

Policy Brief

The EU needs a new migration diplomacy

Lucas Rasche, Policy Fellow

7 February 2023

- The EU's cooperation with third countries on migration disproportionately prioritises deterrence and return at the expense of other foreign policy objectives.
- Two reasons illustrate why this particularly problematic now. First, the EU relies on third countries to support its effort of further isolating the Russian regime for its war of aggression against Ukraine. And second, labour shortages require the EU to conclude partnerships with third countries on labour migration.
- The EU must hence revise its migration diplomacy. This requires shifting from a predominantly domestic agenda and short-term objectives to considering migration part of the EU's wider geopolitical ambition and a better balance of priorities in cooperating with third countries.

#EUCO
#MigrationDiplomacy
#EUMigration

On Thursday, EU leaders will meet for a special European Council. For the first time in 14 months, migration will be on the agenda. The controversial topic should have already been discussed last December. But given the urgency of agreement on support for Ukraine, it was unceremoniously removed from the agenda. But there's no way round it now. The sheer weight of numbers underlines the need for EU leaders to urgently agree on a common approach to handling migration. Since Russia's invasion of Ukraine, almost [five million](#) Ukrainians have applied for temporary protection in the EU. In addition, asylum applications have risen steeply. Covid-related travel restrictions made it difficult for migrants to cross international borders over the last two years. Now that they're gradually being lifted, many are revisiting their plans to migrate. As a result, [924,000](#) people applied for asylum in the EU in 2022 - or almost twice as many as in the year before when the figure was [537,000](#).

Ahead of this week's key summit, it has become clear that member states will address the issue mainly by discussing how to increase external border protection and cooperation with third countries on readmitting rejected asylum seekers. Again. For years, the EU has been trying to win over third countries to endorse and enforce its migration goals. This time, among other things, the talk is of restricting visa and trade facilitation for third countries that fail to cooperate adequately when it comes to readmitting their citizens.

But the EU is making a mistake here. Cooperation with third countries, be it in the area of return or border protection, has long since become an end in itself. Yet it is precisely now that revising the priorities of the EU's external migration policy matters most. Two reasons illustrate why the EU needs to rethink how it cooperates with third countries. First, the EU should consider migration as part of its wider geopolitical ambitions. The gaping divide in vaccination distribution during the Covid-19 pandemic and member states' ability to buy LNG supplies at the expense of economically weaker countries have not helped the EU's international reputation. Russia's invasion of Ukraine has clearly shown how divided the global community is. Hence, the EU must acknowledge that it cannot take for granted the support of the global south and adapt a more sensible approach in its relations with these countries. Their preference for non-alignment on Ukraine is evidence that they have geopolitical interests of their own – including for migration-related objectives.

Second, EU member states are experiencing a severe shortage of skilled workers in a variety of economic sectors. Developing labour migration schemes to attract workers from third countries will play a key role in addressing these shortages. Some EU countries, such as [Germany](#) or [Spain](#), have recently put forward new initiatives to make it easier for migrants to enter their labour market. The German government has even created the new role of special envoy for migration partnerships with third countries. Similarly, countries of origin have an interest in finding safe and legal pathways for their citizens to work abroad and send home remittances. There is thus considerable scope for putting common interests with countries of origin to work.

Both reasons exemplify that the EU needs to revise its migration diplomacy with transit countries and countries of origin. Current discussions ahead of the European Council are shaped largely by a domestic agenda and short-term objectives. This is illustrated by a disproportionate prioritisation of return and border control in the EU's cooperation with third countries. Yet, the EU must finally start to consider its external migration policy as part of a wider geopolitical strategy. That requires EU leaders to consider longer-term objectives and strike a better balance of priorities. This policy brief outlines three steps that can help revise the EU's migration diplomacy, starting with this week's European Council.

What is the mood ahead of the European Council?

The large number of people seeking protection across member states is a reminder that the EU has unfinished business when it comes to reforming the Common European Asylum System (CEAS). But after six years of inconclusive negotiations, there is little consensus among EU countries beyond the shared analysis that the current asylum rules are malfunctioning. In September 2022, the European Parliament and the Council adopted a common roadmap to conclude negotiations by the end of the current legislative period in April 2024. Some of the legislative proposals in the Migration Pact, presented by the Commission in 2020, have since been finalised. However, the thorny question of how to establish a system of responsibility-sharing for the registration and reception of asylum seekers remains as prickly as ever.

There were initial hopes that the historically liberal Swedes would breathe fresh air into negotiations on the Migration Pact during their Council Presidency. In 2016, Sweden was among the few EU countries that actively [contributed](#) to an emergency solidarity scheme for relocating asylum seekers from Italy and Greece. But any idea that the Swedes would reinvigorate a suggested relocation mechanism foundered upon the electoral success of the far-right Sweden Democrats.

Instead, the Swedish Council Presidency is pursuing a twofold strategy. With a view to the negotiations on the Migration Pact, the Swedes have put forward an even more restrictive interpretation of what a solidarity scheme should look like. In a recent [draft paper](#) for one of the key files of the Migration Pact, the so-called Asylum and Migration Management Regulation, the Swedes pinned their hopes on progress in negotiations via “adaptable solidarity”. The idea implies that member states can choose from a “permanent migration support toolbox” when the number of irregular arrivals increases. One of the options available to member states is to make derogations from the EU’s asylum acquis. These were initially foreseen to be available only in the exceptional case that a third country instrumentalises migration against the EU. Such derogations include the option to accept asylum applications at a few a mere handful of designated spots and process them directly at the border. The Swedes themselves have displayed little optimism that the Migration Pact would be concluded under their watch. Nevertheless, the latest compromise proposal exemplifies just how much the meaning of “solidarity” has shifted since negotiations started in 2016.

With regard to the external dimension of EU migration policy, the Swedish Presidency decided to [focus](#) on the “urgent need to strengthen the external borders, increase returns, and prevent irregular migration”. In a statement following the first informal meeting of EU interior ministers on 26 January, it stressed that in particular the return of rejected asylum seekers was “a major challenge for member states”. Indeed, the EU has repeatedly fallen short of meeting its target of returning at least 70% of those who were instructed to leave. In 2019, the rate of successful returns was 29%. Partly due to Covid-related travel restrictions, the [number](#) decreased even further to 21% in 2021. Aiming to reverse that decline, the Swedes are now pushing for a tougher approach on third countries.

Disproportional focus on deterrence and return

With persisting differences on how to proceed with the Migration Pact, EU leaders can be expected to do what they always do when migration is on the agenda of the European Council: agree on the lowest common denominator. Since 2015, 24 European Council conclusions have referenced migration. Only half of them reference solidarity or the relocation of asylum seekers among EU countries. Yet, more than 20 mention the need for more cooperation with third countries or border management.

Draft [summit conclusions](#) follow a similar pattern. With a view to establishing a “comprehensive approach” to migration, the emphasis is firmly on strengthening control of external borders and increased external action. When cooperating with third countries, EU member states are encouraged to be “using as leverage all relevant EU policies,” including trade, visa, development and legal migration to increase the number of returns. Among the ideas already in the air is the possibility of making lower trade tariffs conditional upon the willingness of third countries to cooperate on returns. Another option on the table is the use of Article 25 of the EU Visa Code which allows member states to slap visa restrictions on countries with low readmission rates. The use of such negative conditionality has also been discussed when it comes to financial development assistance. As for the Migration Pact,

the draft merely calls on member states to continue their work along the roadmap agreed between Parliament and Council.

Focussing on what is politically feasible makes sense, as Council conclusions are adopted by unanimity. But the latest proposals, once again, iterate an external migration policy in which increasing deterrence and returns have become ends in themselves. In the immediate aftermath of the large-scale arrival of refugees throughout 2015 and 2016, external cooperation with transit countries and countries of origin was intended to reduce [irregular arrivals](#) so that member states could eventually agree on a reform of the common asylum rules. But this strategy has proven to be a misjudgement. Irregular arrivals have fallen sharply from more than one million in 2015 to 95,000 in 2020, before increasing again to 330,000 in 2022. Yet this has neither made the topic of migration less divisive, nor has it brought about a compromise in the Council. Instead, a drop in arrivals has come at high costs for the EU's fundamental rights compliance – evident for example in the systemic use of pushbacks along the EU's external border and the poor track record of the EU-Turkey statement.

The EU thereby fails to take sufficient account of the [impact](#) that disproportionately prioritising deterrence and return in relations with third countries has on other objectives of European (migration) policy. This is most evident in EU development cooperation. The EU's Neighbourhood, Development and International Cooperation Instrument (NDICI), for example, includes the [option](#) to adjust funding allocations depending on third countries' cooperation on migration governance and readmission. [Studies](#) show that the threat of delaying or cutting development cooperation has already been used in the past to broker readmission agreements with Ethiopia, Afghanistan and – albeit unsuccessfully – Nigeria. The use of development funding as a lever to pursue return-related interests clearly undermines the United Nations' [sustainable development goals](#) (SDGs). Moreover, the result of such a punitive approach has been modest with a merely temporary and marginal increase in returns.

Public insistence on increasing the return of rejected asylum seekers can further undermine the EU's bargaining position vis a vis countries of origin. For them, the readmission of their citizens is rarely a priority. On the contrary, overseas these represent an importance source of remittances, which makes their return unpopular and can spark domestic criticism. This imbalance in priorities can force the EU to [make trade-offs](#) with regard to other foreign policy objectives. Morocco, for example, has in the past averted criticism from the EU over its ambition to claim Western Sahara as part of its territory by cooperating with the EU on return. Other countries like Turkey or Jordan strategically instrumentalise their situation as refugee hosting countries to exert financial and political commitments from the EU. Hence, the coercive pursuit of increased returns can jeopardise the EU's geopolitical objectives. This is particularly problematic at a time when the EU is competing for political and economic influence with China whilst trying to win over countries in the global south for its alliance against Russia.

How the EU can revise its migration diplomacy

Before adding yet another reference to external cooperation on migration to the European Council conclusions, EU leaders should ask themselves: what is the strategic objective in cooperating with third countries? To answer that question, it is necessary for the EU to revise and re-balance its migration diplomacy. The term migration [diplomacy](#) describes the use of “diplomatic tools, processes and procedures to manage cross-border population mobility”. Such diplomacy can be conducted in either a cooperative or coercive fashion. It

can also include issue-linkages to policy areas not explicitly related to migration, such as trade or development. A coercive migration diplomacy may revert to the threat of force or to a unilateral imposition of interstate interests. In contrast, cooperative migration diplomacy aims for mutually beneficial outcomes.

Ahead of the European Council, the pendulum is currently swinging towards coercive migration diplomacy, exemplified by demands to use trade and visa restrictions as leverage for urging third countries to readmit their citizens. Yet, the negative impact of a disproportional prioritisation of return over other foreign policy and migration-related objectives should bring it home to the EU that a shift from coercive to cooperative modus operandi is necessary. Three steps can help to revise the EU's cooperation on migration with third countries to that end: re-define and re-balance priorities (i), align policies to that goal (ii) and communicate accordingly (iii).

i. Re-define and re-balance priorities

Ever since 2015, the return of rejected asylum seekers has significantly grown as a policy objective for the EU. The ability to conduct deportations is an integral part of a functioning asylum system and it is often seen as a source of legitimacy for states' migration policy. But the excessive attention dedicated to deporting irregular migrants in recent years has made the rate of effective returns a de-facto benchmark for evaluating the EU's asylum and migration policy. This is problematic because it raises expectations that are difficult to meet for reasons going beyond lack of cooperation by countries of origin. Moreover, the emphasis on cooperating with third countries on returns has left the EU blind for other objectives in cooperation with third countries.

For example, returning rejected asylum seekers is arguably far less relevant to the EU's future than attracting qualified migrants. Labour shortages threaten to undermine the EU's economy and its global competitiveness. The [European Labour Authority](#) has found that some 28 occupations, equivalent to employing 14% of the EU's workforce (27 million), were already classified as experiencing shortages in 2020. This is amplified by the challenge of a shrinking working-age population across EU member states, which is [estimated](#) to fall from 65% (2019) to around 55% in 2070.

EU leaders should acknowledge that the fixation on increasing the numbers of returns has downgraded other key objectives. Addressing labour market shortages is certainly one and arguably more relevant. Commission President von der Leyen has already declared 2023 as the "European Year of Skills" to help companies address labour shortages. Attracting foreign workers – across all skills levels – is key here. But so is the need to coordinate better between the priorities of different ministries at national level, as well as between different Directorate Generals in the Commission. European Council conclusions on migration all too often prioritise the interests of Justice and Home Affairs (JHA) ministers. However, it is the European Council's mandate to provide general guidance, which requires it to equally reflect migration-related concerns from foreign, development or labour ministries.

ii. Align policies

Once the EU has settled on its strategic objectives, it should align policies to that end. This requires a shift away from the negative conditionality towards more positive incentives that can play a vital role in ensuring common interests with third countries are met. In particular, developing pathways for legal migration can help garner a cooperative migration

diplomacy.

Countries of origin have a vested interest in ensuring their citizens can access safe and regular migration pathways. Migration is often an important driver of economic development. It facilitates skills- and knowledge transfers while extended families of migrants receive substantial financial support through remittances. On average, migrants living in the EU [send](#) 63 billion Euro per year to their families in developing countries. To avoid the negative impact of “brain-drain” within countries of origin, pilot programmes under the EU’s [Talent Partnerships](#) initiative invest in training a cohort of which just a few migrate towards the EU while others fully enter their domestic labour market. These Talent Partnerships were also mentioned in [the draft European Council conclusions](#). But for them to be effective in delivering skilled workers for both, partner and EU countries, they need to be scaled. That, in return, [requires](#) political prioritisation through funding, the setting of realistic objectives, a variety of partner countries and avoiding negative conditionality during implementation. Coordination and knowledge sharing at EU level can also be beneficial to national efforts of creating labour migration schemes.

iii. Communicate accordingly

The upcoming European Council offers a welcome opportunity to take the first step towards revising the EU’s migration diplomacy. The Council conclusions primarily address EU member states and the Commission. But they also address an international audience as they set out the EU’s wider political ambitions. How the EU communicates its migration diplomacy goals matters here: two things should be considered.

First, the EU should manage expectations. Frequently highlighting the need to increase the number of returns heightens the topic’s [salience](#) compared to other migration-related challenges. This may exaggerate returns to become a benchmark in public opinion for the success of EU migration policy. Failure to increase the rate of effectively conducted returns can hence perpetuate the notion of a permanent crisis. Moreover, publicly making returns the overriding priority of EU cooperation with third countries forces member states to convince voters they can clearly enforce returns even if countries of origin may well be resistant. This can not only undermine the EU’s bargaining position, but it also hampers the EU’s reputation with transit and origin countries.

Second, EU leaders should re-frame their migration-related objectives. Most EU member states are signatories to international declarations, such as the UN Global Compacts, that aim for the common management of migratory flows between countries of the global south and north. Formulating the management of migration as a challenge that engages common interests will help the EU in building alliances. In drafting the European Council conclusions, the EU leaders should therefore not solely focus on negative incentives but point to ways for a cooperative migration diplomacy. The readmission of rejected asylum seekers remains a legitimate objective in that regard. But EU member states should turn the tables and base cooperation on the implementation of common interests, like cooperation on labour migration.

Conclusion

Partnerships with third countries will remain a key element of EU migration policy. But current demands for the use of negative conditionality to increase the rate of returns are leading the EU into a dead end. Such a „less for less“ approach has historically borne little

fruit. What's more, the EU has in the past utilised third countries primarily to push through its own, often domestic, goals on migration, thereby overlooking the fact that transit countries and countries of origin pursue their own migration-related interests. Finally, the EU appears to be unaware that a disproportionate prioritisation of returns and border control overshadows other strategically important objectives of European (migration) policy.

This is all the more problematic now, when Europe is particularly dependent on a good relationship with countries of the global south. On the one hand, this concerns their support for Europe's geopolitical efforts to further isolate the Russian regime internationally for its war of aggression against Ukraine. On the other hand, in view of the acute shortage of skilled workers in many member states, targeted immigration from third countries into the European labour market is vital for the EU's economic competitiveness.

It is therefore necessary to revise the EU's migration diplomacy and establish a more sustainable balancing of objectives. Here, the return of rejected asylum seekers remains a legitimate request, but it should be more proportionate to other objectives that are equally, if not more, relevant. In a first step, the EU should re-think and re-balance its priorities in cooperation with third countries. The focus should then be shifted from coercive cooperation through negative incentives to cooperative partnership via mutually beneficial outcomes. And, finally, a fresh approach to communication should reflect a well-balanced prioritisation of objectives in EU cooperation with third countries. This week's European Council provides a welcome opportunity to do exactly that.

Gefördert durch:



Hertie School gGmbH - Vorsitzender des Aufsichtsrates: Bernd Knobloch - Vorsitzender des Kuratoriums: Frank Mattern - Akademischer Direktor: Prof. Mark Hallerberg - Geschäftsführer: Dr. Axel Baisch - Sitz der Gesellschaft: Berlin - Handelsregister: Amtsgericht, Berlin-Charlottenburg HRB 97018 B - Hertie School - gegründet und getragen von der Gemeinnützigen Hertie-Stiftung

Alexanderstraße 3
D – 10178 Berlin
Tel.: +49 (0)30/259 219 107

Online: delorscentre.eu
E-Mail: info@delorscentre.eu
Twitter: [@delorsberlin](https://twitter.com/delorsberlin)