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**Addressing the Root Causes of Forced Migration:
A European Union policy of containment?**

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# 1. INTRODUCTION

It is commonly said that there are three 'durable' solutions to the refugee problem: voluntary return[1] to the countries of origin, local integration, or resettlement in a third country. For approximately three decades following the adoption of the 1951 Geneva Convention on the Status Relating to Refugees (UN 1951), resettlement of refugees was the preferred solution. However, as the Cold War ended and the number of asylum seekers rose, resettlement lost its appeal to the governments of the refugee receiving states (Martin 1988, Suhrke 1994, Chimni 1999). Resettlement, it was said, unjustifiably institutionalised exile at the expense of the fundamental right to return to one's country (Coles 1989).

Concurrently, the view of asylum seekers as people in need of humanitarian assistance and protection has increasingly given way to perceiving the entry of refugees – often not regarded as bona fide claimants for asylum -  as a threat, not only to the national economy and its welfare distribution, but also to the existing social order. The changing nature of conflict – the preponderance of internal wars that serve no direct political or strategic purpose to the Western countries[2] – has led to the development of measures to the effect of changing the circumstances in the countries of origin that force people to flee. 'Source control' measures, such as conflict prevention, development assistance, trade partnerships and political dialogue are increasingly deployed in order to prevent or ameliorate the migration pressure – be it voluntary or forced - towards the developed world.

The academic literature has established a dichotomy of external and internal root causes of forced migration[3]. External causes include colonialism, legacy of the cold war, state dissolution - and building, the impact of unfair trade regulations and of transnational corporations on the local economy, arms trade, and development aid, particularly the structural adjustment programs of the international financial institutions (Arendt 1962, Dekker 1991, Chimni 1998). Poor governance, weak social structures, overpopulation, massive unemployment, conflicts for the control and

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[1] 'Voluntary return' and 'repatriation' will be used interchangeably throughout this essay.
[2] Of the 82 armed conflicts that took place between 1989 and 1992, 79 were internal, that is within borders (Weiner and Teitelbaum 1995:32).
[3] For the sake of brevity, the root causes of forced migration will hereafter be referred to simply as 'root causes'.

distribution of resources, economic mismanagement and poverty, as well as ethnic, religious, and cultural antagonisms have all been identified as internal root causes (Anderson 1992, Gilbert 1993, Richmond 1993).

Clearly, addressing these root causes is an ambitious undertaking as the multidimensional nature of migration intersects *inter alia* with issues of trade and development, human rights and democracy, demographic and labour market needs, and foreign and security policy. The plethora of root causes of forced migration and its complex interaction with economically motivated elements has led Zetter (1988) to argue that the root causes discourse is both imprecise and misleading as a tool of analysis and as a basis for policy-making. Moreover, its use to prevent migration is impossible, it is argued, due to the competing interests which lie at the heart at these matters as well as the complexity and unpredictability of migratory pressures and situations causing displacement (Collinson 1993). Further, a normative problem has been established with the assumption that migration not only can but must be prevented by more measures of control and deterrence, a policy that is not regarded as an effective means of addressing concerns of security and stability inside the European Union (Busch 1998a, 1998b).

The aim of this essay, however, is not to assess the academic viability of the phenomena, but rather to examine whether or not European Union (EU) root causes policies are desirable means to address appropriate ends. The EU's 'comprehensive approach' to asylum and immigration consists primarily of adopting tighter control policies to prevent illegal migrants and asylum claimants from entering EU territory (non-arrival policies), and secondarily of implementing measures of prevention and intervention in countries that generate refugee flows (root causes policies). This paper will focus on the second set of policies and the ways in which they interact with the primary migration measures in its attempt to answer the following question: do EU root causes policies seek to defend the right of people to remain in their country of origin by attenuating causes of departure on normative grounds OR does the EU seek to prevent and contain conflict in order to limit the influx of foreigners on its territory?

## 1.1 Structure and Aims of Paper

The first section of this paper offers a reflection on the conceptual and political implications of perceiving matters of asylum and immigration within a securitised policy framework. It will be shown that, as a result of the securitisation of asylum, EU root causes policies have been reactive and defensive in their origins. It will be argued that objective convergence of the EU migration and internal security regimes have consolidated existing national practices of containing conflict and diverting responsibility for the victims of forced migration. Despite the discourse on partnership in addressing root causes, current policy methods and instruments as embodied in the recent EU action plans on asylum and immigration act instrumentally in establishing legitimacy for the denial of protection, the conclusion of readmission agreements, and the granting of temporary protection with a view to repatriation.

The following section finds it instructive to assess the potential impact that the EU's human rights and development policies may assert in contributing to the prevention of conflict in the longer term. It is argued that human rights policies possess the potential to exercise leeway in co-operation with third countries, but that the legitimacy of these policies are severely questioned when, in practice, security concerns often come to override the human rights discourse. With regard to the prevention-relief-development continuum, this paper welcomes the new focus on conflict prevention and the role that the EU proposes to play on the development stage, in particular with regard to the European-Mediterranean Partnership. Although the prevalent paradigm of 'aid in place of migration and protection' (Scholdan 2001) offers a promising strategy, it is limited by both current understandings of development and budget constraints. The increasing diversion of funds from development to relief reflects the fact that measures intended to address root causes prior to the occurrence of conflict have been diverted into elaborating strategies of containment once conflict has erupted. Conceptually, the models of development in use by the EU focus exclusively on targeting internal root causes, and it is argued that actors on the stage have been more concerned with implementing reactive and responsive containment policies rather than enhancing the understanding of the dynamics of internal civil war.

The last section will seek to contextualise the arguments articulated above into an institutional framework. It will do so by analysing the structural and substantive relationship between those EU policies which explicitly make reference to addressing the root causes of migration. It will be argued that the institutional structure of the Union and its multiple overlapping layers of competence and governance pose significant challenges to the effective and coherent co-ordination and implementation of root causes policies. While these policies by no means should be discarded, there is an urgent need for greater interaction between those bodies mandated to act on root causes.

It is the aim of this paper to contribute to the debate on the future of the common EU policy on asylum and migration in exposing at least four areas of great concern. Firstly, this paper hopes to show why it is important to reconceptualise matters of asylum as a humanitarian concern rather than a security threat. Secondly, the EU action plans need be endowed with increased normative content and must be granted the appropriate budget to establish partnership in real terms with countries of origin and transit. Today, these plans can rightfully be regarded as nothing but a continuation of the strategies of containment already in place in most bilateral policies of the EU member states. Thirdly, this paper argues for a deepening and widening of the understanding of development, and for increased autonomy of human rights and conflict prevention policies. Lastly, changes in the modes of governance and institutional reform need to take place if any effort on the part of the EU to target root causes is to be executed successfully.

## 2. ASYLUM AND IMMIGRATION AS A THREAT TO THE EU SECURITY REGIME

A fundamentally exclusive and defensive approach to European security has been predominant since the mid-1980s as embodied in partly overlapping intergovernmental co-operative frameworks (Trevi, Schengen, Maastricht's third pillar), which formed a "very peculiar, homogeneous and (in spite of its institutional clumsiness) cohesive 'internal security regime'"[4] (Monar 2000:11-12).

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[4] The fundamental features of such a regime were the following: lifting of systematic police controls on movements of people and goods at internal borders; strengthening of international police cooperation, particularly in cross-border regions; pooling of police data and information among national law enforcement bodies (Schengen Information System (SIS), Customs Information System (CIS), Europol's 'computerised system of collected information'); harmonisation and reinforcement of external border controls (Brochman and Hammar 1999).

Following the 1992 Maastricht Treaty on European Union (CEU 1993), Community matters were divided into three pillars (see figure 1). Asylum and immigration were brought into the remit of EU competence, but within a defensive and securitised policy frame in the third pillar on 'Police and Judicial Co-operation'. Addressing the root causes of forced migration as a policy objective came into existence as a response to the perceived threat of potential migration from Central and Eastern Europe and to add further impetus into developing the EU Common Foreign and Security Policy (CFSP) in the second pillar. The situation in former Yugoslavia added a sense of urgency to this venture by the time the 1992 Edinburgh Summit's 'Declaration on Principles Governing External Aspects of Migration Policy' stated that it was "conscious of the role which effective use of aid can have in reducing longer term migratory pressures through the encouragement of sustainable social and economic development" (CEU 1992:2).
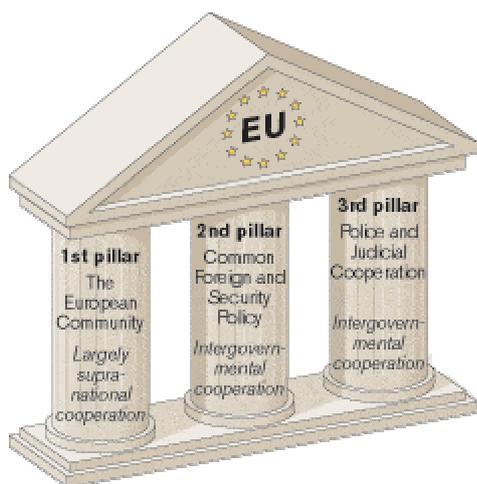


*Fig. 1 European Union Pillar Structure*

The Commission's 1994 Communication on Immigration and Asylum policies (CEC 1994) proposed that their migratory implications should guide aid, trade, and foreign policies. However, the post-Maastricht period was characterised by intergovernmental co-operation and non-binding instruments, which widened the democratic deficit and was criticised for an emphasis on lowest common denominator, restriction-oriented policies (Geddes 2000).

Although an internal working party was established to facilitate co-ordination of policy, *proposals* on root causes were developed within the third pillar but the policy *instruments* for executing them were located within the first and second pillars, who in turn were subject to different legislative procedures (Myers 1996:35, Spencer 1996:6). Consequently, no new policy instruments were developed during this period.

A further manifestation of the defensive line of thinking on matters of asylum is offered by the 1998 Vienna Action Plan. The Austrian Presidency envisaged a EU migration regime based on a model of 'concentric circles' where the EU represents the inner circle; neighbours (associated states and the Mediterranean area) represent the second circle "gradually being linked into a similar system…increasingly into line with the first circle's [migration] standards". Relations with the third circle of states (CIS, Turkey, North Africa) will concentrate "primarily on transit checks and combating facilitator networks", thereby acting as buffer zones to divert population movements prior to their arrival on EU territory (Thouez 2000:9). EU co-operation with the fourth circle (Middle East, China, sub-Saharan Africa, Horn of Africa) would focus on "eliminating push factors" by way of financial assistance (CEU 1998b, 1998c). The structure of the EU migration regime has been replicated by the internal security regime, conceived as a 'system of concentric security lines' (Brochman and Hammar 1999). Both regimes have employed strategies of control in order to achieve objective convergence: reducing threats to security and stability by preventing and diverting population movement into the EU.

Over the past decade, two distinct security 'logics' – the political-diplomatic one, fundamentally inclusive, and the law enforcement one, which puts greater emphasis on exclusion (removal and/or containment of perceived threats) – have collided on several strategic choices, particularly in the context of enlargement and immigration management (Edwards and Nuttall 1994). The exclusionary security logic, however, has never failed to dominate, as exemplified by the 1999 Stability Pact for South Eastern Europe (SP). The SP was conceived in a reactionary manner within a securitised policy frame following the break-up of the Former Republic of Yugoslavia. It provides a framework to discuss human rights, economic issues and security issues to strengthen countries in South Eastern Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the region (CEU 1999d). One of the commitments made by the contracting states is to prevent "forced population displacement caused by war, persecution and civil strife" (SP 1999:para.10), but asylum and migration policies are not

surprisingly discussed mainly in the context of security, rather than in the table on human rights. Why?

It is now recognised that actions that prompt mass exodus into a neighbouring territory threaten international security (Weiner, 1993, Bertelsmann Foundation 2000). This is exemplified by the United Nations Security Council's increasing prominence since the early 1990s as a vehicle for sanctioning military intervention by states: "under Chapter 7 of the UN Charter these interventions [in Iraq, Somalia, Haiti and the Former Yugoslavia] could be deemed legitimate only if they were in response to threats to 'international peace and security'. Thus actions by the Security Council provided another link in the chain of the refugee/security association" (Gibney 2002). In order to ensure the successful implementation of interventionist measures, they may require an international presence in countries of origin in order to encourage people to remain, the delivery of humanitarian assistance to the internally displaced, and the creation of internationally protected areas (safe areas). Therefore, the potential military interventionist nature of external political relations to be incorporated when addressing root causes requires much greater commitment to the cause on the part of the member states than that required for development policy, which has only a financial cost (Myers 1996).

Consequently, the post-Cold War period has witnessed the blurring of security and development concerns as ideas of internal security have become increasingly concerned with the implications for stability of poverty, crime, and population growth in particular. For example, illegal immigration – a category which asylum seekers have come to be located within - has started to be perceived and treated as a security threat (Weaver 1993, Miles and Thränhardt 1992, Cayhan 1999, Bigo 2000, CEC 2001a). Given the recognition that development aid is effective only in the longer run and tend to increase immigration initially (Tapinos 1996), a number of policies have been developed to avoid military intervention to safeguard internal security and to oblige displaced people to remain in or return to their homeland, thereby effectively denying people their right to seek and enjoy asylum in another country (Loescher 1999).

**2.1 Strategies of Diversion**

Readmission agreements have traditionally been perceived as a measure of immigration control in that they provide for the return of nationals of the contracting states or of third countries who have illegally entered the territory of the other contracting state. Following the fall of the iron curtain and the dissolution of the Union of Soviet Socialist Republics, these agreements have become increasingly instrumental in acting as the pre-text for the return of asylum-seekers and stateless persons. A range of readmission agreements have been concluded between EU member states and Central and Eastern European countries, who have in turn begun to conclude readmission agreements of their own with their other neighbours.

One of the objectives laid out in the Commission's 'Scoreboard to Review Progress on the Creation of an Area of Freedom, Security and Justice' is "to conclude readmission agreements…between the EC and relevant third countries or group of countries", i.e. large sending states (CEC 2001c:26). This policy threatened the renewal of the Lomé Convention in 2000 (now the Cotonou Agreement). Currently, negotiations are under way for readmission agreements with Russia, Pakistan, Sri Lanka, Morocco, Hong Kong and Macao, and the European-Mediterranean Partnership (EMP) may face the same fate in the longer term.

A systematic and generalised readmission policy is likely to lead to a much expanded 'buffer zone' around the EU, cf. the concentric circles of the EU migration and internal security regime. The EU has stated that it will use its political weight to encourage third countries, which show a certain reluctance to fulfil their readmission obligations (CEC 2001a:25). Readmission agreements are the most concrete policy tools of the EU action plans and to date clearly the most effective instrument to force third countries to take back illegal immigrants and rejected asylum seekers.

The discourse on proposed 'partnership' is not only particularly concerned with aiding third countries to cope with their readmission obligations towards the EU but also "with a view to promoting voluntary return" (CEUb:28). The increasing preference of temporary protection measures over individual refugee status determination (and the potential granting of asylum) in situations of mass influx has contributed to the need of EU member states to actively look to resolve conflicts

(Stein 1992). If temporary protection is to make any sense, repatriation need to be made possible in the near future, e.g. the European Community's Humanitarian Office (ECHO) was influenced by Germany to emphasise repatriation programmes to expedite the removal of refugees on its territory (Thorburn 1995). It has been argued that, in the past, these efforts have been destabilising as they were not a component of a broad and strategic rehabilitation or peace-building process: the policy of minimum security to assist returns does nothing to calm minority fears, sort out property entitlements or reduce the leverage of extremists (Pugh 1998). It has therefore become a stripped down goal of EU domestic interests to contain refugee flows that require post-conflict regeneration to build the conditions necessary for returns (Aleinikoff 1992:27, International Crisis Group 2000).

## 2.2 The EU Action Plans on Asylum and Migration

The EU High Level Working Group on Asylum and Migration (HLWG) is to develop and oversee the implementation of action plans on asylum and immigration, which marks the concrete manifestation of the novel attempt to institutionalise centralised responsibility and concerted framework of action for all the relevant EU institutions dealing with root causes policies. The first batch of action plans focus on Morocco, Sri Lanka, Albania, Somalia, Iraq and Afghanistan. Four of the six plans thus deal with some form of complex political emergencies; in three of the countries chosen, war is present in at least part of the country. However, the quality of the analysis of the reasons for flight - the core part of the action plans - varies; with the exception of Iraq, the focus is on migration for economic reasons, even if the preceding sections on the political and human rights situation list many deficiencies in the countries of origin. While the plans propose a mix of diplomatic, humanitarian and development assistance as measures to eliminate root causes, their most concrete ventures are into the realm of readmission agreements and securing protection in the conflict region, e.g. 'regionalising' Afghan refugees in Pakistan and Iran or 'localising' internally displaced Sri Lankans within presumed safe areas (HLWG 1999b-g).

It has been noted that complex political emergencies very often have a transnational character, e.g. Afghanistan and Somalia, where large numbers of refugees in the neighbouring countries come

only at the price of risking the prolongation of the conflict. It is difficult to see how measures like returning rejected Kurdish asylum-seekers from Iraq to Turkey or cooperation with the Central Asian republics with regard to travel routes of Afghani nationals could promote structural stability (see Appendix A). The control element of migratory flows is emphasised without parallel emphasis on building up structures that can allow target countries to successfully deal with their consequences i.e. readmission of third country nationals. The actions plans do not strike the right balance between security and integration, as only a small proportion of the measures are directly related to integrating nationals of the target countries into society in the 15 EU member states: "unspecified measures to integrate legally resident aliens and repeated assurance of refugees' and asylum-seekers' right to protection pale next to the obvious rationale of the plans: seek solutions to refugee and migratory flows, seek them fast, and seek them as far away from the borders of the EU as possible" (Scholdan 2001:8).

A new budget line of € 10 million was adopted by the EU in 2001 to cover voluntary return, efficient execution of readmission obligations, and migration management (including the development of refugee status determination administration through support to legislative and institutional development in third countries and the establishment of country of origin information systems) (CEC 2001d:3, CEC 2001b). However, the evasive character of the plans with regard to the financial implications of the proposed measures has been lamented as "no specific budgetary allocation has been made under co-operation in the areas of justice and home affairs" (EP 1999:7).

## 3. APPROACHES TO THE PREVENTION OF CONFLICT

As shown above, internal security priorities include the need to *contain* conflicts or *divert* responsibility for the victims of conflict. Are these priorities executed at the expense of humanitarian and development aspects that are also crucial constituents of a root causes approach? The 1999 Tampere European Council called for the development of a common EU asylum and migration policy to be adopted before 1 May 2004 (see Appendix B). The EU, it is argued, 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…preventing conflicts and consolidating democratic states and ensuring respect for human rights…[and] 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" (CEU 1999b:para.11, CEC 2000a, EP 2001a).

Virtually all major humanitarian and development institutions have developed guidelines that should govern the approach to relief and development assistance in complex political emergencies as well as in a post-conflict context (UNDP 1996, OECD 1997, World Bank 1998). Having both humanitarian and development aid at its disposal, the EU is well placed to ensure sound management of the difficult transition between emergency aid, rehabilitation and development[5] (CEC 2000:12). Further, aid is the only international measure over which governments have complete control and it can therefore be tailored to serve any and all ends ranging from the implementation of human rights clauses in co-operation agreements to strategic security objectives (Martin 1994:242, Böhning and Schloter-Paredes 1994:6).

**3.1 Conflict Prevention**

The 2001 Commission Communication on Conflict Prevention purports to develop Country Strategy Papers (CPS) as the basis for co-ordinating practical programming tools for mainstreaming conflict prevention measures in co-operation programmes with countries at risk (CEU 2001f:para.3, CEC 2000f, 2001f). It further proposes to integrate more systematically into the political dialogue with partner countries discussions on early-warning systems and regular monitoring of potential conflict zones and to give higher priority, through the EIDHR, to activities that contribute to the prevention and resolution of conflicts (CEC 1996, 1999a, DG Development 2000ab, 2002b, CEU 2001h). However, the reactive nature of even EU policy on conflict prevention is clearly spelled out

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[5] In total, the EU provides some 55 per cent of total international Official Development Assistance (ODA) and more than two thirds of grant aid (CEC 2000:4).

in a recent Commission communication whose analysis concentrates primarily on the implications for security following the eruption of conflict:

> *"All armed conflicts… can threaten European political and commercial interests. If a considerable part of Africa plunges into chaos and violence, present problems of refugees, drug and arms trade and other criminal activities, and possibly terrorist attacks, may become serious security concerns for Europe. The EU cannot remain indifferent to the increasing number and growing intensity of armed conflicts in Africa. Its response to these conflicts should be based on the general objectives of containment, protection, and conflict resolution…to prevent them spreading to other countries…and to safeguard European economic interests and investments in Africa"* (CEC 1999a:7).

Prevention, then, comes to assume a new meaning in disguise: to prevent the influx of refugees into western states. It is a matter of concern that the analysis and assessments of the CPS will be discussed with the partner country, but not negotiated (CEC 2000f). However, the acceptance, or at least the recognition of the importance of political dialogue with the state in question, is crucial for the successful implementation of the CPS (EP 1999). As these 'risk countries' are outside the anticipated realm of European enlargement, they may not be placated into accepting development assistance in return for implementing exclusionary measures as defined and imposed by the EU, like the Central and European countries did in return for the prospect of EU membership. While this approach is regarded as defensive from a European perspective, it is in fact an aggressive threat to internal social cohesion of these increasingly marginalized buffer zones of the EU migration regime.

## 3.2 The European-Mediterranean Partnership

EU's relations with the countries to the South and East of the Mediterranean are based on a proximity policy, which recognises the political and strategic importance of the region to the EU, which in turn reflects the perceived need to prevent the uncontrolled migration pressure into the EU as a threat to the internal security regime. Recent tendencies and current predictions with respect to economic, demographic and political pressures in the developing world permit the inference of growing migratory movements towards the developed countries. According to some estimates, the immigration pressure on Western Europe and North America alone currently stand at around 80 to

100 million people (UNHCR-WG 2000b:6). The European-Mediterranean Partnership (EMP), also known as the Barcelona Process, has set out to achieve an area of peace and stability based on respect for human rights and democracy and a free trade area by 2010, accompanied by substantial EU economic and financial assistance to its partners (CEU 1995, 2000e).

As the EMP is mainly a trade partnership, it has been asked whether it is morally and politically justifiable to reduce forced migration concerns into a by-product of wider trade and development assistance (Thorburn 1996:132). However, it may nevertheless only be practically possible to mobilise the necessary political will to act if it appeals to community interest in terms of creating substantial economic incentives. On the political and security side of the partnership, progress is being made towards a Euro-Mediterranean Charter for Peace and Stability (cf. the SP), which is to cover security measures of a military nature, although it so far has been hampered by the state of the Middle East peace process. Nevertheless, the Barcelona Process has proved resilient, showing itself to be an effective EU instrument for limiting the fall-out from some tense moments in the region (CEC 2001f:7), e.g. the EMP remains the only forum where representatives of Israel, Syria and Lebanon meet.

Albeit conceived as a child of community self-interest, the EMP may potentially become a proactive policy of the EU as this one initiative speaks words of partnership in trade and development prior to the eruption of conflict. It must be borne in mind, however, that the EMP may find itself subject to the exclusionary security logic, which includes the conclusion of readmission agreements. Not only would such a development place considerable strain on the institution of asylum in the contracting third-countries placated into acting as buffer zones for the EU migration regime, it would also pose as a threat to the institution of asylum itself.

### 3.3 Human Rights Policies

The relevance of human rights policies to a root causes strategy is undisputed: safeguarding human rights is the best way to prevent conditions that force people to become refugees and is critical in enabling them to return home. The added value of the European Initiative for Democracy

and Human Rights (EIDHR) is an essential complement to the EU's CFSP objectives in the development sphere. In some regions, it provides the only legal base for e.g. the promotion of political and civil rights, election observation and conflict resolution initiatives (CEC 2001f:14). The human rights dimension of EU foreign and development policies have developed significantly over the past decade. The EIDHR was established in 1994 to support human rights, democratisation and conflict prevention activities, and since 1995, a human rights clause - defining respect for human rights and democracy as 'essential elements' for co-operation - has been included in all subsequently negotiated trade and co-operation agreements with third countries, e.g. Central and Eastern Europe (Europe agreements), the European-Mediterranean Partnership (Barcelona Declaration), and the African, Caribbean and Pacific states (ACP) (Cotonou Agreement - ex-Lomé Convention) (e.g. Kalati 1997, Khader 1998, CEC 2001f, CEU 2001b). The 2000 Treaty of Nice (CEU 2000d) provided for 'mainstreaming' human rights and democratisation objectives into all aspects of its external policies via the CPS (CEC 2001f:4).

"The EU has a number of tools with which it can implement this [human rights] policy, which include changes in the content of a cooperation programme, suspension of bilateral contacts, trade embargoes, suspension of arms sales and military cooperation, and suspension of trade preferences" (CEC 1995:annex 2). The clauses have given the EU a lever of influence and, in case of serious violations, will enable the EU to exercise sanctions (CEC 2000h). However, economic or security considerations can be allowed to override the long term importance of improving a state's human rights protection. No agreement has as of yet been explicitly suspended on the basis of any of these human rights clauses, even though serious thought was given to suspending relations with Zimbabwe recently. Hence, implementation is in practice seen to be inconsistent and therefore weakening its legitimacy and acceptability to those countries affected (EP 2001c). Again, the political will is the one factor, which determines the efficiency, effectiveness, credibility, and coherence of the policy instruments.

## 3.4 Understanding Development

The causes of refugee flows often overlap with, or may themselves by provoked or aggravated by, economic marginalisation and poverty, massive unemployment, environmental degradation, population pressure and poor governance. Thus, what seems at first sight to be primarily an economic motive for a person's departure from his or her country may in reality also involve a refugee-related element (UNHCR Working Group 2000:112). There exists an increasing conflation between immigration and asylum as refugees are increasingly perceived within the framework of illegal immigration (CEC 2000b). This is demonstrated in the Early Warning System (EWS) for the transmission of information on illegal immigration and facilitator networks, introduced to identify and monitor potential conflict zones they neatly put potential refugees and immigrants under the same hat to be dealt with in a uniform manner[6] (CEC 2001f:20-21).

Consequently, the focus on root causes of forced migration resembles the analysis of push- and pull factors in migration policy (UNHCR Working Group 2000a, 2000b, OECD 1997). Stimulating social and economic development is seen as the way to reduce some of the push factors of migration even though it is recognised that development aid is effective only in the longer run and tend to increase migration initially (ILO 1992, Blaschke 1994, De Jong 1996, Tapinos 1996, Martin and Straubhaar 2001). The neglect of external root causes is clearly exemplified by the analysis of internal war as it is largely understood as stemming from a combination of poverty, resource competition and weak civic institutions. For example, it is argued that stability can be promoted through poverty elimination while political violence can be removed through education and measures encouraging co-operative integration.

The intuitive connection between assumption and response suggests that the new paradigm is not really concerned with understanding internal war. It is primarily a means by which the aid industry has defined its technology of response (Crisp 1998). Or rather, as instability becomes a

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[6] However, the Early Warning System (EWS) is still in a rudimentary phase, which accounts for its insufficient use (CEC 2001a:15). Generally, early warning research has two limitations: in the past, predictions of political instability or other political related phenomena have been highly inaccurate and even if prediction was possible, governments and international bodies may be unable or unwilling to use the information provided (Clark 1989, Beyer 1990, Rupesinghe and Kuroda 1992, Gurr 1993, Drüke 1993, Schmeidl 1995, Rusu 1997, Jefferson 1998).

temporary and manageable phenomenon, it is the basis whereby conflict is brought within the remit of standard development practice. Rather than shaping an analysis of internal war, this aid paradigm represents the opposite, namely a form of ideological closure as manifested in the unilateralist character of EU co-operation instruments (Anderson and Duffield 1998, Duffield 2001).

Often, in protracted conflicts, one rarely finds a clear line where relief work ends and development assistance can begin, which has led to the unfortunate practice that ECHO is increasingly called on to finance post-conflict programmes outside the remit of emergency aid due to the absence of other instruments that are sufficiently flexible and swift[7] (CEC 1999b:20, CEC 2000:22, DG Development 2000c). This practise is of great concern as it may entail "the gradual replacement of development aid for humanitarian assistance" (Middleton and O'Keefe 1998:30), which does not lead to the stated aims of sustainable development[8] (CEC 2000d). The question then emerges as to whether the aid system has both the mandate and the capacity to implement the development agenda and whether the current understanding of the nature of conflict, and hence existing models of development are sufficient and appropriate to prevent conflict and generate development (Macrae 1999, CEU 2000a, CEC 2000d, 2002).


## 4. EU INSTITUTIONAL QUESTIONS

The policy on addressing root causes is an ambitious project in terms of both its nature and institutional scope as it straddles the shifting divide between three areas of public policy which have in the past been dealt with separately both on the national level and on the EU level – external economic relations, external political relations and home affairs. The EU institutional make-up continues to divide not only external from internal policy but also the different legislative procedures and policy instruments in the different areas, resulting in potentially conflicting policy objectives and a lack of prioritisation.

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[7] It has been documented that reluctance exists with regard to a closer cooperation between the respective institutions responsible for humanitarian assistance and development cooperation (DG Development 2000c).

[8] From the mid-1980s, relief and humanitarian expenditure grew rapidly to peak at about $ 9 billion in 1994: a six-fold increase in less than a decade. Since this period, however, spending on humanitarian assistance has declined to an estimated 3.75 billion in 1997 (Anderson and Duffield 1998, Duffield 2001)

Philippart (1998) has argued that the pillar construction is the result of an ambiguous compromise between two visions of European integration, which are antithetical over the long term: a process of polity-building around a supranational Community versus the maintenance or renovation of national units through the constitution of a Europe of the States. The pillars, it is argued, have been first and foremost characterised by competing policy methods, introducing new asymmetries, inter-institutional tensions and risks of fragmentation, which in turn have introduced problems of delineation and interfaces between the pillars.

With the entry into force of the 1997 Treaty of Amsterdam (ToA), EU asylum and immigration policies were transferred into the 'Area of Freedom, Security and Justice' under the first pillar within the Directorate General JHA (CEU 1997a). JHA has been strengthened through the communitarisation of large parts of the former third pillar, new legal instruments and improved judicial control (O'Keefe 1999, Peers 2000, Niessen and Rowlands 2000, Durieux 2001). Moreover, the increasing pluralism brought about by the ToA could foster a significant evolution of the exclusive and defensive approach to European internal security issues. For example, a significant interplay between EU bodies invested with responsibilities in the field of CFSP and external relations at large are urged to develop a deeper sensitivity to JHA issues (CEU 1999a:22, CEU 2001e).

However, as was recently recognised by the Council itself "continued diversification of the Council's activities, including the establishment of military and civilian crisis management structures and implementation of an ambitious programme of work agreed at Tampere to create an area of freedom, security and justice, confirm the tendency towards increased segmentation of work with the attendant risk of contradiction, incoherence and inefficiency" (CEU 2001d:para 5). This is clearly manifested in the action plans on asylum and migration: rather than institutionalising centralised co-ordination of the action plans, the proposed policy measures as outlined above imply the diversification of responsibility for implementation.

Firstly, the CFSP has been notoriously weak and undecided because it is located in the second pillar where a rotating Presidency represents the Union. Although the troika system is meant to provide for consistency, firm leadership has proved difficult to sustain. In addition, the Presidency

and troika operate under a strict mandate from the Council, which is typically based on the lowest – politically acceptable – common denominator. Secondly, the fact that responsibility for safeguarding of internal security rests with Member States poses issues of implementation as long as welfare and security concerns remain nationalised while migration issues are communitarised. In this context, it is important to realise that even though the European Court of Justice is assuming an increasingly prominent role in EU internal affairs within the first pillar, it will possess no executive authority to rule on matters of internal security.

A further obstacle to policy cohesion derives from the fact that developing the JHA external dimension is not an objective in itself. The aim is not to develop a 'foreign policy' specific to JHA although the number of different objectives involved to address immigration, asylum, external border controls, combating drug addiction, customs cooperation, police and judicial cooperation in civil and criminal matters certainly could benefit from such an external dimension. JHA is further constrained by the principle of subsidiarity, which requires that the EU should intervene only if its action provides added value to bilateral action by Member States (DG External Relations 2000:6). Even when the requirement of subsidiarity is indeed met, the problem of inadequacy of funds to mobilise external action is encountered.

A debate on cross-pillarisation has been launched in the Commission's 2001 White Paper on Governance (CEC 2001g) but has already faced major risks of institutional and legal confusion. In particular, "the implications of increasing recourse to innovative procedures such as the open method of co-ordination[9] must be carefully assessed in order to avoid blurring the distinction between legal instruments and "soft law" (CEU 2001d:para.5). In its 'Report on the Treaty of Nice' the European Parliament expresses regret that 'the pillar structure of the treaty has been retained and that, above all in the sphere of CFSP, unnecessary duplicate structures have been established' (EP 2001b). In the

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[9] The open co-ordination method implies drawing up strategic guidelines, benchmarking, target-setting and the introduction of monitoring to evaluate progress; based essentially on the Council approving multiannual guidelines for the Union, together with a timetable for achieving the objectives in the short, medium and long term. These guidelines will then be incorporated into national policy by specific objectives being set to take account of national disparities (CEC, 2000c, 2001b:3)

longer term, superseding the pillar structure would certainly be the most rational response to at least a part of such risks.

It is indisputable that, if developing an integrated policy approach to addressing root causes, the EU has a unique *atout* for such a practical realisation: the EU can provide tools that cover the full spectrum of conflict prevention, crisis management, and post-conflict reconstruction. This holistic approach adds several further options to diplomatic efforts *inter alia* in relation to its human rights policies. But the risk with such an approach is that its charm may exceed its workability. Indeed, a risk of conceptual irrelevance is inherent in a 'too' holistic notion of the root of the causes of forced migration: its wide scope may result in a 'Christmas tree' approach based on the 'lowest common denominator' where member states and the Commission insists on covering all possible aspects of relations, so that it may end up becoming difficult to distinguish priorities from questions of secondary importance (CEU 2000b1:para.10). The challenge for the EU is to be "holistic without being minimalist; being comprehensive without losing the capacity to prioritise; gaining in width without losing in depth and effectiveness" (Pastore 2001).

Because of the institutional difficulties of locating executive authority to act on root causes, there exist a clear need for a paradigm shift away from perceiving asylum and immigration as a threat to internal security and stability into addressing the plight of the victims of forced migration within a humanitarian framework that emphasises the right to asylum. It would certainly be in the longer term EU interest to do so. If the institution of asylum is undermined in the developing part of the world where the vast majority of the world's refugees seek sanctuary, it can only pose increasingly complex problems for the developed world.

Such a humanitarian framework could benefit from the establishment of a compliance and enforcement mechanism within the field of asylum and migration, as these issues are the greatest challenges to states acting collectively. States, perceiving migration matters as central to the assertion of sovereignty and the safeguarding of internal security, have rebuked the establishment of a central regulatory authority. In 1992, for instance, France rejected the establishment of a supranational body regulating possible disputes regarding the right to asylum (Thouez 2000:11). Without an over-

arching supervisory mechanism, however, it will be impossible to oversee supranational cooperation between states, and to ensure the legitimate implementation of root causes policies.

## 5. CONCLUSION

Why have the paradigms of 'aid in place of immigration' (within the sphere of development) and 'aid in place of protection' (within the sphere of asylum) come to increasing prominence on the EU agenda? One explanation points to the fact that the asylum system is a point at which international human rights meet sovereign nation states (Weiner 1995). The right to determine who enters state territory is a key aspect of national sovereignty constrained by an international system guaranteeing the rights of asylum seekers and refugees (Geddes 2001:59, Martin 2000). Gibney suggests that this tension "manifests itself practically in the way that the growth of human rights protections for asylum seekers [within European states] fuels the use by governments of restrictive and exclusionist measures designed to prevent asylum seekers arriving at their territory to access these protections" (Gibney 2001:3). This paper has explored another set of related explanations, which point to the importance of perceiving matters of asylum and migration within a securitised and defensive policy frame.

The EU is currently executing a two-pronged approach to contain the movement of those persons in need of protection within their regions of origin. Firstly, by conflating matters of asylum and immigration in the execution of migration control measures, these non-arrival policies have "served to seriously undermine the foundations of the refugee protection regime" (UNHCR 2000b:7). Secondly, this paper has shown that instruments of development aid, albeit grounded in part by humanitarian concerns, present real risks when the emphasis is clearly on measures of containment following the eruption of conflict and the consequent population displacement. Whilst it is recognised that the effects of root causes policies are only visible in the longer term, the immediate engagement in and response to addressing conflicts must be grounded in a normative discourse that primarily seeks to improve conditions in the countries of origin, not ameliorating the migration pressure into the EU. Aid cannot act in place of protection for the victims of forced migration:

placing readmission agreements and repatriation at the top of the list of priorities of the EU action plans on asylum and migration is hardly the way to build peace and prevent future conflicts. While addressing the root causes of refugee and migratory flows is by no means a policy to be discarded, the "coherence and peace-building orientation of development cooperation can hardly gain from starting out with a migration policy perspective" (EP 1999).

As of yet, the EU cannot be said to execute a root causes strategy in which policies that impact on asylum and migration pressures are co-ordinated to ensure that the maximum impact is achieved. The EU pillar structure places serious constraints on the effective execution of root causes policies as current institutional arrangements are the result of the lack of political will to, for one thing, surrender national authority on issues relating to maintaining the current exclusionary internal security regime. Root causes policies, it has been argued, find themselves in a double bind: while matters of asylum and immigration are increasingly communitarised, the lenses through which these matters are perceived – as a threat to internal security and stability – are located within the national executive framework of individual member states. Within the EU apparatus, further institutional difficulties are encountered as different bodies are mandated to act on root causes without any elaborate co-ordination or objective convergence. The EU High Level Working Group on Asylum and Immigration was created in an attempt to redress the lack of prioritisation within the JHA directorate itself, but its proposed policy measures are curiously decentralising responsibility for implementation (including its financial implications) rather than acting as a focal point for information, communication and co-ordination.

Therefore, this paper calls not only for a shift away from conceptualising asylum and immigration as matters of internal security but also for institutional reform. Expressing the desirability – albeit recognising the political impossibility - of superseding the pillar structure, this paper hopes to have created a sense of why it is important to achieve greater political and institutional coherence and consistency in policy- and decision making, in particular in terms of setting priorities and allocating budgets. This paper welcomes the new focus on conflict prevention, the establishment of the HLWG and the current debate on the nature and shape of European

governance, all developments that may together be said to constitute the first step towards reshaping a EU comprehensive approach to asylum and migration. The EU possesses the potential means and authority to produce a real and positive impact along the relief-development continuum, if institutional competence is co-ordinated and funds are available to carry out the implementation of various policy instruments.

The understanding of the role of development in complex political emergencies needs to be deepened and widened. In order to engage in partnership with third countries, this paper further calls for greater consultation and increased co-operation with the countries of origin and transit. Analysis of both Country Strategy Papers and the Action Plans must be discussed with the governments concerned if they are to achieve maximum impact. While it is indeed the intention of the EU to address the entire cycle of conflict and peace by employing a coherent mix of political, economic, and developmental instruments, they must be deployed in a targeted manner, and peace-building and conflict prevention measures should be given appropriate priority. The EU must avoid "the double standard of addressing internal root causes only" (Bastlund et al. 1994:159).

If priority be granted to addressing the root causes of conflict prior to the occurrence of displacement, these improvements may together be able to move the EU policy objectives on root causes towards a more proactive and normative stance. For example, this paper welcomes the recognition that trade partnerships have a role to play in institutions-building, post-conflict reconstruction and sustainable development. The European-Mediterranean Partnership is one initiative located within a progressive policy frame where political dialogue and sustainable development may become ends in themselves, signifying a potential shift away from the perception of forced migration as a threat to the EU internal security regime and towards an engagement in trade partnership in real terms.

The problems that population movement or displacement pose will only be resolved, rather than shifted, if a more coherent and multi-disciplinary approach to migration is found to take up a triple challenge. First, to manage population movements in a way which upholds basic human rights and the institution of asylum. Second, to safeguard the legitimate interests of the states and

communities affected by these movements. Third, to invest the necessary political will and resources in preventing and reversing the causes of involuntary migration. If the political will to address and improve the shortcomings that this paper has identified fails to materialise, the EU may justifiably be regarded as paying mere lip service to fashionable calls for partnership and sustainable development while in actual fact acting on root causes in order to substitute the institution of asylum with the infusion of development aid. It will thereby merely consolidate the existing national practices of executing measures perceived as instrumental to curb immigration into the EU by way of defensive exclusion, reactive diversion, and containment.

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## APPENDICES

### Appendix  A - The EU Action Plans on Asylum and Migration – Extracts

Action Plan for Morocco

65(i) Support effective measures to be adopted by the Moroccan authorities, to prevent the illegal migration of aliens transiting through Morocco;

65(j) Complement the effectiveness of Airline Liaison Officers through a detailed analysis of migratory movements and by sending liaison officers to the main airports in order to improve gate checks;

66(b2) Promotion of local development e. g. promotion of small- scale enterprises in regions with high migration pressure to be part of economic strategies geared at employment creation;

67(a) The EU should promote voluntary return, reintegration programmes and financial schemes in order to give a real incentive to return voluntarily and to assist such persons to reintegrate, in a lasting way, in economic and social respects;

Action Plan for Sri Lanka

38(c) Enter into arrangements/ agreements with the Sri Lankan authorities for the return of failed asylum seekers/ illegal immigrants and voluntary assisted return;

Action Plan for Afghanistan

138(c) Conclude readmission agreements with Pakistan based on the readmission clause contained in the EC-Pakistan Cooperation Agreement (not yet signed). Such agreements should not only cover own nationals but also stateless persons and third- country nationals, in particular Afghan nationals who have been living in Pakistan for a substantial period of time. Similar agreements should also be concluded with Iran and the Central- Asian Republics;

Action Plan for Iraq

57(c2) Negotiation of a transit agreement with Turkey which would allow EU Member States to reintroduce rejected Iraqi asylum seekers into Northern Iraq voluntarily as well as forcibly;

Action Plan for Albania

124(a) Strengthen local administration and infrastructure, by providing training and institutional capacity building, also in view of establishing an administrative structure capable of dealing with asylum requests that meets the minimum international standards;

124(h) The EU and its Member States should encourage the Albanian authorities to enforce fully existing readmission agreements, including clauses relating to the obligation to readmit third- country citizens who have entered the other party's territory after transiting through Albania (HLWG 1999b-f)

**Appendix B - 1999 Tampere Council Conclusions– selected paragraphs**

**A. COMMON EU ASYLUM AND MIGRATION POLICY**

10. The separate but closely related issues of asylum and migration call for the development of a common EU policy to include the following elements.

I. Partnership with countries of origin

11. 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.

II. A Common European Asylum System

13. The European Council reaffirms the importance the Union and Member States attach to absolute respect of the right to seek asylum. It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement.

14. 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. It should also be completed with measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection. To that end, the Council is urged to adopt, on the basis of Commission proposals, the necessary decisions according to the timetable set in the Treaty of Amsterdam and the Vienna Action Plan. The European Council stresses the importance of consulting UNHCR and other international organisations.

IV. Management of migration flows

22. The European Council stresses the need for more efficient management of migration flows at all their stages. It calls for the development, in close co-operation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings. A common active policy on visas and false documents should be further developed, including closer co-operation between EU consulates in third countries and, where necessary, the establishment of common EU visa issuing offices.

26. The European Council calls for assistance to countries of origin and transit to be developed in order to promote voluntary return as well as to help the authorities of those countries to strengthen their ability to combat effectively trafficking in human beings and to cope with their readmission obligations towards the Union and the Member States.

27. The Amsterdam Treaty conferred powers on the Community in the field of readmission. The European Council invites the Council to conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries. Consideration should also be given to rules on internal readmission.

**D. STRONGER EXTERNAL ACTION**

59. The European Council underlines that all competences and instruments at the disposal of the Union, and in particular, in external relations must be used in an integrated and consistent way to build the area of freedom, security and justice. Justice and Home Affairs concerns must be integrated in the definition and implementation of other Union policies and activities.

60. Full use must be made of the new possibilities offered by the Treaty of Amsterdam for external action and in particular of Common Strategies as well as Community agreements and agreements based on Article 38 TEU.

61. Clear priorities, policy objectives and measures for the Union's external action in Justice and Home Affairs should be defined. Specific recommendations should be drawn up by the Council in close co-operation with the Commission on policy objectives and measures for the Union's external action in Justice and Home Affairs, including questions of working structure, prior to the European Council in June 2000.