



Parahyangan Catholic University
Faculty of Social and Political Sciences
Department of International Relations

Accreditation "A"

SK BAN –PT NO: 451/SK/BAN-PT/Akred/S/XI/2014

European Union Member States' Response towards
Refugee Influx in 2015-2016

Thesis

By

Marlyn Oktavia

2014330215

Bandung

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Supervised by

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Thesis Validation

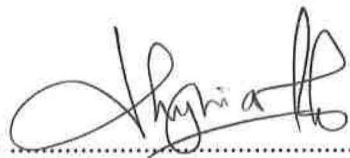
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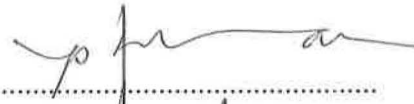
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hereby declares that this thesis is the work of my own writing and is not a work that was ever proposed to obtain an academic degree by others. I make this statement with full responsibility and I am willing to accept the consequences in accordance with the rules in writing, if in the future it is known that this statement is invalid.

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Abstrak

Nama : Marlyn Oktavia
NPM : 2014330215
Judul : *Respon Negara-Negara Uni Eropa terhadap Krisis Pengungsi tahun 2015-2016*

Penelitian ini menganalisis respon negara-negara anggota Uni Eropa yang berbeda terhadap krisis pengungsi 2015-2016 yang mengakibatkan Uni Eropa untuk mengubah kebijakannya. Skripsi ini menggunakan metode penelitian kualitatif, serta analisis deskriptif untuk hasil penelitian yang komprehensif. Three Stage Framework of International Negotiation dari Andrew Moravcsik dan Frank Schimmelfennig digunakan untuk menjelaskan sikap pemerintah yang berbeda yang mengarah pada hasil keputusan kebijakan Uni Eropa untuk mengeksternalkan beban.

Pada stage pertama, setiap negara anggota ditentukan preferensinya yang berbeda dengan menganalisis tanggapan mereka atas quota relocation scheme dan resettlement dari Turki. Sebagian alasan di balik tindakan itu berasal dari kondisi sosial-ekonomi negara. Stage selanjutnya adalah untuk menganalisis kekuatan tawar yang berbeda dari masing-masing negara anggota. Negara-negara yang menentang untuk menampung para pengungsi pada umumnya memiliki kekuatan tawar yang lebih besar atas negara-negara yang menerima aplikasi suaka terbanyak. Pada stage ketiga, European Commission sebagai lembaga supranasional Uni Eropa mengusulkan solusi untuk menandai kesepakatan dengan Turki, sebagai transit utama pengungsi yang mengalir ke Yunani. Dengan tingginya jumlah permohonan suaka di beberapa negara dan keengganan untuk menerima pengungsi, pilihan yang dipilih adalah untuk membuka kesepakatan dengan negara-negara ketiga di luar Uni Eropa untuk menghentikan krisis di wilayah Uni Eropa, ditandai dengan EU-Turkey Statement. Negara-negara Uni Eropa dianggap bertindak sebagai aktor rasional dan merupakan determinan utama dalam perubahan kebijakan Uni Eropa secara keseluruhan.

Kata Kunci: krisis pengungsi, Uni Eropa, temporary protection, Kebijakan eksternalisasi

Abstract

Nama : Marlyn Oktavia
NPM : 2014330215
Judul : European Union Member States' Response towards Refugee Influx
in 2015-2016

This thesis addresses how the European Union member states exercised their influence that resulted in EU policy shift on forced migrations. This thesis uses qualitative research methods, as well as descriptive analysis for the comprehensive research results. Andrew Moravcsik and Frank Schimmelfennig's Three Stage Framework of International Negotiation is used to explain governments' different stances that led to the result of EU's policy decision to externalize the burden.

This thesis found that the European Union member states exercised their influence that resulted in EU's shifted policy could be explained by the Three Stage Framework of International Negotiations. On the first stage, each member state was found to uphold different preferences by analyzing their response over the quota relocation scheme and resettlement from Turkey. Part of the reason behind the action was derived from socio-economic condition of the state. The next stage was about analyzing different bargaining power of each member states. The countries that opposed quota relocation scheme and hosting refugees in general had more bargaining power over the countries that hosted high number of asylum application. On the third stage, supranational power's influence played a role in the decision making of the EU. The European Commission as the EU's supranational institution proposed a solution to mark a deal with Turkey, as the main transit of refugees flowing to Grece. This thesis finding found that with the high number of asylum applications of several countries over some others and the incapability and unwillingness to host more of the incoming asylum seekers, the option chosen was to open a deal with the third countries outside the EU to stop the influx in the territory of European Union, marked by EU-Turkey Statement. It proves that the European Union works in both intergovernmental way and supranational way. The EU countries are considered to act as rational actors and are the primary determinants of changes in EU policy as a whole.

Keywords: refugee influx; European Union, temporary protection, Externalization policy

Preface

Praise be to God Almighty, because His love and grace this thesis could be completed in a timely manner. This thesis had been well prepared through various learning process which is of course useful for researchers in the future. The thesis entitled “European Union member states’ Response towards Refugee influx in 2015-2016” was developed to fulfill the graduation requirements of the International Relations Program, Faculty of Social and Political Sciences, Parahyangan Catholic University, Bandung, Indonesia. This study was conducted based on the researcher's interest in migration, especially forced migration in European Union. The case study of the refugee influx 2015-2016 was chosen as a major part of the study because this phenomenon is the most recent event on refugee influx European Union member states had as well as having the highest number compared to the previous similar influx in the same continent.

The researcher hopes this thesis could be useful for the development of the study of International Relations and can be used as a reference for further research related to forced migration issues. The researcher realizes that the results of this study is far from perfect. Therefore, the researcher is very open to criticism, suggestions, and responses to complement this thesis. At the end of the word, the researcher would like to thank all parties involved, especially to **Yulius Purwadi Hermawan, Drs, M.A., Ph.D** for the guidance provided throughout the process of the preparation of this thesis.

Bandung, July 10th, 2018

Marlyn Oktavia

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Abbreviations

Afd	: Alternative for Germany
CEAS	: Common European Asylum System
EASO	: European Asylum Support Office
EC	: European Commission
ECB	: European Central Bank
ECJ	: European Court of Justice
EEAS	: the European External Action Service
EEC	: European Economic Community
EP	: European Parliament
EU	: European Union
Europol	: The European Union Agency for Law Enforcement Cooperation
Frontex	: European Border and Coast Guard Agency
GDP	: Gross Domestic Products
ID	: Identification
IHL	: International Humanitarian Law
IMF	: International Monetary Fund
IOM	: International Organization for Migration
ISIS	: Islamic State of Iraq and Syria
KLA	: Kosovo Liberation Army
LI	: Liberal Intergovernmentalism
MoU	: Memorandum of Understanding
NGO	: Non-Governmental Organizations
OECD	: The Organisation for Economic Co-operation and Development
TFEU	: Treaty of the Functioning of European Union
TP	: Temporary Protection
TRAQs	: Tradable refugee-admission quotas
UNHCR	: United Nations High Commissioner for Refugees
UK	: United Kingdom
US	: United States of America

Chapter I

Introduction

1.1 Research Background

Challenged by the refugee influx 2015-2016, European Union (EU) decided to shift its policy from temporary protection directive to externalization policy. This thesis addresses how the shift was influenced by EU member states' interests as well as the interference of the European Commission as a supranational actor in the union. Forcibly displaced people from war-involved countries like Syria and Iraq were migrating to European soil after the neighboring countries (Jordan, Lebanon and Turkey) could no longer cope with the high influx of refugees. The influx scored as the largest annual flow of asylum seekers to European Union member states since 1992 refugee influx.¹ In 2015 alone, the EU received more than 1.3 million asylum applications, followed by another 1 million applications in 2016.²

The refugee influx in 2015-2016 might score as the largest influx in the European Union history, but it was not the first refugee influx European Union member states had ever dealt with. There were two major refugee influx that had happened since the establishment of the Treaty of Rome, the foundation of European Union, until the refugee influx in 2015-2016. The first influx was in 1992,

¹ Phillip Connor, "Number of Refugees to European Union Member States Surges to Record 1.3 Million in 2015," *Pew research Center*, Accessed on February 15th, 2018, <http://www.pewglobal.org/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/>.

² *Ibid.*

after the fall of the Berlin Wall and the Yugoslavia war and the second one was in 2002 during the Kosovo war. In 1992, associated with the fall of Soviet Union and the wars in the former Yugoslavia, Western European Union member states received almost 674,000 asylum applications in 1992 alone.³ The number is three times higher than the number in 1989. The fall of the Berlin Wall pushed for a shift of a refugee protection system in Western European Union member states under considerably more veritable weight than had been the circumstance in the midst of the 1980s due to the flow of people from the communist were permitted to leave their countries.⁴ The number from significant sending countries like Former Soviet Union and Romania rose because of the conflicts in these countries and left controls of exit in Eastern Europe. The emergencies in Iran and Iraq and Sri Lanka and the contention in previous Yugoslavia in the second 50% of the period were correspondingly the sending nations.⁵

The two events, however, are different from the refugee influx in 2015-2016 where on these two events where most of the refugees were coming from European soil. Around 65% of the forced migrants in the EU in 1992 came from Yugoslavia, Albania, Romania, and Bulgaria.⁶ There was a huge inflow of Albanian asylum seekers essentially to Italy in 1991. Following the flare-up of the contention in Former Yugoslavia, it overwhelmed refugee applications in Germany,

³ Piotr Juchno, "Statistics in Focus: Population and Social Conditions," *Eurostat*, 2007, 1, <http://ec.europa.eu/eurostat/documents/3433488/5287913/KS-SF-07-015-EN.PDF/8651a580-b55f-49da-9b1b-ba0d1d5bf3f6?version=1.0>.

⁴ UNHCR, *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action* (New York: Oxford University Press, 2000), 156.

⁵ Piotr Juchno, "Statistics in Focus: Population and Social Conditions," 1.

⁶ UNHCR, *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action*. 158.

Sweden, Netherlands, Switzerland, Norway, Denmark and Finland.⁷ Federal Republic of Germany received over 60% of the 697,000 asylum-seekers applications in 1992 due to having liberal asylum laws. Almost half of the applications came from Romanians and Bulgarians. Tens of thousands of asylum seekers also arrived from countries outside Europe, including Afghanistan, Angola, Ghana, Iran, Iraq, Nigeria, Pakistan, Somalia, Sri Lanka, Viet Nam and Zaire.⁸

Facing the 1992 influx, the European governments decided to establish temporary protection regimes (TP). TP was the result of the failure of ‘burden-sharing’ solution proposed by the Government of Germany, the host of the largest numbers of refugees in the region.⁹ According to the European Commission, TP was an exceptional measure to provide displaced persons from non-EU countries and unable to return to their country of origin, with immediate and temporary protection.¹⁰ The purpose was to minimize the administration cost for refugee status determination and thus generalizing a group of people as the beneficiaries to stay in European territory with a simpler qualification and faster recognition. TP was also believed to provide protection to those who did not fit the criteria of a refugee under the 1951 Refugee Convention. While the regular asylum admission was done individually, TP beneficiary recognition was using a group approach. Although the purpose was to provide fast physical protection in a legal sense, the main emphasis of TP was on the ‘temporary’ characteristic of the policy. Some

⁷ *Ibid.*, 158.

⁸ *Ibid.*, 158.

⁹ Kjaerum M, “Temporary Protection in European Union Member States in the 1990s”, *Int J Refug Law* 6, (1994): 447.

¹⁰ European Commission, “Temporary Protection,” Accessed on February 18th 2018, https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/temporary-protection_en.

countries began to execute the policy under their own governmental process of TP beneficiary recognition. All of the 12 signatories of Maastricht Treaty (1992) were implementing the temporary protection regime to people who came from the border of Bosnia and Herzegovina.¹¹ The act was also followed by other European Union countries such as Austria, Bulgaria, Czech Republic, Finland, Poland, Slovenia, Sweden, Norway, and Switzerland were also involved in the regime. Most of these countries later became the members of the EU-28.

A great part of the migration and shelter related action amid the 1990s concentrated on organizing and fixing admission strategies.¹² The 1990 Schengen Convention included arrangements for fortified police and legal participation, normal visa approaches, and the fortifying of transporter sanctions. The 1990 Dublin Convention recorded criteria to decide, among contracting parties, which part state was in charge of processing an asylum application. It aimed to prevent ‘asylum shopping’ for the ‘best’ country to hear their claim. European Community ministers responsible for immigration endorsed three resolutions in London in 1992.¹³ They characterized ‘plainly unwarranted’ shelter applications, host (or safe) third nations which asylum seekers traveled and to which they can be returned, and nations where there is by and large no genuine danger of oppression. These ideas were gone for quickening methodology to survey asylum claims. The resolutions

¹¹ Humanitarian Issues Working Group, “Survey on the Implementation of Temporary Protection”, *Refworld*, Accessed on February 20th, 2018, http://www.refworld.org/docid/3ae6b3300.html#_ftn1.

¹² UNHCR, *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action*, 159.

¹³ *Ibid.*, 159.

were not official, but rather they have been connected in EU member states and further away from home.

Although TP was intended to be a temporary measure, determining the right time for the beneficiaries to return was difficult to decide. Thus, in 1993, European Union governments suggested the creation of 'safe areas' in Bosnia and Herzegovina assuming that protection and assistance 'should wherever possible be provided in the region of origin' and that 'displaced persons should be helped to remain in safe areas situated as close as possible to their homes'.¹⁴ The idea was then turned out to be life threatening with the event of people massacres after the Bosnian Serb forces overran the 'safe areas' of Srebrenica and Zepa in 1995.¹⁵

By 1994, the number of asylum application decreased quite significantly due to Romania's replacement by Turkey as the principal source country aside from the former Yugoslavia for asylum applications in the EU member states.¹⁶ Despite the declining number of applications, the war in Yugoslavia still continued and started a huge humanitarian influx in the following years. The Kosovo War started in 1998 due to the dispute of the Yugoslavian Government and the Kosovo Liberation Army (KLA) led by the Albanian force in Kosovo. The number of asylum applications remained largely unchanged in the years 2000 - 2002, rising rapidly from early 1999.¹⁷

¹⁴ *Ibid.*, 159.

¹⁵ *Ibid.*, 159.

¹⁶ Piotr Juchno "Statistics in Focus: Population and Social Conditions," 2.

¹⁷ *Ibid.*, 2.

Following the adoption of a Council Resolution in 1995¹⁸ and a Council Decision in 1996¹⁹, the Commission proposed a Joint Action to orchestrate temporary protection status among member states in 1997. In any case, no consistent concession to the proposition including a changed law is legalized.²⁰ Therefore, a harmonization procedure for allowing brief insurance was begun. With the presentation of the Amsterdam Treaty and in accordance with the mean to set up a Common European Asylum System (CEAS) as called for by the 1999 Tampere Conclusions, the Temporary Protection Directive was proposed to accommodate an organized structure to help member states act in a uniform, adjusted and viable path, in view of the standard of solidarity, with a mass inundation of forcibly displaced people. The Directive was finally adopted on 20 July 2001. This directive was supposed to be activated on certain occasions. However temporary protection was granted to persons fleeing the war in Kosovo not under the directive but individually by Austria, Belgium, France, Germany, Ireland, Poland, Spain, and Sweden.²¹

The number of the asylum applications to European Union dropped in 2003 and continued years after. It lasted until the start of the Syrian War in 2011 soon after the Arab Spring spread though out the Middle East. By 2014, the number of applications had surpassed 2002 record. Subsequently, the 2015's influx protruded to be the year where European Union countries received more applicants than the previous peak years of 1992 and 2002 in total. According to Eurostat, in 2014, all

¹⁸ Hanne Beirens, Sheila Maas, Salvatore Petronella, and Maurice van der Velden, *Study on the Temporary Protection Directive*, Final Report (Luxembourg: Publications Office of the European Union, 2016), 5.

¹⁹ *Ibid.*, 5.

²⁰ *Ibid.*, 5.

²¹ *Ibid.*, 4.

EU member states gave 95% of Syrians protection in the first instance from their asylum application, a high number compared to other nationalities.²²

This section has showed that EU had imposed a policy that was return oriented but rather an open one towards forced migrants. Temporary protection was first implemented by member states and continued being supported in a more unified approach as the Council adopted a resolution on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis in 1995 and adopted Decision 96/198/JHA on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis.²³

1.2 Problem Identification and Research Focus

1.2.1 Problem identification

In contrast to the previous policy where it used to focus on the admission policy in the past, the EU chose to shift the policy towards a more outsourcing responsibility to deal with the 2015-2016 influx. Possibilities of sending people to safe third countries had been discussed in the London Resolution 1992. However, European Union member states chose to prioritize the physical safety of the asylum seekers by implementing their temporary protection regime. The focus of the

²² UNHCR, *The Sea Route to Europe: The Mediterranean Passage in the Age of Refugees*, (Geneva: UNHCR, 2015), 6.

²³ Article 4 of Council Directive 2001/55/EC

temporary protection regime was to note that they will be returned home once the war was over, thus letting the people that failed to meet 1951 Refugee Convention criteria to stay temporarily in Europe.

The shift of policy was affected by various number of reasons including the preparation of the EU to deal with the huge amount of arrivals in a short period of time where over a million asylum seekers arrived in 2015.²⁴ Aside from the number of asylum applicants, both situations were similar in a way that the EU was being the receiving side and by the principle, the EU is still using 1951 Refugee Convention to refer to a refugee. This means that the criteria was derived from the same convention. What is different is how the EU respond towards the issue.

In the case of Syrian Refugee influx, the EU has adopted a number of policies as proposed by the European Commission in the Ten point Action Plan on Migration and the European Agenda on Migration. However, European Union did not put temporary protection directive on 2015 the 2015 European Agenda for Migration. The Council Directive 2001/55/EC of 20 July 2001 on Temporary Protection Directive has any chance to be brought up by the member states as the solution to the Syrian Refugee influx, remembering that the number was still highest compared to the 1992 and 2001 influx. This was followed by the initiation of EU-Turkey Joint Action Plan on migration management marking the plan of the EU to externalize the responsibility to the third countries.

²⁴ Phillip Connor, "Number of Refugees to European Union Member States Surges to Record 1.3 Million in 2015."

The EU-Turkey Statement of March 2016 proved to be EU's effort in externalizing the burden of refugee influx in return for subsidizing and different actuation to Turkey. It showed the lengths to which the EU would go to discover instant solution answers for the weight outside its border.²⁵ One year after the dispatch of the Statement, it had been trailed by a few new strategy activities and agreements that merge the outsourcing of security duties and relocation control and as the dominating EU way to deal with mixed migratory flow.

Aside from the EU-Turkey Statement, the EU made an agreement (Joint Way Forward) with the Afghan Government on October 2016, signed in the margins of the Brussels Donor Conference on Afghanistan, to accept an unlimited number of returns of Afghan nationals, who were irregularly present in EU member states.²⁶ Another deal was signed by Italy and Libyan Government on the Joint Communication on the Central Mediterranean Route on January 2017 and Malta Declaration on February 2017 as a key outcome of the Malta Summit on 3 February 2017 with the aim of cutting migratory flows from Libya to Italy.

While the EU responded to the previous refugee peaks by implementing Temporary Protection, dealing with the current refugee influx, the policy had shifted by focusing on preventing the influx to occur in European Union countries by dealing with the third countries that played a major role in the refugee influx 2015-2016.

²⁵ Danish Refugee Council, "DRC Policy Brief: Implications of the EU's outsourcing of protection responsibilities and migration control."

²⁶ *Ibid.*

1.2.2 Research focus

This thesis focuses on the event of refugee influx which happened from 2015 to 2016 when EU faced the highest refugee influx. The period was chosen under the consideration of the high influx that reached more than a million asylum applications each year in 2015 and 2016. The thesis focuses on how the EU member states exercise their influence to make EU shift its policy on forced migration that was marked by the EU-Turkey Statement. The focus emphasizes on two levels of interaction. The first is how European Union member states have different stances in regards to the influx. The second is how the EU's supranational body, the European Commission played a role in the shift of the policy. To limit the scope of the research, the success and implementation of both policy, temporary protection and externalization are not addressed in the thesis. The stances and interest of European Union member states were derived from their direct response towards the influx.

1.2.3 Research question

The aim of this research was to answer the question of **“How did the EU member states exercise their influence to make EU shift its policy on forced migration?”**

1.3 Purpose and Contribution of the Research

1.3.1 Purpose of the research

This thesis aims to describe how the EU member states were exercising their policy that resulted to the shift of EU's policy on forced migration during refugee influx in 2015-2016.

1.3.2 Contribution of the research

This thesis is expected to contribute as a reference for the study of European Union as a supranational institution in the world particularly in the event of refugee influx.

1.4 Literature Review

To understand a multifaceted view on the European Union member states policy on refugee influx 2015-2016, the researcher found several journal articles that could support this research. The first article was titled "*refugee influx In European Politics: The Ethnic Discourse*,"²⁷ written by Denis I. Igonin. The article considers global changes of migration policy due to the shift of problems. It highlights the need for the EU to find the balance between liberalization of migration legal standards and their means to diminish illegal trans-border migration in order to avoid its turn into ethnic-social disaster. It analyzes the transformation

²⁷ Igonin D. I., "Refugee influx In European Politics: The Ethnic Discourse," *Journal of Organizational Culture, Communications and Conflict*, 20, (2016): 106-113.

of the migration policy through conflictological theory of ‘structural violence’ by Johan Galtung. He argues that migration policy can act as a source of structural deprivation in modern society by its own doctrine of ‘humanitarian intervention’ that leads to legalized system of a new ethnic-colonialism.²⁸

A similar argument was presented by Jesús Fernández-huertas Moraga and Hillel Rapoport on their journal article titled “*Tradable refugee-admission quotas (TRAQs), the syrian influx and the new european agenda on migration.*” They argue that the Syrian refugee influx proves the lack of the European Union Asylum Policy to provide solutions to Syrian refugees and to execute the burden-sharing mechanism among its member states. They also give a suggestion of a tradable refugee-admission quotas system along with a matching mechanism refugees’ preferred destinations and destinations to their preferred types of refugees.²⁹ This could give more flexibility to member states while respecting refugee rights and preferences. Similar to Igonin, Moraga and Rapoport emphasize the need of the EU as an institution to involve more in the policy making.

The last argument was presented by Salvatore Fabio Nicolosi from his journal article titled “*Disconnecting humanitarian law from EU subsidiary protection: A hypothesis of defragmentation of international law.*” His perspective largely emphasizes on the legal aspects as well as the humanitarian perspective. He argues that the humanitarian law and international criminal law have played a major

²⁸ *Ibid.*, 106.

²⁹ Fernández-huertas Moraga, J., & H. Rapoport, “Tradable Refugee-Admission Quotas (TRAQs), The Syrian influx and the New European Agenda on Migration,” *IZA Journal of European Labor Studies*, 4 (2015), 1-13. <http://dx.doi.org/10.1186/s40174-015-0045-y>.

role in the development of most key concept of the European Union asylum policy. While adding to the continuous discussion on the connection between global law and the EU lawful request, the article considers the effect of the Court's thinking on the EU asylum implementation, and will consider in the case of detaching the Qualification Directive from International Humanitarian Law.³⁰

Driving from the previous literature on the topic of migration and labor market, the researcher finds all mentioned researchers have made a remarkable findings on the topic. All three journal articles analyzed the EU's policy and were useful in the making of this thesis. In contrast to Nicolosi's argument, this thesis does not emphasize its arguments by using law as the base of the arguments. It rather focuses on how the EU produced the policy affected by its member states as well as the EU itself. This thesis respects the similarity of Igonin's view on the importance of highlighting the change of situation as the factor of EU's response. However, this thesis does not only addresses the situation as the factor influencing the response of the EU. It also emphasizes the member states and the EU as two different levels of mandated institutions that play a major role in the decision making process. The researcher also finds a similarity with Moraga's and Rapoport's article which viewed the lack of EU's involvement in finding the solution. However, in contrast to their article, this thesis focuses mainly on

³⁰ S. F. Nicolosi, "Disconnecting Humanitarian Law From EU Subsidiary Protection: A Hypothesis of Defragmentation of International Law," *Leiden Journal of International Law*, 29(2016), 463-483. <http://dx.doi.org/10.1017/S0922156516000108>.

addressing how the EU member states exercised their influence on the EU as an institution to respond on the refugee influx 2015-2016.

1.5 Theoretical Framework

According to Anfara and Mertz, theoretical frameworks are “any empirical or quasi-empirical theory of social and/or psychological processes, at variety of levels (e.g., grand, mid-range, and explanatory), that can be applied to the understanding of phenomena.”³¹ This research uses a theoretical framework that consists of conceptions and theories to answer the research question.

In order to analyze how the EU member states exercised their influence in the EU so that the EU shifted its policy on forced migration, the researcher tries to argue on the thesis by using Push and Pull Theory of Migration and Liberal Intergovernmentalism as the main theories. However before answering the research question, it is necessary to define what a policy shift means. The term “policy shift” comprises of two different words. Each definition is needed to understand the whole meaning of policy shift.

Sherri Torjman defines a policy as a “deliberate and (usually) careful decision that provides guidance for addressing selected public concerns.”³² She describes that the creation of policy involves an objective whereas a policy is a final

³¹ V.A. Jr. Anfara and N.T. Mertz, *Theoretical Frameworks in Qualitative Research*, (California: Sage, 2006).

³² Sherri Torjman, *What is Policy?* (Ottawa: The Caledon Institute of Social Policy, 2005), 4.

selection on how to reach a specific objective in the best way possible.³³ Policies, according to her, can also target only a certain group. In relating to EU's policy, it is necessary to understand what kind of policy EU can produce. According to Irish Department of Foreign Affairs and Trade, most of the policies made by the European Union (EU) that affect the all the member states of the EU (the citizens) are known as common policies. This creates a meaning where EU's policy represents the sum of of its members' preferences in an institutional way. Driving from Sherri Torjman's definition of policy, the EU's policy, or what is more relevant to be called as common policy, it can be derived that a policy comprises of decision, objectives and guidance.

Oxford Dictionary defines *shift(n)* as a slight change in position, direction, or tendency.³⁴ Thus, an EU's policy shift can be defined as a change of decision that provides guidance for addressing selected public concerns of the EU member states. This definition will be used as a guidance in the thesis to describe the shift of EU's policy on forced migration.

After determining the definition of policy shift, forced migration has to be addressed in accordance to have one conception over the term. International Organization for Migration defines forced migration as a "migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and

³³ *Ibid.*, 4.

³⁴ Oxford Dictionaries, "Shift," Accessed on May 12th, 2018, <https://en.oxforddictionaries.com/definition/shift>.

internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).”³⁵ Driving from the definition, a policy on forced migration could be described as a policy that relates to migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes. In short, the policy has to be about dealing with refugees and those seeking asylum. As for a refugee influx that is being discussed in the thesis uses the definition of influx from Oxford Dictionary that refers to “an arrival or entry of large numbers of people or things.”³⁶ From this definition, refugee influx can be defined as an arrival of large number of refugees.

On this thesis, EU’s new policy on forced migration, externalization policy, will use the criteria of Balzacq’s definition over the term. Thierry Balzacq defines externalization as a “continuum of instances where one actor through international negotiations may gain "remote control" over the border control of other actors, which, in turn, can lead to extraterritorial migration control.” His definition is referring to European Union specifically.³⁷ From his definition, it could be derived that three criteria have to exist for an externalization policy. They are international negotiation, border control, and extraterritorial migration control.

³⁵ IOM, “Key Migration Terms,” Accessed on May 12th, 2018, <https://www.iom.int/key-migration-terms>.

³⁶ Oxford Dictionaries, “influx,” Accessed on June 5th, 2018, <https://en.oxforddictionaries.com/definition/influx>.

³⁷ Thierry Balzacq, “The Frontiers of Governance.” *In The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security* (Basingstoke: Palgrave Macmillan), 1 – 34.

Being one type of the big notion of migration, an understanding of factors leading to migration is can be described by using Everett Lee's theory of migration. Everett Lee recognizes four levels of components that impact population movement, solidifying the push-pull structure.³⁸ Lee's theory of migration proposed that there are four sorts of components that shape portability: 1) factors associated with the origin area, 2) factors associated with the destination area, 3) intervening obstacles, and 4) personal factors. In both zone of beginning and goal, there might be factors that demonstration to hold or draw in individuals (pull factors) or those that repulse individuals (push factors). Such factors shift for people, whose ensuing portability choices will be molded by an alternate ordeal and impression of elements. Lee notices that straightforward cost and benefit estimations is not enough to trigger relocation, as people will probably encounter a 'characteristic dormancy' or penchant to remain that must be balanced by solid motivators to move. The relocation choice will likewise be impacted by the 'intervening obstacles' that exist between any two given cause and goal focuses. Such passage particular elements, for example, physical distance and policy regimes, may impact how plausible a move is for any given person.³⁹

Liberal Intergovernmentalism by Andrew Moravcsik and Frank Shimmelfennig is used as the main theory in Chapter 3 to analyze the interaction between EU member states in regards to their policy towards the refugee influx in

³⁸ Everett Lee, "Theory of Migration." *Demography*, Vol. 3, No. 1. (1966), 47-57.

³⁹ *Ibid.*, 47-57.

2015-2016 as well as the EU's supranationality as a factor of the policy shift.⁴⁰ Liberal Intergovernmentalism (LI) treats the European Union (EU) as a sui generis activity (neofunctionalism), but also sees it as a body with many actors competing to gain their own state's interest (intergovernmentalism).

Moravcsik and Schimmelfennig build the idea on Stanley Hoffmann's intergovernmentalism but also see the core argument of neofunctionalism. In his first essay about the theory, *The State of War: Essays on the Theory and Practice of International Politics*, Hoffmann argues with his theory of intergovernmentalism. As they referred to Hoffmann, LI has some of Hoffmann's key principles, such as the realist assumption that states could be seen as rational actors. Governments will only engage in international negotiations under economic interests triggered by nation's domestic needs.⁴¹ As rational actors, states will be involved in international bargaining in order to achieve its national interest. In that sense, the EU is considered to be the international institution of which states are using as an instrument to serve their best interest. To better describe the EU, they mentions that the European Community, the predecessor of the EU, is 'best seen as an international regime for policy-coordination'. They also seek to understand how different interests are met and resolved in the council of ministers. He rejects to regard this view as realism in which they believe that every state has different preference and power does not always come from military power. Member states

⁴⁰ Andrew Moravcsik and Frank Schimmelfennig, "Liberal Intergovernmentalism", *Princeton.edu*, <https://www.princeton.edu/~amoravcs/library/intergovernmentalism.pdf>, 67.

⁴¹ Jasmine Ganeshalingam, "Liberal Intergovernmentalism," *EU Wiki*, Accessed on February 19, 2018, <http://testpolitics.pbworks.com/w/page/25854032/Liberal%20Intergovernmentalism>.

are considered rational where their decision lies on rationality of what move benefits them most in the international arena. This is what makes the negotiation trait in the EU is intergovernmental.

Moravcsik and Schimmelfennig elaborate a three-stage framework that could explain how states decide to engage in international negotiation. **The first stage** is about defining states' preferences.⁴² Since states' preferences vary through the time, this step has to be seen based on the substantive matter under the negotiation. States' policy in general will not be enough to analyze the states preferences on a certain issue. The policy and tendency of the policy has to be more specific. This specific issues depend on social interdependence as well as domestic institutions.⁴³ According to Moravcsik, the EU is more likely to engage in the economic matter and thus the prominent issue will largely be on economic sector.⁴⁴ However, it is not always be the only issue that matters in the EU. Discussions about the free trade area, regulatory harmonization and monetary stabilization are the way to tell if the EU is engaged in a single economic issue, or what he calls as 'naked economy'.

The second stage is about finding the substantive bargains.⁴⁵ To explain this step, LI uses bargaining theory from rationalist perspective to explain the nature of substantive outcome of international negotiations.⁴⁶ Bargaining theory argues that the outcome of the negotiation depends on the relative bargaining power of the

⁴² Andrew Moravcsik and Frank Schimmelfennig, "Liberal Intergovernmentalism," 69.

⁴³ *Ibid.*, 69.

⁴⁴ *Ibid.*, 70.

⁴⁵ *Ibid.*, 69.

⁴⁶ *Ibid.*, 70.

participating actors. The asymmetrical interdependence and Information about preferences and agreements play a big role on determining the bargaining power of states. In this context, asymmetrical interdependence refers to the benefit one state could get from an agreement might differs from others' and it could also be bigger or fewer. The one who does not have a lot of interest or benefit from an agreement would have more power that those who will have more benefits. One that also knows about other states' preference will have a big chance in leading them to agree on their terms. They admit that there is little and limited evidence to prove one's possession of information about the others'. However, Moravcsik elaborated bargaining theory on another literature. Based on Moravcsik's article, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," he mentioned three determinants of the bargaining power.⁴⁷ They consist of unilateral policy alternatives, alternative coalitions, and the potential for compromise and linkage.

On the first determinant, 'unilateral policy alternatives and threats of non-agreement,' the government have choices where cooperation does not always be the superior option. On this case, governments with unattractive alternatives gain from cooperation even if they have to compromise, whereas the governments with more attractive or beneficial alternative (aside from cooperation) have less benefit from the cooperation.⁴⁸

⁴⁷ Andrew, Moravcsik, "Preferences and Power in the European Community; A Liberal Intergovernmentalist Approach," *Journal of Common Market Studies* Vol 31 (4), 1993, 502

⁴⁸ *Ibid.*, 503.

The second determinant, ‘alternative coalitions and the threat of exclusion,’ involves states engagements within a coalition over an issue. Should there be an coalition, states being excluded from the coalition have less of bargaining power compared to the states within the coalition.⁴⁹ The interests of many outweigh the few.

The last determinant, ‘compromise, side-payments and linkage at the margin,’ the real negotiating part is when states compromise by either giving side-payments or by linking some sectors for trade offs. As it was stated before, states with more to gain from an agreement have less bargaining power compared to those with little to gain.⁵⁰ In consequence, compromises are mostly done by those with more to gain from the agreement. Compromises can be reached by trading off the interests of each bargaining actors. Cross-sector deals can be made making the linkage of issue to be the solution to settle arguments. Side-payments are sometimes involved as a fulfillment of a deal when the exchange deal (of interests in the same/different sectors) is not balance for both parties.

The third stage consists of institutional choice’s influence on the decision.⁵¹ In this step, LI argues that institutions are sometimes necessary to cope with unexpected consequences of a negotiation and agreement, thus making the institution to become more durable.⁵² This institution is also important in making the negotiations to become more efficient as well as well informed and clear about

⁴⁹ *Ibid.*, 505.

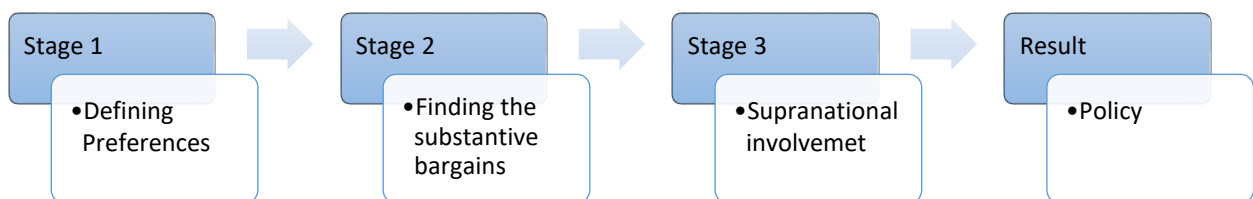
⁵⁰ *Ibid.*, 506.

⁵¹ Andrew Moravcsik and Frank Schimmelfennig, “Liberal Intergovernmentalism,” 69.

⁵² *Ibid.*, 72.

each others' preferences. To be able to reach this goal as well as to make the negotiation more decentralized, the states have to give up part of their sovereignty to the institutions.⁵³ This is what makes the EU different since it has more sovereignty than the other international organizations. For examples are the European Commission's right to give proposals, the power of the European Central Bank, the power of European Court of Justice and more sovereignty are being given to the EU.

Figure 1.1
Moravcsik & Scimmelfennig's Three Stage Framework of International Negotiation



Source: Moravcsik & Schimmelfennig, 2009⁵⁴

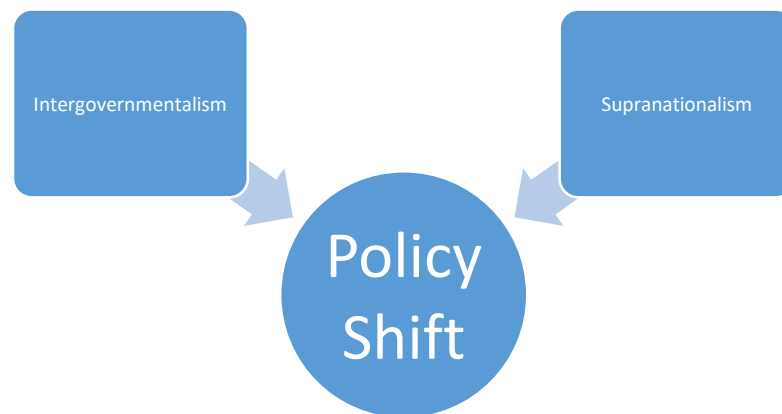
Moravcsik and Schimmelfennig conclude that national interests were simultaneous to economic interests and that any decisions for European Union originated from the national governments. However, supranational institution also plays a part in policy making, which on this case is European Union. He believes that states are enabling a supranational body to settle on choices that guarantees all individuals would comply with these choices. With LI theory, shift of policy would

⁵³ *Ibid.*, 72.

⁵⁴ *Ibid.*, 69.

require the same formula where it needed both intergovernmental dimension as well as supranational dimension of the EU. Moravcsik and Schimmelfennig's theory could be pictured in Figure 1.2.

Figure 1.2
Shift of Policy



Source: Moravcsik & Schimmelfennig, 2009⁵⁵

The researcher uses this theory as the main framework to analyze how the EU member states exercised their influence in the EU so that the EU shifted its policy. The three-stage framework is used to analyze the stances of EU-28 and the European Commission to finally come with the decision to come with externalization policy.

⁵⁵ Ibid., 69.

1.6 Research Method and Data Collection Technique

1.6.1 Research method

The researcher chose qualitative research methods to analyze all the data gained from related resources. According to John Creswell, qualitative procedures rely on text and image data.⁵⁶ They also have unique steps in data analysis, and draw on various inquiry strategies. Creswell quoted Rossman and Rallis (1998) to explain the characteristics of qualitative research. Some characteristic that will be evident in this research are:

1. Qualitative research is fundamentally interpretive where researcher makes an interpretation of the data. This means that the researcher will filter the data through a personal lens that is situated in a specific sociopolitical and historical moment. Personal interpretation is considered to be unavoidable when being brought to qualitative data analysis.

2. The qualitative researcher views social phenomena holistically where the researcher views the reasoning and data panoramic views rather than in the level of micro-analyses.

3. The qualitative researcher systematically acknowledges biases, values, and interests that affects the qualitative research today. The personal-self is no longer separable from the researcher-self. This research will gather the data from

⁵⁶ John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Los Angeles: Sage Publication, 2014), 209-210.

various media and credible institutions in order to get the object to be analyzed throughout the research.

1.6.2 Data collection technique

The researcher chose documentary studies to analyze all the data gained from related resources such as Eurostat, OECD, UNHCR, European Commission, European Parliament. This thesis gathered the data from various media and credible institutions in order to get the object to be analyzed throughout the research.

1.7 Thesis Structure

This thesis accentuates on the policy shift of the European Union on forced migration that was being influenced by EU member states' interests and the supranational power of the EU. Hence, **Chapter one** describes the research background, research identification, research focus, literature review, theoretical framework and thesis structure throughout the whole thesis. To understand the shift, it is important to describe the policy as well as the background of the EU. **Chapter Two** describes the development of the EU as an institution and its policy shift regarding immigration and asylum. **Chapter three** is the heart of the thesis. In the light of Morachisck and Shchimmelfennig's three stage analysis of international negotiation, this chapter intricates both the supranational dimension of the EU and the intergovernmental dimension in regards to asylum and particularly the refugee influx in 2015-2016 by using Three Stage Framework of International Negotiation. The last chapter (**Chapter Four**) concludes the whole findings of this research from Chapter One to Chapter Three.