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Ph. D. DISSERTATION

Ceren KAYA



T.C.
ANKARA YILDIRIM BEYAZIT UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES

INTERNAL FUNCTIONALITY OF THE EU'S EXTERNAL BORDER MANAGEMENT: AN ANALYSIS BEYOND EFFECTIVENESS

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Supervisor
Professor Giray SADIK

Ankara, 2024

APPROVAL PAGE

This is to certify that this thesis entitled “Internal Functionality of the EU’s External Border Management: An Analysis Beyond Effectiveness,” submitted by Ceren KAYA, has been approved by unanimous vote of the examining committee members in partial fulfilment of the requirements for the degree of Doctor of Philosophy in International Relations at Ankara Yıldırım Beyazıt University, Graduate School of Social Sciences.

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DECLARATION

I hereby declare that all the data utilized in this study is collected with adherence to academic ethical considerations, and all the sources consulted in producing this dissertation are duly acknowledged. I also declare that all published and unpublished works that are not original to this work are cited and referenced in accordance with the standards of the university (25.12.2024).

Signature

Ceren KAYA

DEDICATION



To my family

ACKNOWLEDGEMENTS

First and foremost, I would like to express my deepest gratitude to my supervisor Prof. Giray Sadık for his guidance, encouragements and unwavering support. I am deeply grateful for his trust in me, which inspired me in writing my dissertation and in doing my academic studies.

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Hoping to see beautiful days where we do not postpone our dreams.

ABSTRACT

Internal Functionality of the EU's External Border Management: An Analysis Beyond Effectiveness

The external border management policies and practices of the European Union are often criticized for being ineffective in meeting the official policy objectives and expectations. Yet, these policies and practices are constantly proliferating. This is where the central puzzle of this research arises: why are these policies disproportionately increasing despite a myriad of criticisms and their unproven success? Contrary to the widespread interest in explaining the effectiveness and external impact of the EU border management policies, this dissertation draws attention to the internal functionality of the EU's external policies to delve into this question.

The EU external border management (EU EBM) field, covering three policy areas, namely, migration, asylum and border management, constitutes the major case of this research. Based on the rationale of the internal functionality approach proposed by Christopher Bickerton for an analysis of the EU foreign policy, this dissertation argues that the EU EBM field is extensively driven by the dominant actors' internal ambitions and preferences rather than their concern for effectiveness. In other words, the EU EBM field serves institutional interests of the Council of the European Union, the European Commission, and the European Parliament, albeit in different degrees. In the data collection and analysis phases, this study extensively benefited from the insights of the Narrative Policy Framework, the Advocacy Coalition Framework and the Structural (Sociological) Constructivism to account for the power of policy narratives in legitimization of certain policy designs, the resistance of the policy core beliefs to change, and the lack of strategic planning in policy-making process, respectively.

A qualitative analysis of the policy narratives and belief systems of the EU institutions yielded two major findings: first, the EU EBM field serves as a venue for political competition among the EU institutions, and second, the emerging initiatives or policy designs in the field (e.g., legislative acts and Frontex) are largely epiphenomenal given that they are not necessarily direct responses to the challenges in the external environment, but products of inter-institutional turf wars. The findings of this study are promising in understanding the non-sovereign political order of the EU and the very reason for the EU's falling short of the external expectations for its effectiveness.

Keywords: EU EBM, internal functionality, turf wars, epiphenomenal policy, effectiveness, the Council of the European Union, the European Commission, the European Parliament.

ÖZET

AB'nin Dış Sınır Yönetiminin İç İşlevselliği: Etkililik Ötesinde Bir Analiz

Avrupa Birliği'nin dış sınır yönetimi politikaları ve pratikleri resmi politika hedeflerini ve beklentilerini karşılamada etkisiz olduğu gerekçesiyle sıklıkla eleştirilmektedir. Ancak bu politika ve uygulamalar sürekli olarak çoğalmaktadır. Bu araştırmanın temel bulmacası bu noktada ortaya çıkmaktadır: Bu politikalar sayısız eleştiriye ve kanıtlanmamış başarılarına rağmen neden orantısız bir şekilde artmaktadır? Bu soruyu derinlemesine araştırmak için, bu tez, AB sınır yönetimi politikalarının etkililiğini ve dış etkisini açıklamaya yönelik yaygın ilginin aksine, AB dış politikalarının iç işlevselliğine dikkat çekmektedir.

Göç, sığınma ve sınır yönetimi olmak üzere üç politika alanını kapsayan AB dış sınır yönetimi (AB DSY) alanı bu araştırmanın temel konusunu oluşturmaktadır. Christopher Bickerton tarafından AB dış politikasının analizi için önerilmiş olan iç işlevsellik yaklaşımı mantığına dayanarak, bu tez AB DSY alanının baskın aktörlerin etkililik kaygısından ziyade büyük ölçüde iç hırsları ve tercihleri ile yönlendirildiğini savunmaktadır. Başka bir deyişle, farklı seviyelerde de olsa, AB DSY alanı Avrupa Birliği Konseyi, Avrupa Komisyonu ve Avrupa Parlamentosu'nun kurumsal çıkarlarına hizmet etmektedir. Veri toplama ve analiz aşamalarında, bu çalışma belirli politika tasarımlarının meşrulaştırılmasında politika anlatılarının gücünü, politika çekirdek inançlarının değişime olan direncini ve politika yapım sürecinde stratejik planlamanın eksikliğini açıklamak için sırasıyla Anlatısal Politika Çerçevesi, Savunuculuk Koalisyonu Çerçevesi ve Yapısal (Sosyolojik) İnşacılığın öngörülerinden geniş ölçüde yararlanmıştır.

AB kurumlarının politika anlatıları ve inanç sistemlerinin nitel analizi iki önemli bulgu ortaya koymuştur: Birincisi, AB DSY alanı AB kurumları arasındaki siyasi rekabet için bir mekân görevi görmektedir; ikincisi, alanda ortaya çıkan girişimler ve politika tasarımlarının (örneğin, yasama işlemleri ve Frontex), dış çevredeki zorluklara doğrudan yanıt olmadığı ancak kurumlar arası yetki savaşlarının ürünü olduğu göz önüne alındığında, büyük ölçüde epifenomenal olduğudur. Bu çalışmanın bulguları, AB'nin egemeni olmayan siyasi düzenini ve AB'nin etkililiğine ilişkin dış beklentileri karşılayamamasının nedenini anlamada umut vericidir.

Anahtar Kelimeler: AB DSY, iç işlevsellik, yetki savaşları, epifenomenal politika, etkililik, Avrupa Birliği Konseyi, Avrupa Komisyonu, Avrupa Parlamentosu.

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LIST OF ABBREVIATIONS

ACF	Advocacy Coalition Framework
AFSJ	Area of Freedom, Security and Justice
AHIG	Ad hoc Immigration Group
ALDE	Alliance of Liberals and Democrats for Europe
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
DGs	Directorates-General
EBCG	European Border and Coast Guard Agency (Frontex)
ECB	European Central Bank
ECJ	European Court of Justice
EEAS	European External Action Service
EMN	European Migration Network
ENP	European Neighbourhood Policy
EP	European Parliament
EPC	European Political Cooperation
EPP	European People's Party
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU EBM	European Union External Border Management
EUAA	European Union Agency for Asylum
EUFOR Chad/CAR	European Union Force for Chad and the Central African Republic
EUFP	European Union Foreign Policy
EULEX Kosovo	European Union Rule of Law Mission in Kosovo
EUTF	The European Union Emergency Trust Fund (for Africa)
GAMM	Global Approach to Migration and Mobility
IA	Impact Assessment
IBM	Integrated Border Management
IGCs	Intergovernmental Conferences
IT	Information Technology
JHA	Justice and Home Affairs
LIBE	Committee on Civil Liberties, Justice and Home Affairs
NPF	Narrative Policy Framework

PES	Party of European Socialists
RABITs	Rapid Border Intervention Teams
SCIFA	Strategic Committee for Immigration, Frontiers, and Asylum
SEA	Single European Act
SIS	Schengen Information System
TCNs	Third Country Nationals
TEC	Treaty Establishing the European Community
TEU	Treaty on European Union
UAVs	Unmanned Aerial Vehicles
VIS	Visa Information System

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1. INTRODUCTION

The major aim of this dissertation is to explore the internal functionality of the EU's external border management policies beyond their effectiveness. In other words, contrary to the studies that focus overwhelmingly on the impact and effectiveness of the EU foreign policies and external actions, this study looks at the other side of the coin, which is the "functionality" of the EU's external policy. In this regard, this thesis aims to apply the "functionality" approach suggested by Christopher Bickerton for EU foreign policy analysis, within the context of the EU's external border management policies and practices. According to the functionality thesis, European foreign policy serves mainly three functions: "a route for the pursuit of national strategies", "a site for the struggle over political power between different actors in the EU", and "a means for exploring ontological issues relating to the EU's underlying purpose and its finalité politique" (Bickerton, 2010, p.213; 2011, pp. 6-7)[1]. However, this does not necessarily mean that the internal functions of the European Union Foreign Policy (EUFP) are limited to these functions. As suggested by Bickerton himself, "this is by no means an exhaustive account of the functions that drive foreign and security policy cooperation" as his aim has not been to define all the functions in this policy field but to introduce the logic of such an approach and questions it may pose (2011, p.123).

Similar to this argument, this dissertation is geared towards not determining the invariable functions of the EU-level cooperation in the field of external border management, but rather to test the rationale behind the functionality approach. This approach suggests that there may be other functions of EU foreign policy cooperation than stated by the functionality thesis. However, the analysis of the EU-level cooperation in external border management has shown that the functions suggested under this theoretical approach are a well-thought-out frame and well-defined that corresponds to the major driving forces of the policy. In a nutshell, this dissertation seeks to demonstrate that the field of the EU external border management (EU EBM)[2] is extensively driven by the logic of functionality rather than effectiveness. Although all three functions of the internal functionality approach are

[1] Christopher Bickerton mentions three functions of EU foreign policy in his article called "Functionality in EU Foreign Policy: Towards a New Research Agenda? (2010, pp.213–227). In his book published in 2011, he mentions one more function of EU foreign policy, which is 'democratic legitimation'.

[2] In this study, the EU External Border Management is abbreviated as the EU EBM for convenience. In some cases, the long form of it is also used.

explained in this study (see chapter 2) to understand the major rationale behind it, the external border management of the EU will be exclusively examined in this study through the second function that suggests that the EU foreign policy is a venue for competition over political power, in other words, "turf wars", between the EU actors (Bickerton, 2011, p.63). In this context, the "EU foreign policy can be seen as an outcome of the changing relations between the three main institutional actors of the EU: the Council of Ministers, the European Commission and the European Parliament" (Bickerton, 2011, p.24). Setting out the functionality approach, Bickerton has extensively tested the functions of the EUFP through the cases of Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) and suggested that for a proper understanding of the internal political competition in foreign policy cooperation, there is a need for further studies on specific policy areas (2011, p.126).

Based on that suggestion, this study examines the internal political struggles between the Council, the Commission and the Parliament as key institutions of the EU within the EU EBM field that covers policy areas of migration, asylum and border management and looks at the impact of the turf wars among the institutions on the policy designs.

1.1. Nature and Content of the Study

The motive behind this research interest in exploring the internal functionality of the EU EBM stems from the persistence of criticized practices. In other words, although there is a plethora of criticisms that the EU and its agencies in charge of external border management are not effective in meeting the expectations of the external actors, why have these criticized policies continued to proliferate and not been abandoned? Why, indeed, are the competences and the budget of the European Border and Coast Guard Agency (Frontex) in an ever-increasing trend? Why do the EU member states choose to cooperate on border management through an agency such as Frontex? Who benefits from the current EU border security policies and practices? Taking the functionality approach as an analytical starting point proves useful for answering such questions. By focusing on the internal functions of the external policies, one can also explore the reasons for the ineffectiveness and continuous development of policies in their current trends despite falling short of external expectations.

External border security policies and practices of the EU may not always serve to provide security for the Union and for the non-EU actors as promised by policy objectives, which brings concomitantly the issue of ineffectiveness of security and foreign policy missions to the table. While the lack of serious action to provide security for the actors concerned is deemed an ineffectiveness[3] of foreign and security policies, this incompetence or inaction may serve some (un)manifested internal objectives. Thus, the answer to the question of this (un)intended ineffectiveness may be found in the functionality logic.

In this regard, it is also vital to question the criteria set for assessing the effectiveness and success of any foreign policy initiative. What is functional for the EU member states may not be effective in terms of its external impact. However, as Keukeleire and MacNaughtan (2008, p.13) point out, "member states do not measure the effectiveness of an EU foreign policy initiative against its *external* impact, but rather against its *internal* impact". Thus, from a normative point of view, functionality and effectiveness should be differentiated. While functionality of foreign policy, as referred to in this study, means internal functions of any foreign policy initiative that serve mainly internal objectives of the EU member states and actors, the effectiveness of foreign policy, though its criteria is still a matter of opinion, is directly related to external impact and influence of the policy. Bickerton himself accepts the limitation of the functionality approach in having a normative dimension that would engage in critical questions of what the EU does and what its impact is rather than what it is (2011, p.124).

Before delving into further aspects of this research, it is also vital to emphasize that the aim of this thesis is not to make a simple judgement as to argue that internal security issues and strategies determine or guide foreign policy cooperation at the EU level and thus the only function of EU foreign policy or external actions and practices is to protect internal security policies and strategies of the EU. Undoubtedly, this judgement is valid both for the organizations like the EU and individual member states. For instance, in the European case, it is clear that the removal of internal borders of the EU among Schengen states brought about some compensatory measures and external actions to maintain internal security or to protect 'Area of Freedom, Security and Justice' (AFSJ). However, this study attempts to illustrate broader political functions of foreign policy cooperation at the EU-level that go beyond the above-mentioned security-strategic oriented accounts of external actions and

[3] The meaning of (in)effectiveness of EU foreign policies and strategies will be discussed in the section 1.4.

expectations of third parties and scholars on the issue of effectiveness. That is to say, the EU EBM is not only about protecting the AFSJ and thus maintaining the internal security of the EU and the security of EU citizens. It can also function as an engine of European integration or as a moderator of conflictual relations among EU member states with an emphasis on the solidarity principle.

This perspective of internal functionality will enable the EU external border management policies to be handled in a multi-faceted manner. In this respect, this study considers the purposes an EU foreign policy can serve by examining the theoretical and practical implications of the EU external border management policy. This endeavour to reveal internal, often un-manifested, functions of external border policies of the EU also gives an opportunity to think about the ontology of European integration, that is, what the European integration has been and is about. Thus, this study engages with the questions of what the final aim of the European integration project is and how it is related with the EU foreign policy and external actions, in this case the EU external border management (EU EBM).

Although the major arguments of this study are based on the logic of the functionality thesis proposed by Christopher Bickerton for an analysis of EU foreign policy, it also benefits from insights of multiple theoretical approaches and frameworks – (in)securitization theory, sociological constructivism, field theory, narrative policy framework, new institutionalism, advocacy coalition framework, principal-agent model- in exploring dominant actors' strategies and narratives within the EU EBM field at different levels[4].

Focusing on functionality logic does not necessarily mean that the EU foreign policy should only be assessed through its internal functions and objectives rather than its external impact. Rather than measuring or evaluating the success or effectiveness of the EU's external actions and initiatives, particularly the external border management of the EU, this dissertation tries to reveal how actors at the EU level use the field as a venue for multiple purposes ranging from competence maximization and legitimization to sidelining rival actors in the field. What is common in these purposes is their internal orientation instead of shaping the external environment. Thus, this thesis' focus on the functions of EU foreign policy instead of its effectiveness is not due to ignoring the normative concerns associated

[4] The main arguments of these theoretical approaches will be discussed in the second and third chapters of the study.

with policy outcomes, which will be discussed in the last chapter devoted to the implications of internal functions on the EU project. Instead, it is for the sake of revealing the very reason for the EU's failure to meet the expectations of external actors and scholars in its engagement in international affairs.

In contrast to the questions having more prescriptive concern with effectiveness, such as "How can EU policy be made more coherent? Why are the resources being put into this policy are not generating the expected outputs?" and "How can we ensure that the EU does itself justice and stops punching below its weight in its foreign policy?", Bickerton draws attention to the questions addressing broader political dynamics of the EU foreign policy (2011, p. viii). These questions are: "What are the forces driving foreign and security policy cooperation? Who benefits from this cooperation and who loses? What exactly are the standards against which we should judge the EU's foreign policy and why are we adopting these standards and not others?" and "Why has foreign policy become increasingly central to the project of European integration? Which are the actors driving this development and for what reasons?" (Bickerton, 2011, pp. viii, 14-15). This concern with un-manifested objectives or functions is crucial in a comprehensive analysis of EU foreign policy as it delves into the driving forces of any foreign policy initiative, the actors involved in the policy development and practice and the standards for judgement. In this regard, Bickerton introduces the 'internal functionality' approach to the analysis of EU foreign policy to be able to explain "why - in spite of myriad institutional changes and much wringing of hands - the EU continues to fall short of its foreign policy ambitions" (2011, p. viii). Regarding the question of 'why the EU fails to meet the expectations' in its foreign policy actions and initiatives, Bickerton suggests that being an effective international actor may not be the major purpose of foreign and security policy cooperation (2011, p.8). Similarly, this study asks why, despite myriad disparagements against the EU external border management policies, the EU continues to produce and reproduce current policies and practices. The aim of external border security policies is certainly not to bring security for all or responding threats immediately, contrary to the expectations of theoretical perspectives having prescriptive concerns or traditional security studies, respectively. Cianciara raises this issue as follows:

> "If a policy, assessed against traditional benchmarks, is characterized by little success, lots of ambiguity, unclear rationale and inadequate focus, but at the same time high

levels of institutionalization and resilience, it is quite probable that we should look for explanations elsewhere or in a different way" (2020, p.1).

This excerpt well defines the case of the EU policies on border, migration and asylum given that there has been considerable institutionalization in those policy areas since their emergence, but at the same time, there has been lots of ambiguity arising from the very nature of the EU policies steered by multiple actors at multiple levels.

The ineffectiveness of EU foreign policy and external actions cannot be solely linked to the EU's preoccupation with internal objectives that disregard the external impact of its policies. Nevertheless, despite criticisms raised against the EU due to its low performance as an international actor failing to meet expectations, the EU and its institutions and agencies are constantly engaging in policy development and practice with similar ideals. Reinforcement of existing agencies either through improving their budgets or competences illustrates this tendency. The effectiveness and external impact of any foreign policy initiative or agency are not decisive in the EU foreign policy cooperation. Thus, an understanding of foreign policy in terms of functionality approach can be useful in exploring political dynamics of policy development in the EU EBM alongside the perspectives having prescriptive concern with effectiveness and external impact. Thus, this dissertation plans to go beyond the mere application of the functionality approach to the case of external border policies of the EU and aims to analyse theoretical and practical reflections of this policy field underpinned by functionality logic.

Furthermore, explaining the EU EBM policies and practices only with the functionality approach will lead to an incomplete analysis because effectiveness and external impact are also important elements of a comprehensive foreign policy analysis. The aim of applying the functionality approach in foreign policy in this study is to uncover major political functions of EU EBM policies other than manifest policy objectives. Overemphasis on the performance and outputs of the EU foreign policy misses an essential characteristic of the EU foreign policy, like in other internal policy areas, that is, continuous engagement of actors at multiple levels in creating structures/spaces that reinforce their positions and the EU project. Thus, grasping this process or feature of the EU foreign policy also provides important insights in understanding the internal governance of the EU.

Most of the studies on the EU external border management deal with the following 'why' question: Why did the EU member states opt for EU-level cooperation and security-oriented policies in the field of external border management? Although this why question is very common in the literature, the studies addressing it diverge in their focus. While some studies emphasize the external security challenges caused by cross-border movements such as organized crime and terrorism, others go beyond these external factors and emphasize the impact of structural factors and inter-institutional relations on the policy-making process (see section 1.3). It is not always possible to categorize these studies clearly based on their focal points as some of them both emphasize the external challenges and structural dynamics steering the policy formulation and implementation. The point of this study is to illustrate that the choice for the EU-level cooperation and the security-oriented policies cannot be solely reduced to rational responses to transnational threats. The policy-making process is much more complex than this narrow frame and involves the agency of multiple actors and structural constraints in the construction and maintenance of securitized policies at the EU level. In other words, this study suggests that the processes determining the substance and form of cooperation in the field are notably internally driven.

This study further claims that security policies are not always the result of exceptional measures taken against external threats. In the following chapters, how security policies are constructed by the actors without necessarily addressing external threats or how the EU level cooperation is used strategically by some actors for purposes other than promoting effectiveness in external actions will be discussed. In this context, further questions are needed to ask for a sound analysis of the field: What do the EU EBM policies serve for other than effectiveness? Who is benefiting from the policies at the EU level? What is the role of the EU institutions in the construction of these policies? Have these securitized policies emerged as a response to these external threats as expected by traditional security studies or out of path dependence locked in the 1990s as argued by some scholars (e.g., Singler, 2019)?

The causal relationship between securitized border policies and transnational events cannot be set properly without considering the agency of multiple actors with multiple purposes. This is not to claim that there was no share of external events in the formation of securitized policies. In relation to the formulation of the European Neighbourhood Policy (ENP) objectives, Agnieszka K. Cianciara (2020), for instance, emphasizes how external challenges are used strategically to respond to the internal needs of the EU at multiple levels,

rather than a straightforward response to these threats. Furthermore, there are several studies claiming that there is no sufficient evidence showing a relationship between terrorism and migration and thus a need for 'smart border technologies' (e.g., Singler, 2019). In this regard, Singler claims that "linkages between migration control and counterterrorism are the result not of a straightforward threat-response dynamic, but rather more contested political processes" (2019, p.6). This recalls the critical evaluation of Schneider and Ingram, who suggested that "even if the causal linkages to some ostensible common or public purpose lack credibility or are entirely absent", the advantaged groups will nonetheless benefit from the policy (1993, p.337). On this point, Boswell et al. (2011, p.1) emphasize that several studies on the role of ideas in policy making have demonstrated that it is not the objective facts or objective rational preferences that policy problems or solutions are based on, respectively, but ideationally constructed conceptions.

Assuming that there is mounting evidence that transnational movements are security threats to the states and societies, why do the EU actors opt for security-oriented and short-term measures? Are these measures effective in solving the so-called external threats? Thus, this study seeks to explain how these policy designs have emerged independently from the presence of external threats and served the internal objectives of the dominant actors in the field. Ultimately, this study claims that if it is not for supporting the effectiveness of the EU in its external actions, then the external border policies and associated instruments and strategies serve the internal needs of the EU member states and institutions. The following section defines the significant developments within the EU EBM field and its importance within the broader field of the EU Foreign Policy and European integration project.

1.2. Contextual Framework

The internal functionality of the EU's external policy through the emergence and evolution of the EU EBM field between 1985 and 2005 constitutes the contextual framework of this study. Currently, the EU member states have an increasing tendency towards exploiting all the possible restrictive instruments in the management and surveillance of their sea and land borders. This has manifested itself in deploying and investing in militarized equipment and surveillance technologies at the external borders particularly in containing refugee flows and countering terrorist actions notably. As argued by Akkerman (2018), militarization of EU borders has been accelerated since the 2015 refugee crisis, which

showed itself in the deployment of armed forces at the borders of the EU states; extensive use of aircrafts, vehicles, helicopters, IT systems, and Unmanned Aerial Vehicles (UAVs) and inclusion of third countries in this militarization process by forcing them to employ their armed forces at the borders used for transit pass to Europe. In addition to the EU member states' deployment of their armies at the borders, militarization of EU borders has been intensified with the Frontex' military missions in the Mediterranean region, particularly since 2016, such as Operation Poseidon supporting Greece with border surveillance and Operation Themis supporting Italy with border control, NATO's maritime missions supporting EU operations and patrols in the Mediterranean and Aegean sea, and the EU's own military operations such as 'Operation Sophia' in the Mediterranean (Akkerman, 2018; Frontex, 2016, 2018).

EU has allocated a remarkable amount of funds for border security by supporting research and development projects on border security and the EU's agencies tasked with the management of external borders and security, such as the European Border and Coast Guard Agency (Frontex) (Akkerman, 2018). The EU fund assigned for border security and management increases every year. While, for instance, Frontex received 142 million Euros in 2015, the agency's budget increased to 845 million Euros in 2023 (Statista, 2024).

Ensuring the security of external borders through these military means and surveillance technologies dates to the Schengen Agreement signed in 1985 to abolish internal border controls and strengthen external border controls through several compensatory measures to circumvent adverse consequences that easing checks at internal borders may cause, such as illegal migration. Some of these measures to safeguard internal security are the approximation of visa policies (article 7), coordination of the fight against crime (article 18), police and customs cooperation (article 9) (Official Journal of the European Communities, 2000a), and the establishment of the Schengen Information System as "the first supranational European database" to secure external Schengen borders (Kasparek, 2016, p.61; Akkerman 2018)[5]. Thus, the Schengen Agreement "marks the birth of the European External Border as an institution and European policy field" (Kasparek,

[5] The aim of this section is not to give a detailed analysis of the historical development of external border policies of the EU in a chronological order, which requires an explanation of numerous agreements, regulations, directives, treaty articles, communications of European Commission, the Council resolutions and the initiatives outside the EU framework that started in the late 1970s. The aim is rather to provide some background information for major trends and policy objectives of the EU EBM. Internal orientations of these external policies and strategies are examined in detail in the third chapter of the study. For a detailed information on the historical development of the EU migration and border regime see Zengin (2017).

2016, p. 61). In 1990, the signatory states of the Schengen Agreement -Belgium, Germany, France, Luxemburg and Netherlands- signed the 1990 Convention implementing the Schengen Agreement in which they laid down the foundations of the EU EBM field by defining measures on crossing of internal and external borders, short-term and long-term visas, rules governing the movement of aliens, residence permits, refusal of entry, processing of asylum applications, police cooperation, operation of Schengen Information System, movement of goods, protection of personal data (Official Journal of the European Communities, 2000b).

As will be discussed in the following chapters, the informal intergovernmental cooperation among the EU member states was formalized with the creation of the intergovernmental third pillar (Justice and Home Affairs) under the Maastricht Treaty (Treaty on European Union, 1992, Title VI). Asylum policy, rules and controls on crossings of external borders, policies on immigration and third country nationals, judicial cooperation in civil and criminal matters, customs cooperation and police cooperation were listed as areas of common interest in article K.1 of the Maastricht Treaty (Treaty on European Union (TEU), 1992). However, the role of supranational bodies, namely the Commission and the Parliament, was kept limited under the third pillar (TEU, 1992, articles K.3, K.6). While the key decision-making body was the JHA Council, the Commission had the right of initiative shared by the member states and the Parliament was marginalized as the institution only consulted by the Council, which sparked the debates about the Union's democratic deficit (Uçarer, 2010, p.310). The Amsterdam Treaty (1997), which entered into force in 1999, was expected to improve the powers of the marginalized supranational bodies and to eliminate the unanimity voting in the Council (Uçarer, 2010, p.311). Most of the Justice and Home Affairs (JHA) issues under the third pillar were transferred to the first pillar under a new title IV, "visas, asylum, immigration and other policies related to free movement of persons" (TEC, 1997, articles 61-69), while police and judicial cooperation in criminal matters remained in the third pillar under title VI (TEU, 1997, articles 29-42). Amsterdam Treaty[6] set a transitional period of five years during which the Council would act unanimously upon

[6] Amsterdam Treaty (1997) involves amendments to the treaties, Treaty on European Union (TEU) and the Treaty Establishing the European Community (TEC). The numbering of articles in the consolidated versions of these treaties is different from the old versions. For Amsterdam Treaty (1997) see https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11997D/TXT, for the consolidated version of TEC see https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11997E/TXT and for the consolidated version of the TEU see https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1997:340:0145:0172:EN:PDF.

the proposals of the Member States or the Commission and after consultation with the Parliament (TEC, 1997, article 67). Following a transitional period of five years, the Commission would achieve exclusive right of initiative in the policy areas transferred to the first pillar (asylum, immigration, external border controls and judicial cooperation in civil matters) and the Parliament, upon the decision of the Council, would be involved in the decision-making process as co-legislator under the procedure laid down in the article 251 (TEC, 1997, article 67).

However, despite the improvements in the powers of the Commission and the Parliament, those institutions were not able to change the policy core of the EU EBM field settled by the Council and the Member States before the empowerment of these supranational institutions (see chapter 3). As the integration among the member states progressed in the border management policy, the number of compensatory measures has increased. Incorporation of the Schengen acquis into the EU framework with the 1997 Amsterdam Treaty was a significant development in linking the internal objective of developing the EU as 'an Area of Freedom, Security and Justice'(AFSJ) to the security of external borders. In the aftermath of the Amsterdam Treaty, the objective of developing and maintaining the EU as an 'AFSJ' has been used as justification for stronger external action (Sterkx, 2008; Zapata-Barrero, 2013) and stricter border control policies. In this regard, adopting restrictive and security-oriented migration and asylum policies, externalizing border management and migration control to non-EU countries and reinforcing border management capacities of third countries have become ordinary practices of the EU member states. With the rise of new security concerns since the 9/11 terrorist attacks, migration and border control policies were interlinked to counterterrorism, integrating several border control and surveillance instruments to counter-terrorism strategy[7]. These instruments can be classified as biometric data collection, large-scale information technology systems such as Schengen Information System (SIS), Eurodac and Visa Information System (VIS), and carrier sanctions (Van-Munster, 2009; Peoples and Vaughan-Williams, 2010). For instance,

[7] Although external events such as 9/11 terrorist attacks were influential in linking cross-border movements and counter-terrorism strategies, surveillance technologies and databases were not designed as direct responses to these threats. Their design and proliferation have been the outcome of strategic calculations of different actors in the EU that ultimately seek for internal and external legitimacy. Later, these instruments, once established as tools of migration and border management, started to be used for intelligence and counter-terrorism purposes (Brouwer, 2008). By saying that they were not designed as direct response to external events, it is not meant that they are not used for counter-terrorism purposes today, but rather to state that securitization of migration and associated instruments and practices have not been the result of so-called security threats and concern for being an effective international actor. The aim of this study is to reveal the reason for this.

although centralized databases were designed to be used for specific purposes, such as to collect fingerprints of asylum seekers in order to determine the state responsible for managing asylum application in the case of Eurodac and to exchange data among Schengen states regarding short-term visa applications of third-country nationals as in the case of VIS, later on, they started to be used for combating crime and counter-terrorism purposes by internal security and law enforcement authorities (Brouwer, 2008, 2011; Queiroz, 2018)

The role of the military and security industry in shaping the EU's border security policies has been studied extensively in the literature (Akkerman, 2018; Bigo, 2002, 2014; Bigo and Jeandesboz, 2010; Csernatoni, 2018; Davitti, 2018; Lemberg-Pedersen, 2013, 2019; Baird, 2018). Most of these studies illustrate that technologies have been designed as a solution to several threats that are constructed by the very designers and producers of these surveillance technologies and construction companies building fences and walls at external borders. To give an example, SIS II (second-generation Schengen Information System) was designed technically as a flexible tool to be able to manage new problems or future tasks even before the need for them emerged or political decisions on the functions of SIS II were yet taken (Brouwer, 2008, 2011; Leonard, 2007). In this sense, this research supports Bigo's argument (2002, p.65) that securitization of migration is structural unease created by security professionals (or professional managers of unease such as providers of technologies of surveillance or customs, police, and intelligence services) who want to affirm their role as providers of necessary technologies and tools to maintain security.

As outlined very briefly, the EU EBM field has emerged and evolved as an outcome of interactions between multiple actors at multiple levels and settings. This multifaceted nature of external border management has several implications for the assessment of the policy functions. The next section will look at how the external border management of the EU has been studied in the literature.

1.3. Literature Review

Literature review[8] is crucial to discern the fact that studies centred on the origins and the major drivers of the policy field can provide more comprehensive and challenging

[8] Literature Review is not limited to this section only. Here, the aim is to provide general framework of the literature and classify studies on EU foreign policy and EU EBM according to their analytical starting points

conceptual frameworks than those focusing solely on the external impact of the policy. Bickerton (2011) stresses that the literature on the foreign policy of the EU overwhelmingly focuses on the effectiveness of the EU as an international actor, while studies concentrated on the functionality of EU foreign policy (particularly CFSP and CSDP components of EU foreign policy) are relatively few and lack a systematic approach[9]. There are several studies concerning the impact, actorness, coherence and performance of the EU on the ground, most of which emphasize either the lack of political will or the capacities of the EU as the reasons for failure (Allen and Smith, 1990; Hill, 1993; Bretherton and Vogler, 2006; Thomas, 2012). An alternative approach to this concern with output and impact in studying EU foreign policy and conceptualizing the EU's poor performance in international affairs is exploring the internal functions that EU foreign policy serves. As mentioned in the first section, some scholars (Weiler and Wessels,1998; Keukeleire and MacNaughtan, 2008) have argued that internal needs of the member states and actors may be the sole driver of the European-level cooperation. This focus on internal needs does not necessarily mean that member states always pursue their national self-interests as utility maximisers as rationalistic accounts may expect. For instance, with a constructivist approach, Ben Tonra defines the CFSP as a cognitive regime based on the concepts of roles, rules, ideas, values and identity creation (2003, p.738). Seeing actors as role players rather than utility maximisers, Tonra suggests that national representatives act with a sense of "what will the European partners think" (2003, p. 739). This consultation to learn the opinions of their colleagues is not for strategic calculations as may expected by rationalist approaches, but rather for internalizing the views of their counterparts that will work to ascertain their positions in collective European attempts (Tonra, 2003). That is, the key motivation of actors (member states or Commission representatives) in foreign policy cooperation is not absolutely to achieve policy outputs in terms of a resolution of any crisis, but rather it is to obtain convergence of positions and

and research interests. Chapter 3, section 3.2 provides a comprehensive overview of the literature on public policy theories applied to the EU policies.

[9] This observation is definitely valid at the time of Bickerton's writing. However, the newer studies may have shifted their focus to internal functionality. This needs extensive research of the literature. However, what interests this study is the divergences between the research interests of these studies, rather than their dominance in the literature. The review of the literature ultimately helps to see understudied aspects of the policy field. In that sense, the decision to study internal functionality of the external border management in this research stems from the observation that despite high institutionalization of the field, there are obvious ambiguities with respect to the substance and the form of cooperation and the results achieved. Thus, this research seeks an answer to the question of what sustains restrictive policies, which have been continuing with the same logic and the same rhetoric for almost 40 years and continue to proliferate despite all criticism and unproven success.

collective action in which 'social learning' among actors contributes to their identity and preference formation (Tonra, 2003, pp. 742-743).

The importance of the 'process' in EU foreign policy making is succinctly underlined by Michael Smith: "as in many other areas of EU activity, the emphasis is as much on process as results, almost to the extent that the process is the result" (2003, p.570). Smith mentions some of the key drivers of the EU foreign policy, such as "the search for legitimacy, the preferences of member states, and the desire for environmental legitimacy" (2003, p.556). Based on his analysis of the evolution of the European foreign and security policy with a focus on the continuous interactions of diverse motivations and forces in framing the policy space, Smith points to the "emergence of a 'post-modern' or 'extra-national' foreign policy in the EU", which lacks the institutions or instruments of national foreign policies and central governmental control as anticipated by statist assumptions but carries important qualities such as "collective legitimation" or "accommodation of member states' preferences" (2003, pp. 556, 558, 570-71). In this regard, there is "a consistent search for legitimacy among the member states and European institutions" in the process of framing and reframing European foreign policy (Smith, 2003, pp.566-567).

As Karen E. Smith outlines in her review article, the EU foreign policy has been studied with a focus on a wide array of questions and objects ranging from its evolution, operation, and products to its effects on the member states and the outside world (2003, p. 239). She also highlights that many of these studies concern the international impact of the EU and effective foreign policy (2003, p.244). Furthermore, back in 2003, she pointed out that the "external dimension of Justice and Home Affairs" was given little attention in the literature on EUFP (Smith, 2003, p. 240). This gap in the literature has been filled to some extent with the institutionalization of the external dimension of migration and border policies, albeit not substantially, considering much attention is still given to the CFSP and CSDP in the studies on EUFP (see Chapter 2, section 2.2.2)[10].

Tonra and Christiansen also pay attention to this prospect of EU foreign policy by stating that "[it] is more than just CFSP" as there is an unavoidable link between foreign policy and the EU's external relations ranging from trade, economic assistance to enlargement (2004, p.2). They argue that the group of studies focusing on the assessment of

[10] See Keukeleire and MacNaughtan (2008) for a comprehensive definition of the EUFP.

the Union's capacity and policy outputs in the international environment overlooks the important dimensions of foreign policy, such as the evolution of policy making and its impact on the member states (2004, p.3). In this line, their edited book is geared towards introducing new analytical tools to go beyond the existing scholarship of the EU foreign policy that is mostly predominated by materialist and rationalist accounts defining the EU foreign policy as "declaratory diplomacy" or just "lowest common denominator" (2004, pp. 5, 7).

Regarding the rationale of this study, the significance of such attempts to introduce new theoretical frameworks to the study of EU foreign policy drives from their emphasis on the process and evolution of policy field that provides essential insights for the interplay of actors' policy narratives and strategic uses of the cooperation at the EU level. This study considers the EU EBM as part of the EU foreign policy and applies the internal functionality rationale of the EU foreign policy suggested by Bickerton to the case of external border management and looks at how the actors at the national and EU levels having different political motivations are influential in determining the policy objectives and outputs. The reasons for ineffective policies may lie in the lack of capabilities, incoherence between actors and between different policy fields or, as this study suggests, in the policy designs emerged out of political competition, reflecting the interests of various actors, without strategic thinking on the impact of policies on projected areas. Independent of the discussions on the role and power of the EU in international affairs and its effectiveness in foreign policy, this study mainly focuses on the internal actors deliberately using EU foreign policy as a site for realizing their policy preferences and institutional interests. Whether this instrumental use of foreign policy results in effectiveness is not the major concern of the study.

Cianciara aptly elaborates on this matter, stating that "the issue is not about policy design, that is, inadequate definition of objectives and tools, but more about deliberate attempt to tell a particular story and less about delivering change in line with the story" (2020, p.3). This perspective provides a precise understanding of why the policy narratives of dominant actors in the policy formulation process within the EU EBM field are important.

Keukeleire and Delreux (2014, p.14) stress the "non-exclusive" and "not all-encompassing" nature of the EU foreign policy: while the former means that the EU, despite its extensive capacities and exclusive competences in certain foreign policy areas such as trade policy, does not have exclusive competences in most of the foreign policy dimensions

due to member states' reluctance to transfer control of national foreign policy to the EU; the latter suggests that the EU does not always formulate a comprehensive foreign policy towards all external issues on its agenda. Thus, they suggest that normative expectations from the EU foreign policy to be all-encompassing and exclusive are not in line with the nature of the EU foreign policy and cannot be the sole determinant of success or effectiveness (Keukeleire and Delreux, 2014, p.14).

While discussing the limits of the classical theoretical positions of neofunctionalism and intergovernmentalism in explaining and understanding the EU integration process, Rosamond (2010, pp. 106-107) recounts some of the criticisms, raised by newer approaches, of these traditional theories, such as their alleged failure to grasp the reality of European integration and their supposed entrapment in the IR discipline which is principally preoccupied with explaining war, peace, and state relations and thus it led old theories to frame their concerns about integration process within this context. Regarding the IR-led classical approaches, Rosamond refers to two objections from newer approaches; first, the EU is not all about the "integration question" and second, the EU as a peculiar political system cannot be understood through the discourse of "state fixation" (2010, p. 107). In this regard, what motivates most of the actors in the complex political system of the EU is not the degree of integration but the pursuit of their own interests (Hix, 2005, cited in Rosamond, 2010, p.107). Thus, approaches identifying the EU as an 'actor' or as 'power' fail to notice the multipart political game behind any EU policy and action in which actors at multiple levels are involved (Cianciara, 2020, p. 13). Even before being expanded into CFSP yet and having comprehensive foreign policy tools as of CFSP and CSDP today, Weiler and Wessels (1988, pp. 235-236) discussed the obstacles to theorize the multi-dimensional EPC "in the shadow of the state". Weiler and Wessels highlighted the dominance of the nation-state concept in foreign policy analysis and political theory, which rendered them lacking clear terms of reference beyond nation-state for an account of EPC in its own terms (1988, p.235).

The EU EBM field is narrowly defined in this dissertation comprising migration, asylum and border policies. Indeed, in the literature those policy areas are studied under the Justice and Home Affairs (JHA) field. Created as the third pillar of the EU with the Treaty on European Union under Title VI, the cooperation in the JHA field involved not only migration, asylum and external border crossings but also judicial cooperation in civil and criminal matters, customs cooperation and police cooperation for preventing terrorism and

transnational crime (TEU, 1992). The first significant reform of the JHA field came with the communitarization of some policy areas of the third pillar with the 1997 Amsterdam Treaty under a new title IV (TEC, 1997). In this study, these policy areas (migration, asylum and issues related to external border management) that were transferred to the first/Community pillar are categorized under the EU EBM field, which enabled the comparative analysis of the policy preferences and narratives of the EU institutions before and after Amsterdam reforms. Thus, the EU EBM field constitutes a significant part of the Justice and Home Affairs field.

As one of the most sovereign sensitive policy domains of the EU, the JHA policy field and its external dimension took much scholarly interest (Monar, 2001, 2006; Balzacq, 2009; Wolf et al. 2009; Kaunert, 2010; Uçarer, 2013; Trauner and Ripoll Servent, 2018). Policy formulation, securitization, implementation, externalization, policy instruments and policy change in asylum (Maurer and Parkes, 2007; Haddad, 2008; Kaunert, 2009, 2010; Kaunert and Leonard, 2012; Peers, 2013; Guild, 2006; Bendel, 2019; Zaun, 2015, 2019; Trauner and Ripoll Servent, 2015, 2016; Ripoll Servent and Trauner, 2014, 2015), migration (Lavenex, 1999; 2006; Guiraudon, 2000, 2003; Kostakopoulou, 2000; Huysmans, 2000, 2006; Boswell, 2003; Lindstrom, 2005; Papagianni, 2006, 2013; Geddes, 2008; Lavenex and Uçarer, 2004; Van Munster, 2009; Zapata-Barrero, 2013; Wunderlich 2013a, 2013b; Cardwell, 2013) and border management (Bigo, 2002, 2014; Carrera, 2007; Neal, 2009; Parkes, 2015; Leonard, 2009, 2010; Parker and Vaughan-Williams, 2012; Ekelund, 2014; Horii, 2016; Paul, 2017; Zaiotti, 2018) are widely discussed in the literature[11]. Similar to the literature on CSDP and CFSP, existing research on these policies of the EU considerably focuses on the performance, effectiveness and impact of these policies and the relevant EU agencies on the security of the EU and non-EU actors. Although above-mentioned studies do not always look at the internal functionality of the EU's external border management in a systematic way or put emphasis on the functions of the EUFP as outlined here, most of them are interested in explaining the internal dynamics behind the policy designs and strategies such as externalization, securitization or (de)politicization of migration and border policies (see chapter 3 and 4). Furthermore, some of them do not have an analytical goal of explaining the internal motivations, but their research findings undoubtedly contribute to the analysis of this study, for instance, in the operationalization of the concepts such as turf wars, political competition or epiphenomenal policy making. Studying functionality in a

[11] This is certainly a non-exhaustive list of the studies in the field.

systematic way does not necessarily mean that these studies should use the conceptual framework of the functionality approach, which, after all, is not possible considering the time of publishing of Bickerton's study (2010, 2011).

Studying functionality in a systematic way stands for investigating the impact or role of internal dynamics and inter-institutional struggles on policy designs or outcomes, which can possibly involve evaluations and implications for the effectiveness of policy on the ground. Needless to say, applying one or more functions outlined by the internal functionality approach is considered a systematic analysis. Here, some of these studies will be discussed briefly to illustrate this point. What distinguishes them from the dominant themes and studies of the literature is not their sole focus on the internal functionality instead of effectiveness, but their theoretical, conceptual and methodological frameworks and diversity which allow them to examine the process of policy formation, the role of multiple actors and their multiple needs in formulating EU level cooperation on external border management. Such difference expectedly brings new insights into 'for whom' and 'for what purpose' questions of the functionality approach. These studies are rather interested in the origins and practices of the relevant EU border agencies and their contribution to European integration, competitive relations of the EU institutions and security professionals that lead up to new policy initiatives or everyday practices of actors in charge of border security that have a transformative effect on understanding of borders and border making. Evidently, these studies have a wider perspective than the rationalist accounts of foreign policy cooperation that take the states as the only actors and the security and power maximizing as the only sources of motivation for the EU-level cooperation. Thus, rationalist accounts arguably have a limited say on the functionality in the EU external border management.

Irrespective of their analytical starting point, the existing scholarship on the JHA field contributed much to the analysis of this research. In this context, instead of claiming a gap in the literature, this study aims to contribute to the existing scholarship on the policy areas of the EU EBM field by an effort to make a systematic analysis of the inter-institutional conflicts and their role in the emergence of the field and the policy designs. While doing so, it goes beyond the functionality approach's overemphasis on the agency of actors and highlights some theoretical frameworks that allow to grasp structural constraints[12] on the

[12] In this respect, the structural constraints refer to the dominant constituents of the field that constrain the agency of actors. These include the dominance of the Council and the policy core it established in the field,

agency of the institutions. This way, it identifies newer indicators for the existence of turf wars in the field.

At this point, it is necessary to exemplify the studies embracing the logic of internal functionality with or without reference to the approach itself. Although there are several references to Bickerton's functionality approach in the literature, only one study has directly applied the concept to the field of CSDP operations[13]. Each study of this cluster (written in English) was scanned, and only that of Rayroux (2013) was identified as using the functionality approach as its analytical starting point and applying three functions to the case of CSDP missions in a systematic way. Other studies citing Bickerton's 2010 article are also essential to understand the logic of the approach through several examples usually focusing on, but not limited to, the CSDP missions (Bickerton et al., 2011; Mcdonagh, 2015; Keukeleire and Delreux, 2014; Johansen, 2017; Cianciara, 2017, 2020).

Antoine Rayroux (2013), in his article "Beyond Actorness in EU Crisis Management: Internal Functions of External Peacekeeping", uses the military operation of the EU (EUFOR Chad/Central African Republic) as a case study and illustrates the presence of three internal functions in this intervention. Since he applies functions to the specific case of military operation, he reformulates three functions in the case of EU crisis management. Regarding the first function, Rayroux argues that EUFOR Chad/CAR was a typical example of foreign policy cooperation (CSDP missions) serving as re-legitimation of national strategies by other means, in this case that of France, the former colonial power in the region and having had military presence in the countries of the region after their independence, which paves the way for the conclusion that "EUFOR was nothing more than a French operation with an EU flag" (2013, p.737). Additionally, he states that European intervention in the region has been perceived by France and the UK "as a low-risk way to 'do something' for Darfur", thus, avoiding greater national responsibility in the region (2013, p.736).

decision-making procedures, constitutional powers, meta-narratives, meta-norms and political frames. While those structural factors most often constrain the agency of less powerful actors in the field such as the Commission and the Parliament, they also constrain the agency of the dominant actors. For instance, the restrictive governmental actors in the intergovernmental coalition had to seek new venues to circumvent the liberal constraints upon them following the empowerment of supranational institutions (Lavenex, 2006).

[13] At the time of writing, Christopher Bickerton's article "Functionality in EU foreign policy: towards a new research agenda?" (2010), was cited by 66 studies.
(https://scholar.google.co.uk/scholar?oi=bibs&hl=en&cites=10035080774840103367).

With respect to the second (turf wars) function, the author illustrates that the European military actors considered the operation as an opportunity to improve their resources and legitimize their presence within the EU (Rayroux, 2013). Regarding the third (identity-building) function of the EU foreign policy, Rayroux emphasizes the ontological function of CSDP operations as potential sites for actors to think over the EU's status as a power having civilian instruments or military capabilities and to materialize the discourses and ambitions of the EU (2013, p.741). He suggests that "the EU uses CSDP missions to give materiality to its narrative of actorness, while avoiding strong international involvement and responsibility" (Rayroux, 2013, p.732). While how Rayroux attempts to curb the functionality approach's excessive emphasis on agency will be elaborated in the second chapter, it suffices to conclude here that his work has been useful in great deal to fully understand the logic of the approach as it is the only source systematically implementing all three functions.

Agnieszka K. Cianciara, in her book "Politics of the European Neighbourhood Policy", also examines internal functions of the European Neighbourhood Policy (ENP) for the key EU actors, member states and the EU institutions (2020), sharing the same rationale with the functionality thesis. Although her study refers to Bickerton's internal functionality argument, it does not apply all the functions suggested by the approach as in the case of Rayroux's study mentioned above. Still, it is one of the most useful works in understanding the rationale behind the functionality thesis with its analysis on the internal legitimacy needs of the actors at national, institutional, and systemic levels with a sociological approach to legitimation politics. Like Rayroux's interest in bridging constructivist and rationalist accounts of the EUFP, Cianciara (2020) also aims to bridge these approaches to ENP through sociological constructivism and the Bordieuan 'field theory' (see chapter 2, section 2.1.2). Furthermore, she insists on looking at the internal rationale of the ENP rather than its external rationale for a complete understanding of this external policy field that is certainly not driven by rationalist response to external threats but by "internal functions that the policy performs with regard to the needs of key actors in the EU system and the system itself" (2020, p.3).

Unsurprisingly, there are inevitable similarities between the EU EBM field and the ENP field in terms of how those fields followed similar stages of development and how they are studied scholarly (Weinar et al., 2019; Ripoll Servent and Trauner, 2018; Schumacher et. al., 2018; Cianciara, 2017, 2020). Here, without any intention to examine the evolution

of these fields in a comparative fashion, emphasizing key features of these policy fields is useful for the study of the EU EBM and external policies of the EU in general. As discussed extensively in this study, some of the features of the ENP field, emphasized in the literature, are very much in line with that of the EU EBM field. These features include "remarkable resilience of the policy despite severe criticism", "growing position within the EU system (treaty provisions, institutions)", and "a process of technocratization and de-politicization, notably due to the expanding role of the European Commission" (Cianciara, 2020, p.1; Schumacher, 2018, Ch.1).

Needless to say, both policy fields are part of broadly defined EU foreign policy, comprising external action and external dimension of internal policies (see Keukeleire and Delreux, 2014), and both, with their objectives of transferring policies and rules to the non-EU countries (Schumacher, 2018; Lavenex and Uçarer, 2004), have become a concern of scholars and practitioners working on the power and actorness of the EU, and external governance (Lavenex, 2001, 2004; Lavenex and Uçarer, 2004; Lavenex and Schimmelfennig, 2009; Manners, 2010; Hoffmann and Niemann, 2018; Zengin, 2017). Similar to the literature on the EU external border policies or the EU foreign policy in general, the prescriptive concerns- normative inquiry of effectiveness of policy- are also dominant in the ENP literature (Börzel and Lebanidze, 2018; Hoffmann and Niemann, 2018). When studying the functionality of the EU external border policies, particularly the role of the EU institutions in the emergence of this policy field, it is possible to observe those overlapping features. Thus, it would be useful to touch upon the ENP literature as well since the way the ENP field is studied in terms of functionality provides important insights into the analysis of the EU EBM field empirically.

Similar to Bickerton's conceptualization of foreign policy in terms of its internal rationale, Cianciara (2020) suggests avoiding traditional benchmarks in the assessment of policies that focus on effectiveness and coherence as indicators of success. Moreover, instead of questioning why a foreign policy failed or achieved little success, she suggests asking "why so much effort and resources have been invested in sustaining and developing a policy that brings results that are limited and ambivalent at best" (2020, p.1). In contrast to the studies emphasizing the failure of the ENP and focusing on the means to increase effectiveness of the policy, Cianciara puts emphasis on the political game or internal politics that determines the form and functioning of the ENP (2020, p.3). Such an approach suggests

that for an empirical understanding of the nature of the EU foreign policy, one needs to look beyond the contradictions between official policy objectives and policy implementation or incoherence between values and national interests and instead focus on the role of internal needs of EU actors in defining policy objectives in certain ways, independent of their being more value or interests oriented. While doing so, Cianciara examines the internal function of the ENP as a tool for legitimacy claims of the actors at the national and EU level in supporting for instance European integration project or reinforcing competences of the EU institutions against each other (2020, p.4). Her analysis on the ENP confirms the importance of the internal functionality thesis, and the theoretical concepts and methodological tools she applies provide a useful framework for the critical analysis of the EU EBM in this study.

While acknowledging the importance of 'agency' of EU institutions in producing policy narratives, Cianciara also emphasizes the structure of the policy field and prevalent discourses, identity and systemic narratives that constrain the actors in producing narratives (2017, p.50; 2020, p.7). Therefore, she prefers to use 'shift' instead of 'change' while explaining variations in the narratives in the sense that connections between the narrative components or objectives of the ENP might be constructed in a different way by different actors, but these narratives are expected to be credible and consistent with the identity and systemic narratives and capabilities (capital) of narrative producers (Cianciara, 2017, p.53, 2020). In this regard, while change evokes radical change and replacement of narrative components by others, shift refers to the usage of the same narrative components, but the degree of their dominance or relevance and the story being told with them may change (Cianciara, 2017, p.53, 2020).

Similarly, Pacciardi emphasizes that policy narratives are rooted in pre-existing stories on the EU project and its external relations, and thus they do not emerge in a vacuum (2024, p.4). Furthermore, several studies draw attention to certain criteria (coherence, reliability) for a narrative to be successful or acknowledged by the receivers of policies (Boswell et al., 2011, p.2). This illustrates the fact that the actors are not completely free in their choices and policy narratives, which challenges Bickerton's overemphasis on intentionality and agency of actors.

Instead of studying the objectives of the ENP in terms of values versus interests, Cianciara (2017) takes the objectives of the ENP field, namely, stability, security, good governance, democracy, and prosperity, as the components of the overall ENP narrative and

examines the major shifts in the policy narrative in order to explain actors' legitimacy claims when faced with internal (euro-zone and constitutional crisis) and external (growing instability at the external environment) crisis. While the author, in her 2017 article, looks at the strategy papers jointly produced by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to examine the narrative of the ENP, she widens the actors involved in narrative production to other EU institutions, the Council and European Parliament, member states and non-institutional actors in her 2020 monograph. In the latter, it is more likely to observe competition among different actors to seek legitimacy and strengthen their position in the field (turf wars).

Although the aims (explaining the external policy field) and theoretical orientation (sociological constructivism and internal functionality) of this study and Cianciara's study are quite similar, there are some nuances between the studies in terms of the analysis of narratives. First, this study adopts a qualitative analysis based on the context of Narrative Policy Framework that defines setting, victims and villains, and moral of the story as components of narrative, while Cianciara takes official objectives of the ENP as the components of narrative and looks at the frequency of these objectives in the official documents alongside the qualitative analysis of connections between the components.

Second, Cianciara, in her book, looks at the individual narratives of the EU institutions, member states and even think-tanks to show narrative competition (both with-in and inter-institutional) and the evolving ENP narrative and examines external responses of non-EU countries and their role in the reproduction of the ENP narrative. This is also the case for this study which ultimately shows how the field emerged and evolved through the interactions of multiple narratives of actors. However, the analysis of policy narratives in this study focuses pragmatically on the individual narratives of each EU institution to demonstrate the link between the interests of institutions in securing their positions in the policy field and the way they define the problem (setting) and solutions (moral of the story) to the issue. In this case, convergence in the narratives of EU institutions (i.e., the European Commission and the Council) rather than competition among their narratives can also illustrate the turf wars among actors over power (see chapter 3).

Thus, in this study, the emphasis is more on the turf wars among status-seeking actors rather than defining the overall EU EBM narrative. Narrative components are examined to demonstrate actors' competence maximization concerns usually independent of external and

internal crises within the case of external border management. Yet, the overall EU EBM policies, objectives and narratives are also important for this analysis as they demonstrate which actors or actors' solutions are accepted and to what extent. Thus, policy designs such as externalization, the creation of Frontex, and legislative acts within the policy field are discussed as examples of mixed bag of objectives.

Ultimately, policy narratives are only one of the data collection tools here to show the internal functions of the border policies. Hence, analysing narratives is a tool, not a goal, to interpret how and why problems and solutions are defined in particular ways by actors. Rather than conducting an extensive study on policy narratives and their individual components in the field as in the case of several studies on policy narratives of external affairs (Terlizzi, 2021; Cianciara, 2017; Pacciardi, 2024), this study is more interested in how policy designs, agencies, and strategies reflect the internal needs of actors who both produce and use them strategically. For this reason, this study principally concentrates upon the two components of narratives offered by the NPF: the 'setting' (definition of the problem) and the 'moral of the story' (solutions offered).

This dissertation has a similar research interest to that of Singler (2019, p.6), who aims to explain the reasons for the deployment and proliferation of smart border technologies "despite the empirical contestability of the underlying assumptions informing their deployment". The author emphasizes several internal dynamics that have led to the proliferation of these technologies while opposing the claims that those initiatives were responses to external threats. Singler (2019, pp.8-9) underlines the competence maximization and legitimization objectives of the supranational actors, particularly the European Commission, which resulted in securitization of migration at the EU level, and followed by a path dependence that further reinforced the securitized understanding of migration and competences of the Commission in the field and justified the development of smart borders.

Contrary to the conventional security studies that explain security-oriented policies as an inevitable response to external threats, Singler argues that securitization of migration at the EU level was not inevitable, and it was not exclusively a response to the changing security environment of the EU, but it was an outcome of "highly contingent political contestation" over the extent of competences at the EU level (2019, p.40). This argument perfectly matches the rationale of the functionality approach, which considers the EU

policies as the outcome of internal political struggles rather than as an outcome of concern for effectiveness. His analysis on the emergence and proliferation of surveillance technologies under the smart borders agenda of the EU further contributes to the understanding of the technocratic role of the Commission particularly since the early 2000s. Last but not least, Singler (2019) finds that technical imperatives of information systems cause identification of limitations and shortcomings in the existing systems and lead to the creation of new systems even in the absence of political intention and evidence for their necessity. This results in ever-expanding large-scale information systems, which is essential to understand continuous unease created within the management of borders justifying the insecurity Union concept, as discussed in the last chapter of this study on the implications of these internal contentious relationships. In any case, the reason for the proliferation of smart borders was not concern for effectiveness, but political contestation and technological impetus (Singler, 2019). While explaining the changing policy narratives of the Commission in the third chapter, this study benefits from Singler's findings about the Commission's strategies to convince Member States to increase its competences.

Recently, there has been a growing tendency to explain the ineffectiveness of the EU external policies that persist despite their scientifically unproven benefits with the internal dynamics. Examples of such are abundant in the literature on the CSDP missions and operations of the EU. Assessing the strategic capacity of the EU in the Operation Sophia (EUNAVFOR MED), Johansen stresses that the operation was not successful in fully achieving the formal objective of dismantling the networks of human smugglers (2017). However, contrary to the conventional accounts that seek the cause in the lack of physical capacity of the EU, the author suggests that "low degree of strategic capacity is not to be ascribed to an institutional apparatus that is unfit for strategic action, but a decision on the part of political decision-makers to give weight to symbolic, as opposed to strategic, action" (Johansen, 2017, p. 507). As the author proposes, with reference to Bickerton's thesis, this was illustrating the logic of internal functionality as the operation "served as a tool for political decision-makers to demonstrate political unity and action to domestic audiences in the midst of the migration crisis" rather than a strategic action to serve for external effectiveness (Johansen, 2017, p. 522).

Papagianni (2006) is also among the scholars who paid attention to the inter-institutional conflicts in the EU migration policy. She calls these struggles "competence

skirmishes" and "cross-pillar skirmishes": while the former refers to the debates particularly among the Council/Member States on the one side and the Commission and the Parliament on the other side over the extent of the competences of these institutions in migration policy-making, the latter refers to the disputes among the actors over under which pillar (the first or the third pillar) some aspects of the policy should be discussed (Papagianni, 2006, pp. 6,10, 21). The competence debate is not, for sure, unique to the EU EBM field, but it is the prominent characteristics of the field that direct the policy designs. These discussions are generally seen as a battle of ideas or normative preferences between more security-oriented policies, adopted by the Council, and more humanitarian, integrationist policies, adopted by the Commission and the Parliament. This divergence between the policy core beliefs is rightfully seen as an indicator of turf wars. However, as some scholars suggest (Trauner and Ripoll Servent, 2016; Ripoll Servent and Trauner, 2014; 2015; Ripoll Servent, 2015, 2018; Trauner and Lavenex, 2015), despite the institutional changes reinforcing the powers of supranational bodies, the dominance of security-oriented policies remained unchanged and even the Commission and the Parliament took sides with the Council to guarantee their place in future negotiations. Thus, even a lack of policy change was linked to the competence debates.

There are numerous cases showing the strategic usage of the field, its policies and instruments by the EU institutions. One such case is the creation of Frontex as an outcome of inter-institutional conflicts and then its evolution into a venue for actors to promote their agendas and powers in the field. "Rather than focusing on the political implications of Frontex' activities", Regine Paul, for instance, investigates the role of risk analysis as a regulatory tool in promoting 'silent' harmonization of border control by focusing on the agency of EU-level actors (2016, pp. 2-3). She finds out that risk analysis, by its "multi-functional rationalization of border controls", can promote European integration without questioning the sovereignty of member states (2016, pp. 2-4).

Among several functions of risk-based regulation[14], de-politicization function of risk analysis is one of the most referenced tools in rationalizing regulation by policy makers (Paul, 2016, p.14). Defining issues in technical terms to be solved by expert agencies gives governments and policy-makers an opportunity to increase their legitimacy and

[14] These functions of risk analysis that rationalize regulation are efficiency and effectiveness, transparency, de-politicization, trust and solidarity enhancement (for detailed information see Paul, 2016, pp.11-15).

manoeuvring power for action by avoiding the risks of being blamed for weak performance (Paul, 2016, p.14). As suggested by Rothstein, "reframing regulatory objects in terms of risk has proved attractive for rationalizing the practical limits of what regulation can achieve" (2006, p.217). "The 'discursive framing' of Frontex ... as technocratic, intelligence-driven and knowledge-providing agency", as emphasized by Paul (2016, p.14), serves the interests of policy makers. Paul also mentions how an objective risk analysis is used by Frontex and Commission to mitigate public concerns and critical voices regarding securitizing operations of Frontex and can also be used for managing disputes over the course of European border control by providing a neutral venue for the EU actors to discuss about the forms of border control (2016, pp.14-15). In that regard, the risk-based analysis also serves to enhance trust and solidarity among member states, particularly in times of crisis that cause coordination problems (Paul, 2016, p.15). The Commission's role in technocratization of the migration and border management is the case in point (section 3.3.2).

As mentioned previously, studies focusing on the origins of Frontex can provide important insights into the study of functionality in the EU's external border management (e.g., Leonard, 2009; Neal, 2009). Sarah Leonard's study (2009) on the creation of Frontex and institutional issues associated with it is useful in that regard, especially, in reflecting upon the first and second functions of EUFP as suggested by the functionality approach. Her research interest in the reasons for creating an 'agency' like Frontex rather than any other form of cooperation and political struggles between the actors involved in this process (2009, p.371) can provide an understanding of the internal functions of the border agency. Although Leonard (2009) mentions some security-oriented interests of EU member states for an increasing need for cooperation in external border management such as restricting migratory flows and reinforcing external border controls following the 9/11 terrorist attacks, the way the EU actors deal with these issues has some other internal dynamics, which address functionality in the EU's external border management. The creation of 'agency' as a form of cooperation and political struggle among actors in this process illustrates this point. Leonard's examination of these two issues is crucial in that regard.

One of the major contributions to the analysis of the inter-institutional struggles in the field unequivocally comes from the literature on the public policy theories of Narrative Policy Framework (NPF) and the Advocacy Coalition Framework (ACF) (see Chapters 2 and 3). Studies applying those theoretical frameworks to the EU policies and particularly to

the policy areas of the EU EBM are vital in substantiating the findings of this study. In this respect, Narrative Policy Framework contributed to the data collection and analysis phases of this dissertation with its assumptions on the structure of policy narratives having four main components (setting, characters, moral of the story and the plot) transportable across different contexts and the strategic usage of policy narratives by the actors (Jones and McBeth, 2010; Jones and Radaelli, 2015). Similarly, the Advocacy Coalition Framework as a public policy theory is interested in explaining the policy process (e.g., problem definition, policy formulation) and the conditions for policy change. With its insights on the belief systems of actors (deep core, policy core and secondary aspects) in the policy subsystem, the advocacy coalitions, and the policy-oriented learning (Sabatier, 1988; 1998, Jenkins-Smith and Sabatier, 1994), the ACF provided a useful ground to examine the policy positions of the EU institutions and the policy change in the EU EBM field.

As the review of literature illustrates, there is a considerable number of studies with diverse theoretical approaches interested in the agency of multiple actors and strategies in setting up external border policies and practices. The studies discussed here have been useful both in understanding the internal functionality logic and in determining the theoretical and methodological tone of the study. The analytical starting point of these studies is not the external impact and effectiveness of external border management policies. A review of these studies and theoretical perspectives suggests that there are several functions of border management policies and practices that concern EU actors more than the external impact of these policies on the ground. By borrowing major insights from these studies on policy development and practice, this dissertation aims to offer a more systematic approach to the internal functionality in the EU EBM.

1.4. Scope and Limitations

To reiterate, this research examines the internal functionality of the EU EBM field to understand why the migration, asylum and border management policies have been persistent with the same logic and rhetoric for a long period of time, despite much criticism and lack of clear success in achieving policy objectives and external effectiveness. Within the scope of this study, criticisms against these policy areas by scholars, external actors or even EU actors are not explained systematically but instead taken for granted based on the arguments expressed in the secondary sources. Exceptionally, the criticisms of the European Parliament

have been examined more systematically based on its official resolutions and reports. Irrespective of the existence of such criticisms, it is possible to observe an ambiguity in this story. If the policies are not successful, why have there not been any changes in the substance of policy and rhetoric for years? If they are successful (ignoring the question of according to whom and according to what benchmarks they are successful), why do policy instruments and measures continue to proliferate disproportionately? As mentioned in this study and several studies (Singler, 2019; Sadık and Kaya, 2020; Leonard, 2007; Brouwer, 2008), surveillance technologies, particularly information technology systems, have been created and updated even in the absence of formal policy objectives and evidence showing the necessity for them.

The EU EBM field is treated in this study as a component of the EU foreign policy and thus approached with theoretical frameworks and concepts used for understanding the process of foreign policy-making. At this point, it is essential to clarify the fact that although EU external border policy can be defined as part of EU foreign policy since this policy area is an external dimension of internal policy, as mentioned above, the functions of EU foreign policy may not work similarly as in the case of CSDP missions or external actions. The EU EBM, by its nature, has a strong internal dimension compared to other foreign policy initiatives and actions whose consequences are expected to have direct impact on non-EU actors and regions. Thus, to claim that EU EBM has internal functions, for instance to protect 'area of freedom, security and justice', beyond the concern of its impact on third parties concerned may sound an obvious fact as it is widely known that abolition of internal borders of the EU with the Schengen Agreement brought about some compensatory measures.

These measures form an important part of the EU external border policies and agencies. However, the critical question about the EU EBM remains the same: who gains from these policies? As suggested by Rayroux, the functionality approach offers an understanding that goes beyond the divide between rationalist and constructivist accounts of EU foreign policy and draws attention to the processes of foreign policy making in which different actors are involved (2013, p.741). On the other hand, Bickerton states that the EU is an 'introspective power' for which what foreign policy means for itself and its role in the integration process is of primary importance (2011, p.118). Thus, he repeatedly emphasizes that effectiveness/success or failure should not be used as the only applicable standards to judge EU foreign policy that is shaped by the internal functionality logic (2011). This study

does not claim to find criteria against which to judge EU external border management. Instead, it suggests that an approach only in terms of effectiveness and external impact of policies causes one to overlook the internal functions of a given policy.

It is possible to find various definitions for the effectiveness of foreign policy or external actions of the EU, driven by theoretical approaches to foreign policy making. Although there is no clear-cut definition of the concept, there are commonly agreed criteria for the effectiveness and success of the EU external actions, which are generally considered within the context of the CSDP operations. The most comprehensive definition of effectiveness is the one that looks at the internal and external standards of effectiveness. Peen Rodt (2017) defines effectiveness in a comprehensive way with respect to operational conflict prevention in the missions and operations of the EU, but it can be adapted to the external policies of the EU in general. Accordingly, "effectiveness is when a mission/operation achieves its purpose in an appropriate manner when seen from the perspective of the intervener as well as the conflict in which it intervenes … to prevent …violent conflict" (Peen Rodt, 2017, p.79). Thus, Peen Rodt (2017) adopts a two-pronged approach to effectiveness in operations and missions: internal effectiveness (the EU perspective) and external effectiveness (conflict perspective). The internal aspect involves internal goal attainment (i.e., fulfilment of politico-strategic goals and mandated objectives) and internal appropriateness (i.e., efficiency and timeliness) and external effectiveness involves external goal attainment (i.e., prevention of conflict) and external appropriateness (i.e., proportional prevention) (Peen Rodt, 2017, pp.80-85)[15].

In any case, the internal functionality approach does not engage in the discussion of internal or external effectiveness of foreign policy. Thus, internal effectiveness, or policy goal-attainment, should not be mixed with internal functionality. The latter denotes that the achievements- competence maximization of actors or mitigation of conflicts among Member States – are usually considered independent from the realization of official policy objectives. Furthermore, official policy goal-attainment (internal effectiveness) is not always accompanied by external effectiveness or impact as expected by external actors, target countries or people. A widely used example in the migration policy field is that while the EU restrictive policies may prevent irregular flows to the EU territory and reinforce

[15] For an application of these criteria of effectiveness to the case of "European Union Rule of Law Mission in Kosovo", see Zupančič et al. (2017).

solidarity among Member States (official objective attainment), it may cause humanitarian tragedies by driving people to use dangerous routes and smuggling networks to reach Europe (Boswell, 2003, p.619; Zapata-Barrero, 2013).

As mentioned before, the success of an external action is not only measured by the EU actors based on the external impact and achievements of the EU, but rather through the achievement of internal political goals. To give an example from the field of CSDP missions, the official objective of Operation Sophia (EUNAVFOR MED) was "to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea" (European External Action Service, n.d., para.1). However, this formal objective of dismantling and apprehending the members of smuggling networks was not fully achieved, and even the operation worsened the case in some areas and the reducing migration to Europe seemed to trump human rights considerations (Johansen, 2017, p.522; Riddervold, 2018, p.171). The operation rather served an internal political goal of illustrating the political unity among Member States, rendering itself a symbolic action rather than a strategic one (Johansen, 2017, p.522).

Limitations

The very first limitation of this study comes from the theoretical framework selected for an analysis of the EU border management policies. The functionality thesis mainly focuses on the agency of the EU member states and institutions. Although several national and EU level actors are active in the conduct of the EU border management policies and practices, this study will not examine all the actors involved in the policy-making process in detail. Rather, the internal functionality of the external border management of the EU will be studied predominantly through preferences and positions of the EU institutions (the Commission, the Council and the Parliament). Furthermore, the functionality thesis only focuses on the agency of humans in the process of policy making disregarding the agency of nonhumans such as surveillance technologies that are claimed by some authors to have an independent effect on the security discourses and practices (e.g., Singler, 2019, pp. 21-22).

Although the major arguments of the study are based on the logic of the internal functionality thesis, this study does not apply all the functions suggested by this approach. The emergence and evolution of the EU EBM field is studied with an exclusive focus on the second function -the EUFP "as a site for interinstitutional rivalries and conflicts" (Bickerton,

2011, p.10). Although the first and third functions of EUFP suggested by this approach will not be discussed in this research, the term "second function" for analysis of turf wars will be used, not to show a ranking among functions, but to align with the original argument and with the studies that have adapted it.

As specified before, the actors of turf wars are limited to the EU institutions in this study. Therefore, the actors chosen for the research purposes arguably create yet another limitation. The Council of the EU, the European Commission and the European Parliament are taken in this study as unitary actors, supposing that there are no divisions and different opinions within the institutions. This, somewhat ceteris paribus assumption has been taken to study inter-institutional struggles or turf wars in the EU EBM. There are also intra-institutional struggles within the Commission among Directorate Generals (DGs), within the Council of the EU among the member states and within the Parliament among different political groups. These intra-institutional conflicts among different actors and even coalitions between the actors from different institutions (i.e., coalition of centre-right parties of the EP with the ministers in the Council) are observed in the process of policy making and they affect the policy designs and outcomes considerably on some occasions, as elaborated later in this study. However, for the sake of discussion on the second function, those intra-institutional studies will not be examined in depth.

The EU external border management field (EU EBM) is hypothetically defined in this study as the policy field comprising migration, asylum and border management issues. Thus, there is no such common usage of the phrase in the literature like other fields such as the Justice and Home Affairs (JHA) or 'Area of Freedom, Security and Justice' (AFSJ). In the third chapter on the empirical analysis of turf wars, the term JHA field is also extensively used alongside the EU EBM. This narrow definition leaves out the important aspects of the JHA field related to external border management such as police cooperation for counterterrorism and international crime. However, these sub-policies of the JHA field long remained under the third pillar and, thus, governed by intergovernmental rules. This was also the case for migration, border and asylum issues that were not governed by the community rules for a long time. However, they were transferred to the Community pillar with the Amsterdam Treaty (1997) long before the communitarization of the remaining JHA

sub-policies that came ten years later, with the Lisbon Treaty (2007).[16] In that regard, it became possible to study turf wars among the EU institutions in two periods: before and after the empowerment of the Commission and the Parliament with the treaty reforms.

This study is also inevitably temporally limited; it particularly examines the EU EBM field between 1985 and 2005. However, the pre-1985 developments leading to cooperation at the EU level and post-2005 revisions of legislative texts that were first adopted before 2005 (the end of the transitional period) were also discussed in the study to present a more comprehensive analysis of inter-institutional struggles that are not limited to this period only. Thus, the time scope in this study broadly corresponds to the years between the 1980s and the 2000s. If the Schengen Agreement is taken as a starting point, the cooperation in the field has a history of almost 40 years. The analysis of the first twenty-years is considered vital in this respect considering the key developments in this period, such as institutionalization of cooperation at the EU level, reforms of founding treaties bringing key institutional changes, empowerment of supranational bodies and formation of laws governing asylum, migration and border checks.

1.5. Thesis Structure

This dissertation consists of five chapters, including the introduction and conclusion chapters. The first chapter introduces the content and nature of the study; explains the contextual framework in which the EU EBM field has been developed along with the major trends of the policy areas; reviews the studies in the literature that focus on effectiveness and internal functionality of the EU foreign policy and the EU EBM field and finally states the scope and limitations of the study.

The second chapter explains the theoretical framework that guides this research's major questions and arguments and describes the methodology of the study. It first explains the internal functions of the EU foreign policy suggested by the functionality thesis and then continues with the theoretical approaches and concepts that are essential in understanding the policy preferences of the EU institutions and their impact on policy designs. In the second

[16] The Lisbon Treaty merged the first and third pillar issues falling under the JHA field under a new title called "Area of Freedom, Security and Justice" involving chapters on "policies on border checks, asylum and immigration", "judicial cooperation in civil matters", judicial cooperation in criminal matters" and "police cooperation" (Title IV, articles 61-69).

part of the chapter, the research design and methodology of the study are introduced with sections on research argument, case selection, data collection and data analysis.

The third and most comprehensive chapter of the study examines in detail the political struggle among the key institutions of the EU; namely, the Council of the EU, the European Commission and the European Parliament. Policy narratives of these institutions in migration, asylum and border management policy areas are defined between 1985-2005 by following the structure of Narrative Policy Framework. Taken here as the major indicators of turf wars, divergence and convergence between the policy core beliefs of the institutions are analysed. Drawing on the concept of 'epiphenomenal' policy-making, the last section of the chapter illustrates how Frontex, as the key agency in charge of the coordination of the EU border management policies, has emerged as a product of political competition among the EU institutions.

The fourth chapter is devoted to assessing the research findings within the language of theoretical approaches applied systematically throughout the study, namely, the functionality thesis, Narrative Policy Framework and Advocacy Coalition Framework.

Lastly, the final chapter of the study summarizes the findings of the research, discusses the theoretical and policy implications of the study and suggests avenues for future research.

2. THEORETICAL FRAMEWORK AND RESEARCH METHODOLOGY

This chapter aims to set out the theoretical framework and research methodology that guides this study. It consists of two main parts. In the first part, the rationality behind the functionality thesis and the major functions of the EUFP claimed under this approach are examined, followed by the theoretical approaches and concepts that are considered essential for exploring and understanding the internal functionality of the EU EBM. In the second part, the methodology of the study, which focuses on the research argument, case selection, data collection, and analysis, is presented.

2.1. Theoretical and Conceptual Framework

2.1.1. Functionality Approach to EUFP Analysis

To be able to grasp the logic of the functionality thesis in studying EU foreign policy and external actions, this section will summarize three main functions that EU foreign policy serves, as suggested by Christopher Bickerton (2010; 2011). Although this research exclusively uses the second function (turf wars) as a guide to examine the internal functionality of the EU EBM, all three functions, having the same overarching rationale, will be discussed briefly. By criticizing the EU foreign policy literature for its excessive focus on the EU's effectiveness as an international actor, Bickerton (2011) points to the fact that the EU foreign policy analysis that is based solely on external influence and effectiveness will cause the political dynamics playing a role in the EU foreign policy formation to be ignored. He starts his analysis by giving reference to Michel Foucault's study on prisons, which pointed out that the traditional focus on the success or failure of prisons as centres of rehabilitation misses the broader political functions of these institutions, that is, the formation and maintenance of power relations in modern society (Bickerton, 2011, p.12).

As opposed to the studies with a prescriptive concern of explaining the effectiveness, actorness or ability of the EU to act in international affairs, Bickerton suggests that the EU foreign policy cooperation is motivated by a logic of functionality instead of effectiveness and remarks the political functions of any foreign policy initiative or in(action) to express

"what purpose does EU foreign policy serve and for whom" (2010, p.215). Weiler and Wessels (1988, p.250) suggested a similar approach to the study of European Political Cooperation (EPC) in responding disparities among actors – involved diplomats stressing the importance of increasing interactions and converging perceptions of member states and the outside observers stressing the external impact- in assessing the success of the EPC. Dominant perspectives described the success or failure of EPC in terms of "its ability to create a decisive European voice and action in the world arena" (Weiler and Wessels, 1988, p. 251). Questioning the functions of the EPC regarding the achievements of member states, the authors suggested an alternative method for measuring the success of the EPC and explaining the reasons for the sustained interest of member states in political cooperation despite its falling short of expectations of multiple actors (Weiler and Wessels, 1988). In this sense, if inaction serves better for the interests of member states, inaction itself, not action, might be the indicator of success, which illustrates an inward-looking assessment of the EPC success (Weiler and Wessels, 1988; Bickerton, 2011, p.15).

Emphasizing the role of the EPC in maintaining the status quo in Central Europe, Weiler and Vessels pointed out that "it has served as an alibi for inaction of individual countries when asked to get involved, a collective shelter against the call for more active foreign policy" (1988, p.253). As Michael Smith (2003, p. 564) suggested, the interest of the 'club' in the building of consensus overweighed the substantial external actions. Stating that the criticisms raised for EPC's failure to solve international problems of its time overlooked fundamental dynamics behind the EU-level cooperation, Michael E. Smith emphasized that "EPC was not created to help Europe solve international problems; it was created to prevent international problems from disrupting the Community and, to a lesser extent, to make sure a common European voice was heard in international affairs" (2004, p.4).

Several scholars (Rayroux, 2013; Smith, 2004; Keukeleire and MacNaughtan, 2008; Keukeleire and Delreux, 2014), including Bickerton (2010, 2011), raised their concerns about the tendency to assess EU foreign policy on the basis of state-like perspective[17] that evaluates actorness, effectiveness, capabilities of the EU in international affairs. This tendency is observable in several publications on the analysis of the EU's foreign policy and actions such as Christopher Hill's work on the 'capability-expectations gap' (1993) or

[17] Hazel Smith, for instance, points out, in response to the criticisms and question of whether the EU has a foreign policy, that "European Union does indeed have a foreign policy and that it can be analysed in pretty much the same way as we can analyse that of any nation-state" (2002, p. 1).

several studies on the EU's actorness, presence, performance, coherence and effectiveness (Bretherton and Vogler, 2006; Allen and Smith, 1990; Thomas, 2012)[18]. Although the EU is not a state, it defines itself as a normative power, and it is theoretically and empirically appropriate to assess the effectiveness of its policies and actions[19]. Otherwise, sole emphasis on the functions of foreign policy will likely undermine the prescriptive concerns. Still, though, the focus of the authors (Keukeleire and MacNaughtan, 2008; Keukeleire and Delreux, 2014) on the distinct character of the EU having different objectives and methods of decision-making than that of member states is important to show the added value of EU foreign policy. Thus, the purpose of introducing functionality logic in the assessment of the EU EBM is not to present these functions as standards of success undermining the outcomes of a foreign policy but to illustrate multiple actors and purposes that lead to EU-level cooperation in the field of external border management and the function of the EU EBM as a new rising engine of European integration, which has several implications on the EU, making it an introspective actor in international politics.

Stating that EU foreign and security policy is "the next phase of European integration" (2011, p.3), Bickerton emphasizes that the foreign policy of the EU is not different from its other policy areas, which are also motivated by the internal needs of balancing conflictual political relations among EU actors -member states and institutions- and advancement of European integration. Thus, in his own words, "the turn towards foreign policy in European integration has thus more to do with the internal dynamics of the EU than it has with the changing nature of international politics" (2011, p.2). Drawing attention to the possibility that the foreign and security policy of the EU may not aim to make the EU an effective international actor through its performance and outputs, Bickerton also points out three main internal functions[20] of the EU cooperation in this field, which may serve as an "alternative route for European integration" (2011, p.8). At this point, inspired by Giandomenico Majone's description of 'epiphenomenal nature' of EU policies (2005), Bickerton distinguishes his understanding of functionality from the European integration theory of

[18] For the literature review on the concepts and approaches – presence, actorness and effectiveness- surrounding the role of the EU in its external affairs and their relevance in the ENP framework see Hoffman and Niemann's study on "EU actorness and the European Neighbourhood Policy" (2018).

[19] For detailed information about the concept of normative power and several criteria suggested in the literature to assess the normative power of the EU see Manners (2002), Tocci, (2007), Sjursen (2006), Diez (2005), Zengin (2017).

[20] In his article on the functionality of EU foreign policy, Bickerton suggests that it has three functions (2010). In his 2011 book, he comes up with the fourth function, namely, 'democratic legitimation' denoting the use of foreign policy field as a site for "internal democratic renewal for the EU" (2011, p.7).

neo(functionalism) (2011, pp.18-19). Bickerton's functionality approach is about revealing the functions of EU foreign policy within the European integration process by simply asking what purpose and to whom it serves and arguing that foreign policy outputs are by-products of those functions (2011, p. 19).

First function: National strategies

The first function of EU foreign policy is to be a "route for the pursuit of national strategies" (2011, p.6). At this point, Bickerton (2010, 2011) clarifies that this function does not necessarily mean that the EU member states use foreign policy, dominated by intergovernmental methods of policy-making, as a means for their national objectives (maximizing their power, etc.) as expected by rationalist approaches. Instead, the member states started to see "foreign policy cooperation as an end in itself" (2011, p.7). No matter that this still amounts to using foreign policy as a tool for realizing national strategies, it does not correspond to it in the sense of nationalist power-seeking interests.

Under the first function of the EUFP, Bickerton mentions two sub-functions[21] in relation to national strategies. The first one is the 'damage limitation' function of EU foreign policy -an oft-noted one by the scholars of the field through the cases of the EPC and CFSP and basically refers to the EU foreign policy cooperation operating to regulate, manage and reconcile the discrepancies among the member states and prevent potential conflicts (Bickerton, 2011). The goals of the EPC specified in the Luxembourg Report of 1970 and the Copenhagen Report of 1973 exactly denoted such kind of functionality (Bickerton; 2007, p.26; Wessels, 1982; Allen and Wallace, 1982). These goals were to ensure mutual understanding of main issues of international relations by means of regular information exchanges and consultations and to strengthen solidarity among members through promoting the harmonization of views and seeking common positions and, if possible, joint action in the major international problems (Copenhagen Report, 1973, Part I, p.14). In contrast to the assessments of the EPC within the frame of an "ideal-type model" that has foreseen the eventual replacement of national foreign policies, Wessels (1982, pp.3-4) develops an alternative criterion to judge the effectiveness of the EPC by suggesting that its functions

[21] Bickerton himself did not name these functions as sub-functions. In his article, he defined the first function as "the legitimization of inactivity at the national level" (2010, p.213). In his book, he defined the first function more comprehensively by focusing on two functions, namely, "damage limitation" and "legitimizing of disinterest in foreign policy" (2011, p.34). Hence, for clarity, this study called them as two sub-functions under the first function.

should be evaluated in terms of internal affairs of the members along with the role of them in the international system. Wessels underlined the reactive capacity of the EPC, which only worked to neutralize conflicts rather than prevent them (1982, p.11). Similarly, Bickerton underlines that the major goal of the EPC was not to project power abroad but to defend the Community against external challenges and to mitigate tensions in the EC, which was under pressure due to the economic, social and political tensions of the time and the détente period of the 1970s that created certain ambivalence among European powers (damage limitation), which he calls as "internal functionality of EU foreign policy" (2007, p. 27). In short, the EPC was an avenue for EC member states to discuss and negotiate in the climate of shifting Cold War dynamics and divergent positions of national foreign policies (Bickerton, 2007, pp. 28-29).

Damage limitation function of EU foreign policy was also the case for its components, CFSP and ESDP, in the 1990s, and it privileged the process over final outcomes, which sustained the inward-looking quality of the EPC (Bickerton, 2007, p. 30, Heisbourg, 2000; Wallace, 2007). Scholars emphasized that the member states did not consider or target clearly European strategic priorities, ambitions, geopolitical interests, final achievements or implementation as much as the process or procedural requirements such as restructuring armed forces (Heisbourg, 2000, p.7; Wallace, 2007, p.47). Thus, the 'damage limitation' argument did not mean to suggest that the ESDP was the lowest common denominator reflecting differences among member states, but it proposed that the quality of the ESDP was rather procedural (Bickerton, 2007, p.30). This lack of strategic vision and ambiguity will be further discussed in the following chapters.

Regarding the damage limitation function, Keukeleire highlights the importance of the European integration process in pursuing 'interrelational goals', which "offers member states to arrange their mutual relations in a satisfactory manner" (2003, p.32). Interrelational goals aim to settle mutual relations and avoid mutual tensions among member states through mutual understanding, solidarity, and predictability of each other's attitudes towards international crises and might be the sole motive behind any foreign policy actions overriding the policy goals (Keukeleire, 2003, pp.32-33). Evaluating the Maastricht Treaty and the establishment of the CFSP in this context, Keukeleire stressed that the creation of CFSP was more related to managing uncertainties and risks following the German reunification rather than creating an effective European foreign policy actor, which indicates

that for Germany and France, "the CFSP was more important as symbol than as substance" (2003, p.33).

Similarly, in an environment where different attitudes of member states over Kosovo's independence and recognition led to the adoption of a state-by-state approach instead of collective recognition, the rule of law mission (EULEX) in Kosovo was launched, the main function of which was to prove that the EU acted collectively over the Kosovo case (Bickerton, 2011, pp.28-29), masking the divisions among member states. There are several similar examples illustrating the role of foreign policy initiatives such as CSDP missions as mitigating the conflictual attitudes of member states and thus remaining a symbolic exercise and serving internal objectives of the EU actors instead of having an actual impact on the third countries (Bickerton, 2007; Keukeleire, 2003; Johansen, 2017; Gourlay, 2012; Rayroux, 2013; Howorth, 2007)[22].

Bickerton accounts for the second sub-function of the EU foreign policy, in relation to the national strategies, as "managing the problem of disinterest", with reference to Zaki Laidi's "power avoidance" concept and Menon's evaluation of CSDP as playing a part in absolving member states of their individual responsibilities for international security (Bickerton, 2011, p.23). Thus, EU foreign policy may also function "to legitimize Europe's retreat from its historical role as architect and driver of international affairs." (Bickerton 2011, p.23). Through the case studies of France and Germany, Bickerton finds the "demise of traditional national foreign policy strategies" as the very reason for the preference of these countries for pan-European foreign policy (2011, p.24). That is, EU foreign policy can be seen as a substitute for greater involvement of some powerful member states in international affairs (Bickerton, 2011, p.34).

For both the French and German cases, Bickerton defines the EU foreign policy function as of "managing a transitional period in national foreign policy" (2011, p.46). In the case of Germany, commitment to CFSP and CSDP in the post-Cold War order is associated with the desire of German governments and society to avoid a new national foreign policy strategy that would meet the international expectations about reunified Germany to become a regional hegemon and great power that will not stay on the sidelines

[22] For instance, the 2003 European Security Strategy (ESS) offers a good example of damage limitation function of EU foreign policy. For details of how the ESS functioned to settle disagreements among the member states and also to legitimize their inactivity, see Bickerton (2007, p.31; 2011, pp.35-39).

in the case of international conflicts (Bickerton, 2011, pp.39-40). Bickerton (2011, pp.41-42) defines Germany's transition into the post-Cold War order by the strategy of 'normalization' through Europe, indicating reconciling its long-standing reluctance to engage in international security affairs through its more proactive stance in the EU level. This strategy is used to facilitate the normalization of Germany and to legitimize engagements abroad with reference to the EU foreign policy obligations (2011, pp.39-46).

In the case of France, EU foreign policy (CFSP and CSDP) has worked as a substitute for Gaullist foreign policy, the transition process of which has created a profound ambivalence (Bickerton, 2011). In this regard, EU foreign policy transferred from being a means for French national interests towards an end itself in the ambivalence following the demise of De Gaulle's foreign policy tradition based on the policy of 'national grandeur' (Bickerton, 2011, pp.47, 50). Particularly in the post-Cold War order, EU foreign and security policy and European cooperation were used and promoted by France as a justification for change in its foreign policy, which was apparent in Sarkozy's decision to take France back into NATO's military structures, which was thought to encourage member states in the Eastern Europe to reinforce the CSDP further (2011, p.54). In this way, Bickerton (2011) illustrates that, following the new world order in the post-Cold War era, powerful EU member states tried to solve their uncertainties and ambivalences in their national foreign policy strategies through the CFSP and CSDP. From this aspect, the CFSP and CSDP have become an end for these countries, not only for managing their domestic issues but also for mitigating disagreements among member states about international security affairs (damage limitation) and avoiding international obligations and responsibilities (power avoidance), rather than as means for their power-maximizing national ambitions (Bickerton, 2011).

Second function: Turf wars

The second function of EU foreign policy is to be "a site for the struggle over political power between different actors in the EU" (2010, p.213). With reference to Giandomenico Majone's (2005) description of 'epiphenomenal' nature of EU policies, suggesting that "policy outputs are subordinated to an internal need to balance the different institutional relationships" (Bickerton, 2011, p.7), Bickerton proposes that foreign policy cooperation emerges as a product of institutional rivalries and power struggles among the Commission, the Council and the European Parliament, which causes remarkably ineffective foreign

policy outcomes (2011, p.24). As an example of a foreign policy cooperation that emerged as the product of internal political competition among actors, Bickerton mentions the function of the European External Action Service (EEAS) as a venue for European institutions, where they struggle to maximize their power over this new initiative (2011). While the European Parliament and the Commission tried to maximize their powers and guarantee that the institutional design of the EEAS would reinforce integration by ensuring the loyalty of EEAS' stuff to the EU instead of member states, the Council of Ministers wanted to integrate some policy areas that fall under the Community method, such as development policy, into the EEAS to reinforce its own authority (2011, p.24).

For Bickerton, these turf wars reflect the non-sovereign political order of the EU, and thus, they are different from the ones taking place under the sovereign states where institutional rivalries also occur within the context of national foreign policy to influence the policy-making process (2011, p.25). However, in the context of the EU foreign policy, those rivalries target more radical changes, such as reshaping the "constitutional balance between the bureaucratic and the executive arm", which confirms that "policymaking and polity-building within the EU are so difficult to separate" (Bickerton 2011, p. 20). Turf wars in the EU illustrate the fact that these institutions try to guarantee their involvement in foreign policy-making. For example, while threat assessments of the Commission can be seen as an attempt to define changing security environment that includes non-conventional threats such as economic tensions, environmental issues or migration, they should also be understood as a move by the Commission to reinforce its authority in foreign policy-making, considering the fact that these new threats fall under the legal competences of the Commission (Bickerton, 2010, p.219). With a similar rationale, Cianciara, regarding the ENP field, suggests that "the way, in which EU institutions define challenges in the EU's neighbourhood, is strictly linked to solutions that they are able and willing to offer" (2020, Ch2, "*How the field is structured: resources and strategies*", para. 4).

The struggle over power takes place notably between the Council and the Commission and between the European Parliament and the other EU institutions (Bickerton, 2010, p.219). For instance, the field of crisis management has become a site for political struggle between the Commission and the Council following the deepening of security and defence cooperation of member states under the European Security and Defence Policy (Bickerton, 2010, p.220). This included both civilian and military capacities: for the Commission, the

development of the ESDP militarized the “civilian crisis management identity” of the EU, while for the member states, crisis management provided “the ESDP with a civilian identity and purpose” (Bickerton, 2010, p.220). This struggle between the Council and the Commission has led to the use of many different short and long-term tools, which often overlap with each other, under the concept of "civil-military cooperation", and this diversity has resulted in a confusion of roles and responsibilities in the field (Bickerton, 2011, p.67)[23]. Rather than being an original contribution to international security, Bickerton suggests, the ‘civ-mil cooperation’ is an outcome of internal rivalries between various EU actors rather than that of rational and strategic thinking, and thus, it is somewhat a symptom of ‘leaderless Europe’, à la Menon (Bickerton, 2011, p.61). The European Parliament also uses foreign policy as a site for building its distinct identity and expanding its power vis-a-vis the Commission and the Council through its promotion of democracy and human rights (Bickerton, 2010, p.220; 2011).

In sum, rather than as a rational response to the new security environment in the post-Cold War period, the CSDP has become a ground for these institutional rivalries besides amounting to the formal way of managing ambivalences in national strategies and mitigating disagreements among member states (Bickerton, 2011, p. 61). That is why, as suggested by several scholars, the effective implementation and impact of the policy were secondary to the process of planning in the CSDP, in which strategic thinking on the ambitions and final ends of policy was absent (Bickerton, 2011, pp. 61-67; Wallace, 2007; Gegout, 2005; Olsen, 2009). “With so little concern for the ends of CSDP [on the parts of the EU member states], it would seem odd to judge the policy based on its performance or on its outputs”, which are indeed the product of arbitrary policy process (Bickerton, 2011, pp. 63, 72).

Although Bickerton put much emphasis on the fact that EU foreign policy emerges as an outcome of contentious relations among the main institutions of the EU, there are various actors beyond the EU institutions, such as security professionals, private corporations, border patrols, intelligence services, and military people that can be added to this equation in the case of EU EBM. This aspect of the case has wider implications for the foreign policy outcomes. Therefore, actors can be defined in a broader framework depending on the policy

[23] For an example of incoherence between the civilian mission (European Union Police Mission in Bosnia) and the military crisis management mission (EUFOR Althea), see Torun, “Strengths and Weaknesses of the European Union Police Mission in Bosnia-Herzegovina” (2016).

field. However, this study also follows the narrow approach focusing exclusively on three EU institutions (the Council, the Commission and the Parliament) in the EU EBM field.

Third function: the EU's search for meaning

The third function of EU foreign policy is to be "a means for exploring ontological issues relating to the EU's underlying purpose and its *finalité politique*" (2010, p.213). This function stresses the role of EU foreign policy as a venue for wider reflections on the ontology and nature of the EU. Claiming that foreign policy has become the new vehicle for European integration, Bickerton gives the example of the EU Military Operation (Operation Althea), launched in Bosnia in 2004, to illustrate that the purpose of the CSDP is to approve the EU as an actor and that the civilian and military missions are tools on this path (2010, pp.222-223). For example, David Leaky, the commander of the Althea mission, stated that the only advice he received from the CFSP High Representative, Javier Solana, was that the mission should "make a difference" and that it should be "new and distinct" (2006, cited in Bickerton, 2011, p.66). This concern with doing something 'new and distinct' was reflected in the field as a merging of civilian and military tools under the concept of 'holistic approach' (Bickerton, 2010, p. 223; Torun, 2016, p. 17), which prioritized the internal need to define the EU as a distinguished actor in international affairs over the declared external policy objectives.

As underlined by Torun (2016, p. 17), EUFOR, with its involvement in the fight against organized crime, was used as a means of demonstrating that the EU had sufficient capabilities to conduct peacekeeping operations and, criticized by the EUPM (European Union Police Mission) officials on the ground that organized crime should be combated through civilian means. Rayroux also explains this search for meaning and inward-looking evaluation of crisis management operations, with reference to Javier Solana's statement about the EUFOR Chad/CAR (2013, pp.739-740):

> "First, this operation demonstrated how the EU has become a global provider of security and stability. ...Second, through EUFOR, the European Union has proved itself a valuable partner for stability for the UN. …Third, we affirmed the credibility

of our military capability. Fourth, in deploying EUFOR, Europe has given further substance to its commitment in the joint EU Africa Strategy of December 2007".[24]

Identity-building function is not specific to civilian and military missions under the intergovernmental CSDP framework only; it can also be realized through policies that fall under the Community method, such as the EU development policy towards the Third World countries that is seen by many reinforcing European image and its distinct identity in the eyes of European citizens in an environment where traditional narratives of European integration such as single market or monetary union fail to do so (Bickerton, 2011).

Table 2.1. Key concerns and concepts of studies focusing on effectiveness and functionality of EUFP

	Effectiveness/External Impact, Outcomes Approach in EU Foreign Policy	**Functionality Approach in EU Foreign Policy**
Key question (analytical starting point)	What is the external impact of the EUFP? Is it successful in realizing policy objectives?	What is the internal function of EUFP? What purpose and for whom does it serve?
Concerns/concepts	Performance, coherence, actorness, effectiveness of the EU, outcomes of foreign policy making	Wider political dynamics of the EU foreign policy cooperation (internal needs of actors in the EU) Internal functions
Actors	Member states	Member states, EU institutions, interest groups (security professionals)
Standards for judgement[25]	**External Effectiveness** -Success in terms of realizing policy objectives (internal goal-attainment) -Success in terms of meeting the expectations of the external actors (external goal-attainment) -Judging the EU against the nation state	**Internal functionality of EUFP** -Damage limitation (accommodating divergences) -Power and responsibility avoidance -Venue for turf wars -Competence maximization -Identity building -European integration
Theoretical perspectives and concepts having a (partial) say on	**Normative or prescriptive theories:** -focusing on the normative impact of policies in terms of consistency between manifested foreign policy objectives and actual results	**Constructivist approaches** -focusing on the process of foreign policy making -focusing on the agency of multiple actors in policy making, interested in everyday practices of actors and their function in policy development (IPS) -focusing on the role of policy narratives in the construction of policy designs/outputs (NPF) -Advocacy Coalition Framework -New institutionalism -Sociological Constructivism

Source: Author's own construction

[24] For the full text of the statement see: Javier Solana, "Chad mission shows EU is effective in giving stability", 13 March 2009, https://www.irishtimes.com/opinion/chad-mission-shows-eu-is-effective-in-giving-stability-1.721754

[25] Standard for judgement means measuring or judging something (here the EUFP) against commonly approved or accepted examples. For example, judging the EU against the nation-state, which is common in studies focusing on effectiveness of the EUFP.

It is important to note that an emphasis on these theoretical approaches and dividing them into two groups do not necessarily mean that they have a systematic analysis on effectiveness or functionality approach, nor they support the former or the latter. It is rather to illustrate that these theoretical approaches and their conceptualizations may have a (partial) say on the functionality in the EU's external border management. Some of their assumptions about actors, processes or structures may help with understanding and extending Bickerton's functionality approach. For instance, although Bickerton's functionality approach has an excessive focus on agency, the constructivist approach (which has a say on social structures and their constitutive effects on actors) may be substantial in understanding functions of EU foreign policy with its emphasis on construction of identities and interests and the very process of foreign policy making. Similarly, International Political Sociology (IPS) may extend the functionality approach that excessively focuses on the agency of EU member states and institutions, by adding new actors/agencies and their multiple purposes into the equation. Similarly, Narrative Policy Framework is vital to understand how policy narratives of actors (national ministries or the EU institutions) are reflected in the design of migration and border policies. Thus, these theoretical approaches and concepts, despite their different ontological and epistemological positions, are useful in exploring and explaining the intentions of the actors in charge of policy making and implementation. In this study, all theoretical approaches mentioned in the table will not be discussed in detail. Citing them here is to show that their assumptions can be useful for supporting the arguments of this dissertation despite their contradictions with each other.

With the opening of a window of opportunity to study EU foreign policy more comprehensively, there are also some limitations of the functionality approach as suggested by Bickerton himself (2011, pp.122-124). For instance, he accepts that the functions he suggested for EU foreign policy are not exhaustive and there may be different functions other than the ones he examined in his study (Bickerton, 2011). Thus, the aim of the functionality approach in studying EU foreign policy is not to find all the functions but to describe the logic of the approach, as mentioned previously. To be able to explore the functionality logic within the specific dynamics of the EU's external border management, one may suggest new categories of functions or some sub-categories under the existing functions defined in this approach.

2.1.2. The Functionality Approach and the Sociological/Structural Constructivism

This section discusses the possibility of introducing a sociological approach to the study of internal functionality in the EUFP, which is considered as an attempt to avoid the charges of "excessive focus on agency", as Bickerton put it (2011, p. 123) and to improve the explanatory power of the functionality thesis. At the end of his book, Bickerton specifies some limitations to the functionality approach. He suggests that in the functionality approach, "functions... point to intentionality, and intentionality to agency", which might lead to a problem of conspiracy (Bickerton, 2011, p.123).

Thinking of several initiatives and outputs of EU foreign policy that emerged in an ad hoc manner, intentionality may not be so much embedded in policy as suggested by the functionality approach, argues Bickerton (2011, p.123). Interestingly, though, Bickerton acknowledges (2011, p.123), and this study concurs that ad hoc policy initiatives or designs are considered as an outcome of inter-institutional rivalries. Thus, it might be more accurate to designate that intentionality refers to actors' deliberate pursuing of their institutional interests. In this context, whether emerging policies are ad hoc or planned has nothing to do with the initial intentionality of actors, who use the field intentionally for their aims, even if the results are often of mix type and ad hoc. Indeed, within this dissertation's insight, the limitation of the approach refers to its focus on the agency of actors at the expense of structural constraints or lack of "proper balance between agency and structure" (Bickerton, 2011, p. 123). The following discussion elaborates on this point and suggests solutions to that limitation.

This endeavour to address the overemphasis of the internal functionality approach on the intention and agency of actors is not, in fact, a novel attempt. At the end of his analysis on the CSDP missions (see chapter 1, section 1.3.), Rayroux looks at the parallelism between the internal functionality approach on the one side and the constructivist and rationalist perspectives on the other and finds certain congruences among them (2013). While some rationalist arguments[26] – defining the EU foreign policy as a tool to realize national strategic

[26] For the details of these rationalist arguments and cases studied see Adrian Hyde-Price's study called "'Normative' power Europe: a realist critique" (2006), Gorm Rye Olsen's article called "The EU and Military Conflict Management in Africa: For the Good of Africa or Europe?" (2009), Giovanna Bono's article called "The EU's Military Operation in Chad and the Central African Republic: An Operation to Save Lives?" (2011), and Catherine Gegout's article called "Causes and consequences of the EU's military intervention in the Democratic Republic of Congo: a realist explanation".

interests -are in line with the first function (national strategies and damage limitation), constructivist approaches- focusing on the processes of policy-making, instead of causes and consequences of CSDP operations, and their identity-building implications for national and EU actors- are congruent with the third function (search for meaning) (Rayroux, 2013, pp. 741-43). Moreover, Rayroux (2013, p.743) provides a limitation of the functionality approach, also acknowledged by Bickerton himself, pointing to its excessive focus on actors' agency and their intentionality to the extent that it disregards the role of structural elements -normative and institutional constraints- emphasized by the constructivist approaches, which is particularly problematic in the case of turf wars among institutions and actors (second function). He suggests that "a fair empirical account of these turf wars would require establishing how actors navigate between strategies and preferences on the one hand, and institutional and normative constraints on the other" (2013, p.743). This study strongly concurs with this statement, albeit focusing exclusively on structural/institutional constraints instead of normative constraints.

As a solution to this limitation, Rayroux suggests adopting the notion of "usages of Europe" as a sociological framework that supplements the functionality thesis by adding new dimensions and notions to understand transformations of states and actors (Rayroux, 2013, p.744). He draws this notion from Sophie Jacquot and Cornelia Woll's "Usage of European integration: Europeanization from Sociological Perspective" (2003). Accordingly, 'usages of Europe' is also an agency-based perspective, and it offers different categories of usages based on their functionality (Rayroux, 2013, p.744; Jacquot and Woll, 2003, pp. 6-7)[27]. Jacquot and Woll (2003) highlight the role and discretion of political actors in the process of European integration alongside more structural elements or pressures in that process. Pointing out the role of structural pressures and the agency/intention of actors in the policy process, they suggest that "not only "adaptation to" but also "usage of" the process of European integration is important to understand the transformation of European member states" (Jacquot and Woll, 2003, p.1). Although their study particularly assesses the interaction between the national and the European level in the process of Europeanization, its emphasis on the "usage of" the European integration process by political actors even in

[27] Those categories include strategic usage, cognitive usage and legitimising usage (Jacquot and Woll, 2003, pp.6-7)

the absence of adaptation pressures is essential in grasping the rationale of internal functionality and internal motivations of actors.

Similar to Rayroux's (2013) interest in bridging rationalist-constructivist divide in the studies on the CSDP and finding a solution to the limitation of functionality approach (its overemphasis on agency) through the sociological concept of 'usages of Europe', Cianciara (2020) embraces both ideational structures and agency of actors in explaining the evolution of the field and applies sociological constructivist approach to the analysis of the ENP and legitimacy claims in the field. With this aspect, sociological constructivist[28] reading of the EU EBM can supplement the functionality approach in finding a way out of the rationalist/constructivist division in the literature and in balancing the overemphasis on agency and intentionality.

In her analysis of the ENP, Cianciara aims to go beyond traditional social constructivism that focuses overwhelmingly on the role of norms, ideas and identity of the EU in the formation of political decisions, and she integrates sociology into the study of the ENP in order to highlight power games and competition among actors that bring certain values and norms as the components of the ENP narrative (2020, p.12)[29]. Emphasizing different expressions of this theoretical orientation in the literature as 'actor-centred constructivism', 'strategic constructivism', 'structural constructivism' and 'sociological constructivism', Cianciara underlines two questions that this approach engages with in response to social constructivist insistence on the interests-ideas dichotomy behind decision-making process: "when and why actors bring certain ideas into their narratives…and not the others" and "how and why ideas converge around a specific solution to a given problem" (2020, p.12). This theoretical orientation is also called "action-oriented structural constructivist field approach" (Kauppi, 2018, p. xxii), which is the most comprehensive utterance that includes the basic elements of the approach.

[28] The political sociology as theoretical orientation will only be mentioned here within the context of the EU EBM field. For studies applying sociology to the study of the European integration and providing insights for understanding the emergence of the policy field and the European field of power, see Favell and Guiraudon (2011), Mangenot and Rowell (2010), Kauppi (2003, 2011, 2018), Cohen (2011), Zimmermann and Favell (2011), Berling (2012), Saurugger (2013, 2016).

[29] Cianciara's book "Politics of the European Neighbourhood Policy" is the case in point for the application of structural constructivism to the external policies of the EU and thus offers critical insights for understanding of the EU EBM field in this study, by conceptualizing the EU external policy (the ENP) as a field that "privileges competition over cooperation" (2020, p. 13).

A number of scholars have also extended their research beyond social constructivism and applied Bordieuan political sociology, particularly his work on field and capital, to the analysis of the EU policies and integration, although Bourdieu himself did not study the EU integration as an object of his political sociology (Kauppi, 2003; Cohen, 2011). In this regard, the weakness of social constructivism is treated as its overemphasis on the role of structures and lack of theoretical tools to understand the role of agency (Kauppi, 2003). Bourdieu's structural constructivist account of politics, in this context, suggests that reality is constructed by agents who are "constrained by structures that are material and symbolic", and those agents "struggle to accumulate social resources" in the field (Kauppi, 2003, p.777), which is "a hierarchical space of social relations" (Merand, 2011, p. 177). In this theoretical approach, any unit, such as an international organization or a political party, is considered as a field - "a relative autonomous sector of social activity" where agents fight to accumulate capital (Kauppi, 2003, p.778). Kauppi aptly explains the implication of the sociological approach within the EU context as follows:

> "To understand the EU as a distinctive form of social organization and power structure, its influence and the effects of its policies, one has get inside the politics to know who the individuals and groups making up the EU are, where they come from, what kinds of resources and networks they have access to, how they perceive their roles, the institutions in which they work and, more broadly, the social world around them. This is what a sociological approach to EU politics is all about" (2011, pp.150-151).

Merand (2011, p.172) also emphasizes that even if EU policies are regarded as only to exist for solving problems, there are several complex questions asked by the sociological approach, such as "Who gets to define what a problem is? Aren't problems sometimes invented to fit pre-existing solutions? What… leads some solutions to be sought while others are never even contemplated?". All these questions are considered throughout the study within the case of the EU EBM field and the actors involved in it with different degrees of power. The concept of field, as argued by Merand, allows for understanding political struggles and conflicts, which are highly different from the cleavages taking place in national politics (2011, p.178).

The main point of the sociological approach is to address the interests/ideas dichotomy, embraced in the rationalist/constructivist divide that manipulated the most research on the EU policies, with suspicion and to consider these two supposedly antipoles

as two sides of the same practical attitude (Merand, 2011, p.179). The sociologic approach scrutinizes the practices and what actors do rather than what they want or think (Merand, 2011, p.182). In this context, Merand (2011) emphasizes the concept of bricolage that refers to a practice or practical creativity of actors (i.e., policy makers) who respond to problems, often hastily and without a clear design in their minds, through practical knowledge they have accumulated over time by internalizing social representations. In other words, it is "the art of invention… within the 'reasonable' limits set by practical knowledge" (Merand, 2011, p.183). This insight that "bricolage is a sort of making do" (Merand, 2011, p.183) will be essential to understand the practices of the Commission and the European Parliament in the migration and asylum law-making process and their contenting themselves with the limited changes in policy (secondary aspects of policy) they could achieve within the confines of their competences and preferences of other influential actors (member states, the Council) of the field (see chapter 3). Likewise, the Commission's practices in technocratization of the policies on migration and asylum can also be considered a product of such practical creativity. In other words, the Commission, based on its practical knowledge it acquired in time, invented a technocratic approach to migration policy and thought that it would be accepted by the dominant actors of the field and reinforce its competences.

The contribution of the sociological constructivism to the rationale of this study is identical to that of its contribution to the study of the ENP. Cianciara (2020) clearly demonstrates the added value of field theory in the study of EU foreign policy, which is dominated by social constructivist and rationalist perspectives. In relation to the analysis of external policies such as the ENP (Cianciara, 2020), and here the EU EBM, two contributions of the field theory have particular importance alongside its focus on agency (actors) and structural factors at the same time. First, defining the EU as a field in which multiple actors are in constant struggle over political power allows the analysis of EU foreign policy to transcend the language of state-centric perspectives assessing the EU foreign policy through the lenses of nation-state and this helps to divert attention from goal-attainment or problem-solving to intra-systemic needs in the process of policymaking (Cianciara, 2020).

In that regard, sociological constructivism is rather interested in how and why collective problems and solutions are defined by certain actors in specific ways and not in other ways, to what extent problems are defined in accordance with existing solutions, and the sources of (in)compatibilities between the actual form of policy and declared objectives

(Cianciara, 2020, p.14). Second, and directly related to the first contribution, the field theory, with its emphasis on interactions of multiple actors in the political process and "ad hoc practical creativity" reflecting dominant representations in the existing field, helps to understand the ad hoc character of EU foreign policy that emerges as a product of consensus among actors involved in power struggle rather than as a result of strategic planning (Cianciara, 2020).

As emphasized by several scholars (Heisbourg, 2000; Wallace, 2007; Bickerton, 2007; Toje, 2010), this character of foreign policy is evident in ambivalent objectives set for strategies and actions. In this context, there is a family resemblance between the internal functionality rationale and the sociological constructivism, considering their interest in explaining the strategic use of the policies by multiple actors for political goals. However, the latter goes beyond the agency of actors in the policy process and highlights the role of dominant representations in the field constraining the agency of actors. In fact, the impact of institutional constraints on the actors' agency and policy-making is not so contrary to the rationale of the functionality approach. However, in the examples used for the analysis of the second function in Bickerton's book, such as the emergence of civil-military cooperation (2011), it is observable that the hierarchical relationship between the actors in policy-making is not much taken into consideration as if the emerging policies or initiatives are the only product of political struggle among equals.

Conceptualizing the EU EBM as a field is considered here a remedy for the limitation of the internal functionality approach, that is, an overemphasis on agency and intentionality. Cianciara (2020, p.15) deftly point out that, "the field constitutes a model where only the most relevant actors, their resources and strategies are taken into account. Importantly, the field generates opportunities for agency, but also structural constraints, including constantly reproduced symbolic hierarchies." Thus, at the end of this discussion, it can be argued that the bridge between rationalist and constructivist accounts of policy making is ensured with the internal functionality approach strengthened with a sociological approach. In a nutshell, a sole emphasis on the agency of actors, as in the case of Bickerton's overemphasis on the intentionality of actors, will miss the role of structural constraints on the actors' behaviours, which will be discussed in the case of the political struggle of the Parliament and the Commission against the Council and the Member States. It should be noted that this

sociological terminology will be more advantageous or useful in a study that also includes intra-institutional dynamics.

2.1.3. Social Construction, Policy Design and Narrative Policy Framework

As noted above, this study benefits from multiple theoretical approaches and concepts from various disciplines in explaining and understanding the relevance of internal functions within the EU integration project. These diverse approaches and their research tools are convenient for making a wide range of official documents manageable. In that regard, 'Social Construction and Policy Design' theory introduced by Schneider and Ingram (1993; 1997) and 'Narrative Policy Framework' (NPF) introduced by Jones and McBeth (2010) prove useful for the analysis of internal functionality of the EU EBM in terms of methodological and theoretical orientation of this study.

Although Schneider and Ingram (1993) specifically examine the "social construction of target groups" within the context of political participation, their focus on the impact of social constructions on the policy rationales, instruments and designs is critical for understanding the function of policy narratives in the field of external border management. The authors define the social construction of target groups as "the recognition of the shared characteristics that distinguish a target population as socially meaningful" and "the attribution of specific, valence-oriented values, symbols, and images to the characteristics" (1993, p.335). Accordingly, they suggest four types of groups that also reflect power imbalances among them: 'the advantaged'(powerful) and 'the dependents' (weak) as positive/deserving constructions and 'contenders' (powerful) and 'deviants' (weak) as negative/undeserving constructions (1993, p. 336)[30]. For them, the description of target groups with specific images provides considerable manoeuvring power for public officials in establishing policy agendas and policy design (1993, p. 336).

Their analysis on the distribution of benefits and burdens among the constructed target groups is also crucial in analysing the impact of policy choices or designs on the motivations of target groups in complying with the policies (Schneider and Ingram, 1993, 1997). However, in the context of external border management, this study is uninvolved in the

[30] For detailed information on these social constructions and their impact on public officials' policy agendas see Schneider and Ingram (1993, pp. 335-342, 1997, pp.102-149).

impact of policy designs on the target populations' behaviours; rather, it is interested in the strategic usage of the EU EBM field by the dominant actors through their policy narratives and its reflections on the policy designs or outputs. Moreover, within the context of this study, policy designs can be any initiative, strategy or agency formation within the external border management, such as integrated border management strategy, externalization strategy, Frontex, and large-scale databases.

Schneider and Ingram also emphasize that "competing officials champion different constructions of the same groups" (1993, p.336). As the empirical chapter delves into in more detail, while the European Parliament and the Commission portray the migrants and asylum seekers as victims who need protection and humanitarian treatment, the Member States in the Council define those groups as security problems to be addressed by restrictive measures. Furthermore, the actors identified in positive and negative ways do not only consist of the population other than the authorities or public officials. In other words, the actors responsible for policy-making are themselves subject to such categorizations as victims or villains depending on the policy narrative of the relevant actors. For instance, the Commission or the Parliament can define any member state or the Council as a villain, examples of which are further discussed below.

Schneider and Ingram's interest in explaining who benefits or loses from the public policies and actions and who participates in the process (Schneider and Ingram, 1993, p.343) is also important in the analysis of the EU foreign policy and the functionality of the EU EBM. Alongside several questions that this framework deals with respect to the persistent dilemmas in a society, the question of "Why is it that some policies are perpetuated and even enlarged, despite their failure to achieve policy goals?" (Ingram et al., 2007, p.93) is very much attuned with this dissertation's research interests. Ingram et al. (2007, p.93) underlines how the concept of 'social construction of target populations' theorizes that policy makers socially build their target populations in favourable and unfavourable ways and then allot benefits and burdens in a way that reflects and reinforces these constructions. They further suggest that the incorporation of this concept in the policy design perspective explains why public policies occasionally, and frequently on purpose, fail to achieve their stated goals and fail to address pressing societal issues that perpetuate unfairness (2007, p.93).

Scrutinizing the literature on social constructions, policy design and policy narratives, it is further realized that the analysis of actors' motivations in the field of migration and

border management would certainly benefit from using the major insights of this constructivist framework. For instance, Schneider and Ingram (1993, p.339) argue that beneficial polices, like rehabilitation programs aimed against deviant groups (weak and undeserving), typically try to transform the individual through authoritarian means, such as penalties for failure to obey the rules instead of addressing the structural issues that lie at the root of the problem.

In a similar way, when the external migration and border management policies of the EU are examined, the EU member states and institutions ordinarily have adopted short-term responses to the issue of migration, such as forced return, militarization of borders or implementing safe third country principle to contain asylum flows, neither of which provided structural solutions (Zengin, 2017). Even when they deployed normative means ('beneficial policies', according to Ingram and Schneider), such as economic cooperation and development aid, they could not avoid the non-normative impact that is refoulement or containment of asylum flows in the region of origin (Zengin, 2017, p.124). Thus, the policies directed at unwanted movements and smugglers (weak and undeserving deviants) have mostly tried to address the issue via restrictive or disputed means that could only contain the flows in the region of origin. The issue of proportionality in responding to the challenges associated with the migration issue, such as illegal migrants, is also vital to discuss within the framework of social construction. Schneider and Ingram (1993) emphasize that while positively constructed groups receive much beneficial policy even in the absence of their clear linkage to the public purpose, negatively constructed groups receive burdens, despite the fact that this is not always reasonable in terms of policy effectiveness. This indicates that the benefits and burdens "will be greater (oversubscribed) than is needed to achieve effective results" (1993, p. 337), a succinct statement of how the EU policies in migration and asylum policy areas are constructed.

Although the theory of social construction and policy design (Ingram and Schneider, 1993; Ingram et al., 2007) is particularly interested in explaining the nexus between policy designs and the construction of target groups and political participation patterns, it is also promising for understanding policy-making dynamics and construction of policy realities in the field of the EU EBM. Thus, social constructions feed policy designs, and policy designs reproduce these constructions. Ingram et al. argue that policy designs usually perpetuate the existing institutional culture, power relations and social constructions, but they may

occasionally deviate from this pattern and promote change (2007, p.97). This study tries to explain the reasons for this change and continuity in policy designs that are promoted by the actors of the EU EBM, particularly the EU institutions, through their policy narratives.

Ingram and Schneider (1993, p.338) also draw attention to the fact that sometimes important public challenges cannot be addressed easily by public officials who are concerned with the consequences of the policy and are afraid of strong public backlash against inefficient policies, a failure to pay attention significant issues and the excessive favouring of special interests. At these moments of contradictions, public officials may attempt to keep such conflictual topics off the table, or they may try to alter the social construction of the target group (Ingram and Schneider, 1993, p.338). Chapter 3 exemplifies such situations via the policy narratives of the European Commission.

The social construction theory of Ingram and Schneider embraces an objectivist ontology and positivist epistemology by arguing that the target populations have "empirically verifiable" boundaries and they "exist within objective conditions", which distinguishes it from the argument of 'strict-constructionists' who reject the existence of objective reality (Ingram and Schneider, 1993, p.335). In this regard, some authors (Barbehön, 2020, p.141) find the 'Social Construction Framework' as reductionist construing of constructivist tradition in that it embraces positivist principles and the 'foundationalist concept of power' and it remains insufficient to understand complex social and political processes in social constructions[31]. The reason for emphasizing this theoretical framework in this dissertation that adopts constructivist ontology is rather to illustrate possible theoretical frameworks that have a say in the causal relationship between social constructions and policy designs. This theory also attaches significance to the 'intention' of policy makers in defining and redefining target populations in line with certain interests mostly independent of the concern for effective public policies. When combined with the analysis of policy narratives, as in the case of Andrew Terlizzi's study (2021), it provides a meaningful contribution to the study of functionality in foreign policy analysis as well, overcoming its reductionist architecture to a certain extent. Thus, rather than discussing the details of the meta-theoretical premises of this theory, this study takes advantage of its constructivist understanding and the relevance of constructed target groups that are

[31] For a critique of 'Social Construction Framework' by the strict constructivist perspective see Barbehön's study "Reclaiming constructivism: Towards an interpretive reading of the 'Social Construction Framework'" (2020).

frequently referenced within the field of external border management policies at the national and the EU levels.

Andrew Terlizzi (2021) takes the social construction theory one step further by combining it with the Narrative Policy Framework (NPF) that studies the role of policy narratives in the policy-making process. He emphasizes the relevance of studying narratives and policy design in the field of migration because the arguments justifying the policy instruments "are not always grounded in evidence about cause-and-effect relationships" (2021, p.750). Even when there are contradicting empirical data about the cause-and-effect relationships concerning the phenomenon under discussion, policy narratives frequently resist change in the face of high uncertainty and complexity (Terlizzi, 2021, p.752; Roe, 1994, p.2) By strategic use of policy narratives, policy-makers also construct policy realities about targeted populations by discussing the policy problems, their origins, and their remedies in relation to a particular phenomenon (Terlizzi, 2021, p.752). Incidentally, Roe (1994, p.34) defines policy narratives as "stories (scenarios and arguments) which underwrite and stabilize the assumptions for policymaking in situations that persist with many unknowns, a high degree of interdependence, and little, if any, agreement". According to Stone, on the other hand, "narrative stories are the principal means for defining and contesting policy problems" (2012, p.158).

Starting their analysis with the motto of "narratives are the lifeblood of politics", Shanahan et al. (2018, p.173) pay attention to the power of policy narratives in the policy process. They cite an example from the interview with the former Italian prime minister, Matteo Renzi, who underlines the importance of narratives as strategic tools to shape social realities: "The problem is not the immigrants. The problem is the lack of reaction of Europe. The [European Union] is without vision. We need a strategy for the next year and the next decade. I think we have to change the narrative"[32](Shanahan et al., 2018, p.173). The central enquiry of the NPF theory is the question "Do narratives play an important role in the policy process?" (Shanahan et al., 2018, p.173).

[32] For the full text of interview see Weymouth, L. (2016, September 22). Renzi: 'Today we have the Europe of austerity. We need the Europe of hope.' Washington Post, Opinion. https://www.washingtonpost.com/opinions/global-opinions/renzi-today-we-have-the-europe-of-austerity-we-need-the-europe-of-hope/2016/09/22/ec73028a-80dc-11e6-a52d-9a865a0ed0d4_story.html

According to Narrative Policy Framework, a policy narrative has four components[33]: 'the setting' that refers to the policy problem or controversy to be addressed in a specific context that is usually agreed on without questioning; 'the characters' that stand for individuals, organizations or institutions who are harmed by the problem (victims) or who are responsible for it (villains) or who are potentially able to fix the problem (heroes); 'the moral of the story' that indicates supported policy solutions, and 'the plot' that amounts to a storyline or narrative device showing the causal relationship between the components of the narrative and occasionally involve doomsday scenarios implying that if the certain policy solutions are not adopted then, bad things might happen (Jones and McBeth, 2010, pp. 340-341; Terlizzi, 2021, p.753; Shanahan et al., 2018, p.176; Jones et al., 2014, pp.6-7; Jones and Radaelli, 2015, p.341)[34].

In the field of migration and border management policies, socially constructed target groups such as 'deserving' or 'underserving' individuals or 'wanted' or unwanted' movements of people are usually embedded in the discourses and practices of the national and EU level actors. However, those target groups do not necessarily have to be individuals crossing borders. In other words, the villains or victims can be organizations or institutions. Contrary to the widespread view that migrants, asylum seekers, refugees, or unwanted crossings of borders, in general, are highly likely to be defined as the villains of the narratives, it was the EU, or other EU member states, NGOs and smugglers that were described as villains[35] causing the problem ('illegal immigration' and 'migratory emergency' were defined as the policy problem) in Terlizzi's study (2021, p.756). In the same study, Italian government and migrants, on the other hand, were defined as victims harmed by the problem, and the policy solution (moral of the story) was the "EU solidarity (burden-sharing)", "externalization (collaborate with and provide assistance to African countries)", "humanitarian intervention (save migrants' lives)" and "safe and legal channels (for asylum seekers and refugees)" (Terlizzi, 2021, p.756). Another important detail in the study is the finding that, among the villains, the highest percentage belongs to the category

[33] While defining those components, or minimal qualities of the narratives, the authors of the NPF theory utilizes the existing research on narratives in public policy, see Jones and McBeth (2010, pp.340-341) for the past studies on narratives.

[34] Examples of these narrative components are given extensively in the empirical analysis of policy narratives in chapter 3. There are also several recent studies using different categorizations for those components, mostly matching with the rationale of the original work.

[35] Terlizzi also matches victims and villains with the target populations defined by Schneider and Ingram. Accordingly, the EU and member states are described as contenders (strong but undeserving) who are not concerned with the effects of their action, while Italy and migrants are described as dependents who are weak but deserving (2021, pp. 757-8).

of the 'EU and other EU member states' (%71.7), and among the policy solutions, 'externalization' and 'EU solidarity (burden-sharing) reaches %84.1 in total (Terlizzi, 2021, pp. 760,763). If the EU is defined as the cause of the problem, then it is not very surprising to find solutions at the EU level. An overemphasis on fair distribution of responsibilities, burden-sharing and solidarity (Terlizzi, 2021, p.750) illustrates this point. Based on the relationships between the setting, victims and villains and the moral of the story, Terlizzi defines two plots, namely, 'Italy cannot be left alone' and 'block departures to save lives', emphasizing the need for EU solidarity and externalization, as the moral of the story respectively (2021, p. 765)[36].

In this dissertation, the EU externalization strategy is considered both a policy design that emerged as an outcome of inter-institutional rivalries and a venue for competence/turf wars. For instance, the border agency, Frontex, is studied in the following chapter as a policy design/outcome of the strategic use of the EU EBM field and also as a new venue for the institutions (as part of the EU EBM) to reinforce their influence in the field.

In a nutshell, by applying the Narrative Policy Framework (NPF), Terlizzi brings up the relationship between policy narratives and policy design of Italian border management and external migration control regime with the theory of social construction and policy design, which is instructive for this dissertation's data analysis strategy. Further, his analysis inspired this research's interest in tracing the evolution of the policy design/outcome by looking at the policy narratives of dominant actors in the field of the EU EBM. In the empirical analysis of the second function, the policy narratives of the EU institutions and policy designs as products of these narratives will be examined with a similar rationale.

Narrative Policy Framework (NPF)

As an alternative to post-positivist and post-structuralist approaches to narratives, Jones and McBeth (2010, p. 330) introduced "Narrative Policy Framework as a quantitative, structuralist, and positivist approach to the study of policy narratives". They did not ignore the value of the dominant post-positivist scholarship on the narratives but aimed to bring positivist standards to the study of narratives, stating that "narrative scholarship can be clear enough to be wrong" (2010, p. 331). This proposition of Jones and McBeth was a response

[36] For the details of how the plots of narrative are constructed and the samples of exemplifying quotes from the textual data, see Terlizzi (2021, pp.764-765).

to the calls of Paul Sabatier[37] (2007, p. 327), who suggested that the theory should have explicit hypotheses and concepts that render falsification possible. Accordingly, he put forward that the theoretical framework should be "clear enough to be proven wrong", allowing for learning from mistakes, which is not possible in the case of vague concepts and propositions (Sabatier, 2007, p.327). The NPF must have met these conditions as it took its place in the third edition of the renowned book "Theories of the Policy Process" (Sabatier and Weible, 2014).

While the structuralist position in the study of narratives seeks generalizable narrative components which are measurable objectively through quantitative methods, the post-structural approach emphasizes the uniqueness of human interpretations of narratives and aims to deconstruct narratives through inductive and qualitative methods so that hidden ideologies, socially constructed reality or the meanings attached to the objects are revealed (Jones and McBeth, 2010, pp.332-334). Jones and McBeth (2010, p.339) further suggest that both positivists and post-positivists can be involved in productive discussions over the impact of stories in public policy through an empirical study of narratives. This dissertation stands in the middle of both approaches carrying characteristics of both. While it certainly uses narrative structures suggested by the NPF and does not neglect the value of empirical testing of narratives and deductive approach, it deploys qualitative methods to analyse the role of narratives in policy process and the ideas and values embedded in narratives.

As aptly pointed out by Jones and McBeth (2010, p.337), it is possible to observe some (in)dependent variables and characteristics of causal theory in poststructuralist research that are considered to belong to the structuralist position in the study of narratives. Indeed, the scholars of the NPF in later years openly stated that these two seemingly opposite poles could equally guide the studies on the policy narratives, which is observable in several studies emphasized in this chapter and even in this dissertation itself. In other words, the narratives can be studied scientifically through empirically testable hypotheses, and this does not necessarily mean the invalidation of poststructuralist work on narratives (Jones and McBeth, 2010, p.337). Jones and Radaelli (2015) discuss the NPF's in-between position vis-à-vis two opposite traditions by examining the metatheoretical orientation of interpretivism

[37] Paul Sabatier, the founder of the Advocacy Coalition Framework (ACF) and the editor of the book "Theories of the Policy Process", is one of prominent scholars interested in theorizing the process of public policymaking (2007).

(a variant of post-positivism) and that of the NPF and conclude that the proper dialogue between the two camps will advance the quality of their work.

Compatibility between the NPF and interpretive research design, as outlined by Jones and Radaelli (2015, pp. 347-351), is also critical for the analysis of this dissertation considering these approaches' premise on the interplay between the agents and the political context. There are notable similarities between these two approaches: both embrace social ontology and reckon that the meanings do not circulate freely but are framed by social and institutional contexts (Jones and Radaelli, 2015, p. 348). Furthermore, the major difference is not the choice of their qualitative or quantitative methods but an epistemological preference given that while the NPF researchers are usually concerned with causality and start their analysis with hypotheses and apply explicit standards (i.e., validity, replicability, reliability), the interpretivist researcher does not engage in establishing causality and presenting falsifiable hypotheses and instead show how meanings and interpretations are embedded in social reality through research design based on interpretive criteria that do not allow for replication (Jones et al., 2014; Jones and Radaelli, 2015). Indeed, this epistemological difference stems from the fact that NPF scholars take the variability of social reality as bounded and even portable across different contexts; thus, it can be studied systematically and empirically through deductive theories (Jones et al., 2014, p.7).

Based on Joseph Jupille's study (2006) on "metatheory and methodology in European Union studies", Jones and Radaelli (2015, pp. 343-347) define the metatheory of the NPF with several dimensions: ontology, epistemology, socio-theoretic choice, type of discipline, style, and normative standards[38]. According to Shanahan et al. (2013, p.455; 2018, p.174), the NPF was introduced as a 'bridge' between the two camps, positivists and post-positivists, because socially constructed policy realities -narratives- can be measured empirically. As clearly stated by its proponents, in both qualitative and quantitative modes, the NPF uses scientific methods (objective epistemology) to analyse variation in social reality that pertains to a subjective ontology (Jones et al., 2014, p.4; Jones and Radaelli, 2015, p.341; Radaelli et al., 2013). In this context, the NPF scholars draw a line between generalizable narrative components (form or structure of narrative) and content of narratives that depends on the changing context (Jones et al., 2014, p.5). In other words, "while the form or structure of

[38] Jones and Radaelli (2015, p.347), in their analysis, adds a normative dimension to discuss how the NPF applications pay attention to norms, democracy and participation.

narratives is … transportable across contexts, content is specific to the story being told" (Jones and Radaelli, 2015, p.341). In the latter case, attributing relativity (or contextuality) to content does not necessarily mean that assigning meaning to contextual objects is arbitrary or unique in each case; rather, it relies on systematic variation (Jones et al., 2014, p.7).

Although explaining variation in objects of narratives in a systematic fashion may connotate objective ontology, it aims to address the challenges that relativity poses to the study of policy narratives. In that regard, the NPF scholars try to mediate relativity in meanings through belief system theories and several narrative strategies that are considered to allow making generalizations about the content of narratives and, thus, explaining variations in content in a systematic way (Jones et al., 2014, pp.7-9). In other words, narrative objects are variable but not infinite and their meaning is not random (Jones and Radaelli, 2015, p.342). Thus, in addition to the form of narratives having four major components (setting, characters, moral of the story and the plot), Jones and McBeth (2010, pp.341-342) emphasize that the content of narratives (despite their variability/relativity) can also be generalized based on the belief systems. For instance, ideology and partisanship influence the positions or preferences of actors, which makes it possible to study the variability of narratives in a systematic way (Jones and McBeth, 2010, pp.341). Thus, the variability of the content is accepted in principle.

The core assumptions of the NPF are as follows: a)'social construction' referring to variable meanings dependent on human perceptions of processes and objects in public policy, b) 'bounded relativity' denoting belief systems and ideologies bounding variation in socially constructed policy realities, c) 'generalizable structural elements' amounting to components of narratives (e.g., characters and plots) valid in different contexts, d) 'simultaneous operation at three levels' composed of micro, meso and macro levels at which narratives operate, e) 'Homo narrans model of the individual' indicating narratives as central means of communication and reasoning of individuals, "making social problems amenable to human action using policy stories" (Jones et al., 2014, pp.9-10; Jones and Radaelli, 2015, p.342).

This dissertation underscores the assumption of 'bounded relativity' that "while meaning is relative, it is usually not random" but bounded by belief systems or norms (Jones et al., 2014, pp.7-9) shaping the meaning of policy narrative objects. This core assumption of the NPF can also be used to mitigate the functionality approach's overemphasis on agency

by giving prominence to agency and constraining structural factors (e.g., available discourses or ideas) simultaneously. In this context, "narrative strategies are understood broadly as the tactical portrayal and use of narrative elements to manipulate or otherwise control policy-related processes, involvement, and outcomes" (Jones et al., 2014, p.9). Thus, the shifts in actors' policy narratives should be seen as part of those narrative strategies manipulating the policy process for instrumental goals.

As for the socio-theoretic dimension of metatheory that is embedded in the debate between rationalists (logics of consequences) and constructivists (logic of appropriateness) (Jupille, 2006, p.211), Jones and Radaelli (2015, p.346) state that while the NPF is close to social constructivist side of the spectrum at which norms and identity count, it does not deny the role of agency and strategy that can manipulate social meanings through policy narratives. Thus, they refer to "strategic constructivism" (2015, p.346) to define actor (agency)-oriented constructivist tendency in the NPF. Based on the argument that the choice of disciplines and subdisciplines having different sets of inquiry is also metatheoretical (Jupille, 2006, p.211), Jones and Radaelli (2015, p.346) emphasize interdisciplinarity of NPF applications, concluding that there is no limitation on disciplinary choice and field if it has a policy component and narratives.

The metatheoretical dimensions of the NPF show important similarities with the metatheoretical orientation of this dissertation. Although this dissertation does not aim to test NPF hypotheses formulated at the micro and meso-level, it uses the NPF as a research tool to study the internal function of external border management, employing different theoretical approaches. Thus, different from the studies using the NPF for explaining national or the EU narratives on migration and border management, by usually selecting the narratives of the dominant actor (Terlizzi, 2021; Pacciardi, 2024), this dissertation uses the NPF for a specific aim, that is, to show how individual institutions define and frame issues and suggest solutions in the policy process that reflect their internal instrumental goals. In this sense, for instance, shifts and continuities in the narratives of each EU institution are evaluated as evidence for internal functions of the EU EBM, notably turf wars. As assessed by Cianciara (2017, p.49) for the ENP policy literature and by Boswell et al. (2011, p.1) for the EU migration policy literature, debates on both policy fields usually revolve around values (e.g., democracy, free movement) versus interest (e.g., security) dichotomy. It is also

important to see those debates and narratives as products of knowledge claims and legitimacy concerns of actors (Boswell et al., 2011).

Literature review of narrative research in public policy adopting either positivist or post-positivist methods has demonstrated that policy narratives are used by researchers to explain multiple complex processes in policy making ranging from problem definition and legitimization to policy solutions (Jones and McBeth, 2010). This dissertation illustrates that the way actors define the components of policy narratives explicitly or implicitly promote their policy preferences and institutional interests. According to the NPF scholars, those strategies are likely to be used in different contexts and thus, narrative content can be treated as generalizable, as illustrated in their hypotheses formulated at the meso-level.

From this perspective, examining policy narratives through an analysis of official texts is key to understanding socially constructed realities and motivations of actors in promoting certain policy designs while not others. In other words, policy narratives function as a strategic tool for actors to legitimize their ideas and policy proposals and reinforce their competences. To be precise, this dissertation tries to find the backroom functions of an external policy by uncovering political motivations and power relations that drive the processes of knowledge production and shape the narrative elements (particularly the setting and the moral of the story) used by actors.

Jones and McBeth (2010, p.343) mention two levels of analysis under the NPF[39] that are in interaction; namely, 'micro level' at which research focuses on how individual opinions and preferences are affected by policy narratives, and 'meso level' at which the research is concerned with how policy narratives impact policy outcomes. The major interest of this dissertation is to explain the narratives as strategic tools which are used by political actors to expand their power and become dominant in the policy process (Jones and McBeth, 2010). Based upon the argument that policy narratives influence policy outcomes by

[39] Jones et al. (2014) also add macro level of analysis which has not been studied extensively in the NPF studies yet. For detailed information on the NPF, different methodological approaches to policy narratives and levels of analysis in the study of NPF see Jones and McBeth (2010), Shanahan et al. (2011), Jones and Radaelli (2015), Shanahan et al. (2018), Jones et al. (2014).

particularly affecting the coalitions of political actors (e.g., elites), some of the hypotheses proposed for the meso-level[40] are (Jones and McBeth, 2010, p.346; Jones et al., 2014, p.17):

> a) "Groups or individuals who are portraying themselves as losing on a policy issue will use narrative elements to expand the policy issue to increase the size of their coalition."
>
> b) "Groups or individuals who are portraying themselves as winning on a policy issue will use narrative elements to contain the policy issue to maintain the coalitional status quo."

Adapting these hypotheses to political actors at the EU level will be useful in examining the policy narratives of the Commission, the Council, and the European Parliament in the field of EU EBM. As stated above, this study stands in the middle of the spectrum with structuralist and post-structuralist traditions at both ends. While supporting the relativity of narratives, or variability in the content of narratives, that is infeasible for generalizations, this dissertation employs generalizable components (form/structure) of the NPF. However, Jones and McBeth suggest that seeing "narratives as reflective of belief systems" and as strategic tools used by political actors to expand their power, as in the case of this dissertation, contradicts the poststructuralist narrative relativity (2010, p.345). To be more precise, although policy narratives have different contents, it is possible to observe similarities between narratives and group them under macro-categories. For example, in the context of turf wars between three EU institutions, it is seen that policy narratives are used for maximizing competences, promoting liberal and integrationist policies, and supporting restrictive and intergovernmental policies.

Competition among policy narratives of these actors will be the basis of discussion on the second function of EUFP, shortly, 'turf wars' among political actors. However, for the sake of argument, competition among groups or individuals within the institutions (intra-institutional) will be by-passed for an analysis of inter-institutional competition, which is the

[40] As noted by Jones and Radaelli (2015), the meso-level analysis of the NPF has contributed to some theories of public policy, particularly the Advocacy Coalition Framework (ACF) that is extensively discussed in the following chapter and is used in the analysis of turf wars while defining the lines of contestation between the EU institutions.

basis of turf wars studied in the context of this dissertation[41]. The EU institutions will be treated as unitary actors with homogenous narratives rather than divided into different coalitions. Thus, while referring to the assumptions of meso-level analysis, each institution can be taken as one coalition (group or actor) in competition with each other.

As much of the discussion about the internal functions of the EU EBM has to do with examining the policy process ruled by actors in a specific context, this dissertation found it useful to refer to the NPF that "explicitly views the policy world through a social construction lens" positioning the subjective meanings of actors at the centre of the policy process (Jones and Radaelli, 2015, p.341). To be more precise, this research uses the 'functionality' thesis to explain the major drivers of policy-making within the EU EBM. While exploring the functions of the EU EBM policy as a branch of EUFP, it benefits from the literature on policy narrative analysis that deals with the role of storytelling in the policy processes and outcomes. Considering the implicit form of internal functions, this research also uncovers the meaning of policy narratives of actors, explains the nexus between narratives and policy designs and ultimately arrives at the internal function of the EU EBM. The consequences of policy designs may go beyond the actors' intentions, generating a discussion on potential unintended functions of the policy field.

Taking into account the first function within this framework, it is possible to suggest that national strategies determine the narratives of the given member state, and these narratives determine the national policy design[42] (as in the case of Italian externalization of border management), or they seek EU level solutions such as burden-sharing based on solidarity principle (Terlizzi, 2021). The latter can also result in externalization policy at the EU level. What is important for the internal functionality thesis is to show that Italy uses the EU channels (i.e., tools of the EU EBM field) to pursue its national strategies.

Considering the second function of the EUFP, on the other hand, competence maximization strategies of the EU institutions determine their policy narratives and

[41] In that sense, meso-level analysis that is concerned with the coalitions of groups might be more meaningful in the case of competing groups within the institutions. However, for the sake of discussion here, aggregate tendencies and assumptions in meso-level can be applicable to the case of policy narratives of the EU institutions considering them a group or coalition in the field.

[42] The success of the dominant actors' narratives in terms of transforming their solutions into the policy designs is not measured systematically within the scope of this dissertation. All the policy narratives of actors may not find their place in policy designs. However, the competing narratives between the EU institutions, particularly between the Council and the Commission and the Parliament are examined in explaining turf wars between these actors.

competition among these narratives determines the policy outcomes. As suggested by several authors (Leonard, 2009; Neal, 2009), the emergence of the European Border and Coast Guard Agency (Frontex) is analysed as the outcome of that struggle for political power in this dissertation. As for the third function of the EUFP, the concern of political actors in building and reinforcing the EU identity and emphasizing the final aim of the EU integration project determine the identity narratives that focus on the visibility and distinctiveness of the external action of the EU. These narratives support the EU-level cooperation in external border management, and they are further consolidated in policy designs such as Integrated Border Management strategy (IBM) and Global Approach to Migration and Mobility (GAMM). Thus, the analysis in this research does not seek to clearly define each component of the policy narrative as suggested by the NPF in a systematic way. How the actors at the national and EU level define the issue and advocate certain policies as solutions in line with their interests is studied through policy narratives, components of which are defined by the scholars more or less in a similar way.

2.2. Research Design and Methodology

"Social research is about 'exploring, describing, understanding, explaining, predicting, changing or evaluating some aspect of the social world … 'what', 'why' and 'how' questions" (Blaikie, 1993, cited in Matthews and Ross, 2010, p. 30). Concurring with the quote above, while delving into the rationale of the internal functionality approach within the case of external border management, this research attempts to answer the questions of what, who, why and how. The main research question of this dissertation is as such: **"**What is the internal functionality of the external border management of the EU?" supported by several sub-questions. What purpose and for whom does the EU EBM serve for? In addition to these 'what' questions, why, who and how questions during the analysis stage are considerably important in revealing hidden mechanisms and motivations behind the current policy design of the EU EBM. For instance, who are the dominant actors in the field of EU EBM? Why and when do EU institutions and member states produce certain policy narratives but not others? How were these discourses and narratives transferred into the current policy designs?

Thus, this study is not only one of exploratory type but, at the same, it is a descriptive and explanatory research. Embracing a constructivist ontological position, which might be

expected to correspond to the interpretivist epistemological position, the analysis stage revealed that those different epistemological approaches- positivist and interpretivist- could be guiding for the research. As underlined by several scholars (e.g., Matthews and Ross, 2010), different epistemological positions may not be mutually exclusive. In this research, for instance, while explaining the second function of the functionality approach, the turf wars between the EU institutions are examined through their policy narratives on external border management, in which they try to increase or reinforce their competences. Different narratives may result in different policy designs. Examining this causal relationship between the policy narratives of the EU actors and emerging policy designs and instruments is critical in understanding the epiphenomenal nature of the EU foreign policy-making, namely, the second function. On the other hand, while exploring subjectively constructed meanings within the policy narratives and actors' understandings, this dissertation takes an interpretivist approach. Thus, explaining a social phenomenon can be done in different forms that correspond to different epistemological positions in research (Matthews and Ross, 2010, p.31).

The functionality approach can be defined as an empirical theory. Rosenau and Durfee (2000) define two types of theoretical thinking: empirical theory and value theory. While the former is principally about the "is" of international phenomena and observing things as they are, the latter is principally about the "ought" of international phenomena that is things as they should be (2000, p.227). In this regard, Bickerton's (2011) functionality approach is interested in empirically examining the nature of EU foreign policy and what the EUFP *is* rather than what it *ought to be*. This does not necessarily mean that his analysis disregards the normative impact of the EU in its external relations. On the contrary, he thinks that the very reason for ineffective foreign policies of the EU lies behind the nature of EU foreign policy that first needs to be analysed. As highlighted by Rosenau and Durfee, moral principles and policy objectives can even be better served by progressing detachedly from them to advance empirical understanding of the barriers that impede the realization of these very moral values and goals (2000, p.228).

Based on Chris Brown's (2001, p. 11) classification, the functionality approach can also be defined as "explanatory theory" that deals with why and under what conditions things happen and as "interpretative theory" that deals with giving meaning to the events. The functionality approach, in this context, deals with the questions of why the EU member states

cooperate at the EU level in foreign and security issues, what comprises the EUFP's function for the actors and what the European integration and its relationship with the EU foreign policy mean. All in all, in any type of theory, as argued by Jorgensen, there are some set of definitions and assumptions about actors, institutions and processes and "an explicitly defined area of applicability" (2004, p. 16), which is the case for the functionality approach as well, although Bickerton emphasises that the term functionality is simply used to give point to underlying political purposes of policies (2011, p.123).

This research does not engage in theoretical thinking that sets clear meta-theoretical distinctions between the different approaches to foreign policy-making, but it finds highlighting some key differences between rationalist (positivist) and reflectivist (post-positivist) positions to theorizing essential, which is useful to understand the relationship between policy narratives and policy designs in the case of external border management. The aim is not to aggrandize one theoretical framework over the other but to describe the meta-theoretical orientation of this study. According to the positivist approach, scientific knowledge can only emerge with the collection of sufficient data driven by systematic observation that would allow to identify patterns and formulate laws illustrating the "relationship between patterns among observable events", that is, causal relations (Kurki and Weight, 2010, pp. 18, 22-23). Unsurprisingly, the positivists reject unobservable processes, social structures or discourses as the sources of data, which, for the post-positivists, are what uncovers "the deep meanings that exist beneath the surface appearance of observed reality" (Kurki and Weight, 2010, p.24).

While positivist approaches are in favour of 'causal analysis', post-positivist theories praise the virtues of 'constitutive theorising' (Kurki, 2006, p.189). This has been articulated by Hollis and Smith as "in international affairs, and throughout the social world, there are two sorts of story to tell and a range of theories to go with each" (1990, p.1): while the one story is about explaining the events in a manner of natural scientist who searches for causes of actions, the other is about understanding the meanings of events and actions of actors.[43]

According to Kurki (2006, p.190), the reconceptualization of causation can save the concept of 'causation' from the monopoly of determinism and objectivism that have a narrow understanding of the term. In this regard, the causal analysis can be "epistemically

[43] It should be noted that, in this dissertation, both terms, explaining and understanding, are most often used without considering their meta-theoretical connotations.

reflective, methodologically pluralist and complexity-sensitive" (Kurki, 2006, p. 190). But for the sake of clarity and making distinction between the two philosophical positions, this dissertation takes the causal analysis in its conventional form and extols noncausal analysis in the study of foreign policy, albeit acknowledging the value of causal analysis in broader sense which is, for Kurki, used by constitutive theorising as well (2006).

Indeed, this dissertation benefits more from constitutive theorizing supported by a broader definition of cause as it provides methodological variety alongside its widened theoretical assumptions. Milja Kurki's article "Causes of a divided discipline: Rethinking the concept of cause in International Relations theory" elaborates on different understandings of the concept of cause in the discipline. These understandings range from pluralist understanding of the concept in Aristotelian philosophy regarding cause in multiple forms having complex interplay to David Hume's narrow understanding of the cause that arose only from observable regularities and of causal relations as relations of observables, which allows to "make 'when A, then B' statements" (2006, pp.191-193). Kurki argues that Humean assumptions about cause greatly inform the positivist, empiricist mainstream approaches in IR, and this has brought about the acceptance of the empiricist form of causal analysis as the rule with a rigid methodology that sidelined qualitative data and methods (2006, pp. 196).

Although this research advocates the value of empirical analysis, it does not have a concern for finding observable regularities in the field to understand the rationale of functionality and setting dependent and independent variables for causal analysis as in the case of mainstream empiricist studies. Observable regularities on their own do not tell us much about how and why things happen, which is the core of foreign policy analysis in this research. As argued by Kurki, since rigid empiricists are particularly interested in "the analysis of the logical relations of observable variables", they have not been engaged in developing comprehension of why event-regularities happen, and thus, they do not focus on "'deep ontological' structures, processes and conditions" of identified patterns of observables (2006, p. 197). However, what makes a foreign policy analysis more comprehensive is also to form an understanding of non-observable causal powers. Occasionally such internal functions or purposes can be seen overtly in the official documents and statements about the Union's external affairs. For example, regarding the third function, "EU's search for meaning", there are several references in the documents

emphasizing the objectives of ensuring greater visibility of the EU in its external actions. However, most of the time, it is the authors' interpretation or inference that a foreign policy action or initiative has been taken for strengthening the identity of the Union or some other purpose like saving the common position and collective action of the EU member states, which is not written in the official policy objectives alongside the objectives of improving conditions in external environment. For instance, while the EU Rule of Law Mission in Kosovo (EULEX) was officially launched with the overall aim to assist the rule of law institutions in Kosovo in their progress towards sustainability, accountability and independence (Council of the European Union, 2008a, art.2), the mission was also about managing disagreements among the EU member states over the recognition of Kosovo and to show that the Union was not divided and member states were able to act collectively (Bickerton, 2011, p. 29). Hence, the engagement in pure observable regularities can miss the underlying processes of regularities that cannot be measured through positivist, systematic observation.

Proceeding with the discussion on causal analysis, constitutive theorists, or reflectivists as widely named in the literature, reject causal descriptions on the ground that such explanations are closely associated with empiricist and positivist frameworks (Kurki, 2006). For Kurki, however, while critical theorists and poststructuralists reject the concept of causation due to its association with positivism, they are engaged in implicit causal analyses and claims by focusing on political reasons and forces that produce consequences and shape the world order (2006, pp.198-199). Constructivists stand at the middle of this spectrum by neither rejecting the concept of cause completely nor embracing the constitutive account fully (Kurki, 2006). In brief, this study also uses causal analysis, but it claims that this engagement in causal forces does not necessarily have to be through rigid scientific and objectivist methods that undermine the value of qualitative analysis and restrict the objects studied. With this perspective, this research rejects the dichotomy between rationalist and reflectivist perspectives and their insistence on specific ontological and epistemological assumptions. The sources of knowledge can be found through multiple tools.

There are some regularities in the EU EBM field that determine the major trends of policy-making such as securitization of migration and externalization of border security policies that can be observed and studied through empirical variables. For instance, one can study the relationship between external events such as the terrorist attacks of 9/11 and the

securitization of migration. Here, in this case, the researcher can look at the number of the term ‘security’ or some measures of ‘urgency’ or ‘exceptionalism’ (as expected by conventional understanding of securitization) in the official documents that created the agencies or strategies following that external event and tries to explain the causal relationship in “when A, then B” manner. However, the processes and political motivations of actors that have led to these trends and strategies, called “‘depth-explanations’ of patterns of observables” (Kurki, 2006, p.197), cannot always be measured in the same way. By simply observing the existence of regularities (or lack thereof), one cannot explain why exactly the migration was securitized in the European context.[44] Independent of these observable external events and threats, the securitization and externalization of migration and border management policies can simply emerge out of internal strategies of actors who do not address the challenges of the changing security environment but promote their strategic interests. At this point, several non-observable and ontologically deeper processes enter into the equation. Thus, observing and explaining regular patterns alone without understanding the processes behind those regularities will not show the whole picture of the EU EBM field. As Wendt (1995, p.72) concisely put it:

> “"Constitute" is an important term in critical theory, with a special meaning that is not captured by related terms like "comprise," "consist of," or "cause." To say that "X [for example, a social structure] constitutes Y [for example, an agent]," is to say that the properties of those agents are made possible by, and would not exist in the absence of, the structure by which they are "constituted." A constitutive relationship establishes a conceptually necessary or logical connection between X and Y, in contrast to the contingent connection between independently existing entities that is established by causal relationships”.

[44] Furthermore, the use of security language and its analysis in quantified terms may not always correspond to the social reality. In the case of the establishment of Frontex, the term security appeared in the Council Regulation No 2007/2004 only once and in the phrase of “area of freedom, security and justice” (Council of the EU, 2004d, p. 1). However, the lack of security term or emergency does not necessarily mean that the emergence of Frontex and its practices are not securitizing migration (Neal, 2009). In other words, the causal explanation that 9/11 attacks caused securitization of migration and securitization of migration brought about the establishment of security-oriented policies and agencies like Frontex would be incomplete and even inaccurate when the components of traditional security understanding are considered.

To conclude the meta-theoretical debate, this study does not privilege one approach over the other but rejects theoretical and methodological reductionism in explaining and understanding the social world.

2.2.1. Research Argument

This research examines the internal functionality in the EU's foreign policy through the case of the EU's external border management. Considering the main research interest of this study, which is explaining the reasons for continuity in the EU EBM policies and strategies despite many accusations for their ineffectiveness, the following research questions and arguments are formulated based on the rationale of the 'internal functionality' approach. The main research questions of this dissertation are: What is the internal functionality of the EU external border management (EU EBM)? What purpose does the EU EBM field serve, and for whom?

Based on the rationale of the functionality approach, this study has two major arguments:

1) The EU EBM field serves as a site/venue for political struggle/competition among the EU institutions, namely, the Council of the European Union, the European Commission, and the European Parliament.

2) The emerging initiatives and policy designs within the EU EBM field are largely epiphenomenal. In other words, they are not necessarily direct responses to the challenges in the external environment but products of interinstitutional conflicts.

Although the major arguments of this dissertation are based on the internal functionality approach, this framework alone is not sufficient to understand and explain the major drivers of the EU EBM field. As suggested by Bickerton, it essentially aims to inspire readers to revisit how the EU foreign policy is studied and ask different questions that do not engage in prescriptive concerns (2011, p. viii). In this regard, the internal functionality approach inspired this dissertation to look at different aspects of foreign policy making and different levels of analysis. Furthermore, the functionality approach is not a theory having a reductionist approach to epistemology and methodology. This provided the researcher with

flexibility in the data collection and analysis phases, benefiting from multiple approaches to the research methodology.

This study does not prefer naming this endeavour as hypothesis testing as a positivist research technique. Based on an initial review of the primary and secondary sources in the field of EU external border management, the research interest of the study has been shaped by the curiosity about the reasons for the EU's falling short of external expectations and despite this, its constant reproduction of current policies. In this context, the assumptions of the functionality thesis determined the analytical starting point of the research, which focuses on the policy processes rather than outcomes and impact. To grasp Bickerton's point in asking what purpose and for whom EU foreign policy serves and the very intention of actors which he overemphasizes as the characteristics of his functionality approach, this dissertation further asks: Why do EU member states opt for EU level cooperation in external border management in the first place? and What is the role of actors in determining the form and content of that cooperation?

2.2.2. Case Selection

Applying the functionality thesis to the case of the EU external border management may raise some questions about the appropriateness of this policy field, namely, the external dimension of internal policy. Since the foreign policy aspect of the functionality thesis predominantly focuses on the CSDP and CFSP policies and missions as the foreign policy areas, there is a need to justify the selection of external border management of the EU to study the functionality thesis. First of all, one-sided emphasis on CFSP/CSDP in an analysis of EU foreign policy misses the broader picture of foreign policy making in which there are also different actors other than member states and different methods of policy-making other than the intergovernmental method (Keukeleire and MacNaughtan, 2008, p.31). By defining the nature of EU foreign policy as multifaceted, multi-method, multilevel and multilocation, authors remark the strong interaction among multiple actors, policy areas, methods and multilateral settings that involved in developing foreign policy (Keukeleire and MacNaughtan, 2008, pp.30-32; Keukeleire and Delreux, 2014, p.11). Based on this comprehensive portrait, the EU foreign policy is developed through "Common Foreign and Security Policy", "Common Security and Defence Policy", "EU's external action", "external dimensions of internal policies", and lastly "through interaction with the foreign policies of

member states" (Keukeleire and Delreux, 2014, pp.12-13). The EU external border management comprises the external dimension of internal policies as part of the EU foreign policy. Accordingly, the external dimensions of internal policies are part of the foreign policy of the EU in three ways: first, their instruments and policy areas have imperative foreign policy dimensions; second, foreign policy action can benefit from the instruments and leverage they provide; and third, they may develop contractual and political frameworks that provide venues for pursuing foreign policy goals (Keukeleire and Delreux, 2014, p.13). The analysis of the EU external border management policies and strategies in this dissertation has shown that the field carries all these dimensions. Therefore, the EU foreign policy cannot be equated with CFSP/CSDP, which only covers the intergovernmental method of policy-making and member states or their representatives. Furthermore, border management and border security practices of the EU have several implications for the European integration process. As such, concurring with Bickerton's argument, foreign policy analysis cannot be thought independently from the European integration process (2011).

Proposing that "European integration was also created to serve as an instrument of interrelational foreign policy, a function which remains essential to the present day", Keukeleire and MacNaughtan also point to the functionality logic by emphasizing interrelational dimension of European integration and its implications for the EU foreign policy analysis (2008, p.13). "Interrelational dimension of European integration" refers to the function of European integration in mitigating or containing tensions and conflicts among member states by offering them a platform in which they could maintain their mutual relationships in a peaceful way (Keukeleire and MacNaughtan, 2008, pp.12-13). As for the implications, Keukeleire and MacNaughtan (2008, p.13) suggest three types of objectives, over and above external objectives, that induce foreign policy initiatives: the first one is interrelational objectives which aim to manage internal EU relations instead of influencing external world, in other words, if any foreign policy action would cause disagreement and conflict among member states, this foreign policy issue may not be handled under the EU framework; the second one is integration objectives, denoting that a foreign policy initiative may be solely taken to strengthen European integration or influence the nature of European project; the last one is identity objectives of foreign policy actions that emphasize distinctiveness of the EU among other actors in its approach to international politics and reinforce European identity. Thus, for a proper analysis of EU foreign policy, objectives with

internal orientation should be taken into consideration alongside the external objectives that aim to shape the external environment. Although the functionality approach is principally suggested for CFSP and CSDP components of EU foreign policy, it is also possible to use this approach in the EU external border management, which is also considerably shaped by internal functions.

Finally, in addition to applying the functionality thesis to the case of the EU EBM field, this study aims to develop a conceptual framework for an empirical analysis of the border policies of the EU. Examining the internal functionality of the EU EBM offers an analysis that goes beyond the effectiveness of border security policies and helps to understand border management as a political phenomenon. Contrary to the approaches that judge the EU foreign policy against national foreign policies of individual member states and thus question the effectiveness and actorness of the EU in international affairs, the functionality approach, with its emphasis on multiple actors and their conflictual relations and unmanifested purposes offers an opportunity to transcend both these conventional approaches to the EU foreign policy analysis and the traditional territorialist understanding of borders. Critical perspectives in security and border studies emphasize alternative visualizations of borders, border security and bordering practices, which are essential for a comprehensive understanding of border management in the EU and for broadening the functionality approach. Those critical approaches will not be studied in detail for now, but they are promising for future studies.

2.2.3. Data Collection and Analysis

This research is largely guided by the rationale of the 'functionality thesis' in the analysis of the EU EBM field. As underlined previously, the internal functions of foreign policy principally refer to the internal objectives of the EU actors. Thus, the data collection process of this study started with the question, "What kind of empirical data is necessary to prove that the EU EBM is driven by the rationale of functionality rather than the external impact and effectiveness?" considering that these internally oriented objectives are not explicitly stated as in the case of official policy objectives. In order to find 'What purpose and for whom does the EU EBM serve?', policy narratives of the dominant actors in the field and policy designs as products of these narratives are examined.

At the first stage of data collection, the major documents of the EU institutions since the early 1980s were scanned through key issues and concepts of 'migration', 'external borders', 'asylum', 'security', and so forth to find the most relevant texts within the policy field. Since there are numerous documents released by the EU institutions regarding border management, asylum and migration, there has emerged a need to narrow down those documents based on certain criteria and the existing research on the key developments of the policy field. At this point, secondary sources have been consulted to determine the most relevant documents reflecting the policy positions of the selected institutions. Studies having a particular interest in the emergence and evolution of the policy field with chronological order, a specific policy or agency in the field, and political competition or contestation among the EU institutions have provided relevant texts for analysis.

Accordingly, the documents that are taken into consideration are the ones that clearly involve certain narrative elements (at least, setting, and moral of the story) and explicitly call for reinforcing the competences of the relevant institution, or the ones that decline these claims. Considering that most of the documents include the same content with respect to the policy definition and designs (which is valuable to show continuity in principle), the ones signalling a narrative shift or reconstruction are particularly deemed significant for data collection. The construction of certain narratives is interpreted here as part of the political competition among the EU institutions. To reiterate, the aim of narrative analysis is not to find dominant narratives and trends in the EU EBM in certain periods as they are either taken for granted or examined concomitantly alongside the discussion. Instead, the analysis primarily focuses on the strategic use of narratives by the EU institutions and member states to discuss their expectations from the EU-level policymaking.

Relevant data was collected from three main sources to address the research questions of this study. The first one is the official documents published by the EU institutions. Since the actors in policy-making strategically use policy narratives to frame external issues and define causes and solutions to them, official documents such as the conclusions of the Council meetings and the European Council, notes from the Presidency, resolutions, recommendations, regulations, directives and the decisions of the Council; communications and proposals of the European Commission; legislative resolutions and reports of the European Parliament and finally the legislative texts -regulations and directives- adopted by the Council and the Parliament are key sources consulted in this research.

This study mainly covers the time scale between 1985 and 2005. As an exception, policy designs, such as the asylum law and Frontex, the foundations of which were laid down in this period but were subject to recast after 2005, are also underlined. Since the mid-1980s, there have been numerous legislative acts and official documents of the EU institutions covering various issues of the JHA field, ranging from asylum to external borders and immigration that fall under the EU EBM field as defined here. In those documents, institutions pronounce their policy preferences and integration objectives. The texts showing continuities in policy positions and the narratives are selected randomly to exemplify the policy approaches of the actors, while the ones indicating slight or fundamental changes are selected deliberately to exemplify the change in positions and to search for, if any, the existence of a link between that change and the competition for power.

The second major source of research data comes from the existing scholarship that has been widely used alongside the primary sources. In the literature, the positions and the competences of the EU institutions in justice and home affairs within the context of its internal and external dimensions are widely discussed (see Chapter 3). The findings of these studies are both key to finding the relevant documents for the analysis and supporting the major arguments of this study.

Lastly, the research data was collected from the semi-structured interviews conducted with the officials from the EU institutions. The semi-structured interviews "follow a common set of topics or questions for each interview" and "may introduce the topics or questions in different ways or orders as appropriate for each interview" (Matthews and Ross, 2010, p.221).

The interviews in this study, which lasted from 40 minutes to 80 minutes, were held with five officials from the European Commission, the Council of the EU, the European Parliament and the Delegation of the European Union to Türkiye. The interviews were conducted via a video conferencing platform, except for one face-to-face meeting. Since the very beginning of the data collection process, this study planned to conduct semi-structured interviews with key stakeholders who are active players in border security and management in the EU. Conducting interviews is considered vital for triangulating the data obtained from primary and secondary sources. However, there were some challenges to this end. First, reaching the officials of the EU institutions was time consuming and not easy. Despite dozens of emails, limited responses were received, and not all of them were positive, either

due to their workload or the fact that the author already had had an interview with another official from the same institution. On the other hand, asking officials to suggest potential interviewees for future interviews, snowballing as dubbed in the literature (Merand, 2011, p. 188), was mostly inconclusive. Therefore, the number of interviews was lower than expected. Second, due to temporal and spatial restrictions, online meetings were preferred instead of face-to-face meetings with officials located in the EU capitals. Although online interviewing is not very common for semi-structured interviews, it proved useful for data collection and was received positively by the interviewees. Third, interviews were particularly considered vital for the analysis on the creation of Frontex, which is considered in this study as the outcome of the inter-institutional rivalries. However, Frontex is a secretive agency not very willing to give live interviews and thus, its contribution to academic studies is lower than expected. In their written response to the interview request, the relevant department of the agency has stated that Frontex might give such interviews only in exceptional cases, such as Frontex-specific academic research. Still, the relevant team of the agency provided a written response to some of the Frontex-specific questions of this study, which, however, did not go much beyond the publicly accessible data available online.

In general, what has been observed from the interviews with officials is that the policy makers and officials in the Commission have different rationales from what has been described and discussed in the literature. In other words, unlike the concerns of scholars in defining the motivations of the institutions, their belief systems, structural constraints and shifts or continuities in policy narratives, the officials have a more straightforward rationale and consider policies with either reactive or proactive approaches to changing security environment. In none of the interviews, there was an emphasis on internal political motivations. An official from the Delegation of the EU to Türkiye[45] openly expressed his first reaction to the research interest of the study stating that "in our work, we do not really use these theoretical ideas because they are not always adapted to the reality or necessities of our work…that is mostly at the level policy dialogues, intergovernmental negotiations… where authorities discuss very concrete business according to their interests, needs". Being aware of that fact and the difficulty in getting the answers that support or contradict the major claims of the study, the questions were formulated by operationalizing the concepts and ideas from theoretical approaches as much as possible. For instance, the questions did not

[45] Interview with an official from the Delegation of the EU to Türkiye.

specifically ask “What is the internal function of a specific legislative act?” but rather, how officials define the issue in general and solutions in the first place. At the end of the day, it is the scholars to observe the course of issue framing and evaluating the possible reasons for shifts in discourses other than just observable changes on the ground.

When asked the officials whether the change in discourse was an outcome of competence/turf wars or how they evaluated the ongoing struggle between the institutions for political power within the field, they generally did not describe this as a struggle for power; instead, they stated that all institutions strive to find a political balance between different interests and views first within the institutions and then also between the institutions and to reach a compromise. They did accept the willingness of the institutions to get more competences in the field, and they took it as a dynamic of the normal process of policy making. However, they stated that it was not the only focus of the institutions, and it was not a determining factor that defined policy objectives and policy designs in isolation from the realities on the ground. Basically, they view things from a different perspective than the scholars do. For instance, regarding the institutional structure of Maastricht and JHA pillar, van Munster (2009, p.58) states that “as the central political debates have centred on the question of competences rather than the prior question of whether the issue of immigration should be dealt with as a security issue in the first place, no attempts have been made to disentangle immigration from internal security”. However, for the officials, it was part of the flanking measures following the dissolution of border controls to deal with potential challenges and the overall aim has always been to maintain the safety of citizens and internal security. In a nutshell, scholars are more inclined to evaluate policy objectives and measures as outcomes of strategies of actors in promoting their status, while officials have more rationalist perspectives.

Contrary to the author’s expectations, the interviewees mostly shared their own opinions rather than those of their own institutions. In this regard, the answers given could not be taken as the institution's own policy narrative entirely, while this was the case in their official documents. Still, the interviews contributed much to the analysis of the third chapter, considering the discussions on securitization, depoliticization and technocratization of the policy areas in the EU EBM field.

Data Analysis

This study did not code the data collected from the official documents and interviews in a positivist manner. In other words, the setting, characters and policy solutions offered by the EU institutions are examined during the period of 1985-2005 to reveal converging and diverging policy core beliefs of the actors, but the number and percentage of the documents referring one or more narrative components is not specified, simply because there was no merit in doing so for the purposes of this study. In Chapter 3, the sections examining the positions and policy narratives of the EU institutions in the EU EBM field end with a table summarizing the components of the actors' policy narratives. To reiterate, the components of policy narratives are tools to investigate the strategy of the EU institutions to reinforce their powers in the field because how they define the setting/problems and the solutions to problems reflect their policy preferences and long-term interests.

The indicators of turf wars or institutional rivalries**,** categorized in Table 2.2., have been generated with a mixed inductive-deductive approach, which allows researchers to "move back and forth between theory and evidence" (Terlizzi, 2021, p.754), which enable to generate categories from the empirical data (data-driven) and the theoretical framework (concept-driven). The textual data has been primarily analysed by taking the deductively generated categories into account. Those categories are driven by the second function of the internal functionality approach. The empirical data collected from the primary and secondary sources has been interpreted and categorized under inductively generated categories corresponding to the theory-driven categories. Categorizing the relevant themes and concepts as such helped to analyse the second function/turf wars in a more systematic way in the EU EBM field. Inductively generated categories were initially formulated through a general overview of the textual data and then enhanced with an in-depth analysis of official documents and statements of the actors and secondary sources. These themes or categories can be considered as evidence for the internal functionality of the EU EBM and can be found in the policy narratives of relevant actors. Thus, analysis of policy narratives is a methodological choice that helps to collect evidence to illustrate the strategic use of the EU EBM field for power and competence maximization by the institutions.

While the categories on the right column of Table 2.2. were deductively generated by the functionality approach, categories in the left column were driven inductively by textual data and some selected insights of three major theoretical approaches -Narrative Policy

Framework, Advocacy Coalition Framework and Structural/Sociological Constructivism. Jorgensen's (2004, p. 14) statement best describes the methodological attitude of this dissertation: "Inductive theorising can imply that we begin from scratch; that is, we act as if we were naive empiricists simply looking at data in front of us. Or we can move on by means of selecting aspects of various theories and then combining them in a new framework". Thus, this dissertation refrains from an ambitious project such as thoroughly explaining EU foreign policy but confines itself to shedding light on the prospects of various theoretical and conceptual frameworks to understand the very nature of policy-making within the field.

Table 2.2. Key themes for data analysis

Inductively generated categories (data-driven)	Deductively generated categories (concept-driven)
• Strategic use of EU external border management: Legitimacy seeking, competence maximization • Policy designs (e.g., Frontex) reflecting the institutional struggles rather than responding to the changing security environment • Divergence and compelled convergence of policy core beliefs • Competence skirmishes • Lack of policy change in substantial and functional terms • Bricolage	- Inter-institutional struggles/rivalries/turf wars/battles. - Political competition - Epiphenomenal nature of EUFP - The EU as non-sovereign fragmented political order - Arbitrary policy process/lack of clear strategy

Source: Author's own construction

To demonstrate the existence of turf wars and their implications for the EU EBM field, the data analysis (see Chapters 3 and 4) pursues the following path[46]:

- Revealing the policy positions (e.g., restrictive or liberal) of each institution through analysis of their policy narratives in selected policy areas by using the Narrative Policy Framework (NPF)
- Identifying the divergence between policy core beliefs of the EU institutions, by using the 'belief systems' chart of the Advocacy Coalition Framework (ACF). Divergence of policy core beliefs is taken as the first indicator of the competence wars among the EU institutions.

[46] Since each institution is examined in separate sections in the chapter 3, minor changes might be observed in this order.

- Defining structural constraints upon the agency of the EU institutions.
- Illustrating shifts in policy narratives of the EU institutions
- Illustrating convergence of policy core beliefs of the EU institutions, which is taken as the second indicator of turf wars among the EU institutions
- Defining institutional and policy change (or lack thereof) within the EU EBM field and its consequences for the actors' strategies for competence seeking.
- The findings of empirical research are evaluated within the context of the functionality approach and supplementing theoretical frameworks.

Policy narratives studied here do not always follow the ideal type of Narrative Policy Framework (NPF) since there are not always clearly defined narrative elements or boundaries between the narrative components in policy narratives of actors. Thus, this study does not endorse the quantitative tradition of NPF like several other studies, neither is it solely based on the policy narratives of actors as the source of data. The aim is rather to illustrate the importance of the policy process and the strategic use of narratives by the actors who are generally inclined to emphasize the moral of the story (solution), which provides many hints for the actors' inspirations in choosing the EU level cooperation. Thus, the analysis of policy narratives in this study is not interested in specifying the 'setting', 'characters', or 'the moral of the story' for the sake of defining the narrative components but to interpret their relation to policy designs reflecting the preferences of narrators (political actors in member states or EU institutions). In this regard, the questions 'Why do political actors use certain narratives over others?' and 'How can one interpret the change in narratives?' are vital to understanding the strategic use of narratives and of the EU EBM field. This is the one way this research tries to reveal the internal functions of the EUFP within the EU EBM.

Furthermore, this study shows that the policy designs do not directly address external threats, contrary to what conventional security studies and the politics of exceptionalism would predict. This further demonstrates that the EU EBM policies and strategies were not developed with an eye toward effectiveness. Nevertheless, the external security environment provides "a window of opportunity to respond to the internal needs of the EU at the systemic, institutional and actor level" (Cianciara, 2020, chapter 5, para 4), for instance, in justifying their narratives that are mostly settled within different security landscape or non-threat

environment initially. Similarly, Singler emphasizes that although certain events like terror attacks do not provide evidence that migration is a security threat, they are used by the Commission as an opportunity to initiate security-oriented proposals (2019, p. 74).

3. THE EU EXTERNAL BORDER MANAGEMENT AS A VENUE FOR TURF WARS

> "Under the Community method policy is largely **epiphenomenal**—the by-product of actions undertaken to advance the integration process, of efforts to maintain 'institutional balance', of interinstitutional conflicts and intergovernmental bargaining".
>
> (Majone, 2005, p.107)

3.1. Introduction

This chapter discusses the motivations of the EU actors - the Council of the EU, the European Commission, and the European Parliament- based on their policy narratives and existing scholarship. Since these actors do not openly state their internally oriented goals in the official documents and often feature some idealistic policy goals in those texts, examining them from an uncritical perspective does not provide us with appropriate data to discuss institutional dynamics. Observing that frequency may not always indicate relevancy in the official documents, it is essential to hold a critical approach to understand turf wars between the EU institutions by looking at change and continuity in policy narratives of actors who want to maximize their competences vis-à-vis other institutions and, most importantly by examining policy designs that can correspond to an agency, a strategy or a legislative initiative emerging as a product of the competition among actors, thus reflecting the combination of multiple interests and ad hoc character of EU foreign policy-making.

The qualitative and quantitative data for the purposes of this chapter has been collected by the publicly accessible official documents and statements of the EU institutions, semi-structured interviews conducted with the officials from the EU institutions and secondary sources, particularly those having qualitative and quantitative content analysis of text data. 'Epiphenomenal policy making' concept, 'new institutionalism'[47], 'sociological

[47] Institutionalism provides useful analytical tools and concepts in explaining the political competition and interaction between the EU institutions, with its three subtypes: rational choice institutionalism, historical institutionalism, and sociological institutionalism. For detailed information on the research objectives and components of the variants of institutionalism in the EU studies, see Ben Rosamond, "Theorizing the European Union after Integration Theory" (2013); Thomas Christiansen and Amy Verdun, "Historical Institutionalism in the Study of European Integration" (2020); Sabine Saurugger, "Sociological Institutionalism and European

constructivism', 'narrative policy framework' and 'advocacy coalition framework' are the main supporting theoretical frameworks in examining the second function of the functionality thesis -EU foreign policy is a venue for interinstitutional rivalries and conflicts (Bickerton, 2011, p.10).

While Bickerton focuses on the political competition between the EU institutions, particularly the European Commission and the Council, Rayroux (2013) emphasizes the emergence of multi-level governance in foreign policy-making and involvement of transnational military structures in the political competition alongside the national and European actors within the case of EUFOR Chad /CAR. In this regard, he indicates that the CSDP operations have served for the military stuff as a venue to legitimize their existence and increase their influence in the field (Rayroux, 2013, pp.733-34). This chapter will follow a narrower approach to actors involved in the policy process by only investigating the positions of three EU institutions in the EU EBM field. What has been observed in this study within the context of external border management is akin to Bickerton's observation of the CSDP field that "the collective output of CSDP has been subordinated to the narrower ends of inter-institutional rivalries and turf wars" (2011, p.60). In other words, policies and initiatives that are praised as a great success and unique contribution to international politics and security, be it as it may, are not outcomes of strategic thinking or planning in terms of ends, means and impact of polices but rather epiphenomenal to institutional rivalries (Bickerton, 2010, 2011; Majone, 2005).

Primarily, this chapter is devoted to the empirical analysis of turf wars among the EU institutions within the EU EBM field. Following a review of the studies applying the Narrative Policy Framework and Advocacy Coalition Framework to the EU policy fields, the chapter extensively focuses on the roles and motivations of three EU institutions since the beginning of the 1980s up until the late 2000s, within the context of migration, asylum and border management, comprising together the EU EBM field.

Furthermore, this chapter includes an examination of the policy narratives of three EU institutions through their official statements and documents with a qualitative analysis[48] as

Integration" (2020); Mark A. Pollack, "The New lnstitutionalisms and European Integration" (2009), Paul Pierson, "The Path to European Integration: A Historical Institutionalist Analysis (1996); Jenson and Merand, "Sociology, institutionalism and the European Union" (2010).

[48] Like in the analysis of policy narratives at the national level (see Chapter 2 for the narrative analysis strategy of Terlizzi (2021)), this section examines the policy narratives of the EU institutions with a similar framework

well as the policy designs in the form of legislative acts on migration, border and asylum issues. Following a detailed analysis on the evolution of policy narratives of the EU institutions and legislative acts as evidence of institutional rivalries, the last section of the chapter delves into the emergence of the European Border and Coast Guard Agency (Frontex) that is claimed to be a product of that competition between the EU institutions, rather than a direct response to the external security environment. In this regard, it is the proposition of this chapter that the emergence, characteristics, and practices of the border agency are widely influenced by the extent of the competences of the EU institutions. Although it might seem reductionist to suggest that policy designs in the EU EBM field emerged primarily out of this political competition between actors, the analysis in this chapter illustrates that contradictory policy core beliefs of these institutions and instrumental use of the policy field have considerable impact on the policy outcomes.

Before moving to the discussion on the policy narratives and the positions of each EU institution in the field, it is essential to review the studies applying the NPF and the ACF to several EU policies to get a better grasp of the basic premises of these theoretical frameworks in practice and apply their insights in the analysis of the EU EBM field more efficiently.

3.2. An Overview of the Literature Applying the NPF and ACF

In understanding the epiphenomenal nature of EU policy making, this dissertation benefits from the public policy theories of Narrative Policy Framework (NPF) and Advocacy Coalition Framework (ACF), which are key to understanding the major dynamics of the policy process. Although they are primarily designed and applied to the cases of public policies at the national level, such as energy policy, foreign policy, or education policy (Sabatier, 1998, p.99; Sabatier and Weible, 2007, pp. 217-219; Shanahan et al., 2018; Jenkins-Smith and Sabatier, 1994; Jenkins-Smith et al., 2018), there is also a considerable number of applications at the EU level policies (Radaelli, 1999; Radaelli et al.,2013; Pacciardi, 2024; Cristoforetti and Querton, 2019; Domorenok and Graziano, 2023; Tosun and Schaub, 2021; Palm et al., 2021; Vogeler et al., 2021; Faustini-Torres, 2020; Hase, 2024;

based on the four components of the NPF; setting, characters (villains and victims), moral of the story and the plot. Although Cianciara's narrative analysis strategy has used quantitative tools, it also provides important insights for understanding how actors, particularly EU institutions, use narratives to reinforce their positions within the policy field (2017, 2020). Thus, studies applying quantitative NPF are also valuable for this dissertation (see Chapter 2).

von Malmborg, 2023; Ripoll Servent and Trauner, 2014)[49]. Here, in this study, some of the assumptions of these public policy theories need to be underlined in explaining the role of actors and structural factors in policy formulation and change. It is important to reiterate that the focus of this chapter is on the political competition among actors at the EU level policy rather than explaining the whole policy process with the assumptions of these theories. Actors, or coalitions in the manner of the ACF, in competition use policy narratives to affect policy process (e.g., policy objectives and outcomes) in a way that supports their power and positions in the field. Thus, the data collection process and analysis for the purposes of this chapter are considerably informed by the power of policy narratives in legitimizing certain policy preferences and rivalries among different coalitions and actors having certain belief systems, recalling the NPF and the ACF, respectively.

3.2.1. The NPF and its Applications in the EU Policy Fields

The study of narratives has recently made ground in the field of European integration project (Tekin and Meissner, 2022; Manners and Murray, 2016; Biegon, 2013; Kaiser, 2015), EU external relations (Cianciara, 2017, 2020; Nitoiu, 2013; Schumacher, 2015; Tonra, 2011) and particularly EU migration and border management field (Boswell et al. 2011; Terlizzi, 2021; Pacciardi, 2024; Cristoforetti and Querton, 2019; Hase, 2024; Faustini-Torres, 2020; Maricut, 2017). A portion of this literature is very instrumental in supporting this dissertation's argument, therefore, deserves a particular mention. In these studies, the emphasis is either on one actor, as narrator, of external policy or on the competing narratives of actors that together comprise the overall external policy narrative. This chapter contributes to the existing scholarship on the role of narratives in policy making by focusing on three EU institutions as major narrative producers in the field of external border management within the context of the sociological functionality approach[50]. In that regard, it attempts to understand what sustains current narratives and external border policies taking into consideration the individual interests of narrative producers and structural constraints

[49]This list of studies covers a wide range of policy fields that are studied within the framework of these two approaches. Some of these studies, which are particularly consulted in this chapter, apply NPF and ACF, separately or in combination, to the case of EU migration and border policies (Hase, 2024; Pacciardi, 2024; Cristoforetti and Querton, 2019; Ripoll Servent and Trauner, 2014, Terlizzi, 2021). Their major arguments and applications of the NPF and the ACF to the EU policies are presented here as a guideline to the study of the EU EBM in a certain frame.

[50] 'Sociological functionality' is a tentative concept used by this dissertation's author to enrich the agency-oriented functionality approach with structural factors.

thereupon. Thus, besides explaining the form of narratives, it follows a similar path to the studies aiming to uncover hidden power structures, ideas, interests, and values underpinning the elements of narratives (Pacciardi, 2024; Radaelli, 1999; Cianciara, 2020).

Pacciardi's analysis of European narratives, one of the most recent studies examining the relationship between policy narratives at the macro-level and actual policy designs, focuses on the European Trust Fund for Africa (EUTF) as a tool for border externalization by combining approaches examining the form and content of narratives. In her analysis, the European Commission is taken as the primary actor that produces narratives and constructs realities shaping the border externalization of the EU and future solutions on migration and mobility (2024). In the assessment of the EUTF's success, the use of tables, numbers and graphs in the annual and monitoring reports are considered to be giving a message that the problem of uncontrolled migration is a technical issue that requires technical and efficient solutions like the EUTF (Pacciardi, 2024, p.14). However, the EUTF was not strategically designed as a pragmatic tool to solve the problem of uncontrolled migration neutrally and efficiently, but it, in fact, emerged as a political tool used by the European Commission to construct the merits of migration and border management (Pacciardi, 2024) that would enhance its capacity and resources within the field. Thus, the de-politicization of migration and border management is itself a very political issue, considering its deliberate construction of the problem as a technical issue to be dealt with expert knowledge.

In this line, Zaun and Nantermoz (2023, p.2987) underlined that the Commission presented the EUTF not as a response to the refugee crisis, but as a continuation of the development policy by reframing unwanted migratory flows as a technocratic issue to be dealt with measures addressing root causes of migration. The Commission de-politicized the political problem by transferring the migration issue to the development policy domain, and it was able to attract attention to the external dimension of the issue by locating the migration crisis in Africa and bypass internal tensions among the Member States over the burden of dealing with large scale flows (Zaun and Nantermoz, 2023, p.3000).

As Andrew et al. (2015, p.143) put it, "the more institutionalized a narrative becomes, the more likely it is to remain unquestioned". These narratives are treated as canonical in the sense that the constructions of narrators become right and ordinary in a specific context

(Patterson and Monroe, 1998, pp. 315-316)[51]. Accordingly, Pacciardi (2024) proposed that the narrative on border externalization that framed uncontrolled migration as a problem to be solved by technical solutions dismissed the alternative constructions or interpretations of reality and storyline by solidifying the roles of characters as victims (asylum seekers), villains (irregular migrants and smugglers) and the hero (the EU). The story told by the European Commission within the context of the EUTF eliminates the possibility of defining migration in a different framework than a securitized context (Pacciardi, 2024). Patterson and Monroe (1998, p.316) highlight that the way narrators organize the constructed events in sequential order is what reveals their cognitive maps and perspectives. In Pacciardi's study (2024), the function of narratives in legitimizing the externalization of EU border policies is emphasized to a greater extent than their role in reinforcing the position of the European Commission vis-à-vis the other powerful actors in the field.

Biegon (2013) adopts post-structuralist narrative analysis in her study of legitimation strategies of the European Commission between 1973-1994. Although the study particularly investigates the strategies of the Commission in getting diffuse support for the European Community as a whole, it provides insights into the analysis of the second function of the EUFP (turf wars) with its stress on discursive limits constraining the agency of the European Commission and the way narrative elements are defined. In her narrative analysis, Biegon uses six narrative components or "actantial roles" based on Algirdas Julien Greimas' actant model (1971, cited in Biegon, 2013, p.199) and formulates questions to find those actants in the Commission documents[52]. These actantial roles are: destinator (forces that constitute the ground for action), receivers (forces that receive values and rules of destinator to deal with the problem), subjects (heroes building up the desired political order), objects (goals of

[51] Patterson and Monroe (1998, pp.316-317) underline the importance of narrative, as a distinct form of discourse, in revealing the narrator's concept of self and construction of knowledge. See authors' study on "Narrative in Political Science" (1998) for the discussion on the distinct features of narrative that makes it useful for understanding their strategic use at macro-level.

[52] For detailed definition of the actant model and the questions asked to each document, see, Biegon (2013, pp.199-200). Those actantial roles may correspond to the narrative elements defined in the NPF, such as "destinator" may refer to "setting of the story", "traitor" may correspond to "villain", or "subject and adjuvant" to "heroes". Some of the questions asked to the Commission documents to find human and non-human forces in the field of legitimacy may well be adapted to the empirical material of this dissertation. For instance, the questions formulated to identify destinator in the issue of legitimation (Biegon, 2013, p.199) can be reformulated for the EU EBM field as follows: "What is the contextual background that necessitates intense occupation with the issue of migration and border management?" and "How does the European Parliament or the European Commission justify their interests in the EU EBM field?" or to find villain (traitor) "Who prevents the subject/ actor (member state or EU institution) from building up an effective border management based on a principle of solidarity?". Thus, Biegon (2013) also methodologically adopts a systematic approach to policy narratives, which is generalizable across different contexts as in the case of narrative components offered by the Narrative Policy Framework (Jones et al., 2014) within the post-structuralist framework.

subjects), adjuvants (forces facilitating the subjects' work) and traitors (forces that block subjects from achieving desired goals) (Biegon, 2013, pp.199-200).

What interests this dissertation is the way objects, adjuvants and traitors of the narratives are defined in three major narratives (functionalist Europe, European identity, and democratic Europe) examined in the article (see, Biegon, 2013). For instance, in the narratives of functionalist Europe and democratic Europe, the European Commission and the European Parliament are defined as adjuvants to build up the "EC as problem solving entity" (object) or "EC as political entity" (object), "disunity among member states and Community institutions", and "Intergovernmental EC" are defined as traitors respectively. (Biegon, 2013, pp.203, 207). In this way, studying internal or external policies and strategies of the EU through policy narratives becomes essential in both understanding the emergence and evolution of the policy in concern and in line with the research interest of this dissertation, illustrating power relations, hierarchies, and political competition among the EU institutions, national strategies, identity building and so forth that reflect political dynamics and internal functions of an external policy. Studying political motivations of actors within the framework of policy narratives in this dissertation aims "to recognize order within a vastly heterogeneous field of discursivity," as Biegon put it (2013, p. 198).

Radaelli et al. (2013, p.500) appeal to the narrative policy framework to examine the Impact Assessment (IA) documents used by the European Commission for multiple purposes ranging from defining its identity and increasing its credibility in establishing EU norms and promoting consensus on policy proposals and legitimizing them. Praising the empirical analysis (objective epistemology) of inter-subjectively constructed policy narratives (social ontology), Radaelli et al. (2013, p.508) initially look at the presence of narratives in IA documents and then examine the structure and content of narratives in each selected IA script to find that even in the absence of strong evidence for the necessity of policy action, narratives provide necessary foundations for human action. As they clearly state (2013, p.504), the European Commission, by defining an issue in a particular way, "makes a given social, environmental, economic problem out there amenable to human action within the EU policy-making framework". The European Commission presents itself as a supranational entity well equipped with the tools to confront villains (e.g., transnational criminal networks in the case of CYBER IA) by being involved in problem analysis, policy construction and development (Radaelli et al., 2013, pp.510-511). In a nutshell, IAs go beyond producing

evidence or foundations for action. They serve multiple purposes besides paving the way for evidence-based policies (Radaelli et al., 2013). In this dissertation, a similar analysis of IAs and evaluations[53] produced by the Commission in the field of border and migration policies sets a good example of strategic use of the policy field.

Radaelli et al. (2013) also contributed to the existing research on the NPF by focusing on two inter-connected dimensions; "discourse" (coordinative and communicative) and "the presentation of self", which are claimed to reveal the general direction or purpose of the narratives. For instance, in the case of IA documents, narratives are used for providing coordination among different departments in the European Commission and communication in relation to enhancing the acceptability and legitimacy of proposals, both of which involve the act of defining policymakers' identities (Radaelli et al., 2013, p.503). This is a crucial dimension for the NPF, considering its later research interest to treat narrative content as generalizable across different contexts (Jones et al., 2014, p.9), based on the overarching plot.

Radaelli (1999) also studied the role of policy narratives through the theoretical approach of "Advocacy Coalition Framework"[54] in the case of the direct taxation policy of the EU. The construction of the "harmful tax competition" narrative and "tax policy forum" by the Commission served the revitalization of direct tax policy that remained unproductive initially due to the rivalry among opposing coalitions (Radaelli, 1999, p. 669). In this way, the author once again illustrated the impact of narratives on policy reformulation by observing causal components- problems, doomsday scenarios and the solutions- produced by the Commission. In the wake of empirical uncertainty, the Commission defined the problem as the lack of tax co-ordination, unemployment, and impediments in the functioning

[53] For instance, "the evaluation of Regulation (EU) 2019/1896 on the European Border and Coast Guard" (European Commission, 2024a) or "Impact assessment on the revision of the Schengen Evaluation and Monitoring Mechanism" (European Commission, 2021).
For completed and ongoing evaluations and impact assessments carried out by DG HOME see European Commission (2024b). Evaluations and impact assessments. https://home-affairs.ec.europa.eu/whats-new/evaluations-and-impact-assessments_en

[54] Here, the Advocacy Coalition Framework (ACF), with its core elements ("the stability of coalitions", "the role of belief systems", "the impact of the policy environment", "learning and forum politics") is studied in relation to the role of narratives in policy change (Radaelli, 1999, p.664). Radaelli's work is highly relevant for this dissertation in terms of combining both frameworks, NPF and ACF, in explaining policy process. In this dissertation, the ACF as a public policy theory is not directly applied to the case of turf wars; however, some of its assumptions are mentioned in relation to the implications of the second function for policy development. Particularly, the argument of stable adversarial coalitions and classification of belief systems (deep core, policy core and secondary aspects) are relevant for the discussion of the second function, as the following pages delve in broadly.

of the single market causing the disintegration of the welfare state (doomsday scenario) and the solution as tax co-ordination (Radaelli, 1999). By this strategy and forum politics bringing not only the supranational coalition led by the Commission but also the intergovernmental coalition led by member states together, an issue previously dealt with in technical debates has been carried to the political sphere, and the scientifically unproven challenge has become probable at that forum through a reciprocal understanding of rival coalitions (Radaelli, 1999).

The study also emphasized the fact that "narratives do not operate in a political vacuum" and thus developments in the policy environment, such as the political orientations of the governments in the member states or capital movement liberalization that might have an impact upon policy change should be considered alongside the endogenous dynamics (Radaelli, 1999, pp. 662, 667). Similar to this finding that policy narratives are used as an instrument to promote certain policies in times of uncertainty, Zaun and Nantermoz (2021, p.510) illustrates that in responding to irregular migration 'crisis', the EU actors used pseudo-causal narratives that rely on unproven or disproven causal claims in the case of EUTF, which was constructed to provide development assistance to the countries that migrants originate from and transit. Authors claim that although it was allegedly scientific and not clear that development assistance was well-suited to address irregular migration, the 'root causes' narrative, which was plausible, morally compelling, previously established and not contested by actors, was adopted in the absence of clear evidence for its success to stop migration and the actors were well aware of this fact (Zaun and Nantermoz, 2021, pp. 510-511). The pseudo-causal narrative was supported in this case by the actors who wanted to respond to the refugee crisis urgently and retain the core of development aid policy. The narrative was promoted particularly by the Commission, which sought to reinforce its legitimacy in the face of political pressure to find proper solutions to the crisis (Zaun and Nantermoz, 2021, pp. 512, 524). This illustrates the power of policy narratives even in the case that their accuracy is questionable. On this issue, Roe (1994, pp.50-51) proposes that:

> "The issue is the extent to which the policy narratives were successful in underwriting (that is, establishing or certifying) and stabilizing (that is, fixing or making steady) the assumptions needed for decision making in the face of what is genuinely uncertain and complex. As such, policy narratives can be representationally inaccurate and recognizably so-but still persist, indeed thrive. In fact, when one narrative more than

any other becomes the way we best articulate our "real" feelings or make sense of the uncertainties and ambiguities around us, then we are often willing to put up with that narrative, no matter how empirically objectionable it is in many other respects."

3.2.2. The ACF and its Applications in the EU Policy Fields

Pioneered by Paul A. Sabatier and Hank Jenkins-Smith in the 1980s and revised by several researchers since 1993, Advocacy Coalition Framework (ACF) is a theoretical approach that aims to analyse major dynamics of public policy process ranging from problem definition to policy formulation and outcomes (Sabatier, 1988, 1998, Jenkins-Smith and Sabatier, 1994; Sabatier and Weible, 2007; Weible and Jenkins-Smith, 2016; Jenkins-Smith et al., 2018).

In his article "The Advocacy Coalition Framework: revisions and relevance for Europe", Paul Sabatier explains the major findings and revisions of the ACF and evaluates its applicability to the politics of the EU (1998). Without an in-depth examination of all premises and revisions, some of the assumptions and applications of the ACF to the EU policy field that support the research interest and metatheoretical orientation of this dissertation are worth highlighting here. The major research interest of the ACF, as stated in the early years of the framework, has been to formulate a conceptual framework for explaining policy change over time in public policies (Sabatier, 1988, p.130). The basic premises of the framework were listed by Sabatier (1988, p.131) as follows: "understanding the process of policy change…requires a time perspective of a decade or more", "the most useful way to think about policy change over such a timespan is through a focus on 'policy subsystems'", and "public policies …can be conceptualized in the same manner as belief systems". On the basic premises of the ACF, the author emphasizes the role of technical information in the policy process and change and takes policy subsystem as the key unit of analysis that consists of various actors from public and private organizations engaged in influencing the public policy in concern (Sabatier, 1998). Taking the EU EBM field as a subsystem composed of competing institutions having different belief systems, this dissertation benefits from the ACF insights on "policy change", "advocacy coalitions" and "belief systems" in explaining policy change or lack of it in the major policy areas of the EU EBM field and change in policy positions of the supranational bodies, the Commission and the European Parliament.

The EU EBM field, taken in this dissertation as consisting of migration, asylum and border management, meets some important conditions of a mature policy subsystem that should be in existence for at least a decade or more and have some degree of 'organizational residue' in the sense that specialized units are present at the relevant levels of government (Sabatier, 1998, p.111). It is possible to observe specialized units, DGs and committees, in each institution dealing with the justice and home affairs issues and their external dimensions. The dissertation examines the field between the years of 1985-2005 and illustrates that 1) the policy cores of the asylum, border and migration policy areas have been defined by the dominant actors of the field or intergovernmental coalition which are still in power, and 2) the policy core of the field (restrictive and exclusionist) has remained stable over time. In this context, supranational actors could only change some secondary aspects that are accepted by the dominant actor. Thus, the EU EBM field can be considered as a mature policy subsystem in the selected period.

In this context, actors from different spheres having a common set of beliefs, hierarchically organized as deep core, policy core and secondary aspects, form 'advocacy coalitions' within the subsystem (Sabatier, 1988, p.139; 1998, pp.103-104). Advocacy coalitions "share a set of normative and causal beliefs" and "engage in non-trivial degree of co-ordinated activity over time" (Sabatier, 1998, p. 103). While deep core beliefs refer to fundamental "ontological and normative beliefs", such as relative priority given to the values of freedom, security and power, which operate across all policy subsystems, policy core beliefs refer to "coalition's basic normative commitments and causal perceptions" that operate across the subsystem and involve coalition's perception of "overall seriousness of problem", "basic causes of the problem" and its "strategies for realizing core values within the subsystem", such as determining the policy instruments and distribution of authority among actors and the level of policy-making in dealing with the problem (Sabatier, 1998, p.103, 112). While deep core and policy core beliefs are more resistant to change, secondary aspects in the belief system, such as policy preferences concerning administrative rules, design of institutions or relative importance of causal factors, are prone to adjustments in the light of new arguments, experience, or strategic considerations (Sabatier, 1998, p.104). Policy core beliefs representing normative and empirical commitments of actors (e.g., "whose welfare is pivotal") are described as the "fundamental 'glue' of coalitions" that keep them together and make them stable over time (Sabatier, 1998, pp.103, 105, 116; Jenkins-Smith and Sabatier, 1994, p.183).

Policy-oriented learning (cognitive activity), that is, increased knowledge about policy issue in concern and perturbations external to the subsystem (non-cognitive factors), such as changes in "system-wide governing coalitions" or "socio-economic conditions", are considered as the major sources of change in resources and composition of coalitions and ultimately of policy change (Sabatier, 1988, pp.133-134, 1998, pp.104-105). It is argued that while policy-oriented learning is more likely to change the secondary aspects of the belief system, the external perturbations are more likely to alter policy core aspects of actors' belief system (Sabatier, 1998, p.105; Jenkins-Smith and Sabatier,1994, p.183). Some of the claims of the ACF, not to be tested here but for an understanding of tools and behaviours of coalitions in the subsystem, are as follows: (i) coalitions that stand together thanks to their policy core beliefs impervious to change are likely to be stable for a period of time, (ii) external shocks to the subsystem is necessary, but not sufficient for policy change unless proponents of change successfully take advantage of these perturbations to alter the balance of resources among coalitions and, thus, policy programs, (iii) solid empirical evidence or quantitative data on policy issue and a forum composed of professionals from different levels and coalitions facilitate the policy-oriented learning (Sabatier, 1998, pp. 105-106, 118-119).

Based upon the selected premises of the NPF and the ACF, this dissertation sets a framework for the analysis of the EU EBM field, particularly in the case of political competition and coordination between the EU institutions. Considering these institutions belonging to a particular coalition having their own dynamics is essential to understand their strategies of power maximization. Although the ACF is clear on the definitions of deep core, policy core beliefs and secondary aspects of belief systems, there is a need for systematic data collection, particularly on policy core beliefs through techniques developed by the ACF authors to illustrate the presence of such beliefs in a coalition (Sabatier, 1998, pp.108). As stated before, this dissertation does not have such a research aim to show the existence of coalitions to define their beliefs systematically. However, in the analysis of internal political struggle, it is essential to refer to normative and empirical components of belief systems such as "basic value priorities", "overall seriousness of problem", "basic causes of the problem", "proper distribution of authority among levels of government" (in the EU case, among the EU institutions), which are expected to be different across the coalitions (Sabatier, 1998, p.112), here, in this case, intergovernmental and supranational bodies. Diverging belief systems among the EU institutions are key to understanding tensions and competence wars among them in the first place. In fact, what is observed in the case of external migration and

border policies, the Commission and the Council might have similar policy core beliefs, but disagreements have particularly emerged over the appropriate level wherein the migration and border management should be dealt with.

The ACF is not only essential to explain the divergence in policy beliefs among actors but also the convergence in belief systems as part of competence wars. As elaborated below, the supranational bodies had to accept certain policy core beliefs of the dominant actors, the Council and the Member States, to avoid being left out of the game. Thus, accepting the policy core of the rival coalition does not necessarily mean that they are not in competition for power anymore. As argued by the ACF, coalitions tend to remain stable over time since the policy core keeping them together is resistant to change, and actors/coalitions are willing to translate those policy core beliefs into governmental programs that are not expected to change or to be revised in terms of its policy core "as long as the dominant coalition which instituted that policy remains in power" (Sabatier, 1998, pp.105-106). In the case of the EU EBM field, since the intergovernmental coalition led by the Council and the Member States remained in power for a long time as the dominant coalition and the restrictive policy core of the migration and asylum policies and initiatives formulated by this coalition did not change over time, actors in the supranational coalition had to change their positions and accepted the policy core of the dominant coalition to achieve concessions from the Council, albeit in the form of limited power and influence in decision-making. Those supranational bodies offered changes in the secondary aspects of the policies and legislative acts.

Here, the actors in competition are limited to the EU institutions, which are taken as unitary homogenous actors without considering their intra-institutional dynamics; therefore, coalitions involving multiple actors from different levels are not studied. In its simplest form, each EU institution can be thought of as representing one group or coalition in its own right. In fact, in the EU EBM, it is possible to define two coalitions, albeit not in fully-fledged or ideal type defined by the ACF, based on the policy objectives and preferences of the institutions: supranational (the Commission and the EP) and intergovernmental (the Council and Member States) coalitions.

Table 3.1. The belief systems of actors (coalitions) within the ACF

	Deep core	*Policy core*	*Secondary aspects*
Defining characteristics	Fundamental normative and ontological axioms.	Fundamental policy positions concerning the basic strategies for achieving core values within the subsystem.	Instrumental decisions and information searches necessary to implement policy core.
Scope	Across all policy subsystems	Subsystem-wide.	Usually only part of subsystem.
Susceptibility to change	Very difficult; akin to a religious conversion.	Difficult, but can occur if experience reveals serious anomalies.	Moderately easy; this is the topic of most administrative and even legislative policy-making.
Illustrative components	1 The nature of man: (i) Inherently evil v. socially redeemable. (ii) Part of nature v. dominion over nature. (iii) Narrow egoists v. contractarians. 2 Relative priority of various ultimate values: freedom, security, power, knowledge, health, love, beauty, etc. 3 Basic criteria of distributive justice: whose welfare counts? Relative weights of self, primary groups, all people, future generations, non-human beings, etc.	*Fundamental normative precepts:* 1 Orientation on basic value priorities. 2 Identification of groups or other entities whose welfare is of greatest concern. *Precepts with a substantial empirical component:* 3 Overall seriousness of the problem. 4 Basic causes of the problem. 5 Proper distribution of authority between government and market. 6 Proper distribution of authority among levels of government 7 Priority accorded various policy instruments (e.g. regulation, insurance, education, direct payments, tax credits). 8 Method of financing. 9 Ability of society to solve the problem (e.g. zero-sum competition v. potential for mutual accommodation; technological optimism v. pessimism). 10 Participation of public v. experts v. elected officials.	1 Seriousness of specific aspects of the problem in specific locales. 2 Importance of various causal linkages in different locales and over time. 3 Most decisions concerning administrative rules, budgetary allocations, disposition of cases, statutory interpretation, and even statutory revision. 4 Information regarding performance of specific programs or institutions.

Source: Sabatier (1998, pp. 112-113).

While discussing the behaviours of the EU institutions in the policy field and their impact on the policy process, the ACF's assumptions on dominant beliefs and coalitions, just as in the case of dominant actors in the Bourdieu's field theory, provide key insights for an analysis of the EU EBM field within the functionality approach. When it is not easy to

change the dominant coalition and its core beliefs, considering, for instance, the dominance of the Council or member states in external affairs, influencing secondary aspects might be the only way for actors (e.g., the Commission and the Parliament) to increase their resources and competences or to be in the game at least initially. Despite not being based on data systematically collected through scientific methods, policy core beliefs of the institutions can be defined by taking definitions of belief systems within the ACF and the secondary sources that apply these concepts in their analysis.

For instance, Radaelli (1999, p. 679), in his study on EU tax policy, illustrated the change in policy core beliefs of the EU member states in the issues of "the overall seriousness of tax competition as a policy problem" and "the choice of the institutional venue wherein harmful tax competition should be tackled". Such a change became possible thanks to forum politics in which the Commission persuaded national authorities even in the absence of scientific evidence showing harmful tax competition, which does not fit Sabatier's argument suggesting that policy learning, though not always, can only impact policy core beliefs in the existence of solid empirical evidence (Radaelli, 1999, p.679; Sabatier, 1998, p.105) Similarly, within the case of migration and border policies, lack of scientific evidence is not necessarily an obstacle for policy proposals and policy designs, as illustrated below. The theoretical approach of the ACF has considerable potential to explain the whole policy process, particularly with the revisions since 1993 through several applications of the theory in different geographies and policy areas (Sabatier and Weible, 2007). This dissertation only benefits from the framework's premises, which are critical to explain actors' behaviours to maintain power in the policy field. In a nutshell, arguments of the ACF on the existence of coalitions that remain stable over time under certain circumstances and the beliefs that are resistant or having low resistance to change are appealed to explain the change and continuities in the evolution of the EU EBM field.

The application of the ACF to the case of EU asylum policy and law by Ripoll Servent and Trauner (2014) illustrates the essential premises of the ACF that are pertinent to the political competition and the role of EU institutions in policy formulation and change. Ripoll Servent and Trauner's article is important for this dissertation both in terms of its application of the ACF to the EU level policy and its subject, EU asylum law, as one of the key components of the EU EBM field. In particular, the authors emphasize that the ACF allows for understanding "how policy change has been triggered or policy stability maintained"

(2014, p. 1144), which is also critical for the analysis of this section examining how EU institutions struggle for translating their policy preferences into the policy designs that either induce change or maintain status quo. The study of Ripoll Servent and Trauner (2014) tackles the role of EU supranational institutions in the course of EU asylum law[55] before and after communitarization of the policy area that has changed the distribution of competences by introducing co-decision procedure to the asylum policy, which was previously conducted through unanimity by the Council[56]. Analysing policy change in the selected EU asylum laws before and after co-decision procedure, in both substantial (restrictive or liberal policy) and functional (weak or strong integration) terms, the authors formulated a coding scheme illustrating the positions of three EU institutions accordingly by placing them in a continuum (2014, p.1145).

Within the first generation of laws (Receptions (2003/9/EC), Dublin II (343/2003/EC), Qualifications (2004/83/EC) and Procedures (2005/85/EC))[57] that were negotiated before communitarization of the policy, the Council favoured restrictive asylum policies and full national discretion (minimum harmonization), while the EP decisively opposed to the position of the Council by promoting liberal inclusive rights to asylum-seekers and further harmonization through co-decision procedure (Ripoll Servent and Trauner, 2014, p.1146). On the other hand, the Commission favoured a right-based approach and harmonization to a certain extent, but in the absence of the exclusive right of initiative and powerful EP with co-decision, it remained with little influence vis-à-vis the Council (Ripoll Servent and Trauner, 2014). In the second generation of laws (Receptions (2013/33/EU), Dublin III (604/2013/EU), Qualifications (2011/95/EU) and Procedures (2013/32/EU) under the co-decision procedure, the authors emphasize the converging positions of the EU institutions in certain issues in comparison to the first period. While the Council retained its restrictive position in general and reluctance for further integration in the policy, the EP maintained its liberal position, albeit asserting its adverseness to the Council less than in the previous period, and the Commission, despite its move towards liberal/right-based approach, kept its restrictive provisions, but pushed for common standards together with the EP (Ripoll Servent

[55] See Peers (2013), and Kaunert and Leonard (2012) for the progress in the EU asylum law.
[56] For the legal basis and achievements in the asylum policy through treaty reforms, see European Parliament (2023). Asylum Policy. https://www.europarl.europa.eu/factsheets/en/sheet/151/asylum-policy
[57] For each item (e.g. freedom of movement, employment, safe countries, cooperation between member states and definitions of relevant concepts such as protection, persecution) in these legislative texts and official documents and the initial positions of the EU institutions on these items in substantive and functional terms, see Table 2 and 3 in Ripoll Servent and Trauner (2014, pp. 1147, 1149).

and Trauner, 2014, pp. 1148-1150). Thus, supranational actors had to change their initial positions to a certain extent.

The findings of the study in ACF[58] terms suggest two significant points. First, minor changes in legislative texts remained as secondary aspects of the policy without altering the policy core (e.g., changes in conditions for detention of asylum seekers, not abolishing the detention at all, or pushing for a common EU list for safe countries, not abolishing the principle of safe country itself), and second, the Council with more stable policy core beliefs resisted any substantial change offered from the supranational institutions in asylum policy and thus the liberal and integrationist positions of the EP and the Commission are conciliated inevitably in line with the dominant position of the coalition led by the Council (Ripoll Servent and Trauner, 2014). Even this study alone, by only focusing on four legislative texts and their revisions in asylum policy after communitarization illustrates the point of this research project that the EU institutions are in constant search for maintaining their cause in the EU, either through competition or coordination with each other, and ultimately for keeping their policy core beliefs, albeit with some changes for strategic reasons.

Change in the distribution of competences with the Amsterdam Treaty (1997) did not bring a substantial change in the essence of the migration, asylum and border policies. Then, why did empowered supranational actors content themselves with a modest increase in their competences and with their core beliefs being partly accepted and insufficient to change the core of the policy led by the Council? Ripoll Servent and Trauner explain this outcome, namely, "lack of policy change", with the dominance of the Council-led coalition that convinces the opposition via negotiations, and norms promoting consensual practices (2014). Several studies recently have focused on the reasons for limited policy change despite institutional amendments with communitarization (Trauner and Ripoll Servent, 2015, 2016; Ripoll Servent and Trauner, 2015; Ripoll Servent, 2009, 2011, 2018; Zaun, 2018; Trauner and Lavenex, 2015; Parkes, 2015; Storskrubb, 2015; Maurer and Parkes, 2007) Based on the existing literature, this dissertation endeavours to explain this outcome through functionality logic by focusing on changing policy narratives.

[58] In this study by Ripoll Servent and Trauner (2014), the EU institutions are not taken as unitary actors comprising separate coalitions; while interior ministers and centre-right parties in the EP formed one coalition, the Commission and centre-left party groups in the EP formed another coalition competing with the former. In this context, ideological (conservative or liberal-dominated) composition of the EP emerges as a variable to consider in coalition-building.

Similar to Ripoll Servent and Trauner's study (2014), this dissertation focuses on two groups of policy core beliefs over which major disputes among institutions emerge: "liberal versus restrictive approaches" and "national discretion (limited harmonization) versus full harmonization (stronger integration)". Alongside these core beliefs, secondary aspects that are not influential to alter the policy core but are still used instrumentally by less powerful actors to have a say in the policymaking are emphasized. What is key for the research interest of this dissertation is to show how the EU institutions use the EU-level policy for their strategic aims, particularly to increase their power in the field and how they are engaged in the competition for their internal objectives. Still, it is essential to address the outcomes of that battle on the effectiveness of the EU EBM policies, which supports the argument that the EU actors are considerably driven by the functionality logic rather than the effectiveness of policies on the ground.

3.3. Involvement of the EU institutions in the field of External Border Management

This section widely focuses on the EU institutions' involvement in the creation of the EU EBM field from 1985 to the early 2000s. This period roughly corresponds to the pre-communitarization of most JHA issues, the transition of which to first Community pillar took place after five years of transitional period set under the Amsterdam Treaty. Moreover, the aim of this section is to understand the institutional rivalries that paved the way for the emergence of major policies and trends in the field, such as securitization and externalization and various border policies and practices. The next three subsections focus on the roles of institutions in the policy field, their resources and competences, the way they promote their interests and define problems and solutions. In a nutshell, the research design of this section is based on the premise that "all actors seek to define problems and solutions in such a way that these definitions strengthen their position in the game" (Cianciara, 2020, Ch2, How the field is structured: resources and strategies).

3.3.1. The Council of the European Union: An Intergovernmental Cooperation[59]

The European Council and the Council of the EU can be defined as the major dominant actors within the policy field and the EU field of power. Their long-lasting dominant positions did not change despite the efforts of supranational actors to communitarize the EU border and migration management. Since the construction of the EU EBM field, it is possible to observe a political competition between the member states and the supranational actors in most of the resolutions, conventions, legislative proposals, and texts that include not only appropriate steps for implementing desired polices, but also legitimacy claims of their producers. Hence, the positions of the actors are examined below within the context of the historical evolution of the field that constructed the positions of actors and defined the resources at their disposal and, at the same time, has been constructed by the very agency of those actors. In this study, the Member States and the Council of the EU can be thought of as identical and are generally used interchangeably.

3.3.1.1. Early Period (1985-1996): The Council of the EU as a Restrictive, Anti-Integrationist and Dominant Actor

As pointed out in the first chapter, the story of managing external borders of the member states at the EU level started with the abolition of internal borders of five member states with the Schengen Agreement in 1985 (Official Journal of the European Communities, 2000a) to promote economic integration and free movement of people within the Schengen area:

> "With regard to the movement of persons, the Parties shall endeavour to abolish checks at common borders and transfer them to their *external borders*. To that end they shall endeavour first to harmonise, where necessary, the laws, regulations and administrative provisions concerning the prohibitions and restrictions on which the checks are based and to take *complementary measures* to safeguard *internal security*

[59] The European Council and the Council of the European Union are two distinct institutions: the former comprising the heads of Member States and the latter, national ministries. However, considering them representing the interests of Member States, conclusions of the key European Council meetings will also be used as supplementary data alongside those of the Council of the EU. The Council as an EU institution involves various formations specialized in different sectors such as national ministers of the Member States responsible for economic and financial affairs compose Economic and Financial Affairs Council (ECOFIN) (Lewis, 2013). By the Council in this study, it is generally meant the JHA Council that comprises interior/ home affairs ministers of the Member States.

and *prevent illegal immigration* by nationals of States that are not members of the European Communities" (Title II, article 17, emphasis added)

Although the cooperation at that time was taking place outside the European Community, current policies and practices under the EU EBM field have their origins in this informal intergovernmental cooperation period (Zengin, 2017). As for the analysis of this section, policy narratives produced in this informal and later formal intergovernmental cooperation (with the Maastricht Treaty) among the member states will be discussed until the end of the five-year transitional period of communitarization of the JHA polices as decided at the Amsterdam Treaty. Despite this time limitation, this dissertation allocates considerable space for the discussion on the repercussions of communitarization of the JHA field for policy making and implementation through analysis of revised legal texts after 2005. Starting from the Schengen Agreement and the Convention of 1990 implementing the agreement, policy narratives of the intergovernmental coalition led by the European Council and the Council of the EU will be explained by mainly focusing on how they define setting (problem/issue), victims and villains, and solutions (moral of the story) in the selected official documents to understand the policy core beliefs of these actors and venues of contestation. The same research design is applied to the narratives of the European Commission and the European Parliament.

Security-oriented framework for migration and border management was set even before the implementation of the Schengen Agreement through several ad hoc intergovernmental groups that were established upon the recommendation of Member States and the European Council such as Trevi group established in 1975 with the aim of dealing with cross-border crime, terrorism and drug trafficking, the Ad Hoc Immigration Group (AHIG) established in 1986 to strengthen external borders to keep up with the abolition of internal borders and the Group of Coordinators established in 1988 Rhodes European Council to coordinate different groups working in the field of free movement (Papagianni, 2006; Luedtke, 2019; Publications Office of the EU, n.d.).

During the intergovernmental meetings, the Commission was either not invited or was only given observer status (e.g., in the "Ad Hoc Working Group of Senior Ministers on Immigration") at best (Loescher, 1989, p.630). By participating in these meetings, the Commission was also expected to play the role of an 'effective broker' among member states when they fail to reach an agreement (Uğur, 1995). However, this was evaluated as an

unclear and downgraded role considering the efforts of the Commission to drive competence in the field since the early 1970s and even this limited role of the Commission was enough to deteriorate the relations between the EP and the Commission (Uğur, 1995)[60]. Informal intergovernmental groups at the early stage of cooperation constructed the basis of four JHA policy areas; namely, immigration policy, asylum policy, judicial cooperation, and police cooperation (Uçarer, 2013).

In 1990, Schengen states signed the Convention implementing the Schengen Agreement of 1985 to realize internal market objective by establishing "an area without internal frontiers" (Official Journal of the European Communities, 2000b). 1990 Convention defined and detailed each appropriate measure, competences, and rights of the Contracting parties to effectively implement the Schengen Agreement. When examined within the Narrative Policy Framework, it is possible to define four narrative components within the text of the Convention. Just as observed by Radaelli (2013, p. 504), "the IA document is … a script with a narrative structure" in that impact assessments (IA) of the Commission involve problem definition, causal plots, a wide range of actors (heroes, victims, villains), worst-case scenarios and proper solutions or moral reasons for action. Thus, the EU official policy documents (e.g., resolutions, conventions, conclusions, communications, white papers, or proposals) released by the EU institutions can be evaluated as a narrative having narrative structure and components. This also helps to make official documents, high in number and complex in content, more manageable in terms of defining key positions of the institutions.

In the 1990 Convention, in relation to the implementation of the gradual abolition of internal checks, the Contacting parties stated that the fulfilment of internal market objective "requires a series of appropriate measures and close cooperation between the Contracting Parties" (Official Journal of the European Communities, 2000b, p.19). In this context, member states indeed addressed a likely security flaw that might emerge in the absence of internal checks, such as "unauthorized crossing of external borders at places other than crossing points" ('setting') (Official Journal of the European Communities, 2000b, art.3). In very simple terms, for instance, actors ('villains') that may pose a threat to the public and

[60] Although the EP and the Commission have shared same policy cores in general by supporting liberal/right based policies and supranational governance and thus they are considered to be part of the supranational coalition, the former has sometimes accused the latter of not acting decisively vis-a-vis the Council, as will be emphasized in the following sections.

national security of Contacting parties were defined as ‘aliens’ “for whom an alert has been issued for the purposes of refusing entry” in the Schengen Information System (Title I, article 1). The ‘victims’, in the NPF terminology, to be protected against the harm of villains, can be seen as the internal market and the Contracting Parties. The ‘moral of the story’ can be defined as promoted compensatory measures introduced in the Convention to effectively control external borders in the absence of internal border controls, such as harmonization of instructions on external checks (article 7), harmonization of visa policies (article 9), imposing penalties on carriers (article 26), police cooperation to detect criminal offences (article 39), the establishment of joint information system, namely, ‘Schengen Information System’ (article 92), that operates on the basis of alerts created by the Contracting parties for people and objects that may pose a threat to the security of the Contracting parties, with the purpose of maintaining “public policy and public security, including national security” (articles 92,93,96). As seen from the above passage of article 17 of the Schengen Agreement and the provisions of the 1990 Convention, the migration issue was addressed in a narrow sense in the Schengen cooperation, only focusing on the security aspects of the issue and taking flanking measures to impede illegal entry to the border-free area, compared to that of Community, which addresses the issue in more comprehensive way with its link to other policy areas, such as social policy and employment, thus, providing legal bases for migration (Papagianni, 2006). Security and sovereignty, as two key principles of the Schengen cooperation (Papagianni, 2006), have settled the policy core of the intergovernmental coalition which has determined the policy core of the whole EU EBM field.

The narrative components found in the 1990 Convention were exemplified here to show how official documents can be examined by using the NPF in line with the research interest of this study, albeit in refraining from a strict empirical standpoint and positivist research tools. Unlike the impact assessments and evaluations of the Commission, as mentioned above, the 1990 Convention did not explicitly comprise worst-case scenarios or causal plots, rather, it focused on the undertakings of parties and compensatory measures in implementing Schengen rules. Thus, even if it is somewhat of a ‘to do list’ document, it is still possible to define narrative components. The documents to be examined from now on more clearly illustrate the link between policy beliefs and positions of the institutions and policy narratives. Here, each official document produced by the dominant actors will not be analysed through explaining their narrative components one by one, as it is beyond the scope of this research. Rather, this research emphasizes the dominant narrative components of the

institutions collected from multiple documents and provides examples from those narrative components (see table 3.3), which are thought of as tools of institutions in strengthening their positions within the policy field besides their proposals for effective solutions. The official documents laying down the basis of today's external border and asylum policies are of particular significance and emphasized as founding documents of the current practices.

Starting with the 1985 Agreement and the 1990 Convention implementing it, harmonization of national policies on border, visa and asylum issues has gradually started, albeit keeping judicial scrutiny of the European Court of Justice (ECJ) and national courts out of the process, which opened the way for securitization of migration and more restrictive border policies. Member states insisted on national sovereignty and restrictive border policies since the very beginning of the intergovernmental cooperation. Thus, closer cooperation on the issue, or "harmonizing restrictions on non-EU immigrants" (Luedtke, 2019, p.17), did not bring extended rights and competences to the supranational actors (the ECJ, the EP, and the Commission) favouring a more liberal approach towards non-EU actors and stronger European integration. This illustrated harmonization without supranationalization in that while the former referred to the convergence of national policies to the extent that was permitted by the member states to establish secure and border-free area for the internal market, the latter denoted exclusive right of initiative of the Commission, judicial scrutiny of ECJ, and the EP empowered with co-decision procedure. This was labelled as "integration without supranationalization" and "new intergovernmentalism" for the developments of the post-Maastricht Treaty (Bickerton et al., 2015). According to Maricut (2016, p.541), although the JHA field seems to deviate from this pattern with supranationalization of decision-making procedures, notably after the Lisbon Treaty, it is still far from being a "standard field of EU legislative decision-making" given the centrality of the JHA Council and sensitivity of policy areas it covers.

The first major step in the way of harmonization of member states' asylum policies came with the signing of the Dublin Convention in 1990 between member states with the aim of "determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities" (Official Journal of the European Communities, 1997, p.1). With the Dublin Convention, which entered into force in 1997 and is defined as the groundwork for the common EU asylum system today, the Member States addressed the issue of processing asylum applications and preventing multiple applications

made by asylum seekers in different member states[61] to avoid asylum abuse (Luedtke, 2019). The solution suggested for proper examination of asylum applications and preventing asylum seekers from making more than one application[62] in different member states was to determine a single member state based on certain criteria set out in that Convention (articles 4-7), to examine the application in line with its national law and international obligations. Accordingly, if member state cannot be determined based on criteria set in the Convention, "the first Member State with which the application for asylum is lodged shall be responsible for examining it" (article 8). This article underlies the principle of 'first country of asylum'[63] debate among member states that would last for long years, and it has been particularly protested by the member states that are likely to be the first country where asylum seekers enter due to their geographical positions. Furthermore, article 3 of the Convention formed the basis of the contested principle of 'safe third country', stating that "any Member State shall retain the right, pursuant to its national laws, to send an applicant for asylum to a third State, in compliance with the provisions of the Geneva Convention, as amended by the New York Protocol" (OJ C 254, article 3(5)). This article left the field open for the member states to send asylum applicants to third states, which might not be safe enough for people in need of protection, thus disregarding the non-refoulment principle. Lastly, the Convention (article 15) also provided a basis for future information databases, such as Eurodac, by allowing mutual exchanges of personal information on asylum applicants.

Following the Dublin Convention, member states took several measures to implement Dublin rules. On 30 November 1992, the ministers of member states responsible for immigration adopted two resolutions, named the London Resolutions, on "manifestly unfounded applications for asylum" and "harmonized approach to questions concerning host

[61] In the preamble of the Convention this objective was stated as "…to take measures to avoid any situations arising, with the result that applicants for asylum are left in doubt for too long as regards the likely outcome of their applications and concerned to provide all applicants for asylum with a guarantee that their applications will be examined by one of the Member States and to ensure that applicants for asylum are not referred successively from one Member State to another without any of these States acknowledging itself to be competent to examine the application for asylum" (OJ C 254, 1997, preamble). While the former part of the statement addressed the case of 'refugees in orbit' (Hurwitz, 1999), the latter one referred to multiple asylum applications.

[62] Application for asylum is defined in Dublin Convention as "a request whereby an alien seeks from a Member State protection under the Geneva Convention by claiming refugee status within the meaning of Article 1 of the Geneva Convention, as amended by the New York Protocol" (Official Journal of the European Communities, 1997, article 1).

[63] For detailed information on "first country of asylum", "safe third country", and "safe country of origin", see Lavenex (1999).

third countries" (Council of the European Union, 1992a, b). The setting (problem) was defined by the ministers as follows:

> "… a rising number of applicants for asylum in the Member States are not in genuine need of protection within the Member States within the terms of the Geneva Convention, and … such manifestly unfounded applications overload asylum determination procedures, delay the recognition of refugees in genuine need of protection and jeopardize the integrity of the institution of asylum". (Council of the European Union, 1992a, preamble)

This statement is similar to the plot of the narrative as it sets a relationship between the setting (manifestly unfounded applications), villains (people abusing the institution of asylum), and victims (member states processing applications and people in genuine need of protection). The solution to the problem was to refuse, on objective grounds, asylum applications regarded as manifestly unfounded if the applicant's assertion that he feared persecution in this home nation was obviously without merit and if his claim indicated misuse of asylum procedures and founded on deliberate deception (the Council of the European Union, 1992a). The second resolution on "host third countries" addressed the issue of people fleeing illegally from countries where they have been provided protection or have had a chance to request protection (Council of the European Union, 1992b). With reference to article 3(5) of the Dublin Convention, member states decided to send the asylum applicants to a host third country designated based on the criteria (e.g., no risk of refoulment or no threat to life and freedom) set in the resolution (paragraph 2), considering the Geneva Convention.

Convention implementing the Schengen Agreement (1990), the Dublin Convention (1990) and the London resolutions of 1992 brought about the most contested principles of the field such as "first country of asylum", "safe country of origin", and "safe third country", which have had repercussions within and outside the Union in terms of distribution of responsibility for asylum applications and rights of asylum seekers. Dublin III Regulation (Regulation (EU) No 604/2013) and Eurodac Regulation (Regulation (EU) No 603/2013), together known as the "Dublin System" (Mouzourakis, 2014; European Parliament and the Council of the European Union, 2013a, b) comprises the latest form of these mechanisms emerged in the early 1990s.

Mouzourakis (2014, p. 4) reflects that while the debate in the academic work primarily focused on the impact of the Dublin System on the rights of asylum seekers, the same academic work did not pay much attention to the rationale behind the EU allocation of responsibility for asylum processing, that is, the raison d'être of the Dublin system. The author also states that if the interests and perspectives of member states are not understood properly, the meaning of a limited change in Dublin III Regulation (Regulation (EU) No 604/2013) that revised Dublin II Regulation (Regulation (EC) No 343/2003) would be interpreted as limited effect (Mouzourakis, 2014). What interested member states most in the case of the Dublin system was not the effective protection of the rights of people in need of protection but the distribution of responsibility for issuing applications. Durieux (2013, p. 235) succinctly pictures the situation: "it [Dublin system] allocates responsibility for a process, rather than for a person". As highlighted by several studies, although revision, or as commonly called as recast, of the Dublin III Regulation was made after communitarization of most JHA issues, including asylum, it did not bring considerable policy change in the field (Ripoll Servent and Trauner, 2014, 2015; Trauner and Lavenex, 2015). Thus, the interests of member states and structural constrains on supranational actors should be carefully read and included in an analysis on the impact of the Dublin system.

Before moving on the communitarization of the JHA policy areas with the Amsterdam Treaty and their implications for the policy core beliefs of the Council and the course of competition among institutions, the formalization of informal intergovernmental cooperation with the Maastricht Treaty[64], its establishment of pillar system, and conclusions and resolutions of the intergovernmental cooperation during 1992-1997 will be emphasized briefly to supplement the analysis of policy narratives of intergovernmental coalition in the early years.

It is also important to emphasize the Single European Act (SEA) signed in 1986 with the major objective of completing internal market project by the end of 1992 (articles 13-19), despite that it did not have any provision on migration. Competence debate and lack of consensus on the issue made an appearance in the declarations attached to the articles in the SEA (Papagianni, 2006). While on the one hand, the Member States expressed their political will to take necessary measures and decisions to complete the internal market in a scheduled

[64] Treaty reforms like the Maastricht and Amsterdam Treaties will be evaluated in terms of distribution of institutional competences and provisions on immigration and asylum fields of the JHA.

time, and they were to cooperate on the free movement of persons paying regard to the powers of the Community, on the other hand, they declared that setting the date (31 December 1992) for the completion of the internal market would not "create an automatic legal effect" and "nothing in these provisions shall effect the right of Member States to take such measures as they consider necessary for the purpose of controlling immigration from third countries, and to combat terrorism, crime" (SEA, 1987, Declaration on article 8a of the EEC Treaty, General Declaration on articles 13 to 19 of the SEA, pp. 24-26). The issue of automatic legal effect in relation to the internal market objective and, concomitantly, the issue of free movement of third-country nationals became the subject of intense debate among various actors having contesting positions, either fully supporting the abolition of internal border controls at the end of 1992 for all people regardless of nationality, albeit by taking necessary measures to provide security, or refusing direct effect of Article 8a and restricting the movement of third-country nationals (Papagianni, 2006, pp.10-11). The Commission in its communication on the abolition of border controls stated that article 8a imposed obligations on Member States to produce results and this could only be achieved if internal border controls were abolished for all individuals instead of only for Community nationals (Commission of the European Communities, 1992, SEC (92) 877 final, para 6). However, the "lack of consensus on the scope of Article 8a" has made it difficult to achieve decisive progress, which illustrates the extreme sensitivity of the issue (Commission of the European Communities, 1992, para. 13).

Within the same communication, the Commission indeed summarizes the characteristics of intergovernmental cooperation of that time. It underlines that while some initiatives of the European Council, such as the establishment of the Coordinators Group gave impetus to the cooperation on essential aspects for internal market objective and the cooperation on fighting against illegal immigration and terrorism, this momentum was not followed by the adoption of instruments necessary to fulfil their obligations and to give practical effect to what has been agreed upon (Commission of the European Communities, 1992, para. 14). Defining itself as "the guardian of the Treaty", the Commission declared that it would take "all legal and political means at its disposal" for the fulfilment of effective abolition of all controls at the internal borders (Commission of the European Communities, 1992, para. 17). Interestingly, following the end of the deadline for the completion of the internal market, the EP brought the Commission to the Court (Case C-445/93 European Parliament v. Commission) for not taking necessary action towards above mentioned

obligations and failed "to submit the necessary proposals for the establishment of freedom of movement for persons within the internal market" (Court of Justice, 1996, p.15; Papagianni, 2006). There are several cases where the EP came into conflict with the Commission, despite their similar policy core beliefs, by accusing the Commission of not acting self-assuredly vis-à-vis the Council. Some of those instances are emphasized throughout this study.

Informal intergovernmental meetings before the Maastricht Treaty laid out cooperation on migration and asylum issues based on full national discretion and provided the supranational institutions with unclear or limited roles at best. This triggered supranationalist voices being critical of the practical shortcomings of ad hoc meetings and weak harmonization, suggesting full EU competence over the policies as the only solution to the weaknesses in migration management (Luedtke, 2019). In the pre-Maastricht Intergovernmental Conference, a forum for all parties to raise their concerns, some member states, allied with the Commission, proposed to formalize the informal ad hoc cooperation under the EU framework, while other member states wanted to maintain the status quo, in other words, intergovernmental cooperation outside the EU framework, rejecting any supranational control over their cooperation (Luedtke, 2019, p.18).

Maastricht Treaty (Treaty on European Union), signed in 1992 and entered into force in 1993, established the European Union and institutionalized the former intergovernmental cooperation in the JHA field under the third pillar[65], setting the provisions on the cooperation in title VI (TEU, 1992). Article K (K.1-K.9) laid down the provisions to achieve the objectives of the Union in the field of JHA, particularly the free movement of persons. The third intergovernmental pillar (JHA) can be considered a compromise between parties, albeit more in favour of intergovernmentalist member states, given that it brought ad hoc cooperation into the EU framework but retained the dominance of the Council acting through unanimous voting (see table 3.2). Respectively, article K (1) defined the matters of common interests such as asylum policy, immigration policy, rules governing the crossing of external borders, judicial cooperation in civil and criminal matters, customs cooperation, and police cooperation for preventing and fighting terrorism, drug trafficking and serious forms of international crime. Article K (3) described some intergovernmental instruments, such as

[65] The Maastricht Treaty established the Union with a three-pillar structure; the European Communities (first pillar), the Common Foreign and Security Policy (second pillar), and Justice and Home affairs (third pillar).

joint positions, joint actions, and conventions that the Council may adopt based on the initiative of any member state or the Commission in the determined matters. While Article K.4 emphasized the unanimous voting in the Council as a rule, Article K.6 pointed out the necessity of consulting the EP and the right of the EP to make recommendations to the Council. However, under the third pillar, led by the intergovernmental methods, supranational Community institutions, the Commission, the EP and the European Court of Justice (ECJ) remained as marginal players (see Table 3.2)[66].

While the Council maintained its dominance, the Commission achieved a shared right of initiative with member states, but only in the matters specified in Article K.1 (1 to 6), the EP achieved a limited role of consultation, and the ECJ was not given jurisdiction. In Article K.2(2) of the Treaty stating that "this Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security" (TEU, 1992), competence of Member States was once again guaranteed as this provision possibly meant defining any issue in terms of order and security. Furthermore, despite the end of informal, ad hoc intergovernmental cooperation outside the EU framework, institutional continuity within the JHA pillar is observable as the previous intergovernmental groups, such as Trevi and the Coordinators' Group, were integrated into the new structure and maintained their security-oriented discourses and positions as the key players in European internal security (Van Munster, 2009, pp.52-56). Regarding the new institutional structure in which former ad hoc groups were given a mandate under Steering Groups and K.4 Committee, Van Munster (2009) emphasizes the normalization of the work of informal security clubs, which previously acted outside the normal procedures with the language of urgency and priority. This normalization, however, does not suggest de-securitization of immigration in line with the Copenhagen School's assumption, which equates securitization with exceptional measures. On the contrary, the institutionalization of such working groups leads to a search for knowledge about risks, which in turn inspires new control measures, producing new risks and insecurities and creating the need for new knowledge, and this finally results in "continuous risk management knowledge" (Van Munster, 2009, pp.57-58).

[66] The author adapted this table from Uçarer (2013). From the original table one column on "post-Amsterdam third pillar Police and judicial cooperation in criminal matters, title VI TEU article 29-42" was removed here since these issues of the JHA are not within the scope of the EU EBM field as defined in this dissertation.

Table 3.2. JHA/AFSJ Cooperation from Trevi to Lisbon

	Pre-Maastricht JHA	**Post-Maastricht third pillar** **Title VI TEU, Article K**	**Post- Amsterdam first pillar (Communitarized areas of former third pillar) Immigration; asylum; Police and Judicial cooperation in civil matters** **Title IV TEC, Articles 61-69** **1999-2004**	**Post-2004**	**Lisbon Treaty** **Title IV TEC, Articles 61-69 Consolidated pillars**
European Parliament	No role	Limited role, consultation	Consultation	Co-decision	Ordinary legislative procedure
European Court of Justice	No jurisdiction	No jurisdiction	Referral for an obligatory first ruling for national last-instance courts		Jurisdiction to enforce all AFSJ decisions-post-Amsterdam third pillar subject to limited jurisdiction for a five-year transitional period Jurisdiction to extend to all prior legislation thereafter
Council	No direct role	Dominant actor	Dominant but Commission and EP ascendant	Shared power position in decision-making	Shared power position 'Enhanced cooperation' Possible
Commission	Consultative Occasional observer at intergovernmental meetings	Shared right of initiative with member states except judicial and police cooperation (no right of initiative)	Shared right of initiative (member states asked the Commission to assume an exclusive right for asylum issues)	Exclusive right of initiative	Exclusive right of initiative except in police and judicial cooperation (Commission shares right of initiative with a coalition of at least 25% of EU membership)
Decision-making mechanisms	Intergovernmental negotiations Non-binding decisions in the form of resolutions Binding decisions in the form of treaties	Unanimity rule on all issues	Council acts unanimously on proposals from Commission and member states for the first five years Opt-in (UK, Ireland), opt-out (Denmark)	Council acts unanimously on proposals from Commission Move to QMV(except legal migration) Opt-in (UK, Ireland), opt-out (Denmark)	QMV for most decisions Opt-out (Denmark on judicial cooperation) Opt-ins (UK and Ireland)

Source: Adapted from Uçarer (2013, p.288)

With the pillar structure, competence debate among the Member States and the Community institutions were moved to another venue, which Papagianni calls "cross-pillar skirmishes" (2006, p. 21), causing ambiguity over the competences, particularly in issues that fall under both first and third pillar such as visa policy,[67] and ultimately bringing the issue to the Court by the EP and the Commission against the Council on the ground that the Community competence is breached[68]. In the first case, the EP brought the Council to the Court based on infringement of due consultation of the Parliament after substantial amendments in the Commission's proposal that led to Regulation on visa policy (Council Regulation No 2317/95), for which the EP asked for annulment (Court of Justice, 1997). In the second case, the Commission, supported by the EP, brought the Council to the Court on the ground that the powers of the Community that were based on article 100c of the EC Treaty were breached and asked for the annulment of joint action of the Council (96/197/JHA) on airport transit arrangements because, for Commission, the scope of this action fell under the Article 100c of the EC Treaty[69] (first pillar) and, thus, an act of the Council should not have been based on Article K.3 (2)(b) of the Treaty on European Union, namely the third pillar[70](Court of Justice, 1998).

Bickerton et al. (2015, p.703) define the post-Maastricht era as an integration paradox, "integration without supranationalism", which is indeed not an exception or temporary phase in the European integration process. For them, this distinct phase is characterized by "new intergovernmentalism"[71], which challenges conventional approaches that define integration as the transfer of competences to supranational bodies or reduce integration to security-oriented interests (2015, p.703). In the Maastricht Treaty, member states decided to promote integration in new areas through escalating policy coordination via deliberation and

[67] This was called "obscure clarity" of division between the pillars and this overlap was particularly present in the case of visa policy in which while the list of countries whose nationals are under visa obligation was set down on a community regulation (first pillar), conditions for visa issuance are left to the decision of member states (European Commission, 1995, pp. 53, 55).
[68] For details of the cases and court rulings, see Case C-392/95 (Court of Justice ,1997) and Case C-170/96 (Court of Justice, 1998).
[69] Article 100c (1): " The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, shall determine the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States" (TEU, 1992).
[70] To clarify, while the Council in the first pillar areas adopt regulations and directives upon the proposals of the Commission and the consultation of the EP, it adopts joint positions, joint actions and conventions in the JHA third pillar as envisaged in article K.3(2)(b) of TEU, such as joint Action adopted by the Council "on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements"(Council of the European Union, 1996a).
[71] See Bickerton et al. (2015, pp. 711-716) for six hypotheses of new intergovernmentalism that provide key insights to explain integration paradox after the Maastricht Treaty.

consensus-building among themselves without empowering the supranational institutions, which was also accepted in later treaty reforms in various new policy areas, even, for instance, in the communitarized JHA area (Bickerton et al., 2015). Puetter (2012, p.161) terms this consensus-oriented policy coordination as "deliberative intergovernmentalism", which has intensified informal meetings and coordination instead of law-making, as the core instrument for integration. While deliberation and consensus-seeking among member states were traditional means of promoting supranational integration before the Maastricht Treaty, they have become ends for intergovernmental settings that facilitate day-to-day policy making and cooperation in various policy fields without ceding powers to supranational bodies (Bickerton et al., 2015).

Surprisingly, despite its increasing powers in the post-Maastricht period, the EP was considered to contribute to this development (new intergovernmentalism) by showing a willingness to deviate from the Community method, with a concern for reinforcing its institutional influence and participating in the new policy areas (Bickerton et al. 2015). The willingness to have power, limited though it may be, in the EU field of power can cause them to abandon their policy core beliefs in the field of the EU EBM. The second hypothesis set by Bickerton et al. (2015, p.712) within the framework of new intergovernmentalism, that is, "supranational institutions are not hard-wired to seek ever-closer union" challenges the expectations that supranational bodies like the Commission and the Court would resist de-centralized forms of decision-making and push for further supranationalism. Rather than promoting further integration and centralization of policymaking as the major objective, those institutions try to increase their powers vis-à-vis the other institutions even at the expense of undermining the community method and, thus, they no longer have their traditional roles of being engines of European integration (Bickerton et al., 2015)[72]. Hodson (2013, p.301) also reaches this finding by examining the entrepreneurship of the Commission in the case of the global financial crisis and underlines its reluctance to promote integrationist initiatives if they do not have a reasonable prospect of success. Similarly, in the post-Maastricht period, "the Parliament has not been shy to act in ways that undermine

[72] See Mark A. Pollack's study, "the Engines of European Integration: Delegation, Agency, and Agenda Setting in the EU" for a comprehensive analysis of how supranational institutions act as engines of integration and how their agency and discretion are restricted by the various control mechanisms settled by member states in several policy areas. Pollack extensively applies principal-agent model to the delegation of powers to supranational bodies (2003). In this regard, his work provides a comprehensive analysis of policymaking at the EU level focusing on both agency of actors and structural constraints upon them, a central concern of this dissertation.

the traditional Community method" if it serves to expand its powers (Bickerton et al., 2015, p.713).

Since the early 1990s, the security-oriented outlook of the Council on migration and border management was accompanied by the externalization of these policies to non-EU countries, one of the much-discussed topics in literature on the EU's migration policy (Boswell, 2003; Lavenex, 1998, 1999, Lavenex and Uçarer, 2004; Sterkx, 2008; Haddad, 2008; Balzacq, 2009; Geddes, 2009; Reslow, 2012a; Wunderlich, 2013a; Papagianni, 2013).[73] Here in this study, the externalization of border and migration policy are discussed within the context of institutions' policy core beliefs -liberal or restrictive approaches in the externalization strategy. Thus, externalization in the EU EBM field emerges as another venue for institutional turf wars or competence debate. Some of the official texts released by the Council and the European Council on the external dimension of the issue will be emphasized here to draw a comprehensive picture of policy narratives of the intergovernmental coalition.

Migration and asylum issues have an external dimension by their nature as they involve non-EU actors and cross-border movements. An external dimension as a policy area denotes the integration of these policies to the external policies of the EU and their extension to third countries, thus involving migrant-sending and transit countries in migration and border management (Boswell, 2003). From this perspective, the external dimension "entails the implementation, by destination countries, of policies to manage migratory flows beyond their borders" (Zapata-Barrero, 2013, p.2). The external dimension of migration and asylum policies was explicitly introduced with the conclusions of the 1999 Tampere European Council (Haddad, 2008; Zapata-Barrero, 2013). It was there stated that "the European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit" and the need for "a greater coherence of internal and external policies of the Union" was emphasized (European Council, 1999, para.11). Stronger external action was also stressed: "the European Council underlines that all competences and instruments at the disposal of the Union, and in

[73] The issue of externalization of the EU migration and asylum policy has been discussed in a wide array of dimensions ranging from the evolution of its legal basis, its instruments such as readmission agreements and mobility partnerships to the effects of externalization on the EU's power and identity and non-EU countries.

particular, in external relations must be used in an integrated and consistent way to build the area of freedom, security and justice" (European Council, 1999, para.59)[74].

Before the Tampere European Council's formal external agenda, the EU institutions had engaged in defining certain aspects of the external migration policy in the early 1990s, which brought some policy controversies among the restrictive and security-oriented JHA Council and the Commission embracing a more comprehensive approach towards migration management. There emerged two approaches to the external dimension of migration management based on the documents of the European Council, the Council, and the Commission. The first one comprised "externalization of control tools" (Boswell, 2003, pp. 619-620) or "remote control approach" (Zapata-Barrero, 2013, p.10) that involved externalization of migration management policies to the third countries -sending and transit- and incorporating those countries into the control of external borders and fight against illegal movements and activities. The basic logic behind this security-based approach was to restrict the movements of migrants before their arrival in the European countries and, thus, control them remotely via several instruments such as visa policies and carrier sanctions (Zapata-Barrero, 2013).

The second one amounted to "preventive approach" (Boswell, 2003, p. 620) or "root cause approach" (Zapata-Barrero, 2013, p.10) that involved policies alternative to restriction of movements by addressing root causes of migration via development and trade policies that could remedy poor conditions that motivated people to move. This approach also included providing alternative destinations for asylum seekers to reach protection close to the countries of origin (Boswell, 2003, p.620). In 2003, Boswell predicted that the first approach would prevail over the latter, considering some structural factors such as institutional context and electoral dynamics. She also underlined that this restrictive approach emerged as "a natural continuation of a Europeanization of migration control that was already under way" (2003, p.622).

Without going into the details of each official text embracing these approaches separately or combinedly, it is essential to group them according to institutional positions. The Commission (Commission of the European Communities, 1991a, 1994) in its communications (SEC (91) 1855 final and COM (94) 23 final) stressed the need for

[74] For developments in external dimension of the JHA policies since the Tampere European Council, see Geddes (2009), and Uçarer (2013).

integrating migration into the Community's external policies in countering migration pressure, addressing the root causes of movements, such as economic disparities or violation of human rights via trade, development and humanitarian assistance, motivating potential migrants to contribute to their countries' development through providing them with required facilities. The Commission embraced a comprehensive approach to migration management in support of both approaches to the external dimension. Alongside the measures dealing with root causes of the movement, it also suggested remote control measures to prevent illegal arrivals to the Union (Commission of the European Communities, 1994, para.105).

In a similar way, the Edinburgh European Council, in its "declaration on principles governing external aspect of migration policy", supported measures for improving social and economic conditions in the countries of origin, such as "termination of armed conflicts", "creation of democratic societies" and "liberal trade policy", and promoted cooperation with third countries on return of illegal immigrants through bilateral and multilateral agreements for easing migratory pressures (European Council, 1992, Annex 5 to Part A). However, despite these early initiatives, preventive policies addressing push factors of migration were not developed and were not even discussed extensively after the Edinburg European Council until the 1999 Tampere Council meeting (Boswell, 2003). In contrast to the officials of the Commission, JHA Task Force, and the European Council, who supported a comprehensive approach to migration and asylum issues within the framework of the root cause approach, justice and home affairs officials in the Council were far from this comprehensive agenda and insisted on expanding control-oriented instruments (Boswell, 2003). In its resolution on priorities for cooperation in the JHA field for a two-year period, the Council predominantly focused on security-oriented measures taken against illegal immigration and asylum and cooperation with third countries was only mentioned within the context of remote-control approach, without any reference to the root causes of movements and cooperation in that regard (Council of the European Union, 1996b, 96/C 319).

In the resolution of the Council adopted in December 1997 for again setting the priorities for the JHA field for the next two years, only change in the paragraph of "improving cooperation with regard to immigration and asylum" was "proposal for a convention on the rules for admission of third-country nationals to the Member States of the European Union" (para. 6(n)) and "support programmes for refugees" (para 6(o)) (Council of the European Union, 1998). Even if the objective of the comprehensive approach to

migration and the external dimension of the JHA were featured in the following official texts starting particularly with the 1999 Tampere European Council, this did not bring substantial change in the restrictive policy core of the JHA officials in migration and asylum issues and cooperation with third countries have been particularly motivated by internal objectives.

3.3.1.2. Towards the Amsterdam Treaty and the Transitional Period (1997-2005): The Council of the EU as a Restrictive, Advocate of Harmonization Without Supranationalization and Still a Dominant Actor

The last development to be discussed in this section is the 1997 Amsterdam Treaty, which entered into force in 1999 and brought about significant changes to the management of migration and asylum in terms of the distribution of competences among institutions. In relation to the JHA field, the following objective was set by the Amsterdam Treaty: "to maintain and develop the Union as an area of freedom, security and justice, in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime" (1997, TEU, article 2). In the post-Maastricht period[75], institutional arrangements and decision-making framework were criticized due to their insufficiency to manage the workload of the JHA field and reform calls for JHA focused on the empowerment of supranational institutions, removal of the unanimity voting in the Council, and integration of the Schengen system into the EU framework (Uçarer, 2013). These calls were fulfilled to a large extent by the Amsterdam reforms. Amsterdam Treaty transferred most of the third pillar issues such as immigration and asylum to the first, Community pillar under title IV called "visas, asylum, immigration and other policies related to free movement of persons" (articles 61-69 TEC)[76]. Communitarization of asylum and migration issues meant further involvement of the Commission and the EP in the decision-making process. Articles 61, 62, and 63 under title IV underlined the measures that the Council shall adopt within a transitional period of five years, covering the issues of crossing internal and external borders,

[75] On the eve of the Amsterdam Treaty, positions of the Commission, the EP, the Council and the positions of individual member states could also be found in the briefings prepared by the European Parliament Secretariat Task Force on the 1996 IGC. See for instance, "Briefing on Asylum and Immigration Policy" (European Parliament, 1996b, 22 August). In general, the EU institutions and the member states supported bringing asylum and immigration matters into the Community domain (European Parliament, 1996b).

[76] Remaining third pillar issues such as cooperation in combating crime, terrorism, arms and drug trafficking were placed in title VI called "provisions on police and judicial cooperation in criminal matters" (articles 29-42, TEU). Judicial cooperation in civil matters was transferred to the first pillar (art.65, TEC).

asylum, and immigration. Article 67 introduced competences of institutions during and after the transitional period. In the transitional period (1999-2004), the Council retained unanimous voting in its acts upon the proposal from the Commission or a Member State, following consultation with the EP. Five years after the Amsterdam Treaty (post-2004) became effective, the Commission would have exclusive right of initiative, and the shift to co-decision procedure for the issues of title IV, as specified under article 251[77], would be decided by the Council acting unanimously after consulting the EP, with some derogations (art. 67(3)(4)). Lastly, the Schengen regime, which was considered as "parallel system" and "traditional competitor" (Papagianni, 2006, p.35) to the EU action in the field was incorporated into the EU law with a "Protocol integrating the Schengen acquis into the framework of the European Union" (Treaty of Amsterdam, 1997). This was certainly not a smooth and direct incorporation process, considering several incompatibilities with the EU legal framework (Papagianni, 2006, pp.35-40).

The communitarization of the third pillar issues of the Maastricht Treaty was partial both in the sense that only some issues of the third pillar were transferred to the first pillar and those new first pillar issues were not fully governed by supranational rules and in the sense that protocols[78] protecting the interests of member states provided them with flexibility (Papagianni, 2006). These two aspects together illustrated the difficulty of divorcing from intergovernmentalism and establishing the Community immigration policy, which was expected to be an evolving process under the thumb of intergovernmental remnants (Papagianni, 2006). Furthermore, this partial communitarization intensified cross-pillar skirmishes in that some aspects of migration policy, such as illegal migrants entering the EU via human traffickers, concern both the first pillar area -illegal migration- and the third pillar area -organized crime- and it also escalated cross-title skirmishes within the first pillar itself in that although new title IV (TEC) on immigration and asylum fell under the first pillar, its scope was restrained by member states, and thus some first pillar issues related to the movement of people remained outside the new title (Papagianni, 2006, pp.50-51)[79].

[77] Article 251 defined legislative procedure whereby the Commission would present proposals to the EP and the Council, and the Council would act through QMV following the opinion of the EP (TEC, 1997). This article laid down the co-decision procedure.
[78] See for instance "protocol on the position of Denmark" or "protocol on the position of the United Kingdom and Ireland" (Amsterdam Treaty, 1997)
[79] For further cases that stirred controversy between the Commission and the Council in implementation of title IV, see Papagianni (2006, pp. 74-88).

In sum, even communitarized issues under the first pillar were not fully communitarized in the ideal sense. The Council's pragmatic solutions to the complexities of management of migration and asylum under the Community method also set an example for the first function of the EU EBM considering "damage limitation" (Bickerton, 2011) among member states or "inter-relational goals" (Keukeleire, 2003). Amidst the substantial differences between the member states over the course of integration, the Council tried to mitigate the tensions among the member states by proposing ad hoc solutions that were sometimes even in contradiction with the EU law (Papagianni, 2006). Thus, emerging policies and legal texts with several declarations and protocols favouring national discretion on the management of issues concerned rather responded to the internal needs of conciliation instead of effective management of issues and the competence debate remained relevant similar to the case in the previous reforms. For instance, "protocol on external relations of the Member States with regard to the crossing of external borders" and "declaration on Article 73k(3)(a) of the Treaty establishing the European Community"[80] can be considered as "safety nets" for the member states who wanted to retain their treaty-making power and national discretion particularly in external relations as they were reluctant in ceding exclusive competence to the Commission given that the powers of the latter were in principle improved under title IV (Papagianni, 2006, pp.79-80; Amsterdam Treaty, 1997).

> "The provisions on the measures on the crossing of external borders included in Article 73j(2)(a) of Title IIIa of the Treaty shall be without prejudice to the competence of Member States to negotiate or conclude agreements with third countries as long as they respect Community law and other relevant international agreements" (Protocol, TEC, 1997, p.108).

The following discussion illustrates that even after a transitional period of five years, the newly empowered supranational institutions were not influential in setting or changing the core of the immigration and asylum policies due to a number of reasons for which the Advocacy Coalition Framework and sociological constructivism have some valuable insights.

This study tries to illustrate turf wars among the EU institutions in two stages: first, through diverging policy core beliefs between the Council as the dominant actor in favour

[80] Article numberings may appear different in the consolidated versions of TEC and TEU. In this regard, Title IIIa is Title IV with the new numbering and article 73j is article 62 in the new numbering (TEC, 1997).

of restrictive policies and the Commission and the EP as contesting actors in favour of liberal, pro-migrant policies, and second, through 'compelled convergence' indicating that supranational actors, despite their empowerment with communitarization, could not resist to the policy core of the dominant actor and accepted the rules of the game to keep their place in the field, albeit with continuous effort to change secondary aspects of policies. This last point is very much related to Trauner and Ripoll Servent's argument (2016, p.1420) that actors who are involved in the definition of settled policy core, Member States in the JHA Council, have the power to keep the status quo in the case of empowered institutional rivals (the Commission and the EP) pushing for policy change. Constrained by the dominant actor of the field, the Commission and the EP opted for conciliation with the Council.

Newly empowered supranational actors have conceded to the Council's policy core and could not use institutional change as an opportunity to impose their traditional positions. This was argued by ACF scholars, such as Paul Sabatier, in hypotheses regarding policy change, albeit in the context of governmental programs at the national level. These hypotheses can also be adapted to the case of EU-level policies. Accordingly, as long as the advocacy coalition that established the governmental program remains in power, it is not likely to revise the policy core of that program (hypothesis 4), and for a change in policy core, significant external perturbations are necessary but not sufficient (hypothesis 5) as long as that opportunity is not skilfully exploited by the actors in favour of change (Sabatier, 1998, pp.106, 118-119). When adapted to the case of the EU EBM field, it is possible to argue that as long as the Member States in the Council remain as the most powerful dominant actor in the field, it is not likely to alter the policy core of asylum and migration legislation and institutional change (communitarization and move to co-decision procedure) was not sufficient for policy change as supranational bodies were not able to exploit that opportunity to bring significant changes to the core principles of asylum and migration management. Trauner and Ripoll Servent observe that once established, the policy core of the AFSJ policy areas, such as asylum, border control, immigration, civil justice or police cooperation, have remained stable despite the shift from intergovernmental policy making to the Community method (2016).

The following sections delve into some of the changes in asylum law after 2005, as well as changes in migration and border management legislation within the context of institutional turf wars. Taking advantage of the transitional period in which supranational

actors were not given new powers, the Council defined the core of asylum policy through a series of directives and regulations so that its power would not be challenged by institutional change and newly empowered actors. As observed by many (Trauner and Ripoll Servent, 2016, p. 1420; Trauner, 2012; Den Boer, 2015), the actors, namely, the Council and Member States, who defined the policy core of various AFSJ sub-policies before an institutional change took place, like in the case of communitarization of third pillar issues, have advantage of maintaining policy stability either by sidelining or co-opting with empowered supranational actors in a new structural environment. The examples of these strategic acts are numerous within the EU EBM field.

3.3.1.3. The Council of the EU in the Aftermath of the Transitional Period (Post-2004): Keeping Restrictions and Supporting National Discretion

Examining the changes in the Qualification Directive, Reception Conditions Directive, Dublin Regulation, Eurodac Regulation, and Asylum Procedures Directive in this second phase of the asylum system (since 2005- the end of the transitional period of five years), Peers (2013) illustrates every change in the legislative texts in comparison to the first phase of the system (covering the years of 1999-2005). While doing so, the author makes a valuable contribution to the comparative analysis of the two phases by pointing the positions of the Commission and particularly the European Parliament and emphasizing what changes occurred due to their efforts. Recording every change in these legislative acts is beyond the scope of this dissertation. The attention paid to revised acts is here to show that the EP and the Commission have tried to amend some secondary aspects of the policy and despite not opposing the core principles of the acts, they have not achieved all the amendments they wanted[81]. For instance, in the case of the Reception Conditions Directive (Directive 2013/33/EU)[82], the Commission (2008b, 2011, art. 15) and the EP (2009) suggested a six-

[81] It is possible to find the positions of supranational actors on the asylum system after communitarization of the asylum policy by looking at the negotiations and documents preceding the recast. For instance, for proposal of the Commission for Reception Conditions Directive, impact assessment accompanying it and the amended version of proposal see Commission of the European Communities (2008a; 2008b; 2011), and for the report of the European Parliament on the proposal for directive see European Parliament (2009). Behind each legislative acts, there is a long process of work of the institutions including impact assessments, proposals, readings, amendments, reports on proposals and so on. Detailed examination of them uncovers nuances among policy beliefs of the actors. Here, some examples from these documents will be given to show policy core beliefs of the institutions, particularly on asylum system in which directives and regulations were put under recast process after the end of transitional period set under Amsterdam Treaty.

[82] For detailed information on the reception conditions in the EU, see study of Woollard et al. (2023) "Reception Conditions across the EU", requested by the European Parliament's LIBE committee.

month wait for the asylum seekers to gain the right to access to employment following the submission of an application for protection, with the aim of avoiding administrative restrictions and facilitating access to the labour market that is considered by both institutions beneficial for member states and asylum seekers. This waiting period was settled in the recast directive (Directive 2013/33/EU) as nine months, which was previously designated as one year (Council Directive 2003/9/EC) (European Parliament and the Council of the European Union, 2013c; Council of the European Union, 2003c). For the same article on employment, the Commission (Commission of the European Communities, 2008b), in its proposal, postulated that national labour market rules should not disproportionately prevent asylum seekers from finding work. In the first proposal, this suggestion was seen in Article 15 as follows: "Member States shall decide the conditions for granting access to the labour market for the applicant, in accordance with their national legislation, *without unduly restricting asylum seekers' access to the labour market*" (Commission, 2008b, art.15, emphasis added). In the amended Commission proposal (2011, art. 15), emphasized part in the above quote was replaced with the phrase "while ensuring asylum seekers have effective access to the labour market". The EP (European Parliament, 2009) also linked the issue of problematic reception conditions and increasing secondary movements to the large margin of discretion given to member states and expressed its support for the proposal of the Commission, albeit with some minor amendments. However, in the revised directive (Directive 2013/33/EU), the call for fair access to employment was not featured, evident in Article 15(2) of the directive: "For reasons of labour market policies, Member States may give priority to Union citizens and nationals of States parties to the Agreement on the European Economic Area, and to legally resident third-country nationals"(European Parliament and the Council of the European Union, 2013c). It should be noted that this article was not in the proposals of the Commission (2008b, 2011), nor was it in the report of the EP (2009).

In the impact assessment of the Commission (2008a, SEC (2008) 2944), the problem that requires action was defined as the low reception standards and the diversity of national policies that emerged because of a wide margin of manoeuvre given to Member states in implementing the directive. The Commission also emphasized that although the aim of the initial directive (Council Directive 2003/9/EC) was to bring about harmonization of national asylum policies on reception conditions, it was unable to go beyond the lowest common denominator due to the unanimity voting in the initial stages of the common asylum system (Commission of the European Communities, 2008a). In this assessment, the main

deficiencies in the directive were displayed in detail regarding the detention of asylum seekers, vulnerable asylum seekers, material reception conditions and access to the labour market (Commission of the European Communities, 2008a).

Another contentious issue of the 2003 directive was the detention of asylum seekers. As Peers underlined, the EP had a very limited impact on the standards, which did not go beyond improving, for instance, detention conditions and limiting the grounds for detention (2013, p.5). Commission proposal (2008b, 2011), supported by the EP with minor changes or additions, adapted some of the provisions of the previous directive and introduced new articles (art.8,9,10,11) on detention including "grounds for detention", "guarantees for detained applicants", "conditions of detention", "detention of vulnerable persons and of applicants with special reception needs" respectively. On this issue, an important observation comes from Ripoll Servent and Trauner (2014), who comparably studied the first and second generation of directives on asylum. Accordingly, while the EP, during the negotiations preceding the 2003 directive on reception conditions, firmly opposed the practice of detaining asylum seekers, discussions during the revised directive (Directive 2013/33/EU) revolved around the grounds for and conditions of detention rather than on abolishing the detention at all (Ripoll Servent and Trauner, 2014, p.1150). The Commission, caught between the EP and the Council, was in fact playing on words. The newly proposed articles in the initial proposal or amended proposal of the Commission were never on all fours with the articles introduced in the new directive of 2013. One among many examples is that while initially, the Commission proposed that "unaccompanied minors shall never be detained" (2008b), it later amended this clause as "detention of unaccompanied minors shall be resorted to only in particularly exceptional cases" (2011), which featured in the final directive. In almost all the final texts, provisions reflect the position of the Council, with some exceptions that do not break the rule. Peers defines these limited improvements in the second phase of legislation on asylum as "merely 'lipstick on a pig'" (2013, p.16).

From the analysis above focusing only on one directive[83] (2003 Reception Conditions Directive and 2013 recast version) and only two policy areas in that directive (employment

[83] All the major directives and regulations in the field of migration, border and asylum field were examined to reveal the changes and continuities in narrative components as defined by the NPF and policy core beliefs and secondary aspects of the policy as defined by the ACF. However, explaining each amendment on the articles of the legislative acts is not possible considering the high number of documents and the length of them. Here, most of these documents are examined and included in the analysis, but only a few of them are given in detail to show how the study approaches to each official document to collect data for analysis of functionality.

and detention of asylum seekers), it is possible to make some inferences about the policy positions of the actors with the NPF and ACF approaches. First, the documents clearly illustrated the components of the policy narrative by defining problems, actors and solutions. This is particularly observed in the impact assessment of the Commission (2008a) and the report of the EP on the initial proposal (2009). Regarding the policy core beliefs, the Commission and the EP supported their long-standing liberal and integrationist approaches vis-à-vis the Council that favoured restrictive policies and weak integration. Agency of supranational institutions has remained limited to secondary aspects of the policy in that changes supported by these institutions have only addressed administrative decisions, for example, conditions of detention have not changed the dominant policy of detaining asylum seekers (Ripoll Servent and Trauner, 2014). Although those changes remained as secondary aspects of the policy -defined as "instrumental decisions and information searches necessary to implement policy core" (Sabatier, 1998, p.112)- revised legislative texts are important indicators of competition among the intergovernmental and supranational coalitions.

This brief analysis on the Reception Conditions Directive also illustrated that the Commission and the EP were not even free in their choices on secondary aspects of the policy all the time and had to accept the final decision of the Council, which made all necessary changes to keep national discretion over the issue. Nevertheless, the EP and the Commission never gave up insisting on further harmonization of national policies, which has been thought as the only solution for the inconveniences of the asylum system, such as secondary movements, low reception standards and low integration of asylum seekers. In 2016, for instance, the Commission published a new proposal for a directive on receptions (COM (2016) 465 final) revising the 2013 Directive (Directive 2013/33/EU) to address notable differences in asylum procedures, recognition rates, type of international protection provided to beneficiaries and reception conditions between the Member States, which led to secondary movements and generated pull factors, causing uneven distribution of responsibility for protection between the Member States (European Commission, 2016b). Amidst the large-scale arrivals to the European territory, this proposal aimed to "further harmonize reception conditions in the EU", "reduce incentives for secondary movements" and "increase applicants' self-reliance and possible integration prospects" (European Commission, 2016b, pp.3-4). Proposals of the Commission are not limited only to the reception conditions. In its communication on "towards a reform of the Common European Asylum System and enhancing legal avenues to Europe", the Commission emphasized the

structural weaknesses in the EU asylum system and settled the priorities for a comprehensive reform of the CEAS, such as "reinforcing the Eurodac system", "achieving greater convergence in the EU asylum system" and "preventing secondary movements within the EU" (European Commission, 2016a, p.6). The objective was to replace the present asylum system that caused disproportionate responsibility and encouraged irregular flows with a new one that ensures safe and orderly pathways to the EU (Commission, 2016a). This communication has been followed by a number of proposals published in 2016 covering the issues of the Dublin system, the Eurodac system and the EU Agency for asylum (Commission, 2016b). In a nutshell, the Commission reiterated on several occasions the need to reform the asylum system to reach an effective and efficient asylum policy ensuring fair responsibility sharing among Member States and timely and effective management of asylum claims guaranteeing humane reception conditions for people in need of international protection (European Commission, 2015, 2016a, 2016b). In a similar vein, European Parliament's resolutions called for a holistic approach to migration management linking internal and external policies, solidarity and fair share of responsibility considering the Member States overloaded with asylum applications and rescue operations (European Parliament, 2013/2827(RSP), 2014/2907(RSP), 2015/2660(RSP).

Evident from this limited analysis, the management of asylum and migration issues in the EU is constructed with numerous communications, proposals, resolutions, reports, directives, and regulations. This study particularly focuses on the selected documents between 1985 and 2005. Yet, similar to the examples above, this periodization is sometimes exceeded in this study for the sake of illustrating the evolving nature of asylum and migration policy.

To conclude this section of the chapter, among the various initial measures taken by the intergovernmental cooperation and coalition to deal with the situations arising from the abolition of border controls, some of the crucial ones are emphasized here to show that current security-oriented practices and policies on border management, asylum and immigration are rooted in those conventions and resolutions of the 1990s. As the dominant actors of the field, member states and their representatives in the Council primarily followed two objectives: keeping their restrictive positions towards the mobility of aliens at all costs and maintaining national discretion on the management of border-related issues while keeping supranational actors at the periphery of the field (See table 3.2). Hence, there is no

radical change in the policy narratives of the intergovernmental coalition (member states and the Council of the EU). The policy core of the coalition is based on restrictive migration policies, and harmonization of national policies has been limited to the convergence of rules for the functioning of the system in which supranational actors were not given sufficient competences. The following sections illustrate further how supranational actors challenge and try to keep up with the dominance of intergovernmental coalition and involve in competition.

Table 3.3. Summary of policy narratives of the intergovernmental coalition led by the Council/ European Council (1980s-2000s).

Components of policy narratives	**Time Period (1980s-2000s)**
Setting	*Security flaw created by the abolition of internal border controls *Increasing flow of asylum seekers to the European territory since the early 1990s. *Manifestly unfounded asylum applications and secondary movements *Illegal migration, unemployment, organized crime, terrorism
Characters (Victims/Villains)	**Villains**: illegal migrants, asylum seekers making multiple applications and abusing asylum procedures, smugglers, traffickers **Victims:** the internal market of the EU, Member States, European citizens, Area of Freedom, Security and Justice (AFSJ), people in genuine need of protection
Moral of the Story (solutions /measures)	*Compensatory measures, harmonization of asylum and border control policies, common visa policy, police cooperation, Schengen Information System (Schengen Agreement; Convention Implementing the Schengen Agreement) *Dublin rules on asylum (Dublin Convention, 1990), 'safe third country' and "safe country of origin" (London Resolutions, 1992) Judicial cooperation in civil and criminal matters (TEC, TEU, 1997) *Externalization of migration and border management policies to third countries (remote control) and addressing root causes of migration (Tampere, 1999)
Plot[84]	**Story of decline**: "… a rising number of applicants for asylum in the Member States are not in genuine need of protection within the Member States within the terms of the Geneva Convention, and … such manifestly unfounded applications overload asylum determination procedures, delay the recognition of refugees in genuine need of protection and jeopardize the integrity of the institution of asylum". (Council of the European Union, 1992a)

[84] As discussed in the second chapter, plot refers to a story line that defines narrative components in a causal relationship. Stone defines two types of story line: "a story of change" that involves stories of decline and stories of rising and "stories of power" that involves stories of helplessness and stories of control (2012, p. 158). Here in this study, plots will be called as story of decline and story of control based on the actors' definitions of the problem. While "stories of decline" refer to the situation in which problems got worse and are likely to cause crisis or breakdown in the system, which foster anxiety, "stories of control" offer hope about controlling the worse things through human agency (Stone, 2012, pp.160, 166,168). An example for both types can be found in the following statement of the Commission: "Europe stands at the crossroads. We either go ahead – with resolution and determination - or we drop back into mediocrity. We can now either resolve to complete the integration of the economies of Europe; or, through a lack of political will to face the immense problems involved" (a passage from White paper of the Commission, 1985a). The plots containing worst-case scenarios and more hopeful promising scenarios were particularly selected from the official documents.

Table 3.3. (continued) Summary of policy narratives of the intergovernmental coalition led by the Council/ European Council (1980s-2000s).

Components of policy narratives	Time Period (1980s-2000s)
Plot	"Illegal employment may distort the conditions of free competition in the internal market by reducing social costs or giving employers other advantages and by lowering levels of social protection" (Council of the EU, 1996c, preamble) **Story of control**: "to take complementary measures to safeguard internal security and prevent illegal immigration" (Schengen Agreement, 1985, art 17) In the light of high levels of unemployment, "the Council resolves that the present restrictive measures should be continued and where necessary reinforced as regards the admission of third-country nationals for employment" (Council of the EU, 1994, para.vi)

Source: Author's own construction based on official documents

The next two sections examine the policy narratives of the European Commission and the European Parliament, which are in constant struggle with the member states and the Council over the distribution of competences and accumulation of resources.

3.3.2. The European Commission: A Middle-of-the-Road Actor

In the previous section, the position of the intergovernmental coalition led by the Council with respect to the border, immigration, and asylum policies -the EU EBM field- was discussed in the context of the evolution of the JHA field from 1985 to the immediate aftermath of the Amsterdam Treaty and communitarization of the field. While doing so, the positions of the supranational actors were also given place occasionally, and some instances of competence debate between the Commission and the Council were already emphasized. Here, a similar path is followed, and the policy narratives of the Commission are summarized within the selected period to see how it has been involved in the competence competition with other institutions. It is this section's argument that although the Commission has been the pioneer of the liberal and right-based policies on immigration and asylum together with the EP and the promoter of full harmonization of the policies at the Community level, it has changed its policy narrative in certain periods in line with that of the Council and lowered down its assertiveness when confronted with resistance of the dominant actor of the field as observed by many. This ambivalence showed itself in the definition of the issues in securitized or de-securitized frameworks and solutions in politicized and de-politicized forms.

The Commission, with its communications, proposals for legislative acts, amended proposals, decisions, white papers, and impact assessments, has delivered various types of documents through which its policy narratives and positions can be uncovered. Here in this section, the Commission's policy narratives and shifts in these narratives are analysed with a particular focus on the technocratic role of the Commission in migration and border policies. Claiming technical expertise in the management of these policies became the most frequently used policy instrument by the Commission in promoting its status in external border management.

The European Commission, traditionally known as one of the engines of the European integration project (Pollack, 2003), is an executive branch of the EU having various functions in policy making ranging from proposing and implementing legislation to monitoring policy implementation and representing the EU in its external relations (Egeberg, 2010; European Union, n.d.a.). However, its exclusive right of initiative and agenda-setting role were blocked within the EU EBM field until the early 2000s. It should be noted that the official documents submitted by the Commission to the relevant authorities involve highly detailed analysis of the current phase of the problems and the measures offered by the Commission and intergovernmental cooperation. Examination of each document is beyond the scope of this study. However, the major concerns of the Commission regarding the issue are summarized with references to these documents. The aim of this exercise is to show that different policy positions of the Commission and the Council in the field are not the sole indicators of turf wars among these institutions. On the other hand, the convergence of policies with the Council at times may also indicate the Commission's utilization of the field for its institutional objectives.

3.3.2.1. Early Period (1985-1996): The European Commission as a Liberal, Integrationist and Constrained Actor

The story of the Commission in migration policy management dates back to the 1960s and 1970s. During the period of 1961-1968, the Council addressed the issue of the free movement of workers through a series of regulations granting that right only to the EU nationals and the Commission's involvement in the process was considerably limited to acting as a mediator among member states in dispute, providing information on labour market conditions and ensuring implementation of regulation (Uğur, 1995, pp. 975-977). In

this dissertation, the role of the Commission in migration and border policies are particularly discussed in two periods. The first period covers the policy narratives from 1985 till 1996, when the Commission defined migration in a de-securitized framework and more decisively supported supranational governance of these issues with liberal and right-based approaches. The second period comprises the years between 1997 and 2005[85], in which the Commission's policy narratives illustrated mixed tendencies, given that the Commission, constrained by structural factors of the field, defined the issue in a securitized framework but opted for de-politicized solutions claiming technical expertise.

While supporting a comprehensive approach to migration that goes beyond the restrictive agenda of the Member States, the Commission could not always stand resolutely against the Council and the dominant policy core. This was reflected in ups and downs in the traditional liberal and integrationist position of the Commission vis-à-vis the Council and affected its relations with its traditional ally, the European Parliament. In short, the Commission's story with migration and border management was riddled with the restrictions of the Council and Member States upon this supranational body and the efforts of the Commission looking for a way to reinforce its competences in this environment even this casts a shadow over its famous pro-immigrant stance. Thus, what has changed between these two periods was not indeed the policy core of the Commission but its tactics to achieve its eventual aim: to stay in the game.

As the analysis of the EU institutions' policy narratives made clear, the discussions on harmonized policies on border, migration, and asylum policies within the area without internal borders typified the long-lasting turf wars among the member states and the Community/supranational institutions. Papagianni (2006, p.6) calls this intense competence debate "competence skirmishes" which started even long before the Schengen Agreement, particularly between the Commission and the member states on the free movement rights of third-country nationals. Although the Commission got involved in the migration debate with its effort to link intra-EU migration to third country immigration[86], it was not successful in

[85] The years are not strictly settled and can be flexible depending on the context. The developments before 1985 and after the transitional period (2005) are also emphasized throughout this dissertation. Indeed, the period after 2005 is briefly discussed at the end of the section, illustrating the continuation with the previous period.

[86] See for instance "Social action programme submitted by the Commission to the Council on 25 October 1973" (Commission of European Communities, 1973) and "Resolution of the Council of 21 January 1974 concerning a social action programme" (Council of the European Communities, 1974). In this programme, the Commission

deriving competence for itself given that the field was under the control of intergovernmental procedures that produced exclusionist policies for third-country nationals (Uğur, 1995). For instance, in its 1973 social action programme submitted to the Council, the Commission (1973, Action II, p.23) clearly set the following objective:

> "To achieve an equality in living and working conditions, in wages and salaries and in economic and social rights, and to ensure the participation in Community life for all migrant workers and their families, whether they come from the countries of the Community in the framework of the free movement of workers, or whether legally admitted from third countries, and also to coordinate the immigration policies of Member States as regards third countries"

While the Treaty establishing the European Economic Communities (Rome Treaty) excluded third-country nationals from benefiting from the right of movement (Title III, art. 52, 53, 59), the Commission was given the right to present a proposal, based on Article 59 (para. 2) of the EEC (1957) stating that "the Council, acting by means of a unanimous vote on a proposal of the Commission, may extend the benefit of the provisions of this Chapter to cover services supplied by nationals of any third country who are established within the Community". However, the Commission did not bring forward proposals on this issue until its 1999 proposals for Directives extending the right to provide cross-border services to the nationals of third countries (Papagianni, 2006, p.4). In the late 1970s, the Commission had also pushed for cooperation on illegal migration (see "proposal for a Council Directive concerning the approximation of the legislation of the Member States, in order to combat illegal migration and illegal employment", COM (78) 86 final) and had emphasized priority to EU nationals to appease the resistance of Member States as observed in its communication to the Council on "consultation on migration policies vis-à-vis third countries" (Commission of the European Communities, 1979) and to derive competence in this field (Uğur, 1995). One can observe that it is an old practice of the Commission to renounce some of its assertive policy proposals that support change in policy core and downgrade them to secondary aspects at best. This case particularly occurs when the Commission and the Council could not agree on the overall seriousness of the problem or the level at which those matters should

referred to social problems, particularly inequalities in living and working standards and uneven distribution of income in all Member States, which could be best solved within Community framework. Regarding the migrant workers, from the Community or third countries, the Commission stated the necessity of equal treatment, rights, and opportunities for social progress (Commission of the European Communities, 1973).

be dealt with. When the Commission was not successful in changing the exclusionist policy position of member states (policy core), it tried to define the technical aspects of the problem and causal linkages between illegal migration and illegal employment (secondary aspects in ACF terms, see Table 3.1).

From 1985 to the late 1990s, the Commission's policy narratives had reflected its traditional liberal integrationist position in the field of migration management. Some selected documents produced by the Commission in this period are noteworthy in terms of how they define the problem, victims, villains, and moral of the story, together comprising the storyline of the Commission's policy narratives vis-à-vis the Council and intergovernmental cooperation. Even in this early period in which the Commission was more idealistic in its policy proposals and had an insistent tone against the Council, it stepped back at times either by not proposing pledged proposals in its programme or including provisions in those proposals that would not be resisted by the member states[87]. Thus, the positions of supranational bodies, both the Commission and the EP, should not be taken for granted as they have not always been unequivocal in their official documents due to their asymmetric relationship with the Council.

In 1985, the Commission submitted a White Paper on the completion of the internal market to the Council and reiterated its effort to link intra-EU free movement and migrants from third countries[88](Commission of the European Communities, 1985a). Although this document dealt with precisely some technical issues, such as the removal of physical, technical, and fiscal barriers regarding the realization of the internal market, it clearly emphasized the need for harmonization of national migration policies. Community policies on visas, entry, residence, and access to employment for nationals of non-Communities were considered essential requirements for the functioning of the internal market (Commission, 1985a, para.55) and measures on the "right of asylum" and "position of refugees" were also emphasized in the same paragraph. The Commission (1985a) set deadlines for proposals on these matters and designated the estimated date for the adoption by the Council (See the timetable for completing the internal market in the annex to the White Paper).

[87] In this dissertation, the author did not check whether all these proposals, for which deadlines were set for their formulation by the Commission, turned into the Council directives or regulations. However, it has been observed by many (Uğur, 1995; Papagianni, 2006) that the Commission did not present them all and there was no measure accepted under the Community framework.

[88] Approximation of immigration policies and improvement of migrants' rights were among the objectives of the Commission programme preceding the White Paper (Commission, 1985d).

One very clear example from this early period to competence skirmishes was five member states' taking the Decision of the Commission to the Court of Justice on the ground that the Commission exceeded its competence, settled in article 118 of the EEC Treaty, on the issue of cooperation in the social field (Papagianni, 2006, pp. 6-7). Article 118 of the EEC Treaty (1957) recommended the Commission "to promote close collaboration between Member States in the social field" in issues such as employment, social security and working conditions. Based on this article, and with references to the previous Council resolutions and conclusions in favour of the Community labour market policy and consultation and the resolution of the EP in favour of harmonization of the policies (preamble of the Decision 85/381/EEC), the Commission adopted a Decision on "setting up a prior communication and consultation procedure on migration policies in relation to non-member countries" (Commission of the European Communities, 1985c). In this Decision, the Commission required the Member States to inform the Commission and other Member States about their draft measures and draft agreements on the entry, residence, employment, working conditions, integration to the workforce and illegal entry of third country workers, alongside the texts related to these matters laid down by their regulation or administrative actions (1985c, art.1). Upon receiving such information, the Commission would then start the process of consultation with the Member States, "to facilitate the adoption of a common position by the Member States" and "to ensure that the agreements and measures referred to in Article 1… are in conformity with… Community policies and actions in these fields" (1985c, art.2, art.3). Member states contested the Decision on the ground that the Commission lacked competence, arguing that Article 118 of the EEC Treaty did not imply adoption of binding measures and migration policy was outside the scope of the Article 118 and it was under full competence of members states (Papagianni, 2006, p.7).[89]

To put it briefly, like in several similar cases, this competence war illustrates the course of inter-institutional relations, still valid today, in which the Member states do not want to lose their sovereign rights over migration-related matters, and the Commission pushes for Community competence by linking migration policy to the fields, such as social policy where the secondary legislation and the treaty conferred competence to the Commission. This supports the finding above that the Commission first attempts to define and deal with

[89] For the details of the Court's ruling, see Judgment of the Court of 9 July 1987, Joined cases 281, 283, 284, 285 and 287/85 (Court of Justice, 1987).

the issue within its competences and when confronted with resistance from the Member States, it rubs the dominant actor the right way.

Preceding this decision (85/381/EEC), the Commission presented "Guidelines for a Community policy on migration" in which it defined the problem as economic and social rigours faced by both Community and non-Community migrants, despite the former's protection by the Community legislation ensured in the Rome Treaty (Commission of the European Communities, 1985b). Thus, the victims affected by the problem were migrant communities irrespective of their origin, and the moral of the story was presented as three major fields of intervention: the Community legislation, consultation, and information (Commission, 1985b). However, the Commission at that time did not explicitly insist on Community policy or legislation on migrants from third countries, but instead suggested development of consultation on these matters. The Commission (1985b), in this document, emphasized the preference of the Council for consultation between member states in the migration policies, which was previously stated in the Council Resolution (Council of the European Communities, 1976), and it announced that it would provide a framework for consultation and information.

Community legislation focused particularly on the issues concerning Community migrant workers and improvement of existing legislation, while the field of consultation concentrated on workforce from non-member countries, illegal migration and employment, and reintegration of non-Community migrant workers into the economies of their home countries (Commission, 1985b). In any case, the Commission depicted the national workforce, legally resident foreigners, and migrant workers as victims of increasing illegal activities and illegal migration (Commission, 1985b). Although the Council, in its following resolution on "guidelines for a Community policy on migration", received Commission's communication positively and noted proposals for improvement of social and economic conditions and cooperation at the Community level, it openly closed the door on Community competence in issues related to migration from third countries, stating that "matters relating to the access, residence and employment of migrant workers from third countries fall under the jurisdiction of the governments of the Member States" (Council of the European Communities, 1985, preamble). Despite the Commission's effort to appease the Council's resistance by offering solutions favoured by the Council, they ended up in court with the 1985 Decision of the Commission, as discussed above.

In its 1988 communication "on the abolition of controls of persons at intra-Community borders", the Commission once again linked the right of free movement within the Community to the necessity of closer cooperation among Member States and the adoption of new legal instruments to strengthen external borders. Indeed, in most of the documents, the Council and the Commission shared similar objectives and recognized the strong link between internal and external security. The controversial part between the two was that the Commission was more integration-oriented and tried to control the compatibility of measures undertaken by Member States with the Community law, while the Member States were unwilling to cede their powers to the Commission. For instance, in its 1988 communication, the Commission evaluated the initiative of five member states in the Schengen Agreement as a "separate but parallel and very relevant exercise" and found its participation in the work of the Schengen group useful in articulating its ideas and ensuring that the initiative is harmonious with the Community law and objectives (Commission of the European Communities, 1988, para 12). However, the Commission stated that: "but in no way would the Commission wish to slow down progress where progress can be made" (1988, para. 12). This tendency of the Commission to promote progress at the expense of its competences was emphasized by the EP in its resolution (1991b, item F) with reference to the statement of the vice-president of the Commission in 1990:

> "With less than three years remaining before the end of 1992 deadline, the Commission's general approach is pragmatic rather than doctrinaire, particularly where questions of competence are concerned. Thus, where the best prospects for progress lie in going down the road of intergovernmental conventions rather than Community legal instruments, the Commission has opted for making progress rather than fighting time-consuming battles for competence."

Aware of the difficulty in abolishing border controls selectively depending on the nationality of the people as it would require some sort of control at the internal borders, the Commission suggested adopting at least indispensable measures such as common visa policy and reinforcing external border controls for abolishing of internal borders for all persons, even though in the long term it favoured full harmonization of national legislations in this field (Commission, 1988, paras. 13-14). Regarding the level at which such actions would be taken, the Commission at that time conceded that intergovernmental cooperation would be given a larger scope as long as it was the most efficient way, and the Commission would be

able to participate in these meetings (1988, para. 14). On the other hand, for some aspects of the issue, such as the grant of asylum or the status of refugees, the oft-noted matter of who will be the responsible state for dealing with asylum applications, the Commission suggested the adoption of a directive and proposed that these matters can only be regulated at the Community level (1988, pp.8-9).

It is observed from the official documents of the Commission that the prior objective of the Commission, since 1985, has been to complete the internal market project and thus establish an "area without internal frontiers". Moreover, the policies and measures proposed by the Commission have concentrated on overcoming obstacles in realizing the free movement objective within the Community and harmonization of certain aspects of that mobility, such as convergence of visa policies, entry, and residence rules, and right of asylum. In contrast to the exclusionist stance of the Council towards non-Community migrants, the Commission had a more comprehensive approach to the issue in both substantial and functional terms. In addition to the issues of approximation of national policies on immigration, illegal migration and employment, the Commission also dealt with the issues of social integration of migrants from third countries who lawfully resided in the Community upon the request of the European Council, excluding from its report the ones working illegally (Commission of the European Communities, 1989). In its 1990 report on the same issue, the Commission (1990) widened the scope of its study and analysed national policies of entry, residence, and the positions of all migrants from third countries legally residing or illegally entering to the territory of the Community.

Thus, in the early years of the cooperation on immigration policies, it is possible to observe ebbs and flows in the Commission's commitments and decisions. On the other hand, in the 1991 and 1994 communications, the Commission carved out its role in the field in a more self-assured way: being a strong advocate of comprehensive migration policy and further Community competence in the management of migration and external borders. In 1991, the Commission published two separate communications on immigration and the right of asylum. In the 1991 communication on asylum, the Commission welcomed progress at the intergovernmental level -1989 Palma document approved by the European Council and the 1990 Dublin Convention- yet it stressed the need for joint response not only to the influx of asylum seekers and abuse of asylum but also to the right of asylum (1991b).

In the 1991 communication on migration, the Commission defined the potential problem as individual responses of Member States towards large-scale arrivals, suggested adopting a global approach to the matter and offered to make "migration an integral element of Community external policy", "controlling existing immigration channels" and "strengthening integration policies for the benefit of legal immigrants" (1991a, pp. 2-3). In this communication, the Commission openly stressed that the restrictive legal and administrative framework embraced by the Member States has been ineffective in dealing with the issue comprehensively (para.14, p.9). For the first time, the Commission explicitly suggested addressing the root causes of migration through the coordination of development policies between the Community and the Member States and integrating migration issue into the relevant cooperation agreements (1991a, paras.48-49). According to van Munster (2009, p. 60), both communications of 1991 on asylum and migration illustrated a double strategy of the Commission in that while the Commission, on the one hand, underlined the necessity for European cooperation on the issues concerned, it did not call for full communitarization but instead emphasized joint action, joint response and joint measures to the problem.

In 1994, the Commission explained the measures under the root cause approach in more detail for reduction of migration pressure in the long term, alongside the measures for controlling migration flows in the near future, which together comprised a comprehensive approach to migration. Controlling migration movements might connotate restrictive measures that are expected to bring immediate solutions to migration pressure. However, the Commission stated that "controlling migration does not necessarily imply bringing it to an end: it means migration management", indicating that through appropriate harmonized policies and rules in admission, integration, irregular migration, and asylum procedures, it would be possible to ease migration pressure (1994, para. 70). With reference to the new institutional framework introduced in the TEU, the Commission expressed its willingness to stimulate coordinated response to the challenges associated with migration pressure and integration of legal migrants.

In several parts of the communication, it is possible to observe that the Commission was aware of the difficulty in harmonizing certain aspects of migration and asylum policies and changing the policy core favoured by the Member States. On such occasions, the Commission tried to influence secondary aspects of the policies, which were, for instance, "seriousness of specific aspects of the problem" or "importance of various causal linkages"

as defined by the ACF (see Table 3.1; Sabatier, 1998, p.112). Accordingly, while the Member States and the Commission jointly defined migration pressure as the main problem to be addressed, the Commission highlighted the seriousness of root causes in the countries of origin, or the problems associated with the principle of third host countries. These problems comprised different interpretations of this principle by the Member States or budgetary and operational problems faced by the third host countries in dealing with asylum procedures, and thus, the necessity for financial support for the neighbouring countries, particularly in Central and Eastern Europe (1994, paras. 27, 101).

It is also possible to evaluate such Commission efforts in pushing for a comprehensive approach in terms of its competence maximizing interests. Defining the problems and solutions in line with the competences and resources at its disposal was one of the strategies of the Commission to increase its competences in the field. By defining measures to address the root causes of immigration and even asylum, such as economic disparities, human rights conditions and demographic factors, the Commission widened the scope of policy and suggested coordination of the Community and national actions in foreign policy, trade, and development policies (1994, paras. 47, 50). All in all, the Commission, despite its discontent with limited Community competence and lack of legally binding instruments, continued to support intergovernmental dialogue to achieve a common objective maintaining that the realization of border-free area would eventually justify the Community action in the field (Commission, 1991a, para. 70; 1994, para. 37). In this way, according to van Munster, "the Commission accepted a low-profile role in order not to be marginalized completely" (2009, p.62). However, this approach brought a considerable cost for the Commission because in order to exercise some influence in JHA policies and to become a credible partner in the field, it had to accept that the issues of migration and asylum are part of internal security policy (Van Munster, 2009, p.62).

3.3.2.2. Towards the Amsterdam Treaty and the Transitional Period (1997-2005): The European Commission as a Security-Oriented, Integrationist and Technocratic Actor

At this point, before delving into any discussion on the implications of the Amsterdam Treaty and communitarization on the Commission's role, a controversial narrative shift in the Commission's policy narratives requires attention. Although this discussion does not

suggest that there was an irrevocable shift in the policy narrative of the Commission, it is possible to observe some new formulations of narrative components. Singler (2019) argued that this shift became apparent when the position of the Commission in 1994 communication was compared with that of the 1996 Commission opinion (COM (96) 90 final). Accordingly, in 1994, as discussed above, the Commission's policy narrative focused on illegal employment and illegal immigration as major problems regarding migration pressure and fair and efficient examination of asylum applications appeared as the major concern in the case of an influx of asylum seekers, which required expansion of competences of the Union and coordination of actions at the national and EU level (Commission, 1994; Singler, 2019, p.39). Singler (2019, p.39) also underlined that the 1994 communication did not define migration as a threat to the security of the EU and the concern for security only appeared with respect to the "security of stay and permanent residence" (Commission of the European Communities, 1994, para.124) and "social security" of workers (para.131) for successful integration of legally resident third-country nationals. Furthermore, the communication stated that requirements for separate residence permits for immigrants who already obtained permission for economic activity "create overlap and insecurity for the immigrant" (Commission of the European Communities, 1994, para.126). Evident from the terms and phrasing of the document, the Commission expressed its concern for the negative effects of different practices of member states on the rights and security of the migrants and asylum seekers who were victims of the narrative. However, in 1996, it changed its tone considerably and the "Commission had securitized migration at the EU level" (Singler, 2019, p. 49). In the Commission Opinion on "reinforcing political union and preparing for enlargement", the Commission stated that:

> "For freedom of movement to be applied in practice, solutions must also be found to complex problems such as asylum and immigration, crime, drugs and terrorism. These problems have become international in scale; none of them stops at national borders" (Commission of the European Communities,1996, p.5).

Thus, migration and asylum were presented in a framework different from that of 1994 Communication, which covered those issues with a de-securitized language in the context of migrant communities' social and economic rights. Furthermore, the Commission was more assertive in this text regarding the decision-making and legal instruments. Stating that the ad hoc agreement of Member States proved ineffective in translating the principle of free

movement into practice and the new institutional framework of the Treaty had weaknesses in JHA field due to the "absence of democratic and judicial review", the Commission suggested the following instruments: unanimity rule, which produced the lowest common denominator decisions and hindered the work of the Council, was to be replaced by qualified majority voting; the EP was to become more involved in the field and the Commission was to gain right of initiative in all areas of the field; effective legal instruments, other than the ambiguous joint actions and common positions, should be adopted, and, finally, judicial review by the Court needed to be ensured (1996, pp.5-6). The Commission further claimed that "the best way of attaining all these objectives would be to transfer justice and home affairs to the Community framework" laying the ground for its technocratic role and expertise in the management of JHA issues (Commission, 1996, p.7).

One year later, most of the Commission's suggestions were taken into consideration in the Amsterdam Treaty in 1997, and the supranational bodies were empowered. However, as emphasized by many scholars, communitarization did not change the established policy core of the field, and the supranational actors started to lower their assertive tone vis-à-vis the Council to seize the opportunity to increase their resources (Ripoll Servent and Trauner, 2014; Trauner and Ripoll Servent, 2016). This does not necessarily mean that the EP and the Commission renounced their traditional liberal and inclusive policies completely. It is observable that the Commission openly listed migration and asylum challenges together with cross-border crimes and, thus, it defined the setting in a securitized framework, which seems to signal a shift in narrative components as it now defines asylum seekers or immigrants as villains causing the problem rather than victims to be protected with appropriate measures such as their integration.

Still, it might be more suitable to consider this new framing as an addition to existing policy narratives and components rather than abandoning the previous narratives completely. Thus, all these ups and downs are products of strategic behaviour. For instance, one year after the 1996 opinion, the Commission, in its "Proposal for a Council act establishing the Convention on rules for the admission of third-country nationals to the Member States", did not mention any restrictive measures and the term 'security' appeared in the context of "security of residence or stay" and "legal security to the employee" (1997, pp.5, 12). Also, the effectiveness of immigration policy was linked to the comprehensive admission policy and integration of migrants (Commission of the European Communities,

1997, p.4). With reference to the resolutions of the Council in admission policy, the Commission noted that they are "political rather than legal" and there is a need for binding legal force (1997). One might say that the Commission apparently dealt with legal migration in this proposal rather than illegal flows, but it still followed integrationist and liberal policy instead of a restrictive agenda and the legally non-binding texts of Member States.

Explaining the reasons for the shift, change, or new discourse in the Commission's framing of migration issue is important for the research aim of this dissertation showing the internal functions of policies having an external dimension and, more specifically in this chapter, the turf wars among the EU institutions. As previously noted, until the Maastricht Treaty, member states retained their cooperation outside the EU framework through several ad hoc groups and agreements that were explicitly security-oriented and resisted empowerment of supranational institutions which had completely different policy core - integrationist and liberal- from that of the Council. The securitized framework in migration and asylum has always been present since the beginning of intergovernmental meetings in the 1970s. With the Maastricht Treaty, intergovernmental cooperation and rules in the field were reserved, but this time, under the EU framework with the third pillar on JHA issues and the roles of the EP and the Commission were kept limited - consultation for the former and the shared right of initiative in certain aspects of the JHA for the latter (see table 3.2).

Singler (2019) defines the period from the Maastricht Treaty to the Amsterdam Treaty as the "critical juncture" at the beginning of which securitization of migration was not likely at the EU level, but towards the end of it, the Commission seized opportunity of relaxed structural constraints on the eve of Intergovernmental Conference of 1996 and expressed its willingness explicitly for more competences to the EU level to be able to manage migration-related issues, which now have been depicted as a security problem[90]. For instance, in its report for the Reflection Group, requested by the European Council for the review of the operation of the Maastricht Treaty, the Commission brought up the matter of ineffectual cooperation in JHA due to lack of openness, inappropriate instruments and cumbersome decision-making process (European Commission, 1995, preface). It also emphasized that the Council did not use the instruments introduced by Title VI of the Treaty effectively, except joint action in two cases, and instead adopted traditional, non-binding instruments such as

[90] For detailed analysis and conditions of critical juncture and its implications for the smart border agenda of the EU, see Singler (2019, p. 41-54). Singler's main argument is also explained in the literature review section in chapter 1.

recommendations, resolutions and conclusions which were already available before the Maastricht Treaty (European Commission, 1995, p.51).

According to Singler (2019, pp. 46-49), the events that brought securitized framing of migration at the EU level at the end of this critical juncture and resulted in path dependence, making the securitization as the settled practice in the field occurred as follows: the Commission, after its long-standing efforts to increase its powers in the field through linking internal market project to the issue of migration, as noted previously, and its failure to convince Member States for its empowerment, adopted two strategies. The first one was the normative argument in that the Commission, based on the shortcomings of intergovernmental rules in the third pillar, such as unanimity rule and lack of legally binding instruments and indecisive boundaries between the first and third pillars (causing cross-pillar skirmishes as discussed previously), claimed expansion of Community competences for efficient management of migration and asylum (Singler, 2019). The second strategy of the Commission, following the failure to convince Member States through normative claims, was to reframe its policy narrative on migration in a securitized framework by defining and listing asylum and immigration issues as complex problems alongside crime, drugs and terrorism transcending national borders (Singler, 2019; see Commission Opinion, COM (96) 90 final).

The second strategy of the Commission indeed worked, and the migration issue was presented as a security issue at the EU level, legitimizing the role of the Commission and creating path dependence in which the Member States relied on the Commission's security-oriented proposals to deal with JHA issues, and de-securitization of migration became very unlikely in the EU agenda (Singler, 2019). This illustrated that when confronted by structural constraints -established policy core by the Council- the Commission prioritized its institutional interests over its traditional normative position. This also supports the central argument of the NPF approach that policy narratives are used strategically by the actors to expand their powers vis-à-vis the dominant actor. The Commission changed its narrative components and the plot and persuaded the Member States that those security problems could only be solved at the EU level with an empowered Commission. The victims of the previous narrative (immigrants) became new villains, and the moral of story changed from protecting the rights of asylum seekers and migrants, which were once linked to the internal market and free movement objective, to protecting internal security from the external threats

associated with cross-border movements of migrants and asylum seekers. Huysmans defines these developments in EU migration policy as a "technocratic and politically manufactured spillover of the economic project of the internal market into an internal security project" (2000, p. 752). With the establishment of the "area of freedom, security and justice (AFSJ)" in the Amsterdam Treaty[91], "the referent object of European internal security has shifted from the internal market to the EU-citizens that are to move around in the AFSJ without feeling insecure" (van Munster, 2009, p.69)[92].

Regarding this shift in the policy narrative of the Commission to a securitized framework and the Commission's technical expertise, the author of this dissertation asked the following questions to an official from the European Commission:

> Author: The European Commission did not define migration in the security framework until the late 1990s, as observed in its proposals and communications. Later, the Commission linked migration and asylum issue to more complex problems of crime and terrorism. What could be the major reason for this shift in policy narrative, considering that there was no imminent threat outside at that time?
>
> Official of the Commission[93]: "I do not agree at all with this assessment [that there is a shift in policy narratives of the European Commission]. External border rules of the European Union were created in the Schengen context. In the Schengen context, we have intergovernmental Schengen agreements from the years 1985 and 1990, which defined the common Schengen area. They were intergovernmental, so member states driven initiatives not Commission… They [agreements] were based on the philosophy that internal border control between member states could be abandoned, but at the same time, external border control would be assumed by those member states who have external border control, so there would be harmonized EU standards on the external border control. And external border control, from the outset, it had always

[91] For reforms adopted in Amsterdam Treaty, see section 3.3.1. and new competences introduced for supranational actors see table 3.2. Following the Amsterdam Treaty, several action plans and programmes were negotiated and adopted in the European Council meetings in order to put the objective of AFSJ into practice. See van Munster (2009, p. 72-78), Geddes (2008), Kaunert (2010), Uçarer (2013), Papagianni (2006) for post-Amsterdam developments. Here in this study, and particularly in this section, the strategies of the Commission to reinforce and guarantee its status in the JHA field are discussed to illustrate ongoing struggle for power within the context of the second function of the EU EBM.

[92] Member States decided "to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of this Treaty" (preamble of TEU, 1997).

[93] Interview with an official from the European Commission (EU COM-1)

> control function… Schengen Information System was also set up and applied at the external borders. … Next to the abolishment of internal border control, the Schengen rule set up a strong network of police cooperation and judicial cooperation between member states. The security component was always present from the very beginning in the Schengen law and then later on in the EU Law.
>
> Many academic writers [argue] that until 2001, 9/11 attacks, the EU policy was liberal and based on free movement and it suddenly then they come to securitization …but this really does not correspond to the fact. …The security component was already present before 9/11, and it is also present afterwards. But it is not true that there was a complete policy shift".

The official from the Commission did not agree with the shift in the Commission's narrative and its securitization of migration at the EU level. The interviewee's statement that "the security component was always present since the outset of intergovernmental cooperation, and it was not the Commission alone that securitized the issue" certainly has merit. However, as highlighted aptly by van Munster, "although the Commission was not the principal driving force behind the securitization of immigration, its strategic choice to gain some influence over JHA activities nonetheless helped to enlarge the scope and reach of the European internal security field" (2009, p. 62). Thus, the question of the author of this dissertation, was indeed about the securitization of migration at the EU level, not at the intergovernmental level. Furthermore, although the interviewee drew attention to the discussion on the policy shift after the 9/11 attacks, the question posed aimed at asking the reason for the shift in the framing of migration that took place five years before the attacks.

In the first place, this dissertation explicitly supports the argument that border security policies did not emerge particularly as a response to external threats. There are several underlying processes internal to the EU integration project. As emphasized by many, securitization did not emerge as an outcome of the 9/11 attacks (Neal, 2009; Boswell, 2007; D'Appollonia, 2012), which is also underlined by the interviewee. As suggested by Singler (2019), securitization of migration at the EU level involved Community institutions and instruments other than only member states and emerged as a result of the critical juncture between 1992 and 1997, based on specific conditions, in which the competence maximization and legitimacy seeking concerns of the Commission determined the course of migration policies at the EU level. With the Amsterdam Treaty and following initiatives,

securitized framing of migration has become a settled practice in the EU (path dependence) (Singler, 2019). This development was welcomed by the Member States who were long-time supporters of restrictive policies and the Commission itself as it would now be able to promote its own solutions, ideas and technical expertise. Thus, the author wanted to clarify that point as follows:

> The author: The Commission until late 1990s, was defining issue with references to, for instance, economic, education, development policies. But later on, this has changed. I thought that this shift might be related to maximizing its competences, because initially, the proposals of the Commission were widely rejected by the member states. After that, the Commission also started to link these issues to security in the proposals towards late 1990s, that is, before 9/11. Can this be due to its widening the policy issue and increasing its competences so that it can be more involved in the policy-making process?[94]
>
> Official of the Commission[95]: "Again, I have to disagree. The competences of the EU…were significantly extended to cover the field of justice and home affairs through the Amsterdam Treaty. Before [that], the possibilities for the Commission to submit proposals and having them adopted was very limited, and it was legally non-binding acts, only resolutions…Afterwards, the Treaty gave us competences. Then of course, the Commission tried to make use of these competences and the way in which the Commission did this was based on a number of considerations …economic considerations, or considerations related also to security, like a national policy. This was a mix of different considerations... and the Commission not took over from member states and defined what previously was defined at the national level. Again, it is not true that was a shift…If you look at the substance of the proposals, you will not find this shift".

For the same question, another official from the European Commission gave his opinion on the narrative shift as follows:

> Official of the Commission[96]: "In this regard, the late 1990s did not present [migration] as immediate external threat, but the rights and cross-border mobility and other global

[94] This was also the argument of several scholars in the field (Singler, 2019; Van Munster, 2009).
[95] Interview with an official from the European Commission (EU COM-1)
[96] Interview with an official from the European Commission (EU COM-2)

challenges like terrorism still required to adopt more comprehensive stance on migration because the overall primary goal has always been the safety of the EU citizens. The shift in narrative reflects a proactive approach, so it is not only reactive. There was an opportunity to act in a proactive approach to anticipate this and to address potential challenges …[Schengen] dissolved borders, and then you also need to think other things as well in terms of addressing security issues."

While the second official from the European Commission seems to agree with a shift in the narrative of the Commission, he again links that shift to the security concerns associated with the abolition of internal borders within the Schengen context. Despite the emphasis on inter-institutional dynamics and some impact of structural constraints on the positions of the actors in the question asked, both officials have linked the issue to the mix of considerations but not to the competence maximization strategy of the Commission or inter-institutional relations of the time. It is definitely the case that the Commission, since the very beginning of the cooperation on migration, has had a mix of considerations ranging from illegal employment to illegal migration and associated challenges. However, the shift in the framing of migration from a de-securitized to securitized basis was so apparent that it was observed and emphasized by many who associated that shift with broader structural dynamics of the field (Singler, 2019; van Munster, 2009; Uçarer, 2001) Thus, contrary to what the official from the Commission (EU COM-1) stated that the substance of proposals did not indicate any shift in narrative but mixed concerns from the very beginning, the scholars, by examining the Commission documents in 1980s and 1990s, demonstrated that the Commission changed its definition of the problem (Singler, 2019), and suggested that Commission acted strategically to convince Member States for further delegation of power without antagonizing them (Uçarer, 2001).

Considering the argument in the literature that the policies proposed and adopted at the EU level are not always based on evidence (Singler, 2019; Pacciardi, 2024; Zaun and Nantermoz, 2021, 2023), and they emerged even before the political intention or declaration for their necessity (Leonard, 2007; Brouwer, 2008), it is also essential to discuss the driving factors for the proliferation of security measures. This tendency in the migration policy field is notably expressed by Guiraudon (2003, p.268) as "'solutions' had been devised before 'problems' had been defined". Related to these claims, the following questions were asked to the officials:

The author: How does European Commission develop its policy suggestions? Does it follow an evidence-based approach to policy making? Considering the proposals and communications of the European Commission on migration, asylum or border-related issues, do you think that the Commission is taking evidence-based approach regarding the necessity and proportionality of practices or strategies such as surveillance technologies and large-scale databases?

Official of the Commission[97]: "Yes, when we do proposals, we make an effort based on all available evidence and consultation. Sometimes evidence is extremely hard to find notably in the field of migration. For irregular migration, motivations for irregular migration, evidence is sometimes impossible to have number of irregular migrants in the EU until today…we do not know how many there are and what are real drivers. Of course, we are supporting evidence-based policy making but there are limits to evidence. So, we are also basing ourselves on the experiences of stakeholders and notably member states. They are main partners, and they took responsibility… we discussed with member states and civil society how they see the things in advance consultations. We try to find a common denominator which provides the added European value".

Official of the Commission[98]: "This kind of policy making is both structural and also evidence based. Every proposal that we put forth is backed by assessments, consultations and evaluations. For instance, the creation of Frontex and the emphasis on advanced surveillance technologies are direct responses to evolving challenges at the borders, so we are trying to align our strategies in terms of relevance and balance, by continuously looking at impact and effectiveness… For instance, in legislation we introduce recurrent evaluations periods…Based on that evaluation, … we get in touch with all sorts of stakeholders, member states, Frontex, border authorities... and based on that input we come up with recommendation whether to review or keep it as it is…"

As highlighted by the statements of the officials from the Commission, there is a considerable workload of the Commission in substantiating its proposals via impact assessments and later evaluations with the aim of providing evidence for their necessity. However, in some cases, as the interviewee concurs (EU COM-1), clear evidence is not

[97] Interview with an official from the European Commission (EU COM-1)
[98] Interview with an official from the European Commission (EU COM-2)

possible to find, and thus, the measures proposed and adopted might not be proportional and even necessary. The added value of those impact assessments and evaluations for the evidence-based policies and the effectiveness of policies on the ground are also questionable given their internal functionality for the Commission.

In the rest of this section, the developments from the 1997 Amsterdam Treaty to the end of the transitional period set by the Treaty are discussed with respect to the technocratic role of the Commission in the field. Claiming technical expertise to solve complex cross-border problems like immigration as it described, the Commission's policy narratives concentrated on effective management of migration-related matters, which reinforced its power vis-à-vis the Council. However, the adoption of a securitized framing of migration and technocratic role did not necessarily mean that the Commission joined the intergovernmental coalition. In other words, it maintained its integrationist and liberal stance in most of its proposals together with the EP, as illustrated by proposals within the context of common asylum policy (see section 3.3.1).

The emphasis on the technical aspects of the issue by the Commission can be deemed as an outcome of its long-time efforts to be involved in the policy-making process. This, in time, solidified the technocratic role of the Commission, which now started to use the "effective border management" strategy as a new venue for mitigating structural constraints over its power by convincing member states that the Commission's role was indispensable to the management of multi-dimensional and complex issues. Thus, the moral of the story in the policy narrative of the Commission emerged as a common EU migration and asylum policy whose implementation was to be monitored, regulated, evaluated and reported by the Commission (Commission of European Communities, 2000b).

Although the Commission did not use its exclusive right of initiative in the first five years following the entry of the Amsterdam Treaty, it submitted a number of proposals on JHA related issues as it had shared the right of initiative with the member states. In its communications and proposals for legislative acts, the Commission started to offer some technical solutions such as the "exchange of statistical information in the field of asylum and migration" (Commission, 2001a) on the request of the Council and European Council, alongside its usual emphasis on a comprehensive approach to migration at the EU level. Despite its limited role in the first five years, the Commission was able to prepare its institutional capacity for the aftermath of the transitional period. For the Commission, "the

intermediate period represents an opportunity to consolidate its agency by demonstrating its usefulness as a locus of technical expertise, institutional memory, and brokering between member states" (Uçarer, 2001, p.13).

Following the signature of the Amsterdam Treaty, the "Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice" was adopted by the Council upon the request of European Council to be presented at the meeting in Vienna (Council of European Union, 1999)[99]. Both institutions were in the spirit of inter-institutional cooperation and the action plan was moderate in terms of competences bestowed on the supranational institutions, as it stated that "what is important is not so much where the right of initiative lies, be it shared or exclusive, as the way in which this right is exercised" (Council of European Union, 1999, p.2). Once again, it was emphasized that the common denominator of areas or concepts of freedom, security, and justice is "people"- the new referent object of internal security, replacing the internal market as discussed above- and those areas are dependent on each other to be achieved in full (Council of European Union, 1999, p.2). With reference to Article 61 (a) of TEC (1997)[100], the Council and the Commission underlined the direct link between the area of freedom of movement and the measures to combat and prevent crime (Council of European Union, 1999).

The first major development of the transitional period was the Tampere European Council (1999), which defined the priorities to realize the objective of AFSJ. The conclusions of the Tampere meeting gave considerable room for the Commission to expand its influence and agenda-setting powers. European Council (1999) firmly expressed its commitment to maintain the objective of developing the EU as AFSJ at the top of the political agenda and to keep progress in implementing required measures set by the Amsterdam Treaty and the Vienna action plan under review. To this end, the Commission

[99] In this and other official documents, namely, proposals, communications, action plans, decisions, progress documents and so on, this dissertation examines particularly the sections on "asylum, external borders and immigration" as policy areas covered within the scope of the EU EBM, which is narrowly defined in this study, excluding other JHA policy areas such as "judicial cooperation in civil matters" and "police and judicial cooperation in criminal matters".

[100] Article 61 (a) of TEC (1997): "within a period of five years after the entry into force of the Treaty of Amsterdam, measures aimed at ensuring the free movement of persons in accordance with Article 14, in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration, in accordance with the provisions of Article 62(2) and (3) and Article 63(1)(a) and (2)(a), and measures to prevent and combat crime in accordance with the provisions of Article 31(e) of the Treaty on European Union".

was invited to prepare an appropriate scoreboard. Management of the scoreboard and evaluation of progress gave important leverage to the Commission in terms of agenda-setting in the field as monitoring and updating the scoreboard every six months put pressure on member states (van Munster, 2009; Kaunert, 2010; Commission of the European Communities, 2000a). The scoreboard submitted by the Commission to the EP and the Council involved objectives, actions needed, responsibility, timetable for adoption and state of play for seven main sections in line with the Tampere conclusions (Commission of the European Communities, 2000a)[101]. The scoreboard was also functional for researchers, particularly those studying policy narratives of actors, to follow objectives settled for each policy area and actions taken by relevant actors and to trace the evolution of the ASFJ field in the very early years.

The Tampere European Council (1999) called the Council and the Commission to work for the immediate implementation of the Amsterdam Treaty in cooperation with the EP and report back the implementation of action plans to the European Council. Regarding "common EU asylum and migration policy", measures were offered under four headings: "partnership with countries of origin", "a common European asylum system", "fair treatment of third country nationals" and "management of migration flows" (European Council, 1999). The Tampere meeting was also a landmark in terms of the external dimension of migration and asylum policies and the adoption of a root cause approach in migration management that was long supported by the European Commission. In terms of the role of the Commission in the JHA areas, the Tampere meeting contained favourable instructions for the Commission in designing the external dimension of the field, compensating relatively the inactive role of the Commission in the 1990s (Boswell, 2003). In the area of the "common European asylum system", the Commission was invited to make proposals for necessary decisions to be adopted by the Council for the objective of setting a common asylum system based on the timetable and priorities set by the Amsterdam Treaty (European Council, 1999). Furthermore, the Commission was asked to submit communication on the issue of "common asylum procedure and a uniform status" for people granted asylum and to work on the possibilities for arranging financial reserve in the event of a mass influx of people for

[101] See Commission (2000a) for the first section of the scoreboard on "Common EU asylum and migration policy" (the first scoreboard issued by the Commission as well). This was followed by several updated versions until the end of 2003 (Commission, 2004c), such as COM (2000) 782 final issued for the second half of 2000 or COM (2002) 261 final issued for first half of 2002 (Commission of the European Communities, 2000c, 2002c).

protection (European Council, 1999, para.15). Thus, the Commission was given the exclusive right of initiative for asylum issues by the member states, even before the end of the transitional period (1999-2004), which illustrated that the Commission won the confidence of Member States with its facilitative role in promoting common rules of the management of asylum (Uçarer, 2001, p.13).

From 1999 to 2004, the Commission, empowered in constitutional and institutional terms, had tried to reinforce its position in the JHA field by defining its expertise as an essential element of collective policy-making (Uçarer, 2001) and submitted a number of proposals and communications on the issues of asylum and migration requested by the European Council in Tampere[102], in the areas ranging from "temporary protection", "minimum asylum standards" to "uniform visa format" and "minimum standards for the reception of asylum seekers" (Commission, 2000c, 2001b, 2002c). Focusing on how the Commission took advantage of its formal and informal agenda-setting power to improve its position in the asylum, migration and border management, despite the constraints of the Member States and tensions among the DGs within the Commission,[103] fits better to the purposes of this dissertation than explaining each measure presented in these documents. Thus, it is essential to reveal how the Commission defined itself as the central actor in the management of these policy areas by paying attention to its emerging and evolving technocratic role in the EU EBM field.

Within the context of NPF, this study has already discussed several solutions (moral of the story) offered by the Commission since the 1980s, some of which were not favoured by the Member States, particularly on the grounds that they would require enhanced competences for the Community institutions – the Commission, the EP and the ECJ. Towards the end of the 1990s, securitization of migration was adopted as a strategy to convince Member States to further delegation of power to the Commission. The EU EBM

[102] See biannual scoreboards for presented and finalized proposals and communications in the field of asylum and migration.

[103] In this study, whether each proposal of the Commission was accepted and adopted by the Council as legislative acts, with or without amendments, was not examined. This information can be found in the scoreboards of the Commission. The focus of the study is rather on the strategy of the Commission in improving its role and the powers delegated to the Commission. In the transitional period, the number of Commission documents are quite a few and most of them have references to each other and involve all objectives settled in the policy field under Tampere framework, despite their special focus on one aspect such as illegal migration or return policy. Thus, the author puts particular emphasis on novel aspects and technical expertise claims of the Commission. Examining proposals and amendments in this period is beyond the scope of this study. However, there are some references to the amendments by the Council and the EP, when the policy core and secondary aspects of the policy are evaluated within the context of the ACF.

field has been freed from the monopoly of Member States to a certain extent thanks to the Amsterdam reforms and particularly the Tampere meeting and following action plans, the European Council meetings calling for a comprehensive approach and integration of external and internal policies in the management of migration and asylum. However, the securitized and restrictive framing of migration has remained the core exercise of the policy field despite the comprehensive agenda.

Comprehensive and integrationist policies and measures were always on the agenda of the Commission, which, with the support of the EP, has continued to promote common policies on migration, asylum and border management since the early 2000s and has defined itself as well-equipped to deal with such challenges. Based on the selected texts of the Commission, regardless of their acceptance or adoption by the Council, it is possible to reveal the role the Commission set for itself in terms of technical expertise, following its empowerment by treaty reforms and institutional capacity[104]. Indeed, since the very beginning of cooperation in the field and in the absence of officially delegated powers, the Commission has always been part of the policy-making process either as an observer or as a mediator among member states and has been able to design new roles for itself depending on the contextual framework.

In the first scoreboard published by the Commission, it was stated that the "scoreboard should be more than a purely mechanical instrument to facilitate the internal monitoring…and should rather be, first and foremost, an instrument for helping to achieve an objective" of creating an AFSJ (2000a, p.4). In this context, one of the purposes of the scoreboard was specified as "to exercise pressure on any identified areas of delay so that those responsible are reminded of the need to rediscover the political commitment" (Commission, 2000a, p.4). This gave the Commission an agenda-setting power beyond the formal delegated power of monitoring (Van Munster, 2009).

In the 2000 Communication on a "Community immigration policy", the Commission reiterated its long-standing, but inhibited, position towards common migration policy that would entail every possible aspect of movement, such as admission, return, family reunification, integration, detention, partnership with countries of origin, combating illegal

[104] In the referenced documents, the measures offered for immigration, asylum and border management will not be emphasized in detail. Rather, the focus will be on the technical solutions and initiatives offered by the Commission.

migration and so on, in which the Commission had already presented or planned various proposals within the context of the Tampere framework (Commission of the European Communities, 2000b). However, "the Commission believes that we cannot rely simply on a piecemeal approach to the legislative programme foreseen in Article 63 of the EC Treaty", which is also fully supported by the EP (Commission of the European Communities, 2000b, p.3). With respect to its role, the Commission emphasized that "the best way to achieve a regulated immigration policy is to establish an overall framework at EU level", in which it would be the co-ordinator of "co-operation, exchange of information, and reporting" (2000b, pp.14-15). In the same text, the Commission also underlined its potential role in "monitoring and evaluation" of the EU immigration policy and the need for more information about migration flows and patterns, illegal immigration and the impact of migration on the EU and non-EU countries of origin and a European Network to coordinate research activities (2000b, p. 20-21). These keywords of information, monitoring, evaluation, and research in the texts were the forerunner of the Commission's future role:

> "The Commission is aware of the need to improve the collection and analysis of statistics on migration and asylum and will participate actively in the on-going debate as to how this can best be done. In this context consideration will be given to the establishment of a legal basis for the collection and analysis of statistical data in these fields" (Commission of the European Communities, 2000b, p.21).

Undoubtedly, the examples of the Commission's technological initiatives and solutions are not sufficient to claim that the Commission uses knowledge for its organizational interests or competence maximization. Thus, this study finds merit in appealing to the theory of functions of knowledge to support the finding that the Commission uses technical knowledge to promote its position within the EU EBM field. In her study on the political functions of expert knowledge, Boswell suggests that there are two symbolic functions of expert knowledge: one is the legitimizing function meaning that an organisation uses expert knowledge to reinforce its legitimacy and support its claim to jurisdiction over the policy areas in concern; the other one is the substantiating function in which expert knowledge is used to support the preference of organization in times of political contestation (2008a, p.472). There is also an instrumental use of knowledge indicating that an organization uses expert knowledge to perform its mandate and achieve its goals (Boswell, 2008a). According to Boswell, the features of organization (i.e., (un)stability in

organizational field) or features of policy area (i.e., existence of political contestation or epistemic uncertainty) have considerable impact on which type of function of knowledge utilization would prevail (2008a, pp.471, 475). She further clarifies that in the instrumental use of knowledge there is a close link between organization's output needs and the research agenda, and there is no interest of officials to publicize that their policies are based on expert knowledge; in legitimizing knowledge, on the other hand, the research agenda is influenced by policy community's perceptions rather than a concern for improving the quality of output and there is a strong interest in publicizing knowledge utilization although policy-makers are not much involved in the research process; finally, in substantiating knowledge, the research findings are selectively used by policy-makers to justify certain claims (Boswell, 2008a, p. 475, see table 3.4).

Examining these functions of knowledge in the case of the Commission's policy-making in migration and asylum with a specific case of the European Migration Network (EMN) that was established in 2002 by the Commission, Boswell finds that the Commission DG Justice, Liberty and Security (JLS) does not operate in a stable organizational field due to its competition with other DGs over jurisdiction in the field and its rivalry with the Council and member states over competence, which prompts the DG JLS to search for legitimacy in immigration and asylum policy areas through specialized knowledge (2008a). Based on the structure, mandate, research and dissemination strategies of the EMN, Boswell suggests that the initial claim for instrumental use of the Network to improve the quality of migration and asylum policies was not thoroughly applied in practice as the officials taking part in different mandates had divergent views on the Network and this has caused using knowledge for multiple purposes and changing the structure, research agenda and rhetoric on its mandate (2008a). Even so, the dominant usage of expert knowledge for the case of EMN or other similar initiatives of the Commission remains symbolic, considering the shared wish to disseminate and publicize the findings of the research studies. The analysis of Boswell contributes to the argument of this study through its directly relevant case study (Commission in the immigration and asylum and EMN) and its theoretical framework that could be used to examine the Commission's feasibility studies and impact assessment documents. One impact assessment of the Commission is evaluated within this framework below.

Table 3.4. Indicators of types of knowledge utilization

Instrumental knowledge	*Legitimizing knowledge*	*Substantiating knowledge*
1 Organizational structure and substance of research reflect performance targets	1 Looser fit between structure/substance of research and policy goals	1 Structure and substance of research reflect lines of contention
2 Intensive interest in and take-up of research by decision-makers	2 Looser ties between decision-makers and research unit	2 Some exchange between decision-makers and research unit
3 No obvious interest in publicizing knowledge utilization	3 Clear interest in widely publicizing knowledge utilization	3 Selected interest in publicizing utilization (to relevant policy-makers)

Source: Boswell (2008a, p.476).

In 2001, the Commission staff working paper emphasized the need for "coherent and comparable statistical information" at the Community level and proposed several recommendations. "Introduction of Community statistics on legal immigration" is one of them suggested to address a number of challenges in the collection of statistics, such as "lack of comparability" between national data, "non-availability of data" and lack of timely delivery of regular statistics (Commission of the European Communities, 2001a, pp. 3, 7-10). The production of statistics was defined as "collection, storage, processing, compilation, analysis and dissemination of statistical information" which was considered as essential to produce proposals for legislative acts based on right choices (Commission of the European Communities, 2001a, pp.7,19). Regarding the dissemination of information, the Commission firmly suggested the abolition of restrictions on the publication of statistical data by the member states on the grounds of "political, policy or operational sensitivity" (Commission of the European Communities, 2001a, p.19).

In its communication on "a common policy on illegal migration", the Commission listed potential areas for action in fighting illegal immigration. In countering illegal migration flows, it put much emphasis on technical aspects of the issue, such as "intensive information exchange, knowledge transfer and financial support for justified control efforts", "further development of the network of liaison officers", "joint teams for border controls",

establishment of “permanent technical support facility” to assist “information gathering, analysis and dissemination”, “creation of a European Migration Observatory” (Commission the European Communities, 2001c, pp.3-4). Within the same document, the Commission announced that it would carry out “a feasibility study on the creation of a European Visa Identification System” (2001c, p.4). This system was defined by the Commission as an alternative and complementary initiative to the steps taken by Member States to harmonize and secure their visa policies (i.e., uniform format for visas), by exploiting modern computer technology to exchange information on visas through online electronic system (Commission of the European Communities, 2001c, p.13). The Commission also called for European level information gathering, exchange of intelligence and in-depth analysis of data and enhancement of technical infrastructure of Early Warning System that was introduced in 1999 (2001c, pp.14-15). The Commission, in a way, was either suggesting the development of new technological systems and databases or calling for the improvement of Member States’ initiatives with appropriate modern technologies and the development of European level expertise. At this very early stage of cooperation and development of databases through new technologies, the Commission set the stage for future practices of multipurpose use of databases. As highlighted by Sadık and Kaya (2020, p.8), databases such as Schengen Information System (SIS), Visa Information System (VIS) and Eurodac extended their initial purposes of border, migration and asylum management and were used for purposes of law enforcement and internal security by authorities that were not initially given access to these databases.

3.3.2.3. The European Commission in the Aftermath of the Transitional Period (Post-2004): Keeping a Comprehensive Approach and Supporting Technocratization

At the very beginning of this chapter, the role of impact assessments in defining the identity of the Commission and legitimizing its proposals was emphasized with reference to the analysis of Radaelli et al. (2013), who studied impact assessments within the context of the NPF. In their analysis, they found that the Commission presented itself as an evidence-based organization, a diligent agent, and a responsive actor (2013, p.512). Impact assessments of the Commission are essential documents to observe each narrative component suggested by the NPF (setting, victims, villains, solutions) and how the Commission promotes its role and position within the field alongside providing evidence-

based policy proposals in an ideal sense. For instance, in its impact assessment on the "proposal for a Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas" (SEC (2004) 1628), the Commission defined several problems associated with the implementation of common visa policy: lack of timely exchange of information on visa applications or refusals between member states, travel document frauds, visa shopping and illegal immigration (Commission of the European Communities, 2004a, pp. 5-6). Based on the objectives set by the Council to address the above-mentioned problems, the Commission offered four policy options (No VIS, Entry-Exit system, VIS without biometrics and VIS with biometrics) and examined their impact by looking at several indicators (i.e., financial costs, benefits, contributions to internal security or impact on human rights and privacy) and laid down advantages and disadvantages of all options (Commission of the European Communities, 2004a). Finally, the Commission found the VIS with biometrics as the best option for addressing the challenges to common visa policy (see part 5 of the IA for details, Commission of the European Communities, 2004a).

The structure and substance of the IA suggest that the Commission was conducting an extensive research on policy alternatives and justified its policy proposal by evaluating the proportionality and European added value of each option. According to Boswell (2008a), reliance on technocratic modes of justification accommodates the liberal and human rights-oriented position of the Commission, which defines itself as impartial and isolated from political and nationalistic positions. As a matter of fact, the impact assessment reflects the concerns of the Commission about the impacts of policy alternatives on privacy and human rights. However, it seems that despite the concerns raised by public authorities during stakeholder consultations regarding the disproportionality of VIS as a response to the perceived threats, the Commission's final policy choice emerged as the most technological and costly alternative. The Commission believed that flanking measures would be able to compensate for these costs, and the objectives settled for common visa policy could only be achieved with the last option (Commission of the European Communities, 2004a, p.23).

The Commission seems to rely on expert knowledge to justify its preferences, increase its resources and leverage over policy area, and show that it did not remain unresponsive to the problems of implementing common visa policy and considered all policy alternatives. As highlighted by Boswell (2008a, p. 477), the Commission is eager to portray itself as

possessing superior access to data, which allows it to obtain the kind of cross-national perspective that national governments are unable to obtain. When read together with the Commission's proposal (2004b, COM (2004) 835 final) and features of the organization and the policy area (AFSJ/JHA), it is possible to reach similar findings with that of Boswell's study, but with a blend of all different functions of knowledge utilization. For instance, in the proposal, the Commission (2004b, p.2) stated that the Council Decision (2004/512/EC) establishing the VIS "gives the Commission the mandate to develop the VIS at technical level". Based on that mandate, the Commission conducted an extended impact assessment to find the most effective policy design to realize targets settled by the Council to improve the implementation of common visa policy, which corresponds to the instrumental use of knowledge. On the other hand, in contrast to instrumental utilization, the Commission had a clear interest in publicizing its knowledge utilization considering its activity in stakeholder consultation, monitoring and evaluation, as it wanted to be seen as an evidence-based, responsive and inclusive actor that would legitimize its position (legitimizing knowledge). Lastly, it is evident that the Commission opted for one option (VIS with biometrics) among four, substantiating its preferences and those of member states for the inclusion of biometrics to the VIS by highlighting the higher European added value of this option and the possibility to compensate negative impacts of it on fundamental rights (substantiating knowledge).

In sum, it is possible to observe in all documents published during the transition period and its immediate aftermath that the Commission has firmly emphasized the importance of technological improvement in dealing with immigration and asylum flows and its facilitative role in these novel attempts through its feasibility studies and impact assessments. Furthermore, the Commission highlighted the importance of improving the expertise of the Community in technical terms to effectively carry out constitutionally given mandates. Although it is beyond the scope of this chapter, it is essential to emphasize that the Commission's technocratic role in the EU EBM field has been consolidated considerably over time through its communications, impact assessments, evaluations and working papers in which the necessity for new technologies of surveillance has been underlined and many of them have been accepted and adopted by the Member States. For some, one of the implications of such proliferation of technologies and databases is the creation of insecurities to be solved by new technologies (Singler, 2019; Bigo, 2002, 2014).

Starting her analysis with the question, "Who should be in charge of immigration policy: elected officials or experts?", Paul (2018, p.1) examines the function of democracy and technocracy in migration management. Underlining the value of an evidence-based approach to policymaking undertaken by technocratic bodies such as the European Commission, Paul (2018) also notifies the risks of solely relying on expert knowledge and depoliticized migration policy that lack democratic scrutiny and deliberation. The term 'de-democratization' instead of depoliticization may be more appropriate to use in this framework, considering that politics is inherently present in migration policy. Even if it is based on expert knowledge, research findings might be selectively and strategically deployed by policymakers without proper consultation with the public, as argued by Paul (2018). This last case is an example of the substantiating function of knowledge in which officials select and use findings of research that promote its policy preferences (Boswell, 2008a, p.475). As stated by many, the Commission, unlike the national ministries, is not subject to scrutiny by the relevant national authorities and does not have direct accountability for the societal impacts of its policy initiatives (Boswell, 2008a, p.478; Paul, 2018). Based on these evaluations, it is possible to arrive at the conclusion that the Commission achieves legitimacy through talk and technical expertise rather than practice and impact (Boswell, 2009, p.215).

Regarding this tendency of the Commission to depoliticize issues and suggest solutions in technical aspects, the following question was asked to the officials of all three institutions, namely, the European Commission, the Council of the EU, and the European Parliament:

> Author: What we observe in the case of external border management is 'securitization in policy objectives and de-politicization in policy design'. In other words, the European Commission securitized migration but opted for de-politicization of migration and border management and claimed technical expertise to solve these complex issues. How can we explain this motivation of the Commission in depoliticizing the securitized migration and border policies?
>
> Official of the Commission[105]: "I don't agree that the European Commission is depoliticizing [the issue]. Border control is a very political thing, and we are

[105] Interview with an official from the European Commission (EU COM-1)

acknowledging this. Border control has different objectives. In the Schengen component, we need harmonized standards for protecting our borders, and this includes, on the one hand, a more liberal approach that we should facilitate legal border crossings for travellers … but at the same time we check for security reasons. Both go hand in hand. I really have to reject this argument that the European Commission just focuses on securitization and depoliticizing [migration and border management]. Both are not true. We have different objectives in border control context".

Official of the Commission[106]: "In addressing border management challenges, we have rather practical and solution-driven approaches. Therefore, we really try to emphasize technical expertise over political debates. We are also trying to ensure that our strategies are rooted in pragmatism on the one hand but also result-oriented…Depoliticizing is something really important because, in the end, there is a legal framework that we need to come up with and somebody needs to implement this. We really try to keep it technical, result-oriented and efficient and practical… There is a lot of political discussion because the spectrum is also very wide. It goes from extreme left to the extreme right… These voices go from abolishing Frontex to coming up with a huge wall to stop any kind of immigration… Therefore, our policies are definitely to keep it technical as much as possible.

What Commission does is not only that we come up with regulations and implement and that is it, no! We really evaluate the overall process. There are the Schengen evaluations, for instance, it is a very strong tool in looking at all different aspects of Schengen, including border management…The Commission comes up with very detailed evaluations to observe, have findings and furthermore to come up with recommendations which are really important. If member states do not follow them through, it can lead to infringement procedures… Member states can even get severely penalized for that thing. Commission is not exactly implementing the regulations, but they do have a strong evaluation mandate, which also steers political discussions. Because these recommendations are then discussed in the Council. So, I think there is also matter of reputation and blaming and naming…"

[106] Interview with an official from the European Commission (EU COM-2).

Official of the Council: "For depoliticization, there is a simple reason for that. Everything that has to do with borders and particularly external border management is very political because it touches on the core competences of the member states, so it is something that immediately leads to a political positioning in the various member states with sometimes very different positions between member states. The only solution for the supranational level and the EU level is to make sure that you …not go into that politicization and you go into purely the border management aspects… As soon you start politicizing things and you make it too political …it is much more difficult to get solutions. That is the reason why and I think rightly the Commission is trying to depoliticize the issue"[107].

Official of the European Parliament: "In terms of depoliticization, I think, the EU worked to approach certain very sensitive topics in terms of technocratic manner... It is purely an implementation body; it is not a policy maker or not a legislator clearly… I think risk analysis of the agency [Frontex] is good point to refer for that purpose given that it aims to create a certain technical level playing field in very sensitive area. If you have common picture of situation on data, statistics, it creates less room for argument, conflict and intense debate when … common European data is there to be seen. The risk analysis data comes from member states, as well as the monitoring that the agency does itself and external sources. So, I think it, through slow, step by step approach has created a kind of trust-based approach which is key for reaching a cooperation in quite a politically sensitive area. We have seen instances where lack of cooperation amongst a member state and a third country, non-EU country can create huge difficulties in managing migration. So, it is clear that what can be done to depoliticize it would be important"[108].

Based on the opinions of the officials, it is possible to argue that while they are not very familiar with the securitization aspect of the issue in a theoretical sense[109], depoliticization, on the other hand, appears as an issue that is considered in practice by the institutions. While they all suggest that border management is inherently a political issue due to its sensitivity for member states, they mind the depoliticization as a condition for

[107] Interview with an official from the Council of the EU (EUC-1).
[108] Interview with an official from the European Parliament (EP-1).
[109] For instance, the official from the Council of the EU stated that he is not very familiar with the aspect of securitization which happened quite some time ago, as he was referring to the question that emphasized the context in the years of 1990s (EUC-1).

effective implementation of border management by emphasizing the difficulties of dealing with the issue at the political level given the different positions of member states. Once again, in none of the answers, there was an expression on political motivations or internal interests of institutions behind securitization or depoliticization strategies that worked for competence maximization.

Singler (2019) adeptly observed the Commission's strategy to initially securitize the problems to convince member states to have more power in the field and then offer solutions at the technical level. Based on the interviews with the officials from the Commission, he suggested that the Commission first securitized the issue in order for its proposals to be accepted by the Council, and then it opted for not operating within the high levels of politicization that would constrain itself and increase scrutiny over its work, and thus, in order to distance itself from this oversight and maintain its autonomy, it emphasized the technical aspects of implementation and its expertise on that (Singler, 2019, pp. 74-75).

With respect to this policy-framing process in the Commission, Smith (2014, p.55) takes policy-making as 'political work' that involves "problematization, instrumentation and legitimation" as overlapping processes and applies this framework to the Commission's policies in selected cases. He combines institutionalism with constructivist and sociological approaches in explaining the Commission's policy-making process. In this frame, problematization refers to a process of defining social issues as problems to be addressed, while instrumentation[110] indicates the formulation and adoption of instruments to tackle the problems defined, and legitimation amounts to the justification of policies that might include politicization or depoliticization (Smith, 2014, pp.58-60). The strategy of the Commission in the EU EBM field, particularly with its empowerment by treaty reforms and subsequent action plans to implement them, is found very much in line with Smith's description of policy-making. For instance, the Commission first problematized the migration issue by defining it as a complex problem that was unstoppable at the national borders (Commission of the European Communities, 1996), and then it defined the tools to deal with the problem -the transfer of JHA issues to Community pillar and an introduction of QMV. After framing migration and asylum as a security threat and winning the Council's favour, it opted for solutions at the technical level and depoliticized the issue.

[110] See Lascoumes and Le Gales (2007) for detailed analysis on public policy instrumentation.

At this point, it is also important to consider and differentiate the meanings of and relations between securitization, (de)politicization, and technical expertise within the context of this study. In other words, securitization, which is commonly defined as the extreme version of politicization by the Copenhagen School (Buzan et al., 1998, p.23), and depoliticization are not mutually exclusive within the framework of the Commission strategy on migration management. To elaborate, if we take depoliticization as an effort to view migration as a technical issue to be solved by technical means, it is not necessarily about automatically rejecting migration as a political phenomenon, but it is the very result of the Commission strategy to promote itself as the technical actor to solve problems effectively.

Concluding the analysis on the role of the Commission in the EU EBM field and how it engaged in the policy-making process, it is essential to emphasize the role of structural factors that constrained the agency of the Commission, driving it to develop new strategies to guarantee its status in the field even in the absence of meaningful delegation of power from the member states. In his study on "delegation, agency and agenda setting" in the European integration process, Pollack (1997) examines the independent causal influence of supranational institutions, particularly the European Commission, based on rational choice institutionalism and the insights from principal-agent analysis. The findings of Pollack's study suggest that although preferences of member states (principals) and oversight procedures and sanctions constrain the actions of supranational institutions (agents), there is still room for those supranational institutions to act autonomously and set the agenda for principals (1997). For instance, in the cases where the Commission did not have formal agenda-setting power (exclusive right of initiative), it can still have an influence over final decisions with its ability to define issues that are welcomed by the principals particularly in times of high uncertainty regarding problems and solutions (Pollack, 1997, pp.111, 128).

There are several instances in which Member States, as principals, monitor and sanction the Commission (agent) in the JHA field. As Pollack (1997, p.111) suggested, sanctioning involves positive and negative sanctions, the former rewarding the appropriate behaviour of the agent while the latter punishing the shirking of the agent. For instance, while the Member States took the Commission to the Court due to its 1985 decision (85/381/EEC) that was claimed to extend competences of the Commission laid down in the treaty, the securitized framework of the Commission in the eve of negotiations preceding the Amsterdam Treaty and it's not exceeding its competences was rewarded by the Member

States with further competences in the Amsterdam for the Commission and with reliance on Commission's proposals in the management of migration afterwards. On the other hand, institutional checks and judicial review were also emphasized as mechanisms of Member States to control agents, for instance in terms of the legality of Commission actions that may be found void by the Court based on articles 173 and 174 of the Treaty (Pollack, 1997, p.116). Indeed, this was the case in the Commission's above-mentioned decision, which was taken to the Court by the Member States on the basis of the first paragraph of Article 173,[111] and the Court declared the Commission decision void due to lack of competence of the Commission (Court of Justice, 1987).

Thus, when supplemented with the new theories of European integration, like new institutionalism or sociological approaches to integration, the "turf wars" argument of the functionality approach becomes more explanatory, mitigating its overemphasis on agency of actors. There are several cases in the EU EBM issues where the Commission acted as formal and informal agenda setter, undisputedly within the confines of member states' preferences. For instance, in the field of AFSJ, Member States delegated authority to the Commission to monitor progress for objectives set out in the Tampere European Council (1999), which is one of the functions of delegation of authority emphasized by Pollack (1997, p.103).

With reference to this 'agency-principal' analysis, Uçarer (2001) suggests that although the Commission's agency in the JHA field has been strengthened in time in institutional and constitutional terms, member states -principals, having delegated certain responsibilities- have retained their control and sanctioning power over the autonomy of the Commission (see table 3.5). In the early years of the JHA cooperation, the Commission's autonomy was constrained both by constitutional factors in that Member States did not delegate substantial powers to the Commission and retained unanimous voting in decision-making, and by institutional challenges due to lack of human capital and budgetary concerns of the Commission (Uçarer, 2001). Constitutional empowerment of the Commission initially emerged with the shared right of initiative ensured by Article K.3 of the Maastricht Treaty, despite continuity with unanimous voting and introduction of new and ambiguous policy

[111] Article 173 of the Rome Treaty (1957, first paragraph): "The Court of Justice shall review the lawfulness of acts other than recommendations or opinions of the Council and the Commission. For this purpose, it shall be competent to give judgment on appeals by a Member State, the Council or the Commission on grounds of incompetence, of errors of substantial form, of infringement of this Treaty or of any legal provision relating to its application, or of abuse of power".

tools, such as joint actions and positions; and then it was further strengthened with the Amsterdam Treaty (post-2004) that gave exclusive right of initiative to the Commission and called for moving to QMW voting rule in most of the JHA policy areas (TEU, 1992; TEC, 1997; Uçarer, 2001). In institutional terms, in the absence of an influential Directorate General (DG) with technical and administrative experience in the JHA field, the Commission was not very influential in managing the workload with the Task Force for JHA that was established in the post-Maastricht period and faced with several administrative challenges particularly in terms of insufficient human resources (van Munster, 2009, p.79; Uçarer, 2001, p.7). With the creation of a separate DG on JHA in 1999, which implied that the AFSJ would be given an autonomous place within the institution (van Munster, 2009, p.80), the Commission strengthened its institutional apparatus and prepared itself for the empowered constitutional mandate of post-2004.

Table 3.5. The Evolving role of the Commission in JHA/AFSJ

		Constitutional	
Institutional		**Constrained**	**Empowered**
	Constrained	Pre-Mastricht JHA Actor	Post-Maastricht, Pre-Amsterdam Weak Agent
	Empowered	Amsterdam – 2004 Strong Agent	Post-2004 Improved autonomy (in immigration, asylum, and external borders)

Source: Uçarer (2001, p.16)

In this dissertation, the Commission's role in the EU EBM field was particularly studied in the years between 1985 and 2005. This time limitation does not necessarily mean that the struggle for power and competence wars among the EU institutions was characteristic of only this period. Competition for competence in the field has been a common exercise since the establishment of the field. The aftermath of 2005 is indeed beyond the scope of this study. Yet, the structural constraints on the agency of the European Parliament and the Commission, despite their empowerment through treaty reforms are included in this research through the scholarship focusing on the reasons for limited change in policy core after communitarization (Ripoll Servent and Trauner, 2014; Trauner and Ripoll Servent, 2016; Peers, 2013; Trauner and Lavenex, 2015; Parkes, 2015) and the studies

demonstrating pragmatic behaviour of these actors, at the expense of convergence with the positions of member states and impairing their traditional roles (Ripoll Servent, 2018; Zaun; 2018). In other words, the fact that those institutions follow a double strategy is also an important indicator of ongoing turf wars as those actors adopt various strategies to guarantee their place in the field vis-à-vis the Council. It is possible to trace those strategies by examining policy narratives of institutions well found in their official documents.

Table 3.6. Summary of policy narratives of the European Commission (1980s-2000s)[112]

Components of policy narratives	**Time Period (1980s-2000s)**
Setting/problem	Economic and social challenges for migrant communities, illegal employment, illegal migration, influx of asylum seekers, migration pressure.
Characters (Victims/Villains)	**Villains**: barriers to free movement, people engaged in illegal activities, organized criminal networks, lack of cooperation at the EU level, narrow competence for Community, restrictive legal and administrative framework, legally non-binding measures, illegal migrants **Victims:** National workforce, legally resident foreigners and migrant workers, internal market, freedom of movement, asylum seekers, EU citizens
Moral of the Story (solutions /measures)	*Improving Community legislation and implementation in the field *Safeguarding migrant communities' rights *Social, economic and political integration of immigrants *Common right of asylum *Strengthening external border controls *Controlling migration flows *Eliminating abuse of asylum right to protect free movement and rights of asylum seekers. *Reception in the region *Making migration an integral component of the Community's external policy. *Fair and efficient management of asylum applications *Securitized framing of migration *Communitarization of the JHA field *Depoliticization of migration management *Technologies of surveillance * Large-scale databases

[112] In the summary tables of the institutions' policy narratives, terms and phrases are derived from the official texts. The shifts in narrative components after 1996 were not specified in the table but they are discussed in the text on the Commission (section 3.3.2)

Table 3.6. (continued) Summary of policy narratives of the European Commission (1980s-2000s)

Components of policy narratives	Time Period (1980s-2000s)
Plot[113]	**Story of decline:** "Member states' implementation of a restrictive legal/administrative framework has proved insufficient to either control migration flows or to ensure the integration of immigrants legally settled in the country" (Commission of the European Communities, 1991a, p.9) "The situation is worrying at all political levels where free movement of individuals is concerned" (Commission of the European Communities, 1992, p.2) "Failure to meet those challenges would be to detriment of attempts to promote cohesion and solidarity within the Union and could, indeed, endanger the future stability of the Union itself" (Commission of the European Communities, 1994, foreword, para.3) "For freedom of movement to be applied in practice, solutions must also be found to complex problems such as asylum and immigration, crime, drugs and terrorism. These problems have become international in scale; none of them stops at national borders" and "the Union has been tackling these problems with outdated methods and resources" (Commission of the European Communities, 1996, p.5-6). **Story of control**: "Integrated and coherent response, which combines realism with solidarity", is key to effective immigration policy that address migration pressure and integration of legal migrants (Commission of the European Communities, 1994, foreword, para.3) "The Commission believes that the best way of attaining all these objectives would be to transfer justice and home affairs to the Community framework … in the fields most closely associated with the movement of individuals" (Commission of the European Communities, 1996, p.7).

Source: Author's own construction based on official documents and semi-structured interviews

3.3.3. The European Parliament: Human Rights Advocate or Pragmatic Actor?

"The right to asylum unites democratic countries in protecting and promoting their values".

(European Parliament, 2009)

The European Parliament (EP) is commonly known for its liberal and pro-integrationist stance on migration and asylum issues. There are considerable similarities between the policy narratives of the EP and the Commission, which appears to be commonplace to identify them within the same coalition as supranational bodies, despite not fully meeting the criteria of advocacy coalition defined by the ACF. As in the cases of the

[113] While the story of decline refers to the problem or setting in the narrative that is restrictive policies of member states in this case, the story of control offers solutions/moral of the story, that is, a comprehensive and global approach to migration combining realism with solidarity (Commission of the European Communities, 1991a) and also delegation of further competences to the Commission in the field.

Council and the Commission, there are marked cleavages among different groups of the EP (intra-institutional conflicts), which sometimes alienate the EP from the supranational coalition and its traditional liberal position. In addition to their common political positions on migration, asylum and border management issues, the EP and the Commission have adopted similar attitudes when they were constrained by the dominant actor of the field. As emphasized previously, these supranational bodies have mitigated their tenacious tones against the Council, even after their empowerment in constitutional terms. It turned out that communitarization of the policy field was not sufficient to change the policy core that had been settled by the Council and the Member States quite a long time ago. When the supranational bodies were not able to change the basic priorities and overall seriousness of the problem and policy instruments defined by the Member States (policy core), they tried to influence specific aspects of the problem and engaged in determining the administrative rules that did not challenge the policy's core but changed the secondary aspects of it, the examples of which were discussed throughout this chapter.

This last section on the EU institutions is devoted to the policy narratives of the EP within the EU EBM policy areas. Following a similar path to previous sections, major components of EP narratives and shifts in those narratives will be examined, starting from the abolition of internal border controls up until the end of the transitional period (1999-2004). Since its traditional position was already explained together with its usual ally -the Commission- the major focus of this section will be on the strategies of the EP to reinforce its position that was long marginalized by the dominant actors of the field. It is the argument of this section that the matter of survival in the field led the EP to embrace the policy core and develop in time a consensual behaviour vis-à-vis the dominant actors particularly in the aftermath of the transitional period (post-2004), but it never totally gave up its liberal position and human rights-oriented discourses in its documents on the migration and asylum issues.

In constructing this argument, this section surveys the indicators of turf wars. The turf wars comprised the 'divergent positions' in which the EP first resisted the Council's restrictive agenda with its limited agency until the communitarization of the policy areas with the Amsterdam reforms; and the 'compelled convergence' whereby the EP had to adopt the policy core following its empowerment with the transfer of major third pillar issues to the Community framework. As discussed by many (Ripoll Servent, 2015, 2018, p.385;

Acosta, 2009), despite its reputation as a liberal and rights-based institution and empowerment with communitarization of the JHA field after the Amsterdam Treaty, the EP was not very influential in changing the policy outputs that were still driven by a security-oriented logic and it even adopted a pragmatic approach bringing it close to the dominant actors of the field, namely, the restrictive member states. It can be argued that in the initial phase, the supranational actors were more willing to change the policy core, but later, this was replaced by more strategic organizational interests bypassing traditional liberal positions. Thus, the dominance of the Council led those supranational bodies to move along the spectrum of full resistance to full adaptation. In the middle of this spectrum, the supranational actors accepted the policy core but changed the secondary aspects of the policy, which is the case for the EP and the Commission in the case of this dissertation.

Although it was marginalized in constitutional terms, with no or limited powers in the field before the Amsterdam Treaty, the EP was not a passive actor in articulating its positions on migration-related issues. On the contrary, during the early phase of cooperation it produced several documents in the form of resolutions and reports calling the Council and the Commission to take action on migration policy and criticizing both institutions for their failure to do so (Papagianni, 2006). Some of these resolutions are noteworthy here to define the components of the EP policy narratives during the late 1980s and the 1990s to be followed by a discussion of the post-Amsterdam outlook of the EP in institutional and constitutional terms. Accordingly, particular attention has been given to the policy narratives since 1992, when the Committee on Civil Liberties and Internal Affairs was established, so that human rights violations within the European Community were addressed, focusing on the areas of asylum, immigration policy and racism (European Parliament, 1994a, pp. 242-249; 1994b).

Based on the major topics discussed in the previous sections, such as the internal market, free movement, abolition of internal border controls, migration and asylum from the perspectives of the Council and the Commission, this section will elaborate on the position of the EP on these issues. Since the resolutions and motions for resolutions are numerous and cover a wide array of topics associated with the movement of people and internal market objective, the documents having the same narrative components are selected randomly. For instance, the issue of free movement can be the subject of more than one resolution even in the same year. Once again, the documents are analysed based on how the EP defined the

problem/setting, victims and villains of the story, and the solutions for tackling the problems and saving the victims from suffering. Additionally, in the context of inter-institutional relations and rivalry, the EP's requests from the Council and the Commission and its criticisms against these two are highlighted.

3.3.3.1. Early Period (1985-1996): The European Parliament as a Liberal, Integrationist and Constrained Yet Active Player

Regarding the completion of the internal market and the "White Paper from the Commission of the European Communities to the European Council", the EP (Committee on Economic and Monetary Affairs and Industrial Policy) gave full support to the Commission's proposals and considered the White Paper "as a realistic programme for the achievement of a barrier-free internal market by 1992" and an "integrated programme, which must be implemented as a whole" (European Parliament, 1985b, pp.5-6). In this report, the EP suggested considering the White Paper in the wider context of social and economic policies of the Community and urged the Council to advance its decision-making procedures and use majority voting in the field without waiting for the necessary amendments in the treaties (1985b, p.6).

In the report on the communication of the Commission on the "guidelines for a community policy on migration" (European Parliament, 1985a), it is possible to observe a stronger liberal and integrationist position of the European Parliament[114] vis-à-vis the Commission. In the motion for a resolution and explanatory statement, the EP (the Committee on Social Affairs and Employment), with reference to its 1983 resolution on the problems of migrant workers, openly criticized the Commission and the Council by stating that "nothing constructive has yet been done about the requests contained in that resolution, although migration is a 'European problem' and should be tackled as such" (1985a, p.8). The EP also expressed its concerns over the lack of proposals for measures to enable the integration of migrant workers into civil and political life (1985a). In the following resolutions and reports of the EP, this migrant-friendly policy narrative has been maintained, albeit with some derogations from this liberal position when the institutional interests of the

[114] The reports of the EP generally involve motions for resolutions and references to the previous resolutions and opinions of different EP committees as well as references to the regulations and proposals of the Council and the Commission respectively. While explaining the policy position of the EP in these documents, there will be no separate references to each document mentioned in the report unless it is specifically needed.

EP prevailed over its concerns for effective management of migration observing human rights.

Regarding the narrative components, the EP defined the 'setting/ problem' as socio-economic crisis, mass unemployment, insecurity of migrant workers, restrictions imposed on migrant workers, increasing racism and xenophobia; 'victims' as migrant workers and their families; the 'villains' as certain member states imposing restrictions on migrants and certain political parties exploiting rising racism for electoral purposes; 'moral of the story/solution' as a genuine Community immigration policy that includes effective action against racism and xenophobia, granting political and civil rights, application of Community regulations and directives and controlling member states' conformity with the provisions, employment and education without discrimination (European Parliament, 1985a, see table 3.9 for exemplary plots). In the document, it is possible to see the distinction between the Community migrant workers and migrant workers from third countries as the EP particularly emphasized discriminatory practices of some countries towards the latter group that deteriorated the vulnerable situation of migrants and called for equal treatment (1985a). Within the same document, seven motions for resolutions on the issues related to migrant workers submitted in the previous years were added. They commonly addressed the problems of migrant workers, restrictions imposed upon them, unemployment, difficulties in family reunification, and discrimination on the basis of nationality (European Parliament, 1985a). Besides, they called the EU institutions, particularly the Commission and the Council, to take action, i.e., proposals for directives on the requests of the EP, to improve the rights of migrant workers in social, economic and political fields, to ensure equality between Community and non-Community migrant workers, to give a Community statute for migrant workers, to provide aid for ethnic minority groups and so on (European Parliament, 1985a, p. 18-35). The EP firmly urged the Commission to bring proceedings against Member States that did not incorporate relevant directives into their legislation before the Court of Justice (1985a, p.27). The motions for resolutions were so detailed regarding migrants' rights that even language problems of the immigrants in the Member States have become a subject of research requested from the Commission by the EP (1985a, p. 32). In this line, the EP expressed its statements in a critical manner targeting the Commission: "[the EP] deplores the fact that the Commission's memorandum does not mention the statute of the rights of migrant workers despite the repeated requests made by Parliament and therefore again calls

on the Commission to submit details of a Community statute for migrant workers as a matter of urgency" (1985a, p.14).

The EP expressed in its report on the right of asylum (European Parliament, 1987), with references to the previous resolutions and motions for resolutions on asylum issue and international agreements observing the right to seek asylum and the status of refugees, its concerns over the violation of right to asylum and non-refoulment principle given the restrictive practices of Member States, such as visa requirements, narrow interpretation of criteria setting refugee status, forced assignment to camps, ban on employment, and limited social aid. The EP called Member States to adopt a more generous approach towards people seeking asylum and set several guiding principles to remove obstacles on the right to asylum (1987, pp. 8-9). It defined the problem as diverging national responses to the influx of asylum-seekers and a lack of forward-looking consideration for solving the problem, deteriorating the conditions of people seeking protection and the unbalanced distribution of burden among countries (European Parliament, 1987). Thus, it called the Council and the Commission to urgently prepare proposals for harmonizing policies on visa requirements and asylum (European Parliament, 1987).

In the 1991 resolution on harmonization of policies, the European Parliament stated that: "[the EP] reiterates its call to the governments of the 12 Member States to conduct their intergovernmental work on the free movement of persons and internal security in a *Community context* [emphasis added] and therefore to inform and consult the European Parliament and the national parliaments in advance of the substance of the measures to be taken" (1991a, para.1). This request by the EP can be considered as a response to the intention of 12 Member States to sign a convention outside the Community law on the issue of external frontiers, as the EP emphasized in the preamble of the resolution (1991a). It also emphasized in the preamble that the Member States, the Council and the Commission did not make a satisfactory response to the requests of the EP in its resolutions that "any decision taken on immigration and internal security should be dealt with in the same way as any other Community policy" (1991a, item E). The EP openly targeted the Commission in two consecutive paragraphs:

> "[the EP] regrets that the Commission has not submitted all the proposals within the Community's competence concerning the free movement of persons and that no reference is made to this matter in the l99l legislative programme" (1991a, para.2)

> "[the EP] protests strongly at the active role played by the Commission in the intergovernmental work of the Member States as regards the elimination of checks at frontiers in which they have assumed exclusive competence and which is at the very least questionable since the European Parliament and the national parliaments have been unjustifiably excluded and demands that the Commission take the initiative of proposing a satisfactory formula for consultation of the European Parliament on all decisions vital to the security of every Community citizen" (1991a, para.3).

The EP's opposition to the Commission, which was commonly seen as its traditional ally in the supranational coalition, was no less than its opposition to the Council and the Member States. In fact, the Commission, regarded as the proponent of integration and cooperation within the Community framework, was much expected to contribute to the solution at the Community level. Furthermore, a wave of root cause approach to external dimension of migration management of early 1990s is also observed in the resolution that put emphasis on "economic and social development and respect for human rights in the third countries" as best policies to manage migration (1991a, para.11). Once again, the EP, having regard to reports, resolutions, decisions, declarations and international agreements, reminded the requested proposals and pledged measures and noted that no sufficient Community action had yet been taken (1991b). Moreover, "the Commission… failed in its duty to protect the interests of the Community", and all the initiatives, such as the Schengen Agreement and the agreement implementing it or the agreement determining the responsible state for asylum applications, were outside the democratic control of national parliaments and the EP (1991b, item H, J, p.199). The EP emphatically called the Commission to "suspend its participation in political cooperation working parties unless the necessary progress is made at Community level" (1991b, para.6, p. 200).

In its "resolution on the abolition of controls at internal borders and free movement of persons within the European Community", the EP stated that the date set for the abolition of internal borders (1 January 1993) cannot be postponed and, thus, necessary practical measures should be taken urgently considering that there had been still no satisfactory action on this issue (1992d). While emphasizing the importance of police-cooperation, information exchange and harmonization of external border controls, and identity checks, the EP also warned that illegal immigrants were not to be identified as criminals and that the only long-term solution for the illegal immigration problem was to eliminate the root causes of leaving

the country of origin, not “stepping up police controls, surveillance and expulsions” in the EC (1992d, para.19, p.214). Referring to Article 175 of the EEC Treaty, the EP (1992d, para.22) remarked its intention to launch an inquiry and bring the issue to the court if the Commission and the Council were found they did not comply with Article 8a (implementation of free movement of persons). In resolutions on immigration and asylum policies (1992a, 1992b), the EP firmly stressed the need for harmonization of both policies at the Community level and for treating immigration and asylum policies separately in policy and legal terms. It underlined the necessity for Community regulations and directives and urged the Commission to take a more active role and submit proposals in that regard. These resolutions covered potential solutions to manage asylum and immigration issues by observing international conventions and agreements on human rights.

In both migration and asylum issues, the EP emphasized the insecurity of migrants and asylum-seekers caused by restrictive and non-harmonized national policies and suggested solutions at the Community level, empowering the supranational bodies in the implementation and scrutiny of legislative acts (European Parliament, 1985a, 1987, 1991a, 1991b, 1992a, 1992b, 1992d). As the analysis above presented, the EP published a number of documents, even in the very early stage of cooperation in the field, upon the request of the Council, the Commission and mostly by itself, and expressed its opinion clearly regarding the major developments in the EU EBM field, despite not having an institutional role until Maastricht Treaty.

Contrary to the Commission’s pragmatic approach that progress must be achieved no matter at what level, the Community or intergovernmental, the EP has firmly stood for Community competences and interests and stated that “the issues of free movement of persons and internal security already fall within the Community’s sphere of activities under existing law”, and thus, it called upon the intergovernmental conference to make necessary treaty reforms that would give an explicit basis for Community competence in these matters (1991b, para.14). However, the Maastricht reforms did not meet the expectations of neither the EP, which was given only a consultation role and nor the Commission, which was given shared right of initiative (Uçarer, 2013).

Furthermore, the achievements of the intergovernmental conferences (IGCs) in the institutional system were found insufficient to meet the objectives set for the construction and implementation of common policies in the newly established European Union with the

Maastricht Treaty. The EP evaluated the results of the intergovernmental conferences on the eve of the Maastricht Treaty in its resolution extensively by looking at all elements of the Union, ranging from economic and monetary union to common foreign policy and justice and home affairs (1992c). The EP described the pillar structure as a shortcoming of the new Treaty, which left the cooperation in the field outside the Community framework and escaped the parliamentary and judicial control, and it further drew attention to the case that this particular JHA pillar could not interfere with the already acquired Community competences driven by the relevant provisions of the White Paper on internal market (control of individuals) and the EEC Treaty (that are related to the common market and free movement of persons) (1992c, para.2). In this resolution, the EP also invited the Council to use "passerelle" clause ensured in article K.9[115] of the Maastricht Treaty, which left open the possibility of transferring JHA matters to the competence of the Community, except the ones related to the police and judicial cooperation in criminal matters (1992c, para.16(e)). To eliminate the Maastricht Treaty's shortcomings, particularly to address the democratic deficit, the EP announced that it would start preparations for a new amendment of the treaties, even before the scheduled IGC in 1996 (1992c, para.16(g)).

In the first half of 1993, following the end of the deadline set for the abolition of internal borders (31 December 1992), the EP stated, in its resolution on "on free movement of persons pursuant to Article 8a of the EEC Treaty", that the measures the Council and the Commission had taken remained insufficient to achieve the objective of free movement of persons as internal border checks on Community citizens and third-country nationals were still in effect (1993c, preamble, item. F-G). The EP asked the Commission to use all the possibilities based on article 8a[116] and article 235[117] of the EEC Treaty and if necessary, use

[115] Article K.9 of title VI of the Maastricht Treaty: "The Council, acting unanimously on the initiative of the Commission or a Member State, may decide to apply Article 100c of the Treaty establishing the European Community to action in areas referred to in Article K.1 (l) to (6), and at the same time determine the relevant voting conditions relating to it. It shall recommend the Member States to adopt that decision in accordance with their respective constitutional requirements" (1992, TEU). K.1 (1-6) covered the issues of asylum policy, the rules on crossing of external borders by persons, policies on immigration and third country nationals, and judicial cooperation in civil matters (1992, TEU).

[116] Article 8a: "1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect. 2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act in accordance with the procedure referred to in Article 251. The Council shall act unanimously throughout this procedure" (EEC Treaty, 1997, consolidated version).

[117] Article 235: "If any action by the Community appears necessary to achieve, in the functioning of the Common Market, one of the aims of the Community in cases where this Treaty has not provided for the requisite powers of action, the Council, acting by means of a unanimous vote on a proposal of the Commission and after the Assembly has been consulted, shall enact the appropriate provisions" (ECC Treaty, 1957).

its powers enshrined in article 169 of the EEC Treaty that gave the Commission the power to bring the issue to the Court of Justice in the case of failure of a Member State to comply with its obligations (1993c, paras.1,2; EEC Treaty, 1957). In the previous resolution "on freedom of movement for persons", the EP had asked the Commission and the Council to inform the EP about their steps in achieving the goal and justify the measures they took to achieve freedom of movement by 2 April 1993, and it firmly warned that if it were not satisfied with the answers of both, it would use its right to bring them to the Court (1993a, paras.2,4,6). Not satisfied with the Commission's statement and not even informed by the Council, the EP instructed its responsible committee to conclude negotiations and initiate the trial process as soon as possible, based on article 175[118] of the EEC Treaty (1993c, para.4).

The EP had always expressed its discomfort with the intergovernmental cooperation dominant in the administration of the JHA field and firmly believed that the JHA issues were to be considered as Community matters to be dealt with at the EU level and reiterated the necessity for new institutional reforms to be taken by 1996 IGC, transferring all areas under article K.1 of the TEU to the Community responsibility (1993b, preamble, para.3). Regarding the issue of keeping cooperation in JHA outside the EU framework, the EP stated in its resolution that:

> "[the EP] attributes this omission partly to the attitude of the Commission which, as long ago as the second half of the eighties, gave in too readily to pressure from a number of Member States that wished to make the decision on measures connected with the principle of freedom of movement for persons, as enshrined in the Single Act, the province of intergovernmental cooperation" (1993b, para.2).

In this resolution on cooperation on justice and home affairs, the EP openly expressed its grievances and expectations in the context of Title VI of the TEU. It considered the parliamentary control of the Council's decision-making as a joint responsibility of the EP and national parliaments of member states (1993b, para.8). In paragraphs 9 to 13, the EP made several suggestions for its greater involvement in the management of relevant policy areas (1993b). For instance, it called for an interinstitutional agreement to apply Article K.6

[118] Article 175 (TEU, 1992): "Should the European Parliament, the Council or the Commission, in infringement of this Treaty, fail to act, the Member States and the other institutions of the Community may bring an action before the Court of Justice to have the infringement established" (TEU version of article 175 of the EEC Treaty, first paragraph)

of the TEU, which ensured that the presidency of the Council and the Commission would inform the EP regularly in the relevant areas and the Presidency, following its consultation with the EP, would take the views of the EP into consideration in advance of its deliberations (1993b, para.9; TEU, 1992), and even required the Presidency to provide detailed explanation to the EP about its deliberations and the reasons of not taking the views of the EP into account in certain cases (para.11). The EP also called for participation of EP members' delegation in some intergovernmental ministerial meetings as observers (1993b, para.10).

3.3.3.2. Towards the Amsterdam Treaty and the Transitional Period (1997-2005): The European Parliament as a Liberal, Integrationist and Still Active Player

In the process leading to the Amsterdam Treaty, the EP continued to produce resolutions and reports on the JHA policy areas and insisted on the empowerment of Community institutions. As the examples of resolutions above revealed, the EP tried to expand its power by insisting on the proper application of the provisions of the Treaties and charged the Council and the Commission with failure to comply with the formal articles and rules.

The EP also expressed its views on the functioning of the Maastricht Treaty and suggested amendments to it in its "resolution on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference - Implementation and development of the Union", upon the request of the European Council (1995a). For all policies of the EU in general and the JHA field in particular, the EP emphasized the following issues to be reconsidered at the IGC in 1996: democratic deficit, current decision-making processes that are found complex and inefficient, lack of democratic accountability and openness of the Council in legislative acts, and failure to implement JHA policies effectively and coherently (1995a, preamble). Against these shortcomings, the EP suggested a single institutional framework, merging the three pillars, to reinforce existing policies and adopted the following guidelines for improvement of the JHA field: (i) for a significant progress, JHA field was not to be separated from closely connected policies in the Community domain; (ii) policies on asylum, crossing of external borders, immigration, third-country nationals, fighting drug abuse was to be brought under Community framework;

(iii) Europol was in need of empowering to fight against cross-border crime effectively; (iv) Article K.9 of the TEU warranted revision and 'passerelle' clause was required to be applied for all the areas in article K.1 (from K.1 (1) to (9))[119]; (v) the Commission was to use its right of initiative without restrictions; (vi) the EP, the Court of Justice and the Court of Auditors were to be empowered; (vii) directives needed to be adopted without unanimity; and (viii) the Schengen Agreements were advised to be incorporated into the EU framework (European Parliament, 1995a, para.4, p.58)[120].

On the issue of decision-making mechanisms, the EP underlined three procedures: the 'assent' procedure that was to be applied only in the cases of "treaty revision, internal agreements, enlargement and adjustments to own resource"; the 'consultation' procedure that was only to be used in the decisions in CFSP field; and 'co-decision' procedure that was advised to be adopted in all other areas (1995a, para.29), including the JHA field. Lastly, the EP proposed reforming of Article N[121] of the TEU to be on equal terms with the Commission in proposing amendments to treaties (1995a, para. 45).

In brief, on the eve of the 1996 IGC, the EP reiterated in several resolutions and briefings that (1995a, 1995b, 1996b) the effective management of asylum and migration policy and the maintenance of internal security could be best achieved in Community domain with Community procedures and institutions. The proposals of the Commission and the Parliament focused more decisively on improving decision-making procedure through replacing unanimity rule with QMV and by giving the Commission an exclusive right of initiative and adopting more effective legal instruments instead of ambiguous joint actions and common positions (European Parliament, 1996b). The Council, on the other hand, considered that while some issues under title VI were closely linked to the Community powers, some others lied at the heart of national sovereignty (European Parliament, 1996b), meaning that the Council was not in favour of full communitarization of the third pillar[122]. In the briefing of the European Parliament, it is possible to observe the positions of each member state on the amendment of the TEU. The majority of the states supported the transfer

[119] Thus, it would cover additionally the "judicial cooperation in criminal matters", "customs cooperation" and "police cooperation", and decision to apply this procedure needed to be taken by the Council with a qualified majority voting, instead of acting unanimously.
[120] See the proposed reforms for the institutions in the paragraphs 18 to 28 (European Parliament, 1995a).
[121] Article N (1): "The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Treaties on which the Union is founded" (TEU, 1992).
[122] See European Parliament's White Paper on the 1996 Intergovernmental Conference (1996a) for official positions of EU institutions and bodies.

of some third pillar issues (asylum and immigration) to the Community level, while the United Kingdom firmly rejected the transfer of issues under intergovernmental cooperation to the Community sphere (European Parliament, 1996b).

The 1997 Amsterdam Treaty, as noted before, reflected a blend of the above-mentioned proposals of the EU institutions. While it did not fully communitarize the policy areas under the JHA pillar, some parts of this intergovernmental pillar were transferred to the first Community pillar under the new title IV (ex-title IIIa) "visas, asylum, immigration and other policies related to free movement of persons" (Amsterdam Treaty, 1997). This, however, was not an easy shift to communitarization. Regarding decision-making and empowerment of the supranational institutions, the Member States wanted to keep their control over the supranational bodies by setting a transitional period. Unanimity voting was maintained during the first five years, and its replacement by the QMV was to be determined later by the Council (Article 67, paras.1,2). The role of the EP was limited to consultation and its right for co-decision as outlined by Article 251 would be decided by the Council, acting unanimously, following the transitional period (Article 67, para.2). Thus, there was no automatic shift to the Community decision-making rules even after the transitional period. In this regard, the Amsterdam reforms could be defined as an incomplete amendment for all EU bodies and institutions as it left several issues unsettled, which were all to be reconsidered in the following amendments to treaties. Uçarer (2013, p.285) defined the new Amsterdam architecture as a "formidable maze created through masterful 'legal engineering' for political ends".

Between 1999 and 2004, the EP, despite its limited role, closely followed the progress made in cooperation in the JHA field and the achievement of objectives settled in the Amsterdam Treaty. It was active not only in the issues transferred to the first pillar, but also in issues left in the third pillar (police and judicial cooperation in criminal matters)[123]. For instance, in its "resolution on the progress made in 1998 in the implementation of cooperation in the fields of justice and home affairs pursuant to Title VI of the Treaty on European Union", the EP, regarding Article K.6 of the Treaty, evaluated the actions taken by the Council in 1998 and expressed its concerns over the lack of progress made by the Council in the fields of immigration and asylum, cooperation in criminal matters, and

[123] See, for instance, "European Parliament recommendation to the Council on Europol: reinforcing parliamentary controls and extending powers" (European Parliament, 1999c).

integration of the Schengen rules to the EU framework (1999b, para.1). The EP had always requested from the Council to be kept informed of the key developments in the field, i.e., the outcomes of the Council meetings, consulted on the substance of draft legislative measures, and insisted on democratic scrutiny of those activities (1999a, 1999b).

The EP kept its activism during these five years and apparently went beyond its limited institutional role in the field "to be an equal partner in the inter-institutional debate" through publishing a series of reports and resolutions, systematically posing oral and written questions to the Council and the Commission, holding an annual debate on the AFSJ (based on article 39 of TEU) and public hearings, which together drew attention to several issues (Papagianni, 2006, pp.252-253). For instance, within the context of the 2002 annual debate on the AFSJ, the EP asked the Council several questions related to the decision to move co-decision procedure and application of QMV on asylum, immigration and free movement issues (2002d, oral question). Some of those questions that criticized in a way the non-transparent exercises of the Council were as follows:

- "The Tampere Conclusions stated that the area of freedom, security and justice 'should be based on the principles of transparency and democratic control'. To what extent has the 'Tampere goal' been achieved, given that JHA matters are not subject to co-decision, therefore escaping full democratic control, that the Council deliberates in secret, and that it refuses Parliament access to many JHA documents?" (European Parliament, 2002d, indent 1)

- "Given the impediment that it represents to a coherent and streamlined European justice and home affairs policy, what justification is there for the maintenance of the three-pillar structure in the treaties whereby measures for developing the area of freedom security and justice fall between the first and third pillars?" (European Parliament, 2002d, indent 3)

- "Will the Council undertake to reach unanimous agreement to transfer the relevant measures under Title IV to a procedure of qualified majority voting and co-decision with the European Parliament, as provided for in Article 67(2)?" (European Parliament, 2002d, indent 5).

Similarly, in the context of the 2000 annual debate on the AFSJ, the EP asked the Commission about its scoreboard in whether "presentation of an annual report on the state

of implementation of the AFSJ is essential for improving transparency and in order to facilitate the presentation of new legislative initiatives" (European Parliament, 2001, oral question/indent 1). The oral and written questions directed to the institutions by the EP touched upon several impediments in the way of implementing the AFSJ objective and, in a sense, putting pressure on them to submit legislative proposals timely and with efficient procedures. The "European Parliament resolution on progress in 2002 in implementing an area of Freedom, Security and Justice (Articles 2 and 39 of the EU Treaty)" emphasized those impediments caused by the institutional framework that the Amsterdam Treaty established for the transitional period (2002a). For instance, it found that despite the overload of initiatives by the Council and the Commission in 2002, they were not implemented in a steady, coherent and coordinated manner and lacked democratic accountability (2002a, item A). Furthermore, Member States' use of shared right of initiative with the Commission weakened the coherence of initiatives as they were mostly driven by domestic political considerations (2002a, item. D). The EP also welcomed the security measures taken against the 9/11 attacks but stated that complementary measures to guarantee fundamental rights and respect for justice were not adopted (2002a, item E.) It noted that, despite declaring their commitment to completing the Tampere programme in its entirety, Presidencies were able to reach an agreement on restrictive migration control measures far more quickly than on components of the common EU asylum policy or policies regarding the rights of third-country nationals, and most of the time, initially accepted proposals and prior agreements were reconsidered and amended (2002a, item G). While the Council technically fulfilled its obligation to consult the European Parliament, this was nothing more than a request for approval on already reached political agreements (2002a, item J).

The EP always underlined democratic control and fundamental rights in all its reports, resolutions and recommendations and suggested keeping the balance between the measures to ensure security and the measures to guarantee fundamental rights. While supporting law enforcement authorities' access to data necessary to convict lawbreakers, the EP wanted to ensure that the collection of personal data was subject to sound data protection rules (2002a, para. 1(e)). It also took an active role in the establishment and incorporation of the Charter of Fundamental Rights into the treaties (European Parliament, 1999d, 2000, 2002b).

Under the consultation procedure, the European Parliament listed several amendments to the proposals submitted by the Commission. In these amendments, the EP put more

emphasis on the victims of the illegal activities and, thus, it widened the scope of proposals by adding human rights violations and measures to combat them. For instance, in its amendments to the "proposal for a Council directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities", the EP has changed the phrases 'illegal immigration' with 'smuggling of human being' throughout the proposal (2002c, recital 1). Thus, instead of using "measures to combat illegal immigration" as appeared in the recital of the Commission's proposal (Commission of the European Communities, 2002a), the phrase "measures to combat smuggling of human beings" was used and the statement *"*trafficking in human beings and smuggling of human beings are a serious violation of human rights and should be combated" was added (European Parliament, 2002c, recital 1). Even in just one document, there are quite a few amendments that cannot be described here as a whole.

The Parliament indeed changed the language used by the Commission, making it more thoughtful and sensitive to human rights. In the issue of the investigation process, it even wanted to replace "the presence of the victim is useful" with "the cooperation of the victim with the authority responsible for the investigation or prosecution is relevant" (2002c, article 10). However, as highlighted by Papagianni (2006, p.254), the Parliament's amendments to the proposals were not taken into consideration in the final texts of the Council, which simply applied consultation as formality to fulfil its obligation. Examining the final text of the Council on the above-mentioned directive (Council of the European Union, 2004c), it is evident that the majority of the amendments made by the Parliament were not in the adopted text, and neither did the final text match the proposed text of the Commission.

A similar case is also detected in the adoption of the directive by the Council "on the right to family reunification" (Council Directive 2003/86/EC). When consulted a second time by the Council, the Parliament approved the Commission's proposals with several amendments and claimed that this second proposal was deprived of its initial ambition as its scope was reduced and the harmonization of national legislation was downgraded (2003). However, the Council did not consider the position of the EP, particularly in its suggestions to widen the scope of categories of people who could benefit from the reunification right (European Parliament, 2003; the Council of the European Union, 2003a). This directive was even taken to the Court by the Parliament, which asked for "the annulment of the final

subparagraph of Article 4(1), Article 4(6) and Article 8" of the directive (2003/86/EC) (Court of Justice, 2006).[124]

From the discussion on the role of the European Parliament in the JHA field above, it can be argued that the Parliament's position, since the very beginning of the cooperation in the relevant policy areas, had been clear: liberal, humanitarian and integrationist. With the end of the transitional period of the Amsterdam Treaty, the EP would be more powerfully involved in the policy-making process as a co-decider of legislative acts together with the Council. Based on its long-standing efforts in the policy field to bring more liberal and humanitarian policies, it would normally be expected that the EP would be more influential and able to change the policy core set by the dominant actors by prioritizing a right-based approach over securitization. However, contrary to this expectation, the EP is now described as a pragmatic actor by many (Ripoll Servent, 2015, 2018; Acosta, 2009; Frid-Nielsen, 2018). This attunes with the Commission's approach in the early 2000s, as the EP wanted to be involved in the policy-making at the expense of losing its reputation for being a liberal actor. In the section on the Commission's role, it was discussed that when the strategy of the Commission to convince the dominant actors through the normative arguments had failed, the Commission adopted security-oriented policy narratives to be involved in the policy-making process and later defined itself as an evidence-based institution that could manage migration and asylum issues effectively with its technical expertise. This was the strategy of the Commission to overcome the structural constraints over its agency. The European Parliament can be said to follow a similar path to stay in the game. The Parliament, which once took the Commission to the Court for its failure to take necessary actions in free movement objective and siding with the member states, was now following a strategy not much different from that of the Commission.

3.3.3.3. The European Parliament in the Aftermath of the Transitional Period (Post-2004): An Empowered, Co-Legislator and Pragmatic Player

Although the period after 2004 is beyond the scope of this study, it is essential to provide some examples of the pragmatic position of the EP that accepted the restrictive policy core, with some proposals to change the secondary aspects of the policy at best. It is

[124] See Case C-540/03, Judgment of the Court (Grand Chamber) of 27 June 2006.European Parliament v. Council of the European Union (Court of Justice, 2006).

possible to reach this conclusion based on the existing scholarship that examined intra-institutional dynamics within the EP in detail and some legislative acts in the field which the EP has been involved under co-decision procedure after 2004[125]. Although the EP and other institutions are taken as unitary actors within the scope of this study, the changes or fluctuations in the policy narratives and position of the EP cannot be understood properly without delving into the divergences among different political groups and their coalitions with other institutions that can be the rival ones. Thus, the final focus of this section is the claims that portray the Parliament as considerably different from the way it has been treated in this study so far. Supporting the claims of scholars that there is a clear divergence from the initial liberal, integrationist and humanitarian position of the Parliament and convergence with the positions of the dominant actor of the field, this study considers this rapprochement as part of the ongoing turf wars between the EU institutions. As emphasized previously, converging policy narratives of the institutions do not indicate the end of turf wars. On the contrary, it should be considered as a strategy of the Parliament, like in the case of the Commission, to guarantee its place in the decision-making process by circumventing the structural constraints of the field.

This shift in the policy position was defined in this study as 'compelled convergence' meaning that the Parliament had no choice but to accept the policy core of the dominant Member States when its institutional interests were at stake. The claim that this convergence was compelled drives from the fact that the position of the EP as a unitary actor was the exact opposite of the restrictive position of the Council and it was not expected to change its liberal stance in the near future. In this context, this study claims that the EP had to comply with the policy core of the field to keep its achievements and power given by the treaty reforms and reinforce its status in the EU field of power. When considered as a unitary actor having a general approach to the policy areas of migration, asylum or border management, it seems more appropriate to describe the change in the position of the EP and its becoming closer to the Council's securitized rationale as compelled convergence suggests. However, several influential actors within the EP have different opinions that might be close to the position of the Council, making it difficult to claim that they are compelled to accept the policy core. Thus, the tentative concept of 'compelled convergence' is more meaningful

[125] The Council (2004a, article 1(1) and (2)) decided to apply co-decision procedure for certain issues falling under title IV of the Treaty (first/Community pillar). Within the same Council decision, passage to QMV, starting from 1 January 2005, was also planned for certain issues (article 3(1) and (2)).

when the EP is taken as a unitary actor with a liberal and right-based approach in the JHA matters.

In this regard, compelled or not, there is a convergence between the positions of the EP and the Council in the immediate aftermath of the transitional period and this convergence is considered here as the outcome of structural constraints, such as the dominance of the Council and the changing decision-making procedures that put pressure on the internal actors to change their institutional behaviours. It can also be argued that this convergence was not permanent considering the later developments and positions of the EP firmly promoting humanitarian policies as in the early years of the cooperation. Here, the aim of this study is to show that the empowerment of the Parliament did not change the security-oriented rationale of the policy field immediately, and this dynamism in the policy positions of the EP and its actors can be considered as the outcome of competence seeking under long-standing structural constraints. Turf wars among those institutions have a considerable impact on intra- and inter-institutional relations. Hence, the Parliament's insistence on democratic control, liberal humanitarian policies and integration of national legislations in the early period before the co-decision procedure cannot be viewed indisputably as a response to the external challenges or concern for effectiveness. If so, why did it abandon its radical stance supporting those principles and values universally accepted as key to success and effectiveness after achieving co-decision power?

As highlighted in the first section of this chapter, some authors have observed that despite communitarization of the field, particularly asylum, immigration and border policies, the supranational institutions were not able to bring policy change in the sense of replacing restrictive policies with more liberal and humanitarian ones (Ripoll Servent and Trauner, 2014; Trauner and Ripoll Servent, 2016; Geddes, 2015; Parkes, 2015). Then, they examined the reasons for stability in the policy core and changing positions of the supranational actors, by looking at the intra-institutional dynamics of the Parliament and the Commission. At this point, some explanations for this change in the position of the Parliament are noteworthy, with a particular focus on the changing policy narratives of the EP.

Observing that the legislative acts after the 2005 transition to co-decision still prioritized security-oriented measures over civil liberties, Ripoll Servent claims that "from holding clear rights-based policy positions on internal security matters and showing a taste for institutional confrontations, the EP has now become a more divided institution, one

which is more open to the security rationale traditionally promoted by member states" (2015, p.4). She[126] uses rational-choice and constructivist interpretations of the new institutionalist approach and explains this shift in the position of the EP through endogenous factors such as institutional shifts introduced by treaty reforms, particularly the extension of co-decision, which are considered to change the Parliament's patterns of behaviour and its motivations (2015, 2018). For instance, in the case of Data Retention Directive[127], which was the first legislative act on internal security matter commonly decided by the EP and the Council under co-decision, the position of the EP was described as a "major U-turn" given that the legislative text gave much space to the Member States to follow their restrictive agendas, contradicting the traditional preferences of the EP[128] (Ripoll Servent, 2015, p.69). The policy area (terrorism and data protection) that was covered by the Data Retention Directive is normally beyond the scope of the EU EBM field, which is defined here as covering asylum, migration and border management policy areas. However, this legislative act, which was first introduced as a third pillar instrument by the Member States and then proposed by the Commission later as a first pillar instrument, was the first legislative act decided under co-decision procedure on internal security matter (Ripoll Servent, 2015). In that regard, it was highly controversial and challenging for the EP as a long-standing advocate of human rights. Thus, it presents a good example for the EP's attitude under co-decision and for the inter-institutional negotiations on internal security issues and human rights.

Several authors (Ripoll Servent, 2013, 2015, 2018; Acosta, 2009; Lopatin, 2013) link this outcome, that is, the change in the traditional position of the EP, to the impact of different types of decision-making procedures on the behaviour of the actors in the EP. Accordingly,

[126] The author, in her book "Institutional and Policy Change in the European Parliament" presents a very detailed analysis of the change in the EP's position through examining the patterns of behaviours of internal actors, such as EP's specialized committees, political groups and rapporteurs, under different decision-making procedures (consultation, co-decision, consent), defines models of change and applies them to four case studies (Data retention Directive, the Returns Directive, the SWIFT Agreement and the Receptions Directive)(2015). Here, some of the findings of her empirical analysis will be emphasized without going into details of the internal structures and positions of different actors in the Parliament and the rationalist and constructivist approaches that provide different rationales for change in policy position. In a nutshell, the change itself is what this study wants to emphasize. The role of veto powers, time horizons, sensitivity to failure, political frames, frame entrepreneurs, legitimating meta-norms are some of the factors suggested by rationalist and constructivist models to explain change under co-decision (Ripoll Servent, 2015, pp. 46-54).

[127] Directive "on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC" (European Parliament and Council of the European Union, 2006) authorized access to "traffic and location data" by the member states "for the purpose of the investigation, detection and prosecution of serious crime" (article 1).

[128] See Peers' study, "The European Parliament and data retention: Chronicle of a 'sell-out' foretold?", for differences between the Commission's proposal and the Council's agreed text and its implications for fundamental rights and the position of the EP committee (2005).

under the consultation procedure, the EP, with its limited influence in decision-making, finds it safe to promote conflicts and confrontations given that it will not be responsible for the outcomes of the legislative acts (Ripoll Servent, 2015, pp.29-30, 2018). In this procedure, the Council and the EP are prone to behave irresponsibly given that the former is not formally obliged to adopt amendments of the latter, and the EP can feel free to blame the Council for ineffective or unpopular outcomes of its legislative acts (Ripoll Servent, 2015, p.30). Moreover, the internal actors in the EP provide a wide range of policy alternatives reflecting the opinions of different groups in the EP, as a simple majority is sufficient to pass the EP report upon consultation by the Council (Ripoll Servent, 2015, pp.29-30).

On the other hand, the co-decision procedure, which gave veto power to the EP but at the same time put several formal requirements such as a need for an absolute majority to reject or amend the legislative act, changed the institutional behaviour of the EP substantially, by making it more attentive to the opinions of the Council and biased towards reaching consensus with the Council through informal negotiations (trialogues) at the very early stage to avoid possible deadlocks in later stages (Ripoll Servent, 2015).[129] The co-decision procedure also reduces the chances of small groups to influence the policy position of the EP, given the necessity for a larger coalition having consensual behaviour to pass legislation, and this ultimately mitigates the radical positions of the actors that have had more manoeuvring power under consultation procedure (Ripoll Servent, 2015, p.39).

When the position of the EP committee on the Commission's proposal for the Directive and the final text of the Council are examined in detail (Peers, 2005, pp. 5-6; European Parliament, 2005a, 2005c; European Parliament and Council of the European Union, 2006), it is observable that although the EP asked for some amendments to Commission's proposal, they did not appear in the final text. For instance, the EP suggested deleting the term 'prevention' throughout the text (recital 4) and changed, deleted and added some new terms and phrases to recitals to promote fundamental rights (2005c). It added articles 7 and 8 of the Charter of Fundamental Rights respecting private life and protecting personal data (recital 4(a)) and that "every citizen should have the same right to legal protection and compensation against misuse of information" (recital 6(a) (European Parliament, 2005c). The Parliament also suggested consulting the business sector regarding

[129] See the Council of the European Union (2024) on 'ordinary legislative procedure' for each step of co-decision procedure, available at https://www.consilium.europa.eu/en/council-eu/decision-making/ordinary-legislative-procedure/

the costs of retention and feasibility and called the Member States to guarantee compensation for additional costs that emerged as a result of obligations of businesses regarding the transposition of the Directive because protecting public security from crime is the duty of the modern state and thus all measures should be funded by state treasury (European Parliament, 2005c, recital 19(a)). The articles of the Directive and definitions of certain concepts were explained more in detail in the EP amendments (see new article 3 (a) on access to retained data and new article 3(b) on data protection and security in the amendment of the EP (2005c)). The amendments in this report are so numerous that it is not feasible to explain each in detail. When compared with the final text adopted by the Council and the Parliament shortly afterwards, it is observed that the Parliament's amendments were not fully taken into consideration. In the final text, the term 'prevention' was removed from Article 1 of the Directive on subject matter and scope but did appear in certain recitals alongside several deleted terms and phrases in the amendments of the EP (European Parliament and the Council of the European Union, 2006, see recital 4 in the final text). However, the Council was not totally indifferent to the opinions of the Parliament similar to the case of consultation procedure. It accepted a number of amendments and underlined in several places that the Directive respected the Charter of Fundamental Rights and data protection and security, albeit not in an identical way to that of the EP suggestions.

Commenting shortly before the approval of the text by the EP, Peers stated that "if the EP accepts the Council's current position without amendments, it will clearly have 'sold out' its civil liberties principles" (2005, p.7). The EP had accepted the final text of the Council without any substantial change to the restrictive position of the Council (European Parliament, 2005a; European Parliament and the Council of the European Union, 2006).

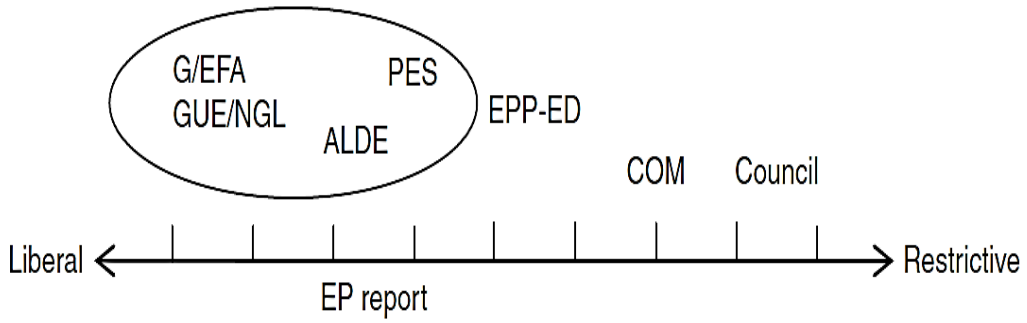


Figure 3.1. Distributional line – Positions on the Data Retention Directive (LIBE committee)

Source: Ripoll Servent (2015, p.77).

Figure 3.1 shows the positions of political groups[130] and EU institutions at the time of the voting of the EP report (European Parliament, 2005c), which proposed several amendments to the Commission's restrictive proposal, as noted above. In the figure, there is a common front, encircled, composed of different political groups and they are not close to the position of the Commission and the Council. What made it possible to pass the committee report was this common opposition to the Council: while the left-wing and liberals opposed the proposal due to fundamental rights concerns, the centre-right rejected the proposal due to the additional costs that the legislative act would create for the companies (Ripoll Servent, 2015, p.77). However, at the plenary, the final text was adopted by the grand coalition created by EPP-ED (European People's Party-European Democrats) and PES (Party of European Socialists), which brought the Parliament close to the Council's restrictive position (see figure 3.2).

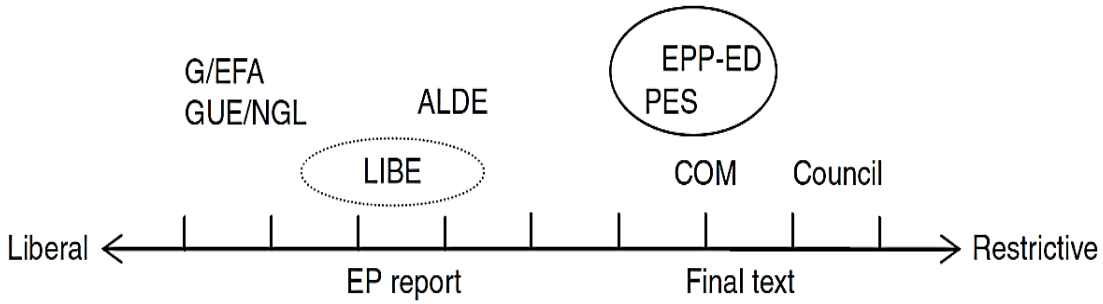


Figure 3.2. Distributional line – Positions on the Data Retention Directive (plenary)
Source: Ripoll Servent (2015, p.78)

According to the rationalist model of change, socialist and conservative groups, despite the possibility of using veto power in the co-decision and an opportunity to obtain more concessions through bargaining with the Council in the second reading, showed high sensitivity to failure in the shadow of the Council, which threatened to revert back to a framework decision (the third pillar instrument where there is no co-decision) instead of directive, and these largest political groups were persuaded by the Council to accept the final text in exchange for the EP having more influence in the third pillar AFSJ issues - the long-term objective of the EP (Ripoll Servent, 2015, p.79). For this matter and the discussion on

[130] To have an idea on their political beliefs, G/EFA: Greens/European Free Alliance group, GUE/NGL: European United Left – Nordic Green Left, ALDE: Alliance of Liberals and Democrats for Europe, PES: Party of European Socialists, EPP-ED: European People's Party – European Democrats. See political groups in 2004-2009 legislative period at https://results.elections.europa.eu/en/european-results/2004-2009/constitutive-session/ (European Parliament, n.d.b.)

turf wars among the EU institutions throughout this study in general, the finding of Ripoll Servent's empirical analysis is crucial: "the effects of a shift in the formal rules were less important than the priority given by EP leaders to institutional long-term preferences" (2015, p.79).

In the understanding of the constructivist model of change, the Council and particularly the British Presidency, following the terrorist attacks in Madrid and London, convinced the socialist and conservative EP leaders to opt for framing data retention as a necessary tool to secure citizens from terrorism, instead of LIBE committee's insistence on data protection and proportionality in data retention (Ripoll Servent, 2015, p.80). Thus, the long-standing meta-norm of the EU, protecting citizens' interests, would be achieved via a different understanding of data retention that was based on individual security (Ripoll Servent, 2015, p.80). From this perspective, the position of the EP also changed due to the procedural meta-norm that sought consensus with the Council under co-decision procedure instead of confronting the Council by firmly supporting the traditional policy preferences in order to guarantee the EP's place in future negotiations within the field and respond to the menacing calls from the Council for the EP to behave responsibly as the co-legislator to reach efficient compromises under co-decision (Ripoll Servent, 2015, pp.80-84).

As Acosta suggested, once the early agreement under trialogues is achieved, the plenary tends to approve the text without any change since otherwise the Council may break the process up or adopt a position that does not appeal to the Parliament, undermining the process (2009, p.25). This supports Lopatin's claim (2013, p.741) that "institutions with little decision-making authority have tended to promote liberal immigration policy compared to institutions with more responsibility". This was the case in the EP's promotion of more liberal immigration policies under a consultation procedure with limited decision-making authority but more security-oriented immigration policies under a co-decision procedure with higher decision-making authority.

While the EP decisively supported high standards for data protection and fundamental rights under consultation procedure before 2005, this liberal approach was replaced by a more restrictive one, given that the legislative acts adopted after 2005 under co-decision were in favour of the Council's long-standing position. As the table 3.7. below indicates, the first proposal did not come from the Commission, but instead, from the Council as Framework Decision (Council of European Union, 2004b) – a legislative instrument adopted

for the third pillar issues- that was opposed by the Commission on the basis of its impact on the first-pillar competences (Ripoll Servent, 2015). Since the framework decision was taken for the third pillar issues as understood from its "purpose of prevention, investigation, detection and prosecution of crime and criminal offences including terrorism" (Council of the European Union, 2004b, article 1), the EP's role was limited to consultation in the post-Amsterdam third pillar covering "police and judicial cooperation in criminal matters" (Uçarer, 2013). The objective of the Framework Decision was basically to use data retention as an investigative tool to fight against crime and terrorist acts and thus develop measures to extend the period of data retention by communication service providers and to harmonize binding national rules on data retention (Council of the European Union, 2004b). The Council justified its proposal with reference to the existing legislative acts (e.g., Directive 2002/58/EC on privacy and electronic communications, article 15(1)) allowing Member States to limit the scope of rights in order to protect national security, public security, and defence as well as to detect criminal offences (Council of the European Union, 2004b; European Parliament and the Council of the European Union, 2002). In the proposal, the Council openly stated that "data preservation is not a substitute for data retention", while the former was considered useful only for investigating the activities of suspected people and, thus, insufficient for security and law enforcement agencies to fight against criminals and terrorists, the latter, the blanket storing, allowed investigation of people not yet suspected of criminal acts, thus, addressed the needs of competent authorities (2004b, p.6).

Under the consultation procedure, the EP objected to the initiative taken by the French Republic, Ireland, the Kingdom of Sweden and the United Kingdom and called them to withdraw their initiative, claiming that "there are sizeable doubts concerning the choice of legal basis and the proportionality of the measures" (European Parliament, 2005b, p.6). Accordingly, proposed measures by the Council were found to be affecting both the first and the third pillars, and the Council did not observe already existing Community legislation on data retention (European Parliament, 2005b, p.7). Regarding proportionality, it was stated that "the ends do not justify the means, as the measures are neither appropriate nor necessary and are unreasonably harsh towards those concerned" because individuals involved in such crimes could easily find ways to circumvent such restrictions (European Parliament, 2005b, p.7). The European Parliament (2005b, p.8) advocated data storage for a specific purpose instead of 'blanket' data retention and underlined the potential dangers of the Council proposal on those concerned (e.g., violation of personal data protection or burdens on the

telecommunications industry). The proposal was also found incompatible with Article 8 (right to respect for private and family life) of the European Convention on Human Rights (European Parliament, 2005b, p.9).

Table 3.7. Core issues under negotiation in the Data Retention Directive

	Consultation		Co-decision		
	Council FD proposal (28/04/2004)	EP report on Council FD (31/05/2005)	Commission proposal (21/09/2005)	EP report (28/11/2005)	Final text (15/03/2006)
Scope and purpose	Prevention, investigation, detection and prosecution	Measure is not necessary, proportional or efficient	Prevention, investigation, detection and prosecution	Investigation, detection and prosecution	Investigation, detection and prosecution
Serious crime	Crime or criminal offences including Terrorism	Blanket measure: Against presumption of innocence	Serious criminal offences (terrorism and organised crime)	Serious criminal offences, as defined by European Arrest Warrant	Serious crime, as defined in national law
Time periods	12–36 months (national extension with justification)	Should be defined by a directive	One year (six months for internet data)	6–12 months, no national extensions	Six months–2 years
Access to data	Competent authorities in national law	No mention	Competent authorities	Judicial and competent national authorities (with previous authorisation)	Competent authorities in accordance to national law
Criminal sanctions	No mention	No mention	No mention	Criminal and administrative sanctions	Administrative or criminal Penalties
Data protection provisions	In line with directive 95/46/EC	Against Art. 8 ECHR (privacy)	Directives 95/46/EC and 2002/58/EC mentioned in preamble	Subject to Art. 17 of Directive 95/46/EC and Art. 4 and five of Directive 2002/58/EC	Without prejudice to Directive 95/46/EC and Directive 2002/58/EC

Source: Ripoll Servent (2015, p.74)

Starting from this initial proposal of the Council for Framework Decision (when the consultation was the only power of the Parliament) to the Commission's proposal and then adoption of the Directive (whereby the Parliament has achieved co-decision right), it is clearly seen that the spectrum, on which the EP acted, extends from the direct rejection of the Council's initiative to the adoption of final text without the amendments the EP asked for. In the middle of the spectrum, the EP neither rejected nor accepted the Commission's proposal in its original form but offered amendments that partially reflected its traditional right-based approach. This also illustrates the point raised by Trauner and Ripoll Servent for the second generation of asylum laws (2014) that the amendments suggested by the EP targeted only secondary aspects of the policy instead of changing the policy core. In other

words, the EP did not or was unable to reject the restrictive measures, such as the retention of large amounts of data and access given to relevant authorities. Yet, it only suggested amendments in the types of data collected, the measures to protect data security, retention periods (6-12 months), and compensation of additional costs for the telecommunications industry, which remained as secondary aspects of policy (European Parliament, 2005c).

The Data Retention Directive, a first pillar legislative instrument covering internal security matters, is only one case among many showing the changing position of the Parliament after the transition to the co-decision procedure, but it well illustrates the potential behaviours of the relatively less influential actors in the field when faced with the structural constraints. Thus, the initial liberal position of the EP or its more restrictive policy approach later cannot be indisputably associated with the concerns of the Parliament for effectiveness in the sense of serving the interests of people or meeting the expectations of external actors in normative stance, but, rather with the intra-institutional dynamics and interests in the long run. Shifting to the co-decision procedure and empowerment of the EP did not allow it to maintain its traditional preferences for more liberal policies.

Acosta (2009, pp.19-21), in his study "The Good, the Bad and the Ugly in EU Migration Law: Is the European Parliament Becoming Bad and Ugly? (The Adoption of Directive 2008/15: The Returns Directive)", defines the traditional role of the Council in the migration policy as "bad" concerning its restrictive policies and reluctance to give authorization to Community competence in the field, depicts the Commission as "ugly" in the sense that its pro-migration approach that does not appeal to the Council much has not been necessarily motivated by the normative approach but by strategic concerns, and lastly describes the European Parliament as "good" considering its conventional liberal approach towards migration issues. Examining the Returns Directive as the first important instrument on the migration issue, from the initial stage of the proposal for it to the adoption of the Directive, Acosta discusses the reasons why the EP has adopted the text in the first reading without amendments and whether the EP with this changing position is on the transition to become bad or ugly (2009). Without going into the details of this Directive, it is essential to emphasize the positions of the EU institutions[131] and the impact of co-decision on the behaviour of the EP actors.

[131] See Peers (2008) for a summary of the initial positions of the EP and the Council on the proposal.

Upon the proposal by the Commission submitted to the Council and the EP (Commission of the European Communities, 2005a, COM (2005) 391 final), the process of debates within each institution started, and the initial positions were adopted in the EP and the Council by the relevant committees and the Presidencies (Acosta, 2009; European Parliament, 2007a; The Council of the European Union, 2007). Like in the case of Data Retention Directive, the European Parliament approved the Commission proposal with several amendments (2007a). For the recitals of the proposal, the EP added new provisions underlining the need for efficient asylum systems, a legal immigration policy, readmission agreements with third countries, respect for non-refoulment principle, cooperation with countries of origin, which are deemed essential for sustainable return policy (2007a). Instead of the phrase 'temporary custody', the EP suggested to use 'detention', arguing that deprivation of freedom and custody up to six months cannot be defined as temporary (2007a, recital 11, see article 15(2)). Instead of returning the "illegally staying third-country nationals", the EP preferred to use "third-country nationals who do not fulfil, or who no longer fulfil, the conditions of legal stay" (2007a, article 1). Once again, the EP changed the proposal's terminology. It added new points to the articles defining some relevant terms such as 'risk of absconding' and 'vulnerable persons' and detailed the existing ones (2007a).

The amendments were not sufficient to change the policy core of the text but still reflected the Parliament's liberal approach. For instance, the Parliament emphasized the possibility of extending the voluntary departure period and even lifting the time limit in special cases on an individual basis (2007a, article 6(2)). In Article 8 on the postponement of return decision by the Member States, the Parliament added a new situation -'collective expulsion of people'- to the circumstances in which the removal order should be postponed (2007a, article 8(2)). The EP also added new items under the title of "conditions of temporary custody for children and families" (2007a, Article 15 a (new)). In a nutshell, the amendment considerably improved the proposal in human rights terms and changed the restrictive and derogatory language of the text.

Concerning the debates within the Council on the proposal, it was not easy to reach an agreement on this sensitive issue among member states, and, for most presidencies, the text was not a priority, causing the discussions to drag on, and the rejection of first compromise solution by the member states insisting on more flexibility and freedom of action (Ripoll Servent, 2015, p.88). The outcome of the proceedings of the "Strategic Committee on

Immigration, Frontiers and Asylum Mixed Committee (EU- Iceland/Norway and Switzerland)" held on 21 November 2007 was presented by the Council on 7 December 2007, introducing several amendments to the Commission's proposal (Council of the European Union, 2007). The Presidency also expressed its intention to have intense discussions and meetings with the European Parliament to reach a first-reading agreement on the text (2007, p.1).

As highlighted by Acosta, the major contentious issues in the negotiations on the proposal were "scope", "voluntary departure", "re-entry ban", "procedural rights", "detention" and "unaccompanied minors", and as of no surprise, the Council's position was much more restrictive than that of the Commission and the Parliament (2009, pp. 31-32; European Parliament, 2007a; Council of the European Union, 2007, 2008b, 2008c)[132]. After the lengthy processes of intra- and inter-institutional debates during 2008[133], the EP approved at the plenary voting the final agreed text with the Council (Council of the European Union, 2008d) at first reading (European Parliament, 2008) on 18 June 2008, and the legislative act was signed on 16 December 2008 (European Parliament and the Council of the European Union, 2008, Directive 2008/115/EC), once again causing several criticisms against the EP, which was expected to bring more humanitarian and migrant-friendly measures in this first immigration instrument negotiated under co-decision (Acosta, 2009, p.22). Then, why did the EP adopt the final text that was much different from the report[134] adopted in 2007 that made several amendments to the proposal to prevent violations of fundamental rights? Acosta (2009, pp.37-38) explains the approval of such restrictive text by the EP based on four motivations: the first one was the pragmatic approach of some MEPs, voting in favour of the text with a thinking that "it was better to have a poor minimum consensus than no rules at all" (p.37), which would improve the conditions in some member states having low protection standards such as indefinite duration of detention. While the second motivation was the fear of MEPs that if a position was not taken at the first reading, subsequent presidencies would propose even stricter policies at the second reading; the third motivation was the pressure from the national governments on the MEPs to stay close to

[132] See (Council of the European Union, n.d.a) for several draft compromise texts of the Presidency during 2008, until the adoption of final act, available at: Search in the register - Consilium (europa.eu)

[133] See European Parliament (n.d.a) for documentation gateway and key events starting from the legislative proposal published in September 2005 to the signature of the final act on 16 December 2008. Available at https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2005/0167(COD)

[134] The final decision on the matters of detention and unaccompanied minors during the negotiations was close the Parliament's position, however, remaining contentious areas of scope, voluntary departure, re-entry ban, and procedural rights were quite far away from the proposals of the EP (Acosta, 2009, pp.33-35).

their position in the Council (Acosta, 2009). Lastly, it was the procedural constraints that led the MEPs to approve the final text because while the simple majority was sufficient to adopt the text at the first reading, the second reading required an absolute majority (Acosta, 2009). Acosta arrives at the conclusion that the reputation of the EP as "good" with its pro-migrant policy stance has been damaged due to its "better to have something rather than nothing at all" approach and approval of a deficient and restrictive piece of legislation (2009, p.39). The EP's failure or incapacity to go to the second reading for the reasons mentioned above strengthens the leading position of the Council and calls into question the contribution of the co-decision procedure as a fair practise among equals (Acosta, 2009, p.39).

Table 3.8. Core issues under negotiation in the Returns Directive

	Commission proposal (01/09/2005)	Council (07/12/2007)	EP report (12/09/2007)	Final text (16/12/2008)
Scope	TCNs staying irregularly. Transit zones left to member states (ensure basic standards)	Excluded (no basic standards): return as a criminal law sanction; arrested shortly after entry; refusal to entry under Schengen Borders Code	TCNs staying irregularly. Transit and border zones left to member states (ensure basic standards)	TCNs staying irregularly. Excluded: arrest at the border or shortly after entry (ensure basic standards); return as a criminal law sanction
Voluntary return	Up to four weeks (except if risk of absconding).	Up to 30 days after application (except if risk of absconding or public danger)	At least four weeks (except if risk of absconding or public danger)	7–30 days after application (except if risk of absconding or fraud in legal stay application)
Re-entry ban	Up to five years (longer if serious public danger)	Up to five years (longer if public threat)	Optional. Longer than five years (if proven public threat)	Up to five years (longer if public danger). Optional for voluntary return
Legal aid (judicial remedy)	Legal aid if insufficient resources. Judicial remedy	No provisions on legal aid. Judicial or administrative review	Legal aid as in access to justice in Cross-Border Disputes Directive (2003/8/EC). Judicial remedy	National conditions on free legal aid. Judicial or administrative review
Detention	Compulsory while awaiting removal; up to six months	Compulsory (prolonged indefinitely after review)	Optional (up to three months – 18 months if lack of cooperation or administrative delays)	Optional while awaiting removal; up to 18 months
Detention and expulsion of unaccompanied minors	Not kept in common prisons	Special detention facilities and separate from adults	No return or detention. Access to education and suitable institutions	Access to education and suitable institutions

Source: Ripoll Servent (2015, p.91)

Lopatin (2013) is also among the scholars who observed an abrupt change in the position of the EP since the transition to the co-decision procedure. She examined the impact of change in decision-making authority on the voting behaviour of MEPs in two consecutive European Parliaments (1999-2009) in the irregular migration and asylum field with a quantitative analysis and observed that "there is an inverse correlation between the level of decision-making authority and the freedom to vote for a liberal immigration and asylum

policy" (Lopatin, 2013, p.740). In other words, contrary to the expectations that empowerment of the EP would certainly change the restrictive policy core of asylum and migration policies, the co-decision authority limited the freedom or capacity of the EP to promote more liberal policies. Lopatin underlined two reasons for MEPs' voting for restrictive measures with the Council: "motivation to get legislation passed and a responsibility to be more attentive to Member States' agendas" (2013, p.753). A quantitative analysis of voting patterns of MEPs before and after 2005 illustrated that the shift in the voting preferences of the two political groups (PES and ALDE), which were traditional supporters of liberal policies before 2005, resulted in a change in the EP's position (Lopatin, 2013, p.751). This outcome suggests that the EP does not have a consistent approach towards asylum and irregular migration.

Examining the speeches on asylum in the European Parliament from 2004 to 2014, Frid-Nielsen also argues that "the EP should not be taken for granted as an institution that has a singular stake concerning human rights ideals and security needs" and the increasing legislative authority of the EP is likely to bring security-oriented asylum policies (2018, p.359), contrary to the claims (Kaunert and Leonard, 2012, p.1396) that cooperation on asylum issues at the EU level decreased the possibility of adopting more restrictive policies (see chapter 4). On the other hand, in their study examining parliamentary debates on irregular migration during the migration crisis, Krotky and Kaniok (2021) found that the voting behaviours of the MEPs were at odds with their speeches at plenary debates. While the number of speech acts prioritizing human security was higher than the restrictive security speech acts in the plenary debates, the EP adopted a restrictive position in the decision-making process (2021, p.179). The authors also highlighted the structural determinants, such as attitudes towards European integration or left-right division, for the predominance of human security speech acts (2021).

The discussion above has illustrated that both the Parliament and the Commission changed their initial positions vis-à-vis the Council, and the policy core of the EU EBM that has been settled by the Member States and the Council in the 1980s and 1990s have remained unchanged. Despite their considerable achievements and influence in the field, these supranational bodies have always acted under the dominance of the intergovernmental coalition, and they did not want to lose their achievements by confronting the Council and Member States at certain points. In this context, this dissertation finds it useful to examine

the determinants of turf wars through the Advocacy Coalition Framework, considering its insights on policy change, belief systems and coalition formation (see section 3.2), which are all supportive of the sociological constructivist approach to the EU policy field. The next chapter evaluates the policy positions of the Council, the Commission and the Parliament discussed so far within the context of ACF and NPF and suggests that there is an ongoing struggle among these actors for power in the EU EBM field.

Table 3.9. Summary of policy narratives of the European Parliament (1980s-2000s).

Components of policy narratives	**Time Period 1980s-2000s**
Setting/problem	Socio-economic crisis, mass unemployment, insecurity of migrant workers, restrictions imposed on migrant workers, increasing racism and xenophobia, clandestine immigration, forced return
Characters (Victims/Villains)	**Villains**: certain member states imposing restrictions on migrants and certain political parties exploiting rising racism for electoral purposes, lack of cooperation at the EU level, non-application of legal principles of the Community, lack of appropriate measures, lack of democratic control **Victims:** migrant workers and their families, asylum-seekers, EU citizens
Moral of the Story (solutions /measures)	***Genuine Community asylum and immigration policy observing human rights *Application of Community regulations and directives * Full communitarization of justice and home affairs issues *Empowerment of supranational institutions *Enhancement of democratic and judicial control *Serving the interests of EU citizens
Plot	**Story of decline**: "The restrictions that continue to be part of the national policies of the Member States help to foster fear and distrust - which in extreme cases may even culminate in hatred-towards 'foreigners'. Today more than ever the economic crisis has the harmful effect of jeopardizing the ability of different communities to live together, and democracy in Europe is threatened" (European Parliament, 1985a, p. 17). **Story of control**: "We … believe that a more careful, active and constructive policy towards migrants is more urgently needed than ever. As a first move in this direction, it is essential that directives and measures which are more binding on the Member States be adopted that will guarantee this large Community of workers proper defence of their rights and preservation of their dignity" (European Parliament, 1985a, p. 17).

Source: Author's own construction based on official documents and semi-structured interviews

3.4. The European Border and Coast Guard Agency: An Example of Epiphenomenal Policy Making

Based upon the analysis of the involvement of three EU institutions within the EU EBM field, this section is designed to substantiate the argument of the second function suggested by Bickerton (2011): The EUFP serves as a venue for institutional conflicts (turf wars), and these conflicts have a powerful effect on policy outputs. In this context, the

discussion in this section, through the case of Frontex, revolves around the delegation of authority to the regulatory agencies, where inter-institutional struggles are clearly observed. In the previous sections, turf wars, i.e., competence debates, among the Council, the Commission and the EP, were discussed with references to the developments in the field particularly between the years of 1985-2005. While doing so, major components of policy narratives of each institution were explained and summarized in tables. The moral of the story, or solutions in other words, offered by those institutions indicated the potential policy outputs or policy designs as identified in the second chapter of the study.

In most of the cases, it was the Council's policy narratives that set the policy core of the EU EBM. For instance, the Council defined the problem as an influx of asylum seekers and manifestly unfounded asylum applications, and the solutions found were the Dublin rules, safe third country or safe country of origin, to name a few. Thus, policy narratives offered policy designs or outputs. However, this was not always the case for other less powerful actors of the field such as the Commission and the EP. While the Commission, for instance, sought to link the movement of third-country nationals to the internal market objective and, thus, to increase its competences in the field, the Member States were resistant to the delegation of powers. Therefore, policies exclusively reflected the preferences of the dominant actor, the Council, which consisted of Member States. This illustrated the structural constraints upon the agency of the supranational actors.

Particularly in the early years of the cooperation in the field, turf wars among the institutions had always been observable, but the policy outputs exclusively reflected the preferences of the Member States and the Council. In the following years, as the competences of the supranational actors slowly increased through treaty reforms in constitutional terms, the emerging policy solutions started to reflect the proposals of these actors as well, albeit not as much as the Council's solutions. It was discussed in the previous sections that supranational actors were not able to change the policy core settled by the Council, except for some secondary aspects of the EU EBM policy areas. Indeed, in both cases, the policy outputs indicated the internal needs and strategies of the actors rather than effective and well-designed responses to external challenges. This was the basic rationale behind the external border management. Although this study does not claim that policies were exclusively a result of internal needs and strategies of actors, it suggests that policy designs, such as externalization of border policies, measures taken to deal with challenges

associated with mobility of people, asylum rules, Schengen border regime, integrated border management or large-scale databases are considerably driven by the functionality logic rather than effectiveness.

Bickerton explains the second function of the EUFP with reference to Majone's (2005) "epiphenomenal" policy-making concept by asserting that CSDP and CFSP fields are "constituted out of considerable institutional rivalries and conflicts" (2011, p.7). Based on this suggestion, the major argument of this section is that the European Border and Coast Guard Agency, Frontex in short[135], has emerged as a product of inter-institutional conflicts among the EU institutions rather than as an outcome of concern for effectiveness or as a response to external challenges. Furthermore, Frontex, as an established component of the EU external border policy today, has become a new venue for those institutions in their power and legitimacy-seeking goals. In dealing with these matters, this section first focuses on the emergence of the border agency, and then it briefly discusses the institutions' conflicting visions of Frontex.

Although there is no study applying the functionality approach and turf wars argument systematically to the case of Frontex, there are several studies emphasizing the political contestation in the establishment of the agency (Leonard, 2009; Ekelund, 2014; Neal, 2009; Horii, 2015) and how it is used by the EU actors strategically to reinforce their influence in the field (Trauner, 2012; Paul, 2016, 2017, 2019; Scipioni, 2018; Parkes, 2015; Huber, 2015; Horii, 2016; Vitiello, 2018; Zhong and Carrapico, 2014). Kalkman's recent literature review study on Frontex emphasized five dominant themes in the studies on the agency: "Frontex's activities, the agency's characteristics, its operational effects, the issue of human rights and its position in the EU bureaucracy" (2020, p.165). Although this study did not include all the studies on Frontex, considering its selection criteria and the time of writing (2020), it provided a comprehensive and systematic review. In this context, the discussion of this section falls under the category of Frontex's position in the EU bureaucracy, which covers the studies on the "emergence of Frontex, its rise and its relative autonomous position" (Kalkman, 2020, p.167). Studies on the Agency's tasks, legitimacy, accountability, impact on human rights and operational effects, together falling under the first four dominant themes revealed by Kalkman (2020), engage in an analysis of effectiveness and external impact

[135] The border agency has been called with different names given by legislative acts in different periods. European Border and Coast Guard Agency (Frontex) is the last version in use. Here in this study, it is used as "Frontex", "the border agency" or just "the Agency".

(prescriptive concerns for effectiveness) that the functionality approach aims to transcend. Although it is possible to find some emphasis on the visions of Frontex defined by the EU institutions in those studies, there are very few studies particularly and systematically focusing on how the EU institutions strategically use Frontex as a venue for competition for power. This study engages in such work within the context of the functionality approach by looking at the positions of the EU institutions in the emergence and evolution of the Agency in the immediate aftermath of the communitarization of the JHA issues.

Based on this existing scholarship, the legislative basis of the Agency, the related official documents of the institutions, semi-structured interviews with officials and the written response provided by Frontex to the author's questions, this section discusses the functionality rationale inherent in the emergence and usage of the agency by the institutions. In the previous sections, migration and asylum policies as two major areas of the EU EBM have been discussed within the context of political struggle among the actors. This section focuses on border management as the last policy area of the EU EBM field.

3.4.1. The Emergence of the Border Agency and Inter-Institutional Conflicts (1999-2004)

In this sub-section, the path leading to the establishment of Frontex and the subsequent institutional conflicts are discussed. Similar to the argument that the EU's external border policy is the "product of competition between the domestic and supranational spheres of governance" (Trevisanut, 2015, p.215), Leonard suggests that the creation of Frontex is the outcome of "power struggles within the EU" (2009, p.385). Leonard is also interested in explaining the reasons why the Member States opted for creating an agency to increase cooperation in external border management rather than any other form of cooperation (2009). Highlighting some functional needs for increased cooperation on external border management, such as curtailing migratory flows, ensuring effective control of future external borders and prevention of crime and terrorism, Leonard (2009) stresses some internal dynamics that led to the establishment of Frontex, an 'agency' as a form of cooperation. Leonard's research interest holds with the rationale of the functionality approach of this dissertation.

Alongside several rationales for creating an agency from the perspective of the principal-agent model[136], Leonard pays attention to the studies examining the role of political struggles among policy makers in the delegation of powers to the agencies (2009). While Keleman (2002, p.111) states that "the creation of European agencies reveals a great deal about inter-institutional relations in the EU", Dehousse (2008, p.789) emphasizes "the recurrent inter-institutional struggle of agency institutional design". As underlined by Magnette (2005, pp.9-10), "the decision to create an agent, and the choice between different types of agents - more or less independent, more or less supranational- is the outcome political conflicts". In other words, the principals have a wide array of options to select in addressing the problem (i.e., lack of cooperation or credibility of commitment) in concern and political negotiations between the Council, the Commission and the Parliament result in certain options (Magnette, 2005, p.8). Thus, politics matters in understanding different decisions or options of principals in addressing the same problem, and consequently, the ultimate decisions of principals can be at odds with the universal/generalizable laws of delegation as suggested by the principal-agent model (Magnette, 2005, p.8).

Similarly, Keleman (2002) stresses that the creation of new independent regulatory agencies in the EU cannot be solely explained through functionalist accounts that exclusively take administrative efficiency into account within the context of the increasing regulatory role of the EU. In this sense, inter-institutional politics has played a significant role in the design of agencies (i.e., their management structures), besides the concerns for administrative efficiency (Keleman, 2002, p.94). Functional demands alone, according to Keleman (2002, p.94) are not adequate to explain why new agencies were established instead of giving more power and authority to the existing supranational agencies like the Commission. In this line, Dehousse (2008, pp.790-791) underlines the importance of European institutional architecture, in which there is no clearly defined principal but multiple principals, in understanding the delegation of authority and the design of the agencies. Thus, Dehousse (2008, pp.790-791) finds the standard principal-agent model inadequate due to its oversight of the multi-level character of the EU system in which there is no defined hegemon and suggests "multi-principals" model to understand the delegation of power. This evokes Bickerton's argument (2011, p.25) describing the EU as a "non-sovereign fragmented

[136] See Pollack (1997) and Magnette (2005) for a detailed discussion on the reasons of delegation of authority to the agents and the functions (i.e., advisory, regulation, implementation, monitoring) those agents perform in the context of the EU.

political order" in which there is "fundamental ambiguity over where final authority resides within the Union" and turf wars emerge as concomitant of the very nature of the EU.

In this discussion, it is crucial not to exclude and consider the Commission and the Parliament, alongside the Council and the Member States, as principals in the delegation of authority to the agencies (Keleman, 2002; Dehousse, 2008; Curtin, 2005), which underlines the decisive roles of these supranational bodies in regulation of specific fields. The Commission, for instance, delegated some of its implementation and administration tasks to the executive agencies (Curtin, 2005) or the Parliament, particularly after its empowerment as co-legislator, influenced the agency design in the issues of democratic accountability and transparency (Keleman, 2002, p.95). Institutional changes also have a significant impact on the actors' policy positions and inter-institutional relations, as discussed throughout the study. For instance, while the EP has long seen the Commission as its traditional ally in promoting European integration, instead of a bureaucratic agency to be governed or controlled, later, it put much emphasis on the control of executive activities of the Commission, distancing itself from the traditional ally when its legislative powers were enhanced (Keleman, 2002, p. 97). In this regard, both the Council and the Parliament emerged as principals vis-à-vis the Commission as a bureaucratic agent. However, the Commission, with its agenda-setting role in the legislative process, also has considerable influence in the design of the agencies that are established by the legislative acts (Keleman, 2002), as in the case of the establishment of the border agency by the regulation (Council of the EU, 2004d).

Based upon these studies (Keleman, 2002; Dehousse, 2008; Magnette, 2005) and past examples of agencies, Leonard (2009, p.375) explains "institutional triangle" -the likely positions or tendencies of EU institutions in the delegation process- as follows: the Member States can either reject the creation of an agency or accept the delegation of tasks to the agency over which they will have an extensive control; the Commission as the key agenda-setter is likely to withstand an attempt to delegate tasks to the agency in the policy fields where it has more competences; and the European Parliament is inclined to stress accountability and transparency issue in the design of agencies.

With respect to the dynamics of agency creation, Bickerton et al. (2015, p.713) also underline the recurring political tension that led to the creation and proliferation of *de novo* bodies. As one of the characteristics of the new intergovernmentalism, the authors assumed

in their third hypothesis that "where delegation occurs, governments and traditional supranational actors support the creation and empowerment of *de novo* bodies" (Bickerton et al., 2015, p.713). This means that instead of reinforcing traditional supranational bodies like the Commission and the ECJ that enjoy greater autonomy and make independent decisions, the Member States have delegated power, particularly since 1992, to *de novo* bodies which are "newly created institutions that often enjoy considerable autonomy by way of executive or legislative power and have a degree of control over their own resources" and "they fulfil functions that could have been delegated to the Commission and tend to include mechanisms for Member State representation as a part of their governance structure" (Bickerton et al., 2015, p. 705). Some of those de novo bodies examined in the literature comprise European External Action Service (EEAS), European Central Bank (ECB), European Union Agency for Asylum (EUAA), European Border and Coast Guard (EBCG) (Scipioni, 2018; Morillas, 2020; Hodson, 2015, Bickerton et al., 2015). These regulatory agencies that have issue-specific mandates are created both within and outside the EU treaties, and their governance structure is designed to allow Member States to retain control over their activities, like in the case of the management board of Frontex involving representatives from the Member States (Bickerton et al., 2015).

Bickerton et al. (2015) also emphasized that the creation of de novo bodies should not be solely understood as a victory of national governments over traditional supranational bodies, given that the latter also supported their creation, albeit not much willingly. For instance, while the Commission is expected to support the delegation of certain functions to the regulatory agencies that would increase the governing capacity of the Community and lessen the workload of the Commission in technical and resource-intensive activities, it is anticipated to be less willing to cede authority to those agencies if this would come to mean interference in its core competences in policy-making and enforcement (Keleman, 2002, pp. 98, 101). In a nutshell, the Commission and the EP supported the creation of agencies to reinforce the regulatory capacity of the EU and demanded more influence over the design of the agencies and more transparent control over them to prevent the empowerment of those agencies solely controlled by the Member States (Keleman, 2002).

As briefly mentioned, the delegation of authority has been discussed extensively in the literature, both in national and EU contexts. The purpose of touching upon some of the assumptions of those studies is to understand the role of inter-institutional conflicts -turf

wars- in establishing an agency like Frontex in reinforcing cooperation on external border management rather than delegating authority to any other agency or supranational body. The analysis on the border agency below holds with the above-mentioned findings of scholars on delegation, reveals the impact of inter-institutional struggle on the design of Frontex, and solely focuses on the place of the border agency within the bureaucratic structure of the EU and contested issues between the institutions about the establishment and working of the agency.

3.4.1.1. The Establishment of Frontex

Since the introduction of the AFSJ objective in the Amsterdam Treaty (1997), the European Council has given priority to the realization of necessary measures to develop the Union as an AFSJ within the settled deadlines. To that aim, the Tampere European Council emphasized the "need for consistent control of external borders to stop illegal immigration" alongside developing common policies on migration and asylum (European Council, 1999, para. 3), called for "closer co-operation and mutual technical assistance between the Member States' border control services" (para.24) and even stressed the necessity for "specialized trained professionals" in the control of future external borders of the Union (para.25) following the enlargement. More clearly and decisively, the Laeken European Council asked "the Council and the Commission to work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created" (European Council, 2001). However, this call by the Laeken Council was evaluated as mitigation of tensions among the member states having different preferences over the form of cooperation given that it did not mention the early initiatives of the Member States, such as the creation of "European Border Police" as a joint initiative of Germany and Italy (Leonard, 2009, pp. 376-377).

An important initiative came from the Commission in May 2002, with its communication called "towards integrated management of the external borders of the Member States of the European Union" that aimed to "propose mechanisms for working and cooperation at European Union level which will permit practitioners of the checks at the external borders … to co-ordinate their operational actions in the framework of an integrated strategy" (Commission of the European Communities, 2002d, para.6). In this

communication, the Commission first laid down existing practices and forms of cooperation and the challenges associated with the implementation of the Schengen acquis and then, suggested a number of short-term and medium-term measures in the way of adopting common policy on external borders management and "towards a European Corps of Border Guards" (2002d, part III, para.20). The Commission, with reference to the articles in the Title IV of the TEC, detailed all the components of common policy at the external borders (2002d, part III, paras. 20-51). Concerning the agency responsible for co-ordination and operational co-operation, the Commission suggested setting up an "External Borders Practitioners Common Unit" that would act as the head of common policy, carry out integrated risk analysis, coordinate and control operational projects, and exercise inspections (2002d, para.28). This common unit, which was expected to develop from "the SCIFA (Strategic Committee for Immigration, Frontiers, and Asylum)" within the Council, would associate all managers and practitioners acting in the field of external border checks and security, such as authorities in charge of issuing visas, EUROPOL, judicial and customs authorities, to name a few (Commission of the European Communities, 2002d, paras.29-30). While recommending the establishment of "European Corps of Border Guards" to support national services, the Commission also stated that "in any event, in the immediate future, this Corps will not be able to replace the national authorities to maintain law and order and safeguard internal security in the host country" (2002d, para.47). On several occasions, the Commission underlined both its role in the establishment of the cooperation mechanisms like common unit and boundaries of these formations with references to the relevant articles of TEC (2002d, paras, 30, 47).

Following the Commission's communication, the Council adopted the "plan for the management of the external borders of the member states of the European Union" and approved the agenda of the communication to a large extent (Council of the European Union, 2002). This plan listed the creation of the "external borders practitioners common unit" composed of heads of national border control services as a short-term measure to be realized within a year (2002, paras.44-45). Both the Council (2002) and the Commission (2002d) stressed the importance of a cross-pillar approach to the protection of external borders by linking the management of the issues in the first and third pillar. The Council also stated that if the necessary legal basis and the technical needs for its establishment were provided, the possibility of setting up a "European Corps of Border Guards" could be considered without replacing the national services (2002, para.120).

The Seville European Council welcomed the initiatives of the Commission and the Italy-led feasibility study concerning the creation of "European border police force" in the way of "gradual introduction of the coordinated, integrated management of external borders" and the adoption of the above-mentioned plan by the Council (2002, para.31). It furthermore urged "the introduction without delay, within the framework of the Council, of the common unit for external-border practitioners, composed of Member States' heads of border control, to coordinate the measures contained in the plan" (European Council, 2002, para.32). However, after its establishment, the common unit under the SCIFA was considered by the Commission and some member states insufficient to pursue operational tasks (Leonard, 2009, p. 378). The Commission had already stated in the communication (2002d, para.30) that the SCIFA framework, based on article 66 of the TEC, would rapidly become inadequate to provide the common unit with a multi-disciplinary approach in providing the necessary collaborations with customs cooperation and police cooperation and insufficient to meet, with only the structures of the Council, the needs of "European Corps of Border Guards" in future.

Recognizing the progress achieved in the operational coordination and implementation of measures as outlined in the plan of the Council (2002), achievements of operational programmes, risk analyses and trainings of personnel, the Thessaloniki European Council emphasized the importance of continuity of Community action in the field with more structured framework and invited the Commission "to examine … the necessity of creating new institutional mechanisms, including the possible creation of a Community operational structure, in order to enhance operational cooperation for the management of external borders" (European Council, 2003, paras. 12, 13, 14).

Eventually, the Commission submitted its proposal for "Council Regulation establishing a European Agency for the Management of Operational Co-operation at the External Borders" and announced that the new Agency would be given the task of "coordination of the operational co-operation" as well as coordinating return operations of Member States (Commission of the European Communities, 2003). The Commission laid down the provisions on the objectives, main tasks, competencies, legal status, liability, management board, transparency, and budget of the Agency (2003), which are essential to understanding the preferences of the Commission and the Member States for creation of an agency as a form of cooperation. In many parts of the document, the Commission underlined

the scope and limitations of the agency, implying that the ultimate authority to implement the Community legislation belonged to the Member States. For instance, such were the statements: "the Agency's activities will be purely supplementary to those of the national services", "it shall simply assist Member States in implementing Community legislation in the fields of control and surveillance of the external borders and removal of third-country nationals", and "the Agency will … not be given a policy-making role, nor would it make legislative proposals or exercise implementing powers" (Commission of the European Communities, 2003, p.4).

The choice of creating an agency was also explained (or justified) by the Commission through some internally oriented expectations: "the clear need for creating an independent, specialised Community operational structure", added value in "highly technical know-how on control and surveillance of the external borders", "increased visibility for the management of external borders in the public and cost-savings", its "coherence with Community policy" and its "actual contribution … to the delivery of such a policy" (Commission of the European Communities, 2003, p.7). The legal basis for the regulation is specified as the Article 66 of the TEC, which supports "cooperation between the relevant departments of the administrations of the Member States" and "between those departments and the Commission" (TEC, 1997; Commission of the European Communities, 2003, p.8). In several articles of the proposal for the Regulation, control mechanisms over the Agency were specified as well.

Following the consultation of the Council to the Parliament, the report of the "Committee on Citizens' Freedoms and Rights, Justice and Home Affairs" involving a "draft European Parliament legislative resolution on the proposal for a Council Regulation" was tabled by the EP (European Parliament, 2004a) that listed several amendments to the Commission's proposal. The legislative resolution on the proposal was adopted by the EP to be sent to the Council and the Commission (European Parliament, 2004b). Among many changes to the proposal, some deserve attention within the context of competence skirmishes among the institutions. For instance, the Parliament, under consultation procedure, suggested changes[137] that aimed to increase the influence of the Commission and thus reinforce the "communitarian" character of the agency; however, neither of these amendments was taken

[137] There are several amendments of the EP for further protection of human rights in the proposal. Here the focus is on the amendments related to the competences of the Community institutions.

into consideration by the Council in the final text (Leonard, 2009, p.380; European Parliament, 2004a, articles 14,17,18,19,23). Moreover, in the amendment to Article 18 (composition of the management board), the EP suggested that "the Management Board shall be composed of twelve members. The Council and the Commission shall each appoint six members" (2004a). The EP also stated that "the Management Board shall be chaired by the Commission Representative" (2004a, art.19).

The European Parliament (2004a) did also seek to reinforce its own power within the design of the agency. It deleted the recital 19 of the Commission proposal suggesting the possibility of "gradual widening of the scope of action of the Agency", on which the EP commented that it was to be "subject to a new legislative procedure" and "involve consultation of the European Parliament" (European Parliament, 2004a, recital 19). The EP requested that the "risk assessments" and "developments in research for control of external borders" to be submitted not only to the Commission and the Council but also to the Parliament so that it would have "access to the work of the agency on the same footing as Council in order to exercise its political control functions" (2004a, art. 4, art. 6). To reinforce its ex-ante political control powers, the European Parliament (2004a) added a new clause to Article 23 (paragraph 1 a (new)) stating that it may hear the candidate for the post of the Executive Director and issue an opinion.

With respect to the tasks of the agency, the EP rejected the recommendation of the Commission that "the Agency should work in the field of return" (2004a, recital 6). Accordingly, it omitted the related clauses in the recitals and the articles (recital 6, article 2), and as a justification for rejecting this task, the EP stated: "The European Parliament does not wish to entrust this task to an independent agency at European level. There would be a clear risk that the Agency gets the character of an "expulsion agency" (European Parliament, 2004a, art.2, point (f)).

The EP's report on the proposal also included a section on "explanatory statement" that explained the background of the proposal and the position of the rapporteur (2004a). The Parliament stated that even long before the Commission's proposal, it supported the idea of creating an agency in several resolutions, while at that time, the Commission supported the idea that the protection and management of external borders were up to the Member States (2004a, explanatory statement, part II). The rapporteur welcomed the proposal and supported the establishment of an independent agency because he considered the creation of

an agency as an important step in the management of external borders at the EU level (European Parliament, 2004a, explanatory statement). Furthermore, the tasks that were planned to be given to the border agency were, in any case, not dealt with by the Commission but by the Member States (European Parliament, 2004a, explanatory statement, part III). However, the rapporteur found the proposal of the Commission "rather intergovernmental" and suggested further involvement of the Parliament and the Commission, which would make the Agency "more communitarian" and accountable (European Parliament, 2004a, explanatory statement, part III). Thus, it firmly rejected the Council's opinion requiring the Management Board to have one representative from each Member State[138] (European Parliament, 2004a).

The Commission's proposal was adopted by the Council with only minor amendments. The Council (2004d) consolidated the role and authority of the Member States in some clauses by putting in, for instance, "the responsibility for the control and surveillance of external borders lies with the Member States" (preamble, para.4) or "the Agency should facilitate the operational cooperation between the Member States and third countries *in the framework of the external relations policy of the European Union*" (preamble, para.12, emphasis added). Alongside some minor changes (additions and omissions in some articles) that did not change the overall scheme of the Commission's proposal, the major contestation between the Commission proposal and the final text was the issue of the composition of the Management Board, and this was settled in favour of the Council in the final text (Leonard, 2009; Council of the European Union, 2004d). While the Commission proposed that "the Management Board shall be composed of twelve members and two representatives of the Commission" (Commission of the European Communities, 2003, art.18), the Council amended this article as follows: "the Management Board shall be composed of one representative of each Member State and two representatives of the Commission" (Council of the European Union, 2004d, art.21).

According to Leonard (2009, p. 380), there were two major reasons, or as she put it, "two looming deadlines", which accelerated the process of achieving a political agreement

[138] Before the adoption of the final text by the Council, there were several Council debates and conclusions following the Commission Proposal (See Council of the European Union (n.d.b.), Interinstitutional File: 2003/0273 (CNS)). Those initial debates reflected the preferences of the Member States many of which were adopted in the final text. In "Council Conclusions on the main elements of the Commission proposal for a Council Regulation", the Council suggested that "each Member State should have a representative in the Management Board of the Agency" (Council of the European Union, 2003b, para. 7)

among the member states on the regulation: the first one was the approaching "big bang enlargement of the EU" (May 1, 2004) creating pressure on the Member States to take necessary actions to protect future external borders of the EU; the second one was the deadline for transition to co-decision procedure (1 January 2005) and the Council wanted to reach an agreement before the deadline to avoid the involvement of the EP as co-legislator in the decision-making process.

It is also possible to observe that the Council, as the dominant principal at the time of the creation of the border agency in 2004, put some control mechanisms to prevent bureaucratic and political drifts of the agency (Leonard, 2009, pp.381-385). While bureaucratic drift occurs when the agency adopts a different policy agenda than that of the principal, political drift arises when the agency is directed by new authorities (principals) for different objectives than that of the principal(s) that first delegated authority, which is arguably a future political interference that original principals -creators of the agency- want to avoid (Keleman, 2002, p. 96). The typical example of a control mechanism to avoid political drift in the agency can be considered the composition of the Management Board involving representatives from each Member State and only two representatives from the Commission, excluding other EU actors. This might be considered as a strategy of the Council to maintain the intergovernmental character of the Agency and to avoid future political interferences, for instance, by the empowered European Parliament under the co-decision procedure after 2005. At this time, the Parliament was only able to control the agency through its budgetary powers (Trauner, 2012).

Regarding the functionality approach's major rationale that "the policy content is a *product* of institutional dynamics" rather than "a rational response to a changing international security environment" (Bickerton, 2011, pp. 61,63), it is also essential to discuss whether Frontex was a direct response to the external challenges such as the 9/11 terrorist attacks. Andrew Neal (2009), in his prominent article "Securitization and Risk at the EU Border: The Origins of FRONTEX", examines the origins and practices of Frontex with an approach alternative to the classical theory of securitization[139]. By questioning

[139] Here the classical theory of securitization refers to the Copenhagen School's securitization. Securitization theory basically refers to construction of an issue as an urgent existential threat (to survival of referent object) that renders extraordinary measures legitimate and, in that case, violations of normal rules are accepted or tolerated by the audience (Buzan et al., 1998, pp. 24-25). Andrew Neal's support for an alternative approach to securitization theory within the case of EU level drives from his argument that the EU, as a fragmented polity, is a problematic case considering the securitization theory as it looks differently from the national context in terms of the securitizing actors and the audience (see Neal, 2009, pp.336-338).

whether Frontex is a product of securitization of migration following 9/11 or not, Neal (2009) examines the 'process' of agency formation and continuity rather than exceptionalism in this process as well as the language of risk in the practices and rationale of Frontex, which offers important insights into the functions of Frontex and external border management in several ways. First of all, his argument that Frontex was not a policy response to the securitizing moves of the EU institutions in late 2001 since there was not any language of urgency in its formation and thus, it was not a 'securitized outcome' (Neal, 2009) signals that member states, institutions and also security professionals may have multiple purposes in mind other than responding to a common threat or crisis articulated as urgency, in promoting the formation of agency. Thus, the argument that Frontex is not an outcome of securitization of migration after 9/11, but rather a failure of it and that Frontex is a product of logical continuation of integration rather than a politics of exceptionalism can be used to reflect upon Bickerton's claims regarding the functions of EU foreign policy.

Indeed, it is possible to observe all three functions of EUFP in the establishment of Frontex. Although the first and the third functions of the functionality approach are beyond the scope of this study, an emphasis on them might be guiding for future studies. In this regard, the lack of solidarity among member states in the face of a common threat might be useful in explaining why Frontex was established in the first place because Frontex might serve for managing internal crisis and disintegration among member states, as suggested by the first function (damage limitation). Additionally, Neal's emphasis on how post-9/11 speech acts involve an "attempt to construct a notion of European identity" (2009, p.339) in addition to addressing security challenges is also meaningful for the third function of Bickerton's thesis (identity building).

The question remains critical in assessing the functionality of Frontex: If Frontex was not a policy outcome of the EU responses to 9/11, then what were the political processes and major dynamics that led to the formation of that agency? The appearance of Frontex as a technocratic project blocked out the initial language of urgency and exceptionalism, and the major contestation in the creation of Frontex was not "the legitimation of urgent security measures, *but the question of which EU institution had jurisdiction over external border control*" (Neal, 2009, p.343, emphasis added). As discussed above, the Commission's proposal for the Community agency did not foresee a purely supranational agency, and it gave much leverage to the member states. Indeed, the composition of the Management Board

was more communitarian in the proposal than in the final text. This illustrated that the Commission did not want to challenge the sovereignty of member states over their national borders (Neal, 2009). The Commission's major strategy in the late 1990s and early 2000s was to reinforce its role in the field by promoting technocratic solutions to the management of securitized policies without much disturbing the intergovernmental character of the field. Those technocratic solutions, such as conducting risk assessments or establishing information technology systems, have become normal, rather than exceptional, practices of border management that started even before the terrorist attacks. For instance, the fact that the term 'security' has only appeared once in the final text (see Council of the European Union, 2004d), while the concept of 'risk' appeared in the Regulation nine times (in relation to developing "common integrated risk analysis model") shows that the rationale behind the agency's tasks was not one of urgent response to threats but of continuous management (Neal, 2009, p.348)

One may think that if Frontex were the outcome of securitization that was promoted initially by the discourses of the European Council and the Commission in the immediate aftermath of the 9/11 attacks, would it be a rational/ effective response to the changing security environment? In other words, do successful securitization and adoption of urgency measures constitute a rational response to external threats? It indeed needs further research to claim that it would be a more effective response. However, the absence of language of urgency and exceptionalism in the formation of Frontex does not necessarily mean that Frontex is not a securitizing agency (Neal, 2009). The practices and risk rationale of Frontex illustrate that the agency has been securitizing migration and setting links between migration and terrorism (Leonard, 2010). However, the point to be emphasized here is that the establishment of the border agency was predominantly driven by the internal dynamics, integration process and the needs of the EU actors rather than by external challenges, as illustrated by the very reasons or justifications given by the principals for its creation.

3.4.2. In Lieu of Conclusion: Competing Visions of Frontex

Frontex is a decentralized agency of the EU. Decentralized agencies are defined in the official website of the EU as "bodies created by secondary law to manage specific technical, scientific or managerial tasks", and they provide technical knowledge and expertise to enhance cooperation between the EU and Member States and implement the EU policies

(European Union, n.d.b., para.1). In the establishment of Frontex, the major actors determining the design of the agency were the Council and the Commission. The EP, under consultation procedure, could only be involved in the process with its report on the proposal suggesting several amendments that were not taken into consideration by the Council in the final text (European Parliament, 2004a).

The first amendment to the founding regulation of the Agency came in 2007 when all three EU institutions supported the establishment of Rapid Border Intervention Teams (RABITs). This was the first revision that the EP was involved in the legislative process under a co-decision procedure. The Commission submitted a proposal for a "Regulation of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism" (Commission of the European Communities, 2006). It underlined in the proposal the necessity for Rapid Border Intervention Teams to assist national services of the Member States in the situations of high influx of illegal immigrants and in the proper implementation of the "Schengen Borders Code", which would strengthen solidarity between the Community and the Member States (2006, explanatory memorandum, pp.2-4). These rapid reaction teams would be composed of "officers of the national border guards of Member States" and deployed to requesting Member States that faced high pressure at the external borders (Commission, 2006, p.4)[140].

According to Parkes (2015), this time, it was not the Council that used crisis situations to steer the Parliament towards first reading agreements and force it to act responsibly[141], but the Parliament that saw the arrival of immigrants as a justification for a stronger European action. Since the Parliament and the Council had reached an agreement, the position of the EP at the first reading corresponded to the final text (European Parliament, 2007b; European Parliament and the Council of the European Union, 2007). The Parliament (2007b), in its position on the proposal at the first reading made several amendments to the Commission's proposal that were adopted in the final text. In 2011, the second amendment came with a major revision of the founding Regulation of the Agency under the ordinary

[140] For details on the objective, composition, tasks, funding of RABITs and the amendments to the founding regulation to implement this new intervention mechanism, see Commission of the European Communities (2006, pp.2-10) and European Parliament and the Council of the European Union (2007).
[141] This was the case in the recast of several directives in migration and asylum law in which the Council urged the EP to behave responsibly in the face of external challenges, such as terrorism, and reach an agreement at the first reading under co-decision (see section 3.3.3).

legislative procedure. The Commission (2010) and the European Parliament (2011a) put forward several amendments to the founding Regulation. The Commission (2010) proposed widening the tasks of the Agency, introducing new obligations in the joint operations and modifying the provisions on technical equipment, while the Parliament proposed amendments to improve the provisions on human rights, to strengthen the democratic scrutiny, to give the Agency power of processing personal data provided that it ensured protection of such data and to designate a Fundamental Rights Officer, to name a few (European Parliament, 2011b). The final legislative text adopted by the European Parliament and the Council (2011) reflected the enhanced involvement and influence of the Parliament, compensating for its weak influence in the decision-making process founding the Agency (Trauner, 2012), and this has improved the communitarian character of the Agency.

The major indicator of the functionality logic inherent in the establishment and evolution of the Agency is the fact that the EU institutions struggled to impose their own visions of border agency, and concomitantly, they used different policy narratives to promote their own agendas and power, which resulted in the Agency (and border regime in general) to have a "tri-partite rationale" as suggested by Parkes: "EP's policy frame stressing the importance of oversight and accountability pitted against the Commission's technocratic solution and the member states' inter-governmental and security-led understanding of Frontex" (2015, ch.4, table 4.2)

Although the Parliament was sidelined in the legislative process establishing Frontex, it adopted several ex-post strategies[142], such as using budgetary powers, to become a principal having control over the activities of the Agency (Trauner, 2012). Overall, the protection of fundamental rights, parliamentary scrutiny, accountability and transparency have been the major issues in the EP's agenda with respect to the working of the Agency. As underlined by the official from the European Parliament (EP-1), the Parliament has an active role in holding the agency accountable through the discharge process, annual budget negotiations, LIBE committee and working groups specifically set up to scrutinise the agency[143].

[142] While ex ante strategies refer to exhausting "legal possibilities to influence legislative outcomes", ex post strategies refer to using formal legal powers such as budgetary competences or using institutional empowerment to offset weak involvement in the establishment of an agency (Trauner, 2012, p.788).
[143] Interview with an official from the European Parliament (EP-1).

The officials from the Commission, the EP and the Council were also asked about the dynamics behind the creation of the border agency. Answers were unsurprisingly rationalistic in nature, meaning that the border agency was a rational response to the external threats. But still, those answers provided notable explanations regarding the tri-partite rationale of border management in general and the border agency in particular.

> Author: Why do you think Frontex was established in the first place? Is its contribution to integration, the identity or visibility of the EU taken into consideration? What standards have been applied to determine its success and effectiveness?
>
> Official of the Commission[144]: Well, there is a standard answer right that Frontex was established as a response to growing complexities of border management. But of course, beyond security, it also plays actually a role in European integration. One of the main objectives of the Frontex was facilitating collaboration among member states…At the beginning, it was a logical continuation of increasing European integration, I would say… increasing of the EU competences in the field. There was not very strong crisis in that sense, but proactive stance and continuation of policies, I would say.
>
> Official of the Council[145]: "There are several reasons for putting in place the Frontex. When you look at the situation back then when it was established, the primary reason is of course that it is easier when you have an EU organization, and in this case the EU agency that coordinate the issues. Otherwise, you have each member state doing things on its own without coordination…without internal border controls, we need stronger external border controls…It is better if you coordinate how you protect the external borders…That was the main reason for creating Frontex. But then of course, we can point to other reasons…You have an organization that is to be considered [having] supranational elements more than intergovernmental elements. …When you look at the working of Frontex, it is purely intergovernmental. The main thing and that is very clear is that Frontex cannot act except when one member state agree that Frontex acts on its territory. You have supranational elements, but you have more of an intergovernmental element.

[144] Interview with an official from the European Commission (EU COM-2)
[145] Interview with an official from the Council of the EU (EUC-1)

I think it is important in the sense that it has in a certain way given visibility to external borders and protection of external borders of the EU. Because now when you speak about protection of external borders you immediately think Frontex, you have persons with uniforms of Frontex, with symbols of Frontex. It is clear that it is basically the EU border corp. And it will become even clearer when the standing core will be complete that is this core of Frontex officers that will be deployed …everywhere, more than 10.000 officers by 2027. That will make the identity of this force even more visible. About the effectiveness and evaluation, it is a little bit difficult because it has grown so rapidly in such short time span that it has not had the time to implement the full mandate that it has received. We have to have a full picture to see what it is doing. Right now, an evaluation has taken place by the Commission and in 2024 the Council will proceed to an evaluation of Frontex to see what the effectiveness of Frontex has been, where it can become more efficient, what are the possible shortcomings, what is the added value, how it performs… The preliminary conclusion is that we have still to give Frontex a little bit of time so that it can fulfil all the parts of the mandate … before we can really evaluate and then make changes if necessary".

Official of the Parliament[146]: Frontex was established as compensatory or flanking measure following the creation of the Schengen zone in the absence of internal border controls and that lack of internal border controls between the Member States created a growing need for strengthening external border and commonly managed external border. Certain member states, because of their geographical positions, were under strain from trends of migration… I think the agency can be described as a measure of EU solidarity.

Regarding integration aspect of it, it is more, or less, emphasized depending on the political view. Some are very much in favour of Frontex because it does take a step for in terms of EU harmonization of practices, others would not speak highly on this but rather emphasize its role in helping to secure the EU's external borders.

While establishing such regulatory agencies, the debates among the EU actors on the institutional design of the agencies might indeed be the normal process of decision-making. Thus, the claim that agencies are products of turf wars (see Chapter 4) can be regarded as a

[146] Interview with an official from the European Parliament (EP-1).

conclusion of a less meticulous judgement. Yet, what makes it relevant for the functionality approach is the fact that the creation of the agency has been and is still justified, particularly by the member states and the institutions, on the grounds of the internal needs of the EU and the institutional design of the agency reflects a blend of their preferences, albeit dominantly the preferences of the Member States. Furthermore, these actors have apparently used the agency as a venue for the struggle for power and legitimizing their cause in the EU policy field.

> Author: Is Frontex a technocratic Project? What is the role of Frontex in de-politicizing the border-related issues thinking of its risk analysis strategy?
>
> Official of the Commission[147]: I would say, the Frontex is a technocratic project and depoliticizing is definitely one of its objectives. Frontex is an agency and employs bureaucrats, so there is no political body over there. There is a lot of technical expertise… and also information exchange. Based on the information from the member states, Frontex provides very important situational awareness…also vulnerability assessments that identify vulnerabilities at the external border crossings… to pinpoint where the weak link could be at the external borders and then that feeds into capability development, how it could be mitigated.
>
> Frontex has a list of national capability development plans and based on that Frontex has come up with an overview…Member States would perfectly know how to invest and where to invest… which is rather an ambition. Frontex is a technocratic project. It has the means to achieve this ambition.
>
> Official of the Council[148]: "The basic aim of having an agency Frontex could be to… depoliticize the issue. Because you have there kind of technocratic structure and stable servants. We need to just follow the rules… as they have been established in the Frontex Regulation…It was a proposal of the Commission clearly in a spirit of depoliticizing something that is very political, but what we have seen in the past years certainly under the leadership of the last executive director, Mr. Leggeri, there has been heavy politicization …Two important issues against each other basically the protection of external borders one the one side and at the other side the protection of

[147] Interview with an official from the European Commission (EU COM-2)
[148] Interview with an official from the Council of the EU (EUC-1)

fundamental rights and of the values of the European Union, which has made it in the end unsustainable. Because in the end the question was and may be is still … is it an agency to protect external borders or is it an agency to protect fundamental rights…The people have politicized and put it in those terms ... 'protection of external borders' or 'fundamental rights'. Frontex should be a technocratic project but not in the negative sense of the word but in the positive sense of the word. You have people, civil servants that apply the rules as they have been established and thus depoliticize the issue that is very political."

The quotes above well illustrate the point of this section that competing visions in the establishment of Frontex still continue and define the essence of the Agency. Emerged as product of inter-institutional rivalries, Frontex has become a new venue for those institutions to promote their broader institutional interests.

3.5. Conclusion

This chapter is the most comprehensive part of the study focusing on the major actors and the policy areas of the EU EBM field, particularly between 1985 and 2005. Based upon the functionality approach's basic rationale that the EUFP serves as a venue for inter-institutional conflicts and, concomitantly, the emerging policies are products of turf wars, this chapter argued that the EU EBM field, as one of the components of EUFP, serves as a venue for political competition for power among the Council, the Commission and the Parliament and the substance of policies and the form of cooperation are products of those struggles for power.

Following an overview of the studies applying the ACF and NPF to the EU policies, the chapter presented the policy positions of the Council, the Commission and the Parliament respectively, by focusing on policy narratives of these institutions in the EU EBM field. Taking advantage of defining the policy core of the field in the early years of cooperation (1980s, 1990s), the Council retained its dominant position in the decision-making process, sustaining the intergovernmental form of cooperation and restrictive substance of the policies in migration, asylum and border management. The Commission and the Parliament, as traditional advocates of liberal and integrationist policies in the field, have used policy narratives strategically to promote their institutional interests, which would indicate

changing their policy narratives to swing with the structural constraints of the field in some cases. The change or shift in the policy narratives came earlier in the case of the Commission than that of the EP. Since 1996, the Commission started to frame the migration issue within the securitized framework and came closer to the position of the Council. However, the Commission promoted depoliticized and technical measures to manage the challenges of migration effectively, which is phrased in this study as "securitization in policy objectives and de-politicization in policy design". The change in the position of the Parliament came surprisingly with the empowerment of the EP after the transition to a co-decision procedure. Contrary to the expectations that a powerful Parliament would further promote humanitarian and liberal policies, the EP accepted several legislative acts at the first reading without major amendments. However, neither the Commission nor the EP wholly abandoned their liberal and integrationist discourses. Despite the convergence in policy core beliefs with the Council, those supranational bodies have recommended several changes in legislative acts to promote humanitarian management of migration and asylum issues. However, those amendments remained as secondary aspects of the policy and did not save their reputation as liberal institutions, casting a cloud on their liberal/humanitarian identity.

The last section of the chapter is devoted to the case of Frontex, taken here as an example of epiphenomenal foreign policy making emerged out of inter-institutional tensions and rivalries. Holding with the rationale of the functionality approach, this section illustrated that the emergence and evolution of the border agency was considerably, if not exclusively, driven by internal dynamics and inter-institutional relations. Furthermore, there were notable indicators supporting the argument that Frontex was not an outcome of securitizing discourses of the actors following 9/11 (Neal, 2009), nor was it a direct response to the changing security environment. A comparison of the regulation establishing Frontex and the one amending it supported the argument of the previous sections that the institutions are not driven by concerns for external effectiveness and impact, which made an appearance in a tripartite (security vs liberal vs technocratic) vision of Frontex, as suggested by Parkes (2015).

4. AN ANALYSIS ON THE FINDINGS

The impact of some internal and external developments since the mid-1970s on the securitized migration and border policies is undeniable. The economic crisis in welfare states or the increasing flow of migrants and asylum seekers since the 1990s has contributed to restrictive and security-oriented policies at the national and the EU level. However, it is worth noting that those policies and measures have continued to increase disproportionately even when there is no significant threat outside. Furthermore, the supranational actors, the European Parliament and the European Commission, known for their liberal/right-based policy proposals and integrationist attitude, stayed on the sidelines and, in order to be in the game, had to accept restrictive measures of the Council, albeit with their reservations on such policies through affecting secondary aspects of the policies. In this context, the power game in the EU EBM field and the broader EU field of power might produce security policies and practices as part of ongoing integration project with actors having variable calculations, independent of external crisis and shocks. This chapter will evaluate the political competition among the institutions discussed so far with the language of NPF and ACF.

The findings of this dissertation can be summarized as follows:

- The EU EBM field is a venue for turf wars among the EU institutions (the Council, the Commission and the Parliament), and the field is substantially if not wholly, dominated by the logic of internal functionality rather than effectiveness.

- The EU EBM serves the internal objectives of actors at the national and the EU level.

- The European Commission and the European Parliament, as the major supranational institutions and long-term supporters of liberal policies and integration, tend to ally with the Council of the EU when they are constrained by structural factors, particularly the dominance of the Council and decision-making procedures.

- Convergence of policy core beliefs of the supranational institutions with the Council does not necessarily mean the end of turf wars; on the contrary, it illustrates the ongoing competence-seeking behaviour of the Commission and the Parliament that are in constant struggle to change the distribution of competences in their favour.

- The emerging initiatives or policy designs, such as agencies like Frontex or legislative acts on migration, asylum and border management, are largely epiphenomenal. In other words, they are not necessarily direct responses to the challenges in the external environment but products of interinstitutional conflicts.

- Assessment of the EUFP, here, in this case, the EU EBM, through state-centric conceptualizations and criteria, such as effectiveness, actorness, performance or coherence, is not pertinent considering the non-sovereign order of the EU policy venues led by multiple actors with multiple objectives.

- The agency-oriented functionality approach is more promising for understanding the determinants of turf wars in the EU EBM field when it is supplemented with the sociological constructivist approach that allows for explaining the structural constraints on the agency of actors.

- Policy narratives are most often designed by the actors, notably the supranational institutions, to serve the strategic purposes of these actors rather than concerns for effectiveness. The proposed solutions generally serve to promote their cause in the field either by defining problems/solutions in line with their existing competences or directly by claiming new competences.

- The advocacy coalition framework, originally designed as public policy theory, provides key insights into the policy formulation and policy change or lack of change within the EU policy field. Operationalization of policy core beliefs and secondary aspects within the EU EBM field allows for comprehending major determinants of competition among the EU institutions.

The findings above are herein assessed through the major arguments of theoretical frameworks used in this study and the findings of scholars applying those frameworks to their studies.

Based on the analysis in Chapter 3 and the existing research on the strategies of the European Commission in internal and external policies of the EU, ranging from taxation policy and environment policy to external border management and migration policies, it has been observed that the Commission in its policy narratives moves on the spectrum of politicization and depoliticization depending on its leeway delineated by the dominant actor

of the field (the Council) and empirical evidence at its disposal. For instance, in the case of taxation policy, the Commission tried to increase the political salience of tax coordination through the narrative of harmful tax competition, as there was no definite empirical evidence to show that the present tax policy and competition were certainly detrimental to single market and employment policy (Radaelli, 1999). Thus, the key function of the narrative constructed by the Commission in this case has been the "stabilization of assumptions needed for action in a policy area dominated by genuine complexity and uncertainty" (Radaelli, 1999, p.671). On the other hand, in the case of migration and border management, while the Commission, until the late 1990s, had defined the issue of migration in a de-securitized framework, it changed its policy narratives and defined migration as a complex security problem when faced resistance by the member states in the Council to have more power in the field. Following its empowerment by the treaty reforms, the Commission also put effort into guaranteeing its status in the field by defining itself as an evidence-based organization equipped with technical expertise. Thus, it de-politicized migration by defining it as a problem to be solved by technical experts. As Pacciardi (2024, p.3) adeptly pointed out, "political narratives try to steer the policy making process by oversimplifying a complex reality and reducing it to cause-effect relations that allow policy makers to make diagnosis and design solutions". Thus, policy narratives emerge as fundamental tools strategically used by the EU institutions to promote their own agendas and powers.

Papagianni calls this dichotomous approach of the Commission as "hovering between vision and realpolitik" (2006, pp.234-236), in that, while it took a decisive position on the issue of abolishing internal border controls for all people, regardless of nationality, in other occasions, it pragmatically supported Member States' preferences for intergovernmental and restrictive measures to avoid any reaction of Member States that were strictly against the Community competence at that time. In sum, competences, and resources at the disposal of the Commission should be considered as factors influencing the strategies and policy narratives of the Commission. Even in the case of sufficient evidence showing that the Commission is driven by a logic of effectiveness, the instrumental goals of the institution should be taken into account for a comprehensive analysis. In this regard, the Commission's efforts to break down fences between the levels of Community/supranational and the Council/Member States through the narrative of "comprehensive migration policy" can be interpreted as the strategy of the Commission given that this narrative was defining the moral of the story (e.g., addressing root causes of migration) that fell into the Community's area

of responsibility, paving the way for further involvement of supranational bodies in decision-making. This policy expansion of the Commission also reminds the hypothesis of NPF set for the meso-level (see Chapter 2) that "groups or individuals who are portraying themselves as *losing on a policy issue* will use narrative elements *to expand the policy issue* to increase the size of their coalition" (Jones and McBeth, 2010, p.346; Jones et al., 2014, p. 17, emphasis added). This hypothesis of meso-level analysis provokes this dissertation's conclusion that the European Commission, who portrayed itself as insufficiently involved in the justice and home affairs policy ("*losing on a policy issue*"), used narrative elements to widen the policy agenda ("*to expand the policy issue*") to increase its competences and power within the policy field. As discussed in Chapter 3, the European Commission defined the migration issue and the moral of the story in two distinct ways in different periods. On the other hand, the second hypothesis of meso-level analysis that "groups or individuals who are portraying themselves as winning on a policy issue will use narrative elements *to contain the policy issue to maintain the coalitional status quo*" is in parallel with the argument of this dissertation (Jones and McBeth, 2010, p.346; Jones et al., 2014, p.17). Member States and the Council, who are dominant players within the field, use narrative elements to constrain policy-widening efforts of other supranational institutions ("*to contain the policy issue*"*)* to keep their dominant positions within the policy field ("*to maintain the coalitional status quo*").

Considering the role and position of the European Parliament in the EU EBM field, the previous chapter underlined that the initial liberal and integrationist attitude of the Parliament changed considerably after communitarization of the field and the transition to the co-decision procedure. Many scholars arrived at this conclusion by observing legislative acts on asylum and migration issues under consultation (before 2005) and co-decision (after 2005) procedures. This changing position of the Parliament and the Commission along similar lines is considered in this dissertation as a strategy of these supranational bodies to consolidate their place in this policy field. By adopting a closer position to the Council, they led the policies to move further away from the liberal line.

On the other hand, Kaunert and Leonard (2012) are not pessimistic about the progress in the EU asylum law. Contrary to the claims that legislative instruments have led to more restrictive measures on asylum, they suggest that directives laying minimum standards with respect to a range of issues (temporary protection, qualification, procedures, reception

conditions) in national asylum systems have led to improvement in legal protection standards in a number of ways: first, by laying down minimum standards, these directives do not allow for "race to the bottom" among Member States and also do not urge them to lower their more generous standards; second, there has been no evidence showing that the Member States with higher asylum standards have used this practice of minimum standards as an opportunity to lower their standards to the level requested by the directives; third, the EU asylum laws have raised the standards in several Member States by, for instance, introducing new protection standards, such as codification of subsidiary protection; and last, the higher asylum standards did not remain on paper as important initiatives, such as European Refugee Fund as a financial solidarity mechanism, were taken to implement them in practice (Kaunert and Leonard, 2012, pp. 1401-1403).

Thus, Kaunert and Leonard (2012) do not agree with the famous venue-shopping framework of Guiraudon (2000, pp. 251-252), who suggested that national policy makers had chosen the EU level instead of the national level, where they were more likely to encounter obstacles from national high courts or migrant-aid organizations, as a new venue for cooperation on asylum and migration policies to establish stricter migration controls in the 1980s. Contrary to the expectations that the EU-level cooperation would bring restrictive migration and asylum policies in the absence of domestic constraints at the national level, Kaunert and Leonard (2012) claimed that the EU policy venue has lessened the restrictiveness of asylum standards thanks to the changes in the EU system of policy venues with various treaty reforms, particularly, the empowerment of refugee-friendly supranational institutions vis-à-vis the Member States and growing significance of judicial actors. Hence, both communitarization and judicialization of asylum policy venue paved the way for less restrictive policies on asylum issue (Kaunert and Leonard, 2012, p. 1409).

Writing in 2012, Kaunert and Leonard underlined that the recast versions of asylum laws that were tabled by the pro-integrationist Commission would continue with this liberal trend (2012, p.1409). However, considering the fact that most of the recasts took place in 2013 and later, the authors could only predict the outcomes of the recast process that were challenged by many who compared first and second generation of asylum laws (Peers, 2013; Ripoll Servent and Trauner, 2014, 2015; Trauner, 2016; Bendel and Ripoll Servent, 2018; Bendel, 2019; Zaun, 2019) and found no substantial change in the core of EU asylum law but limited improvement in asylum standards at best.

Those who argued that the supranational institutions were not able to change the restrictive policies in the field do not totally disagree with the authors who claimed that communitarization of migration and asylum policies did not result in more restrictive policies (Thielemann and El-Enany, 2010; Kaunert and Leonard, 2012; Thielemann and Zaun, 2018). For instance, Ripoll Servent and Trauner (2014, p. 1153) observed limited progress towards harmonization and adoption of liberal policies in the second generation of asylum laws after communitarization of the policy, but they found that the EP and Commission did not substantially question the core of asylum law and accepted the "half-heartedly integrated core of the asylum regime set by the Council". It is true that after the Amsterdam Treaty and the end of its transitional period, the JHA policies that fall under the Community pillar are not more restrictive or less harmonized compared to the early years of cooperation. However, as it can be predicted via the lenses of the ACF, as long as the Council remains the dominant actor that has constructed the policy core of the field for long (since the 1980s), the supranational bodies are not likely to fully follow their liberal agendas, and the legislative texts will be subject to restrictive rationale.

In the revised hypothesis 5 of the ACF, it is stated that "significant perturbations external to the subsystem … are a necessary, but not sufficient, cause of change in the policy core attributes of a governmental program", which implies that policy change can only occur if such major external changes are "skilfully exploited by proponents of change" (Sabatier, 1998, pp.118-119). The supranational actors, or proponents of change with ACF phrasing, did not successfully use the new institutional setting following the Amsterdam Treaty to change the policy core of asylum and migration. In this dissertation, this outcome was linked to the changing positions of the Commission and the EP, which sided with the Council to secure their long-term preferences. Thus, it was questionable whether those institutions, after communitarization, were still proponents of change, which seemed to them as an arduous task having no guarantee of success.

In an account of the EU cooperation in migration control, Guiraudon's (2000) 'venue-shopping' approach and Lavenex's argument (2006) that national migration policies shift 'upwards and outwards' are vital in understanding the actors' motivations to cooperate at the EU level and the functionality of supranational foreign policy beyond its effectiveness. These approaches emphasize the motivations of actors in choosing the EU level as the venue of policy making and implementation. According to venue-shopping framework,

governments, more specifically ministries involved in migration policy-making and law and order officials, have supported the internationalization of migration control to avoid the domestic judicial constraints -domestic constitutional principles, national jurisprudence and law- which reduced their arbitrary decisions and policies, and to set the rules of the cooperation in their favour (Guiraudon, 2000). Although Guiraudon's analysis covers the years between the late 1970s and 1999 (after which there has been considerable communitarization of policy), it still offers some invaluable insights into the internal function (turf wars) of the EU EBM today. In contrast to neo-functionalist and liberal intergovernmentalist positions[149], Guiraudon (2000) suggests an alternative framework to explain the timing, form and substance of the cooperation on migration and asylum, which provides important insights into understanding the motivations of actors in opting for the EU-level cooperation to pursue their individual goals. Accordingly, the venue shopping framework is useful in understanding the 'timing' of the European cooperation on migration that dates back to the early 1980s as migration control officials started to seek new policy venues to sidestep national court decisions of the late 1970s favouring family reunification and long-term residents; as well as to comprehend the 'form' of the cooperation that stays primarily intergovernmental and the 'content' of the cooperation that is restrictive and concerned with security (Guiraudon, 2000, p. 267).

With respect to the driving forces of internationalization of migration policies, Guiraudon asks, "Who benefits from this vertical type of policy-making and how?" (2000, p. 257). Accordingly, policy-making in an international venue serves the interests of migration control officials in three ways: (1)'avoiding judicial constraints' in international settings considering the limited role of ECJ regarding the measures in relation to border security and the limited role of national courts in implementing the policies; (2)'excluding possible adversaries' in international venues where member states could manage to bypass the opposing views of the participants (the EU institutions, national actors or migrant aid organizations) and make monitoring of policy process difficult and (3)'finding new allies' such as sending or transit countries that made it possible to include non-EU countries and also the EU candidate countries in the governance of migration control that serve the restrictive policies of the member states (Guiraudon, 2000, pp. 261-267).

[149] See Guiraudon (2000, pp.253-255) for liberal intergovernmentalist and neo-functionalist approaches to the EU level cooperation in migration and asylum policies.

As emphasized throughout this dissertation, the cooperation on migration and border-related issues at the EU level does not emerge as a direct response of member states to the external security environment in principle. Guiraudon (2000, p. 268) expresses this observation as such:

> "The internalization of migration control is not a deus ex machina response to the evolution of migration patterns nor a sine qua non of the single market project. It constitutes a case of strategic 'venue shopping' by migration control agencies adapting to institutional and material policy constraints".

Similarly, Lavenex (2006) also interprets the process of internationalization of immigration control as a strategy of national immigration ministries to reinforce their autonomy in policy-making vis-à-vis the pro-migrant authorities and political constraints. Based on the key developments in the process of Europeanization of migration control, Lavenex argues that immigration control, which was formerly a pure member states prerogative, has first progressed higher to the intergovernmental level, then moved closer to the supranational level and more recently has begun to extend to the EU's foreign relations (2006, p.329). These shifts from one level to another are explained with the actors' escaping from political and judicial constraints at both national and supranational levels (Lavenex, 2006). Cooperation among member states on migration and asylum issues first started outside the formal EU treaty framework in the mid-1980s, then has been followed by 'formal intergovernmental cooperation' since the 1992 Maastricht Treaty (third pillar) and finally 'communitarization' of policies to a substantial extent was achieved with the 1999 Amsterdam Treaty (Lavenex, 2006; Geddes, 2003). In the process of Europeanization of migration policies, member states seemed more willing to externalize migration and asylum management to non-EU countries in order to ease immigration pressure, whereas they took their time to transfer their sovereign rights and to harmonize internal rules like deciding on refugee status and family reunification (Lavenex, 2006). This trend was defined by Lavenex as 'reluctant communitarization' and 'dynamic extraterritorialization' which helped to maintain the established policy frame of transgovernmental cooperation in line with the interests of member states (2006). In other words, transgovernmental actors favouring security-oriented externalization agenda opted for foreign policy cooperation as a new venue for manoeuvre where empowered supranational institutions in internal asylum and migration policies did not have that power in the external dimension of the policies.

As emphasized by Lavenex, externalization of immigration control beyond the EU territory was not necessarily motivated by the search for novel solutions but by the interest of immigration ministers to increase their autonomy vis-à-vis other actors pursuing a comprehensive approach to migration control (2006, pp.330,332). Thus, contrary to conventional cooperation theory, the major goal of cooperation at the international level was not to find functional policy solutions but rather to promote autonomy-maximization and self-assertion of governmental actors (Lavenex, 2006, p.331; Wolf, 1999, p.334).

Throughout the dissertation, it is argued that the Parliament and the Commission, as less powerful actors in the field vis-à-vis the Council, made greater efforts to become influential in the decision-making process even at the expense of losing their reputation as the advocates of liberal, humanitarian and integrationist policies. The Member States, particularly national immigration ministries and governmental actors, have not changed their restrictive positions since the early years of the cooperation. However, despite their dominance in the field, they also had to face structural constraints and search for new venues to maintain their restrictive policies in the migration and asylum field. Hence, the Council and the Member States took advantage of defining the fundamental normative commitments at the very early stages of intergovernmental cooperation and tried to maintain security-oriented and restrictive policies by avoiding liberal constraints on them. In this regard, Lavenex (2006, p.329) interprets externalization of immigration control, "the shift outwards" as she put it, "as a strategy to maximise the gains from Europeanisation while minimising the constraints resulting from deepening supranationalism".

This can be considered as an obvious example of the argument of turf wars function as the external policy field was used as a venue for unrestricted authority to pursue restrictive policies. In other words, the shift outwards would bypass the supranational actors' liberal constraints, which were increasingly felt following the communitarization of migration policies (Lavenex, 2006). This case challenged Kaunert and Leonard's (2012) argument that the supranational actors would lessen the restrictive policies of Member States. Indeed, the "venue-shopping framework" of Guiraudon and the "shifting up and out" approach of Lavenex are not contradictory to the argument of "liberal constraints" at the EU level as claimed by many (Kaunert, 2009, 2010; Kaunert and Leonard 2012; Thielemann and Zaun, 2018). For instance, Lavenex states that the control-oriented actors are more willing to act in the foreign policy venue (shifting out) in order to escape from the constraints of the

empowered supranational institutions, just as in the case of their shifting up to the EU level previously to escape from the internal liberal-democratic constraints of the national level (2006). Thus, the scholars emphasizing the tendency of actors to search for new and flexible policy venues for their restrictive policies do not reject the presence of liberal constraints; on the contrary, they propose that liberal constraints of the supranational actors at the EU level pushed those control-oriented actors to shift outwards (Lavenex, 2006). In this context, those who engaged with the venue-shopping argument do not directly evaluate the consequences of acting in a new venue in terms of its production of more restrictive or liberal policies; instead, they highlight the reasons for searching for new venues. On the other hand, authors comparing legislative texts before and after the empowerment of the supranational institutions are well engaged in the discussion on the consequences of communitarization by examining the changing positions of the Commission and the EP.

The major rationale behind the externalization of the migration control agenda and the involvement of third countries in the management of migration was to curtail unwanted flows before they arrive in European territory, as otherwise, it would be difficult to remove unwanted migrants under liberal constraints. Thus, as long as these actors find new policy venues to avoid liberal constraints, restrictive policies are unlikely to decrease. Furthermore, after the transition to co-decision procedure, it was not possible to observe a decisive liberal position of the Parliament that would put liberal constraints on the governmental actors, considering the EP's voting with the Council on the major legislative texts on asylum and migration. In sum, the field reflects the motivations of multiple actors in a non-sovereign order of the Union, and this ultimately gets the EU EBM off the concern for effectiveness and actorness in the international arena. It can be argued that the external dimension of internal immigration and asylum policies, "dynamic extraterritorialization", as Lavenex put it (2006, p.337), was a product of the search for new venues by security-oriented JHA officials who avoided liberal constraints of empowered Community institutions.

Within the language of ACF, it might be possible to call member states (the Council) unwilling to expand Community competences as an intergovernmental coalition and the Community institutions (the EP and the Commission) that are eager to reinforce their competences and power as the supranational coalition. The basic criteria of involvement in a coalition for actors are to "share a set of normative and causal beliefs" and to "engage in a non-trivial degree of co-ordinated activity over time" (Sabatier, 1998, p. 103). Although both

sides do not meet the criteria of forming a coalition, considering both the disagreements among member states and the lack of total harmony between the EP and Commission, we can still consider them as comprising two camps or coalitions, independent of occasionally changing combinations of both camps. In other words, some political groups in the EP can act with the Council, or some member states can ally with the Commission, examples of which are shown in the above analysis. Thus, it might be better to define coalitions in this dissertation based on the ideas or positions (e.g., stronger integration vs. national discretion or liberal vs. restrictive) rather than who is involved.

The policy core beliefs, as highlighted by ACF scholars (Sabatier, 1988, p.141, 1998, p. 103; Jenkins-Smith and Sabatier, 1994, p.183), function as a glue that holds a coalition together and thus, they are vital in defining dividing lines between different camps. Sabatier underlines that in recent studies, it has been observed that some policy preferences, which are normally described under secondary aspects, carry the characteristics of the policy core beliefs given their scope affecting the whole subsystem and their characteristic to be the source of a long-term conflict (1998). Thus, those policy preferences can be considered policy core beliefs as a glue of coalitions. To give an example from the EU EBM field, the EP and the Council shared similar policy core beliefs on "whose welfare is of greatest concern" (see Table 3.1). Yet, in the case of Data Retention Directive, the Council and the EP had different policy preferences to realize that objective of serving EU citizens. While the LIBE committee opted for proportionate measures and high data protection standards to serve the EU citizens, the Council opted for framing the issue as of individual security and data retention as a means to protect the EU citizens from terrorism (Ripoll Servent, 2015, p.80). Similarly, while all three EU institutions supported effective management of migration and asylum flows, the Council opted for solutions at the intergovernmental level, contrary to the EP and the Commission, which opted for solutions at the Community level.

This dissertation particularly looked at the developments in the field from 1985 up until 2005 and emphasized limited change in those policy areas in the immediate aftermath of communitarization. Storskrubb calls this initial period after the Amsterdam Treaty as "first communitarization" and the post-Lisbon era as "further communitarization" (2015, Ch.11, para.11, 14). Scholars examining the later treaty reforms, especially the Lisbon Treaty that completed the transfer of remaining third pillar issues (police and judicial cooperation in criminal matters) to the first pillar and set ordinary legislative procedure as

the major rule for the adoption of legislation, have observed a similar trend given that policy cores remain unaffected, and the dominance of the Council continued (Trauner and Ripoll Servent, 2016; Den Boer, 2015; Storskrubb, 2015).

This illustrates that institutional change, in other words, change in the distribution of competences, which is normally expected to transform the policy core, was not sufficient to modify the core principles of the policy field in line with the liberal and integrationist positions of the EP and the Commission. In fact, "proper distribution of authority among levels of government" (Sabatier, 1998, p.112), here in this case, we can say among the level of member states and the EU level, is one of the components of the policy core beliefs. Then, communitarization, that is, change in the distribution of competences among the EU institutions, can be regarded as a change in policy core since it provided the supranational actors with more powers.

To reiterate, change in policy core is difficult and can occur under certain circumstances. Thus, it is a more sound conclusion to suggest that change in one of the components of the policy core (distribution of competences) did not bring change in other components such as "priority accorded to various policy instruments" (Sabatier, 1998, p.113). In other words, increased powers of the Commission and the EP did not change the priority accorded to restrictive policy principles and instruments, such as safe third country principle, detention of asylum seekers, new surveillance technologies, and large-scale databases in the management of irregular movement of people. As demonstrated in Table 3.1, some of the major illustrative components of the policy core are as follows: "orientation on basic value priorities", "identification of groups or other entities whose welfare is of greatest concern", "overall seriousness of the problem", "basic causes of the problem", "proper distribution of authority [among the institutions]" (Sabatier, 1998, pp. 112-113).

The fact that the European Commission and then the EP have toned down their initial assertiveness against the Council can be evaluated as compelled convergence on policy core, but there is still divergence in secondary aspects of the policy. Thus, this dissertation observes that the initial competition/opposition among the institutions evolved from competition over the policy core principles into competition over the secondary aspects of the policy. From the perspectives of the supranational actors, while this may not bring a more liberal approach to the rights of asylum-seekers and refugees or more harmonization, it certainly keeps the EP and the Commission on track, or in other words, in the game. Table

4.1 summarizes that while the intergovernmental coalition led by the Council defined the policy core of the EU EBM field, the supranational actors have been involved in policy-making by proposing or amending the legislative acts that did not confront the policy core but offered some administrative changes that remained secondary aspects of the policy. In Chapter 3, the positions and policy core beliefs of the three institutions are discussed through their policy narratives. The way they defined problems and solutions reflected their policy core beliefs. The deep core /policy core in Table 4.1 reflects the beliefs of the Council and Member States as the dominant actors, while secondary aspects illustrate the issue areas for which the supranational actors are more likely to offer changes. Yet, even the changes for the secondary aspects are not always accepted by the Council. As discussed through several examples of legislative acts in previous sections (e.g., Reception Conditions Directive, the Return Directive and the Data Retention Directive), while the EP or the Commission had to accept the policy core beliefs such as the detention practice, return practices and data retention, those institutions proposed amendments to change, for instance, detention conditions or grounds for detention, extension of voluntary departure period or conditions for removal, and data retention periods or measures to protect data security, respectively. Such examples have illustrated that even those secondary aspects, mostly related to administrative rules, were not accepted by the Council in the final texts on the grounds of their limiting national discretion. To clarify one point, the EP and the Commission share some policy core beliefs and normative commitments with the Council, such as protecting internal security or security of the citizens, but they support "integration of national measures" and "empowerment of supranational bodies", which fall under policy core and secondary aspects of the policy field/ subsystem occasionally.

Table 4.1. The belief systems in asylum, migration and border management (1985-2000s), settled predominantly by the Council[150]

	Deep core	Policy core	Secondary aspects
Defining characteristics	Fundamental normative and ontological axioms.	Fundamental policy positions concerning the basic strategies for achieving core values.	Instrumental decisions and information searches necessary to implement policy core.
Scope	Across all policy subsystems	Subsystem-wide.	Usually only part of subsystem.
Susceptibility to change	Very difficult	Difficult, but can occur if experience reveals serious anomalies.	Moderately easy; this is the topic of most administrative and even legislative policy-making.
Illustrative components	**Priority of certain values and principles:** -National sovereignty -Security -Power	***Fundamental normative precepts:*** -Wellbeing of internal market, area of freedom, security and justice and European citizens - Internal security ***Precepts with a substantial empirical component:*** -Seriousness of security flaw after abolition of internal borders as a problem -Restrictive policies -Weak integration/ Limited EU competence - Priority given to intergovernmental cooperation and instruments such as conventions, resolutions, joint actions (early period) - Externalization, safe third country principle	-Recast of legislative texts -Changes in conditions for reception or detention -Grounds for detention -Waiting period for asylum seekers -Detention periods - Asylum procedures - Measures against secondary movements - Reinforcement of information technology systems (SIS, Eurodac) -The list of safe third countries -Training of border guards -Funding for third host countries

Source: Author's own elaboration adapting the table on belief systems of policy elites (Sabatier, 1998, p. 112-113) to the case of EU external border management.[151]

Considering that the intergovernmental coalition led by the Council is the dominant actor in the field, the policy core of the field is identical to that of the intergovernmental coalition, reflecting the security-oriented policies of the member states (see Table 4.1). The Council, in comparison to the other two institutions, did not change its policy stance towards issues under the EU EBM and tried to maintain the status quo by taking security-oriented

[150] These are only few examples for belief systems and do not cover all the components of policy core and secondary aspects of the policy suggested by ACF (see Table 3.1).

[151] Examples of secondary aspects can be found in the proposals of the Commission and the amendments of the Parliament. See, for instance Table 3.8. in Chapter 3. If we take the JHA field as our subsystem, then partial communitarization of the JHA in the Amsterdam Treaty can be evaluated as secondary aspect as it only covers a part of the subsystem.

and restrictive measures and promoting national control over external policies while keeping the supranational institutions under control. As emphasized by many scholars (Balzacq and Carrera, 2006; Monar, 2015; Garlick, 2006) and the officials from the Council and Commission in the interviews (EU COM-2, EUC-1), the migration, asylum and border management are sensitive domains touching upon the core competences of the Member States, which makes it difficult to reach common rules and actions at the Community level. This has resulted in a constant struggle for power within the EU EBM field and a lack of policy change in the field (see Table 4.3).

This research focuses on the dynamics that trigger cooperation and policy-making at the EU level, excluding the impacts of external policies on the ground. Emerging policies may or may not meet the expectations of the actors affected by those policies. This dissertation's argument is that the decisions on policy formulation or policy change are not exactly taken by real consideration of the impacts on the ground. While the Council tries to maintain high national discretion within the policy areas, the EP and the Commission look out for their own institutional interests. Despite criticisms, the EP, for instance, did not go to the second reading, where it could have proposed further amendments under the co-decision procedure. In this context, the lack of policy change in asylum, migration and border management (see Table 4.3) supports this claim[152].

Regarding the strategic thinking on the actual impact of policies on the external environment, the Commission put effort into making progress by evaluating the impact of policy alternatives through conducting impact assessments accompanying its legislative proposals. In its communication on impact assessment (COM (2002) 276 final), the Commission expressed its intention "to launch impact assessment as a tool to improve the quality and coherence of the policy development process" (Commission of the European Communities, 2002b, p.2). However, it is likely to observe legitimizing and substantiating functions of knowledge, as defined by Boswell (2008a, 2009), in the impact assessments. The impact assessment (SEC (2005) 1057) annexed to the proposal of the Commission for the Returns Directive (COM (2005) 391 final) is no different than the previous attempts to use technical knowledge to legitimize policy preferences of the Commission and the

[152] In the edited book "Policy change in the Area of Freedom, Security and Justice: how EU institutions matter" (Trauner and Ripoll Servent, 2015), authors examined the policy change and the role of EU institutions in each policy area of the AFSJ. For asylum policy, see Ripoll Servent and Trauner (2015, Ch3), for border management, see Parkes (2015, Ch.4) and for migration policy, see Geddes (2015, Ch.5). For a comparative view on all policy areas see Trauner and Lavenex (2015, Ch.12).

Member States. Following its usual structure designed for impact assessments, the Commission first defined the problems (setting) in the current situation, such as the lack of a "credible European return policy" due to varying return practices of the Member States, absence of "common standards and terminology" in the field, danger of "legal remedy shopping", "lack of effective information exchange among Member States on return decisions and removal orders" (Commission of the European Communities, 2005b, pp.4-6). The overall policy objectives (moral of the story) were "combating illegal immigration", "developing a common return policy", "basic common rules on return procedures", and enhancing mutual trust among Member States in the way of harmonization (Commission of the European Communities, 2005b, p.8). The Commission offered four policy options to realize those policy objectives: "no policy change", "adoption of a non-binding legal instrument", "gradual harmonisation by adoption of a directive on common standards of return procedures", and "full harmonisation by adoption of a regulation on return procedures" (2005b, pp.8-10). All options were evaluated in costs and benefits terms and the Commission opted for the third option of gradual harmonization (2005b).

Independent of the effectiveness of policy alternatives, it is possible to derive some conclusions for the IA. First, the policy options are considerably Eurocentric, given that benefits and costs are predominantly calculated based on the impacts on the EU and Member States instead of returnees themselves. Regarding the costs for the EU, "financial costs", "administrative costs", "evading return by absconding in another Member State", and "impact on fundamental rights, in particular the protection of privacy and personal data and the right to liberty" are stated, and for the benefits "increased apprehension of illegally staying TCNs", "reductions in illegal migration", "enhanced information exchange among MS", "enhance mutual trust of MS into their national system" and "contribution towards internal security" are stated to name a few (Commission of the European Communities, 2005b, pp.20-21).

In the benefits table, only one ("safeguarding human rights and of TCNs") out of nine columns is reserved for human rights (2005b, p.21). Furthermore, the issue of human rights was discussed in the context of the impact of storing personal data by the information technology systems, such as SIS II, on privacy, data protection and security, and the negative impact of "the lack of common standards on temporary custody of third country nationals" (Commission of the European Communities, 2005b, p.11), rather than in the context of core

issues such as expulsion, legal aid or re-entry ban issues of return. Second, the legitimizing and substantiating functions of knowledge utilization by the Commission were evident (see Chapter 3, Section 3.3.2) particularly in its promotion of supportive measures (use of IT systems) to compensate for the negative impacts of the chosen policy option and monitoring and evaluation. Third, the Commission took the preference of the Member States and the European Council into account while determining the so-called best option. Regarding the advantages of the third option, the Commission added the phrase "fully in line with the European Council's request" and for disadvantages of other options, "not in line with the European Council's request" (2005b, p.22). Thus, it is doubtful that the impact assessment reports truly indicate the impacts on the ground. The IA analysed above seems like a roadmap for the EU to make return issue more manageable through harmonized standards. It was, therefore, a document concerning the internal affairs of the Union.

As discussed in the previous chapter, the initial reports of the EP stating its position on the legislative proposals highlighted the provisions that did not respect fundamental rights and put forth several amendments to avoid possible violations of migrants' and asylum seekers' rights. For instance, on the Commission proposal for the Returns Directive, the draft resolution of the EP stressed that the voluntary return option needed to be stated more clearly, the best interest of the returnee was to be taken into consideration, more clear safeguards for returnees were to be granted and collective expulsion of people needed to be avoided (European Parliament, 2007a). Despite this initial consideration for the actual impact on the ground, the final voting of the EP tells a different story, as discussed in the previous chapter (see Section 3.3.3).

The Member States, on the other hand, tried to maintain flexibility in their return practices. As can be observed from the documents in the inter-institutional file on the directive (2005/0167(COD)), it was not easy to reach compromise solutions among the Member States regarding the minimum standards for return (Council of the European Union, n.d.a). Notes from the Presidency (the Council of the European Union, 2008b, 2008c, 2008d) illustrated that prior consideration was given to the guarantee of more national discretion rather than improvement of standards for returnees. Even after achieving a compromise text with the Parliament a year after the negotiations, some of the Member States were still not content with some of the provisions, such as the minimum period for voluntary return, re-entry ban period and legal aid, leading to the last-minute arrangements to compromise text

(Acosta, 2009). In sum, the final text of the directive was the product of both inter-institutional and intra-institutional negotiations and compromises, and it was close to the Council's restrictive agenda.

There is an extensive body of research examining the policy formulation, implementation and change in the JHA field, and more specifically, migration, asylum and border management (see Chapter 1, section 1.3). Here in this study, those policy areas are exclusively discussed within the context of the controversies among three EU institutions with some selected documents released by Member States and the EU institutions (conventions, communications, reports and resolutions) until the Amsterdam Treaty and binding legislative texts (directives and regulations) adopted during and after the transitional period. It is possible to suggest that all three EU institutions have changed their positions in both substantial and functional terms when they faced structural constraints, albeit with different degrees depending on their resources and power in the field. Since this study builds turf wars on policy controversies and policy change (or absence of change or limited change), the policy positions of the actors that led to divergence and convergence of policy core beliefs and secondary aspects between the EU institutions are examined in detail (see Table 4.2).

The lack of policy change in those policy areas illustrates the dominance of the intergovernmental coalition led by the Member States and the Council, who are reluctant to change policy core, as well as the changing attitudes of the supranational actors that moved towards the restrictive side of the spectrum in line with the Council to guarantee their place in the policy-making process. Would this situation (lack of policy change) change if the Commission and the Parliament were more decisive in promoting their liberal agendas? Although the answer to this question may require further research, it is possible to suggest, based on the rules and procedures of decision-making under co-decision, that the more liberal and right-based amendments of the Parliament would not be accepted by the Council at the second reading and it would be difficult to reach a compromise at the third reading, which ultimately would result in the end of the procedure. When the proposal is not adopted at the third reading, the whole process ends (Council of the European Union, 2024), and the status quo continues, which ultimately serves the purpose of the Council.

Table 4.2. The policy positions of the Supranational actors vis-à-vis the Council[153]

	European Commission	**European Parliament**
1985-1995	Liberal-rights-based/integrationist Divergence in policy core and secondary aspects	Liberal-rights-based /integrationist: Divergence in policy core and secondary aspects
1996-2005	Security-oriented/ integrationist: Convergence in policy core, divergence in secondary aspects	Liberal-rights-based /integrationist Divergence in policy core and secondary aspects
2005-2010s	Restrictive/ integrationist: Convergence in policy core, divergence in secondary aspects (technocratic)	Restrictive/ integrationist: Convergence in policy core, divergence in secondary aspects (liberal)

Source: Author's own construction based on the belief systems defined in ACF.

At this point, the biggest contribution to this research comes from the scholarly work that extensively studied the role of the EU institutions in the development of the JHA field, with a particular focus on the impact of those institutions on the policy change in migration, asylum and border management domains. Examining policy change or lack thereof is crucial to understanding the influence of the EU institutions in the field and, thus, the implications of turf wars for the course of policies. As referenced many times throughout the text, this body of scholarship is mainly interested in explaining the impact of institutional change (e.g., empowerment of supranational institutions following the treaty reforms) on policy change. The scholars studied policy change in two dimensions: the "substantive dimension" in the sense of rationale and content of policies (e.g., right-based versus security-based rationale) and depth of change (e.g., changes in core aspects versus secondary aspects) and the "functional dimension" in the sense of form (binding hard law versus non-binding soft law) and the type of European integration (negative or positive integration or weak versus strong integration)[154] (Trauner and Ripoll Servent, 2015, ch.2). The studies explaining the policy

[153] In selected time periods, there may be exceptional differences in policy attitudes.
[154] While positive integration refers to harmonization of rules or creation of common EU standards, negative integration denotes the abolishment of national barriers to cross-border migration management. In this regard,

change and the reasons of change or stability in three major areas under the EU EBM field provide key insights for understanding inter-institutional conflicts. These authors (Geddes, 2015; Ripoll Servent and Trauner, 2015; Parkes, 2015) investigate the reactions of the EU institutions to the structural changes (e.g., transition to co-decision) based on the rational choice and constructivist variants of new institutionalism and the mechanisms of change (e.g., coalition building or policy learning) that lead to policy change or stability (Trauner and Ripoll Servent, 2015, ch.2)[155].

Based on the above-mentioned theoretical and methodological framework, Ripoll Servent and Trauner (2015) examined the major legislative texts that established the EU asylum law before and after communitarization of the field in detail by focusing on all dimensions of change that were triggered by the behaviours of the actors. The major findings of their research are as follows: the rationale that portrayed asylum as a burden remained unchanged, the recast of legislative texts duplicated existing instruments that brought changes only in secondary aspects, only minor advances were recorded in reducing national discretion, and thus, there was no sign of strong integration, in the first phase of negotiations (1999-2005), the EP and the Commission were against the Council in both substantial and functional terms, while in the second phase, the most contentious issue was the type of integration, rather than the substance of policies (Ripoll Servent and Trauner, 2015, Ch.3).

Following a similar path of the analysis on policy change, Geddes (2015) examined the migration policy domain with a particular focus on the entry and residence of TCNs in the territory of Member States and the role of the EU institutions in shaping the policy content in two periods, 1999-2009 and since 2009. The major findings of this analysis are as follows: structural changes did not bring substantial change in the content of migration policies that are driven notably by the concerns for security and economic integration (selecting wanted migrants); policies to restrict immigration were more prominent than the ones on admission (fragmented policy field); despite the process of harmonization in the policies about irregular migration and admission and the hard law (directives) remaining as the major form of integration, there is still less room for the EU vis-à-vis the member states

positive integration should not be associated with strong integration (less national discretion) as Member States generally retain high national discretion even in the case of harmonization of common rules (Trauner and Ripoll Servent, 2015).

[155] Authors define transitional period as the years between 1999 and 2009 and the communitarized period as the time period since 2009 Lisbon Treaty. Here in this study, the transitional period is taken as the years between 1999-2004 as it was formally defined by the Amsterdam Treaty.

(weak integration); the empowerment of the EP and the Commission, which had only limited roles in the directives on family reunification and rights of long-term residents before the treaty reforms came into effect, did not challenge substantially the restrictive core of migration policy; these supranational bodies have also been sidelined with the externalization strategy of the Council that involved non-EU countries in the management and control of irregular flows via several instruments such as mobility partnerships (Geddes, 2015). In sum, the EU did not play an independent role but rather an intervening role in the development and change of migration policies in both internal and external dimensions of this policy domain (Geddes, 2015).

As for the developments and change in the border policy domain and the inter-institutional competition, Parkes (2015) reaches following results: (1) the EU border policy has been and is still engineered by rival and inward-looking agendas of three EU institutions that are security-oriented (the Council), liberal (the EP) and technocratic (the Commission); (2) while the security-oriented Council, led by interior ministers, view European cooperation as a means for expanding governmental powers over border control, the more liberal-oriented EP takes the borders at the EU level as representing the Union's place in the world as a post-state entity, and the Commission takes on a politically neutral technocratic role promising effective border management; (3) the dominance of security-centric approach of the Member States (from late 1980s to early 2000s) was balanced by technocratic and liberal visions of the supranational actors in the post-Amsterdam era, particularly since the Lisbon Treaty (e.g., Schengen Borders Code reforms accommodating very distinct agendas of national and supranational actors). Parkes (2015) points to several developments within the EU border regime since the early informal intergovernmental cooperation, with the increasing use of surveillance technologies and databases in border control, the establishment of Frontex as a border agency and the creation of non-territorial borders by extension. However, all those changes or innovations in border management do not reflect a coherent set of principles, but rather, they are ad hoc and unpredictable outcomes. As stated by Parkes, the EU border policy has a tri-partite policy core today reflecting security, liberal and technocratic concerns of the institutions sitting side-by-side (2015).

Table 4.3. Policy core and policy change in asylum, immigration and border management (post-Amsterdam)

	Policy Core	Policy Controversies	Change in substantial dimension	Change in functional dimension
Asylum	Dublin System: first generation asylum laws (restrictive, asylum depicted as a burden	Access to and scope of rights given to asylum-seekers: restrictive vs liberal	Limited: second- generation asylum laws adjusted existing policy core	Minor advances towards reducing national discretion (weak integration)/ Towards harmonisation of national standards (positive integration)
Immigration	Fragmented (policies on irregular migration more defined than on admission)	'Manage' migration (stem 'unwanted' and attract 'attractive' migrants): Control and selectivity	Limited: slightly stronger focus on regular migration	Still wide discretion for member states (weak integration)/ Some harmonization efforts (positive integration)
Border management	EU borders as a supplement to national control: Schengen regime and Frontex operations	Migration control vs post-national, European state building vs efficiency of border management: Security vs liberal vs technocratic (fragmented policy core)	Limited: competing governance visions perpetuate (Tri-partite policy core furthered in fragmented manner)	Some efforts to reduce national discretion (towards stronger integration)/ Increase of hard integration (positive integration)

Source: Adapted from Trauner and Lavenex (2015, Ch.12), Trauner and Ripoll Servent (2015, Ch3), Geddes (2015, Ch.5), Parkes (2015, Ch.4)

To conclude, it should be noted that, in the case of JHA policy areas, there is no constant layout that clearly ascribes certain roles to the EU institutions and produces outputs dominated by the Council. In this regard, although the Commission and the EP are generally considered to belong to the supranational coalition supporting policy change in favour of comprehensive management of policies and European integration, different bodies, directorates or committees under these institutions might deviate from the established rationale of that coalition and act in line with the rival coalition. Some political groups or committees within the EP may align with the Council either because they support similar policy substances, or they adopt consensual behaviour or just because they act strategically to guarantee their status in foreign policy making regardless of their settled policy beliefs. Thus, in certain cases, the EP acted with the Council, while the Commission was supported by the European Council. For example, in the case of EU civil justice, one of the sub-policy areas of AFSJ long dominated by intergovernmental cooperation and considered as sovereignty-sensitive by the member states, the EP led by JURI (legal affairs) committee opted for the Council's restrictive definition of EU competence in civil justice following the early communitarization and relegated the Commission that pushed for expansive reading of the cross-border limitation (Storskrubb, 2015). Storskrubb explains such a consensual behaviour of the EP with the JURI committee's internalization of consensual practices under co-decision procedure, in comparison to the LIBE (civil liberties, justice and home affairs) committee (Storskrubb, 2015).

Another example can be given from the diverging positions of the DGs on the external dimension of the JHA field in the European Commission. While, for instance, DG JHA favoured expansive understanding of external dimension in the sense of ensuring coherence and cooperation between the external and development policy areas in addressing migration pressures, DGs in those areas -external relations and development- were not willing to reorient their policy objectives and priorities, and instead, favoured a narrow interpretation of external dimension suggesting "externalization of control tools" in line with the preferences of the JHA Council (Boswell, 2003, pp.632-633). DGs for development and external relations resisted subordinating development objectives to immigration flows due to the risk that development aid may not reach those who really need it (van Munster, 2009, p.82). Boswell defines the position of DG JLS (ex JHA) as 'full adaptation' to developing the external dimension of the field vis-à-vis the other two DGs that distanced their internal agendas from migration-related objectives (2008b). The divergences among DGs led to the

incoherence of policy goals in the Global Approach (Boswell, 2008b), and DG JLS was not able to fully follow its comprehensive agenda in the early years of cooperation on the external dimension.

It can be inferred from Boswell's study on the positions of different DGs that the constraints on the agency of the Commission in the field do not only emerge from the dominant actor's preferences but also from the in-house hierarchy. Although, in this study, the Commission is taken as a homogenous actor having a clear position vis-à-vis the Council, internal dynamics can be influential on the ups and downs in the ambitions of the DG JHA/JLS and the final position of the Commission. Also, it can be inferred from this brief analysis that the emerging policy was a merge of different positions rather than a rationally calculated response to migration issue (epiphenomenal policy making).

In another case, it is not always the Council that dominates the principles of a given policy area by sidelining the rival actors. For instance, in the case of the Schengen regime and its recent reforms, three EU institutions, each busy with their internal tensions, have had different inward-looking agendas, and neither of them has fully sidelined the rival competitor and they have co-existed and constituted current policy core together (Parkes, 2015). The emerging EU border regime has been full of different calculations and rationales of institutions supporting supranational or national governance and liberal or restrictive policies.

Overall, these instances may be considered as mere derogations from the established rules of the field, but they still illustrate the dynamic and ambivalent nature of the JHA policy field in which multiple actors are constantly engaged with unstable calculations that do not always reflect their traditional policy positions and beliefs. The above analysis ultimately arrives at the conclusion that supports the argument of the second function of foreign policy: the EU EBM is a venue where EU institutions are engaged in competence wars. However, the actor/agency-oriented approach of functionality alone falls short of explaining the dynamics of inter-institutional turf wars. At this point, it is considered imperative to supplement the functionality approach with sociological approaches to equally underscore the agency of actors and structural constraints upon them, albeit within the space of the EU policy field or EU field of power in more general. Limited policy change in JHA issues after communitarization has been well explained by the structural factors constraining the agency of less powerful actors. The narrative analysis in the previous chapter has also shown that

actors use policy narratives strategically to reinforce their positions, which is in line with the agency-oriented functionality approach. However, those same actors are also constrained by metanarratives and dominant structural constituents of the field.

In sum, EU institutions are in constant search for more competences in the EU EBM field. This, however, cannot be taken as unique to this policy field, but it is observable in other internal and external policy areas as underlined by the officials from the institutions.

> Author: While the European Commission and the European Parliament try to expand the policy issue in line with their competences, the Council of the European Union is more willing to keep the issue within the competence of member states and thus maintain status quo. How can you evaluate the ongoing struggle among the EU institutions (the Commission, the Parliament, and the Council) for political power within the case of EU external border management?
>
> Official of the Commission[156]: "This is a normal process which you find in all fields of EU policy. The Commission is promoter of new ideas of upgrading the common benefit and this sometimes require the member states and the Council …to change the national approaches and any change creates resistance. The first reaction is to resist. It is constant struggle between the European level, European Commission having new ideas, and the member states having hesitation, as it requires change. This leads to policy debate between Commission and the Council. And if we as Commission have good argument which convince member states that it is also in their benefit then we have an agreement to change. But it is an ongoing struggle."
>
> Official of the Council[157]: "Well, I think it is not specific to external border management or migration. In the EU, where you have a division of competences, you will always have a struggle for more competences… that is unavoidable. On this particular issue which is borders that touches on the core competences of member states and so [they] will never give away their competences over the border".

As stated by the official from the Commission[158], "it is a very EU kind of thing" to have competition over power. The major research interest of this study is not only to show

[156] Interview with an official from the European Commission (EU COM-1).
[157] Interview with an official from the Council of the EU (EUC-1)
[158] Interview with an official from the European Commission (EU COM-2).

the presence of turf wars in the EU EBM field but also to emphasize its implications for the policy field in terms of its substance and form. What defines the policy core and secondary aspects of the policy field is this very conflictual relations among the EU institutions having a range of motivations and influence over the policy areas. This ultimately provides insights for understanding why the EU, as critics say, cannot meet up to the expectations. Bickerton (2011, p.3) explains his broader research interest in studying EUFP with the functionality approach as follows:

> "It is precisely in the nature of the EU as a non-sovereign entity made up of conflictual political relations between unstable and functionally disparate institutions that we can find the answers to the perennial question of why the EU fails to live up to expectations".

By looking at the internal dynamics of the field, this research found explanations for the lack of coherent and effective migration, asylum and border management policies in the non-sovereign order of the EU and illustrated that the (in)effectiveness of these policies cannot be solely attributed to the physical (in)capability of the EU, as argued by many, but rather to conflictual inter-institutional relations in which actors intentionally try to ascertain their role in the field as a priority, instead of external effectiveness. In this sense, the most obvious implication of turf wars on the effectiveness of policies is the maintenance of restrictive policies and lack of policy change due to the dominance of the Council and the supranational actors that do not resist the Council so as not to lose their place in the field.

Regarding the policy change in the field, it is obvious that the restrictive agenda of early intergovernmental cooperation has been mitigated to a certain extent with increasing harmonization in policy areas and the influence of the supranational actors. However, the field largely remains under the discretion of the Member States, and inter-institutional rivalry continues unabatedly. As pointed out by Lewis (2013, p.143), institutional changes like the introduction of ordinary legislative procedure did not change the central position of the Council in the legislative process.

This considerably prevents timely intervention to the challenges associated with the management of migration and asylum for TCNs and the Union itself. It took a decade for the Union to recast the restrictive legislative texts on asylum adopted during the transitional period by the Council. Furthermore, the recasting of directives did not change the restrictive

core of the policies despite the empowered EP. After the transition to the co-decision procedure, the adoption of legislative texts was not easy or quick, despite the tendency of the EP to adopt compromise text at the first reading. For instance, although the Commission submitted a proposal for Return Directive in September 2005, the adoption of the final text came at the end of 2008 since the compromise text was agreed upon by the Member States after long negotiations and debates among them and with the EP. These prolonged processes were challenging for third-country nationals particularly in the Member States with standards below the minimum accepted standards of the directive. Thus, both intra- and inter-institutional dynamics shape the substance and the form of cooperation and delay timely intervention, which mostly fails to satisfy expectations of external effectiveness.

5. CONCLUSION

This dissertation argues that the EU external border management field is notably driven by a rationale of internal functionality rather than external effectiveness. Through an analysis of the "turf wars" function of the EUFP within the case of the EU external border management, it was illustrated that the actors in the policy-making principally follow their internal policy objectives (i.e., competence maximization). Although all the functions of the functionality approach are considered equally important for understanding the political dynamics of the field, an analysis of the second function (turf wars) presented a comprehensive picture of the EU EBM field and allowed for understanding the basic rationale of the functionality approach. Using the Narrative Policy Framework extensively in the analysis of the EU institutions' official documents, in other words, their policy narratives, has contributed to this outcome.

Furthermore, the EU institutions, the principal objects of the turf wars, are considered as the major actors steering the policy field and shaping its future. Monar (2015, paras. 6-10) defines three major roles of the EU institutions in the JHA domain: first, "identifying common challenges", meaning that the EU institutions, particularly the Council bodies and JHA agencies systematically define common challenges and threats; second, "political leadership" referring to the role of the EU institutions, in advancing policy field by developing common strategies and policy objectives against identified common threats, albeit with some ups and downs; and third, "policy implementation", that is, implementing common measures and objectives, which has been the most challenging one for the institutions given the reluctance of Member States to give up national discretion. Thus, the analysis of the EU institutions' policy narratives since the earlier stages of the policy field in the 1980s sets a comprehensive framework to understand major trends of the policy field ranging from the securitization and externalization of policies and practices to the integrated and global approach to migration and border management. The analysis of the second function has also demonstrated clearly that the EU EBM field has indeed emerged as an outcome of rivalry between the supranational and intergovernmental coalitions who are in constant competition and, if necessary for their policy goals, in coordination.

Concurring with Monar's suggestion (2015) that the institutions are living bodies, and thus, their behavioural patterns and social practices are vital for understanding policy

change, this dissertation goes beyond a mere application of the functionality approach to the EU EBM field and uses a wide array of theoretical frameworks and concepts to understand why institutions behave in certain ways at certain times. Although the theoretical frameworks used in this study seem to diverge on ontological and epistemological terms, they are jointly promising in explaining the complex nexus of practices and policy narratives of the EU institutions.

The fields of AFSJ and the JHA are commonly used in the literature covering a series of policy areas ranging from immigration and police cooperation to counterterrorism. Here in this study, the author takes the EU external border management (EU EBM) as a field covering mainly asylum, immigration and border management as the major policy areas and the European Commission, the Council of the EU and the European Parliament as the major actors in the EU EBM field, albeit with different levels of powers and resources. The major reason for selecting these policy areas, which were once dealt with under the intergovernmental third pillar and then moved to the Community pillar, is the fact that they have been subject to communitarization process earlier than the other third pillar issues under the JHA field. Such tentative framing of the field provided an opportunity to evaluate the progress achieved in those areas as well as to compare policy positions and strategies of the EU institutions before and after the empowerment of supranational actors with treaty reforms.

By looking at the policy narratives of the EU institutions between the 1980s and 2000s, particularly the way they defined the problems and solutions, this study first examined the key positions of the EU institutions and how they promoted their policy core beliefs. Such focus illustrated that while the Council followed a restrictive and intergovernmental agenda preserving the hegemonic status of the Member States, the Commission and the EP followed a liberal and pro-integration agenda with an aim to reinforce the communitarian character of the policy areas in the field.

Showing divergences in the positions of the institutions alone was not the only indicator of the competition for power in the field. Furthermore, the constitutional constraints, that is, limited powers of the Commission and the EP, were not the only factors restricting these supranational actors seeking liberal and pro-integration policy change. It was argued in this study that the Commission changed its policy narratives, moving towards the restrictive position of the Council, and the EP accepted the dominant rules of the game,

although not as much as the Commission did. Even though these supranational institutions were empowered by the Amsterdam reforms -the Commission obtained the exclusive right of initiative, and the EP became co-legislator together with the Council, they did not or were not able to change the policy core of the EU EBM field. This development is interpreted here that the supranational actors, despite having liberal positions and favouring further European integration, prioritized their long-term strategic interests in the EU field of power. In other words, converging policy positions among the institutions was not an end of turf wars; on the contrary, it was an explicit indication of power struggle. Empowered supranational institutions had to accept the policy core established by the Council and the Member States in order to expand their resources and influence in the field, the situation that is termed as 'compelled convergence' in this dissertation. Although the Commission, in its proposals and the Parliament in its amendments, continued to challenge the dominant position of the Council, this was nothing more than a limited opposition supporting changes only in secondary aspects of the policies.

In brief, the supranational bodies have changed their policy narratives when they could not reinforce their power and influence in the game by pursuing their traditional liberal policy narratives. The Commission started to use securitized framing of migration and claimed technical expertise to deal with the problem of irregular migration, and the MEPs voted with the Council for restrictive measures under the co-decision procedure since 2005 to guarantee the EP's place in future negotiations in the field. Those abrupt changes in the positions of the supranational institutions were linked to the internal strategies (e.g., power/competence seeking in the field) of these institutions, confirming the major rationale of the functionality approach indicating that cooperation in foreign policy, here in external border management, is driven by the relationship between these three EU institutions all of which seek to "consolidate its role in the pan-European decision-making process" (Bickerton, 2010, p.219). This ultimately cast a cloud on concerns for effectiveness in the EU's external policies, making the EU an "introspective power" (Bickerton, 2011, p.118).

The long timeframe on which the analysis of the EU EBM field is grounded is indicative of interactions of multiple actors, change in policy narratives, and change in the distribution of competences among actors involved in decision-making. Moreover, such an analysis is in line with the basic premise of the ACF, suggesting that "understanding the process of policy change - and the role of learning therein - requires a time perspective of a

decade or more" (Jenkins-Smith and Sabatier, 1994, p. 178). This temporal dimension is also important for the ACF, given that advocacy coalitions are expected to be more stable over time and policies to be more mature (Sabatier, 1998). In this regard, the EU EBM policy field meets the time criteria and mature policy argument of the ACF despite the non-sovereign and dynamic characteristics of the EU policy-making process.

Research Implications and Avenues for Future Studies

It is possible to underline two major implications of this research for studying the EU EBM field through the rationale of the functionality approach. One considers the policy field and the other, the theoretical framework. Regarding the implications for policy field, it can be argued that contrary to the studies overwhelmingly focusing on the actorness and effectiveness of the EU in its external relations and particularly in its external migration policy, this research examines the internal functionality of external policy of the EU within the framework of functionality approach. The basic rationale behind this approach is that it is not appropriate to study the EU as a unitary sovereign actor like the states and to measure its success through its external impact. Unlike nation-states, the EU policy field hosts multiple actors acting in non-sovereign order and policies in that order emerge as a product of inter-institutional conflicts. Examining the second function (turf wars) of the approach in the migration, asylum, and border management policy areas has made it possible to grasp policy formulation, policy change and policy designs or outputs, which is, the evolution of the field and what it serves and for whom. In sum, what triggers the EUFP, here in this study, the EU EBM as the external dimension of the internal policies, is not necessarily the impact of policies on the external environment, but the struggle for power within the EU.

With respect to the implications for the theoretical framework, the findings of this research suggest that the functionality approach alone is not sufficient to explain the internal dynamics of policy-making and emerging policy designs. Its overemphasis on the agency of actors fails to notice structural dimensions affecting the positions and preferences of actors. This limitation is resolved to a certain extent by adopting a sociological constructivist approach to the EU EBM field. The concept of 'field' is also used intentionally throughout the text to refer to Bordieuan field theory. In this context, actors' positions, that is, power relations in the field, have a structuring effect on the strategies of actors and their usages of capital (Cianciara, 2020, p. 14). Using Bourdieu's political sociology or 'structural constructivism', Cianciara (2020) analysed the ENP by looking at the construction of the

field and the relevant actors having resources to reinforce their positions within the ENP field. A similar argument was also raised by Rayroux (2013), who suggested that the functionality approach's overemphasis on agency is particularly problematic in the case of the second function, which is turf wars. By the same token, Rayroux suggested refining the functionality approach with the sociological concept of "usages of Europe" (2013, pp. 743-744)[159]. Such applications of the sociological approach to the EU policies inspired this study to suggest some avenues as solutions to the self-acknowledged limitations of the functionality approach and to increase its potential to analyze complex processes of the field**.** Bringing public policy theories -the ACF and the NPF- into the study of the EU policies contributed notably to the data collection and analysis process. The analytical tools they have provided, particularly the belief systems (policy core and secondary aspects) and the narrative components (the setting, victims, villains, the moral of the story and plot), respectively, were extensively used to define the indicators of turf wars.

Indeed, this study can be considered as the first step of a more comprehensive study on the EU external border management policy. The first step is to engage with the questions of how the policy field emerged and used by the member states and the EU institutions as a venue for their internal objectives, which has a more inward-looking perspective and is exactly covered by this dissertation. The second step could focus on the impact of external policies both on the EU policy field and third countries affected by them. And the last part could discuss the responses of third countries affected by the external policies of the EU and the agency of those actors in the reproduction and reconstruction of the EU external policy objectives and narratives. In this context, non-EU actors (e.g., third countries) have certainly agency in the construction of policy narratives and policy designs. As Reslow (2012b, p.393) suggests, "third countries are actors in EU external migration policy, not merely passive recipients of policy proposals". Thus, this dissertation with its focus on internal policy narratives may seem 'euro-centric' or 'inward-oriented'. However, it should be considered as only the first part of a broader analysis of external action, having a particular research interest in revealing internal functions of external policies for the EU actors.

Limitations of this research can be considered as opportunities for future research. The very first limitation of the study is its focus exclusively on one function of the EUFP suggested by Bickerton (2011). The first function of the EUFP, 'pursuing national strategies'

[159] See Chapter 2, for detailed explanation on the concept of usages of Europe.

and ‘damage limitation’, can be studied through the national strategies of selected Member States. Throughout the research process, it has been observed that policies and practices of the EU EBM predominantly aim to mitigate tensions among member states about sharing the responsibility of processing the asylum applications and Member States try to manage uncertainty and ambivalence caused by the mass movement of people to their soils through EU level policies. The EU-level policies are also seen as a venue by national actors to legitimize their national strategies of externalization. The principle of safe third country, which emerged as a tool to mitigate tensions among member states over the burden of dealing with asylum flows, is a very clear example of the damage limitation function of the policy field. It was a product of the distribution of responsibility rather than an output of strategic thinking or normative commitment that promotes effective management of flows benefiting not just the EU but all actors affected. Future studies on the EU EBM field can also discuss the contradiction between the first function (damage limitation) and the third function (identity-building). While, on the one hand, member states try to follow their own national strategies through common policies, on the other hand, the consequences of such interest-driven policies have an adverse impact on the third function in which the EU actors and institutions try to promote a normative EU identity by increasing the visibility of the Union’s external actions.

Although this study does not directly deal with the implications of the policies and policy designs for the power and status of the EU or for the third parties, the emergence of insecurity governance out of securitizing practices over the years can be discussed as a venue for the EU institutions to advance their cause in the field. The impact of practices and policies under the EU EBM field on the identity of the EU can be discussed through the concept of ‘insecurity community’ (Mutlu, 2013) that stands in contrast to the ‘security community Europe’ and ‘normative power’ discourse. The concepts of insecurity and governmentality of insecurity have been much discussed in the EU studies in relation to EU border management policies (Bigo, 2002, 2014; Huysmans, 2000, 2006; Mutlu, 2013; Neal, 2009). As suggested by Mutlu (2013, p.49), the EU can be defined as an insecurity community instead of a security community, based on its institutions and member states’ continuous engagement in a “constant productive field of insecurity management” with an aim to identify and manage insecurities. He suggests that “even though the EU has successfully managed to create a state of non-war among its MS, EU institutions’ continuous (and ever-

increasing) involvement in insecurity management practices would suggest that a sense of insecurity might have been built into the European integration project" (2013, p.194).

In this context, the function of the EU EBM as a venue for insecurity management might prove useful for an analysis of bordering practices in terms of functionality logic and for understanding the role of insecurity governance in the European integration process. This might even lead to a possibility of defining "serving for insecurity governance" as a new function of the EU EBM, which can also be applicable to other fields of the EU foreign policy (CSDP, CFSP, external actions) for future research on the EU foreign policy analysis. Since it is directly related to the ontology of the European project, this tentative function can also be evaluated under the third function of "identity-building". Determining whether there is an intention of the EU actors to use the EU EBM as a venue for insecurity governance is questionable and requires further research. Still, its implications for EU identity, such as the designation of 'the EU as insecurity community', may be viewed as an unintended but welcomed function of the EU EBM for the actors in charge of it, considering that insecurity governance opens a favourable room for those actors to legitimize their cause. In this context, examining all the functions offered by Bickerton allows for locating the EU external policy field within the integration process.

In future studies, the oversight procedures and sanctions of the Member States over the Commission in the EU EBM field- covering the policy areas of migration, asylum and borders- can be studied in detail based on the principal-agent approach, examples of which were emphasized briefly in the text (see Chapter 3). In relation to this, the formal and informal agenda-setting role of the Commission within the JHA areas can be studied with more contemporary examples particularly since 2015.

At the beginning of this study, it was noted that the EU institutions were taken as unitary actors in this study for the sake of discussion on inter-institutional competence or turf wars. Indeed, different preferences of member states in the Council, various DGs having different policy positions in the Commission and political groups in the EP were examined in the literature through various theoretical approaches such as new intergovernmentalism and variants of new institutionalism. Intra-institutional competition among these actors has certainly an impact on the final positions of the institutions. Furthermore, from the perspective of the functionality approach, it is also possible to examine individual actors or groups within these institutions in their preferences to choose the EU level as a venue for

increasing their powers and resources, which is beyond the scope of this study but can be a potential theme of future studies. Thus, intra-institutional dynamics are no less important than inter-institutional frictions in explaining the function of the EU EBM field and thus can be included in the equation in future studies.

Lastly, the selection of research method can also widen the scope of analysis considerably. Here in this study, the positions and policy core beliefs of actors have been studied through a qualitative analysis of policy narratives obtained from official documents and semi-structured interviews. However, the study extensively used secondary sources having quantitative content analysis. For instance, quantitative analysis of the speech acts of the MEPs in the plenary debates has found that while the liberal, human security-oriented speech acts were higher in number compared to the restrictive speech acts, this liberal attitude of the Parliament was not observed in the final decision-making votes (Krotky and Kaniok, 2021). This illustrates the division between what the EP says and does in the policy field and ultimately shows different motivations in debates and decision-making. Lopatin (2013) and Frid-Nielsen (2018) also examined the voting behaviours of MEPs in irregular migration and speeches in the Parliament on asylum with a quantitative analysis, respectively. The added value of quantitative analysis is notable in revealing the intra-institutional dynamics and structural determinants such as "attitudes towards European integration" or "the division between the new and old member states" affecting the speech acts in plenary debates (Krotky and Kaniok, 2021, p.178; Frid-Nielsen, 2018). In the analysis of policy narratives and their major components, quantitative methods can also substantiate the findings of narrative shifts and the dominant narratives (Cianciara, 2020). Lastly, quantitative analysis of final legislative texts, proposals for legislative texts, and amendments in the readings of the Parliament and the Council can also be useful in determining the contribution of each EU institution's policy proposals to the final legislation.

In sum, future studies on the EU EBM field can (i) use all the functions suggested by the functionality approach together or separately, (ii) define the field extensively, covering all the JHA policy issues, (iii) add new theoretical frameworks to further reveal policy dynamics and determinants of turf wars, and finally (iv) use quantitative methods to analyse policy narratives and changing positions of the actors. The multi-dimensional, multi-level, multi-actor structure of the EU foreign and external policies offers important opportunities for future studies. Taking the internal functionality of any EU external policy as an analytical

starting point would save policy analysis from a narrow-scoped approach that focuses exclusively on the capacity and external impact of the EU, which Bickerton calls "prescriptive concern with effectiveness" (2011, p.14). Understanding internal functionality, in this context, shall be considered as a first step in foreign policy analysis.

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7. APPENDICES

Appendix I: Interview Questions

1. The European Commission did not define migration in the security framework until the late 1990s, as observed in its proposals and communications. Later, the Commission linked migration and asylum issues to more complex problems of crime and terrorism. What could be a major reason for this shift in policy narrative, considering that there was no imminent threat outside at that time?
2. How do the Commission and the Council develop its policy suggestions? Do you think that these actors are taking an evidence-based approach regarding the necessity and proportionality of practices or strategies such as surveillance technologies, large-scale databases, or decisions for CSDP operations?
3. Do you think that strategies, policies, and agencies in the field of external border management are direct responses to the changing security environment at the external borders?
4. What we observe in the case of external border management is 'securitization in policy objectives and de-politicization in policy design'. In other words, for instance, the European Commission securitized migration but opted for de-politicization of migration and border management and claimed technical expertise to solve these complex issues. How can we explain this motivation of the Commission in depoliticizing the securitized migration and border policies?
5. Why do you think Frontex was established in the first place? Is its contribution to integration, the identity or the visibility of the EU taken into consideration?
6. What standards have been applied to determine its success? How is its effectiveness measured?
7. Is Frontex a technocratic Project? What is the role of Frontex in de-politicizing border-related issues, thinking of its risk analysis strategy?

8. To what extent does Frontex's risk analysis strategy contribute to integration in the field of border management and control? In other words, what is the added value of this approach (risk analysis) to the integration of EU border control policies and the EU integration process in general? Why do EU member states and the Commission rely on the risk analysis model of Frontex in the management of external borders?
9. Based on our observation, while the European Commission tries to expand the policy issue in line with its competences, the Council of the European Union is more keen to keep the issue within the competence of member states and thus maintain the status quo. How can you evaluate the ongoing struggle among the EU institutions (the Commission, the Parliament, and the Council) for political power within the case of EU external border management?
10. Regarding external border management, could you please define what is the issue/problem? Who are the victims and villains of the problem? What is the solution for the problem you defined?

Appendix II: List of Interviewees

1. Official of the European Commission (EU COM-1), Senior Legal Expert, Directorate-General Migration and Home Affairs, Schengen and External Borders.
2. Official of the European Commission (EU COM-2), Policy Officer, Directorate-General Migration and Home Affairs, Schengen and External Borders.
3. Official of the Council of the European Union (EUC-1), Advisor, Home affairs.
4. Official of the European Parliament (EP-1), Administrator for a parliamentary body, Directorate-General for Internal Policies of the Union, Directorate for Citizens' Rights and Constitutional Affairs, Secretariat of the Committee on Civil Liberties, Justice and Home Affairs.
5. Official of the Delegation of the European Union to Türkiye, Migration Policy Department.

Appendix III: Ethics Committee Approval For Research

ANKARA YILDIRIM BEYAZIT UNIVERSITY (AYBU)
SOCIAL AND HUMAN SCIENCES ETHICS COMMITTEE
RESEARCH PROJECT APPROVAL DOCUMENT

Ankara Yıldırım Beyazıt University, Graduate School of Social Sciences Faculty/Institute from academicians/students Ceren Kaya's, "Internal Functions of the EU's External Border Management: An Analysis Beyond Effectiveness" titled research was evaluated. *(This part must be filled by the applicant)*

The project was approved in terms of ethics.	☒
The project needs to be re-submitted in terms of ethics.	☐
The project was rejected in terms of ethics.	☐

AYBU SOCIAL AND HUMAN SCIENCES ETHICS COMMITTEE DECISION (To be filled by the Ethics Committee)	
Research code (Year – Research order number)	2023 - 234
The date the application form was received by the Ethics Committee	08.12.2023
Ethics Committee Decision meeting date and decision number	20.12.2023 / 10 - 234
Place	Ankara Yildirim Beyazit University, Esenboga Kulliyesi, Ankara-Turkey
Participants	Members who signed the form attended the meeting.

CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Prof. Dr. Zafer ÇELİK	Cha
Prof. Dr. Suat ERDEM	Mer
Assoc. Dr. Bahar İNKAYA	Mer
Assoc. Dr. Bayram SİNKAYA	Mer
Assoc. Dr. Hakan DULKADİROĞLU	Mer
Assoc. Dr. Halime Şenay GÜZEL	Mer
Assoc. Dr. Keziban Büşra KAYNAK EKİCİ	Mer
Asst. Prof. Dr. Asuman ÇUKUR	Mer
Asst. Prof. Dr. Esin KIVRAK KÖROĞLU	Mer
Asst. Prof. Dr. İrem ŞENGÜL	Mer
Asst. Prof. Dr. İpek METE	Mer