# Border Externalization Policies of the EU in the Balkans and their Impact on Human Rights – Austria's Role

Panel discussion in cooperation with the University for Continuing Education Krems

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**Date:** May 28th, 2024, at the oiip

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## Key takeaways

- The European Union significantly increased the externalization of its borders, transitioning from internal governance to engaging third countries in migration management through informal agreements.
- Informal agreements complicate accountability and transparency, impacting human rights due to the difficulty in identifying responsible parties and addressing violations.
- Austria plays a crucial role in strengthening externalizations, particularly in the Western Balkans, influencing EU migration governance.
- Upcoming EU elections may influence future shifts in migration policies and political narratives, potentially impacting migration governance.
- The panel highlighted the critical need for re-evaluating EU migration strategies to ensure they align with fundamental values of human rights and transparency.

## Introduction

The Austrian Institute for International Affairs (oiip), in a forward-looking discussion held in Vienna, delved into the landscape of EU migration policies, offering insights into both the challenges and the critical roles played by states in shaping migration governance in Europe. Over the last few years, there has been a significant increase in the externalization of EU borders, raising a need for a discussion and examination of this trend and its implications. An expert panel gathered to discuss matters concerning the EU's intricate migration policies, with an emphasis on the shift from internal governance to increased engagement with third countries. This discussion further explored the complex interplay between migration management and human rights and addressed the evolution of the EU policies, noting a significant transition towards informal agreements with non-EU countries, which set off debates concerning their impact on human rights and the lack of clear accountability mechanisms. With upcoming EU elections, the discussion explored potential shifts in policy and political narratives that could influence future migration management strategies. Moreover, as Austria has been instrumental in strengthening border regime externalizations in the Balkans and collaborating with regional politicians to strengthen ties and support the region's European integration process, a part of the discussion focused on Austria's role in the issue of migration governance. The panel, therefore, discussed the current state of EU migration policies, the balance between border control management measures and human rights, and the implications of political changes on these policies.

This summary will delve into the four main themes discussed: EU Externalization and Human Rights, the Role of Austria, the Western Balkans and the Future of Migration.

## EU Externalization Policies and Human Rights Implications

The externalisation of EU borders is increasingly becoming a topic at the forefront of migration policy discussions. Border 'externalisation' refers to the EU's strategy of seeking to prevent and manage migration by shifting responsibilities and procedures for border controls to non-EU states (Jones et al.). This process has had several phases of development, and as Federica Zardo, a Senior Researcher and FWF Post-doctoral Fellow at the University for Continuing Education Krems summarises, it was

originally conceptualised as a response to internal EU challenges of managing migration. This phase involved efforts to transition the responsibility for migration from national to more intergovernmental levels within the EU, as migration issues were increasingly framed as a matter of foreign policy. This shift was largely due to the inability to find compromise within internal policy frameworks, as migration was becoming increasingly securitized at the national level. Therefore, at the start, externalisation mostly had to do with the entity responsible for making migration-related decisions. This later allowed for engagement on migration issues with third countries, demonstrated by several partnerships and agreements designed to control the flows of migration and mobility. It thus allowed the EU to extend its influence over migration processes beyond its borders.

The recent developments are what we call the externalization of screening processes or asylum claims processing. Agreements with states such as Albania, Tunisia, Egypt, and Libya often take the form of mobility partnerships, which not only seek to regulate migration but also allow the EU to engage directly with the governments of these nations on migration matters. The key aspect of these agreements is the externalization of the asylum screening process, referred to as extraterritorial processing and informality. While at first, these processes were led by formal agreements, they have now become characterized by a lack of clear documentation and formalization. This makes it difficult to identify the key players in negotiations and hold them responsible for their actions, especially when it comes to human rights violations. Therefore, this shift towards extra-territorial approaches has led to increasing informality of agreements, leading to concerns about transparency and accountability. This is particularly worrisome, as while externalisation policies were ostensibly designed to manage migration efficiently, the human rights impacts of these processes are often profound. However, given that the agreements are informal in nature, it is often challenging to determine the direct effects they have on human rights. For instance, in Libya, clear human rights violations have been reported in numerous instances, with accusations of migrant abuse and mistreatment on behalf of the Libyan Coast Guard and detention centres' personnel, but the lack of formal agreements complicates the process of holding specific entities or governments accountable. Some EU states, such as Italy, were heavily involved in these extraterritorial migration management practices and supplied Libya with patrol boats that comprised Italian and Libyan crew members. Furthermore, two protocols and a 'Friendship Treaty' proved that Italian officials participated actively in patrolling and pushback (Müller and Slominski, 2020). However, the general ambiguity in externalization policies allows for the misuse of funds and raises significant ethical concerns about the EU's complicity in human rights abuses.

5

Furthermore, when migration control is the focus of these agreements with third countries, human rights often get sidelined, and protection of the borders precedes protecting individuals, leading to policies that prioritize state and border security over human welfare. A further issue is that the EU's reliance on externalization has made it vulnerable to instrumentalization by third countries, which may leverage their cooperation on migration controls to negotiate more favourable terms on other unrelated issues, essentially using migration as a bargaining chip. Federica Zardo exemplified an instance when Tunisia recently returned €60 million to the EU due to a disagreement on the amount of money needed, as the money was intended for Tunisia to tighten border controls. However, the Tunisian foreign minister claimed Tunisia would no longer act as border police for the EU (Deconinck, 2023). Similarly, Turkey has previously threatened to reopen its borders if commitments are not met or if agreements are not upheld, which created a semi-crisis in 2020 as Turkey reopened borders (Euronews, 2019; Timur and Nordland, 2016). These incidents reflect the strategic risks of 'migration diplomacy'. This concept of migration instrumentalization creates strong concerns, yet it seems to be the direction the majority of the member states are choosing to pursue when producing new legislation and policies to address the increasing number of arrivals. Additionally, border externalisations increase states' vulnerability to coercive practices. Despite this, Federica goes on to explain that this month, fifteen EU member states sent a letter to the European Commission affirming that agreements like those with Tunisia, Egypt, or Mauritania should serve as models for future cooperation on migration. This indicates a consensus among member states that the external component of migration policy is crucial and should be prioritized, further complicating the EU's external relations and challenging the integrity of its foreign policy. Moreover, funds allocated for migration management often get misused. For example, due to a lack of oversight, funds intended to improve conditions for migrants can be misused, which can further exacerbate the human rights situation.

In summary, the EU's externalization of migration has gradually shifted from a foreign policy issue to a security issue. EU migration policies have led to numerous challenges, such as human rights violations and geopolitical manipulations. The EU's externalization of migration policies has evolved from an internal policy challenge to a complex, often informal approach characterized by significant security and human rights implications. The move towards unofficial agreements has made it more challenging to monitor human rights violations. It is, therefore, imperative that the EU re-evaluates its strategies so that they align with its fundamental values of human rights and transparency.

## The Role of Austria

Austria has had a key role in the externalization of EU migration policies, particularly through its active involvement in border management and pushback practices. The panellists examined Austria's role in shaping EU migration policies, their implementation, and their implications for broader EU objectives and human rights standards. The country has been known to actively engage in 'pushbacks', which are governmental actions intended to drive migrants and refugees away from the state while not allowing them access to the legally ascribed frameworks. Through pushbacks, states also violate the prohibitions on the use of force, imprisonment, expulsion, and international protection (European Center for Constitutional and Human Rights, n.d.).

In cooperation with Balkan countries and other EU member states, Austria aims to strengthen external border controls and prevent migrants from entering the EU. This is part of a broader strategy to externalize border control responsibilities to reduce the number of migrants reaching Austrian territory and has included collaborations with countries such as Hungary and Serbia, where the focus is put on the enforcement of border security measures and the implementation of bilateral agreements aimed at better migration management.

Furthermore, Austrian officials were some of the key actors in associating migration with security issues, depicting migrants as dangers to public safety and national security. As Lukas Gahleitner-Gertz from Asylum Coordination notes, these narratives are consistently employed, and extra-territorial policy issues, such as migration, are used to divert discourse from problematic domestic policy management to shift the focus to more 'external' issues.

Klaudia Wieser, a PhD Candidate at the University of Vienna and a founding Member of Push-Back-Alarm Austria, explained that Austria has also actively developed informal mechanisms for cooperation on migration through platforms instrumental in promoting externalization policies. Examples of this are the Joint Organizational Office at the Austrian Federal Police Department, a security cooperation platform for Europol initiated in 2016, and the Joint Coordination Platform inaugurated in 2022, which facilitates large-scale returns to the Balkans and onward to third countries. The latter serves as an example of Austria using security-focused efforts to push for the externalisation of migration policies. As Klaudia has extensively researched these platforms and the people involved, she noted the

openness with which people involved in these institutions discuss their roles in potentially harmful actions without much regard for human rights concerns.

The policies and actions of Austria are likely to have a significant impact on human rights, as the approach has often overlooked the human rights of migrants and asylum seekers to put emphasis on security and stringent border controls. This emphasis on security and prevention of entry has, therefore, led to increased violent incidents and human rights violations. Additionally, as many of Austria's cooperative agreements and initiatives are informal, this also raises concerns over the lack of transparency and accountability for addressing human rights violations. Ultimately, through border controls, promoting security-focused narratives, and engaging in bilateral and informal agreements with countries such as Bosnia and Herzegovina, Austria plays a key role in the externalization of EU migration policies.

As Austria will soon hold elections, the panellists discussed whether any substantial changes are expected. However, they mainly agreed that while there are likely to be some changes in the upcoming Austrian elections and within the EU, these will primarily be cosmetic, reinforcing existing trends rather than introducing substantial new policies. The effectiveness of current migration strategies is questionable, and the narrative that closing borders will act as a security measure and deter migration is flawed, as it will increase irregularity. Instead, it creates an illusion of control whilst at the same time maintaining a high crisis narrative that continues to alarm the public. This dynamic and narrative of migration as a threat is likely to become even more pronounced in the aftermath of the upcoming Austrian elections. However, Lukas Gahleitner-Gertz noted that the Freedom Party is not very engaged with migration issues; it is more the Conservative Party that is driving the discourse and shifting voters towards the Freedom Party. Nonetheless, the speaker notes that the Freedom Party could be more dangerous now than previously because they are experienced, having been in government before and understanding how the ministry operates, which is evident in the quality of parliamentary inquiries they now conduct. They demonstrate a deep understanding of sound policy, suggesting they know how to influence change effectively. This knowledge could lead to potential troubles, though the speaker anticipates that the Freedom Party's impact might lean more towards narrative influence than direct policy changes, as they have historically focused on symbolic gestures that resonate with their voter base.

## The Western Balkans

Migration is also becoming a crucial issue in EU membership negotiations, especially with the Balkan countries. A panellist, Nidzara Ahmetasevic, an independent Researcher and Journalist, noted that the European Union is pushing the Western Balkan countries to accept approaches preferred by the EU, often without consulting the governments of these countries. Bosnia is an even more unique case as it acts almost as a semi-protectorate that depends on the EU. Specifically, regarding migration, there is a full protectorate over migration policies in Bosnia, meaning that it's not the Bosnian government but the EU and partners, including IOM and ICMP, that are actively implementing migration policies in the field.

When it comes to managing migration in the Western Balkans, the EU, in its interactions with international organizations or addressing the media or public, seldom mentions human rights standards but rather refers to 'European standards,' which are ambiguously defined. These include pushbacks and restrictive camps where people are forced to live under stringent policies—all presented under the guise of European standards, which locals and migrants are expected to understand. Nidzara Ahmetasevic explained that Austria, in particular, has been instrumental in implementing this model in the Western Balkans, where Austrian police train local and border police in Serbia and are present at the field level at the border with North Macedonia. Notably, it was Austria that signalled the Balkans to close the migration route that existed between 2015 and 2016. Furthermore, Austria maintains close cooperation with Hungary and Serbia, with representatives from these countries meeting to discuss future migration-related issues. Furthermore, the panellist notes that in Bosnia, Austria's presence is significant, not only in migration camps but also within government ministries where they advise on migration issues. For a time, an Austrian individual was even employed inside the Ministry of Security of Bosnia and Herzegovina to work on migration-related issues. There remains a major issue in the Balkans associated with the absence of responsibility for human rights violations, and the concept of applying a human rights perspective in migration governance is almost non-existent.

The panel also discussed Croatia's case. As an EU member state and part of the Schengen Zone, Croatia acts as a hub for implementing EU policies. It is effectively on the frontline, defending the European

Union's stance on migration. Nidzara Ahmetasevic notes that the main issue now is not just the pushbacks but the structured return of people to Bosnia, Serbia, and other Balkan countries through readmission agreements. These agreements, which all candidate countries are obliged to have with the EU, allow the return of not only their own nationals but also third-country nationals. As a result, the centres across the Balkans, built with EU assistance, are being used for detention and similar purposes. Therefore, although Croatia is heavily involved in migration control and pushbacks, it is the European Union's position in these matters that is key in migration-related policy development rather than Croatia's independent policy decisions.

## The Future of Migration Policies

During the panel discussion, experts discussed the evolving nature of migration policies and their impact on the future of the EU. The discussion found that the future of EU migration policies needs significant transformation while also highlighting concerns that the situation could turn for the worse due to potential political changes. The speakers agreed that current externalization practices are likely to continue, and although there might be changes based on the outcomes of the upcoming EU elections, this is likely to be detrimental to the upholding of human rights in migration policies.

Furthermore, the dynamics of EU policies are changing, and securitization and the 'othering' characterization of migrants, which characterizes them as 'others' who threaten stability and national identity, are becoming more prevalent themes in discourse. These shifts in the narrative could cause future regulations to become more restricted. Austria and Croatia are two examples of states that employ these kinds of narratives to support strict border controls and restricted admittance of asylum seekers.

The panellists expressed hope that governments and citizens would recognize that due to the demographic decline, some European countries cannot sustain themselves, their labour markets, or their pension systems without an inflow. Moreover, Nidzara Ahmetasevic notes that instead of opening borders and welcoming migrants, the EU is more inclined to invest in arms, making exceptions primarily for white, possibly non-Muslim individuals, as she quotes better treatment of Ukrainian

refugees compared to others. Additionally, the speaker criticized the externalization of EU policies and politics in the Balkans and other regions. She pointed out a problematic trend among EU citizens, particularly the youth, to externalize humanitarianism. Instead of advocating for change within their own countries, they travel to border countries like those in the Balkans, acting as saviours while keeping those in need at a distance. The speaker suggested that this energy would be better spent on political activism within their own countries. Furthermore, she proposed rethinking conventional views on migration and borders, stating that migration is a natural phenomenon that has existed as long as humanity itself, while borders are a relatively new invention. Thus, instead of focusing on preventing or controlling migration, this panellist suggested considering the complete abolition of borders and embracing global mobility, leading to a fairer society.

The Q&A provided us with some insights from the audience. Some concerns were highlighted about the informal agreements with third countries, as they provide long-term problems for governance and the upholding of human rights even if they offer tools to manage migration. A member of the audience further highlighted that, when it comes to migration, a distinction should be made according to the country's demographic and labour market needs and that countries ought to have the freedom to decide who gets welcomed. He emphasized the importance of being clear about what is needed in each country and ensuring no increase in the 'pull factor', as they contribute to the problem, pushing towards total chaos. However, the panellists reiterated that migration is a reality and that it would be inhumane to play pick-and-choose with migrants.

One significant question posed was about the potential of establishing legislation similar to that of Canada, pointing to Canada's clean, strict, and pragmatic migration law system, which ensures better regulation of the migrants allowed to remain in the country. The audience member highlighted Canada's process of deporting individuals who do not meet requirements without compromising its reputation for respecting human rights. The panellists then discussed Canada's approach and highlighted that Canada's substantial investment in regular pathways has successfully reduced irregularities in migration.

In the end, the panellists addressed the lack of formal migration agreements between the EU and third countries. Federica Zardo pointed out that for many of these countries, migration is not a top priority; therefore, they have little incentive to sign agreements that do not align with their interests or benefit

them directly. She emphasized that for an agreement to be appealing to these third countries, it must offer tangible benefits, such as the facilitation of remittances and more flexible migration arrangements. Creating an agreement beneficial to both sides is crucial, and only if third countries' needs and interests are met, including easier visa processes and less bureaucratic and financial burden, will they be likely to engage with the EU and sign legally binding agreements. The speaker noted that adjusting these agreements could enhance migration cooperation between the EU and third countries in the future.

The panel ended on an optimistic note about the direction global migration discussions are heading, particularly at international platforms like the Global Forum for Migration and Development under the UN and efforts made by the International Organization for Migration (IOM) to shift the narrative towards opening more regular pathways and normalize migration. The speakers noted that the world is increasingly moving towards acknowledging and integrating these changes and that the normalization of migration policies will occur sooner rather than later.

## Conclusion

The panel discussion on EU externalization policies and Austria's role illuminated the complicated relationship between security, human rights issues, and migration control.

Externalization policies, which transfer border control and asylum processing to non-EU nations, have now become a key part of the EU's migration management strategy. While these policies aim to control migration, ensure security, and reduce pressures on internal EU systems, they have raised significant concerns about human rights, ethics, and adherence to international law. Relying on third countries, especially through informal agreements, poses a major complication to the ability to enforce human rights standards and hinders accountability mechanisms when there is no real oversight.

Austria plays an active role in this issue, especially when it comes to border management and pushback practices. The Austrian approach, through prioritisation of security and regulations, is an indication of

an EU-wide movement towards a narrative presenting migration as a threat, which poses risks of undermining the EU's values of dignity and respecting human rights.

In conclusion, the panel highlighted the ethical dilemmas and challenges posed by the EU's externalization of migration policies and emphasized the need for balanced policies to be taken into account, as well as the protection of fundamental human rights. The EU and Austria will continue to play a key role in shaping these migration policies, which need to uphold the EU's values.

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