The Externalization of EU Migration Policy: A Path Dependent Institution?

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Abstract

Since the early 1990s the EU has pursued an externalization of its migration policies. The effects of EU decision-making in the field of migration governance are increasingly moved outside of European borders, as the EU attempts to initiate cooperation agreements with third countries and enroll them in the pursuit of the EU's interests in this field. After the EU expanded in the early 2000s and the internal borders were abolished through Schengen, the EU has become increasingly preoccupied with minimizing irregular migration and cooperating with third countries on readmission and return. The process of externalization has evolved through different time periods, characterized by different historical events that have shaped the EU's approach to neighboring regions and third countries. The arrival of migrants from the Middle East and Africa hit its peak in 2015 after the Arab uprisings from 2011. The asylum-system in the EU proved ill-equipped to tackle the pressure of migration, and the Dublin Regulation contributed to an uneven distribution of migrants in Europe. While some countries were forced to process hundreds of thousands of applications for asylum, the pressure was much lower in other countries further away from the Mediterranean. Different countries responded differently, but the issue of migration became a priority on the EU's political agenda. When this 'crisis' hit in 2015, the EU had been pursuing an externalization policy for more than two decades, the aim being to avoid irregular migration into the EU while upholding international standards of human rights. To the extent that 2015 stands as a hallmark for the failure of externalization, and indeed there were indications of its lack of success long before 2015, why has it continued? How can we understand the evolution of the EU's externalization if it has not delivered on the desired results?

This study takes a historical institutionalist approach to understand, and in part also explain, the development of the external dimension to the EU's migration policy. It traces the process of externalization through three different time periods as it looks for the presence of a path dependency, departing from the assumption that the year 2015 represents a critical juncture. The study is shaped by an interpretivist epistemology and applies 'explaining-outcome process-tracing' as outlined by Beach and Pedersen (2013). This form of process-tracing allows for a within-case study of a specific political phenomenon without attempting to generalize the

findings. Through document analysis and explaining-outcome process-tracing, I address specific policies and the different ways they are, or are not, dependent on past ones. In this way, this study explores how the concepts of path dependency and critical juncture may provide an understanding to the process of externalization of the EU's migration policy. The main finding is that the EU still follows the path of externalization and pursues similar strategies to migration governance as it did before 2015, and that while the evets of 2015 posed many challenges for Europe, it did not significantly change the EU's approach to migration governance.

Acknowledgements

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Abbreviations

CAMM	Common Agenda for Migration and Mobility
CEAS	Common European Asylum and Migration Policy
ENP	European Neighbourhood Policy
GAM	Global Agenda for Migration
GAMM	Global Agenda for Migration and Mobility
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Migration
JHA	Justice and Home Affairs
MP	Mobility Partnership
MPF	Migration Partnership Framework
UNHCR	United Nations High Commissioner for Refugees

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1 Introduction

In 2015, 1,032,408 people reached Europe by crossing the Mediterranean Sea to Italy, Cyprus and Malta, and by land and sea to Greece and Spain, according to UNHCR (2019a). 3,771 people were reported missing or dead (Ibid.). By contrast, arrivals to Europe in 2014 amounted to only 225,455 while in 2010 the number was less than 10,000 (Ibid.). When the Arab uprisings emerged in 2011, this resulted in a 'migration crisis' for the EU in 2015. This crisis transcended several dimensions of the EU, such as security, development, economy and human rights. It was also a political crisis in the sense that there were diverging interests between the EU member states, and it was difficult to enforce an internally coherent migration policy that didn't cause a tension between member states and the EU as a supranational organ. When I refer to the 'crisis' in this study, this is to capture both the political and practical dimensions that arose as the migration pressure and the Arab Spring hit its peak in 2015. Four years on from the crisis we are at a time we can address the legacy of the decisions made in 2015.

The European Commission (henceforth The Commission) has implemented several measures to decrease the pressure of irregular migrants to Europe, by involving third countries. This 'externalization' is not a new phenomenon, but it has become particularly visible and controversial in recent years. The shock of 2015 put into question several aspects of the externalization approach, and it has been heavily criticized for breaching international law, for attempting to exploit postcolonial power asymmetries, and there are indications that the externalization approach has been less than successful at least in a long-term perspective. This prompts the following research questions:

Main Research Question: How can we understand the continuing externalization of EU migration policy, if it has not provided the desired results?

Sub-Research Question: How did the pressure of migration that reached its peak in 2015 challenge the externalization of EU migration policy?

The answers to the sub-research question is thought to provide important information for answering the main research question. This study attempts to answer these questions by

addressing how and why the process of externalization has developed from the 1990s until 2019, by applying document analysis and explaining-outcome process-tracing. It also addresses the extents to which the externalization of migration policies has provided the desired results. This first introductory chapter outlines the external dimension of EU migration policy, how it has taken root, and why it is problematic, before it provides an overview of the structure of the study.

1.1 The External Dimension

'The external dimension' of EU migration policies has developed since the 1990s. This external dimension is not a clear-cut concept, as it may take many different shapes. Schimmelfennig and Sedelmeier (2004) summarize it as that "the external dimension is *exclusively* about the transfer of given EU rules and their adoption by non-EU members" (emphasis original). The Commission defines it as "Co-operation with third countries outside the European Union and active participation in international organizations on justice and home affairs issues" where "Joint action against criminal gangs, drugs barons and human traffickers before they have entered the EU can be more effective than trying to catch them within the European Union" (Directorate-General Justice and Home Affairs, 2002, p. 4). While the issues of migration and asylum have previously been matters of justice and home affairs (JHA) and confined to be played out within the EU's borders, specifically after the Amsterdam Treaty was signed in 1997 and entered into force in 1999, it has shifted 'up and out' to the foreign policy arena (Lavenex, 2006). This has also meant that the effects of EU migration policies to a larger extent have been felt outside of European borders.

The most important implication of the signing of the Amsterdam Treaty in 1997 regarding immigration was that issues relating to immigration and asylum were moved into EU legislation from national governments, as the Commissions responsibilities regarding JHA were expanded. More importantly, the Amsterdam Treaty paved the way for the Tampere summit which was held in 1999 and which translated the JHA provisions into practice. This involved, among others, the establishment of a "Common European Asylum and Migration Policy" (CEAS), and "Stronger external action" (Directorate-General Justice and Home Affairs, 2002). This translated into the enforcement of Mobility Partnerships (MPs) and readmission agreements with third countries that have become a prominent feature of externalization especially since 2007. The phenomenon of

externalization is not new in this regard, but there have been some important developments since its formal institutionalization into EU policy in the early 1990s.

EU migration policy looks different now than it did when the externalization was initiated in the early 1990s. Different historical events have shaped the externalization process and different policies have pulled the direction of the process forward, though to varying degrees of success - depending on how one measures it. In the short term, many agreements have accomplished exactly what the EU wanted, namely to curb migration flows. In the long term, the externalization approach may have proven counter-productive. Instead of being surrounded by friendly-minded states that are willing to cooperate on the matter of migration, the neighboring regions have seen an upsurge of conflict and turmoil, and a post-Soviet landscape largely influenced by Russia. In 2015 a record high number of irregular migrants reached European borders, sparking a political and practical crisis in Europe. The existing system for processing applications for asylum; the Dublin Regulation, entailed that the first country of arrival was responsible to treat the applications. This led to an uneven distribution of migrants and migration soon became even more entangled with issues of development and security than it had been in the early 2000s. After 2015, the EU has increasingly been criticized for its handling of the irregular migrants that attempted to arrive Europe by crossing the Mediterranean. Thousands of people died on the journey, and even more were placed in refugee and detention camps. These events have sparked a public debate in Europe about the ethical standards of the EU's migration policies, that is ever relevant when the new Commission is about to enter into force in 2020.

1.2   The Problem with the External Dimension

The EU's approach to migration and certain specific agreements with third countries are challenging traditional democratic principles of transparency, human rights, freedom and individual choice, and the EU migration policies have become subject to much controversy that may damage EU legitimacy over time. The external agreements have been subject to much criticism both from academia, media and humanitarian NGOs. A particularly strong critique is that the EU has breached international law. The 1951 Convention relating to the status of refugees (Hereinafter the Refugee Convention) explicitly prohibits a state to return an asylum seeker or send them to a country where they could face persecution, through the principle of non-

refoulement. The agreements between EU and Turkey and EU and Libya are but some of the many agreements that have been legally disputed in this regard, and the EU is even being brought to the International Criminal Court (ICC) on charges of crime against humanity for its handling of migrants who attempted to cross the Mediterranean Sea.

Another critique is that externalization has not delivered the desired results. As Vaughan-Williams (2015) and Andersson (2016) argue, making access more difficult for asylum-seekers may in fact have produced more irregular migrants: In not being able to use the most accessible travel routes and transportation, more people had to try to migrate illegally. Seen from this perspective, the main reason for the measures taken by the EU may have become self-reinforcing. If they do not produce the desired results, then why does the EU continue to pursue them?

Even if the migration agreements were immediately efficient in curbing the migration flows, the long-term effects may be counter-productive. Externalizing measures such as readmission agreements carry with them a challenge to the notions of transparency and judicial accountability, that form the foundations of democratic rule. Taking all these points into account, the continuity in the external dimension to the EU's migration management is a puzzling matter. How has it come to be, that the EU, an institution built on the values of democracy and individual choice, has found itself in a situation where it is pursuing a political agenda that challenges those very principles?

In this study, I explore how and why the external dimension of migration policy has developed, through a historical institutionalist perspective. In the conclusion to the Special Edition of Global Affairs, Reslow (2019) points to how the externalization has largely been inefficient, which prompts the question of why the EU is continuing on the same path. Existing literature deals with many various aspects of the external dimension of the EU migration policies, but few appear to address the question of continuity or how the current situation contrasts the past. This point is important, because the extents to which the EU changed its migration policies after the shock of 2015 may tell us something about the forces that drive EU policymaking. It is particularly relevant as the new Commission commences in late 2019.

The study proceeds in the following order: First, the literature review identifies the gaps in the existing literature that deals with the external dimension and the EU's migration policies. This chapter also outlines the literature that is most heavily employed in this study. I then introduce the theoretical framework I employ to address the research question. Chapter 4 introduces the data selection and data collection methods, and how the data extracted is then treated through methods of process-tracing and document analysis. In Chapter 5 I apply document analysis to provide an empirical overview of the development of externalization and the main policies inherent in each stage of the process. The process-tracing is then more extensively applied in Chapter 6, as I explore how specific policies inherent in each of the stages of externalization are dependent on past ones. I also explore the presence of a critical juncture in 2015 and some thoughts on potential future steps by EU policymakers as the new Commission of 2020 is about to enter into force. This section also employs the expert interviews. I conclude by summarizing the steps taken in this study and its main findings, and I provide some suggestions for future research.

2 Literature Review

The external dimension of EU migration and asylum policy is a well-established phenomenon in academic circles, and different aspects of it has been studied extensively. This chapter outlines some of the most important contributions in the field, both in terms of theoretical frameworks that have been employed to explore the topic, and the different aspects of the topic that have been covered. I also identify the gaps that this study aims to fill, and I account for how existing literature is applied in my analysis.

2.1 'Up and Out' and Liberal Intergovernmentalism

Liberal intergovernmentalism aims to explain European integration by addressing internal power dynamics in the EU and the corresponding economic interests that prevail in policymaking and bargaining (Rosamond, 2016, p. 80). Some of the most prominent contributions to EU externalization have evolved around intergovernmentalism and venue-shopping; the processes whereby domestic issues are moved up to the EU level, and the conditions under which states choose to cooperate with the EU and EU member states. Lavenex (2006) for example, to whom I refer frequently throughout the study, explores how immigration control has shifted from being a

matter of Justice and Home Affairs to be a foreign policy issue, most closely affiliated with the signing of the Amsterdam Treaty in 1997. This is also closely related with Putnam's (1988) notion of the 'two level game'. Where Putnam theorizes about how and when there is a spillover effect between domestic politics and international relations, Lavenex (2006, p. 332) takes is one step further in working from the notion that the EU is 'polycentric', meaning that it is both a supranational organ as well as an intergovernmental organization. In this way, Putnam's spillover effect may not only be seen vertically between the domestic and international sphere, but also horizontally between the supranational and the intergovernmental arena within the EU (Ibid.). This is relevant here because while the EU migration policies are developed through pressures from the individual member states, for example Germany and France after 2015, it is also imposed on members through the Commission and the Parliament. This is most prominent after the Amsterdam Treaty moved issues of migration and asylum to the supranational arena from that of the intergovernmental. In this context, Lavenex (2006) asks "how far the shift towards foreign policy cooperation reflects stronger elements of transgovernmentalism than the 'internal' modes of policy-making" (p. 332). Reslow (2012) asks a similar question in exploring when, how and why member states choose to cooperate on migration at the EU level, when it has traditionally been regarded as a "domain reservée" by member states. Can national executives and JHA officials by-pass the agenda of competing actors at the supranational level, mainly the Commission and the Parliament? Bilateral agreements between specific EU member states and third countries were already in place before the EU started to enforce external readmission agreements, and they were incorporated into the EU umbrella when the EU more heavily started to externalize in the early 2000s. The readmission agreements between Spain and Morocco signed in 1992, and between Italy and Libya in 1998 are the most prominent examples. The tension between the supranational and international arena that Lavenex (2006) and Relow (2012) point to is a useful perspective to keep in mind when addressing the EU externalization, because it tells us something about the conflicting interests between member states and the EU as an institution, as well as the EU's quest for taking advantage of member states' existing bilateral relations.

Wolff *et al.* (2009) provide a detailed assessment of how different summits, treaties and programs have shaped the externalization process, as they ask to which extent the external dimension

reflects a different security agenda for the EU, and how it affects third countries (p. 10). Similar to Lavenex (2006), they differentiate the dynamics and tensions between the internal and external dimensions on the one hand, and the supranational and intergovernmental arenas on the other, as they look at different developments that have shaped the 'external dimension'. More useful for my study, however, is their application of 'new institutionalism' as a means by which to approach the development. In fact, Wolff et al. (2009, p. 17) ask a very similar question to my research questions as they address whether or not the JHA external dimension reflect an instance of continuity or of change. They do not set out to answer it, however they outline why the question is significant, as they argue that the JHA external dimension to a great extent builds on existing cooperation frameworks. Are we now at a point that is different, or similar than before? In which ways? They argue, and I agree, that a historical institutionalist approach may contribute to uncover some answers.

2.2 Organized Hypocrisy

Scipioni (2018) traces the processes of EU migration policy as he accounts for why they have been unsuccessful. Theorizing from liberal intergovernmentalism, he argues that policies struck on a 'least common denominator', in which states settle for the minimum standards they set to cooperate, have not worked well. Upon initiation states knew that the policies would need to be revised in the future, and as such in many cases they were incomplete, almost facilitating their own failure and resulting in what Krasner (1999) terms 'Organized Hypocrisy'. Scipioni's (2018) process-tracing, institutional developmental narrative draws on work by Jones *et al.* (2016) who also sees EU migration crises as an inherent part of European integration and EU institutional development, drawing on the tensions of the basic international relations theories of realism and liberalism. In some ways Scipioni's (2018) approach is in fact quite similar to my own, yet it contrasts that of Lavenex, who has several important contributions to this study. When Scipioni (2018) argues that the EU is "failing forward", Lavenex (2018, p. 1209) contends that 'organized hypocrisy nourishes a persistent sense of crisis over the EU's capacity to 'fail forward' towards a 'Union of values'. It reinforces protective claims and protectionist policies, while holding on to normative values of human rights and free choice (Ibid., p. 1195). Instead of asking whether or not EU migration policies are facilitating 'more' or 'less' Europe, she argues that we should be more preoccupied with 'which' Europe we are creating.

2.3 Development/Security Nexus

Another aspect of the externalization process that has been frequently discussed in the literature is the development/security nexus in EU external relations. This distinction appears to be increasingly relevant for the understanding of EU externalization processes, as becomes evident in chapters 5 and 6 of this study. Lavenex and Kunz (2008) for example, explore the migration-development nexus and how migration and development-policies are increasingly linked in EU politics. Whereas in the more traditional migration-security nexus migration is often perceived as a security-threat (p. 440), the migration-development nexus implies that migration is rather seen as a tool for effective development- and humanitarian initiatives. They build on Nyberg-Sorensen *et al.* (2002) who point to how the issue of migration is also a financial issue and not only grounded in development. While it was previously the domain of actors such as the International Organization for Migration (IOM) and the International Labor Organization (ILO), financial institutions such as the World Bank and the International Monetary Fund (IMF) have increasingly incorporated it into their portfolios (Lavenex and Kunz, 2008, p. 449). The background for this was to a large extent that the volume of remittances was reported to be significantly bigger than that of foreign aid. Instead of addressing migration as a failure of development policies, it was accepted as an inherent part of development strategies (Ibid., p. 441). This point about the remittances is furthermore an important reason for why many of the readmission agreements and the external agreements are informal in nature – they provide an economic incentive for allowing people from one country to migrate to another, legally or illegally, because the national economy benefits from it. Government-sponsored readmissions of people whose income is vital to a large component of the population, could risk sparking public upheaval. Taking this into account, the emergence of an 'informality' of readmission agreements in tandem with the increasing importance of remittances is not so peculiar. This perspective on migration and economy has been particularly informative in my analysis of EU agreements with African countries and how Euro-African relations have taken shape since 2015.

2.4 Preventive vs. Externalizing: Humanitarian Means for Political Ends

Boswell (2003) addresses the external dimension of migration policies as twofold: preventive and/or externalizing. Preventive measures are directed at the 'root causes' of migration and involve working together with third countries to provide incentives for potential migrants to stay

in their country of origin (p. 625). Such measures often run parallel with humanitarian assistance and funds set up to stabilize and develop in regions characterized by turmoil or conflict. One example is the EU emergency trust fund to Africa, that directs money to different regions and countries in Africa as humanitarian assistance, where transit and source countries such as Niger and Nigeria commit to restrict migration flows, accept returnees and halt smuggling (European Union External Action Service, 2016b). Perhaps because preventive measures emphasize humanitarian assistance, they have been accepted as a better alternative than external control measures especially among human rights activists and people with a liberal stand on migration (Boswell 2003, p. 625). At the same time, they have been endorsed by public officials and politicians with a more restrictive stand on migration, because their focus on helping where the help is needed, or "at the root of the problem", is thought to prevent migrants from leaving in the first place. If the preventive approaches attempt to address the root cause of why people migrate, the externalizing measures may be more accurately affiliated with diplomatic ties and moving traditional internal matters to the foreign policy area. Boswell (Ibid., p. 619) describes it as "forms of cooperation that externalize traditional tools of domestic or EU migration control", where the sending and transit countries are "engaged in strengthening border controls, combating illegal entry, migrant smuggling and trafficking, or readmitting migrants who have crossed into the EU illegally".

2.5   Critical Approach and Postcolonialism

A critical approach would focus on securitization theory and emphasize individuals and other actors than merely states. It would address the issue from an angle that looks at underlying strategies among actors and perhaps the "hidden consequences" of policies (Peoples and Vaughan-Williams, 2014). Its focus is more attentive to effects and less on causes. Old habits die hard, and European countries are not foreign to the idea of having power over, or in, another country. Drawing on a Postcolonial approach, it is perhaps not unlikely that the EU, through its Mobility Partnerships and migration policies, wishes to exercise power and agenda-setting over its neighboring countries for strategic purposes, as explored by Tjønn (2019) and (Lemberg-Pedersen, 2018). With turmoil in the Middle East, North Africa and in the far east, Europe may indeed wish for its neighbors to stay close and having some sort of agreement on certain topics might enhance the chances of closer cooperation on others. By acknowledging transnational

communities and international power dynamics as legacies of colonialism, the theory of Postcolonialism looks to power-dynamics of the past to account for present structures of international relations.

As we have seen, the external dimension to the EU migration and asylum policies is a complex matter, and there are numerous ways one could address this issue. However, the question of why this externalization process continues to take root remains largely unanswered. The EU's migration policies may have significant impacts on countries outside EU borders, and understanding the different roles played by third countries in shaping EU migration policy in later years may help us understand the different dynamics at play in EU decision-making and their dependence on the past.

3 Theoretical Framework – Historical Institutionalism

It seems almost impossible to address European politics without taking historical developments into account, and I believe not doing so would miss out on some potentially very important drivers of EU policy-making. Historical institutionalism emphasizes how events throughout history are conditioned by previous ones, and how such a 'path dependency' is broken (Pierson and Skocpol, 2002, p. 6). This perspective sees EU migration policy as an institution that has evolved over time, and where policies implemented in the past have laid a path for policies commenced after them. Approaching the question of continuity from a historical institutionalist perspective may be a particularly useful contribution in light of the commencement of a new Commission, because it may enhance our understanding of the range of options for policymaking that will be available in the future. This chapter elaborates on what historical institutionalism is, where it comes from and how it may be useful in exploring the issue of EU migration policy.

3.1 Historical Institutionalism: Path Dependency and Critical Junctures

Historical institutionalism is sometimes referred to as one of three institutionalisms. The other two are, according to Hall and Taylor (1996), Rational Choice Institutionalism and Sociological Institutionalism. Taken together, these three form what March and Olsen (1984) term "new institutionalism", with certain differences from the "old institutionalism". They outline how since the 1950s the main approach to political science and the study of states and institutions has been

contextual, reductionist, utilitarian, functionalist and instrumentalist (Ibid., p. 735). Where the state has historically been treated as an independent actor entirely, the political sphere and society are now more closely intertwined. Political phenomena are to a larger extent seen as consequences of individual behavior rather than confined to organizational structures. Accordingly, political behavior is less connoted with obligations and duties, and more so with calculated decision-making and free choice. This resonates with the emergence of modern democracies and international institutions as arenas for cooperation and merging of interests. In this way, institutionalism as a theoretical framework finds its roots in liberalism, which, in contrast to classical realism, acknowledges and indeed emphasizes that institutions matter.

When March and Olsen (1984) published their article about the "new institutionalism", historical institutionalism was in its early stages of becoming an established theoretical framework within political science. Their notion of functionalism (Ibid., p. 737) as a trademark of modern institutionalism is particularly interesting in this regard. They see institutions and behavior as something that evolve through "efficient historical processes", whereby a solution to a problem is rapid and unique, and which evolves independently of the historical path. This idea was also captured by Stinchcombe (1968) two decades earlier, whose notions of "constant causes" and "historical causes" translate to what in later literature on historical institutionalism has been coined the "path dependency" and "critical junctures" (Collier and Collier, 1991; Pierson, 2000; Pierson and Skocpol, 2002; Page, 2006; Leithner and Libby, 2017). The next two sections elaborate on how the two phenomena may be empirically manifested, and their implications for the study of institutions and policymaking.

3.1.1   Different types of Path Dependency

At the core of historical institutionalism is the argument that institutions, states, policymakers and individuals follow a pattern of actions, such that political and historical developments can be defined by a 'path dependency'. At a general level this entails that policymaking is conditioned by political processes and decisions of the past. Drawing on this assumption, a historical institutionalist approach would examine questions of "how did we get here and why", by addressing past events and developments. Once an institution moves far enough down a path of certain decision-making procedures and policymaking, it can be very difficult to go back.

Stinchcombe (1968, p. 102) first coined this idea 'historicist explanations', where 'constant causes' such as geography and institutional structures are inclined to reproduce social patterns. A historicist explanation is then "one in which an effect created by causes at some previous period *becomes a cause of that same effect* in succeeding periods" (emphasis original) (Ibid., p. 103). This largely resonates with the concept of path dependency, which has received several definitions by scholars in the field. Page (2006, p. 97) contends that "A process is path dependent if the outcome of any period depends on history and can depend on their order". Pierson and Skocpol (2002, p. 6) define it as "…The dynamics of self-reinforcing or positive feedback processes in a political system – what economists call "increasing returns" processes". Levi (1997, p. 28) has a narrower definition that specifically captures the notion of increasing returns, claiming that "Path dependence has to mean, if it is to mean anything, that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments obstruct an easy reversal of the initial choice". In this study, I apply the definition by Leithner and Libby (2017, pp. 4-5), which captures the importance of causal mechanisms in constraining future choice and encouraging reproduction: "In its most general sense, path dependence simply refers to mechanisms that encourage the reproduction of an initial choice – or constraints on future choices that allow only incremental change – as a result of causal mechanisms that were set in motion by that original choice".

There are several ways in which path dependency can be identified when addressing "how history matters" in shaping contemporary political and social contexts. It is frequently argued that political scientists who employ the theoretical framework of historical institutionalism often reduce the notion of path dependency to be just that: a justification of how the past impacts the future, and that "institutions matter" (Page, 2006; Pierson and Skocpol, 2002; Pierson, 2000). Applied this way the theory ends up meaning everything and nothing. If we are to apply the framework correctly, we need to distinguish between different types of manifestations of path dependency; what Page (2006, p. 88) and Leithner and Libby (2017, p. 5) call causal mechanisms – conditions under which the present and/or future time is dependent on the past. Page (2006, p. 88) points to four causal mechanisms of path dependencies, namely 'increasing returns', 'self-reinforcement', 'positive feedbacks' and 'lock-in'. Leithner and Libby (2017, p. 5) add the notions of 'rules of the game' and 'cognitive constraints', as well as 'negative feedbacks'. It is

necessary to clarify here that the term 'causal mechanism' has a different meaning here than it does in the literature on process-tracing that is employed in the next chapter.

Causal Mechanism	Logic of Stabilizing Continuity
Rules of the Game	Laws and constitutions, organization practices, power structures, and organization culture influence resource allocation and can lead to institutional inertia.
Cognitive Constraints	Image, schemata, historical analogies, and other cognitive biases constrain policy options and lead to psychological reinforcement of existing institutions.
Increasing Returns	Rational actors consider set-up and fixed costs. Initial choices are perpetuated by learning effects, co-ordination effects, and adaptive expectations that increase returns over time.
Self-Reinforcement	Interaction effects may create complementary processes and institutions that help sustain the initial choice.
Positive or Negative Feedback	The number of actors choosing an option increases the benefits (positive feedback) for continuing or penalties (negative feedback) for abandoning the initial option.
Lock-in	Once positive/negative feedback reaches a sufficient mass, it can lead to increased rigidity or lock-in of the original option.

Table 3.1 – Causal Mechanisms of Path Dependency, from Leithner and Libby (2017, p. 5).

The causal mechanism of increasing returns is borrowed from the field of economics and is grounded in rational choice theory. It entails that "the probability of further steps along the same path increases with each steps down that path, because the relative benefits of the current activity compared with other possible options increase over time" (Pierson, 2000, p. 252). In other words, the costs of changing paths are higher than the benefits of continuing on the same. Self-reinforcement implies that a set of forces or complimentary institutions are put in place by an initial decision, and that they encourage the choice to be sustained. Positive feedback refers to how an action or decision creates positive externalities when the same choice is made by other

people (Page 2006, p. 88). The greater the number of actors that chooses the option, the greater the benefits for continuing. Negative feedback is the opposite, namely that this also increases the costs for abandoning the initial option (Leithner & Libby 2017, p. 5). Lock-in refers to how once the positive/negative feedback reaches a sufficient amount of people the original option may be 'locked-in', such that diverging from it becomes difficult (Ibid.). The overview provided by Leithner and Libby (2017) poses one challenge that must be addressed: While the different types may be theoretically distinguished, empirically they are often intertwined and the presence of one often implies that another is at play as well. This is evident in Chapter 6, where we see that different policies are not necessarily a case of one or the other, but rather we can see that some 'causal mechanisms' are more prominent than others and that they sometimes overlap.

Pierson (2000, p. 257) argues that aside from economics, politics and the political sphere are especially prone to path dependencies of this sort due to four main reasons: 1.) the central role of collective action; 2.) the high density of institutions; 3.) the possibilities for using political authority to enhance asymmetries of power; and 4.) its intrinsic complexity and opacity. The fourth reason is especially prevalent in the case of the EU. An extensive and complex democratic institution, the notion of transparency makes decision-making time-consuming, and 'going back' is almost impossible. If Pierson (2000) is correct in his assertion of the four main reasons for the prevalence of path dependency in politics, then the EU stands as an almost certain example of how a political institution is complex and ironically, opaque. Taking this into account, it seems viable to apply the theory of historical institutionalism to the case of EU migration policy.

3.1.2   Critical Juncture

While path dependency constitutes one key component of historical institutionalism, 'critical juncture' is another. The two contrast each other in how path dependencies may explain a repetitive pattern of policymaking over time, critical junctures refer to a disruption. They mark a point in time when a path is broken, and whose legacy may be a new path dependency. Collier and Collier (1991, p. 29) define critical junctures as "a period of significant change, which typically occurs in distinct ways in different countries (or in other units of analysis) and which is hypothesized to produce distinct legacies". The juncture may be short and acute, typically if it arises as a consequence of an external shock or due to some unforeseen development;

revolutions, coups or military attacks may be examples of this. But they may also reveal themselves more slowly as the effect of policies become more prevalent through time and may correspond with the duration of presidential administrations or be the result of a government policy (Collier and Collier, 1991, p. 32).

Critical junctures are not necessarily easy to detect as they occur in different ways in different cases, and there is no formal analytical requirement for how long they last, what their legacies look like or exactly what causes them. They can arise both due to external events such as wars or economic crises, or internal events such as political upheavals or the unfolding of social movements (Collier and Collier 1991). While the event that triggers the juncture may be short, the legacy may be long and vice versa; even though the juncture unravels slowly, the effects can be immediate. Leithner and Libby (2017) also point to how critical junctures must be analyzed in the context of antecedent conditions: We must know what the situation was before the juncture emerged, because only then can we know if it represents a break with past tendencies. Stinchcombe (1969) in this regard differentiate between 'constant causes' and 'historical causes'. The first translates to Leithner and Libby's (2017) notion of antecedent conditions, namely those factors that make institutions prone to repetition of the past, while historical causes are those that spark critical junctures and that are more constrained to a specific time and circumstances.

This leaves us with a rather broad spectrum of types of events and developments on which a critical juncture may be represented. I have minimized this spectrum by applying Collier and Collier's (1991) conditions for detecting the presence of a critical juncture. They contend that the concept of critical junctures is threefold: firstly, a change must have occurred; secondly, the change took place in distinct ways; and thirdly, there must be an explanatory hypothesis about its consequences (p. 30). Furthermore, they argue that these junctures often arise due to cleavages or crises, and they stress the difficulty in explaining the duration of the legacy of the critical juncture (Ibid., p. 34). The legacy may either be that the juncture produces a new path, or it may merely prevent stable patterns to arise. It depends on the context in which the juncture arises, and what it looks like. They too stress how the legacy must be compared with the antecedent system, in order to account for questions of continuity or change.

Through the concepts of 'path dependency' and 'critical juncture', a historical institutionalist approach allows us to understand the conditions under which patterns of policymaking emerge, continue or are abrupted. Applying this to the study of EU migration politics may help us understand how we got to the point of externalization where the EU is, arguably, acting inconsistent with its own values and interests. The theoretical expectations would be that the years from 1990 until 2015 would be best characterized by a path dependency, while the critical juncture would arise when the EU experienced an external shock. The year 2015 stands as a hallmark in this regard, when the EU was put under particular pressure to find fast solutions.

4 Methodology

My research question is guided by the curiosity to understand how and why we are where we are. Through an interpretivist epistemology I aim to provide an understanding of the development of the external dimension of the EU's migration policies, by exploring to which extent we can identify empirical manifestations of the theoretical concepts 'path dependency' and 'critical juncture'. This study is abductive, as it aims to provide an understanding - and in part also an explanation - of the development in EU migration policies through a single case. This study does not attempt to draw any generalizations to other cases, indeed the EU is unique in many regards, and the inferences drawn from studies of the EU may not easily be generalized to other cases or political phenomena.

I start by introducing the case and the operationalization of the different stages of the process of externalization. I then outline how I have collected and restricted the data I analyze, before I address how I apply this data to answer my research question by conducting document analysis and semi-structured expert interviews. I then proceed to an elaboration of explaining-outcome process-tracing and the epistemological concerns related to this method for processing and analyzing data.

4.1 Case and Scope of Externalization from 1990 - 2019: Operationalization of Three Empirical Milestones

The externalization of EU migration policy has not emerged in a vacuum and is composed of several major developments. As Lavenex (2006) outlines, there are three major empirical

milestones through which this process has taken place. These are the Schengen Agreement of 1990; the 'safe third country rule' that became prominent in the Dublin Regulation of 1990; and the readmission agreements that have come to characterize EU externalization during and after 2015. I have operationalized the milestones into three stages, or units, of a causal mechanism as outlined by Beach and Pedersen (2013). These are: 1.) 1990 – 2003; 2.) 2004 – 2014; and 3.) 2015 – 2019. The demarcations between the different time periods are fluid, and this is reflected in the analysis. This section outlines what the milestones imply and how they have been operationalized into the different time units.

4.1.1   1990-2003

Lavenex (2006, p. 334) points to the Schengen Agreement of 1990 and the notion of 'remote control' as the first milestone of externalization. I have operationalized this into the time period 1990-2003. As the Schengen Agreement abolished all border controls between 26 European states, people could move freely between nations without being controlled upon arrival. This was part of an EU strategy to widen the scope of the single market. In not having border controls internally between the Schengen countries, migration control was moved to the external borders of the EU (most of the EU members are part of the Schengen Agreement). This is a very clear example of what the external dimension may look like in practice. The Schengen Agreement is arguably the first policy that was vital in establishing the external dimension, and I include the following years in the first part of the institutional mechanism that has led us to where we are today. This unit also contains the Amsterdam Treaty of 1997 that entered into force in 1999, the Tampere Summit of 1999, the establishment of the CEAS in 1999, and the incorporation of the Schengen Agreement into EU law in 1999. I contend that while the Schengen Agreement may be approached as the first policy with clear externalizing effects, the Tampere Summit was the first to formally institutionalize the externalization. I have included the years up until 2003 because when the ENP was enforced in 2004, this marked the beginning of a new phase of externalization.

4.1.2   2004-2014

I have identified the years 2004-2014 as the second part in the mechanism of externalization. These years saw a changing geopolitical landscape surrounding Europe characterized by turmoil

and conflict, even as policies such as the ENP, the Return Directive and the Mobility Partnerships attempted to enforce closer cooperation with neighboring regions on migration. The historical context for this time period differs from that of the 1990s and the post 2015-landscape, as the 1990s saw the emergence of new states to the East and EU expansion, while a deteriorating Middle East became defining for the post-2015 stage of externalization.

The second of Lavenex' (2006) milestones is the application of the 'safe third country rule' through the Dublin Convention of 1990. The safe third country rule is from the Refugee Convention and entails that a person that applies for asylum cannot be sent back to where they came from, however they may be sent to a safe third country where their application can be processed in a fair manner, provided that that country is party to basic international treaties and conventions related to human rights and refugees. In this way, the Dublin Regulation became one of the first EU migration policies to directly involve third countries, and the employment of the safe third country rule was an important step in mobilizing third countries in controlling migration flows into the EU (Ibid., p. 334). The other main provision of the Dublin Regulation is that a third country national can only apply for asylum in one country, and the first country of entrance would be responsible for treating the application. An important implication of this is the uneven distribution of migrants that prompted the political dimension of the crisis in 2015, and which has become one of the most controversial issues in EU migration policy both among European policymakers and citizens. This has also led to discussions of the regulation being revised again, and the new President for the European Commission Ursula von der Leyen calling for a "new way of burden-sharing" (Leyen, 2019b, p. 15).

The most important policies of externalization regarding migration in this stage of externalization is the European Neighbourhood Policy in 2004, the EU Return Directive in 2008 and Mobility Partnerships that the EU commenced with Eastern countries from 2007 onwards. The provisions of the Dublin Regulation are at play here, and it is these policies that are analyzed in Chapter 6.

4.1.3   2015-2019

The theoretical expectation is that 2015 may have caused a turn in the path of migration policies, and a post-2015 period is necessary in this regard. It should be emphasized here that the peak of the crisis was experienced differently in different parts of Europe and not least in the countries

where the Arab spring unfolded. However, for the purpose of addressing how the external shock of the peak of the migration crisis affected EU migration policy, it has been necessary to operationalize this to a specific year, so as to establish a baseline from which we can address a potential legacy.

This stage most prominently involves the inclusion of third countries into EU policymaking through readmission agreements. These agreements imply that irregular migrants can be returned to where they departed from before they arrived at European borders, regardless of whether or not this is their country of origin. This is usually conditioned by a reward by the EU such as visa facilitation or development aid. The commencement of readmission agreements has made EU migration policy a controversial topic outside of academic and political circles, as readmission of asylum-seekers and irregular migrants has received much media attention and sparked public debate. The readmission agreements facilitate close cooperation with countries outside the EU, where some countries have proven unable or unwilling (or both) to guarantee the safety for migrants or preservation of human rights. Some of the most well-known external agreements of this sort are those between EU and Turkey in 2015 and EU and Libya that officially started in 2005. These are explored more in-depth in chapters 5 and 6.

4.2   Data

I employ document analysis and semi-structured interviews to explore how this process has changed over time, and the extent to which it has been characterized by a path dependency. The data is composed both of a range of different documents that inform about EU migration policy. These are both primary and secondary sources, as well as data collected through interviews with experts in the field. These expert interviews are a not the primary source of information, but rather a supplement to the information gathered from document analysis. This section elaborates on these different methods, potential limitations and concerns that one must be aware of.

4.2.1   Collection of Documents

In collecting data, I have employed the snowball method, whereby I started with certain secondary sources before I went to the primary source for analysis. Existing analyses have been a useful starting point for learning which laws, treaties and communications have been the most influential in shaping the external dimension. The most important secondary sources for this

purpose are further accounted for in Chapter 2. Regarding primary sources, I have collected documents through Google searches and EU databases, and I have made great use of the European Commission's website as well as that of the delegation of the EU to specific countries in Africa. Action plans, communications from the Commission, country fact sheets, briefings, reports and proposals have been some of the most informative primary sources as regards the EU's external relations.

I specifically address certain bilateral and multilateral agreements between the EU and third countries for several reasons. Firstly, I expect that the specific agreements may tell us something about how the EU's approach to migration has changed in general over time, and how the EU's relations with certain countries and regions have changed after the peak of the crisis. Secondly, and perhaps more importantly for the purpose of this study, is exploring whether or not certain agreements are a result of policies of the past. Thirdly, if we are to explore 'how we got here', we need to know where 'here' is, and these agreements inform us about the current situation of the external dimension of EU migration policy. Reports from NGOs such as Amnesty International and Oxfam have also proven especially valuable in this regard, as they entail extensive information about how the implications of EU migration policy is manifested in countries such as Libya, Turkey and Greece. Newspaper articles and media reports have also been very informative in accounting for empirical observations.

While some of the bilateral agreements between the EU and third countries have been easy to obtain through the EU's official websites, others have been difficult or impossible to find. This is especially true for bilateral arrangements with countries in the Sahel region in Africa, as it appears to be increasingly common for the EU to enforce more informal and ad hoc agreements with these countries. I elaborate on this in greater detail in Chapter 5. However, for the purposes of data collection this is relevant because it has made some bilateral agreements impossible to analyze on the same grounds as those that are publicly available. In this light I have found their unavailability to be quite informative in itself, because it tells us something about the development of EU migration policies.

4.2.2 Restricting the Data

How many sources are enough? Within quantitative research literature, there are guides for the amount of data one should employ in order for the study to be valid and generalizable. Qualitative analyses are to a much larger extent dependent on the researcher's judgement of whether or not the selected sources are sufficient. As I have created a timeline of policies, I have been able to consider which policies have been most influential in the externalization of EU migration policies, and these are the ones I have included in the analysis. The policies are:

- The Dublin Regulations (1990, 2003, 2013)
- The Amsterdam Treaty (1997)
- The Presidency Conclusions to the Tampere Summit (1999)
- The European Neighbourhood Policy (ENP) (2004, 2011, 2015)
- Global Agenda on Migration and Mobility (GAMM) (2005, 2011)
- Mobility Partnerships (MPs) and Common Agenda on Migration and Mobility (CAMM) (2007-)
- The EU Return Directive (2008)
- The Valletta Summit (2015)
- The Migration Partnership Framework (MPF) (2015)

4.2.3 Qualitative Document analysis

The emphasis is on discovery and description, including searching for contexts, underlying meanings, patterns, and processes, rather than on mere quantity or numerical relationships between two or more variables, which is emphasized in traditional quantitative content analysis (Altheide et al., 2008).

Document analysis entails extracting and interpreting data through text, that is thought to be of particular relevance. The documents can be any kind of text that the researcher finds valuable for the research question that is explored. The data is not necessarily explicit but may be found as underlying meanings that become apparent in a certain context. It is therefore necessary to be aware of the context in which the documents are written, and the context in which the researcher situates herself for the purpose of the analysis. For the purpose of this study, document analysis

allows us to look for path dependencies and critical junctures of EU migration policy in documents that we know were written in the context of externalization.

An interpretivist approach sees their interpretation as "one of many possible 'readings'" (Wesley, 2010, p. 4). One critique of this approach is that the readers are often left with 'the burden of proof', where it is up to them to decide whether the study is trustworthy or not (Ibid.). To avoid this, it is particularly important that the researcher is transparent about how the gathering of data has taken place, where the data comes from, provides access to the data and to be explicit about the process by which the data has been interpreted. Especially within qualitative research the researcher takes an active role in the social world she is studying, and the choices made in collecting and interpreting evidence will to a large extent impact the findings. Acknowledging this can be an important step in itself to minimize the risk of selection bias. Another way to minimize this risk is to verify that the findings have hold among other researchers as well, especially when the aim of the study is to gain a better understanding of a certain topic. One way to do so is to supplement the document analysis with expert interviews (Wesley, 2010, p. 6.), which is another method I employ.

Document analysis is often connoted with qualitative studies and an interpretivist epistemology (Wesley, 2010). Where positivists emphasize validity and reliability, Guba and Lincoln (1985) have found four common norms that guide both positivist and interpretivist alike in conducting social and political scientific science, namely: Impartiality, precision, portability and authenticity. The norms typically take different forms in qualitative and quantitative studies, and their manifestations in the two different strands of science stand as important guidelines in evaluating 'trustworthiness' in political science. As the main research method employed in this study is document analysis, I have been especially guided by the notions of confirmability, dependability and credibility; Outlined by Wesley (2010) as the employment of the common norms in qualitative studies.

Common Norms	Quantitative Studies	Qualitative Studies
Impartiality	Objectivity	Confirmability
Precision	Replicability	Dependability
Portability	External Validity	Transferability
Authenticity	Measurement Validity	Credibility

Table 4.1 Norms in Quantitative and Qualitative Studies

Confirmability implies that the conclusions of the study are drawn from the data that have been employed, and not from the predispositions of the researcher (Ibid., p. 5). Dependability refers to the precision of the research, and a qualitative study is dependable if the researcher is transparent about the process of data-gathering and the treatment of the data. The consequences of this should be that other people could reach the same general conclusions if they pursued the same study (Ibid.). Transferability refers to the generalizability of the findings to other cases of the same phenomenon. This not applicable in this study, because this is a within-case study where the causal mechanisms at force as non-structural and case-specific. Credibility is the qualitative-interpretivist answer to what quantitative researchers refer to as 'measurement validity', namely the accuracy of the interpretation of the data. In the interpretivist tradition the main concern is to account for a 'believable interpretation of the meanings in the documents' (Ibid.).

4.2.4 Semi-Structured Interviews

While document analysis, both in the form of secondary sources and primary sources, have been vital in understanding the scope of the externalization, I have also found it necessary to supplement with interviews. Interviews with EU migration scholars provide an in-depth knowledge and a more encompassing perspective on the externalization process than was available through existing theses and studies, that often focus on one specific phenomenon within the topic.

In employing interviews as data, the researcher must be aware that the questions she asks condition the information she receives. I wanted the interviews to allow for flexibility, and I chose to conduct qualitative, semi-structured interviews with researchers in this field, with whom I connected through my research network. This form of interviews allows me to establish the

baseline for the conversation, but with the possibility to ask the interview objects if they can elaborate on certain issues that are of particular relevance, interest or lack clarity. This form may also shed light on certain aspects of the topic at hand that may not have been accounted for beforehand. This may expand our perspective as the interview object is free to incorporate whatever they deem relevant for the question. For the same reasons I have avoided closed-ended and leading questions. It should be reiterated here that the purpose of the interviews was not to generalize experiences by a representative selection of a given population, as is often the case in positivist studies, but rather the aim has been to gather more knowledge about the empirical material as a supplement to document analysis. Issues such as bias, generalizability and influence by the researcher have therefore been of less concern than would be the case in studies where the aim is to generalize findings to a broader population or draw causal inferences.

I have interviewed four persons whom I knew have a solid knowledge on the topic, but who may have different perspectives. Eline Waerp and Johan Ekstedt are PhD candidates at the University of Malmö. Waerp specializes in securitization and EU border politics, while Ekstedt looks at ethnic relations and international migration. Mathias Tjønn works as a research assistant within the field of migration studies, decolonization and Mediterranean history at the Peace Research Institute of Oslo. Giacomo Orsini is a Postdoctoral Researcher of the Institute for the Analysis of Change in Contemporary and Historical Societies (IACS) of the Université Catholique de Louvain. His main research area is European integration, EU's external borders, and EU migration policy. I have asked six questions to all four of the interview objects, with different follow-up questions to each of them depending on their answers. The six questions are found in the annex to this study. The interviews were designed to shed light on the development of externalization as a case of an institutional path dependency, and the interview objects were chosen with this in mind. The interviews have been executed through online video chat or face to face, while making sure there were no distractions of any kind. The interviews were recorded and transcribed for the purpose of revisiting the conversation and verify that no elements of importance were overlooked. I also took notes during the interviews to extract the most relevant information.

4.3 Process-Tracing

While the data to be analyzed is collected through document analysis and expert interviews, it is structured and processed through explaining-outcome process-tracing. The interpretivist epistemology is frequently argued to be incompatible with methods of process-tracing. Beach and Pedersen (2013) contest this notion as they argue process-tracing is often treated as a uniform method, where most scholars have not differentiated between its different purposes and the methodologies thereafter. They argue that process-tracing as a method can be divided into three different usages. Two of them are for the purposes of theory-testing and theory-building, while the third, and the one that motivates this study, is when we want to "explain a particularly puzzling historical outcome" (Ibid., p. 11) – in this case the current situation for the EU's migration policy. The theory-building and theory-testing either attempt to build a theorized causal mechanism or test for the presence or absence of a specific causal mechanism (p. 69). In the explaining-outcome variant, however, process-tracing is applied to "craft a minimally sufficient explanation that captures the unique character of a specific historical event" (Ibid., p. 285). Such an explanation is one that accounts for all relevant aspects of the outcome and that identifies what the outcome is a case of. The notion of causal mechanisms is prevalent in all three types of process-tracing, but whereas in the first two they are employed as generalizable to other cases, in explaining-outcome process-tracing causal mechanisms are non-systematic and case-specific (Ibid., p. 22).

The aim of process-tracing is to grasp how a historical development has taken place by analyzing the steps of the development backwards in time. "The ambition is not to prove that a theory is correct but instead to prove that it has utility in providing the best possible explanation" (Beach and Pedersen, 2013, p. 13). By applying the method of process-tracing we are not explaining specifically *what* caused outcome Y, but rather attempting to understand *how* outcome Y accrued by addressing the impact of particular events during the analyzed time frame. In order to do this, Beach and Pedersen (2013, p. 49) suggest drafting a timeline; they refer to it as a causal mechanism, that is then divided into entities, - nouns, which engage in certain activities - verbs. Worth mentioning here is that Beach and Pedersen use the term 'causal mechanism' differently than that of Page (2006, p. 88) and Leithner and Libby (2017, p. 5). Beach and Pedersen's application of the term relates to the process by which a specific outcome is produced, whilst in the theoretical framework the term is applied as a type of path dependency. Entities in this

context may typically be people, organizations and systems. The activities are the actions by which causal forces are transmitted. In this case the entities are the EU, and the activities are the policymaking of externalization that the EU enforced in different time periods – the different 'parts'. Figure 4.1 is posed by Beach and Pedersen (2013) and shows how process-tracing may help us identify how X has led to outcome Y, through different activities conducted by an actor in different time periods.
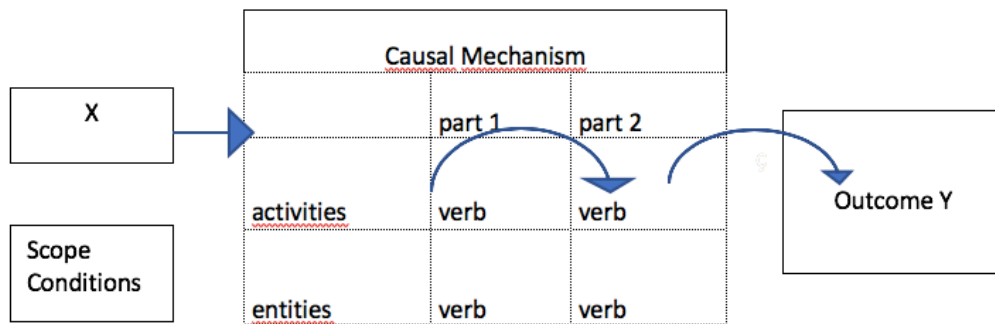
Figure 4.1: Model for Process-Tracing by Beach and Pedersen (2013, p. 50)

This model is applied by Beach and Pedersen (2013) to all three types of process-tracing. This is to depict what process-tracing entails in a general sense. But it is important here to distinguish between the three, because it is the explaining-outcome version that is applicable for the purpose of this study. Beach and Pedersen (2013, p. 37) also pose another model that is more specific to explaining-outcome process-tracing, and which builds on the logic of figure 4.1. Through this model, I have identified different events that form the empirical manifestations of each of the parts of the mechanism. These events and the parts of the mechanism that they compose are operationalized in the next section of this chapter, before they are employed again in chapters and 6.
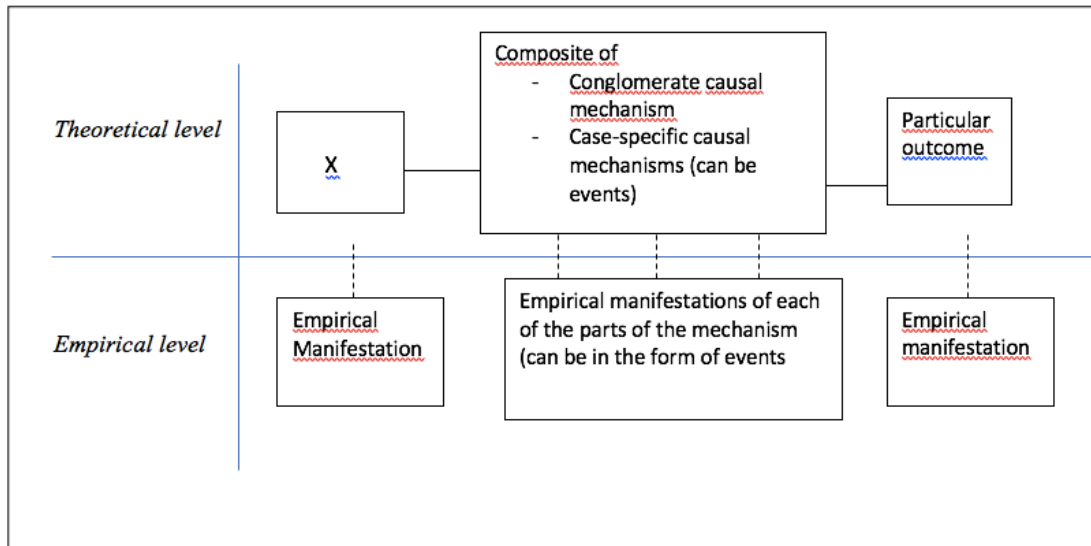
Figure 4.2: Model for Explaining-Outcome Process-Tracing by Beach and Pedersen (2013), p. 37.

One of the difficulties in applying this method, is determining how to limit the process. How do we define the beginning and the end of a process, and how do we know that this process makes a sufficient explanation for the outcome we are exploring? When conducting theory-testing or theory-building process-tracing, one solution to this obstacle is the application of different kinds of tests. Van Evera (1997, pp. 31-32) also referenced by Collier (2011), suggests the 'Hoop test', 'the Smoking Gun test', 'Straw in the Wind test' and 'Doubly Decisive test' that to varying degrees may weaken rivaling hypotheses or strengthen the one at hand. However, they are not compatible with explaining-outcome process-tracing, as we are not attempting to prove the presence or absence of a specific causal mechanism. Rather, Beach and Pedersen (2013, p. 287) suggest that the method must be iterative: It must be repeated until the researcher can account for the most important aspects of the outcome. There is no universal answer to when this is the case, and the researcher must herself decide when this has been accomplished.

This chapter has outlined the methods of process-tracing, document analysis and interviews, and it has elaborated on the operationalization of the three empirical stages of externalization into the theoretical parts of Beach and Pedersen's (2013) mechanism for process-tracing. The method of process-tracing is most heavily applied in Chapter 6, supplied with the semi-structured interviews. Document analysis is the foundation for both the empirical development of the externalization that is accounted for in the next chapter, and for the analysis in Chapter 6.

5   Three Parts of EU Externalization

Before we can look for manifestations of path dependency and critical juncture, we must have a clear overview of the entirety of the external dimension, and the events that compose each of the parts of the externalization process. This chapter shows how the external dimension has developed through different historical and geopolitical contexts, and it touches on how the different stages are interrelated. I do so through document analysis, where both secondary and primary sources are employed to account for the empirical developments in the different stages.

5.1   Dublin, Schengen, Amsterdam, Tampere and GAM(M): 1990-2003

The 1990s saw The Yugoslav Wars, the Rwandan Genocide, the fall of the Soviet Union and the expansion of the EU. These are all contributing factors to why migration became an important issue at that point in history, and the migratory pressures they put on Europe compose the backdrop for the first externalizing measures. This first phase of the externalization saw the signing and coming into force of many policies and treaties that were to become vital for later stages of externalization. The Dublin Regulation, the implementation of the Schengen Agreement, the Amsterdam Treaty and the following Tampere Summit that led to the establishment of CEAS, are some of the most important ones for later policy. This section employs secondary and primary sources in elaborating on what the different policies entailed and why they were important for later policies. The different policies are addressed chronologically from when they were enforced.

5.1.1   The Dublin Regulation: Uneven Distribution of Migrants

The Dublin Regulation is one of the most contested milestones in EU migration policy. The most important provision of the first regulation in 1990 was that the first country of arrival for a migrant was responsible to treat the application for asylum. Another provision of the Dublin Regulation was the implementation of the safe third country rule, which entails that a person can be sent to a third country provided that the country is adhering to basic international principles of human rights and the safety of refugees. The regulation has been subject to much controversy in that it is facilitates uneven distribution of asylum-seekers, is difficult to enforce, increases illegal immigration and fails to secure migrants' rights (Council of Europe, 2015). It is arguably one of the most important milestones in European migration policy, yet it is frequently argued that not

only did it not deliver the desired results, it also contributed to the 'collapse of the European migration system' (Lavenex, 2018; European Commission, 2016a).

The problems with the regulation became especially prevalent during the crisis that followed the Arab Spring, when countries in the south of Europe experienced an unproportioned pressure of migrants compared to the rest of the Union. Hungary and Italy for example, were the first point of entry into Europe for most of the refugees in 2015 due to their geographical location. Most of the migrants who crossed the Mediterranean were trying to reach Northern Europe and Germany, but because Italy was the first point of entry, the Dublin regulation made Italy obliged to treat their applications there. However, as the asylum and immigration system in Italy was increasingly overloaded, many migrants did not have their applications processed there, and proceeded to other countries. However, granted that they were registered in Italy, the Dublin Regulation holds that these migrants could be sent back to Italy. In 2014 only 2,500 people were returned. In 2018 this number had tripled, however it should be noted that while 6,500 people were returned in 2018, this is just a fraction of the 188,000 requests for transfers since 2013, where Hungary even refused to allow migrants back in, violating the Dublin Regulation. The majority of the requests came mainly from Germany, Switzerland, France and Austria, which were the most desired destinations for many of the migrants (Tondo, 2019).

The Dublin Regulation was revised in 2011 and 2015, though the main provisions remain the same. For the purpose of later migration policies, the regulation was important in that it was one of the first institutionalized policies regarding migration that were applied to all the member states, and the provisions of it has entailed that some countries would be more prone to certain kinds of migration than others. The safe third country rule may have also contributed to the need for closer cooperation with neighboring regions, which became one of the core features of later migration policies as the EU expanded and new migration patterns emerged.

5.1.2   Institutionalization of Externalization

As mentioned in the introduction to this study, the Amsterdam Treaty of 1997 was vital in moving migration matters up on the agenda. Some of the most important implications of the treaty were the Tampere Summit in 1999, and the implementation of the Schengen Agreement

into common EU law the same year. Now it included all EU member states and not merely those who had ratified the agreement before the Amsterdam Treaty was signed. The effect of this was, among others, the establishment of an external border between Europe and neighboring regions, as internal borders were abolished. This became an important hallmark for later policies, because this may have created a greater distance between Europe and neighboring countries, such that a comprehensive common policy for cooperation was vital in fostering good external relations. Additionally, the mere practical implications of Schengen were that what came in and out of Europe – products, persons, services and capital - were to be regulated by the EU as an institution and not the member states. The need for a comprehensive migration regulation was a fact, and 'the external dimension' was formally institutionalized in the Tampere Summit in 1999, a follow-up to the Amsterdam Treaty two years earlier.

The Tampere Summit in 1999 called for the establishment of a Common European System on Asylum (CEAS). The Presidency Conclusions to the Tampere Summit states that "This System should include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status" (European Council, 1999). The excerpt was reaffirmed in in Article 78 of the Consolidated Version of the Treaty on the Functioning of the European Union (TFEU) in 2012, previously the Treaty of Rome. This further integrated CEAS into EU primary law. The Dublin Regulation, which was revised in 2003, became an important part of CEAS, which also saw the creation of Eurodac, a database with fingerprints of all asylum-seekers to be used by all EU countries. This was to ensure proper implementation of the Dublin regulation.

5.2   The ENP, Mobility Partnerships and the EU Return Directive: 2004-2014

The most important policies of the second stage of externalization are the ENP, The Global Agenda on Migration and Mobility (GAMM) and the MPs. This period to a larger extent than before saw EU externalization take the shape of bilateral agreements, mainly provided for by the ENP, as opposed to the multilateral approaches that were more common in the preceding years. This section elaborates on each of the policies and their contributions to the process of externalization.

5.2.1 The ENP: Ring of Friends or Ring of Fire?

The 1990s and early 2000s saw a European expansion, the fall of the Soviet Union and increased migratory pressures form the South and East, and the European Neighbourhood Policy in 2004. The ENP is "… designed to give new impetus to cooperation with the EU's neighbours following enlargement" (European Commission, 2004), promoting European approximation of its neighbors to the south and east, without offering them official EU membership (Lavenex and Wichmann, 2009, p. 84). The ENP contrasted past multilateral frameworks such as the Barcelona Process and the Union for the Mediterranean as it was an umbrella framework for a set of bilateral agreements. In this way, the ENP intended "to govern the EU's relations with 16 of the EU's Eastern and Southern Neighbors in order to achieve the closest possible political association and the greatest possible degree of economic integration" (European Union External Action Service, 2016a). This bilateralism became a defining feature of the 2004-2014 period. When the EU enforced stronger external borders as Schengen was implemented, it became necessary to ensure that it was at least surrounded by like-minded, friendly states through promotion of democracy and trade agreements. But the ENP did not give the EU more friends. Its neighboring regions did not stabilize or become more democratic, but rather the succeeding years saw a deteriorating Middle East and an Eastern region that was still heavily influenced by Moscow. The 2014 Ukraine conflict, the presence of Russian troops in Georgia and Moldova, rising tensions in Armenia and Azerbaijan's imprisoning of political activists, in addition to the Libya and Syria conflicts, are some examples (The Economist, 2014). It has been argued that the ENP was based on an artificial notion of the term 'neighborhood', as the countries close to European borders were rather characterized by major political, socio-economic, cultural and security-related differences, than they were by similarities (Schumacher, 2017, p. 6). If the main objective of the policy was to promote economic integration and political stability in neighboring regions, it was less than a success.

When the ENP was revised in 2011, one of the main objectives was "… promoting and supporting the development of deep democracy and economic prosperity in our neighborhood" (European Commission, 2011). The revised edition also introduced the 'more for more' principle', whereby "(…) The more and faster a country progresses in its internal reforms, the more support it will get from the EU" (Ibid.). Christian Danielsson, then head of the European

Commission department for neighborhood policy and enlargement, admitted in an interview that "The idea was to have a ring of friends who would integrate with us but not become EU members. That was rather patronizing, with the European Union telling everyone what to do because we believed they wanted to be like us" (The Economist, 2014). This could have been said about several of the externalizing migration policies in the following years. According to Schumacher (2017) the ENP was based on the assumption that EU enlargement was a manifestation of the success of the EU's political-economic model. But this assumption was wrong, and the ENP failed to recognize socio-economic problems outside of the EU. Rather, the ENP was driven by the EU's and the member states' self-interest that was grounded in regional security, economic opportunities and border control. Instead of creating a ring of friends, the ENP saw the emergence of a ring of fire (The Economist, 2014).

5.2.2 Mobility Partnerships – What's in it for them?

When the Global Approach to Migration (GAM) was implemented in 2005 it was intended to prevent irregular migration into the EU, while the external country receive greater legal migration opportunities for its citizens, such as more permitting visa policies. The Mobility Partnerships were an implementation of this agenda (Reslow, 2017). The GAM was revised in 2011, such that it became the Global Approach to Migration and Mobility (GAMM) to reflect the EU's intention enhance the focus on migrants' rights and foster more legal migration opportunities. While the MPs implemented the GAMM, they were also a prominent tool by the ENP, and were first signed with Moldova in 2007, followed by Ukraine, Georgia, The Republic of Armenia, The Republic of Azerbaijan and The Republic of Belarus. Cooperation through MPs was very much based on the principle of conditionality where developmental assistance, trade and political reform formed the bargaining instruments by the EU, in return for cooperation on irregular and regular migration (Schimmelfennig and Sedelmeier, 2004, p. 663). This is an example of the 'more for more' principle that became institutionalized in the 2011 revision of the ENP.

MPs involve both a visa facilitation agreement and a readmission agreement, and represent what Reslow (2017, p. 157) refers to as a "trade-off between legal and irregular migration". They have been more easily enforced with Eastern countries than with countries in Africa and the Middle East, in part explained by the fall of the Soviet Union and EU expansion Eastwards. Eastern countries may have had more to gain from the MPs than was the case in other neighboring

regions, and they were also the first of its kind. The 2005 lead-up to GAMM focused to a lesser extent on short term visitors, tourists, students, business people and researchers, which became incorporated into the "mobility" part of the GAMM when it was revised in 2011. As it was increasingly acknowledged that the population of the EU was ageing and there would be a need for foreign skills to fill gaps in the work force, the strategic objectives of the EU changed. Migration was seen as an opportunity and not merely a challenge, as the EU saw that it could benefit from certain kinds of mobility, while restricting others. As different countries had different attributes, migration agreements had to be tailored to specific countries to accommodate the EU's needs, while also giving something in return. For example, the 2007 MP with Moldova emphasizes prevention of brain drain, informing Moldovan citizens of temporary work opportunities in the EU, and enhance cooperation with Moldovan communities abroad (Council of the European Union, 2008, p. 4). The 21-page long document outlining the joint declaration on an MP with Moldova appear to be motivated by mutual interests of regular migration to the EU, including shorter stays. The Common Agenda on Migration and Mobility (CAMM) signed with Nigeria in 2015 on the other hand, is much more tailored to irregular migration, as the EU's main objectives with cooperation with many African countries may to a lesser extent concern recruiting skilled migrants. Rather, the 8 page long joint declaration on a CAMM with Nigeria outlines how the EU may assist Nigeria in strengthening its border controls to prevent trafficking and irregular migration. Whereas Mobility Partnerships always involve the negotiation of visa facilitation and readmission agreements, CAMMs do not, and represent a less ambitious and committing framework for cooperation. The threshold for agreeing to engage in a CAMM is thus lower and represent an opportunity for the EU to cooperate with countries that prove unwilling to sign readmission agreements. Furthermore, the CAMMs also show how EU is increasingly going beyond Europe's neighborhood as the externalization approach continues to take hold. The three countries that have engaged in CAMMs, Nigeria, Ethiopia and India, are all geographically further away from the EU than is generally the case for the third countries that have signed an MP. This is explored in greater depth in the section that concerns Africa.

While the MPs were targeted at irregular migration in the form of work migrants and refugees in a post-cold war landscape, in more recent years the focus has shifted to the pressure of irregular migration from North Africa and the Middle East. It appears that most of the MPs and readmission agreements with Eastern countries that form the Eastern Partnership of the ENP have

become less prominent in the EU external dimension in recent years. The focus of the Commission regarding migration have been redirected, at least to some extent, southwards to Africa and the Mediterranean through the regional cooperation initiative the Union for the Mediterranean (UfM). The urgency and pressure of irregular migrants in 2014 and 2015 by far exceeded that of the 1990s and early 2000s from the East, and the changing political landscape in and surrounding Europe has required a stronger focus on other regions. However, the EU's attempts of enforcing MPs with countries in Africa has been met with skepticism. and little has come of them. While MPs were signed with Morocco and Tunisia in 2013 and 2014, negotiations on readmission agreements have been at a standstill since then, and Algeria and Egypt have refused to participate in negotiations after years of EU attempts (Abderrahim, 2019a). There are several reasons for this, a point to which I return in the section of this chapter that accounts for the current stage of externalization.

5.2.3   Common Standards for Return

While the MPs constitute one of the major policies that were implemented in this period, another is the EU Return Directive – or "The Directive on Common Standards and Procedures in Member states for Returning Illegally staying Third-Country Nationals". It was signed in 2008 and implemented in 2010 following calls for common standards for return of unqualified asylum-seekers by the Tampere conclusions (1999) and the Hague Programme by the European Council (2005). As readmission and return became an increasingly important part of EU migration policy, the Directive has been an important milestone. The previously mentioned safe third country rule is particularly important, as the article 6, paragraph 1 of the Directive states that "Member states shall issue a return decision to any third-country national staying illegally on their territory" (The European Parliament and the Council of the European Union, 2008). When the conclusion of readmission agreements moved up on the agenda as migration pressures increased, this provision of the directive became especially prevalent in EU migration policy in the following years.

5.3   The Peak of the Crisis and Readmission Agreements: 2015 – 2019

Today, the clearest manifestation of external governance is the readmission agreements that the EU has commenced with neighboring countries as a means by which to restrict the number of irregular migrants that reach Europe's borders. As we have seen, such agreements are not a new

phenomenon, but they have flourished after the Arab Spring of 2011 and especially so with countries with whom the EU up until now has had a rather limited cooperation regarding migration. Whereas the years of the early 2000s until the Arab Spring and the migration crisis mainly saw migration cooperation with Eastern Europe, today the Middle East and Africa have become more important. This chapter accounts for the EU's evolving relationship with the Middle East and Africa by outlining some of the most important policies and agreements that specifically regard these regions.

Externalization takes many forms, and the readmission agreements and the operations in the Mediterranean, or lack thereof, are an important part of the external dimension of the EUs migration policies. The EUs cooperation with Turkey and Libya are the most controversial and prominent agreements that the EU commenced in this period. The two differ in many regards and understanding how they have been shaped is important to grasp what EU externalization entail. While I acknowledge that the EU's relations with Turkey and Libya respectively do not necessarily generalize to represent the all the bilateral agreements that the EU commenced in this period, they have both been subject to much controversy and represent an important part of EU externalization. I thus elaborate on the development of those two bilateral relationships specifically, before I address EU-Africa relations post 2015 more broadly.

5.3.1   Turkey the Gatekeeper

In September 2019, there were approximately 3.6 million registered Syrians living in Turkey, approximately half of them children (UNHCR, 2019b). Along with the other 365,000 persons of concern from other countries, as well as an unknown number of unregistered persons, this makes Turkey the biggest host of refugees in the world, 96% of them living in cities and urban areas (Ibid.). In 2015, the number of asylum-seekers in Turkey was 2.5 million, with 950.000 arriving that year alone (Ibid). In other words, when the EU commenced a readmission agreement with Turkey in 2016, Turkey was already hosting more than most, if not all, countries. For many of these migrants, Turkey was not meant to be the end destination. Turkey knew this, and so did Europe.

As Okyay and Zaragoza-Cristiani (2016, p. 59) point out, when the infamous EU-Turkey agreement was commenced in 2015, President Erdogan was able to set certain demands that

would arguably not have been possible had it not been for Turkey reminding Europe of its role as a gatekeeper, standing between a Europe and a mass of almost 4 million migrants. The EU-Turkey agreement implied that Greece would be allowed to return back to Turkey every new Syrian migrant arriving in Greece from Turkey, while the EU would resettle Syrian refugees already residing in Turkey (Collett, 2016). Additionally, Erdogan's demands for the lifting of the visa requirement for Turkish nationals in the Schengen zone as well as €6 billion for managing refugee facilities were eventually incorporated into the deal (Council of the European Union, 2016).

The EU made no obligations to the large refugee populations already residing in Greece, only the new ones arriving, and conditions in refugee camps in Greece have been heavily criticized. In September 2019 it was reported that the Moria refugee camp in Lesvos had started burning. The camp has capacity for 3.000 people but housed approximately 13.000 (NTP-AFP, 2019) (author's translation). Oxfam (2019) shows that three years after the agreement with Turkey was commenced, camps in Greece are still many times over capacity, with dangerous and unsanitary conditions especially for women and children. It is reported that some women wear diapers at night to avoid going to the toilet after dark and as 70 persons share one toilet, skin infections and diarrhea are common. It is especially bad for women who are pregnant or who have just given birth, who are placed in tents with many others in unhealthy and dirty conditions. In addition to migrants, stray-dogs, rats, snakes and scorpions also live there.

No more than a year after the agreement was adopted were there mass upheavals in the streets as President Erdogan was attempted removed through a coup d'etat that left 265 people killed and more than thousand others injured (Eissenstat, 2017; Reuters, 2016). More than a hundred thousand people were detained and over 50,000 arrested over suspicions of coup involvement, while at least 100,000 civil servants were dismissed from state institutions (Eissenstat, 2017). In a country that hosted several million refugees and asylum-seekers, most of whom resided in cities, the situation was arguably less than safe. As Turkey started to resemble what some have termed a dictatorship (Ibid.), relations with Europe were also haltered.

The EU has employed the agreement with Turkey as an example that should be followed. In a communication from the Commission in 2016, the Commission states that "its elements can

inspire cooperation with other key third countries and point to the key levers to be activated"
(European Commission, 2016b). To be sure, the agreement did manage to curb the migration
flows, and was perhaps successful in that regard. But when the Commission further emphasizes
that the agreement was "in full accordance with EU and international law" (Ibid.), this has been
disputed by many lawyers and human rights activists. It was argued that the principle of non-
refoulement was breached and that the EU standards for protection would not be met in Turkey
(Collett, 2016). Ensuring returns to follow the principles of the safe third country rule and the
first country of asylum as per the Dublin Regulation and the Refugee Convention, would imply
the returns of very few (Ibid.).

5.3.2   Libya

In June 2019, international lawyers Omer Shatz and Juan Branco sent a communication to the
office of the prosecutor of the ICC, accusing the EU for committing crimes against humanity.
The mere existence of this document is telling for EU-Libya relations, but it also provides
extensive empirical material that is applied here. While it should be acknowledged that it was
written for a very specific purpose, the communication has proven a very informative document
regarding the development of the EU's relations with Libya and Turkey, and the operations Mare
Nostrum and Operation Triton. For the purposes of brevity, I do not account for all the
developments in the relationship between the EU and Libya that has led to the EU being accused
of committing crimes against humanity. Indeed, this relationship is particularly substantial and
complex. Rather, I have extracted some of the developments that I argue are the most valuable
for understanding the externalization of EU migration policy.

Libya, a fractured state torn by war and political turmoil does not have a functioning coast guard
or a proper admission system for refugees and asylum seekers (Shatz and Branco, 2019). Still,
aware of the inhumane conditions faced by migrants in Libya, the EU has forcibly transferred
asylum seekers intercepted in the Mediterranean Sea, both in international waters and Libyan
territorial waters, to Libyan soil (Ibid, pp. 169, 100). Once there, they were placed in detention
camps where torture, blackmailing, rape and killings were, and still are, frequent (Ibid., p. 2).
How did this come to be the case? In order to grasp this, we must first address the relationship
between Italy and Libya.

The EU's relationship with Libya is largely influenced by existing bilateral agreements between Italy and Libya. It is difficult to know exactly when the two countries started cooperating on the migration because much of the correspondence was never made public (Paoletti, 2009, p. 14). The first published migration agreement between Italy and Libya was signed in 1998, in a verbal process accompanying a joint communication signed the same day (Ibid.). The verbal process stated that there should be joint efforts to target undocumented migration flows (Ibid.), and it was followed by a Memorandom of Intent in 2000. The latter called for exchange of "… information on illegal migrant flows and the involvement of criminal organizations, information on organizations specialized in the falsification of documents, as well as reciprocal assistance and cooperation in the fight against illegal immigration" (Memorandum of Intent, 2000, as referenced by Paoletti, 2009, p. 14). Italy long called for the EU to intensify collaborative efforts, which it eventually did. In 2005 the JHA endorsed a Council Conclusion on cooperation with Libya on migration issues (Paoletti and Pastore, 2010, p. 20). Whereas the EU posed a conditionality of Libya ratifying the Refugee Convention and recognizing international human rights frameworks, Libya did not answer to these demands. Yet the cooperation soon proceeded.

In 2008 Italy and Libya signed the 'Treaty of Friendship'. The treaty provided that Italy would fund billions of euros to Libya framed as an amends to the negative effects of colonization, while Libya would keep refugees and migrants within Libyan borders (Ibid., p. 17). Libya had still not ratified the Refugee Convention, and there were soon built six detention camps on Libyan soil (Ibid.). Worth mentioning here is that this trade of money for migration prevention can be seen in many of the EU's external migration policies that succeeded this first phase of EU-Libya cooperation, and it is inherent in the 'more for more' principle that was institutionalized through the ENP. While the EU distanced itself from the Italian approach by applying adherence to basic international law as a conditionality, it soon resumed cooperation with Libya. In 2009 the European Council called "to intensify the dialogue with Libya on managing migration and responding to illegal immigration, including cooperation at sea, border control and readmission" (Council of the European Union, 2009, p. 12). According to Paoletti and Pastore (2010, p. 18) this was understood by the Italian government as an endorsement of the Italian approach. The EU was torn: On the one hand it could take advantage of Italy's established bilateral relationship with Libya to ease the pressure of migrants crossing the Mediterranean, but on the other, this violated the principle of non-refoulement. With the fall of Gaddafi in 2011 Italy and the EU withdrew

from the push-back policy and from funding Libyan detention camps, however this has not entailed the end of cooperation with Libya.

In 2014 the EU restored to a deterrence-based approach to Libya. The strategy by Italy and the EU has changed from a 'prevention of leaving' approach in the early 2000s to a 'prevention of arriving' approach in light of the Arab Spring (Shatz and Branco, 2019, p. 21). Between 2016 and 2018 approximately 40,000 people were placed in detention facilities in Libya (Shatz and Branco, 2019, p. 10). Almost 15,000 people were reported missing or dead at the Mediterranean Sea between 2014 and 2017 (Ibid., p. 8), and while in November 2019 this number had sunk to 1089 (UNHCR, 2019a), this entalils that the deterrence-approach has not stopped people form leaving.

Since 2013 the EU-Libya migration arrangement may be divided into two main operations: The Mare Nostrum Operation, an Italy-fronted operation which lasted from 2013-2014 and Operation Triton, which superseded it in 2014. Where Mare Nostrum set out to "rescue all migrants' vessels departing from the Libyan Coast", and in fact rescued some 150.000 people in one year, Operation Triton had other objectives. Operation Triton was not a search and rescue (SAR) operation like Mare Nostrum, but rather it set out to monitor coasts to prevent trafficking and crime (Shatz and Branco, 2019). It has been criticized for increasing the death toll in the Mediterranean with 30 times (Ibid, p. 26), by only operating within a limited area with limited funding, vessels and workers (Shatz and Branco, 2019, p. 28; Amnesty International, 2015). Operation Triton was under the command of the Italian Ministry of Interior but funded by the EU and Frontex. Yet, while Mare Nostrum's budget was €9.5 million per month funded only by Italy, Triton received €2.9 million per month by the 28 EU Member states. Shatz and Branco (2019, pp. 21-22) also point to how certain areas in the SAR zone that was under control by the EU and operational vessels were intentionally left unattended, causing the deaths of many.

The current situation in the Mediterranean is one where NGOs and SAR teams are increasingly being criminalized, and vessels with migrants onboard are experiencing great difficulty in finding disembarkation platforms and face strict criminal charges if they dock without permission. For example, the Norwegian owned vessel Ocean Viking, driven by MSF and SOS Mediterranee that saved 365 persons from drowning in the Mediterranean in August 2019, met great resistance to dock in Italy by then Italian minister of home affairs Matteo Salvini, and was encouraged to return refugees and irregular migrants to Libya (Waale *et al.*, 2019; SOS Mediterranee, 2019).

Two months before that a German captain was arrested for docking at Lampedusa with 40 migrants onboard (Waale *et al.*, 2019). The hesitance among European countries towards allowing disembarkation of vessels with migrants is tied to the provisions of the Dublin Regulation, by which the first country of arrival is responsible for processing the applications for asylum. There are ongoing negotiations of a revision of the Dublin Regulation to better account for the problem of the uneven distribution, that could change the current situation in the Mediterranean.

5.3.3   Africa: Terms and Conditions Apply

In 2015, the EU and Africa embarked on a new approach to cooperation on migration that was largely influenced by the structure of past policies, though with limited results. At the Valletta Summit in 2015, government leaders of African countries, EU member states and EU officials agreed to an action plan for closer cooperation on migration. The Valletta action plan outlines five priority domains to be implemented by the signing parties. The priority domains are 1.) Development benefits of migration and addressing root causes of irregular migration and forced displacement; 2.) Legal migration and mobility; 3.) Protection and asylum (including support to the large refugee population in the country and the host communities); 4.) Prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings; and 5.) Return, readmission and reintegration (Valletta Summit on Migration, 2015a). Especially the last priority has become defining of the EU's approach to Africa, and there are indications that it will continue to be a priority also in the future, as the new Commission commences in late 2019 (Leyen, 2019a).

The Valletta Summit did not emerge in a vacuum. Migration had been an important topic in EU-Africa relations for a long time, as manifested in the Khartoum Process and the Rabat Process, both of which were important for the implementation of the Valletta Action Plan and the European Migration Partnership Framework (MPF) that was employed the same year. The Rabat Process, launched by 55 European and African countries at the first Euro-African Ministerial Conference on Migration and Development in 2006 in Rabat, Ethiopia, set forth to "enhance dialogue and cooperation on migration" (European Commission, 2015), where prevention of irregular migration, international protection and migration and development were some of the key

working areas (Ibid.). The Khartoum Process is also an inter-continental political process, and primarily focused on preventing and fighting migrant smuggling and trafficking between the Horn of Africa and the European Union (Ibid.) The Khartoum Process and the Rabat were to be used for monitoring the implementation of the Valletta Action Plan. At the fourth Euro-African Ministerial Conference on Migration and Development in November 2015, the two main priorities for future action was firstly to strengthen the link between migration and development; and secondly, the prevention and fight against irregular migration and related crimes, namely trafficking in human beings and smuggling of persons (Ibid.).

As Euro-African relations were increasingly characterized by the emphasis on migration issues, I have identified three different trends through which we can understand what this cooperation entailed, what the stakes were for the different parties and the extent to which this new approach to external migration policy has been efficient. They are: 1.) The MPF and african leverage; 2.) The presence of postcolonial legacy in Euro-African cooperation; and 3.) The informality of international agreements. Whereas the Turkey and Libya agreements were accounted for in their own sections of this study, I have found it more suitable to outline the developments of EU-Africa relations more generally, through these different aspects. This is so because multilateral policies such as the MPF and the trends that I outline transcend several countries. Furthermore, some specific bilateral agreements have proven difficult to track, a point to which I return.

5.3.3.1 *Migration Partnership Framework and African Leverage*

The Migration Partnership Framework was initiated in 2015 and represents an increased focus on cooperation with countries outside of the European Neighborhood. Similar to that of the Valletta action plan, the MPF in 2018 identified six priority areas for future action in the Sahel and Lake Chad as well as North Africa. They are: 1.) Return and reintegration; 2.) Refugees management (Comprehensive Refugee Response Framework); 3.) Completing progress on the securitization of documents and civil registry; 4.) Anti-trafficking measures; 5.) Essential stabilization efforts; and 6.) Migration dialogues. When projects are being initiated in each of the priority countries, they need to answer to one or more of the priority areas. Another outcome of the summit was the creation of the European Emergency Trust Fund for Africa (EUTF). This is the flagship funding mechanism related to the MPF and to the broader conditionality-based approach to migration cooperation with Africa.

The MPF carries with it certain similarities to the MPs, and may be seen as a revised version of them. While the MPs saw a short, attempted comeback with Morocco and Tunisia in 2013 and 2014, the negotiations on readmission agreements and visa facilitation soon stagnated, and little came of them. Seemingly, there were not enough incentives for African countries to engage in Mobility Partnerships, and the EU needed a new approach to mitigate irregular migration from Africa. While the MPs bore limited success especially with African countries, the MPF attempted to meet the limitations of the MPs by providing stronger incentives for cooperation that transcended policy domains, and by tailoring the agreements to the specific countries. The MPF was also strongly based on a principle of conditionality, and the 'more for more' principle that had been introduced by the ENP some years earlier. Both rewards and consequences of cooperation, or lack thereof, were stressed in the Communication from the Commission on establishing the MPF. For example the Communication was explicit in how the "coherence between migration and development policy is important to ensure that development assistance helps partner countries manage migration more effectively", but it was also emphasized that "there must be consequences for those who do not cooperate on readmission and return" (European Commission, 2016b, p. 9). The main incentives for cooperation were financial aid and development funding, as opposed to the visa facilitation arrangements that were the most prominent in the MPs, at least with Eastern states. The emphasis on development aid in return for committing to readmission agreements also reflect Boswell's (2003) notion of the preventive measure, as development was incorporated into external migration policy to address 'the root causes of migration' and help 'where the help was needed'. Furthermore, the MPF presented a comprehensive strategy to several policy areas by mainstreaming the issue of migration to further involve domains such as agriculture, trade, education and job creation. In this way, the MPF should become more attractive to countries in Africa that had been much more distanced from EU migration politics. The EU recognized five priority countries, Ethiopia, Mali, Nigeria, Niger and Senegal, that were strategic in terms of origin and transit of irregular migrants, and that had expressed a willingness to cooperate on migration in return for development aid under the MPF. These have become some of the main recipients of funding from the EUTF, though there have been mixed results.

The MPF did not produce the desired effects either. According to interviews with UN officials by Castillejo (2017) there is a perception that the MPF employs a short-term perspective, and that

"They [the EU] are not achieving anything. What we need is an honest conversation on why Africans move and what migration means for the EU and its economy" (Ibid., p. 11). In the same study, officials in the Commission and in the European External Action Service (EEAS) refer to the MPF to be "more politics than substance" (Ibid., p.17). The empirical material gives the same impression. The fifth progress report on the MPF in 2017 reports that while cooperation with Niger and Nigeria generally delivered positive results in terms of anti-trafficking measures and return rates, the cooperation with Senegal, Mali and Ethiopia had not been satisfactory, and stronger incentives and monitoring was needed (European Commission, 2017). This last point may be correct, however there is some inconsistency in the reporting on Nigeria. While the Commission in its fifth progress report on the MPF claims that by 2017, €10 million had been allocated through the EUTF and the European Development fund to address trafficking in human beings and smuggling of migrants in Nigeria (European Commission, 2017, pp. 4-5), there was a significant increase in Nigerians among the share of nationalities who crossed the Central Mediterranean Route between 2017 and 2018. Whereas in 2017 Nigerians composed 6% of the crossings, in 2018 the number was 15% (European Commission, 2018a, p. 3). Furthermore, even as this year's Progress Report on the implementation of the European Agenda on Migration holds that the number of irregular border crossings into the EU "… fell to 150,000 in 2018 – the lowest figure in five years" (European Commission, 2019), this should arguably not be held as a measure of success, because reduction of arrivals also implies denying protection for those who urgently need it (ECRE, 2019). This is especially the case when irregular migrants are placed in detention camps - where they face other threats and hostility, instead of protection in Europe. The principle of non-refoulement and the relevant international conventions on basic rights are emphasized in all the EU's migration policies, and to the extent that the EU is not upholding these, then a reduction in arrivals can hardly measure success.

There may be several reasons for why the MPF has been inefficient: Firstly, the underlying assumption to much of the EU's migration policies is that development halters migration (Castillejo, 2017). This assumption is contested. Cummings *et al.* (2015) show that there is a positive causal correlation between development and mobility, where financial resources and education make people more informed and capable of moving. Secondly, many African countries are even more affected by irregular migration than Europe, and the costs of readmission agreements may be higher than the benefit of development aid. After all, readmission agreements

entail that a third country commit to take back not only their own nationals who have been rejected by the EU but also those that have transited through them. For some countries it may not be exclusively negative if some people choose to leave, legally or otherwise. Emigration may decrease unemployment statistics and lead to increased remittances, an important component of many countries' economy (Lavenex and Kunz, 2008). Thirdly, as the EU has exhibited an internal fragmentation and desperation for closer cooperation with third countries on readmission, Africa may have more leverage in negotiations than has historically been the case.

5.3.3.2 *Traces of Post-Colonialism in shaping agreements*

Europe has had a longstanding relationship with Africa, and while colonialism is officially abolished, certain trade patterns between Europe and Africa that has historically benefitted Europe still persist. For example, even though the MPF sets forth to address 'the root causes of migration', it does not refer to how colonial commodity chains or trade patterns might impede on this. The Ivory Coast, for example, whose main export is cocoa, does not manufacture chocolate. While cocoa makes up around one third of the Ivory Coast's total exports, 75% of the world's annual chocolate exports are from the EU, worth about $18 billion. Meanwhile, the entire African continent only exports chocolate worth $200 million – a small number in comparison, taking into account that the raw products are grown in Africa (Wagner, 2018). The aim of this study is not to discuss the effects of colonialism or the persistence of post-colonial relationships, however it has proven difficult to analyze EU-Africa relations from a historical–institutional relationship without taking this part of history into account. The EU wants to have the cake and eat it too: trade-patterns with African that have been pursued since colonial times should continue, restricting economic growth in developing countries, but third country nationals should not migrate. To be sure, the EU would perhaps still see migration from countries such as Niger and Ethiopia had they too been modern democracies with stable economies (not to contend that all European countries are). After all, people from developed countries still migrate to other developed countries. But if a more sustainable economy would enhance the statistics on education and participation in the work force, then human trafficking and irregular migration would perhaps pose a smaller challenge, because there may be legal pathways for migration that would also be more beneficial to Europe. Even if Cummings *et al.* (2015) are correct in asserting that development may lead to more emigration, economic growth in Africa would be positive for the

EU's quest to minimize irregular migration. Europe has the power to make this happen, but it would also have to sacrifice something.

"The special relationships that Member states may have with third countries, reflecting political, historic and cultural ties fostered through decades of contacts, should also be exploited to the full for the benefit of the EU" (European Commission, 2017, p. 8). The MPF may be new, however as Castillejo (2017) points out, some EU member states have long established connections with certain African countries that have been important foundations for the development of a migration-centered approach to Africa. This is seen not so much in the text of the agreements themselves, but rather in the difficulties involved in concluding negotiations. Algeria and Egypt are two examples of this. As Abderrahim (2019a, p. 6) outlines, Algeria appears to be sensitive to external interference and has a strong claim to its sovereignty after the end of colonialism, and has accordingly refused to engage in an MP or disembarkation platforms. Egypt has also declined participation in MP negotiations (Abderrahim, 2019b), and as we saw above, the Treaty of Friendship between Italy and Libya was to a large extent framed as colonial legacy. Furthermore, even though Morocco signed an MP in 2013, negotiations on implementations have been at a stand-still since then (Abderrahim, 2019b). Seeberg (2013) points to how this agreement, as well as that with Tunisia, may have been the result of economic and political pressure made possible by the vulnerable situation as the Arab Spring was still unfolding, while both countries also had a history of colonialism and long-lasting relationships with Europe where they depend on the EU for economic, political and security reasons (Abderrahim, 2019b).

5.3.3.3 *Informality of International Arrangements*

"[…] the paramount priority is to achieve fast and operational returns, and not necessarily formal readmission agreements". (European Commission, 2016b, p. 7)

Since 2015 the emerging trend of informality in bilateral readmission agreements has become more visible (Slagter, 2019). The EU's latest approach to Africa gave insufficient results, and many third countries had proven unwilling to enforce readmission agreements. By side-stepping encompassing negotiations and forcing agreements under a certain policy-umbrella, the turn to non-binding agreements were meant to prompt efficiency in returns and tailor agreements to

specific needs. In the Commission's 2018 proposal for a new EU Return Directive, it is noted that "for the past three years (…) several legally non-binding arrangements for return and readmission have been put in place" (European Commission, 2018b, p. 1). In previous chapters of this study, I have pointed to how externalization in some cases may breach with democratic legitimacy and judicial accountability. This especially comes to show in informal agreements such as memoranda of understanding and joint statements (Slagter, 2019, p. 5), namely because they are legally non-binding, and many such arrangements do not hit the public surface. The relationships between Libya and Italy provide a good example of this. As Giacomo Orsini claims in an interview for this study, "there are big undisclosed chapters regarding Europe and Libya that are impossible to analyze". This unavailability of some migration arrangements is in fact quite informative in itself.

In June 2016, Niger signed a Joint Migration Declaration with the EU, however the document was never published (Carrera, 2018, p. 40). Niger is but one of several countries that have engaged in informal arrangements with the EU on readmission and regulation of migration. The Commission even publicly acknowledges that informal agreements may increasingly be implemented as migration has moved higher up on the agenda of EU-African cooperation. This is explicit in the Communication from the Commission on the establishment of the Migration Partnership Framework (European Commission, 2016b) as well as in the conclusions to the meeting of the European Council in 2015 (European Council, 2015, p. 4). There may be several reasons for this. The urgency felt by the EU in curbing migration flows may have contributed to the EU turning to alternative platforms for cooperation, rather than enforcing official agreements such as MPs and Common Agendas on Migration. Informal and ad hoc agreements allow policymakers to bypass certain provisions of official agreements. Furthermore, many countries have large diasporas in other countries, and as previously mentioned, as migration to Europe has increased, so too has the share of the national economy that is accounted for by remittances that are sent back to the country of origin by migrants; irregular or otherwise (Lavenex and Kunz, 2008). In 2018, remittances composed 3.1% of Niger's GDP, whilst in Nigeria the number was 6.1% and 10.2% in Egypt. Some families are dependent on the remittances accounted for by their emigrated family members. By keeping readmission arrangements out of sight, governments may avoid domestic pressure to refrain from cooperating on returns (Slagter, 2019).

This section has outlined some of the main characteristics of the development of the external dimension of EU migration politics from 2015 until today, with an emphasis on Turkey and Libya and Euro-African relations. The cooperation with Turkey and Libya has seen the EU being brought to the ICC on charges of crimes against humanity, and they have been heavily contested in civil society – and endorsed by EU policymakers. The EU-Africa cooperation has also been subject to critique, but more so due to its lack of desired results and persistence of postcolonial approaches to cooperation. The cooperation has seen the EU applying rewards and consequences as the notion of conditionality and the 'more for more' principle. The new approach, which built on the mistakes by the MPs and attempted to make greater incentives for cooperation, have largely been insufficient. There may be several reasons for this, but it appears that many African countries are now at a point where they have more leverage in EU negotiations. Furthermore, colonial legacies still live strong, and certain African countries are hesitant to cooperate with the EU, especially as the benefits of the MPF do not outweigh the costs of readmission.

6   Analysis: Process-Tracing of Path Dependency and Critical Junctures in Externalization of EU Migration Policy

The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member states are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development (European Council, 1999).

From the empirical outline of the timeline in Chapter 5, it appears there was, if not a complete failure, then at least a fairly limited degree of success of the EU's externalized migration policies, depending on how one defines it. Why, then, does the EU insist on pursuing the same pattern of external policy? There are clear manifestations of a path dependency in EU migration policies,

and they exist because EU policymakers in the 1990s made certain political decisions that would be very difficult to reverse. When it was decided at the Tampere Summit that some of the top priorities of the JHA should be "Stronger External Action (outside the EU)", policymakers knew that they were making a decision that would, to a large extent, affect the range of opportunities in the future. The excerpt above, from paragraph A section 1.11 of the Presidency Conclusions of the Tampere Summit, is a clear follow-up to the Amsterdam Treaty of 1997. It is perhaps not so peculiar that a treaty with specific calls for future action ends up seeing those very actions take place, and it may seem far-fetched to refer to this as 'path dependency'. However, in an institution such as the EU, where future action is in fact called for through treaties and summits, this is one very clear example of what path dependency may look like. Sometimes it is not as obvious as this, however. For example, by analyzing the European Neighborhood Policy first implemented in 2004 and the EU Return Directive that was prominent after 2007, we may see that they were directly and indirectly called for by decisions made in the past. In turn, the ENP and the EU Return Directive facilitated the commencement of readmission agreements and migration arrangements that we see today.

There is a difference between something being conditioned by the past – where an action would have been impossible had it not been for past arrangements accommodating it - and a present action specifically being called for by past initiatives. Many of the EU migration policies appear to have been a case of both. In my analysis of the documents, I have been looking specifically for the causal mechanisms of path dependency outlined by Page (2006), Pierson (2000) and Leithner and Libby (2017), as outlined in Chapter 3. A 'causal mechanism' here refers to the different types of path dependency and should be distinguished from the 'causal mechanism' employed by Beach and Pedersen (2013). As mentioned in Chapter 3, there are often clear overlaps between the different causal mechanisms, and I do not look for each of them in each of the policies. Rather, I elaborate on those causal mechanisms that are most prevalent, namely 'lock-in', 'increasing returns', 'self-reinforcement', 'cognitive constraints', and 'rules of the game'. To be sure, there are more policies that have contributed to the process of externalization than those outlined here, but it has been necessary to limit the analysis to those deemed to be of most importance. I have chosen the agreements that are the most defining of each of the time periods,

based on what they set forth to accomplish and how they generalize to represent EU migration policy.

This section addresses how the different types are manifested in the different stages of the externalization processes of EU migration policies. In this chapter, I employ the method of explaining-outcome process-tracing as outlined in Chapter 4. The three different time periods, 1990-2003, 2004-2014 and 2015-2019 each constitute the 'parts' of the causal mechanism modeled by Beach and Pedersen's (2013) in figure 4.1. The entity - the noun - engages in an activity – a verb – that produces the outcome, Y. In this analysis, the outcome is the current situation; the EU's continuing externalization of its migration policies, despite what at least appears to be insufficient results, as we saw in Chapter 5. The entity is the EU, and the activity is externalizing policymaking.
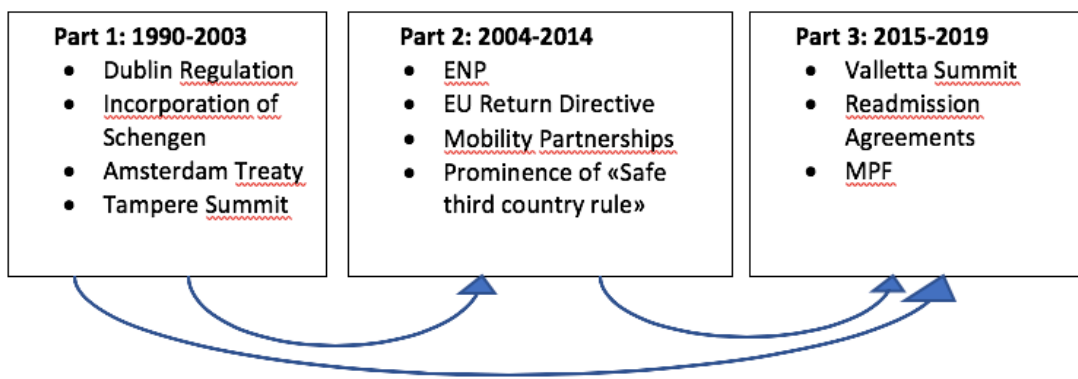

Figure 6.1: Model for Explaining-Outcome Process-Tracing of the Externalization of the EU's Migration Policies

Figure 6.1. is a conceptualization of Beach and Pedersen's model. The three parts are composed of the different EU migration policies that are the most prominent in the externalization process. EU is the entity and policymaking is the activity that produce the causal forces – the different policies.

By working our way through the different parts in this manner, this allows us to explore the empirical manifestations of the theoretical concepts of 'path dependency' and 'critical juncture'. If these are present, then this may enhance our understanding of why the EU is continuing to pursue a strategy that by and large, has provided insufficient results. As the beginning of the

timeline of the external dimension has been identified here as 1990, the policies in the first part, operationalized as the years from 1990-2003, are not dependent per se on a previous stage and are as such not subject to tracing. Having that said, they may very well be the result of their own critical juncture, a point to which I will return. This chapter now shows how self-reinforcement and cognitive constraints are present in the second stage of externalization through an analysis of the ENP, the EU Return Directive and the MPs. It then proceeds to the third stage of externalization, before I discuss the merits of process-tracing and the concepts of path dependency and critical juncture in the context of EU externalization.

6.1 2004-2014: Self-Reinforcement and Cognitive Constraints in the ENP, the Return Directive and Mobility Partnerships

This section represents the second part of the mechanism of EU externalization. Here, I address how the ENP, the Return Directive and the Mobility Partnerships were dependent on the policies of the first stage in the form of self-reinforcement and cognitive constraints. The Dublin Regulation and the incorporation of Schengen into EU law created a Europe with clearer external borders, and they represented a new acknowledgement that migration posed both opportunities and challenges that demanded solid external relations and regulation of migration. I argue that the provisions of the Dublin Regulation of 1990, the Amsterdam Treaty, the Tampere Summit and the establishment of CEAS, as well as the implementation of the Schengen Agreement into EU law, all initiated a path that was followed the years 2008-2014, most clearly manifested in the notions self-reinforcement and cognitive constraints as outlined by Leithner and Libby (2017). Later initiatives were not necessarily initiated *because* of the past, - we cannot know if the need for regulation of migration would have existed without the frameworks laid out in the 1990s, but we can argue that such a regulation was made significantly easier by past choices.

6.1.1 European Neighbourhood Policy – Locked in and Constrained

The ENP was launched in 2004, and like many of the EU's policies and treaties, it has been subject to several regulations and revisions, - in 2011 and 2015 respectively. It has been a benchmark for many future policies and it is necessary to understand how and why it was employed.

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The ENP was a direct result of a 2003 communication from the Commission called "Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbourhood". The 2003 communication "considers how to strengthen the framework for the Union's relations with those neighbouring countries that do not currently have the perspective of membership of the EU" (European Commission, 2003, p. 4). The 2004 communication "European Neighbourhood Policy: Strategy Paper" was a direct follow-up, containing what a neighborhood policy should look like both in terms of content and procedures. More indirectly, the 2004 ENP was arguably conditioned by the implementation of the Schengen Agreement into the EU acquis. When Schengen abolished the internal borders in the EU, this increased the importance of the external borders, because once a person from a third country arrives in one of the member states, they may travel freely through all the EU countries. The implementation of the Schengen Agreement into EU law in this way made the EU a more encompassing institution with clearer borders to neighboring regions and countries. To the extent that the borders may have increased the distance between Europe and its neighbors, especially as terrorism rose on the political and security agenda after 9/11 and in tandem with EU expansion, fostering and upholding cooperative and fruitful relations with new neighboring countries became more important. The ENP is a manifestation of this and is both a direct and indirect consequence of the implementation of the Schengen Agreement in 1999.

Exactly which of the causal mechanisms correspond mostly with the ENPs dependence on the past is not immediately apparent. I start by an elaboration of 'lock-in'. According to Leithner and Libby (2017) this means that "…one choice or action becomes better than any other one because a sufficient number of people have already made that choice". If we contend that the "choice" here is to more heavily cooperate with neighboring countries, due to whichever reasons, and replace "people" with "actor" – EU-decision-makers, EU officials and different EU institutions such as the EEAS, The Commission, the Council and the Parliament. The part of the sentence that states "… one choice or action becomes *better"* (emphasis added) also implies that we should identify what the goal is. *Better* for whom, and for what cause? A political actor may have intentions that are not apparent in an official statement, and political scientists disagree on what international institutions really *want.* The EU may want many things, but for the purpose of migration matters it seems reasonable to assume that the EU at least wants stability in neighboring regions, and that it wants to foster relationships with its neighbors that allow for

regular migration and that constraints irregular migration. 'Lock-in' in this case then means that the externalizing measures the EU had pursued in the past, made it *better* to continue on the same path to achieve those goals. These measures most prominently include the Schengen Agreement, the Barcelona Process, the Association Agreements that preceded the ENP, the Amsterdam Treaty and the Tampere Summit.

However, while past policies may have promoted the ENP as a natural extension of past developments, the ENP also represents a form of path dependency in how it was conditioned by certain policies of the past. European expansion and clearer external borders made the ENP a necessary contribution, but on the other end certain policies before it were necessary for the proper implementation of the ENP. The 2004 Communication outlining the content and implementation strategy for the ENP specifically emphasized that the potential of existing relations should be fully realized (European Commission, 2004). The Barcelona Process for example, the predecessor for the Union for the Mediterranean (UfM), had already established a regional framework for cooperation with countries in the Mediterranean, and this is a good example of how existing relations could be utilized. In this way, the ENP was not only locked-in to the path of externalization, it was also constrained to be pursued through existing regional cooperation and migration agreements.

By analyzing later policies, we may see that the ENP put into force "a set of forces or complimentary institutions that encourage that choice to be sustained", or what is also referred to as self-reinforcement (Page, 2006, p. 88). This is true not merely in how the ENP was revised in 2011 such that the choice was, in fact sustained (and further developed), but also in how the ENP influenced the adoption and implementation of later decisions, agreements and strategies that concerned migration and cooperation with third countries.

6.1.2   The EU Return Directive

As we look to Schengen, Dublin and the ENP it is clear that the EU Return Directive followed a path of externalization, and we can see indications of at least self-reinforcement and increasing returns. As the Directive brought readmission and returns further up on the EU migration agenda, the principle of non-refoulement and the third country rule were heavily represented. This is perhaps the most important provision of the Directive for later policies. The principle of non-

refoulement is a principle of customary law, and even applies to those countries that haven't ratified the Convention. As such, the safe third country rule was not new in a European context, and there was not one point in time when it officially became part of EU policy. But while it came to show in the Dublin Regulation and the Schengen Agreement, it became especially prominent in the Return Directive and the following readmission agreements that employed the Directive, because it officially institutionalized the practice of return into a common EU policy. In this way, the directive follows the Tampere establishment of a Common European Asylum System.

While the directive was signed in 2008, it should still be seen as part of the continuing process of establishing the CEAS that started with the Tampere Summit in 1999. In fact, CEAS may be core for our understanding of how migration policies developed after 1999, because the agreements and policies we have seen after it very much corresponds with the demands it set forth. CEAS should provide "…a harmonised or common way for immigrants and asylum seekers to seek and obtain entry to all EU states" through "…partnership with the countries of origin of immigrants and asylum seekers" (Directorate-General Justice and Home Affairs, 2002, p. 2). This is exactly what the Return Directive and the MPs sought to establish. As per Chapter 1, article 1 of the directive, it "… sets out common standards and procedures to be applied in Member states for returning illegally staying third country nationals, in accordance with fundamental rights as general principles of Community law as well as international law, including refugee protection and human rights obligations". This points the self-reinforcement type of path dependency. In table 3.1 from Leithner and Libby (2017), self-reinforcement is outlined to arise due to interaction effects that create complementary processes to the initial choice. Applied here, the EU Return Directive and the MPs may be seen as complimentary institutions that sustain the initial decision of CEAS and Tampere. The notion of cognitive constraints is also prevalent here, in how CEAS and the ENP may have constrained the range of future options to address neighborhood relations and a common asylum policy.

Furthermore, the directive can only be properly implemented if the third country where the respective rejected migrants and asylum-seekers are returned, is cooperative. As previously mentioned, many countries may prove unwilling to take back migrants, especially if they were initially only transiting through that country but had departed from elsewhere. For the Return

Directive to be efficient, proper readmission agreements, for example through Mobility Partnerships, had to be implemented. This makes the ENP relevant here as well, as it was intended to foster closer cooperation on a range of issues, including migration. To the extent that the ENP established readmission agreements, the success of the Return Directive was dependent on the ENP and the Mobility Partnerships.

6.1.3 Mobility Partnerships

The Mobility Partnerships and the Return Directive reinforce measures such as the ENP and meet the demands set forth by Schengen and Dublin. Together they mark a stronger focus within the EU on restricting migration flows and forcing stronger conditions for entry. This is conditioned by the EU already having established closer cooperation with neighboring regions, as well as legal frameworks for readmission and return.

On the one hand, both CEAS and the Return Directive specifically called for closer cooperation with third countries, which the Mobility Partnerships answered to. On the other, the MPs would arguably have been, if not impossible, then at least very difficult to enforce had it not been for an already established external policy and cooperation with third countries through the ENP and existing bilateral relations. This duality reflects several of the causal mechanisms outlined in Chapter 3, where the overlap between the different types is so prominent that it makes little sense to distinguish between them. The MPs are a case of all of cognitive constraints, positive and negative feedback, self-reinforcement and increasing returns.

Cognitive constraints entail that an initial choice impedes on future opportunities. There were several choices made before the MPs that constrained future policies to regard readmission agreements and regularization of migration to the EU. For example, when GAMM introduced the prevention of irregular migration into the EU as a priority in 2005, the notion of readmission became an important means by which to enforce this priority. To some extent, GAMM constrained future migration policies to enforce readmission agreements, as manifested in the MPs.

To reiterate Chapter 3, positive and negative feedback entail enhancing the benefits of continuing on the same path or increasing the costs of abandoning the original option. By the time the MPs

started to be signed with third countries, the path of externalization was already well-established. Some of the policies before it, were dependent on the MPs being enforced in the future. For example, the introduction of the MPs was a necessary follow-up to the CEAS and the Return Directive, and we can easily imagine that the costs of not implementing them would have been that the Return Directive would not have been implemented in practice, because the third countries did not have enough incentives to readmit migrants – especially if they originated from elsewhere. In this way, the MPs were increasing the benefits of continuing on the path of externalization, while not implementing them would have been a case of negative feedback because the costs of not continuing on the path would to some extent have made past decision redundant – if this meant that the Return Directive and the ENP were incomplete. In this way, the Return Directive, the ENP and CEAS were dependent on future policies such as the MPs.

The mechanism of increasing returns is quite similar to that of positive feedback and may also be seen here. Simply put, the MPs had the externalizing effects that were called for by the institutionalization of an 'external migration' in the Tampere Conclusions in 1999. The implementation of the MPs increased the returns of the decision to externalize. The MPs may further be seen as what Leithner and Libby (2017, p. 7) refer to as a "complimentary institution that encourage the initial choice to be sustained". This further indicates the presence of self-reinforcement in the process of externalization.

This section has shown some of the different types of path dependency that are apparent through the EU Return Directive and the MPs from a historical institutionalist perspective, and it has shown that the different mechanisms overlap empirically, even though they differ theoretically.

6.2   2015-2019: Business as Usual or a Critical Juncture?

If the 1990s and early 2000s were perceived mostly as an opportunity, then 2015 posed a challenge. The first decade of externalization evolved in a different geopolitical and historical context than the developments that took place during and after the Arab Spring. On an institutional level of analysis, we may say that the policies preceding 2015 were part of the development of externalization, whereas those during and after 2015 were responses to that development. After the Arab spring the world saw a fast unravelling of events that required the

EU to act fast in order to avoid what was perceived as a burden and a threat. But did the EU really act in a very different manner, or did do the same thing over and over, expecting a different result?

When I initiated this study, my expectation was that the external shock of the Arab uprisings forced the EU to make dramatic changes to its migration policy. Through explaining-outcome process-tracing of the externalization of EU migration policy since the 1990s, it has become increasingly apparent that this is not the case. Certain aspects of the externalization have been present since the 1990s, others were introduced somewhere along the way, and others yet are just now becoming visible. This part of the analysis discusses the tensions in applying the notion of a critical juncture to describe the year 2015. I apply the three components of Collier and Collier's (1991) definition of a critical juncture, and I discuss how the events of 2015 onwards do, or do not, fit with this concept.

6.2.1 The Change that Occurred and Took Place in Distinct Ways

Collier and Collier (1991, p. 30) contend that for something to be a critical juncture, there are three components which must be present: 1.) a change must have occurred; 2.) that change must have taken place in distinct ways; and 3.) there must be an explanatory hypothesis about its consequences (p. 30). Here, I discuss the extents to which this corresponds with the developments we have seen after 2015.

The first component regards that a change must have taken place at the given time. This corresponds with the empirical material of the externalization process: As approximately 1 million people reached European borders that in 2015, this posed a political and practical challenge for the EU. The pressure caused an uneven distribution of migrants that made it difficult to enforce an internally coherent migration policy, as there were divergent interests between the EU as a supranational organ and the member states.

6.2.2 The Legacy of the 2015: A Significant Change?

The third component of Collier and Collier (1991) definition of a critical juncture is that we must be able to identify or hypothesize about its legacy, and this legacy must represent a change to past policies. There are several trends of externalization that have become more prominent during and

after 2015, but do the policies during and after 2015 challenge the path of decision-making that characterized the preceding years? I argue it does not.

EU externalization post 2015 appears to be a case of institutional 'rules of the game' being reinforced through established patterns of political mobilization (Pierson and Skocpol, 2002, pp. 6-7). While cognitive constraints, positive and negative feedback, self-reinforcement and increasing returns were the most prominent types of path dependency in the stages before 2015, the current stage appears to be better characterized by the rules of the game as well as cognitive constraints. While there is some overlap between the different mechanisms in previous stages, the notion of rules of the game is somewhat more distinguished from the others. It is less explicitly manifested through calls for actions in communications from the Commission, and where the other types of path dependency were fairly prominent in past policies, the presence of the rules of the game is more contestable because it is seen in patterns that may have existed for a long time, but which are now becoming more visible.

While past policies were adapting to a changing neighborhood and geopolitical dynamics, after 2015 we see a European Union that is continuing to pursue old policies in a new context. In the decades leading up to 2015, the EU was largely implementing new policies, and the path of externalization was still being paved. To the extent that the 1990-2015 period was innovative in how the path of externalization took form, the last four years has seen the EU looking to the past for answers to present problems – problems that could perhaps have been prevented had the EU commenced a different approach. As the EU has pursued a pattern of policymaking for decades, the range of options has decreased. Mistakes have been made and strategies have been tried, so that externalization in its current form is more inherent in the EU's approach to migration. The EU is both encouraged to continue on its own path and constrained in opting for other alternatives. This section points to some phenomena that are more prominent in EU migration policy in recent years, but which, ultimately, do not pose dramatic changes to past patterns.

6.2.2.1   *The Readmission Agreements*
The enforcement of readmission agreements expanded the externalization process and have become one of the main characteristics of the current stage of externalization. But these agreements are not new in themselves. Bilateral readmission agreements had been in place

between certain member states and third countries for years already, such as those between Spain and Morocco, and Italy and Libya. The EU adopted the logic of the agreements, and further pulled existing agreements under the EU migration policy umbrella. Furthermore, the ENP and the MPs also involved the negotiation of readmission agreements, and they were implemented already from 2004 onwards. When readmission agreements such as those with Turkey and Libya were implemented, they were not a new type of arrangement, but they were more controversial than previous arrangements had been, because they represented a distancing from the EU's core values of free choice, democracy and human rights. If any of the 2015 and post 2015 means of conduct represented a shift from past trends, I argue it was the endorsement of measures that challenged the EU's democratic and liberal core. Through the agreements, the EU sponsored dangerous refugee camps and detention camps in Libya and Greece, and the turn from operation Mare Nostrum to Operation Triton may stand as an example of how prevention of arrivals became a priority. The Commission continuously points to the EU-Turkey agreement as a formula of success because it curbed the migration flows. To the extent that the EU-Turkey agreement was diverging from the democratic core of human rights and free choice, this may then evolve to be a long-lasting legacy that is prominent in future migration agreements as well.

6.2.2.2   African Leverage

Africa may be experiencing more leverage in Euro-African negotiations, and the post-colonial sentiment appears to have become more prominent as many African countries have proven skeptical to cooperate with the EU. This is perhaps more visible after 2015, as the Valletta Summit and the MPF presented a Europe that was desperate for cooperation with countries outside EU's borders. But even if Europe became more desperate and African nations were in a more powerful position in negotiations, this does not compose a radical turn in EU migration policy. It was a change of premises for cooperation, but the EU still attempted to pursue the same strategy towards Africa that it had already done for decades: the EU, conditionally, gave money to Africa. The colonial legacy is still felt among many African states, and while there is a visible resistance to EU cooperation, this also does not reflect a significant change in EU migration policy. Rather, it may change the premises for Euro-African cooperation in the future.

6.2.2.3 Security-Migration-Development Nexus

On a more abstract level, the emergence of a security-migration-development nexus became increasingly relevant after the Arab spring. When the introduction of the Schengen regulation abolished internal borders, and terrorism moved up on the political agenda by politicians all over the world after 9/11, Europe became witness to a migration-security nexus. Migration was increasingly perceived as a threat. Migration and security are still, perhaps even increasingly so after the Arab Spring, closely intertwined, however a new domain has entered the policy field as well. The migration-development nexus that is discussed by Lavenex and Kunz (2008) was especially telling of the EU's conditionality-centered approach to Africa that emerged with the ENP's 'more for more' principle. Cuny (2018) refers to this new constellation as a "security-migration-development nexus". Where development aid and financial assistance had been provided to developing countries in Africa on the basis of general values inherent in the EU such as the preserving of human rights, promotion of democracy and fostering peace, the Valletta Summit the EUTF and MPF introduced a principle of conditionality to development aid that was much more specific to haltering irregular migration to the EU. Meanwhile, security has been applied as a concern by policymakers and civil society in Europe as irregular migration was perceived as a security threat. This intertwinement of the issues of security, migration and development has been especially visible as the pressure of migration reached its peak. However, the interconnectedness of security and migration was not new either. The two policy domains had been closely affiliated especially since 9/11, and the constellation of migration, security and development does arguably not represent a dramatic change to previous approaches.

This study has not demonstrated the original assumption that 2015 was a critical juncture to the externalization of EU migration policy. EU policymakers did not challenge past patterns, they did what they knew best: they continued to externalize. I argue this is due to the strength of the path dependency that has been inherent in EU's migration policy since the beginning of the externalization process. Even when it made most sense to change its approach, as it became increasingly obvious that past policies had not produced the desired outcomes, the EU still, even as 1 million people reached its borders, continued doing the same thing, expecting a different result. I argue the reasons for this are grounded in a path dependency in EU migration policy where the costs of changing direction were perceived as too costly than the benefits, and where

the external dimension had become so entangled in migration policy that it was difficult to reverse. In an interview, postdoctoral researcher Giacomo Orsini reiterates these findings. He contends that even if certain aspects of the externalization process may be more prominent now, they are not new. He argues that leverage among African countries for example, has been present since it became apparent that the EU became increasingly preoccupied with prevention of irregular migration. Furthermore, he contests the notion that informality is a new characteristic of readmission agreements. As we saw in Chapter 5 informality is not new, even if it is more prominent now than it was before. The relationship between Europe and Libya, which largely built on the established relationship between Italy and Libya, is still largely undisclosed and there are big missing chapters that are impossible for researchers to analyze. But this is not new. As Paoletti (2009, p. 14) argues, this informal and unavailable trait of Euro-Libyan cooperation has been present ever since Italy and Libya initiated a cooperation on migration in the 1990s. While the readmission agreements, African leverage, informality and the security – migration - development nexus may initially appear to be legacies of 2015, this analysis has shown that they are not. Through Beach and Pedersen's (2013) model of explaining-outcome process-tracing, this analysis has shown that these trends have been in force since before the external and internal pressures of 2015, but that they have become more visible in recent years. The post 2015 stage of externalization is constrained by past choices and encouraged to pursue business as usual through the institutional rules of the game.

6.3   The Provisions of Process-Tracing

This chapter has distinguished the development of externalization into three stages, each composed of different policies that have led to where we are today. History is not linear, and it does not evolve in a vacuum. It is shaped by different events and decisions, sometimes in such a way that each step of history builds on, or is constrained by, what happened in the past. The logics of process-tracing and historical institutionalism are closely linked in this regard. Historical institutionalism tells us that political institutions are complex, and that political decision-making is often entangled in established patters. This entails that different historical political sequences are co-dependent, and that divergence from this pattern may be understood through the notion of a critical juncture, where a specific event challenges the foundation of path dependency. Explaining-outcome process-tracing has been a valuable contribution for evaluating

how this theory may explain the phenomenon of EU externalization, because it has enabled a systematic approach to how different sequences of externalization carry specific historical and geopolitical segments. In this way, explaining-outcome process-tracing has allowed us to look for manifestations of path dependency and critical junctures, by addressing the different policies as parts of a timeline. In this way we have been able to analyze how they are affected by decisions of the previous stage. This chapter has done so by looking for specific manifestations of path dependency in the most important policies contained in each of the stages – what Beach and Pedersen (2013) term 'parts' of a mechanism.

It is important to keep in mind that explaining-outcome process-tracing does not lend itself to the concept of generalizability. The causal mechanisms outlined by Leithner and Libby (2017) that are found through this method are non-systematic and case-specific, and the findings of this study do not generalize to a broader population. Rather, they have enhanced our understanding of the continuation of EU externalization as a puzzling phenomenon in its own right.

6.4   Discussion: Was There an Alternative Path?

This study has devoted a significant amount of space to the argument that the externalization of EU migration policy is characterized by a path dependency, and that this dependency is the reason why 'we are where we are'. In order to claim that a process is path dependent, we must also be able to claim that the choices made were deliberate; and that they were more beneficial than other choices. This is captured in Pierson's (2000) definition of increasing returns, as he contends that actors will continue on a path because it provides bigger benefits than an alternative. There must have been a gain for continuing on a path that was bigger than the cost of leaving. Was this the case in EU externalization? Some of the experts interviewed for this study contend that it was, others disagree. Johan Ekstedt for example, argues that the answer very much depends on the level of analysis. To the extent that the EU could have prevented conflicts in neighboring regions to begin with, then externalization as we know it may not have evolved, because irregular migration may not have been perceived as the problem that it has, especially in recent years. But if externalization is addressed merely as a response to those conflicts, then it is difficult to imagine any other alternatives. This point is reiterated by Eline Waerp and Giacomo Orsini.

Meanwhile, Mathias Tjønn points to how preventing irregular migration would perhaps be more efficient if it more heavily involved ensuring sustainable and prospering economies in developing countries. Dismantling of trade patterns that have persisted since colonial times could be an example of this. This then does not exemplify an alternative to externalization in itself, but rather an alternative externalization. Tjønn points to how externalization as we know it today could have been more efficient if the EU had chosen its partners more carefully, with a long-term perspective. Cooperation with Libya for example, has required a major overhaul of a coast guard agency and training of officials, in a country that is de facto a failed state. In other countries that also function as transit countries, this work would not have been necessary because these institutions were already in force, such as in Morocco. Not to say that the EU should only have focused on countries that were "easy", but the externalization approach may have been more efficient if more focus was addressed to countries where certain institutions were well-established, and who adhered to basic international treaties and conventions that correspond with EU's values.

If it is true that the main goal of the policies was to lower the pressure of irregular migration to Europe, then I argue the means by which this goal was attempted reached, could have been different than the externalization approach. This especially holds true if we contend that the policies to a large extent have been 'unsuccessful', because this entails that something else may have been successful. Historical institutionalism then tells us that the main reason we are where we are, which is in fact a place that the EU has been attempting to avoid for decades, is dependent on past decisions to such an extent that moving in another direction was too difficult because we have already moved so far down a path that we cannot find our way back.

6.4.1 What Would the Alternative Look Like?

The design of Dublin was deliberate, and it could have been different. What if the EU member states already here acknowledged that the Dublin Regulation would distribute migrants unevenly? I will not draft an alternative to the legal phrasing, but the consequences of a rephrasing would perhaps have been a Europe that was less prone to 'migration crises', because there would have been a common system in place to distribute migrants and ensure better conditions and procedures, should the situation arise. Which it did, in the end. Scipioni (2018) and Jones *et al.* (2016), for example, argue it was only a matter of time before a crisis hit, not necessarily because

they knew a situation would arise in the Middle East, but because Dublin was designed to fail in the case of too high pressures.

Did the external dimension that came out of Tampere and CEAS need to be established? This part of the history is at the core of the externalization process, because it was here that the external dimension was formally institutionalized into EU policy. As we have seen, the external dimension entailed both closer cooperation with neighboring states in controlling regular migration to Europe as per the resources the EU demanded, but another side of it was the move of the burden of irregular migration outside of EU borders, to countries that for decades if not centuries had been dependent on trade with Europe. When the EU claims it aims to "address the root causes of migration" (Valletta Summit on Migration, 2015b), this has mostly entailed stopping people from leaving through propaganda, sponsoring of refugee camps, de-financing of SAR-operations and readmission as a precondition for development aid. As mentioned in Chapter 5, an alternative would be addressing unfair trade patterns that have persisted since colonial times, empowering Europe and leaving many African countries dependent on European production and trade.

6.4.2   The Critical Juncture Could Have Been at a Different Time!

When I decided to specifically look for the critical juncture in 2015, this was due to the theoretical expectations that it is likely to occur through an external shock, when policymakers were under pressure to make decisions. 2015 fit this description. However, as Mathias Tjønn emphasized in the interview, we may be able to find several critical junctures at other points in time. This would be beyond the scope of this study, but it should be pointed out that as the historical context has been changing throughout the years, there may certainly have been other junctures that I have overlooked because I have not specifically been looking for them. After all, each of the policies did somehow contribute to set the path in a certain direction, even if they were building on existing ones. Furthermore, it should also be emphasized that the process of externalization from the 1990s until today may itself have been the result of a critical juncture. Theoretically, this is likely. It is perhaps no coincidence that the beginning of the path dependency of externalization coincided with the fall of the Soviet Union and the end of the cold war. The world was changing then, and it still is.

6.5 The Future

This aim of this study is not to predict the future of the externalization of EU migration policy. But as we are entering into a new five-year period of a new commission, it is reasonable to ask which of the elements of the current stage of externalization are likely to continue into the future, and which are more contextual and limited in time. I have attempted to answer these questions through expert interviews and document analysis.

As the new Commission is about to enter into force, the president-elect of the European Commission Ursula von der Leyen has written mission letters to the three future commissioners Ylva Johansson, Margaritas Schinas and Jutta Urpilainen, responsible for Home Affairs, Protecting the European Way of Life, and International Partnerships, respectively. In the letters we can find indications of some of the approaches and actions of the Commission that the president would like to see in the next few years.

In the mission letter to Ylva Johanssen, who is tasked with developing a "New Pact on Migration and Asylum, von der Leyen urges her to "… develop stronger cooperation with **countries of origin and transit.** You should work closely with Member states to step up efforts to develop a more robust system of readmission and return". (Leyen, 2019a, p. 5)(emphasis original). That readmission and return may continue to be important components in EU migration policy is reiterated in an interview with PhD candidate Eline Waerp at the University of Malmö. On the questions to what she believes the EU is more likely to continue pursuing in the future, and which policies may be more specific to the current period, Waerp points to how Frontex has received a bigger mandate with border controls further into Africa, and she expects that the focus on readmission agreements and return will continue with Ylva Johanssen. She adds that "new creative solutions [to migration control], will continue" and that while the EU cannot control everything or everyone who crosses the borders, the efforts will remain. She also contends that even if EU externalization may continue to not deliver on the desired results in a long-term perspective, the EU is inclined to see more rather than less externalization: "It works, if only for a short period".

Kappeli and Dempster (2019) see indications that even if the EU may continue to pursue its 'conditionality' approach to Africa, the new Commission seems likely to change the rewards

from being mainly composed of development aid and visa facilitation, to the establishment of legal pathways for migration. In the mission letter to Johansson, she is urged to ensure that "… there are genuine **legal pathways** into the European Union, both through the resettlement of those in need of international protection and through employment opportunities for skilled workers" (Leyen, 2019a, p. 5)(emphasis original). As the workforce is ageing, migration may increasingly be seen as a resource.

7   Conclusion

This study has analyzed the development of the externalization of EU migration policy from the year 1990 until today. The aim of this study has been to provide an enhanced understanding of why the EU continues to externalize its migration policy and the extents to which today's situation differs from past patterns of policymaking. This final chapter summarizes how this study has done so, and the main findings that it has provided. It also suggests some issues for future research.

7.1   Summary of Main Findings

This study is guided by a main research question, and a sub-question designed inform the answer to the former. The main research question regards why the EU continues to externalize its migration policies despite limited results and much controversy. The sub-research question asks how the events of 2015 challenged the path of externalization. I have attempted to answer these questions through the theoretical framework of historical institutionalism and its inherent concepts of path dependency and critical junctures, and I have analyzed the empirical manifestation of these concepts through document analysis and explaining-outcome process-tracing.

There may be several answers to how one can understand the externalization of EU migration policy. This study has shown that one way of understanding it, is as a case of path dependency. Since the path of externalization was initiated in the 1990s, later policies have been dependent on, and constrained by, policies of the past. Through explaining-outcome process-tracing I have distinguished the process of externalization into three time periods that compose the different 'parts' inherent in Beach and Pedersen's (2013) model of explaining-outcome process-tracing.

Each period is composed of different activities – policymaking, by the entity – the EU, that compose the path dependency in EU externalization. I have shown how the different types of path dependency are manifested in EU migration policy by chronologically analyzing the most prominent policies in each of the periods of externalization. I employed the first period as a baseline on which later policies were dependent, and I did not dedicate an analytical chapter to the first stage. The study proceeded with an assessment of the ENP, the EU Return Directive and the MPs, that were conditioned and facilitated by the incorporation of the Schengen Agreement into common EU law, the Amsterdam Treaty and the Tampere Summit that lead to the establishment of CEAS. This is captured in the notions of 'lock-in', 'self-reinforcement', 'increasing returns' and 'cognitive constraints', and it is argued that these different types of path dependency overlap empirically, even if they are theoretically distinguishable.

The second question was guided by a theoretical expectation that 2015 would represent a critical juncture to this path, because the EU experienced great external and internal pressure to change its approach to migration management in 2015. However, this expectation was not manifested in the empirical material. Rather, the logic of the 'rules of the game' are prevalent in the post 2015 landscape of EU migration policy, as the EU continues to externalize its migration policy through readmission agreements by building on the same rationale that prompted the ENP, the Return Directive and the MPs. This rationale is based on the assumptions that a.) development halters migration, and b.) that offering rewards for cooperation would foster good neighborly relations and curb the migration flows to European borders. Cummings *et al.* (2015) contest the accuracy of the first assumption, and the empirical material explored in this study has not given much merit to assumption b. Especially since 2011 neighboring regions both in the South and East have been torn by war and conflict, and in 2015 irregular migration to Europe reached an all-time high. This reinforces the idea that the path dependency of EU externalization is so powerful that the EU is unable, or unwilling, to change its strategy, even in times of great internal and external pressure to do so. This correlates with Pierson's (2000) notion of how political institutions are complex and opaque, and resistant to change.

This study has also provided some thoughts on the future, through expert interviews and analyses of statements by the new President for the European Commission Ursula von der Leyen. As the new Commission enters into force, there are indications that the rewards for third country

cooperation on irregular migration will increasingly be the establishment of legal pathways for migration into the EU. As the European population is ageing the EU may soon need to cover a skill-gap and the EU may need to revisit the idea of a trade-off between regular and irregular migration that was inherent in the MPs and GAMM in the early 2000s. Externalization is likely to continue, but the sticks and carrots that incentivize cooperation with third countries may change.

7.2   Suggestions for Further Research

Even if 2015 does not represent a critical juncture to EU externalization, there are some observations that have become prominent after that year that are particularly interesting and that could benefit from more research. As the EU redirected its focus on external cooperation to Africa after 2015, it was met with tougher negotiations than had previously been the case. Especially big African countries such as Morocco, Tunisia, Algeria and Egypt have proven hesitant to cooperate on the EU's terms. This may be due to post-colonial sentiments, insufficient rewards for cooperation, and an increased leverage in negotiations as the EU has proven more desperate to curb the migration flows. It would be interesting to see how this new wave of leverage among African countries has materialized during the past decades of externalization, and how this is affected by the new Commission.

Furthermore, the external approach post 2015 has been heavily criticized, both from a judicial, strategic and ethic perspectives. One argument is that it has only delivered short-term results, and for being counter-productive long-term. The EU has also been accused of breaching the principle of non-refoulement, and for committing crimes against humanity due to its actions, or lack thereof, in the Mediterranean Sea. In light of this, more research could be conducted in how EU legitimacy has changed in third countries or among member states.

7.3   Concluding Remarks

The main contribution of this thesis has been its application of the theoretical concepts of path dependency and critical juncture from historical institutionalism, through the method of explaining-outcome process-tracing. This has enhanced our understanding of EU policymaking in the field of migration that is especially relevant as a new Commission enters into force, and as the geopolitical landscape in Europe and the neighboring regions are ever changing.

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Annex

Guide for Semi-Structured Interviews

1. In my research, I have attempted to find indications as to whether or not EU migration policy may be characterized by a path dependency. To the extent that certain EU policies have been dependent on a specific path of externalization, do you think there were other alternatives that the EU could have pursued more successfully?

2. It is frequently argued that the EU is pursuing a migration policy that is counter-productive to its own interests in a long-term perspective. What is your stance on this?

3. Would you contend that the year 2015 stands as a critical juncture to the process of externalization?

4. Through my research I have seen indications that Africa has more leverage in cooperating with the EU now than before. Can you elaborate on your thoughts on Africa's role in the externalization of EU migration policy?

5. Which of the current dynamics do you see most likely to continue in the future?

6. Which of the current dynamics to you see as more circumstantial and potentially limited in time?