

The background of the slide features a close-up of a globe showing the continents of Africa and Europe. In the foreground, a large, light-colored wooden chess piece, possibly a king or queen, is partially visible on the left side. The globe is positioned behind the text, and the chess piece is in the lower-left corner.

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The Externalization of European Borders

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The externalization of European borders¹

Introduction

In today's globalized world, increased mobility of people, capital and services is framed as the most positive outcome of globalization for the vast majority of citizens in the western world. On the other hand, with the flow of different mobilities through contemporary "blurred" borders, transnational threats also emerge and in turn threaten the well-being of the western world. Those threats that are often interrelated, span from organized crime and terrorism, to what is perceived as illegal or unwanted migration by the western authorities.

The securitization of border controls in an era where the inflows and outflows of capital, goods and services are deemed essential for the economic well-being of western societies, underline the increased, dual role of contemporary borders; facilitating the inflow of "wanted" mobilities while securing their territory from the "deviant other" (Aas, 2007, p.292; Amoore, 2006, p.339; Broeders & Hampshire, 2013, p.1203).

This securitized and politicized nature of border controls fueled up by the public opinion in prominent western states contributed to the ever-growing "externalization" of their borders with the adoption of relevant strategies and synergies with neighboring states or with the introduction of new technologies in border controls (Broeders & Hampshire, 2013, p.1206). The European Union (EU) and its member states stand out as a characteristic example of such practices, implemented even before the fall of the Berlin Wall, as recent historical evidence suggest (Broeders & Hampshire, 2013, p.1204; Aas, 2007, p.292).

The academic discourse on the externalization of borders consists of many contradicting views regarding the governance of mobility by the EU. One of the most contradicted views supports that while the EU is framed as a pluralistic society respecting and emphasizing on the human rights according to its published official documents and reports, the influx of migrants is in turn framed as a threat to the EU values and the longevity of the European citizens by some of the EU officials.

¹ This analysis is based on a paper written for the MSc Crisis and Security Management, Leiden University.

As a result of the pressure inflicted by the media and the public opinion in member states, the EU is implementing concrete policies for regulating the flow of migrants who aim to seek a better future in the countries of the EU or to ask for asylum. Consequently, some argue that there is a notable difference between the declaratory approach of the official policy documents and the actual approach to the perceived problem by the EU member states.

As a result, the research question of this paper is the following:

How the EU is governing mobility both at its declaratory and its practical level given the concept of externalization of borders?

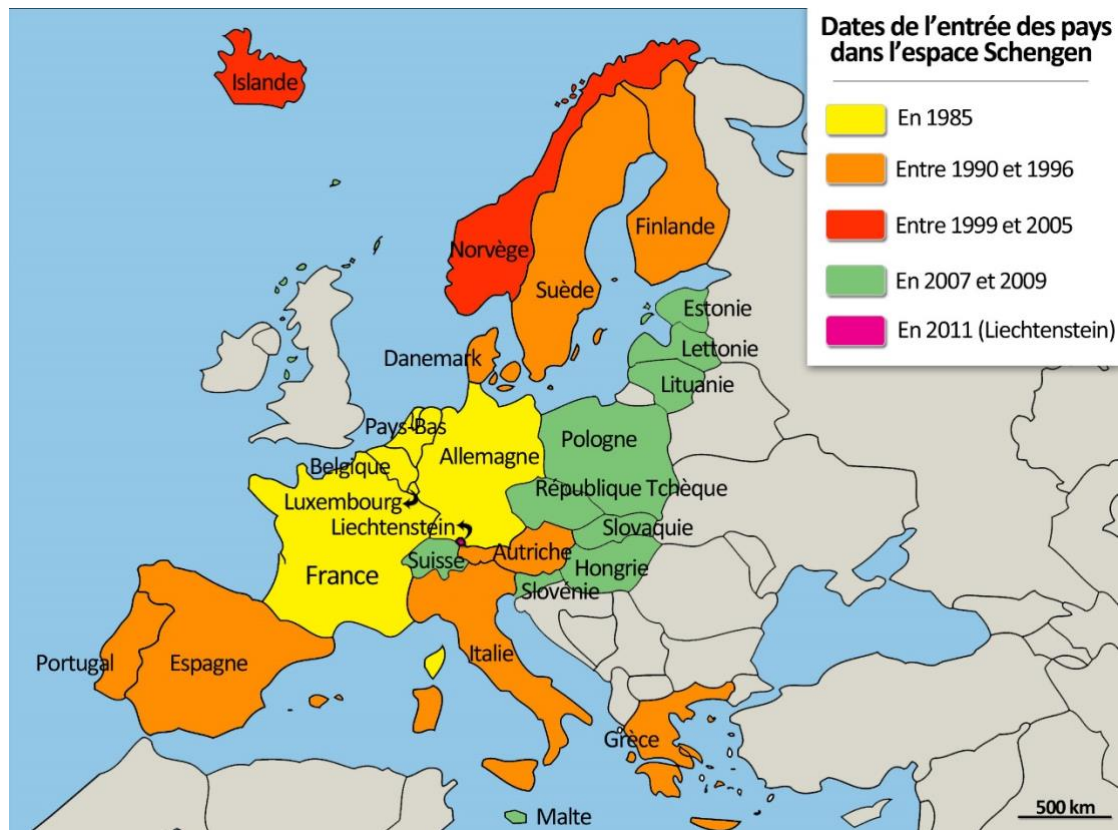
In order to answer this research question, some relevant official documents issued by the EU will be used to shed light upon the proposed policies and guidelines followed. The Schengen agreement and the expansion of the Schengen area during the last decades, the Dublin regulations and other official documents related to border controls and security will be used as empirical sources in this analysis in order to highlight the historical and geographical trajectory that the externalization of the European borders follows. This trajectory will in turn highlight a strategic approach based on concentric circles, a model that seems to be adopted from the EU and some of the initial Schengen countries, fairly indicative of their externalization policies.

Due to the size of this paper, the various topics of the academic discourse regarding the externalization of European borders are by no means exhausted. However, given the outcomes of this analysis, it will be possible for one to make partial comparisons between the declaratory and the practical level of the EU policies on the externalization of its borders by observing possible deviations in between those two levels.

Setting up common borders; the Schengen agreement

In 1985, France, Belgium, Germany, Luxemburg and The Netherlands agreed to gradually abolish internal border controls and extend the external borders control, thus creating the Schengen area (Official Journal of the European Communities, 1985). The Schengen Convention, adopting the agreement was signed in 1990 and came into force in 1995 (Desimpelaere, 2015). While initially the Convention was only applicable in

the contracting States, when the Treaty of Amsterdam (1997) was signed, it was incorporated within the EU law. In the years that followed, a total of 26 European countries joined the Schengen Agreement, 22 of which are members of the EU (Directorate-General for Migration and Home Affairs [European Commission], 2015).

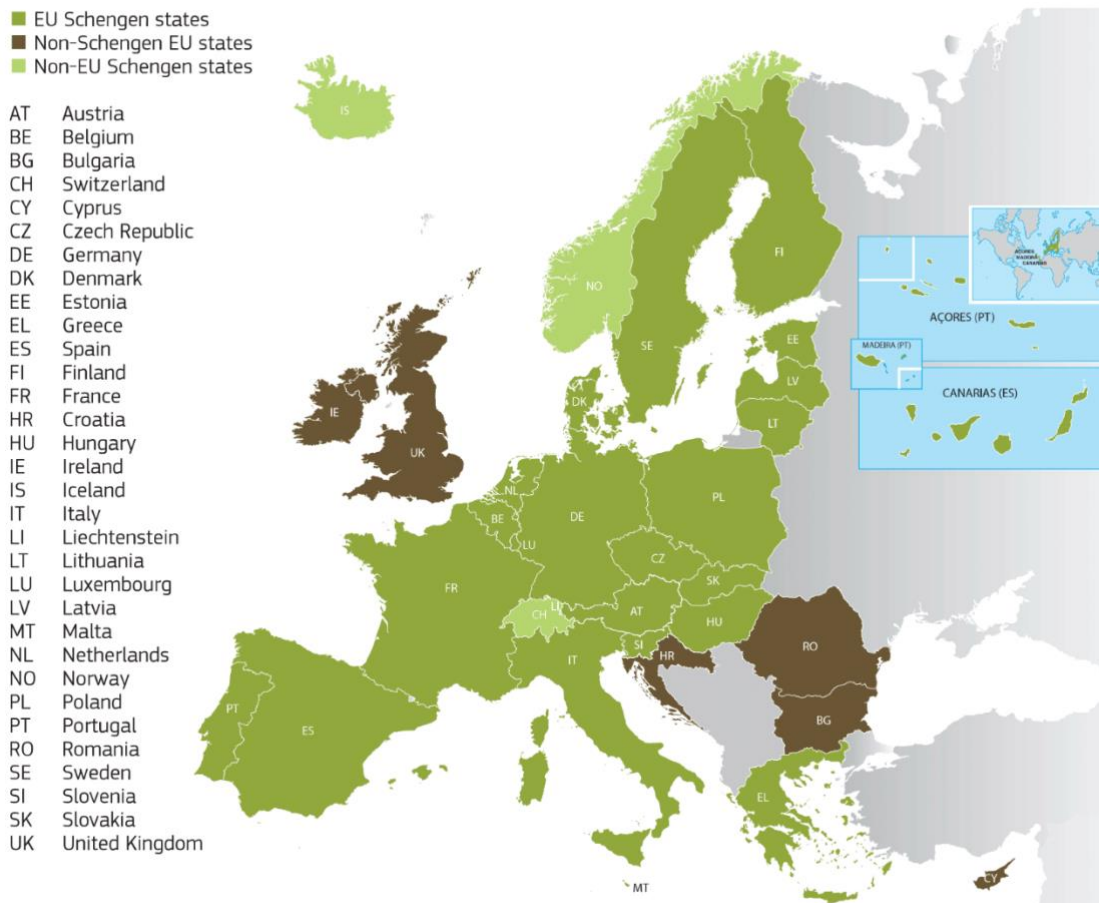


Schengen member states categorized by their year of entry. With yellow color the members that founded the Schengen area in 1985, with orange the member states that joined the agreement between 1990 and 1996 and subsequently the rest of the members with red (1999-2005), green (2007-2009) and purple color (2011). Source: Businessculture.org

The introduction of common borders resulted in extended border controls of the external borders in the Schengen area and increased cooperation in asylum and immigration matters. However, the responsibility for the asylum applications was not distributed evenly and many conditions and criteria were mentioned in the Convention in order to attribute this responsibility to no more than one state (Desimpelaere, 2015). According to the Article 29, p. 4 of the Schengen Convention “Regardless of the Contracting Party with which an alien lodges an application for asylum, only one Contracting Party shall be responsible for processing that application.”. Therefore, the responsible member state was not the one chosen by the asylum seeker, but any state that fitted with the criteria mentioned in the Convention would be the one that could

provide asylum to the asylum seeker (Desimpelaere, 2015). Although this seems as a logical measure to render accountability to one party and thus manage asylum applications in a more effective way, it might be considered as an “externalization measure” as well given the border restrictions imposed on the asylum seekers entering within a “common borders area”.

The Schengen area



The Schengen area as a whole following the latest enlargement on 2011. Source: Directorate-General for Migration and Home Affairs (European Commission), 2015

The Dublin Regulations; An externalization of the initial northern European border controls?

The criteria set out in the Schengen Convention, although explicit in terms of attributing responsibility for the asylum applications in the Schengen countries, were lacking of a hierarchical order. The Dublin Convention (Dublin I) in 1990, solely focusing in the

field of asylum applications provided this hierarchy in order to determine the responsible state based however on the same mindset as Schengen's Convention while also emphasizing on the geographical aspect of (illegal) migration on external borders.

Table 1: Hierarchy of criteria based on the Dublin Convention (1997)²	1. Member State where family member already has refugee status
	2. Member State who issued a valid residence permit or visa
	3. Member State of illegal entry (external borders)
	4. Member State where the asylum seeker entered legally
	5. Member State where the asylum applicant firstly lodged for asylum

In 2000, the Council of the EU under the regulation No 2725/2000, adopted the European Automated Fingerprint Recognition System (Eurodac), a biometric database based on the collection of fingerprints from asylum seekers entering the external borders of the EU and Schengen area. Eurodac helps to determine the external border of entry and whether the person has already applied for asylum to another member state at the time of the (new) application (Desimpelaere, 2015).

In 2003, the same year that Eurodac was finalized, the Dublin Convention was replaced by the Dublin II Regulation which followed the same mindset with the goal of further harmonizing the relevant national legislation of Member States and enhancing the system's effectiveness in general (Desimpelaere, 2015). Finally, in 2013, Dublin III replaced the previous regulation, again emphasizing on the same goals on a more explicit manner (Official Journal of the European Union, 2013).

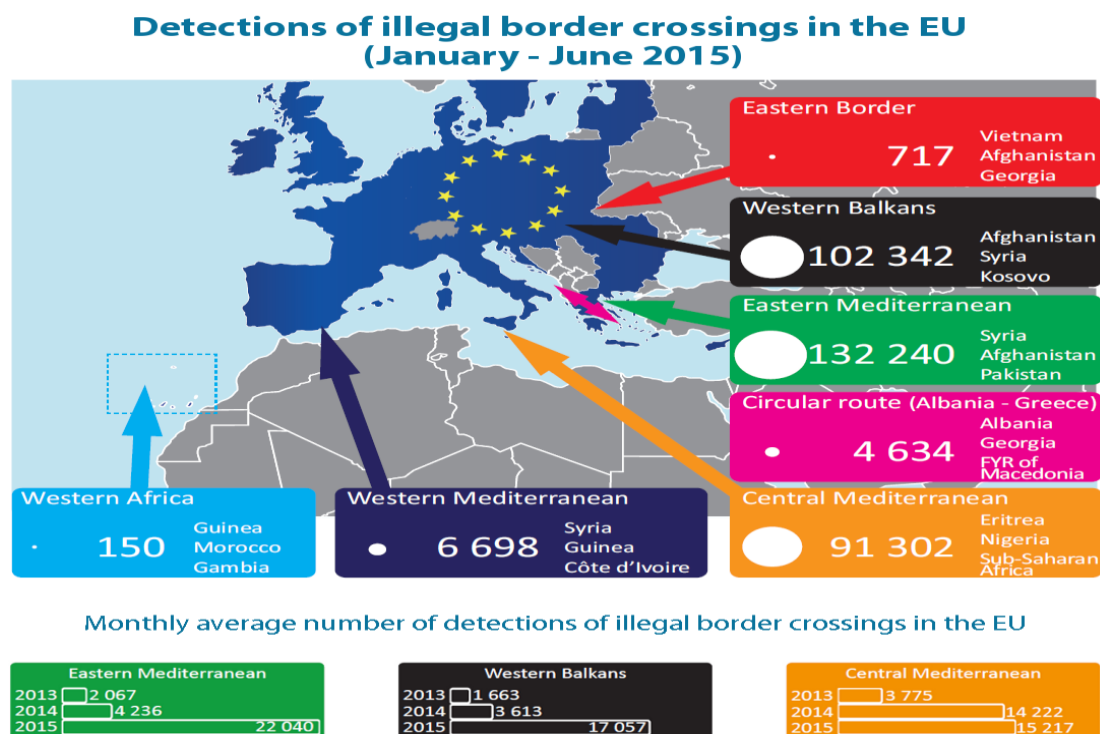
The Dublin regulation provided the foundations for setting up a common EU policy known as the "Common European Asylum System" (CEAS) in 2000. To quote the official web page of the European Commission under the CEAS policy "In the EU, an area of open borders and freedom of movement, countries share the same fundamental values and States need to have a joint approach to guarantee high standards of

² When the Dublin I came into force

protection for refugees” (“CEAS-Migration and Home Affairs-European Commission”, n.d.). However, the reality is perceived differently from the Member States located on the external borders of the EU or Member States unwilling to follow the abovementioned regulations.

Criticism on the Dublin Regulations

The Dublin regulations are accused of distributing the burden unevenly to the expense of the Member States located on the external borders of the EU. Given that with the use of the Eurodac biometrics the illegal entry of migrants is proven more easily (Desimpelaere, 2015) Member States who share national and external borders of the EU, such as Greece, Italy and Spain are dealing with an increased number of asylum applications since those are the main entry points of migrants in the EU. This phenomenon became more evident with the outburst of the European migrant crisis in 2015 when the burden for the south European Member States such as Greece and Italy increased considerably. Moreover, those states have established centers for the reception, identification, and processing of migrants and asylum seekers therefore increasing the pressure for those states to complete the relevant procedures in time.



Source: European Parliamentary Research Service Blog

The policies of the EU beyond its external borders; agreements with non-member states

Except from the policies that are followed within or on the external borders of the EU in order to limit the inflow of unwanted mobilities, the EU is nowadays emphasizing even beyond this “inner circle”. With the form of bilateral agreements between the EU and neighboring non-member states, the external migration policy of the EU is practiced with migration control measures that aim to control legal migration on the one hand and to curtail illegal migration on the other. Moreover, preventive measures addressing the root causes of migration by improving the living conditions in the countries of origin are also a part of these policies (Wunderlich, 2013, p.407).

According to Wunderlich (2013), EU migration control measures towards non-member states, take two main forms; border controls/management and readmission. Border controls aim at patrolling and restricting the flow of people in the EU area while readmission agreements with non-member states “oblige non-EU states not only to take back their own citizens, but also people that transited through their territory into the EU” (Wunderlich, 2013, p.415).

List of EU readmission agreements

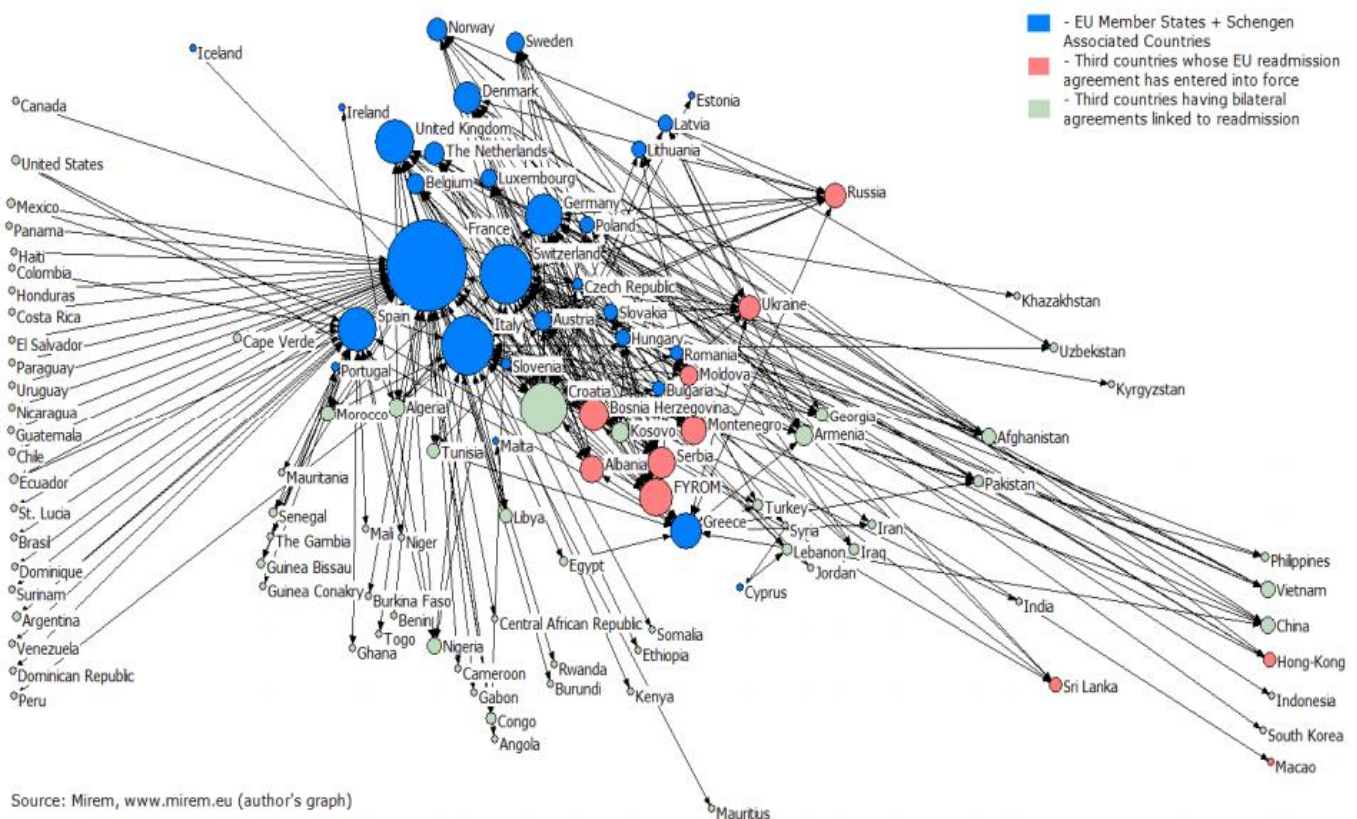
Third country	Mandate	Date of signature	Entry into force
Albania	November 2002	14 April 2005	1 May 2006
Algeria	November 2002		
Bosnia and Herzegovina	November 2006	18 September 2007	1 January 2008
Cape Verde	June 2009		
China*	November 2002		
FYROM	November 2006	18 September 2007	1 January 2008
Georgia	September 2008		
Hong Kong SAR	April 2001	27 November 2002	1 March 2004
Macao	April 2001	13 October 2003	1 June 2004
Moldova	December 2006	10 October 2007	1 January 2008
Montenegro	November 2006	18 September 2007	1 January 2008
Morocco	September 2000		
Pakistan	September 2000	26 October 2009	
Russia	September 2000	25 May 2006	1 June 2007
Serbia	November 2006	18 September 2007	1 January 2008
Sri Lanka	September 2000	4 June 2004	1 May 2005
Turkey	November 2002		
Ukraine	June 2002	18 June 2007	1 January 2008

* China signed an Approved Destination Status (ADS) Agreement in 2004. This accord is not an EU readmission agreement. Rather, it is a memorandum of understanding facilitating the entry of Chinese tourists into EU Member States. Article 5 of the memorandum includes a series of provisions requiring China to take back its nationals who overstay and to cooperate on their readmission. Formal negotiations on an EU readmission agreement have not started yet.

Azerbaijan is also a third country member since 2014. Other agreements are still in force. Source: Cassarino, J.(2010)

The list above is indicative of the numerous bilateral agreements made between the EU and third countries and is characteristic for the emphasis put on the externalization of border controls on behalf of the Member States. If one includes the Schengen countries while referring to bilateral agreements that are no official readmission agreements but are however linked to readmission policies, the list grows in numbers and complexity.

Figure 1. Known bilateral agreements linked to readmission concluded between the Member States and Schengen associated countries, on the one hand, and the world, on the other, August 2010



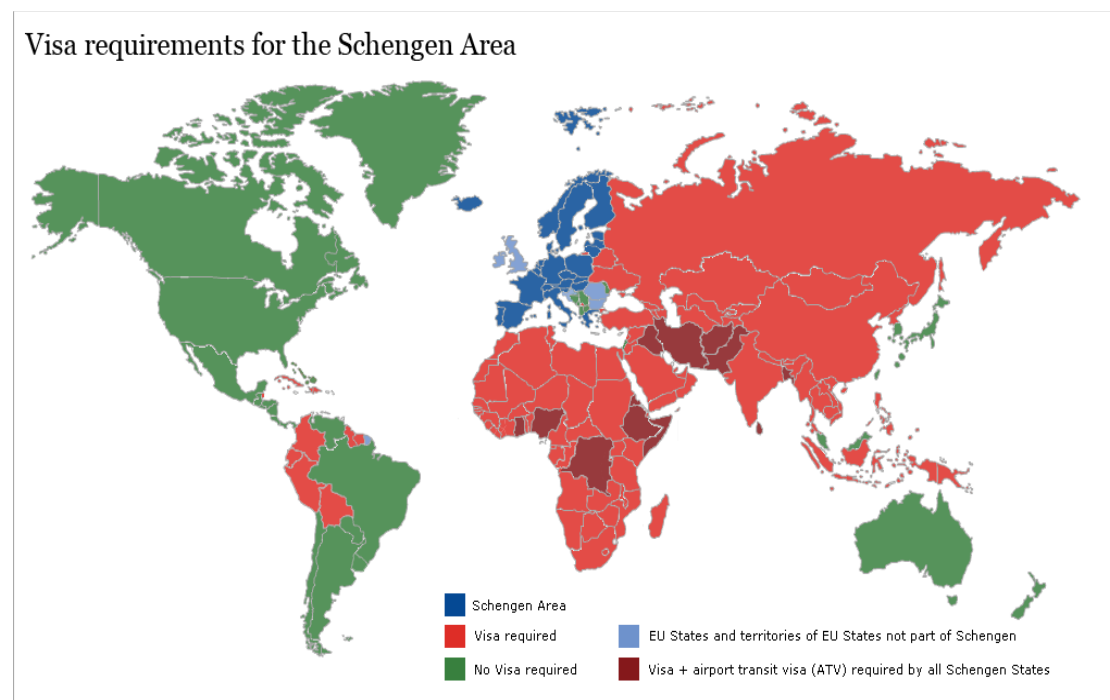
Source: Cassarino, J. (2010)

The EU is also working on creating disincentives for migration trying to deal with the root causes of the problem mainly by promoting legal channels of labour migration or by supporting entrepreneurial initiatives of the diaspora and returnees (Wunderlich, 2013, p.418). The migration crisis has once again highlighted those externalization practices with the EU achieving a close cooperation with neighboring countries such as Morocco, Tunisia, Libya, Turkey and Jordan, in order to externalize its border controls. Turkey is currently receiving €23,000,000 by the EU, for managing migration flows in the Mediterranean Sea and for enhancing refugee registration capacity within its borders while Jordan receives €5,280,000 again for managing migration flows towards Europe ("Instrument contributing to Stability and Peace", 2018).

However, the EU has faced criticism for seemingly not considering the history of human rights abuses in some of the third countries that has agreements on stemming illegal immigration. Libya is a characteristic example of such a country, given that several immigration detention centers were financed by EU Member States' money (Nakache & Losier, 2017). Human rights abuses have been often reported in Libya detention centers and the coast guard, however the EU funding increased considerably during the last few years (Nakache & Losier, 2017). Turkey is another example of a country that does not respect freedom of the press and human rights including those of the migrants (Gogou, 2017), yet its important geopolitical position as a transit country during the recent migration crisis has made Turkey an important ally to the EU.

Other forms of externalization; past, present and future

The EU has presented also other forms of externalization of its borders during the previous decades. According to Aas, Broeders & Hampshire, the “externalization” and outsourcing of the borders performed by the western entities is not solely akin to the contemporary notion of the “war on terror” as some academics suggest (Amoore, 2006, p.337), but instead, follows a certain historical trajectory dated even before the 1980s (Aas, 2007, p.292; Broeders & Hampshire, 2013, p.1204). The visa requirements by the EU is a good example of pre-emptive mobility governance during the 1980-1990s.



Centralised border management systems in the EU

Schengen Information System (SIS)	Visa Information System (VIS)	Eurodac
SIS is a large-scale information system that enables law-enforcement authorities, such as police and border guards to enter and consult alerts on suspected criminals, people who may not be entitled to enter into or stay in the EU, on missing persons and on stolen or lost property.	VIS is used at all Schengen external border crossing points and in consulates outside the EU to exchange and process visa applications and decisions, also through means of biometric matching, based on fingerprints for identification and verification.	Eurodac is a biometric database in which Member States are required to enter the fingerprint data of irregular migrants or asylum-seekers to identify where they entered the EU, and thus determine the Member State responsible for examining their asylum application.

Source: European Commission, [DG HOME](#).

According to a recent briefing of the European Parliament, the current, centralized border management systems in the EU will be further enriched by the introduction of “smart borders” based on more explicit biometric data (Orav & D’Alfonso, 2018). According to the European Parliament, smart borders will further increase the capacity of the EU “in response to security concerns regarding the control of EU external borders” and are expected to be fully functional within the next few years (Orav & D’Alfonso, 2018).

Considering the above, it can be concluded that the introduction of digital borders is the refinement of the “remote-control” logic suggesting that immigration control measures should be practiced overseas and thus dates before the introduction of the “war on terror” concept (Broeders & Hampshire, 2013, p.1202).

The concept of concentric circles of management of mobility in the EU

Taking into account the Schengen agreement and Dublin regulations, as well as the agreements between the EU and non-member states, one can support that the EU is following a model based on multiple layers of (externalized) borders. Indeed, this approach exists also in the declaratory level as well, since late 1990s.

In 1998, the Austrian strategy paper as it is now known, included a controversial proposal of adopting a concentric circles model on migration policy (Kurowska &

Pawlak, 2014). According to that proposal, Schengen countries were the benchmark of border control measures and thus consisted the innermost circle (Council of the European Union, 1998). Their neighbors, including the associated States and the Mediterranean Member States, would consist of the second circle, having to adjust to the border control standards of the first circle (Council of the European Union, 1998). Subsequently, a third circle of states, including the likes of Turkey and Northern African states would concentrate primarily on transit checks and countering facilitating networks, while the fourth circle, including Middle East, China and black Africa should aim to eliminate any push factors contributing to migration (Council of the European Union, 1998).

The paper continues with the proposal of incentives to the countries included in the different suggested circles. EU membership for the second circle, intensified economic cooperation with the third circle, and finally, the extent of the development aid granted can be subject to the degree of eliminating push factors for migration to the countries of the fourth circle (Council of the European Union, 1998).

Although not included in other official EU documents, this strategy seems to correspond to the reality of governing mobility under an externalization scheme in the EU and Schengen area. The countries of the second circle, Mediterranean countries such as Greece or Italy, seem to share an uneven burden comparing to some of the northern or central European countries. During the migrant crisis, countries of the Balkan route decided to impose internal border controls, thus questioning the proper functioning of the Schengen area of free movement and resulting to an increased number of refugees trapped in Greece (European Commission, 2017). Moreover, there is indeed a third circle of countries in Northern Africa and countries like Turkey, carrying out transit checks beyond the borders of the EU. Last but not least, while the countries of the fourth circle have combat push factors for migration according to the abovementioned proposal, the human rights violations - a significant push factor – seem to be tolerated by the EU in return for less “unwanted mobilities” (Nakache & Losier, 2017). The readmission agreements with countries like Ethiopia, Senegal, Mali, Nigeria and Niger and the current effort for increased cooperation with countries such as Libya, Kenya, Djibouti, Somalia and South-Sudan are perhaps indicative of the emphasis put on a “readmission” policy rather than “tackling the root causes of migration” (“Tackling the root causes of migration - Consilium”, 2017).

Conclusion

The process of externalization of the European borders seems a familiar concept to the Member States of the EU and Schengen area for governing (unwanted) mobilities in contemporary globalized world. Although not a new concept for the EU, the externalization efforts intensified in the last few years due to the recent migration crisis and its ongoing securitization and politicization. It is undoubtedly difficult for one to highlight clear deviations from the declaratory level and the practical one, given the use of abstract notions of the former level (i.e. solidarity, joint effort, etc.) and the variety of tools implemented on the latter (introduction of new technologies, policies, etc.). However, the concept of concentric circles is a characteristic example of a concept being present both in the declaratory and the practical level and seems to closely interpret the contemporary reality on the European borders. The uneven burden that the southern European Member States face, the controversial relation with neighboring countries such as Turkey or Libya and an inadequacy in combating push factors for migration in the countries of origin, all hinder the communication management efforts by the EU regarding the governance of mobilities. Consequently, it seems that the national interest still remains prevalent in the EU comparing to other western-framed values such as respect to human rights or (Member State) solidarity, at least when it comes to the governance of mobilities, a new topic of the high politics agenda.

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