Multilevelling EU external governance: the role of international organizations in the diffusion of EU migration policies

Sandra Lavenex

Published online: 30 Oct 2015.

Submit your article to this journal ⎘

Article views: 120

View related articles ⎘

View Crossmark data ⎘

Routledge
Taylor & Francis Group

Multilevelling EU external governance: the role of international organizations in the diffusion of EU migration policies

Sandra Lavenex

Department of Political Science and International Relations and Global Studies Institute, University of Geneva, Geneva, Switzerland

ABSTRACT
The thematic and geographical expansion of EU migration policies has gone along with an increasing mobilisation of pertinent international organisations such as the IOM and UNHCR. Combining insights from the external governance approach with IR debates on international institutional complexity, this article examines the dynamics behind this 'multilevelling' of EU external policies. Three strategies of institutional interplay are distinguished: counterweight, whereby international organisations act as independent complement or corrector to EU policy; subcontracting, referring to the outsourcing of EU project implementation to international organisations; and rule transmission, a process in which international organisations engage in transferring EU rules to third countries. Whereas greater organisational authority and autonomy have allowed the UNHCR to keep an independent voice as counterweight to EU action, both the UNHCR and IOM have become increasingly involved in the implementation of the EU's 'global approach' to migration via subcontracting and rule transmission. In sum, these processes shed a new light on the role of the EU within the international migration regime complex.

Introduction

Over the last decades, the European Union has gradually expanded its competences and ambitions in asylum and migration matters. Internally, EU institutions have deepened their authority to initiate, legislate and adjudicate common policies, in particular in the fields of border control, visa policy and asylum. This internal deepening has gone hand in hand with a geographical widening of the EU's evolving migration regime. From their inception, EU asylum and immigration policies have had an external dimension which consists in the extension of rules, norms and instruments to third countries outside the circle of the member states. Initially, this external dimension was limited to cooperation on migration control and, in particular, the conclusion of readmission agreements that would ensure the expulsion of irregular migrants and rejected asylum seekers. Although the main impetus for the EU's external migration policy remains the goal to involve countries of origin and transit in the fight against 'unwanted' flows, the scope

CONTACT Sandra Lavenex ✉ sandra.lavenex@unige.ch

has widened considerably since the adoption of the 'Global Approach to Migration' in 2005. Next to the fight against irregular migration, this comprises cooperation on legal migration, the nexus between migration and development and, especially with the revamped 'Global Approach to Migration and Mobility', also refugee issues (Commission of the European Union 2011a).

This thematic expansion reflects the necessity to craft more balanced cooperation packages in order to win third countries' commitment to a policy of 'remote control' (Zolberg 2003) that, as the European Commission put it already more than 10 years ago, is 'solely in the interest of the Community' (Commission of the European Communities 2002, 23). At the same time, this broad agenda confronts the EU with a looming capabilities–expectations gap (Hill 1993). This gap has two dimensions. First, it concerns the administrative capacity to engage with neighbouring and more remote transit and source countries on an ambitious agenda, to carry out the intended programmes and monitor their progress. The second dimension concerns intangible resources and in particular the legitimacy attached to the policy on the part of the target countries. The need for legitimacy results from the fact that source countries' commitment to engage in refugee protection or migration control cannot be won on the basis of expected material benefits alone. The establishment of asylum systems is not only costly but also necessitates the internalisation of the norms of international protection both on the part of state executives and judicial systems. This constitutes a challenge for countries that are not only at the forefront of refugee crises (and often have had to deal with refugee influx on an *ad hoc* and less legalistic manner) but which struggle with deep socio-economic problems themselves and are often shaken by political instability. In a context of increasingly restrictive admission policies in the established destination countries, the establishment of asylum systems thus requires particularly strong normative support. The situation is slightly different for migration control issues that, unlike asylum, are less codified under international law. Here the need for legitimacy stems from the fact that countries of origin and transit have little to gain from helping to guard the EU's external borders.

In analysing the EU's response to these challenges, studies have highlighted the increasing budget for EU external migration and asylum policies and widening of the cooperation agenda to allow for issue-linkages and the suggestion of win–win solutions, such as by raising issues of legal mobility and development in the Global Approach (Carrera and Hernandez I Sagrera 2011; Parkes 2009). Less attention has been paid to the increasing multilevelling of the EU's external migration policies as a strategy to mitigate imminent material and immaterial capabilities gaps (but see Wunderlich 2011).

This article explores the ways in which international organisations, in particular the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) have become linked to the development, implementation and diffusion of EU external migration policies. Three patterns of institutional interplay between the EU and these international organisations (IOs) are distinguished: IOs as counterweights, whereby they seek to complement and correct EU policies where they perceive deficiencies with respect to their own migration policy mandate; IOs as subcontractors, whereby the EU outsources the implementation of pertinent projects to these organisations and IOs as transmitters or 'transfer agents' (Stone 2004), whereby IOM and the UNHCR contribute to the diffusion of EU rules. It will be shown that whereas UNHCR, given its solid humanitarian mandate and organisational status has been able

to maintain its role of counterweight, both organisations have increasingly engaged in sub-contracts and rule transfer activities linked to EU external migration policies. In sum, the multilevelling of external governance, while gradually coopting overarching international organisations, allows to nest EU policies into wider structures of global governance, enhancing not only the EU's administrative capacity to implement its global approach to migration, but also the latter's normative legitimacy.

This article first introduces its theoretical background which combines the study of EU external governance with the literature on institutional complexity in International Relations. It then gives a very short introduction into the external dimension of EU migration policies before it retraces their 'multilevelling' through the engagement of the IOM and UNHCR.

Multilevelling and 'nesting' EU external governance

The recognition that more and more EU internal policies are developing an external dimension and the launch of neighbourhood associations based on the extension of the EU *acquis communautaire* have prompted the 'external governance' approach in EU studies. The external governance approach analyses the institutional forms and mechanisms through which the EU extends the prescriptive scope of EU rules to third countries which lack a membership perspective (Lavenex 2004; Lavenex and Schimmelfennig 2009). The main focus of this literature has been the question how, in the absence of the carrot of membership conditionality, the EU succeeds in externalising its policies and rules. Whereas the European Economic Area for instance provides for a strongly legalised setting of external governance, based on a clear commitment to the EU *acquis*, political monitoring and legal enforcement mechanisms, relations with other third countries are much less hierarchical and EU rule promotion mainly occurs through voluntary networked interaction between relevant units in the Commission, staff from EU regulatory agencies, member states' ministries and third countries (Lavenex 2008, 2011, 2014). As empirical analyses have shown, the EU is not acting in isolation in these external relations but often interacts with relevant international organisations which either provide alternative policy templates to third countries or participate in pertinent policy networks and activities (Barbé et al. 2009; Lavenex and Wichmann 2009; Lavenex 2015). This article shifts the focus from EU–third country relations to the intermediary role played by international organisations in the diffusion of EU rules.

The study of the interaction between the EU and overarching international organisations in relations with third countries speaks to the phenomenon of the increasing institutional density of international relations (Victor and Raustiala 2004). The notion of 'international regime complexity' (Alter and Meunier 2009) relates to the presence of nested, partially overlapping and parallel international regimes that all regulate aspects of a given policy field but are not hierarchically ordered. The situation of parallel regimes (where there is no formal or direct substantive overlap) differs from overlapping regimes (where multiple institutions have authority over an issue, but agreements are not mutually exclusive or subsidiary to another) and nested regimes (where institutions are embedded within each other in concentric circles, like Russian dolls).

The linkage of EU external rule-promotion with common commitments in international treaties and organisations can be considered a form of 'nesting' because it

corresponds to the deliberate design of concentric circles with the EU–third country association as the common core around which there is a sphere of joint overarching international commitments. In the absence of deliberate purposeful linkage, the parallel existence of international commitments with EU activities constitutes an overlap in the sense of multiple actors and commitments shaping the promotion of migration and asylum policies in third countries without formalised relations between each other.

In reflecting about the reasons for a 'multilevelling' of EU external migration policies organisational theory proposes both demand factors, linked to EU properties, and supply factors, linked to properties of the respective IOs. These factors highlight material and ideational motivations, respectively (Biermann et al. 2009; Lavenex 2015). On the demand side, resource dependence constitutes the main material endogenous motivation inducing organisations to initiate cooperation. Organisations are dependent on their environment, especially as concerns access to scarce resources (mainly personnel, financial, physical as well as intangible resources). Many goals are not achievable without access to others' resources. From this perspective, linkage with international institutions could have the following advantages for the EU: International norms could be invoked when the EU lacks an own proper *acquis* in a field where it nevertheless wants to promote policy approximation. International organisations as well as regional fora could be involved because they have specific resources that are conducive to external governance but which the EU itself is lacking, these resources could be: personnel capable of implementing EU measures in the third country, expertise in a given area of international politics, contacts or physical facilities and money. From this perspective, 'multilevelling' would be a way to strengthen policy transfer in the absence of strong EU capacities and to induce policy adaptation in the respective third countries.

The anchoring of external governance in overarching international treaties and the involvement of IOs and regional organisations may, however, also be a strategy to adapt the idea of policy approximation with the EU *acquis* to heterogeneous situations in the third countries. International norms can be invoked to enhance the legitimacy of EU claims for external governance: the embedding of EU rules in international norms presents them as parts of overarching systems of rules. In so-far as these international norms are shared by the third countries, this 'nesting' also enhances identification with the respective provisions. The involvement of IOs and regional fora fulfils similar tasks of nourishing a sense of ownership over the process and thereby strengthens its legitimacy.

Next to these demand-side factors, the mobilisation for the purpose of EU external governance also depends on properties of the IOs in question, or supply-factors. Generally speaking, the more an IO is dependent on external funding and project activities for its survival, the more likely it is to be instrumentalised for external governance purposes through strategies of subcontracting and the mobilisation of IOs as rule-transmitters. Conversely, we expect an IO to be able to maintain a different role as counterweight of the EU only if it retains a meaningful level of authority and autonomy. Authority refers to an IO's own competence to issue rules based on its mandate or charter which can be different from the EU's. Autonomy, in contrast, refers to an IO's organisational base and its larger, the more independent the IO is from earmarked funding. While UNHCR disposes over an own normative mandate based on the 1951 Geneva Refugee Convention and its 1967 Protocol as well as the UNHCR's charter (Barnett and Finnemore 2004), IOM lacks a comparable bases constituting a source of authority and is therefore generally regarded

as a service organisation (Andrijasevic and Walters 2010). This lack of authority reflects also in a weaker autonomy, with over 97% of IOM's budget relying on projects financed by its member states. Therefore, we expect UNHCR to have a greater ability to act as counterweight to EU policies than IOM. We now briefly introduce the external dimension of EU migration policies before turning to the role played by these international organisations in EU external governance.

The external dimension of EU migration policies

EU migration policies have developed an external dimension early on (Lavenex 1999; 2006). The opening up of the Eastern Bloc in 1989 coincided with the signing of the second Schengen Agreement in 1990 which contained measures deemed necessary for the safeguarding of internal security after the abolition of internal border controls, *inter alia* strict standards for the control of the external border. The changed geopolitical situation motivated the member states to establish a dense network of cooperation with the Central and Eastern European countries (CEECs) in order to assure the latter's support in the fight against irregular immigration. Already in 1991, the first new generation readmission agreement was signed between the Schengen countries and Poland that, in contrast to earlier agreements, also included the obligation to readmit non-nationals staying irregularly in one of the contracting parties. Subsequently, unilateral measures coordinated among EU member states such as the adoption of the 'safe third country rule' and collaboration in the strengthening of border controls paved the way towards a gradual approximation of CEE countries to the developing EU migration regime. The enlargement policy soon provided a powerful instrument for transferring internal rules concerning border controls, asylum and immigration policy to the candidate countries. The prospect of accession of the 10 CEECs as well as the refugee crisis in the Western Balkan motivated the adoption of a wider external policy agenda which was officially embraced at the Tampere European Council in 1999. The launch of the European Neighbourhood Policy (ENP) in 2004 was a further step in the consolidation of this external dimension of EU migration (control) policies. Given that the EU's eastern and southern neighbours are both transit and source countries of migration towards the EU, cooperation in these matters figures among the priority areas of the ENP (Commission of the European Union 2011b). Over the last decade, another circle of external migration policies has emerged that targets the neighbours beyond the neighbours in Asia and, in particular, South-Saharan Africa.

This geographical widening has gone along with a substantive broadening of the external migration agenda. In the first years, the 'repressive' approach (Boswell 2003) was openly dominant, with cooperation focusing on the signing of readmission agreements, the strengthening of border controls and the fight against irregular immigration. In 2002, it was decided to include compulsory readmission clauses in every EU trade or cooperation agreement (Lavenex 2002). The launch of the ENP in 2004 intensified these efforts. At the same time, difficulties encountered in engendering third countries cooperation, and in particular the Mediterranean neighbours' refusal to sign formal readmission agreements, as well as the realisation of the blatant human rights violations resulting from some of these repressive policies prompted a first substantive widening of the EU's external migration policy agenda with the adoption of the so-called 'Global

Approach to Migration' in 2005 (Lavenex and Kunz 2008). In accordance with the discourse in the UN High Level Dialogue on Migration and Development, the global approach embraced the idea of promoting the positive linkages between legal migration and development and postulated, next to the fight against irregular flows, also the opening of legal avenues to migration. The most concrete instrument flowing from the global approach are the mobility partnerships signed from 2007 onwards with three Eastern ENP countries and Cape Verde (Parkes 2009; Lavenex and Stucky 2011). In reaction to the Arab uprisings in 2011 the global approach was officially extended to cover also asylum and refugee issues, issues that had received less priority under the ENP, in particular towards the southern neighbours. Furthermore, in line with a reframed understanding of legal migration in terms of temporary circular schemes, the agenda was renamed into 'Global Approach to Migration and Mobility' (Commission of the European Union 2011a).

In sum, this widening territorial and substantive agenda constitutes a significant challenge for the EU and in particular the Directorate General for Home Affairs in the Commission which is the main coordinating instance. While the share of the EU budget allocated to migration issues has been constantly expanded in recent years, growing over one-fourth between 2010 (298.6 Mio Euro) and 2011 (406 Mio Euro)[1] (Commission of the European Union 2013), the staff working in the respective DG has not been significantly increased and implementation remains a daunting task. As an EU official working in DG Home put it, the implementation of the four mobility partnerships concluded so far would by itself 'ideally require a single directorate dealing only with this area' (quoted in Lavenex and Stucky 2011, 136).

Next to the issue of adequate resources and capabilities to carry through the expectations raised in the Global Approach, the legitimacy of this ambitious agenda remains a challenge. The reframing of EU policies in terms of a comprehensive agenda has not eliminated the focus on the fight against irregular migration. In addition, the promotion of asylum system in countries at the EU periphery which have to struggle with deep socio-economic challenges and more often than not political instability while being in the immediate vicinity of conflict regions raises question marks—in particular at a time when EU member states have gradually restricted their generosity towards refugees. The repackaging of EU priorities in term of commitments to overarching and nearly universal international norms such as those of the 1951 Geneva Convention and its implementing agency the UNHCR therefore constitutes an important source of legitimacy for external governance.

The next section retraces how far international organisations have become participants in the external dimension of EU migration policies and thereby sustain their implementation in providing administrative capacity and normative legitimacy.

International organisations and EU external migration policy

At the same time as the EU has been widening the scope of its external migration policies, the Commission has declared its aim to 'better coordinate its activities with those of international organisations most active in this field' (Commission of the European Union 2011c, 7). International organisations, on their part, rely on the EU member states in terms of constituents, ideational support, and financial contributions, which makes

them vulnerable to external influences. With the coordination of migration policies in the EU, and the crafting of specific EU budget lines for external cooperation, these organisations have increasingly become recipients of EU funds and, concomitantly, implementing agencies for EU policy. As a consequence, their own policy agenda and concrete activities are being increasingly shaped by developments in the framework of the European Union. Thereby, they become partners and in some cases one could also say subcontractors to the European Union and its member states. The mobilisation of international organisations has obvious advantages for EU external policies: first, this allows benefitting from the organisations' expertise in terms of established contacts, procedures and knowledge with and about the countries targeted. Second, framing EU requirements in terms of overarching endeavours of international organisations also generates legitimacy, as the latter have the advantage of being regarded as impersonal, value-neutral, not self-interested and hence technocratic actors whose purpose is not the exercise of power but equitable problem-solving. Whether aimed at redressing lacunae left behind by EU activities (strategy one), or joining the latter (strategy two), both adaptations are deeply reactive in nature, and show the wider ripples of European integration not only on (third) countries but also the structures of international governance. In the following, we map this involvement of IOs in the EU external migration policies at three levels: as complements and potential correctives to one-sided EU activities; as agents in the implementation of EU policies; and as transmitters of EU policies in broader regional consultation processes. As indicated above, the extent to which UNHCR and IOM have become implicated in these different strategies and, in particular, their capacity to retain an independent role of counterweight is related to their organisational features, in particular their authority and autonomy.

International organisations as counterweight

Compared to other policy areas, states still have a relatively large scope of discretion over migration policy and face relatively few binding multilateral rules (Lahav and Lavenex 2013). The exception in this context are refugees and asylum seekers for which an international regime has been set up with the 1951 Geneva Convention and its implementing organisation, the UNHCR.

At the outset of European intergovernmental cooperation in migration and asylum matters, the role of the UNHCR was very much that of a guardian of the principles, norms and rules agreed in the 1951 Geneva Refugee Convention, its 1967 New York Protocol and the conclusions of the Executive Committee (EXCOM). As Johannes van der Klaauw, former head of the UNHCR Bureau to the European Communities points out, 'initially, UNHCR adopted a rather reactive stance, commenting on some of the asylum –related resolutions and recommendations adopted in the early 1990s' (2002, 33). In the decade of more or less intergovernmental cooperation which preceded the Treaty of Amsterdam (1999), only lose consultative arrangements existed between successive presidencies of the Council, preparing the legislative agenda for the next semester, and the UNHCR. Whereas an earlier draft of the Amsterdam Treaty provided for 'close and regular consultations with UNHCR', this reference was later deleted, and instead Declaration no. 17 was adopted according to which, in asylum matters, the Union is to consult UNHCR and other concerned international organisations. Since the entry into force of the Treaty, close and regular cooperation has indeed developed between the UNHCR

and the Commission in the preparation of Community instruments. The role of the UNHCR has usually been that of redressing the human rights aspects of asylum measures, which were often found wanting in an agenda dominated by the aim to fight the abuse of asylum systems. Whereas the Commission has usually taken UNHCR's input into consideration in its legislative proposals, this is later often disregarded in the actual decision-taking process in the Council, which tends to agree on the smallest common denominator (van der Klaauw 2002, 37).

Monitoring the preparations and negotiations on EU asylum legislation has required organisational adaptations. In 1989, a senior liaison post was created in Brussels, and a network of correspondents was set up in UNHCR offices in the member states to follow the Europeanisation agenda and to lobby domestic governments on UNHCR recommendations for improvement of draft EU law and policy proposals (van der Klaauw 2002, 46). Since a couple of years, the UNHCR has been publishing its recommendations on EU legislative proposals on its website. These policy statements have been accompanied by regular speeches by the UN High Commissioner for Refugees, currently Antonio Guterres, before the EU and its institutions in which he has repeatedly issued harsh critique of EU member states' lack of effective harmonisation and overwhelmingly restrictive stance.[2]

Apart from trying to influence the policy-making process within the EU, the second area where the UNHCR has traditionally provided a counterweight to EU activities are the politics of pre-accession towards candidate countries and, more recently, in other countries tackled by the neighbourhood policies. During the pre-accession process with the countries of Central and Eastern Europe, UNHCR has played a significant role in supporting the establishment of asylum systems both through legal counselling and institutional or administrative support. It has in particular focused on those elements not covered by EU standards, such as those activities related to the reception of asylum seekers and integration of recognised refugees (Lavenex 1999). Whereas the EU has usually concentrated on the management of migration flows, 'UNHCR's involvement in non-EU countries … is much wider in that it aims to ensure the availability of protection and to transform transit countries into countries of destination for refugees' (Van der Klaauw 2002, 49). Similar concerns have been pronounced towards EU activities in neighbouring countries as 'its interests seem to be limited to … an effort to reduce secondary movement from these countries to EU member states' and 'attention for asylum matters has had to compete with the EU's priority of combating irregular migration' which has received considerably more attention in political dialogue and operational assistance.

This different emphasis is also visible in UNHCR's activities in south-eastern and Eastern Europe. In this region, the organisation now mainly promotes bilateral, multilateral, NGO and local government support to continue reintegration assistance. This includes issues such as finding alternative solutions for residents in collective centres, or promoting inter-ethnic dialogue between minority refugees, Internally Displaced Persons and returnees with the majority receiving communities. To the East, UNHCR's main activity has been the CIS Conference Progress which was set up as an inter-agency mechanism between this organisation, IOM, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe to provide a forum for the countries of the former Commonwealth of Independent States (CIS) to discuss problems

of population displacement, review population movements in the region, and reach an understanding on persons of concern. Started in 1996, this process has had a considerable impact on problems in the region, such as for example the regularisation of the legal status of formerly deported people and, subsequently, the reduction of statelessness as well as the creation of asylum systems.

With the linkage of refugee protection with broader issues of development, democratisation/human rights promotion and conflict resolution/ peace-building, UNHCR's original focus on asylum and refugee protection was widened to the question of migration management in general, where it cooperates also with other UN agencies such as the United Nations Development Programme UNEP. This broadened mandate has also brought it closer to the second major international organisation in the field, the non-UN-agency IOM.

The predecessor organisation to IOM was set up in 1951 with an originally limited mandate inspired by the post-World War II situation in Europe, covering humanitarian intervention, logistical assistance to migrants and activities such as the provision of language training and cultural orientation for migration. Since 1989, the organisation has constantly widened its field of activities, and is not the main agent and promoter of global and regional attempts at migration management. IOM activities nowadays cover apart from direct assistance to migrants' technical assistance for member states dealing with migration issues, the management of return migration, information campaigns in countries of origin, the fight against irregular migration and migrant trafficking, emergency and post-conflict programmes and the promotion of political dialogue on migration. Currently, the organisation counts 149 member states and 12 observers. This is more than twice its constituency 15 years ago, in 1998 (67 states). Likewise, IOM's operational budget has seen a steep increase from USD 242.2 million in 1998 to USD 1.3 billion in 2011 and operational staff increased from approximately 1100 in 1998 to more than 7800 at present.[3]

These numbers reflect a significant widening of IOM activities over the last decade. The organisation's lack of proper mandate and reliance on earmarked project funds has, however, prevented it from developing an own profile which could be considered a counterweight to EU activities. Rather, as argued below, IOM is primarily a service-oriented organisation active in the implementation of states and, in our case, EU migration policies.

International organisations as subcontractors

With the official embracement of the external dimension of the EU migration policy, the links between the EU and relevant international organisations have intensified. We observe an increasing convergence in the agendas of relevant organisations with EU activities—and in many cases, the international organisations have become crucial partners in the implementation of policies agreed in the European Union. On the one hand, IOM and UNHCR are frequently in the role of subcontractors to the EU in the realisation of particular Community programs. Already during EU eastern enlargement, UNHCR was involved in the transfer of the asylum *acquis*. It participated in the preparations and implementation of the PHARE 'horizontal' programme in asylum, which was aimed at adapting the legislation and institutions in applicant countries to those of the EU. It

also participated in the preparations and implementation of bilateral assistance programmes for each of the 10 applicant countries, plus Turkey. As different scholars and practitioners have noted, although UNHCR's activities were partly financed by the EU, they were not without tension with those activities carried out by the EU and its member states (Lavenex 1999; Van der Klaauw 2002, 39). Later, the UNHCR has also become a major player in the European Commission's CARDS programme that underpinned the EU's Stabilisation and Association Process for the Balkans. With the creation of new financial means to address third countries beyond the circle of aspirants for membership, this kind of project-based cooperation has gained a new dimension. As pointed out in EU strategic documents (Commission of the European Union 2011c), international organisations are seen as crucial implementing partners in the external dimension of its policies. While much of this cooperation is based on concrete projects financed under the relevant EU financial instruments, some EU external programmes have largely been delegated to international organisations. For instance, the UNHCR has become responsible for implementing the EU's Regional Protection Programmes that aim at strengthening institutional capacities in third countries in dealing with asylum seekers and refugees *inter alia* through supporting the registration of asylum applicants and refugees; promoting international protection standards and instruments; supporting the improvement of reception conditions and local integration (Commission of the European Union 2011c, 7). Conversely, the implementation of two other central tools of the EU's external migration policy, the elaboration of country migration profiles and the promotion of Regional Consultation Processes (RCPs) on asylum and immigration have been delegated to IOM (Commission of the European Union 2011c, 7).

A look at projects financed under the pertinent EU budgets documents the dominant role of international organisations as beneficiaries. The following two graphs document the beneficiaries of EU funds in the two most recent completed multiannual financing programmes for migration, the AENEAS programme (2004–2006, with a total of 116,101,992 Euro) and the Thematic Programme for Migration (2007–2008, with a total of 106,360,093 Euro). The graphs show that IOs are the primary recipients of EU funds under these programmes, followed by NGOs, while states—in these cases exclusively EU member states—play a subordinate role. When disaggregating the funds according to subfields of migration, we further see that the humanitarian aspects of migration policy (refugee protection, fight against human trafficking) and development-related projects are almost completely outsourced to IOs, while in the repressive domains (irregular migration, return, as well as the vague category of migration management) states retain a small rate of funding (Figures 1 and 2)

The allocation of funds among different IOs substantiates the dominant role played by UNHCR and IOM in the external dimension of EU migration policies. Already the first financing instrument, the so-called Budget-line B7/667 created to support action in third countries of origin and transit in the area of migration between 2001 and 2003 allocated more than 50% of all its projects to UNHCR and IOM (Lavenex 2007). As illustrated in the graphs below, this trend was maintained under the AENEAS and Thematic Programmes (Figures 3 and 4)

As both organisations openly acknowledge, funding from the EU now constitutes a principal source for their budget. This development is directly linked to the rise of the
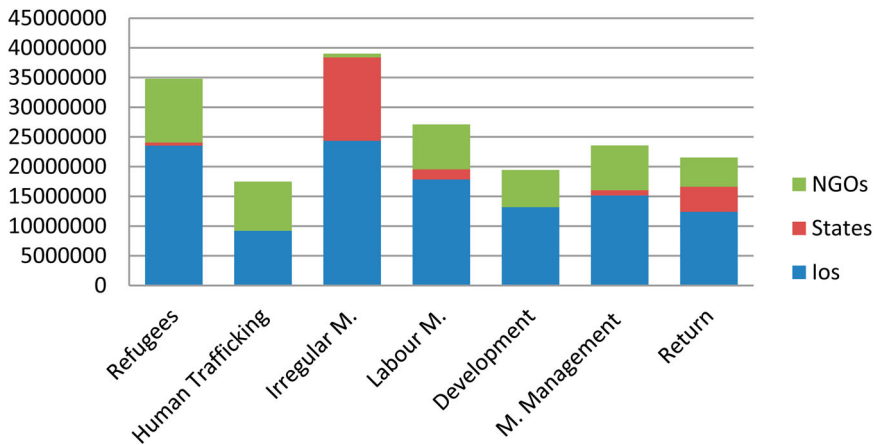
Figure 1. Funds per type of recipient and sector (AENEAS Programme 2004–2006, in Euro).

EU's external migration policy agenda and the new financial instruments presented above. For the UNHCR, the European Commission became its third largest donor in 2004 after the US and Japan and retained this place ever since. If one adds the contributions by individual EU member states, Europe is the second largest donor. The same is true for the IOM which relies to 97% on money earmarked for specified operations. According to its financial reports, the European Commission is the second largest donor after the USA and accounted for 11.6% of earmarked funds in 2011. If one adds the contributions by EU member states, this figure amounts to 31% of IOM's voluntary contributions to operational programmes. Herewith, the EU has become a vital donor for these organisations and in particular IOM (Wunderlich 2011).
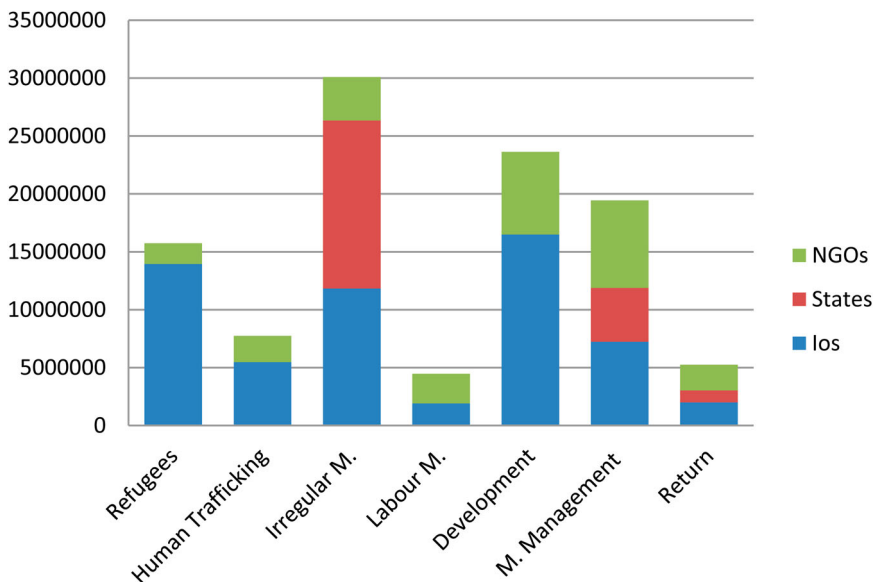
Figure 2. Funds per type of recipient and sector (Thematic Programme 2007–2008, in Euro).
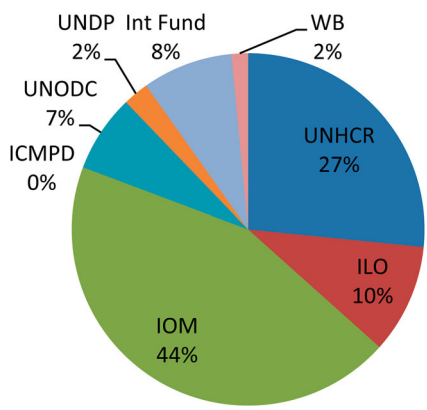
Figure 3. Division of funds among International Organisations (AENEAS Programme 2004–2006).
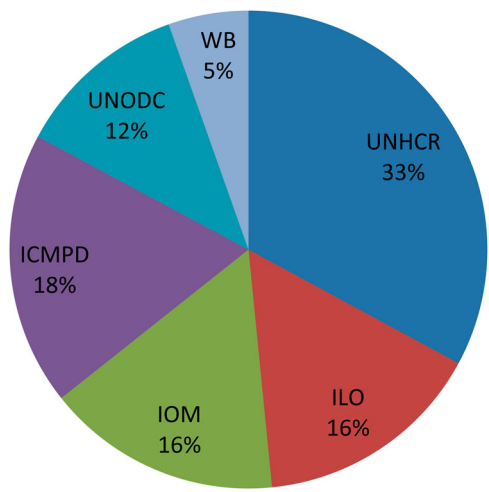
Figure 4. Division of funds among International Organisations (Thematic Programme 2007–2008).

International organisations as transmitters

Apart from being directly involved in the implementation of EU programmes, international organisations can also play the role of 'transfer agents' (Stone 2004) in the diffusion of EU norms. This occurs for instance when the EU promotes its own rules and concepts in the guise of overarching international norms and treaties. For instance, while the ENP planning documents, the so-called action plans concluded with Moldova and Ukraine openly invoke the EU asylum *acquis* as a target for approximation, the action plans concluded with the southern neighbours do not mention EU rules but rather refer to more general international commitments. Accordingly, the EU–Morocco action plan only calls for the implementation of the Geneva Convention (which Morocco has signed but not implemented). It does not make any reference to EU rules and rather proposes 'the exchange of experiences' in the implementation of these international provisions. In this context, international institutions provide normative

frameworks that blur and legitimise EU policy transfer in the guise of (quasi) universal commitments. A particular manifestation of this multi-layered structure of EU normative outreach are the delegated functions of UNHCR in the examination of asylum cases in a number of countries that have not yet established own asylum systems. This is for instance the case in Morocco where UNHCR established an Honorary Representation in 1965 which was upgraded to a full-fledged Representation following the signature of a cooperation agreement with the Moroccan Government in 2007. The UNHCR office in Rabat engages in capacity building with public officials and civil society actors in dealing with refugee issues, carries out refugee status determination procedures and seeks to improve the reception and resettlement options for refugees and asylum seekers. The same is true for many other countries which may have signed the Geneva Convention but do not implement it. While fulfilling the organisation's own mandate, the UNHCR's work is thus conducive to the EU's ambitions to develop asylum systems in surrounding countries.

Another form how international organisations act as transmitters of EU influence is their participation and often coordinative role in RCPs on asylum and immigration. While some RCPs can draw upon longer-standing consultation networks in the region, Eastern European and African RCPs have increasingly come under the influence of the EU Commission and Member States, often with the intermediary of the IOM or, in the case of the Söderköping Process, the UNHCR.

One salient example is the so-called Söderköping process which came to follow-up the CIS-Conference discussed above. This RCP was originally initiated in early 2001 by the UNHCR and the Swedish Migration Board as an initiative to promote a dialog on asylum and irregular migration problems after EU enlargement among the countries situated along Europe's future eastern border. The Söderköping process started from participation of five countries: Sweden, Belarus, Lithuania, Poland, Ukraine, and also included UNHCR and IOM. Later, Hungary, Slovakia, Moldova and Romania joined. In order to provide a more solid basis for funding, and to establish a Secretariat with the responsibility of facilitating the process, UNHCR submitted a project proposal to the European Commission to fund the establishment of the Secretariat for this purpose. The Secretariat became operational in May 2003 within the premises of UNHCR office in Kyiv. With EU involvement, the process has gained a new emphasis. Originally meant to serve a forum for dialogue where the participating countries can discuss their concerns in migration/asylum/border management area and look for solutions in addressing these concerns, the forum became more targeted towards EU policy transfer in 2004. Since, its main function is described as

> transferring experience of the newly acceded EU member states and the candidate country to the WNIS [Western Newly Independent States, SL] in aligning their migration and asylum related legislation, policies and practices with the EU acquis standards and further networking among the participants

The aim is to 'Strengthen the role of Belarus, Moldova and Ukraine as increasingly important partners of the EU in managing migration and providing protection to asylum seekers and refugees' (Cross-Border Co-operation / Söderköping Process 2003, 11).

To the South, a similar multilateral project has unfolded under the lead of IOM; the so-called '5+5 Dialogue' for the Western Mediterranean which takes place between Algeria,

France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia. Launched in 2001, this dialogue focuses on the fight against irregular migration and trafficking in human beings, but also deals with questions of immigrant integration and co-development. This broader agenda reflects the impact of long-standing relations across the Mediterranean, including migration flows. This differs from Eastern Europe which, for the period of European unification until 1989, entertained very limited contacts with EU members. Although formally, the European Union is merely invited as an observer to these consultations, session documents repeatedly refer to the need of 'examining the financing possibilities available within the framework of European Union instruments' (5+5 Dialogue 2004). End of 2005, the Commission suggested to link the informal dialogue more closely with the overall framework of the Barcelona Process and the work in relevant subcommittees and to promote cooperation especially in areas such as the fight against illegal migration and trafficking (Commission of the European Union 2005).

In the last decade, IOM has become a leading agent in the management of such regional consultation processes around the world (Köhler 2011). New RCPs have been launched in East Europe and Africa such as the Migration Dialogue for Western Africa (MIDWA) which is attached to the West African Economic Community Ecowas or the Migration Dialogue for Southern Africa (MIDSA), attached to the South African Development Community SADC. Gathering countries with similar problem perceptions within a given region and connecting migration cooperation to overarching integration frameworks, these RCPs nourish a sense of ownership and identification with ensuing consultations on migration. At the same time, however, 'training, secretariat building, forum creation, agenda setting, and knowledge dissemination' within these groups are all externally driven (Betts 2011, 42), administered by IOM and financed primarily by the EU. Herewith, these regional processes constitute an additional plurilateral layer in the complex EU external migration policy that, while implemented primarily by IOM, contributes to the further diffusion and dissemination of EU approaches and concepts in the management of migration flows.

Conclusion

With the deepening external dimension of EU asylum and migration policies, international organisations have increasingly assumed the role of subcontractors of EU projects and transmitters European concerns to sending and transit countries. While IOs depend on the EU and its member states for funding and support, the Commission increasingly recognises their catalytic functions in facilitating dialogue with their member countries which are not part of the Union. This is reflected in pertinent policy documents and the increasing formalisation of this nested relationship. Whereas earlier attempts by the UNHCR to conclude a 'EU-UNHCR Partnership Framework' had been repeatedly declined (van der Klaauw 2002, 48), consensus was finally found in 2005 with the signing of a 'Strategic Partnership Agreement'. Signed between UNHCR and the EU Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, the agreement has a clear focus on activities concerning non-EU member states. The agreement is intended to consolidate, develop and better structure existing cooperation between UNHCR and the European Commission on protection and

assistance for refugees and other people of concern to UNHCR outside the borders of the European Union. A second accord was signed the same day with EC Vice-President Franco Frattini, who was Commissioner for Justice, Freedom and Security, to consolidate general consultation on asylum and refugee matters.

A similar formalisation of relations also occurred with the IOM with the signing of a Framework Agreement in November 2011. The Framework consolidates the cooperation by simplifying and streamlining the procedure for contractual negotiations between the EU and the IOM. It is applicable to any operation, programme or project administered by IOM and financed or co-financed by the European Union. As pointed out by EU Home Affairs Commissioner Malmström on the day of signing,

> The EU and IOM work together on a daily basis on projects which promote international cooperation in areas such as legal migration, irregular migration and development. This new agreement will facilitate day-to-day cooperation between our two organisations, will remove bureaucratic hurdles, and make our work together much more efficient.[4]

These moves can be seen as steps in addressing the looming challenges of administrative capacity and weak legitimacy involved in the ambitious Global Approach to Migration. As we showed, the IOM and UNHCR have become key partners in the implementation of EU programmes in third countries and act as important transmitters of the EU's external agenda. Whereas the UNHCR, given its greater authority and autonomy, has been able to keep an independent voice as counterweight to EU action, and has continuously raised the human rights considerations inherent to refugee policy, both organisations have increasingly been implicated as subcontractors to EU projects and rule transmitters under the EU's 'global approach' to migration. The concrete effects of this institutional interplay on the respective international organisations and the governance migration and asylum flows deserve further study. The multilevelling of EU external governance though highlights hitherto understudied mechanisms of influence and that radiate onto the wider structures of global governance.

Notes

1. Of these, 63% went into external borders and the 'return fund' which supports the expulsion of irregular migrants (see Commission 2013).
2. See the speeches by Antonio Guterres at http://www.unhcr.org/cgi-bin/texis/vtx/search?page=home&skip=90&cid=49aea93a4c&scid=49aea93a2f&comid=42b2f01a4.
3. Data on www.iom.int.
4. European Commission Press Release 8 November 2011, "The European Commission and the International Organization for Migration Streamline their Cooperation." http://europa.eu/rapid/press-release_IP-11-1313_en.htm.

Disclosure statement

References

5+5 Dialogue. 2004. "Third Ministerial Conference on Migration in the Western Mediterranean, Algiers, 15–16 September 2004." Summary of Conclusions by the Presidency.

Andrijasevic, Rutvica, and William Walters. 2010. "The International Organization for Migration and the International Government of Borders." *Environment and Planning D: Society and Space* 28 (6): 977–999.

Alter, Karen, and Sophie Meunier. 2009. "The Politics of International Regime Complexity, Perspectives on Politics." *Perspectives on Politics* 7 (1): 13–24.

Barbé, Esther, Oriol Costa, Anna Herranz Surrellés, and Michal Natorski. 2009. "Which Rules Shape EU's External Governance? The Patterns of Rule Selection in Foreign and Security Policies." *Journal of European Public Policy* 16 (6): 834–852.

Barnett, Michael, and Martha Finnemore. 2004. *Rules for the World: International Organizations in Global Politics*. Ithaca: Cornell University Press.

Betts, Alexander. 2011. "The Global Governance of Migration and the Role of Trans-Regionalism." In *Multilayered Migration Governance: The Promise of Partnership*, edited by R. Kunz, S. Lavenex and M. Panizzon, 23–45. London: Routledge.

Biermann, Frank, Philipp Pattberg, Harrovan Asselt, and Fariborz Zelli. 2009. "The Fragmentation of Global Governance Architectures: A Framework for Analysis." *Global Environmental Politics* 9 (4): 14–40.

Boswell, Christina. 2003. "The "External Dimension" of EU Immigration and Asylum Policy." *International Affairs* 79 (3): 619–638.

Carrera, Sergio, and Raul Hernandez I. Sagrera. 2011. "Mobility Partnerships: 'Insecurity Partnerships' for Policy Coherence and Migrant Workers' Human Rights in the EU." In *Multilayered Migration Governance. The Promise of Partnership*, edited by Rahel Kunz, Sandra Lavenex and Marion Panizzon, 97–115. London: Routledge.

Commission of the European Communities. 2002. Green Paper on a Community Return Policy on Illegal Residents. Brussels 10 April 2002, COM (2002) 175 final.

Commission of the European Union. 2005. Communication on Priority Actions for Responding to the Challenges of Migration: First Follow-up to Hampton Court. Brussels 30 November 2005, COM (2005) 621 final.

Commission of the European Union. 2011a. Global Approach on Migration and Mobility. Brussels 18 November 2011, COM(2011) 743 final.

Commission of the European Union. 2011b. A New Response to a Changing Neighbourhood. Brussels 25 May 2011, COM(2011) 303.

Commission of the European Union. 2011c. Annex, Thematic Programme "Cooperation with Third Countries in the Areas of Migration and Asylum" 2011–2013 Multi-Annual Strategy Paper. http://ec.europa.eu/europeaid/what/migration-asylum/documents/strategy_2011-2013_en.pdf

Commission of the European Union. 2013. EU Budget 2011. Financial Report. http://ec.europa.eu/budget/library/biblio/publications/2011/fin_report/fin_report_11_en.pdf

Cross-Border Co-operation / Söderköping Process. 2003. Migration and Asylum Management Challenges For Countries Along the Enlarged European Union Border. Kyiv, 7–8 July 2003, Conference Materials. http://soderkoping.org.ua/site/page108.html

Hill, Christopher. 1993. "The Capability–Expectations Gap or Conceptualizing Europe's International Role." *Journal of Common Market Studies* 31 (3): 305–328.

Klaauw, J. van der. 2002. "European Asylum Policy and the Global Protection Regime: Challenges for UNHCR." In *Migration and the Externalities of European Integration*, edited by Sandra Lavenex and Emek M. Uçarer, 33–53. Lanham, MD: Lexington Books.

Köhler, Jobst. 2011. "What Government Networks Do in Their Field of Migration: An Analysis of Selected Regional Consultative Processes." In *Multilayered Migration Governance. The Promise of Partnership*, edited by R. Kunz, S. Lavenex and M. Panizzon, 67–93. London: Routledge.

Lahav, Gallya, and Lavenex, Sandra. 2013. "International Migration." In *Handbook of International Relations*, edited by Walter Carlsnaes, Thomas Risse and Beth Simmons, 746–775. London: Sage.

Lavenex, Sandra. 1999. *Safe Third Countries. Extending EU Asylum and Immigration Policies to Central and Eastern Europe*. Budapest and New York: Central European University Press.

Lavenex, Sandra. 2002. "EU Trade Policy and Immigration Control." In *Migration and the Externalities of European Integration*, edited by Sandra Lavenex and Emek M. Uçarer, 161–178. Lanham: Lexington Books.

Lavenex, Sandra. 2004. "EU External Governance in Wider EUROPE." *Journal of European Public Policy* 11 (4): 680–700.

Lavenex, Sandra. 2006. "Shifting Up and Out: The Foreign Policy of European Immigration Control." *West European Politics* 29 (2): 329–350.

Lavenex, Sandra. 2007. "The External Face of Europeanization: Third Countries and International Organizations." In *The Europeanization of Migration Policies*, edited by Andreas Ette and Thomas Faist, 246–264. London: Macmillan.

Lavenex, Sandra. 2008. "A Governance Perspective on the European Neighbourhood Policy: Integration Beyond Conditionality?" *Journal of European Public Policy* 15 (6): 938–955.

Lavenex, Sandra. 2014. "The Power of Functionalist Extension. How EU Rules Travel." *Journal of European Public Policy* 21: 885–903.

Lavenex, Sandra. 2015. "Institutional Interplay with International Organizations in the External Projection of EU Rules." *Politische Vierteljahresschrift*, Special Issue, 49: 349–369.

Lavenex, Sandra, and Frank Schimmelfennig. 2009. "EU Rules Beyond EU Borders: Theorizing External Governance in European Politics." *Journal of European Public Policy* 16 (6): 791–812.

Lavenex, Sandra, and Rachel Kunz. 2008. "The Migration-Development Nexus in EU External Relations." *Journal of European Integration*, 30 (3): 439–457.

Lavenex, Sandra, and Rachel Stucky. 2011. "'Partnering' for Migration in EU External Relations." In *Multilayered Migration Governance: The Promise of Partnership*, edited by R. Kunz, S. Lavenex and M. Panizzon, 116–142. London: Routledge.

Lavenex, Sandra, and Wichmann, Nicole. 2009. "The External Governance of EU Internal Security." *Journal of European Integration* 31 (1): 83–102.

Parkes, Roderic. 2009. "Mobility Partnerships: Valuable Addition to the ENP Repertoire?" Working Paper FG1, 2009/3, Berlin: StiftungWissenschaft und Politik.

Raustiala, Kal, and David G. Victor. 2004. "The Regime Complex for Plant Genetic Resources." *International Organization* 58 (2): 277–309.

Stone, Diane. 2004. "Transfer Agents and Global Networks in the "Transnationalization" of Policy." *Journal of European Public Policy* 11 (3): 545–566.

Wunderlich, Daniel. 2011. "Europeanization Throughthe Grapevine: Communication Gaps and the Role of International Organisationsin Implementation Networks of EU External Migration Policy." *Journal of European Integration* 34 (5): 485–503.

Zolberg, Aristide. 2003. "The Archeology of 'Remote Control'." In *Migration Control in the North Atlantic World*, edited by Andreas Fahrmeir, Olivier Faron and Patrick Weil, 195–222. New York: Berghahn Books.