of the Cold War there has been increasing consensus that traditional conceptions of security were too narrowly founded, and the 1990s saw efforts to build a broader view. Prominent among them is the work of Barry Buzan who argued that "a notion of security bound to the level of individual states and military issues is inherently inadequate" (2016: 29). For Buzan "security is primarily about the fate of human collectivities, and only secondarily about the personal security of individual human beings" and the security of human collectivities (not just states) is affected by factors in five major sectors: military, political, economic, societal and environmental, each of which is connected to the others (2016: 37). Different forms or logics of security revolve around claims about referent objects, for instance, societal security is organized around the concept of society while state security is organized around the concept of sovereignty (Watson 2011: 5). For Scott Watson, by contrast 'humanitarian security' or 'human security' is distinct from these logics of security "in that it is organized around the concept of human life and dignity" (2011: 5). This is distinct from the manner in which state security is also concerned the state a*s the means of protecting human life* because humanitarian security *prioritises human life* over the interests of states and/ or societies.

The question of defining the referent object is sometimes phrased as "whose security" and "debates continue to rage over who or what should constitute the ultimate referent object for security studies" (Williams 2008: 7). The goal of this chapter is not to attempt to establish what "should" be the referent object for EU migration policies, but to explore how the referent object is constructed.

Collyer notes that the Treaty of Amsterdam's naming an 'an area of freedom, security and justice' has prompted the question "for whom?" (2006: 255). Collyer's study sets out to

clarify the referent object of security discourses in the Mediterranean region, in respect of international cooperation on migration, who or what is to be made secure by these efforts (2006: 256). Collyer finds that Justice Home Affairs conclusions reveal the referent object to be external borders and internal security with a focus on the territorially defined state (2006: 266). In their review of policy measures to manage unauthorised migration from Africa to Europe, Carling and Hernández-Carretero find "a call for protection of Europe" (2011: 52). I have also found that Europe and its external borders are classified as the referent object but this does not tell us enough about what it is that is being secured and so we must go further and ask what is the referent object that requires secure borders, what is meant by 'secure borders'.

4.1 State functions and the international system of borders and rule of law

> Europeans expect us to restore their sense of security and order. Not because they suddenly became xenophobic but because *it's the job of every political authority to protect its territory and border* ([my emphasis] Donald Tusk in European Council 2018: 8).

This section will examine the state as referent object. In his exploration of the meaning of security, Buzan contends that

> If, as argued above, the state is central to the whole concept of security, then one needs to examine the state as a referent object of the term …What is it that policy makers are trying to make secure within the multifaceted phenomenon that we call a state? (2016: 65).

Donald Tusk's tweet cited above offers a summary of what is being secured; the ability of the state, or political authority, to carry out functions that are core to what a state is: controlling

the border of the territory, deciding who enters the territory, and being aware of who is on the territory, these things are necessary for a state to *do its job* as Tusk may put it. For the EU and its member states, protecting the borders means protecting the Schengen area free of internal borders, but protecting the border also relates to the security of the state in the sense intimated by Tusk.

Tusk referred to the "job of the political authority" (referring to the EU) and Buzan uses the word "state". "What is it that policy makers are trying to make secure within the multifaceted phenomenon that we call a state?" (2016: 65) in the question taken up by this section. The issue of state territory and EU territory is complex for several reasons including the fact that the removal of internal borders in the Schengen area makes member states' external borders both the border of that state and the external border of Schengen. As addressed in chapter two, within the European Union it is the member states who have the ultimate right to decide the number of migrants who enter their territory. This has been a contentious issue when it comes to labour migration policy and most famously regarding the relocation scheme and the European Parliament proposals to reform Dublin IV as both of these require member states to accept a mandatory quota of asylum seekers and many member states are resolute in their wish to retain the right to decide who enters their territory and the number of legal migrants (refugees or labour migrants) who they accept. States do not however have the right to refuse entry to an asylum seeker and cannot therefore place a cap or limit on the number of asylum seekers who enter their territory[21]. It is outside the remit

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[21] Although asylum-seekers' entry to EU territory is, in most cases, irregular, asylum-seekers cannot be refused entrance at borders, nor be returned to a third country if there is a risk of persecution or other serious harm. This principle of non-refoulement was established by the Geneva Refugee Convention in 1951 and has been incorporated into EU law (Article 78(1) TFEU). This issue received significant attention in March 2020 when Turkey facilitated the journeys of asylum seekers from Turkey to Greece and Greece responded by issuing an Emergency Legislative Order suspending access to the asylum procedure for persons entering the country during that month, which violated domestic, EU and international law. UNHCR

of this chapter to enter a lengthy discussion of conceptions of national territories altered by

EU membership. I have at times said 'state' rather than political authority as 'state' is used in

the relevant literature and both are applicable to my argument that the 'functions of the state'

(member state) *and* the 'political authority' (EU) require a secure border for their core

functions of control over who enters the territory, upholding rule of law (against smugglers

and traffickers) and to 'see' who is on the territory. For our purposes, the security of the state

as referent object does not equate to 'national security' in classic international relations

terms, nor to the state's capacity to wage or repel war. In his description of what he calls the

'militarisation' of borders particularly at the borders of the US and the EU, Reece Jones

argues that

> the militarisation of borders today is not directed toward an existential threat to the
>
> sovereignty of the state, such as an invasion by a neighbouring army. Instead the full
>
> force of modern military technology is oriented towards smugglers and migrant
>
> workers (2016: 37).

Along similar lines, Feldman, writing about European border guards, says that "if European

nationalists used to guard borders to repel invading state armies, now European liberals guard

borders to repel unwanted migrants" (2012: 88). The borders are being secured to 'protect'

the state not from another state encroaching upon the territory, but from individuals, asylum

seekers and migrant workers entering the territory. When I argue that the state is the referent

object of security in relation to 'migratory pressure', I mean that policy makers are trying to

make secure the state's capacity to control who enters the territory and that this relates to core

competencies of the state. As outlined in chapter four, the migrant themselves are not

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stated that "All States have a right to control their borders and manage irregular movements,
but…Neither the 1951 Convention Relating to the Status of Refugees nor EU refugee law
provides any legal basis for the suspension of the reception of asylum applications." The right
to seek asylum is enshrined in Article 18 of the EU Charter of Fundamental Rights.

imagined as a threat *as individuals*. It was rare for a policy maker to frame security efforts against migrants as protection from individuals who could threaten the individual safety of members of the population, or even state security by forming a competing political agenda.[22] The security threat wasn't framed as coming from anything the migrants *were* or anything they were imagined to *do* upon arrival, but rather from the act of arriving at the border and entering the territory without authorisation they undermined the state's ability to "do its job". Since borders as referent object links to an understanding of the policy entity that is tied to territory, it is worthwhile to recall Weber's assertion that

> A state is a human community that (successfully) claims the *monopoly of legitimate physical force* within a given territory. Note that 'territory' is one of the given characteristics of the state ([emphasis in original] 2013: 78).

Thus, it is not just the monopoly of legitimate force that defines the state but also the *territorial* claim. Anna Stilz's investigation into territorial rights of states includes some state claims to territory that relate to migration. The claim to "territorial jurisdiction" entitles states to establish and enforce laws "within their borders"; and "states claim the right to control borders and to regulate the movement of people and goods across the territory" (2011: 573). Claims to territory then are necessarily bordered and depend on those borders being controlled by the political authority. The argument put forth is that when a political authority names "borders" as a referent object, it is worth analysing what the referent object at the core of this is and the analysis presented here shows it to be state functions as without border control the territorial claims are weakened.

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[22] Three interviewees mentioned the risk of ISIS fighters entering Europe undetected and four mentioned "cultural issues" such as not wanting women to wear burqas.

Nick Vaughan-Williams directs attention to the 'work' that borders do both domestically in setting out the limits of internal authority as per Weber's definition, and internationally in enabling the principle of territorial integrity thus

> The concept of the border of the state underpins the arrangement of, and indeed the very condition of possibility for, both domestic and international legal and political systems (2009: 2).

It follows then that those who are concerned with upholding the legal and political systems, as the EU policy makers are charged with doing, will see borders as a necessary and legitimate referent object of security efforts. This point was made in a most straight forward way by an interviewee working in the field of Home Affairs in an EU institution when she said

> 'No-one is Illegal', I've seen that meme online. So you can't say that a person is illegal, you can't say that because a human being is not illegal? But then how does state territory work? If you have a *political system* and a *demos* and a *territory* that you defend then that necessarily *needs to be bordered.*

Her reasoning is close to that articulated by Bigo who in his exploration of why securitisation of migration discourses prevail asserts that

> Securitisation of the immigrant as a risk is based on our conception of the state as a body or a container for the polity. It is anchored in the fears of politicians about losing their symbolic control over the territorial boundaries (2002: 65).

This policy worker was open to dialogue and debate with those who disagree with her and she discussed the experience of hearing from migration policy advocacy workers who do not support open borders, but also refuse to engage with border control. She said they are in a conceptual bind, or as she put it "that's like saying 'I'm really into ham sandwiches but I don't want anything to do with bread'". For her, one cannot seriously discuss migration

policy without also discussing border control. She sees it as a taken for granted common sense fact that border protection is necessary for the existence of states in their current form, and that border control is part of migration policy. She recognised that many (within the Commission) have an aversion to border control but suggested that this was somewhat irresponsible saying that "if you're going to be a state or such then you need to also be the night watchman whether you like it or not".

Control over borders is, for these policy makers, a referent object of security efforts in migration because if a state cannot control who crosses its borders it is perceived as having lost control over the territorial boundaries and therefore as failing to fulfil one of the functions of a functioning state. One MEP from the EPP (European People's Party) group laid out a logic that seemed to be quite common amongst policy workers

> And if we are going to make migration acceptable to the European populations … you've got to make sure that people safely believe that you are *in charge*, as politicians, as government, *as the political phenomena* and everything that goes with it. If you let it slip you're nurturing a hysteria that leads to, well problematic election results first and then the means and actions that might be brought to bear by those politicians that are elected on such programmes and that is not something I look forward to, so rather not.

According to this view, the state, the "political phenomenon" must be in control of its borders in order to be "in charge" or as Tusk said to "do its job", without border control the political authority is dangerously degraded. This was clear from the fact that policy workers so often spoke of the need for the state to be 'in control' to be the one to decide who enters the territory, not asylum seekers, refugees nor other migrants and certainly not smugglers and traffickers. Or as a participant in Feldman's research put it "Since states have existed, they have guarded their borders" (2012: 5). The conception of the state, of political authority and

of state functions that those responsible for making and influencing EU migration policy operate with, results in an emphasis being placed on border controls because their understanding of what a state *is* requires these things. Securing the state functions in this way is part of acting with an ethic of responsibility to save Europe, for these policy workers they are securing a political authority that they believe to be an ethical project of values.

Speaking at an academic conference in Brussels in 2018, a policy worker from DG Home described the EU's work on a "comprehensive" migration policy as advocating "a move from chaos to managed migration". This translated into a preference for reducing the number of "spontaneous arrivals" of asylum seekers. He described those spontaneous arrivals as having arrived "irregularly", even though they were seeking international protection. This speaker from DG Home was not proposing that the EU cease to be a place of international protection, but rather to alter the manner in which EU member states provide international protection. In proposing a move to resettlement he advocated for EU member states (and eventually EU institutions) to be in control of the process, by choosing who arrives on the territory for international protection, and how. He proposed a "move towards" resettlement so that international protection would take place "in an organised fashion" whereby the bulk of the recipients of international protection would arrive on EU territory through a resettlement programme, in full view of the host member state, and not "spontaneously". When asylum seekers arrive 'spontaneously' to a country the state might only become aware of their presence on the territory once they apply for asylum. Any person seeking to apply for international protection has the legal right to enter the territory to do so no matter how they have travelled. From the point of view of policy workers I met, this takes the control and the decision over who enters the territory out of the hands of the political authority. Refugees who arrive under the resettlement programme have already been declared refugees by the UNHCR, have usually been interviewed by civil servants from the host country's Department

of Justice and have been 'selected' for resettlement by the host state. In this way, resettlement allows for *control* over the territory and the decision of who enters the territory and how to be restored to the state. Under resettlement, the integrity of the political system of states is not seen as being threatened by unauthorised border crossings and unplanned arrivals on the territory and state control over the borders is upheld.

An MEP of the EPP group echoed the views of many policy makers when he said that not only does the EU need to have a proper common asylum system with mandatory quotas, but also to provide viable pathways for legal economic migration. When I asked him why he called for this policy change his answer was that

> We have to find a way to get people in in an orderly way. We also have to find a way to get people out when they are not entitled to be here. So, it's about both, getting people in and getting people out.

Here it is clear that he is concerned with it being the EU "we" who "get people in" rather than people arriving on the territory themselves, getting "in" themselves. He also places importance on increasing the rate of returns, an issue that was frequently raised by policy makers especially at conferences and other events. They often stated that those with a "real" need for international protection should be granted it, those who migrate legally should be integrated, and those with 'no right' to be in the EU should be deported. One policy maker from DG Home said in an interview

> Well, is irregular migration bad? Think if you go out for your lunch today, the guy putting cheese on your sandwich could be an irregular migrant and he is serving you, and contributing to the economy and is that bad? What I think we need is predictability, that if you come to Europe with a well-founded case then you will get international protection, if you come to Europe irregularly with no right to be here you will get deported.

Thus returns are seen as important *not* because the irregular migrant himself poses any threat, but to uphold the system. The individual is not imagined as posing a threat to the security of the individual or of the state, he is going about his business putting cheese on sandwiches to earn a living, but even so he must be deported because without a credible system of returns the migration system and the state's control over the territory is damaged. A number of policy makers said in interviews that an ineffective system of returns incentivises irregular migration. They reasoned that if one applies for international protection in order to stay on the territory, when the application is denied but the applicant is not removed then the system is undermined. Some expressed concern that without a real risk of being returned, migrants may be more likely to migrate in an irregular manner than to go through a complex system of applying for legal migration. In this way, the system is seen as at risk of being undermined or losing its integrity. From this point of view then returns relate to the security of the state since otherwise the state is not in control of who remains on the territory, and the legal system is undermined when those without a legal right to residency or access to the labour market live and work on the territory. The referent object of these efforts is the state function of control over borders and regulating who enters the territory.

The state needs Rule of Law

The state as referent object refers to core capacities of the state, border control, and the integrity of the migration system. A third element is the rule of law and upholding the law from the criminal aspect of irregular border crossings, that is networks of smugglers and traffickers. As already discussed, the "fight against smugglers" has been a core element of the EU response to the increase in the numbers of migrants and refugees arriving in Europe since 2015, as evident from the EU Agenda on Migration and the CSDP Mission Operation Sophia that aims to "disrupt the business model of smugglers and traffickers" (European

Commission, 2015). In these cases then the referent object is the rule of law, being secured against the threat of organised crime.

An interviewee working in Justice Home Affairs spoke enthusiastically of the progress that had been made in introducing measures to combat smugglers, including by introducing powers to shut down their social media. I put it to her that most migrants and refugees I know in Greece arrived with help from friends or with the guidance of information shared in social media groups from fellow travellers ahead on their journeys, and asked her why then they had prioritised putting resources into these projects, or if she knew what the figures are for self-smuggling as opposed to criminal smugglers. She seemed to find my question illogical when she responded

> I can't quite remember but at a conservative estimate I think I remember it being
> about 45%. But it's an obvious logic that to reassert control you try to eliminate the
> criminal element.

Her doubt about the logic of my question is understandable because 45% is a large portion of entries, and also when we take into account that the aim of migration policy efforts is not solely based on the migration dynamics, but also on securing the capacities of the state and in that case organised crime is of course a threat, regardless of the percentage of migrants who arrive through criminal networks. The organised crime networks that smuggle hundreds of thousands of migrants into Europe are breaking the law on such a mass scale that it undermines the security of the state as Bigo explains

> Politicians see themselves as insulted by the incapacity to enforce the integrity of the
> national body they represent. The 'migrant' is seen as both a public enemy breaking
> the law and a private enemy mocking the will of the politician (2002: 70).

In this case the 'migrant' is not framed as the 'public enemy', but rather the networks of smugglers and traffickers who are responsible for breaking the law and tragically for the deaths of thousands of people.

The state needs to 'see'

In his exploration of what it means to 'see like a state', James Scott explains why, from the state's perspective, the state needs to 'see' its population and how this relates to the objectives of statecraft. Scott discusses how the efforts to 'see the population' evolved, from urban planning to standardising measurement, because from the point of view of the state, if a society is "opaque" then "state action is likely to be inept" (1998: 51). The state therefore privileges "sedentarism" and migrants who enter without the state's authorisation undermine the state functions. As the objectives of statecraft evolved from "the classic state functions of taxation, conscription, and prevention of rebellion" to a more complex intervention in social life, including in health care and family life, so too did efforts to make the population "legible" (1998: 1). This line of thinking was reflected in the response of an interviewee in DG Home to a question about why "unmanaged flows" as she had put it, were seen as such a problem

> Because you first of all you don't know who enters. That's one of the issues, and then
> we come to security of course also again. Second of all people feel like they're being
> overrun. I think this feeling of fear has a lot been created by the images of these
> flows. Third thing is of course that you don't have any means to deal with the
> different flows. If you remember the pictures there was more like humanitarian aid
> here with water, toys here, children being lost, people dying on the street, it was just
> not a way that would be both for the benefit of the people.

For this policy worker then, not knowing "who enters" is a security concern, and also undermines the capacity of the state to conduct meaningful interventions because of a lack of information about the needs of the migrants. Along similar lines, Carling and Hernández-Carretero say that the framing of migration as a security threat can arise when the state is seen as lacking control over the number of entrants, and not knowing the identity of migrants

> The security-focused policy narrative is upheld by a range of factors. First, it is closely linked to the anxiety about states' perceived inability to control migration. It has the appeal of representing firm action in the face of potential danger. Second, security concerns are stimulated by knowledge gaps. In particular, the fact that most unauthorised migrants arrive without identification papers is often pointed to as a source of insecurity (2011: 44).

Their conclusions are similar to mine, that migration is conceptualised as a security concern for reasons relating to the functions of the state; its ability to control migration, and to have knowledge of who is on its territory. Conversely, Carling and Hernández-Carretero point out how the state's exercise of its functions by registering migrants and asylum seekers both benefits the security goals *and* allows the state to uphold its obligations in meeting the rights of the migrants who it registers (2011: 47).

As part of their argument that the migrant is imagined as "tainted by crime" Neocleous and Kastrinou contend that the fact that the term "undocumented" migrant has been replaced by "illegal" migrant signifies "that a figure once seen as lacking papers is seen now as lacking law" (2016: 7). Without papers, it is more difficult for the state to "see" the individual on their territory. Michael Collyer too points to the need for the state to "see" in his account for the consistent focus on irregular migrants

> not because there is any empirical evidence to suggest that undocumented migrants are more likely to engage in violent activity, but simply that the difficulty of tracing

such migrants increases their potential threat, 'it is the very invisibility of the undocumented or out-of-status migrant population that generates vulnerability in terms of potential terrorist activity' (Collyer 2006: 266).

4.2 Individual security and state security: Migrant lives as referent object?

Walking through the ULB campus where there were posters for various social and political events one that caught my eye read "Protégeons les humains, pas les frontières. Justice pour Mawda", ("Protect human beings not borders. Justice for Mawda[23]"). These types of slogans often pass us by and reading the poster I could imagine how easily this demand for protecting human beings instead of borders could be dismissed by the policy makers I had interviewed that morning. Yet when I paused to think about what it means to demand protection of people not borders I realised it is really about what is the correct referent object for security efforts of the EU in the realm of migration, what should the resources, the ships the border guards the satellite surveillance equipment be mobilised to protect? These protestors say human life, people, and believe that at present what is being protected is borders. The demand made in this poster then somewhat sums up a debate over security and the proper referent object, individual security and state security. Some of the complexities of this debate are explored by Pinar Bilgin (2003) as she traces debates regarding whether individuals or states should be the primary referent of security. The end of the Cold War prompted an interest in "human security" and an increased awareness of the costs incurred as a result of certain security

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[23] Mawda was a two-year-old Kurdish girl who was shot dead by Belgian police when the smuggler van she was in was trying to cross the border. At a protest held in solidarity with her family, in front of the Palais de Justice, the lawyer for the family stated that police are sometimes caught in a situation where they must make a choice about individual security and gave the example of a bank robbery where police may be forced to allow the perpetrators to flee in order to save the victims, contrasted with the car chase of the smugglers where they shot this two year old girl in the face.

practices, which motivated academics and practitioners to explore alternative approaches to security. Bilgin notes that "the simple question 'whose security?' has provoked lively debate on whether individuals should replace states as the primary referent of security" (2003: 208). Bilgin draws on the seminal work of Ken Booth who argues that since states are willing to make individuals insecure in order to secure themselves, individuals' security should come first (Booth 1991 in Bilgin 20013: 208).

Carling and Hernández-Carretero inquire into the referent object of policy measures concerning unauthorised migration from Africa to Europe, and conduct a review of eight of these measures and their policy narratives. Their findings were similar to what I observed in my fieldwork when they say that European authorities have sought to present their policies on border control and particularly efforts to curtail boat migration as addressing *both* the aim of protecting migrant lives and addressing security concerns, placing both as referent object (2011: 45).

Carling and Hernández-Carretero found that this is not true for all measures and their analysis argues that a policy that does not meet its claim of protecting both migrants and borders is that of information campaigns aiming to discourage departures from Senegal to Europe. Jointly sponsored by the Senegalese and Spanish governments, the EU and the IOM, information campaigns about the risks of unauthorised migration or the difficulties of undocumented life in Europe appeared on radio, television, newspapers and billboards. Carling and Hernández-Carretero note that these campaigns can play a humanitarian role if they provide new information to prospective migrants, but conclude based on the information they contain, that they exist to protect Europe, not migrants. The information campaigns do not inform migrants of their rights as migrants, only of the disadvantages of attempting to migrate, leading Carling and Hernández-Carretero to conclude that they "ostensibly seek to protect migrants by warning against the dangers of migration, but are primarily geared to

shielding Europe from migrant arrivals" (2011: 49). This is an interesting example of policy narratives portraying migrant lives as the referent object but actually working to secure Europe's borders.

Security measures that purport to secure lives but act to secure borders relates to the interaction between security and humanitarianism in EU migration policy, a topic of increasing importance that is fruitfully explored ethnographically by Ruben Andersson (2014), and theoretically by Violeta Moreno-Lax (2018). Andersson posits that a "worthy cause" was needed to justify the "militarisation" of the maritime operations which involved Frontex funded and Spanish military planes and Guardia Civil vessels patrolling the Mauritanian and Senegalese coasts in alliance with their African colleagues. 'Humanitarianism' gave both a legal justification and a "pre-emptive rationale" to controversial missions; the policing of African territorial waters by European police forces by framing the work as preventing migrants from leaving "for their own good". He found in his fieldwork with those involved in the Frontex mission Hera and the Canary Islands regional coordination centre that high-ranking border guards had taken on board the advantages of framing their interventions as 'rescues' evidenced by pictures in their offices of "drowning Africans being pulled onto the deck" and the discourse of border guards (2014: 71).

> Migrants had to be "prevented from leaving" for their own good. Yet migrants were rendered a risk not only to themselves on the open seas but also to the integrity of the external EU border – and it fell upon Frontex, Europe's elusive border agency, to conceptualise them as such a risk. (2014: 73).

As discussed above, securitisation of an issue allows it to be treated in an exceptional way. In his exploration of "the human as referent object", Watson (2011) proposes applying a similar logic to humanitarianism, as humanitarianism rivals security in its ability to conjure resources and lift an issue out of the realm of 'normal' treatment and into emergency measures. Watson

therefore approaches humanitarianism as a form of securitisation pointing to the use of humanitarianism to promote massive relief operations as well as military interventions that gain widespread approval (2011: 4). Watson argues that unlike 'state security', humanitarian security aims to prioritise human life over the interests of states. However, he acknowledges that both the concepts of security and humanitarianism have a certain ambiguity that leaves them open to being manipulated by those who wish to gain control over an issue (2011: 5). The ethnographic work done by Andersson (2014) and Moreno-Lax's (2018) rigorous legal analyses of EU maritime interventions suggest that such manipulation is a feature of EU border control efforts in the Mediterranean and Aegean seas over the past ten years.

Moreno-Lax (2018) is concerned with the mingling of humanitarianism and securitisation in the realm of border control, and along similar lines to Andersson argues that this approach

> (strategically) interweaves border security with human security vocabulary that helps
>
> enhance the legitimacy and reputation of securitizing forces (2018: 122).

Moreno-Lax analyses ten years of European maritime border control to argue that the securitisation of humanitarianism has led to what she calls a "'rescue-through-interdiction / rescue-without-protection' paradigm" that presents interdiction as "benign" and performed in the interests of migrants, but ignores the potentially life threatening impacts of being denied the right to leave a territory or cross a border (2018: 120). Operation *Hera* diverted migrants back to their point of departure and preventing departures from Senegal and Mauritania was celebrated as reducing the danger of losses of human lives, without raising concerns over the impact on the right to leave any country and the right to *non-refoulement* as set out in the EU Charter and Article 6 of the TEU (2018: 124). Moreno-Lax asserts that the paradigm has been "radicalised" during Operation Sophia and the EU-Turkey statement. According to Commissioner Avramopoulos the "war on smugglers" was the ultimate goal of Operation Sophia and for Moreno-Lax, Sophia marks a move from "defensive to offensive borders"

(2018: 128). Blocking boats from the Aegean route had been framed as a measure to protect migrant lives because it was predicted to have a "deterrent effect". Moreno-Lax cites EEAS own reports that this deterrent effect has failed to materialise (EEAS 2016 in Moreno-Lax 2018: 128). The death toll has sharply increased as migrants are now more likely to die at sea (ibid). The strategy has also shifted flows to Libya, where migrants are denied human rights.

Moreno-Lax argues, then, that the referent object is the border, and that in certain security situations the human rights or even the lives of migrants will be sacrificed to protect the integrity of the system of borders. This is demonstrated by the denial of human rights and access to international protection, the option available to border guards to use deadly force, and the increased number of drownings. Moreno-Lax concludes that denying access to EU territory has been framed as a humanitarian move (to protect migrant lives) rather than a security move (to protect borders) thus escaping criticism and side stepping legal obligations (2018: 133).

I have used fieldwork observations and document analysis to present an answer to the question of 'whose security' that necessarily arises in an analysis of securitised policy. I focused on state security. Bilgin argues that a focus on states does not allow for attention to be paid to the individuals and communities "thereby glossing over a range of suffering in security analyses" (2003: 28). After examining the idea that migrant lives, (and individual security) are the referent object of securitised migration policy, I remain more convinced that the security efforts regarding migration are directed towards protecting the political authority. Individual security where the referent object is the human life can also relate to state security in the sense of the identity of the state. Liberal states that fail to act in a humanitarian crisis may "feel shame because such inaction was inconsistent with their sense of integrity and self-identity" and allowing a humanitarian disaster to unfold is a threat to the identity of the political authority (Roe 2008: 786). Thus, the EU has been obliged to be seen to take action

over the thousands of deaths at its borders. Making the state functions the referent object of security efforts, rather than the lives of migrants is, I argue, part of acting with an ethic of responsibility in the Weberian sense. For these policy workers, their ethical (and professional) duty is to the EU, as discussed in the previous chapter. The EU is in their view responsible for peace in Europe and the spread of values like democracy and respect for human rights, therefore acting with an ethic of responsibility to save the EU, having the EU as referent object is for them an ethical project.

5.   Security from migration as displaced fear of globalisation

Sergei Stanishev President of the party of European Socialists, speaking at an event for 'millennials' on the future direction of the EU, said that for years Europe was the source of inspiration and hope, and people were confident about their future, but today that confidence is damaged. One EPP MEP acknowledged that in Europe people feel insecure because it seems that their children's lives won't be as secure as their own. Some interviewees cited insecurities in a rapidly changing globalised world and a tumultuous economic system as a reason why migration was linked to security, echoing Zygmunt Bauman (2016) Douglas Holmes (2000) and others who have made similar connections between the securitisation of migration and the lack of security in contemporary globalised capitalism.

Bauman contends that "the widespread sense of existential insecurity is a hard fact" and connects it to changes in the labour market and the "expansion of the ranks of the precariat" (2016: 29). Holmes names the contemporary social-economic order "fast capitalism" which he characterises as "a corrosive 'productive' regime" defined by the velocity at which it works and the transformation of society not just in economic terms but

also the upheaval of moral claims (2000: 5). Holmes provides an illustrative example in financial crises the fallout of which meant that

> Within the course of a few hours, not just the legitimacy of a particular regime but the fundamental sovereignty of a nation-state can be usurped by international financial markets, the agents of fast-capitalism (2000: 11).

For Holmes, 'fast capitalism' coupled with its erosion of solidarity via welfare policies and social safety nets, is at the root of widespread insecurity. Gerard Delanty et al draw upon and expand on Holmes' thesis when they say that social anxieties have been unleashed by fears associated with market liberalisation and "the absence of a European social model" (2008: 11). Both Holmes and Delanty et al. are concerned with the economic *and* the "cultural" element and Delanty et al. describe "post-liberal anxieties" as

> the fear of too much tolerance, the uncertain limits of the state, and fears and uncertainties about who constitutes the political community and where the limits of its membership lie (2008: 12).

Why contemporary fears and generalised insecurity are targeted at migrants is discussed by various scholars. Arjun Appadurai (2006) points out that globalisation, being a force without a face, cannot be the object of ethnocide, but minorities can. The insecurity of contemporary global capitalism, exacerbated by the inability of many states to secure national economic sovereignty, can translate into a lack of tolerance of any sort of collective stranger (2006: 44). Along similar lines, Bauman contends that anger at the forces of globalisation is diverted towards refugees who are the "collective victims" of those very forces yet are "perceived as those forces' avant-garde troops – now setting up garrisons in our midst" (2016: 16). In this view, migrants are "the bringers of bad news, the symbol of the collapse of order" who have come from a location where order has broken down, to remind us of the fragility of our own position, and of the forces of globalisation (ibid). Thus the pervasive feelings of insecurity

are heaped upon the migrant, making migration the object to be securitised. For some scholars, this is no accident but is orchestrated by those who stand to gain from diverting security concerns away from the social and economic system and towards migrants.

This is the case for Bigo who, like Holmes (2000) and Bauman (2016), notes the economic decisions that have created an insecure situation and contends that leaders are invested in pursuing a "policy of forgetting the (often unintentional) consequences of structural public policies" (2002: 81). For Bigo, this is a mode of governing, what he calls 'governmentality through unease' the main technique of which is "to transform structural difficulties and transformations into elements permitting specific groups to be blamed, even before they have done anything" (ibid). Conversely, on the topic of feelings of insecurity, Bauman is careful to point out that the feelings of insecurity have not been manufactured by politicians or the media, but nonetheless politicians have capitalised from them. Like Bigo, Bauman contends that governments use securitisation in order to shift anxieties away from problems that they "are incapable of handling (or are not keen on trying to handle)" such as the availability of quality jobs and social security, and on to "problems that governments can be seen" to be tackling (2016: 30). Bauman gives the examples of France's then President Francois Hollande's use of a state of emergency, and Hungary's Prime Minister Viktor Orbán's prodding insecurity in Hungary's citizens by declaring "all terrorists are migrants" (2016: 31).

European Council's Strategic Agenda 2019 – 2024 places an emphasis on 'protecting' citizens. The introduction begins by saying that "In recent years, the world has become increasingly unsettled, complex and subject to rapid change" (European Council, 2019) and then sets out the four priorities to guide the EU institutions' work as; protecting citizens and freedoms, developing a strong and vibrant economic base, building a climate-neutral, green, fair and social Europe, and promoting European interests and values on the global stage.

Gray recalls that *The Economist* predicted that "a Europe that protects' is becoming the defining political narrative of the European project" (Gray, 2019). She notes that the Strategic Agenda identifies migration as the Union's first priority which reflects the fact that migration was the challenge most commonly identified by Heads of State and Government in the European Parliament's Future of Europe debates. It follows then that while the Strategic Agenda addresses the *economic changes* and aims to adapt the labour force accordingly, a protective Europe appears to be protecting *against* migration, or at least against migrants who make unauthorised border crossings. This could be seen to concur with Bauman's assertion that governments who will not effectively resolve problems that "are such principal factors of the human condition as the availability of quality jobs…effective protection against social degradation, and immunity from a denial of dignity" (2016: 30) use displays of force regarding migration to demonstrate to the population that the political authority is resolute in working to "allay or disperse the pains of insecurity tormenting their subjects" (2016: 27). In our case this would apply to border control and that in an "increasingly unsettled and complex" *social and economic system*, political forces position themselves as providing security against migration. This echoes findings presented in previous chapters, policy makers reported increasing border control was part of an effort to assuage public fears about migration, and in doing so reduce the electoral appeal of the far right.

Rather than wishing to gain from public fears a number of interviewees discussed ways that the EU can work to assuage those fears. A particular emphasis was placed on combating disinformation regarding refugees, and a number of interviewees spoke of their wish for the EU to be more proactive in disseminating factual information that they believed would help the public to feel more secure about migration (as discussed in chapter four). On the topic of how to hold informed public discussion on migration, one interviewee was adamant that the best approach was to avoid discussions altogether, and simply "quickly

move on". He compared the public fears of migration to individual anxiety saying that for the individual, their anxiety doesn't go away by continuously talking about it, rather it assuages in time. This particular policy worker works in the area of JHA and had been working on promoting the security aspects of the migration policy field, particularly countering smuggling and trafficking. His dual aims were to lessen public anxiety, and increase security controls. This approach appears to run counter to what one would expect following Bigo's assertion that "diverse institutions" use migration to "play with" public anxiety or even to "encourage it if it does not yet exist" (2002: 65). Thus for Bigo those policy workers and politicians who promote border controls are active in promoting public fears of migration. Border controls are widely seen as a tool for securitising migration, *presenting* migration as a threat to be kept at bay and thus in the public's mind a phenomenon they must be protected against. On the contrary, my interviewees argued that border control was a tool for making the public feel *more* secure about migration, by providing a sense of control not only over the numbers but also over who comes in, which would lead to less fear.

Boswell points to the myriad problems for policy makers and politicians that could arise from securitising migration including the creation of unfeasible public expectations regarding limiting the number of entrants, and the fact that making migration a security concern can clash with other policy goals particularly "business friendly" policies. Boswell argues on that basis that "there is no reason to expect politics to be driven exclusively by an interest in encouraging public unease" (2007: 592). This appears to contradict both Bigo and Bauman who contend that politicians benefit from the 'unease' and will thus be interested in creating or at least prodding it. It is of course essential to distinguish here between politicians seeking election and policy makers. The policy makers I met often spoke of "political masters" and of their own task of creating operational solutions (like relocation), being made more difficult by political dynamics not of their creation. My research participants referenced

public "unease" as something that makes Europe in need of saving and part of the changed, and challenging, policy making landscape discussed in the previous chapter. They see their work as an ethical project to save Europe and public unease regarding migration as a "boon" for those who are hostile to the European integration project.

6. Protecting, or Promoting "our European Way of life"

In 2019, incoming President of the European Commission, Ursula von der Leyen created a new portfolio that she named Vice President for "Protecting our European Way of Life". The portfolio for this Commissioner included responsibility for migration and asylum policy, prompting concerns that the remit of those charged with forming EU migration policy was being cast as the task of "protecting our European way of life" *from* migrants. Dutch ALDE MEP Sophie in't Veld said that "The implication that Europeans need to be protected from external cultures is grotesque and this narrative should be rejected", the European Trade Union asked "Why ... is migration in this portfolio? We need protection for our democracy, against climate change etc. - not against migrants" (BBC, 2019) and the EU Observer reported that von der Leyen "had slapped the label 'protecting our European way of life' onto an EU commissioner in charge of migration, largely seen as a head nod to right-wing factions" (Nielsen, 2020). Marine Le Pen called the title of the portfolio an ideological victory. Following the controversial backlash, the title of the Commissioner was changed to "*promoting* our European way of life". Von der Leyen addressed some of the criticisms and concerns by writing an opinion piece published in several European newspapers and on the European Commission website in which she said,

> For most people, the European way of life is not something that needs explaining. It is
> simply a daily reality. But clearly a debate has sparked this week on the connotations

and the concept of the term. This is good. And it is a debate we should have in the open. … We should not allow these forces [populists] to hijack the definition of the European way of life. They want it to mean the opposite of what it is … and sow division amongst us … Of course, words matter. I recognise that. (Von der Leyen, 2019b).

The content of the portfolio, and the discourse around it can serve as an interesting snapshot of how and why migration is linked to security in EU migration policy making.

The mission letter von der Leyen wrote to Commissioner Margaritas Schinas outlining the portfolio of the Vice President for promoting our European way of life lists the goals and tasks of the mandate under three headings: 'skills, education and integration', 'finding common ground on migration', and 'security union'. The tasks range from use sport to "bring our communities closer together", to ensuring coherence in security policies including "prevent, detect and respond to hybrid threats", to working on a "new pact on migration and asylum" (Von der Leyen 2019a: 5). That building a "genuine European security union" is in the same remit as addressing "legitimate fears" about "the impact of irregular migration" and using sports to build community can be read as an indication that the threats to Europe are seen as being both internal and external, and in the form of military as well as socio-political threats. President von der Leyen clarified the logic behind this mission in her opinion piece when she said that

This European way of life came at a great price and sacrifice. It should never be taken for granted – it is neither a given nor a guarantee. The proof of that is that our way of living is being challenged every day – as much by anti-Europeans from within as from without. We have seen foreign powers interfere in our elections from the outside. And we have seen home-grown populists with cheap nationalistic slogans try to destabilise us from the inside (Von der Leyen, 2019b).

The idea that the "European way of life" must not be taken for granted, is consistent with von der Leyen's discourse just over one year earlier when she spoke at the NATO engages summit in July 2018. In her capacity as German Minister for Defence, von der Leyen said that the values of the alliance; democracy, rule of law, multilateralism are "not a given" and "if we do not stand up for it nobody else will". The particular portfolio of this Commissioner can be seen therefore as a move towards *proactively* 'protecting' or defending 'our way of life' including democracy. This connects to the argument made in this thesis, that policy makers understand their work on migration as acting with a Weberian ethic of responsibility that involves a "responsibility to respond to the world 'as it really is'" (Satkunanandan 2014: 173) and accounting for the "foreseeable results" of one's actions (Weber 2013: 120). My research participants frame their work as 'an ethic of responsibility to save Europe' and as demonstrated in the previous chapter, the policy making landscape as one in which we cannot take for granted democracy and other values. That migration is in this portfolio at all indicates that migration policy is conceptualised as part of saving Europe, or saving the European way of life. The creation of the portfolio of 'promoting our European way of life', the particular line up of tasks included within, and the discussions surrounding it, provide an insight into how security is connected to more than CSDP missions and increasing the number of border guards, but social cohesion and political and economic stability. It also provides an example of migration being linked to security.

Conclusion

In the course of conducting my fieldwork in Brussels, I encountered security measures at every turn. Each time I entered a building of the EU institutions I placed my jacket and bag in a tray to be scanned and walked through a personal scanner, watched by the security guards

often dressed in the uniform of the multi-national 'G4S'. Waiting for interviewees at the entrance to the European Parliament building I often watched soldiers stroll past dressed in full camouflage, faces covered by a balaclava during the cold months, carrying large guns. The entrance to the Justis Lipsius building on Rue de la Loi is flagged by army jeeps, and the entrance to DG Home has a small poster indicating the current 'threat level', which was at yellow. These measures were all increased whenever the European Council met. On those days the metro stations in the vicinity were completely closed, and during the NATO summit even the 'villo' bicycle rental stations were shut down so one could not get a bicycle in the European quarter. All of this gives the impression that security measures are being taken against a terrorist threat, that the referent object here is state security and physical security. Threats to the physical safety of individuals and to state security are frequently linked to migration in the media and in far-right discourse and simultaneously migration policy references Europe's *security* needs, as we have seen. However, each time I entered through the secured doors and into the EU buildings for interviews and events on the topic of migration, what we discussed in terms of security was not terrorism but the threat of the far right to democracy, and the referent object was more likely to be values, democracy and state functions than the physical security of Europeans. I have argued that the referent object of securitised migration policy is state functions and the "proper functioning" of the EU, not physical security. This is important to highlight because it counters commonly promoted ideas that migrants are imagined as the threat to the physical safety of EU residents.

Collyer describes how when the concept of security was first connected with migration in the 1990s scholars initially rejected any association between the two "emphasizing the usually negative effects of the security discourse on migrants" (2006: 255). He cites Sarah Collinson's concern that "presenting or discussing immigration and related issues in terms of national security may only encourage – or at least legitimise – xenophobic

and racist sentiments" (2000: 317 in Collyer 2006: 260). I shared this reluctance to associate migration with security, and this chapter has sought to clarify that the referent object of security efforts is state functions. Contrary to what a reading of the securitisation of migration literature had primed me for, I did not encounter security obsessed policy makers, nor were they consumed by an image of the migrant as a dangerous 'Other'. I found rather policy makers consumed by the European project and dedicated to saving the EU. The previous chapter discussed this in terms of efforts to save the EU in its current form in terms of EU values and this chapter discussed efforts to secure the system of states in their current form regarding key functions, the rule of law and territorial claims.

This chapter has demonstrated that migration policy is heavily influenced by security and explored what the referent object is of these security efforts. An analysis of key policy developments since 2015 particularly those of the EU Agenda on Migration, demonstrated the centrality of security in EU migration policy. Those working in migration policy making are increasingly working on the security aspects of migration, and equally those working in the security sphere are devoting increasing resources to migration management efforts. This was illustrated in the external security missions and how they conceptualise migration as a type of vehicle of insecurity from insecure regions into the EU. Given then that security missions are directed towards stopping migration to Europe, relations with third countries are dominated by the security aspects of migration policy, and security is a privileged area of migration policy it is imperative to understand what security is in this context. The most common answer to what is being secured by these efforts is, borders. Policy documents, speeches by EU leaders and interviews with policy officials most frequently contain references to a need to "secure the borders". But what is actually being made secure by secure borders? This chapter argues that "securing the borders" means securing core functions of control over territory meaning control over who enters the territory, the rule of

law by upholding the law from the criminal aspect of irregular border crossings which translates into combatting smugglers and traffickers and knowledge about who is on the territory. This thesis asserts that policy makers understand their work on EU migration policy as 'saving Europe', saving a union of values from Eurosceptic political forces that threaten those values. Along similar lines this chapter has illustrated that what is being secured is the political authority of the European Union by securing state functions. This is understood as ethical work, creating security for the EU to "uphold law and order" and ensure "properly functioning EU policies, in line with our principles and values" (European Council 2019: 3), and doing the "job" of a political authority by "protecting territory and borders" is considered ethical work by my research participants because it is part of a project that has succeeded in maintaining peace in Europe, in fostering European cooperation, creating a border free area for people and goods to move and that upholds values of democracy and human rights. Security measures that have as their referent object the functioning of political authority are therefore imagined as ethical work by my research participants.

Conclusion

> Advocacy, for unaccompanied minors, ok. But look at Sweden, in Sweden they had 36,000 unaccompanied minors in the space of 6 months. And you know what that means? That means 36,000 spaces in classrooms. Let's say you have 36 pupils per class, it's a big class but say 36, that's 1,000 new classes. And people aren't realising that when they talk about unaccompanied minors.
>
> Sweden was open, they were open to refugees and on resettlement and now they are closing down, they are putting up internal borders, pulling out of Schengen, the polls for their next election in September are a disaster – the anti-migrant party are doing well.
>
> All this advocacy on behalf of unaccompanied minors but in fact sometimes the best thing for the child would be to go home.
>
> And before people would send their child to Europe and then do family reunification to be with their child. But EU citizens don't want it anymore, they don't want it.

A senior official in DG Home made this analysis as part of their answer to an interview question about proposals from interest groups and NGOs and in doing so gave us some insight into how a policy workers considers migration and perceives their role. In drawing attention to the impact for schools, for the children themselves, for the migration and asylum policy, for politics and for the European integration project both in terms of the threat to the Schengen area and the potential "disaster" of an anti-migrant (and so nationalist and Eurosceptic) party coming to power in Sweden, she sees her work as acting ethically, with a Weberian ethic of responsibility. This thesis has argued that we can understand how migration policy workers approach and frame their work by applying Weber's ethic of responsibility, specifically 'an ethic of responsibility to save Europe'. Actions that adhere to

an ethic of responsibility are guided not by "the flame of pure intentions" but by the "foreseeable results" of an action (Weber 2013: 121). The ethical act in an ethic of responsibility is not that which adheres to an abstract notion of ethics, but that which takes account of the circumstances, evaluates the potential consequences, and acts to avoid harm.

I have argued that the "foreseeable consequences" *for Europe* are the primary guide of migration and asylum policy making, the ethics at play is an ethic of responsibility to save *Europe*. For this reason, policy makers view migration and asylum through an EU lens, in terms of the interests and needs of the EU. Saving Europe is seen as an ethical endeavour because it is being saved from "disaster" alternatives such as "anti-migrant" far right, fractured solidarity, nationalist Eurosceptic parties and the attendant threats to democracy and human rights, and promoting the EU is ethical since the EU is synonymous with values such as human rights, the rule of law and democracy.

This thesis aimed to explore ethnographically the context in which EU migration and asylum policies are made and the understandings of migration and policy circulating in Brussels, an example of which is the following perception of search and rescue (SAR) presented by a senior official in DG Home. His analysis is worth quoting again. In response to an interview question about whether he is ever presented with policy proposals that he considers unreasonable, this official said

> All the time. Some are well balanced, for example from IOM, and UNHCR, well some parts of UNHCR because there are different parts. And then others aren't, they are *just ideologists*. Like the search and rescue off the coast of Italy. These NGOs are just transporting migrants, they say it is search and rescue but it isn't because they set off from Libya, they have a satellite phone, they call them, they say their lives are in danger – well they are, fine, I mean they are in a boat not meant for this many people on this voyage, and they come and transport them back to Italy. They are in my

opinion *a threat to our democracy* because they are *responsible for extremism, for the rise in the far right*. Because people see that in Italy and they don't like it and then the far-right gains power. They create a pull factor because they transport people.

And they do advocacy work they say save lives, save lives, save lives. But the best way to save lives is for people not to get in the boats.

This thesis argues that in order to understand this type of utterance, and policy makers' assessments of the situation, we must grasp that policy workers conceptualise their work as an ethic of responsibility to save Europe. Each chapter of the thesis has contributed to interpreting the understandings and values and the policy making environment which makes legible the meaning attributed to rescuing drowning people is that it is a threat to democracy, and in which advocacy for migrants could contribute to the rise of "anti-migrant" politics. The first two chapters outlining the history and evolution of European cooperation in the fields of migration and asylum posited that the needs of the border free Schengen area had substantially shaped the Common European Asylum System, and it remains the case that the survival of the Schengen area is to the fore in how policy makers assess developments in migration policy.

The third chapter 'Literature review and theoretical statement' argued that migration and asylum policy making is driven by a belief in the European project, and not simply the mechanics of the "migration apparatus" (Feldman, 2012). Weber's ethic of responsibility and how it pertains to policy makers' understandings of their work was presented in this chapter. As Weber described an adherent of an ethic of responsibility as one who "takes account of precisely the average deficiencies of people … he does not even have the right to presuppose their goodness and perfection" (Weber 2013: 121), policy workers attend to public opinion on migration which they perceive as, in the words of the DG Home official above, "they don't like it and then the far-right gains power".

The "knowledge claims" of policy workers presented in chapter four 'understandings of migration' demonstrate that policy workers frame smuggling not just as facilitating a move to Europe but as creating the desire or motivation for such a move in the first place. In interviews and policy documents the understanding promoted is that migrants are "putting their lives in peril" by getting into boats, rather than that they are getting into boats to escape a situation in which their lives are in peril (see for example European Commission, 2019) and research participants said that SAR facilitates smuggling operations by completing the journey. In such a set of understandings, the above commentary can make more sense. Chapter four argued that policy workers do appreciate the complexities and contradictions of migratory dynamics and asylum but that they ultimately view these through a lens concerned with the EU and what European states can "handle" politically.

Chapter five 'calculus' argued that policy makers' ethic of responsibility to save Europe extends to considering the "foreseeable results" for a range of factors, including public opinion and the European project in terms of the functioning of the Schengen area and member state relations. In the quotation above, the interviewee cites the "foreseeable results" for Sweden's schools, for the child, for public opinion, for Schengen. This chapter analysed policy workers' priority to "reduce the numbers" of refugees and migrants in Europe as part of an ethic of responsibility to save Europe as interviewees drew a direct link between an increase in the number of migrants entering Europe and an increase in support for the far right. Incorporating these understandings into their policy work is part of an ethic of responsibility which is characterised by a "responsibility to respond to the world 'as it really is'" (Satkunanandan 2014: 173).

Chapter six, 'values' explained that an increase in support for the far right is framed as putting Europe in peril. The far right is seen as a "disaster", a threat to the EU because of the promotion of nationalist ideals that run contrary to the European project. The importance

of the EU for 'saving Europe' is reiterated by recalling the pre EU history of the continent, divided by warfare and fascism, and dangerous nationalism. In such a context, policy that leads to a rise in support for the far right in Italy, or the anti-migrant party in Sweden is not ethical according to an ethic of responsibility to save Europe.

This DG Home official stated that "the best way to save lives is for people not to get in the boats" and chapter seven 'security' analysed the referent object of securitised migration policy that aims to "prevent people getting in boats" or rather, arriving to Europe. This chapter argued that the referent object of these security efforts is 'border security' and that when we analyse this further find the referent object is state control over its territory that allows the state to fulfil its core functions. Secure borders are seen as necessary for a state to "do its job", to implement functioning policies, to be in control of who enters the territory and uphold rule of law. In this view, a situation where it is not the state who decides who enters its territory, but smugglers and traffickers then the rule of law and state control over territory are threatened.

This thesis has used Weber's ethic of responsibility to interpret ethnographic material and argue that policy makers conceive of their work as an ethic of responsibility to save Europe, the meaning of which will be further elucidated here with an extract from an interview with a Justice Home Affairs attaché. This interviewee demonstrated what Weber explained as a chief component of an ethic of responsibility: "conduct that follows the maxim of an ethic of responsibility, in which case one has to give an account of the foreseeable results of one's action" (Weber 2013: 120). In spring 2018, I interviewed this JHA attaché in a member state permanent representation that had held the presidency for a period since 2015. When I asked them how they assess the challenges and successes during the period that the EU has been responding to the migration policy crisis, and the period of the presidency of their member state they outlined the options on the table at that time:

Because there were… some main alternatives how to address the crisis. The first one was temporary protection. The commission didn't want to trigger it ... Do you know why?

It wasn't triggered by the Commission for the crisis in Syria although the instrument was really aimed at such situations ... So it would be triggered for Syrians only. But there are two principles in it that made it difficult for the Commission. The first is that the people in receipt of temporary protection have the free choice of the member state. Do you already see where would be the problem? Because we were already confronted at that time with a massive influx in Germany and Sweden so then triggering temporary protection would have increased this. So for Berlin and for Stockholm they would have had major problems.

And also, the temporary protection directive gives very quick access to the labour market. This was problematic for other member states that have a high rate of unemployment. For example Austria, they have a very high rate of unemployment. And it would have been very difficult for them because they are on the route. So many people would have been stuck there. and they would be added to the Austrians seeking for jobs. So in that public opinion it would have been very difficult to manage it. So this was not the alternative put forward.

The second was, simply, to block the influx. This has been used by member states on the basis of national decisions in the West Balkans. So this domino effect like we call it but it went the reverse way. So, Germany, once it started the Austrians did the same because otherwise all the people would have been stuck in Austria and then it continued backwards. This was for the internal borders, the union didn't want to follow this because it would have been a danger for the functioning of Schengen and the free movement of persons.

And even, free movement of goods because once you really start to control internal

borders you also have to control the truck drivers. And if you control the drivers,

goods too. Can you imagine in this part of Europe having already border control? It's

already not moving now on the motorways. Add border control and its completely

paralysed. And, the external borders. The external borders we had Hungary that took

the initiative. Perhaps you have seen the pictures of that time. It was not the picture

that Brussels wanted for border control. It was criticised a lot.

This JHA attaché set out the "foreseeable results" of each policy choice for the economy,

public opinion, the functioning of the Schengen area and the EU's image. This approach to

migration and asylum policy exhibits an ethic of responsibility, in clear contrast to an ethic of

ultimate ends which Weber describes as

If an action of good intent leads to bad results, then, in the actor's eyes, not he but the

world, or the stupidity of other men, or God's will who made them thus, is responsible

for the evil (Weber 2013: 121).

This type of ethic of ultimate ends was shunned by my research participants who, like this

attaché, considered themselves responsible for considering the "foreseeable results" carefully.

Of note in the above evaluation of policy options is that the "foreseeable results" that they

listed all pertained to EU interests rather than outcomes for refugees and migrants. This is an

example of what I have called seeing through an EU lens, and chapter four argued that policy

workers' "knowledge claims" about migration are shaped by having the needs of the EU in

sight. Thus, policy workers' concept of their work can be understood as an ethic of

responsibility to save *Europe*.

The interviewee quoted here noted the foreseeable consequences for public opinion

and the functioning of the Schengen area and chapter five listed some more of the factors that

policy workers consider through an EU lens. This chapter argued that working in Brussels

contributed to the development of an ethic of responsibility to save *Europe* and that part of this is considering the EU institutional dynamics, tending to relations between member states and institutions. This helps to explain how this JHA attaché spoke of the relocation decisions as

> The second one we tried also to have all the member states on board but some at the end didn't want so we were forced to adopt it as a union legal act and with qualified majority voting… it was a historic moment, perhaps, when we first tried to manage crisis. But, it is also a historic moment that created new division in Europe so, I think the second decision was not necessary

The second relocation decision allowed for the relocation of 120,000 asylum seekers from 'frontline member states' to other member states. The concern with *how* the decision was taken and with its impact on divisions between member states exemplifies the argument of this thesis that policy is made with these considerations for the EU in mind.

Chapter six explained why acting with an ethic of responsibility to save the EU is understood as an ethical endeavour. The EU is imagined and presented as a project of values and the EU institutions as necessary to uphold those values. This chapter recalled Weber's assertion that politics is "not made with the head alone" (2013: 127) and argued that belief in the EU as a project of values animates policy makers' work on migration and asylum policy. In this way the chapter refutes Feldman's depiction of a migration apparatus that encourages "the sacrifice of one's powers of original thought for the cause of *utility and efficiency*" ([my emphasis] 2012: 197) as policy workers are attached to and invested in the "cause of" the EU project. By presenting policy makers as driven by an ethic of responsibility to save Europe, this thesis diverges from Gregory Feldman's (2012) conclusions that the European "migration apparatus" lacks an ethical core and is propelled not by some belief in a project but by the mechanisms of the apparatus. Feldman's ethnography focused on the role that "the

cold logic of productivity, security, and particularity" play in the EU migration regime while this thesis has been concerned with how policy makers conceptualise their work, arguing that they have a moral style of reasoning that is not a "cold logic" but rather a belief that what they do is part of an ethical project.

Along similar line to Feldman, much of the EU migration policy literature does not engage with policy makers' understandings of the complexities of migration and asylum and how they conceptualise their roles. Critical studies of EU migration policy and border control that do not seriously engage with the policy makers' perspectives often are left unable to explain the purpose and trajectory of these policies. An illustrative example is the work of Ruben Andersson (2012) who concludes his ethnography with the declaration that

> The workings of the illegality industry, it has been repeatedly stated in this thesis, are absurd. Absurdity covers a range of meanings, from *existential predicament* to colloquial dismissal, but what will initially concern us here is the absurd in its guise of *purposelessness* pure and simple ([my emphasis] 2012: 273).

Andersson supports his conclusion by pointing out that "clandestine migrants keep coming" and border control means that they change their routes and methods "yet on the frontline and in European capitals, it is business as usual" which he finds "absurd" meaning "ridiculous, incongruous, senseless and futile" (2012: 274). Andersson poses as an "absurd" puzzle that these actions continue if they are not "working" and focuses on those who profit from the "illegality industry" of migration control. Where Andersson sees the continuity of migration policy as "absurd" and Feldman accounts for its endurance by focusing on the mechanics of the "apparatus", this thesis offers an alternative explanation. Policy workers are ethically engaged, aware of the contradictions in their policy work, and motivated by a larger ethical project and the type of ethics they practice is best understood as a Weberian ethic of responsibility to save Europe. Where Andersson depicts the continuation of EU migration

and asylum policy as incomprehensible, this thesis has made it comprehensible by adopting an anthropology of policy approach that attends to "the cultures and worldviews of those policy professionals" (Wedel et al 2005: 34) and how policy makers themselves measure a success. Where Andersson cites the absurdity of the fact that migrants "keep coming" despite ever more elaborate border control efforts, this thesis has sought to foreground policy makers' perspectives that among the "successes" they have achieved is that they have "reduced the numbers" and this has "created a normal enough environment for the European Parliament elections", that more far right politicians have not come to power, that they can demonstrate to the public that the political authority is "in control" of the border, and that divisions between member states have not deepened. When we understand their aims and motivations and what they count as success, policy becomes more comprehensible and appears less "absurd". Thus, by furnishing ethnographic depth to an important political question, that of migration and asylum policy, and using a Weberian ethic of responsibility to interpret policy makers' conceptualisation of their roles, this thesis has deepened our understanding of the making of EU migration and asylum policy.

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Methods Appendix I

I conducted participant observation in Brussels between December 2017 and March 2019 at the following events:

Events
1. Bruegel report launch 'Better policies for people on the move'.
2. 'Arrival Cities Network' final conference.
3. Committee of the Regions conference 'Future of the European Union and the role of Regions'.
4. Fundamental Rights Agency report launch 'Challenges facing civil society organisations working on human rights in the EU'.
5. Thomas More Institute Meeting: 'UK after Brexit: A Global Britain or Splendid Isolation?'
6. European Migration Network 10 year anniversary Annual Conference 2018.
7. European Parliament Research Service seminar 'The European Council: Developments since the Rome Declaration'.
8. European Parliament ALDE group: ALDE New Year Seminar on 'The State of Democracy, the Rule of Law and Fundamental Rights in the EU'.
9. Bruegel lunch-time seminar 'European development policy in the global context'.
10. Odysseus Network Annual Conference 2018 'Conflict and Compromise between Law and Politics in EU Migration and Asylum Policies'.
11. University of Bergen conference: 'Whither European asylum policy? A pendulum between universalisation and re-nationalisation'
12. ULB evening seminar: 'Quels droits pour les réfugiés et migrants de nos jours?' with François Crépeau et Andrea Rea.
13. European Parliament seminar: 'Lessons from NGO's: integration of refugees in Brussels'.
14. IIEA evening seminar: 'PESCO, Ireland and the Union: new challenges but old debates'.
15. EU Open Day. I spent the day in the EU quarter and took a tour of the European Parliament and EEAS (European External Action Service). At the EEAS I visited a number of stalls and talked with military and diplomatic personnel at EUBAM missions, and the Libya mission.
16. European Development Days 2018, Organised by the European Commission. (2 days)
17. IIEA: 'Ireland's corporate tax regime and possible future game changers from within EU27 and outside - What are the risks? What are the effects- on investments, on the tax take? What to do?'
18. EASO (European Asylum Support Office) annual report launch 2018.
19. Human Rights Without Frontiers event in the European Parliament: 'EU's Soft Power in the European Neighbourhood: Human Rights in Morocco'.
20. Global Progressive Forum and Socialists and Democrats Group in the European Parliament conference 'Addressing the main challenges of the Euro-Mediterranean cooperation: A progressive agenda'.

21. WIIS (Women in International Security) Brussels in collaboration with the Open Society European Policy Institute evening discussion: 'Gender and Human Rights in CSDP missions and operations'
22. European Parliament Research Service seminar: 'The European Council: Developments since the Rome Declaration'.
23. NATO Engages: The Brussels Summit Dialogue (3 days)
24. CEPS (Centre for European Policy Studies) lunchtime meeting 'Looking through the Fog of Brexit: Scenarios and Implications for the European Defence Industry'
25. CEPS conference: 'Perceptions of Migration in Europe: Implications for Policy-Making
26. European University Institute's Migration Policy Centre and its Observatory of Public Attitudes to Migration conference: 'Europe divided? Attitudes to immigration ahead of the 2019 European elections'.
27. Party of European Socialists conference: 'Women on the Move' (2 days)
28. GUE (The Left in the European Parliament) event: 'Trading Humans in Libya and Middle East'.
29. European Migration Network Norwegian National Contact Point conference 'Sustainable Migration in Europe'.
30. WIIS. Gender in CSDP (27 June 2018)
31. Odysseus summer school session: 'Debate on the Situation of Asylum in the European Union in 2017'.
32. Young Professionals in Foreign Policy evening discussion: 'Military Schengen: Going the Distance'.
33. Brussels International Center roundtable in the European Parliament: 'Leveraging a New Security Partnership with Africa'.
34. FEPS (The Foundation for European Progressive Studies) conference: 'Millennial Dialogue on Europe' (2 days).
35. SOURCE (Virtual Centre of Excellence for Research Support and Coordination on Societal Security) conference at CEPS: 'Responding to societal needs through security policy'.
36. CEPS conference: 'EU-Africa Migration : The Role of Aid and Labour Migration'.
37. European Defence Industry Summit.
38. European Parliament Research Service seminar: 'The development of European Integration: Crisis as opportunity?'
39. PubAffairs Bruxelles and Représentation Permanente de l'Organisation Internationale de la Francophonie (OIF) auprès de l'UE evening discussion: 'La gouvernance économique de la zone euro: quelles possibilités d'arriver à un consensus de long terme?'

Methodological Appendix II

Interviews:

Between December 2017 and March 2019, I conducted forty interviews with relevant policy makers and influencers. Apart from the 7 interviews I conducted with Irish civil servants which took place at their offices in Dublin, the interviews took place in Brussels. The majority of interviews took place in the office or office canteen of the interviewee, eleven took place over coffee or lunch and two occurred at events at which I was conducting participant observation (with oral consent).

Interviewees were from the following:

Category	Number of interviewees
European Commission DG Home	7
Members of the European Parliament	7
Member state permanent representations to the EU	5
Staff (and former staff) of the European Parliament / European Council / other areas of the European Commission (including former chef de cabinet)	8
European External Action Service, European Military Committee	3
NGOs and IGOs	3
Irish Department of Justice and Department of Foreign Affairs (Dublin based)	7
Total	*40*