



European
University
Institute

DEPARTMENT
OF POLITICAL
AND SOCIAL
SCIENCES

European Cooperation in Sensitive Areas

The Case of Migrant Integration Policy

Frédérique Roche

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

Florence, January, 2016

European University Institute
Department of Political and Social Sciences

European Cooperation in Sensitive Areas
The Case of Migrant Integration Policy

Frédérique Roche

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

Examining Board

Prof. Adrienne Héritier, EUI (Supervisor)
Prof. László Bruszt, EUI
Prof. Simon Bulmer, The University of Sheffield
Prof. Sandra Lavenex, Université de Genève

© Frédérique Roche, 2016

No part of this thesis may be copied, reproduced or transmitted without prior
permission of the author

ABSTRACT

This dissertation investigates EU cooperation in the field of migrant integration. Closely tied to the notion of national identity and a core competence of the Nation State, migrant integration policy is a field where the Member States should have displayed an insurmountable degree of reluctance to act collectively at the EU level. In the early 2000s, the Member States nonetheless chose to place this highly sensitive issue on the European agenda and to take some common initiatives in this area. In light of these considerations, the dissertation aims to explain the introduction of cooperation in the field of integration and its nature—the soft mode of governance and the type of integration policy informing the cooperation. Inspired by the Strategic-Choice Approach and Liberal Intergovernmentalism, I analyze these different aspects through a two-stage explanatory framework that focuses both on the national and EU level. The first stage considers the preferences formation process in the Member States—that is, their preferences for the cooperation and its specific features; I focus in particular on the cases of Sweden and the Netherlands. The second stage is concerned with the negotiation process between the Member States with respect to the substance and instruments of cooperation in this field. Specifically, I analyze the negotiations of two Council Conclusions, which took place in 2004 and 2011 respectively. I demonstrate how policy divergence between national integration policies have acted as a driver for Member States to engage in cooperation at the EU level. I further document how national politics not only influence the preferences of the Member States for the nature of the EU cooperation, but also explain the outcome of successive negotiations.

ACKNOWLEDGEMENTS

Throughout the years I spent writing my dissertation, numerous people have contributed to my work, be it at the intellectual, practical, or personal level. First and foremost, I should like to thank my supervisor, Prof. Adrienne Héritier. During my first weeks at the EUI, I was told that I was lucky to have Adrienne as a supervisor and that she never lets down her students. The years that followed greatly prove this to be true: Adrienne has always been there for me. And without her excellent academic supervision, encouragements, kindness, empathy, and patience, I would not have managed to finish this dissertation. For that, I will forever be indebted to her.

I also wish to express my gratitude to Prof. László Bruszt, Prof. Simon Bulmer, and Prof. Sandra Lavenex, for accepting to be part of my thesis committee, for taking the time to read my work, and for their excellent and thought-provoking comments. I am equally thankful to the many talented scholars who at one point or another, commented, challenged, and made suggestions to improve my research. Prof. Marco Giugni in particular deserves my gratitude. Over the last ten years, Marco has been for me a source of inspiration: his dedication and passion for research—and his ability to transmit this passion to others—can only call for the greatest admiration. Not only did Marco strongly encourage me to apply to the EUI, but he never failed to offer advice and support at the most critical junctures of the PhD process. Likewise, I thank the practitioners and experts who kindly agreed to be interviewed and generously shared their thoughts and insiders' knowledge with me.

Those who kindly put their linguistic skills to use for my dissertation deserve special thanks. Yannick Fischer, Josefine Landberg, and Matilda Broström did a great job in translating documents from their native language to English. Despina Christodoulou, who corrected the manuscript, demonstrated fantastic proofreading skills; her work undoubtedly made the dissertation a more pleasant experience for the reader.

Institutionally, I acknowledge the EUI and the *Centre National des Œuvres Universitaires et Scolaires* for making this project possible. The Institute for European Studies of the ULB also deserves to be mentioned for kindly hosting me during the final months of writing.

At the EUI, many people have in some ways helped me to get through this long and challenging journey. In particular, I would like to warmly thank Gabriella Unger for her professionalism,

kindheartedness, and all the times she “crossed her fingers for me”. Be it for a much enjoyable chat or to discuss serious issues, Gabriella has been very present for me during my time in Florence. And for that, I am infinitely grateful. Maureen Lechleitner greatly deserves my thanks as well. In addition to precious assistance with administrative matters, her encouragements and positive attitude have been a priceless source of motivation while wrapping up the dissertation. Thanks also to Françoise Thauvin for her friendliness and help with grant related issues. My general appreciation goes to the whole EUI community—researchers, faculty, fellows, administrative staff, logistic service, librarians, bar staff—for creating a pleasant, vibrant, and stimulating environment that I will always remember with fondness.

For offering a compassionate shoulder, lending an attentive ear, and of course, good times, I am extremely grateful to my friends. Among these amazing people, Jana, Ruxandra, Anouk, Estelle, Joël, Adéline, Caroline, Herbert, Aude, Valérie, Magda, Lena, Sarah, and Elizabeth have been particularly important to me. With their invaluable friendship, they constantly reminded me that there is more to life than the thesis. Special thanks go to Herbert who was kind enough to proofread parts of the manuscript. I will not forget to mention Jasmine, for her incredible support and encouragements during my last months in Florence, Gianni—a great housemate—, and Carla, the sweetest landlady of Le Cure.

Finally, I thank my family for their unconditional love and impressive ability to stand my mood swings, doubts, and existential crises. I am in particular grateful to my mother, whose generous and caring personality enabled her to successfully perform the difficult parental task of silencing all her worries and only voicing her faith in me. My appreciation also goes to Mona and Knud, who welcomed me in their family with open arms.

Last but not least, I would like to thank my husband, Pelle. Without a doubt, I owe Pelle the greatest debt of gratitude. He was in the tremendously difficult position to be both my colleague and my partner at the same time. A tricky situation that Pelle managed to navigate with mastery: he both reassured me while commenting on my work, played the devil’s advocate while tiptoeing around my feelings, and read the thesis countless times without losing patience. For his love, support, advice, and resilience, I could not have imagined a better companion to share this journey with.

TABLE OF CONTENTS

LIST OF TABLES AND FIGURES	IX
LIST OF ABBREVIATIONS	XI
<i>Chapter I Introduction</i>	1
PUZZLE AND RESEARCH QUESTIONS.....	2
DELIMITING THE SCOPE OF THE RESEARCH.....	5
INTERESTS OF THE PROJECT	7
<i>Chapter II Theoretical Framework</i>	9
THEORETICAL PERSPECTIVE AND MAIN ASSUMPTIONS.....	9
EXPLANATORY FRAMEWORK	12
The Drivers of Cooperation	12
The Nature of the Cooperation	29
CONCLUSION.....	39
<i>Chapter III Methodological Framework</i>	43
THE DRIVERS OF COOPERATION IN THE FIELD OF MIGRANT INTEGRATION	44
THE NATURE OF THE COOPERATION	45
Preferences.....	45
Negotiations	47
DESCRIPTION OF CASES	48
Country Cases	48
Negotiation Cases.....	57
DATA AND DATA COLLECTION	57
National Level.....	58
EU Level.....	59
<i>Chapter IV EU Cooperation in Integration Policy</i>	61
POLICY DEVELOPMENTS.....	61
A Slow Start (1999–2003).....	62
The Momentum for the Elaboration of the Cooperation (2004–2005)	66

Incremental Developments as a Routine (2006–2011).....	67
POLICY MODE.....	72
Policy Process.....	73
Instruments.....	76
POLICY TYPE.....	89
<i>Chapter V Drivers of Cooperation</i>	<i>93</i>
INTEGRATION AND PRESIDENCIES.....	94
The Presidency Agenda	94
Presidencies' Activities and Achievements.....	96
COUNTRY CASES.....	101
Sweden.....	102
The Netherlands	107
<i>Chapter VI Preferences over the EU Cooperation.....</i>	<i>111</i>
PREFERENCES OVER POLICY TYPE.....	111
Sweden.....	112
The Netherlands	117
PREFERENCES OVER POLICY MODE.....	125
Sovereignty Concerns	125
Salience of Integration Issues	132
<i>Chapter VII Negotiating the Common Basic Principles.....</i>	<i>141</i>
CONTEXTUALIZING THE NEGOTIATIONS	142
Background and Timing.....	142
Institutional Parameters.....	144
The Climate of the Negotiations.....	145
THE NEGOTIATIONS IN SUBSTANCE	146
Content of the Council Conclusions.....	146
Member States' Positions	151
BARGAINING AND OUTCOME.....	153
<i>Chapter VIII Negotiating the Council Conclusions on the Second European Agenda</i>	<i>155</i>
CONTEXTUALIZING THE NEGOTIATIONS	155
Background and Timing.....	156
Institutional Parameters.....	156

The Climate of the Negotiations.....	157
THE NEGOTIATIONS IN SUBSTANCE: CONTENT OF THE COUNCIL CONCLUSIONS.....	157
BARGAINING AND OUTCOME.....	160
Preference Intensity and Best Alternative to an Agreement	160
Position Shifts on Specific Issues.....	165
Conclusion.....	173
<i>Chapter IX Conclusion</i>	175
THE DRIVERS OF COOPERATION.....	176
THE NATURE OF THE COOPERATION	177
Preferences over the Nature of the Cooperation.....	178
Negotiating Migrant Integration	179
DISCUSSION OF THE FINDINGS	181
CONCLUSION.....	183
<i>Annex</i>	185
ANNEX I: COMMON BASIC PRINCIPLES ON INTEGRATION.....	185
ANNEX II: COMMON INTEGRATION INDICATORS	187
ANNEX III: LIST OF INTERVIEWS.....	188
ANNEX IV: LIST OF PARLIAMENTARY DOCUMENTS.....	189
Sweden.....	189
The Netherlands	190
ANNEX V: LIST OF PRIMARY DOCUMENTS FOR THE ANALYSIS OF THE NEGOTIATIONS.....	194
Part I (2004).....	194
Part II (2011)	195
<i>References</i>	197

LIST OF TABLES AND FIGURES

Figure 2.1: Strategic interdependences in the field of migrant integration	29
Figure 2.2: Civic integration policy types	32
Figure 2.3: Preferences over modes of governance	34
Table 2.1: Logical possibilities of outcomes.....	36
Figure 2.4: Negotiation space in migrant integration policy	37
Figure 2.5: The “box” metaphor: Actors’ preferences and strategies.....	41
Table 2.2: Summary of the argument	42
Graph 3.1: Foreign immigration to Sweden, 2000–2011	50
Graph 3.2: Residence permits by type, Sweden, 2005–2010 (percentages)	51
Graph 3.3: People with a foreign background in Sweden, 2002–2011 (percentages)	52
Graph 3.4: Foreign immigration to the Netherlands, 2000–2011.....	54
Graph 3.5: Residence permits by type, Netherlands, 2005–2010 (percentages)	55
Graph 3.6: People with a foreign background in the Netherlands, 2002–2011 (percentages)	55
Table 4.1: Instruments summary.....	88
Table 5.1: Integration issues during Presidency	95
Table 6.1: Civic integration policy in Sweden and the Netherlands	124
Graph 6.1: Position on EU issues, governing coalition, Sweden	127
Graph 6.2: Position on EU issues, governing coalition, Netherlands	130
Graph 6.3: Negative position on the EU, governing coalitions, Sweden and the Netherlands ...	132
Graph 6.4: Multiculturalism as an electoral issue, Sweden.....	134
Table 6.2: Electoral strengths of far-right parties, Sweden and Netherlands.....	135
Graph 6.5: Multiculturalism as an electoral issue, Netherlands.....	136
Graph 6.6: Salience of multiculturalism, Sweden and Netherlands	137

LIST OF ABBREVIATIONS

AFSJ	Area of Freedom, Security and Justice
CBP	Common Basic Principle
CBS	Centraal Bureau voor de Statistiek
CDA	Christian Democratic Appeal
COREPER	Committee of Permanent Representatives
D66	Democrats 66
DG	Directorate General
ECJ	European Court of Justice
EESC	European Economic and Social Committee
EFTA	European Free Trade Association
EIF	European Integration Fund
EP	European Parliament
EWSI	European Web Site on Integration
JHA	Justice and Home Affairs
LPF	List Pim Fortuyn
LTR	Long-Term Resident
MPI	Migration Policy Institute
NCPI	National Contact Points on Integration
NMG	New Modes of Governance
OMC	Open Method of Coordination
PvdA	Labour Party
PVV	Party for Freedom
SAP	Social Democratic Labor Party
SCA	Strategic-Choice Approach
SCIFA	Strategic Committee on Immigration, Frontiers and Asylum
TCN	Third-Country National
TFEU	Treaty on the Functioning of the European Union
VVD	People's Party for Freedom and Democracy
WI	Civic Integration Act
WIB	Civic Integration Abroad Act
WIN	Integration Act for Newcomers

Chapter I

Introduction

The topic of this dissertation is the development of activities in uncharted policy areas at the European level. It appears that more than fifty years after the signature of the Rome Treaty, the process of European integration—in its broadening sense (Schimmelfennig and Rittberger 2006)—has not yet come to an end. However, the integration processes of today are different from those that took place in the past, such as the creation of the Single Market, the common currency or the elimination of internal borders, where a competence was extracted—partially or fully—from the national level and transferred to the Community. These more recent integration processes have in contrast taken other forms, thereby changing the classic definition of European integration. For example, when discussing the use of the Open Method of Coordination (OMC) in some sensitive areas, Borrás and Jacobsson (2004: 203) refer to integration as a process that generates “informal institutions (ideas, routines, unspoken norms of conduct) in a political space characterized by formal diversity.”

A fascinating case for studying these more recent integration processes is European cooperation in the field of immigrant policy for third-country nationals (TCNs). Immigrant integration policy in this context is defined as the set of measures targeted at migrants once they have settled in the host society (Hammar 1985 cited in Geddes 2008: 21; Favell 2001: 351–352). The first steps towards EU cooperation in this policy field were taken at the Tampere summit in 1999, where the European Council called for a “more vigorous integration policy”, which aimed at granting immigrants rights and obligations comparable to those of EU nationals (Council of the European Union 1999: point 18; hereafter Council). Immigrant integration was one of the four cornerstones of the development of a migration policy at the European level—made possible by the entry into force of the Amsterdam Treaty in 1999. The other three aspects were asylum, immigration and cooperation with countries of origin. In the first years following Tampere, the EU and the Member States mainly focused on aspects related to both restriction and control of migration (Bendel 2007; Penninx 2007): while asylum and cooperation with countries of origin developed swiftly, progress

in the field of legal migration was slow and difficult.¹ And no progress—slow or fast—was made in the domain of integration policy. Despite a clear mandate, only *ad hoc* initiatives were taken, such as a conference organized by the European Economic and Social Committee (EESC) in 2001.

In 2002, for the first time a Member State, Denmark, decided to deal with integration during its Council Presidency and triggered a process that would ultimately lead to the elaboration of the Common Basic Principles for Immigrant Integration Policy in the European Union (CBPs), adopted under the Dutch leadership of the Council in November 2004 (Council 2004a). The adoption of the Principles, eleven in total, marked the durable introduction of EU cooperation in the field of migrant integration. The CBPs, along with the instruments developed to implement them, are not legally binding on the Member States. Moreover, for approximately the first five years, EU cooperation was developed outside the scope of the Treaty, without explicit EU competences on migrant integration issues until the entry into force of the Lisbon Treaty.

EU cooperation in this area has been sustained by a “soft” policy mode—neither supranationalization nor pure intergovernmentalist cooperation are useful concepts for grasping the way in which the cooperation progressed and was formalized. The closest policy mode would be the Open Method of Coordination, in which, according to Dehousse (2003: 12–13), “[e]mphasis is placed on developing common interpretations of situations, common values and techniques, through an iterative learning process. Discussions about common objectives and the analysis of national policies are expected to lead to a mutual sharing of knowledge.” Yet, the EU cooperation is not an OMC process, lacking most of its defining features. Conceptually, however, the rationale is very similar: sharing experiences and a learning process, which may in turn induce voluntary policy convergence of national policies.

Puzzle and Research Questions

The development of EU cooperation in integration matters presents a puzzle: why would Member States agree to act together in this field? It is surprising that they would accept to cooperate in an area so overwhelmingly characterized by national sensitivities and sovereignty concerns, and for a good number of reasons. First, integration policy is nationally bound because it is directly influenced by the self-conception and perception of the nation, which in turn results from its

¹ When compiling the figures of measures adopted by the Council after Amsterdam, Groenendijk calculates that only five measures in the field of legal migration were adopted, of a total of 74 for the years 2002 and 2003 (2004: 118).

specific Nation State building trajectory (Brubaker 1992). Moreover, as Yanasmayan underlines, the fact that integration policy “clearly influence[s] the self-conceptualisation of a community” ensures that it is perceived as primarily national (2009: 79). Indeed, not only is integration policy directly influenced by the history of the Nation State, but it is also a tool for its perpetuation. And since the 1990s, or later depending on the Member State in question, the idea of nationalism and migrant integration has been at the heart of national debates, with the rise of far-right parties, the insecurity linked to terrorism and a difficult economic and social climate. Another aspect that renders integration a problematic topic is that, as an expert on integration matters pointed out during an interview, it actually touches on all the core aspects of the welfare state: the pension system, education, social benefits, employment, etc. (Interview NL2). All these areas that relate to the core function of the welfare state are already difficult to deal with separately at the EU level, due to the difficulty of gaining Member States’ support (Jacobsson 2001 cited in Héritier 2002: 2). How, then, can we expect the Member States to deal with one area that combines them all?

In all good sense, we would imagine the Member States to reject vehemently any attempts at supranationalization—of whatever degree—in this area. And, for some time, they did. In that context, Groenendijk mentions an European Court of Justice (ECJ) case² which perfectly demonstrates that integration of foreigners had been a no-go area: in the 1980s, some Member States challenged the Commission before the Court because the Commission required information from them about their national policy (2004: 115). Yet, as we saw above, the Member States, at some point, did choose to address this particular issue at the EU level. Of course, this has not happened without hurdles or reluctance. These two conflicting forces—the reluctance and the political will to act—are central to the dynamic of this policy. This can be illustrated with two instances: the first one was the Member States’ refusal of the European Commission’s proposal (European Commission 2001a) to formally use the Open Method of Coordination, usually considered as adapted to this type of sensitive area (de la Porte 2002). In fact, the Council did not even discuss the Commission’s proposal (Urth 2005: 167). The second instance that encapsulates this tension is the introduction in the Lisbon Treaty of a legal basis for migrant integration;³ this article undoubtedly gives the EU a mandate to act, but at the same time it also clearly “locks” further developments. The Treaty leaves no room for interpretation and thus avoids any risks of legal ambiguity by excluding any prospect of harmonization. In fact, the EU competence is merely

² Germany and other Member States v. Commission (C281/85), [1987] ECR, p. 3245 (cited in Groenendijk 2004: 115).

³ Article 79 (4) of the Treaty on the Functioning of the European Union (TFEU): “The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.”

“aimed at providing incentives and support for the actions of Member States” (Cholewinski 2005: 707). If we thus have no trouble identifying the reasons why the Member States would be reluctant to act together in this field, the same however does not hold for the reasons why they sought to cooperate at the European level.

Beyond the questions relating to the drivers for common action, we may also wonder about the nature of the cooperation, both in terms of substance and form. First, the variations among the Member States in the field of integration policy are significant. This is in part because of the different integration conceptions informing national policies, such as assimilation or multiculturalism, but also because of the diversity of Member States’ situations with respect to immigration. Some Member States, such as France or the Netherlands, are traditional immigration countries. Others, like Spain, are new immigration countries, and hence have adopted integration measures only recently in comparison with traditional immigration countries. Finally, there are those countries where immigration is rather limited. In light of these differences, then, how can we account for the substance—if any—informing EU cooperation in integration matters?

Second, we may wonder why that particular policy mode was adopted, rather than a proper OMC procedure, which is traditionally viewed as appropriate for dealing with sensitive areas (de la Porte 2002), or the pure intergovernmentalism method, which is usually the norm when Member States are opposed to supranationalization.

In light of the above considerations, the questions guiding this dissertation are the following:

- Why was a policy that deals with such a sensitive national area introduced at the EU level?
- How was the substance of the cooperation determined?
- How can the particular choice of policy mode be explained?

In short, the aim of this dissertation is to explain an outcome and its different aspects: the introduction of cooperation in the field of integration policy at the European level and the policy type and policy mode operationalizing this cooperation. Inspired by the Strategic-Choice Approach (Lake and Powell 1999), the outcome—the EU cooperation and its related aspects—is understood as the result of strategic interactions among the Member States that, having different preferences in terms of integration policies, opted to act at the EU level as a strategy for realizing them. Since Member States have different preferences over the outcome, they need to negotiate. The final outcome is therefore the result of the negotiations taking place between these actors, with diverging preferences. This result is conditioned by institutional rules in the environment and the varying power of the actors in negotiating the outcome.

As regards the research design, I will, for the preference formation process, focus on the national level, carrying out a comparison between Sweden and the Netherlands. The second step of the research will focus on the EU level and will analyze two different negotiations and their outcomes in the field of integration. The data will mainly be of a qualitative nature, such as official documents or interviews with key stakeholders.

Delimiting the Scope of the Research

Integration policy is a cross-cutting issue by nature. The measures and instruments that are adopted in the context of integration policy usually concern three general domains (see for example Penninx 2004; Entzinger 2000). Firstly, the politico-legal domain which deals with migrants' access to the host polity and is thus related to areas such as naturalization or participation in the political process. Secondly, the socio-economic domain, which is concerned with migrants' access to, for example, the labor market, welfare, or education. And, finally, the cultural domain, which deals with cultural and religious rights and the practice of migrants' own culture. Beyond these three integration domains that concern the general migrant population, recent years have witnessed the emergence of a new dimension of immigrant policies that are specifically targeted at migrant newcomers. These types of specific policies mainly rely on so-called integration programs that are usually composed of language and/or civic integration courses.⁴

The consequence of the cross-cutting nature of integration policy is that activities and measures undertaken at the European level do not belong to a single Directorate General (DG). Integration is found in many different portfolios and migrants are often considered while designing policies. For example EU anti-discrimination measures, although not uniquely targeted at migrants (Guiraudon 2003: 274), also relate to integration, or OMC employment and OMC social inclusion (Cholewinski 2005: 703), which both include guidelines relating to TCNs. Perhaps more

⁴ On a more concrete note, Favell provides a list of measures and instruments that may be adopted by public authorities in the framework of integration policy, including: basic legal and social protection; formal naturalization and citizenship (or residence-based) rights; antidiscrimination laws; positive action toward equal opportunities; corporatist and associational structures for immigrants and ethnic organizations; redistribution of targeted socioeconomic funds for minorities in deprived areas; public housing policy; policy on law and order; agreements with foreign countries about military service; multicultural education policy; special sections within political parties; policies and law on tolerating cultural practices; cultural funds for ethnic association and religious organizations; language and cultural courses in the host society's culture (2001: 351). This list—although not exhaustive—gives a good illustration of the multiple instruments and the complexity of integration policies.

importantly, the Directives adopted in the field of legal migration, such as the Family Reunification Directive and the Long-Term Residents Directive also contain elements relating to migrant integration.

However, in this dissertation, the focus is on the European Framework for the Integration of Third-Country Nationals. This process of cooperation has developed in parallel to the Directives, which mainly concern admission and stay. In particular, the Directive establishing a long-term resident (LTR) status can be considered an instrument for the integration of TCNs in the sense that it endows TCNs with some core rights according to the length of their stay. However, it only relies on minimum standards, and according to Pascouau, does not represent a communautarization of immigration policy but is a reflection of the policies already implemented in the Member States (2010: 461).

The cooperation takes place in the field of Home Affairs. Considering other elements related to integration at the EU level would have been of great interest, but focusing on the EU framework has the great advantage of gaining in simplicity and coherence by studying one single process in one single field—Home Affairs—with the same level of competences. To summarize, I will only analyze the activities undertaken under the responsibility of the Home Affairs Directorate General⁵ that are exclusively targeted at the integration of third-country nationals, that is, the European Framework for the Integration of Third-Country Nationals. This EU framework, which underpins the cooperation in the field of integration policy, is non-binding; its legal basis endows the Community only with a supportive competence. Excluding any kind of harmonization of national policies, the cooperation aims at supporting and giving incentives to the policies of Member States, according to the Treaty. Through a process of incremental developments, very much dependent on the political will of the Member States, several instruments to sustain the cooperation have been elaborated. These are notably the Common Basic Principles from 2004, which are its normative backbone, the National Contact Point on Integration (NCPI; a network of civil servants), a website, a forum for involving civil society, modules, indicators, and financial instruments. A chapter will be dedicated to explaining the different aspects of the cooperation in more detail (Chapter IV).

⁵ The DG Home Affairs was created in July 2010, following the division of the former DG Justice, Freedom and Security. In 2014, it was renamed DG for Migration and Home Affairs. For the sake of clarity, I will only refer to DG Home Affairs as it was the last official name used during the period of the research.

Interests of the Project

On theoretical grounds, the motivation for undertaking this research project is fourfold. Firstly, it allows us to study European integration dynamics in an area which is a least-likely case of such a process and therefore cannot be accounted for alone by the classical integration theories, such as Liberal Intergovernmentalism (LI) or Neo-functionalism. Hence, it provides the opportunity to develop and test alternative theoretical explanations.

Secondly, the literature on integration policy at the EU level is still rather scarce, certainly due to the relative novelty of the field. One of the major ways the literature addresses the question of the cooperation in the field of integration is by adopting a legal perspective. Particularly important in this respect are the contributions of Carrera (e.g. 2009; 2014). With his analysis, he offers major insights into the developments, institutions, and instruments of the EU Framework. Others scholars adopt a more prescriptive approach to the role that the EU should play in this field (e.g. Spencer 2005; Penninx 2007).

Beyond these normative approaches, a few contributions focus either on the introduction or on the impacts of the EU framework. For example, Rosenow (2009) suggests interesting elements in order to explain the “emergence” of the field of integration policy at the EU level. She places her focus both on the legal migration Directives and the soft EU Framework. Drawing on neo-institutionalism, neo-functionalism and intergovernmentalism theories, she analyzes the interests and roles of various actors in the process. Another excellent addition to the literature is provided by Mulcahy (2011). Her research focuses on the impacts of the introduction of the Framework on the Member States, adopting a top-down perspective. In particular, she analyzes the differential adaptations to “EU norms”, by adopting three different theoretical streams, namely top-down Europeanization, diffusion of EU norms and domestic politics determinants. To the best of my knowledge, however, there is no truly theoretically-driven study, providing a comprehensive analysis of the introduction, developments and nature of the EU cooperation in the field of integration. This dissertation therefore aims to fill this gap by studying this area, which was—and to some extent still is—one of the last areas in which Member States had exclusive competencies.

Thirdly, as the New Modes of Governance (NMG) are increasingly being used at the EU level, numerous—although not necessarily mutually exclusive—explanatory factors have been advanced to account for this phenomenon, including the extreme diversity of interests and approaches in the policy sectors where the NMG are used (Radulova 2007; Dehousse 2003; Scott and Trubek 2002), their strong distributional effects (Radulova 2007: 7), and their inherent complexity (Gornitzka 2005; Scott and Trubek 2002). Other explanations focus on the minimization of loss of sovereignty

and control (Schäfer 2004: 11–12) as well as the subsidiarity concerns of Member States (Scott and Trubek 2002), blame-shifting strategies, or the importance of symbolic politics (Schäfer 2004; Dehousse 2003; Gornitzka 2005). Migrant integration as a relatively recent policy area, based on a soft mode of governance, provides an interesting case to assess these various explanatory factors.

Finally, on a more practical level, the topic of migrant integration in the host societies has reached the top of the political agenda in most Western countries, rapidly becoming an issue of high salience, and many countries have (re)formulated their policies (Joppke 2007; European Commission 2005a). Therefore, it is important to explore how the EU positions itself on this matter and what are the factors influencing the perspective of the EU on migrant integration.

The remainder of this dissertation is structured as follows: the next chapter will present the theoretical framework, along with my argument. Chapter III will set out the methodological framework. The remaining chapters will be dedicated to the empirical analysis. In Chapter IV, I will discuss the outcome—what this dissertation aims to explain—and then I will focus on the drivers of Member States’ preferences over the outcome through a comparison of Sweden and the Netherlands (Chapter V and Chapter VI). Finally, I will analyze two cases of negotiations in which the Member States, with different preferences, negotiate over the outcome (Chapter VII and Chapter VIII). Chapter IX concludes the dissertation with a summary and discussion of the findings.

Chapter II

Theoretical Framework

In this chapter, I will attempt to provide theoretically-driven answers to the research questions that guide this dissertation; that is:

- Why was a policy that deals with such a sensitive national area introduced at the EU level?
- How was the substance of the cooperation determined?
- How can the particular choice of policy mode be explained?

The aim of this chapter, therefore, is to construct a theory-based causal argument in view of explaining the EU cooperation in the field of migrant integration and the way this cooperation has taken place, as regards both the policy type it conveys and the policy mode through which it is operationalized. The chapter is divided into three parts: the first part presents the theoretical perspective adopted in the dissertation, namely the Strategic-Choice Approach (SCA) and the basic assumptions upon which I rely. In the second part, I will develop a causal argument to explain the development of the cooperation in the field of integration at the EU level. In the final part of the chapter, I will attempt to provide an explanation for the nature of the cooperation that was developed at the EU level, that is to say the policy type and the policy mode.

Theoretical Perspective and Main Assumptions

The Strategic-Choice Approach studies the decisions or choices made by the actors (Lake and Powell 1999). In this theoretical perspective, the basic assumption concerning the nature of the actors is that they are rational utility maximizers. These rational actors make “purposive choices”, meaning that they proceed from an examination of their (strategic) environment to choose a particular course of action that “best meets their subjectively defined goals” (Lake and Powell

1999: 7). In addition, not only are choices purposive, but they are also strategic; since the ability of a given actor to reach her goals is dependent on the choices of other actor(s), this actor has to take the (likely) actions of her counterpart(s) into consideration, when attempting to reach her objectives (Lake and Powell 1999: 3).

More specifically, the unit of analysis in the SCA is the strategic problem and strategic interaction. As Lake and Powell (1999: 8ff.) underline, to be analytically meaningful and useful, the strategic interaction as a unit of analysis must be broken into two separate elements. The first constitutive element of the strategic interaction is the actors, who possess two attributes. The first is that the actors have certain preferences, defined as “the way [an actor] orders the possible outcomes of an interaction” (Frieden 1999: 42). There are several ways to identify preferences: by assumption, observation and deduction (Frieden 1999: 53ff.). Indeed, as Frieden emphasizes, “[t]he essential point is that in any given setting, an actor *prefers* some outcomes to others and pursues a *strategy* to achieve its most preferred possible outcome” (1999: 41, emphasis in the original).

The second attribute of the actors is that they hold beliefs about the preferences of other actors involved in the strategic situation. The second constitutive element of the strategic interaction as a unit of analysis is the strategic environment in which the actors interact. The strategic environment also has two major attributes: firstly, “the actions available to the actors” that together summarize what could happen as the actors interact. Secondly, the information structure “that defines what the actors can know for sure and what they have to infer, if possible, from the behavior of others” (Lake and Powell 1999: 9). This information is mostly condensed in the institutional rules.

Another central element of the Strategic-Choice Approach is that preferences must be kept constant and distinct from strategies for any given interaction. However, for another interaction, what was considered a strategy in the prior interaction can become the preferences (Frieden 1999: 41). This is what Lake and Powell refer to as the “box” metaphor (1999). In sum, it is the strategic interaction that produces an observed outcome (Lake and Powell 1999: 8). Therefore, to provide an account of a given outcome, we must study the strategic interaction between the relevant actors. In this dissertation, the relevant actors are the Member States of the European Union.

Drawing on (Liberal) Intergovernmentalism theories of European integration (Moravcsik 1998), I assume that the Member States, represented by national executives, are the most important actors when the focus of the analysis is a process of integration. In this particular instance, the integration process dealt with is the transformation of immigrant integration from an exclusively national competence to a policy field in which the EU is active. In the process of initiating a cooperation in a “virgin” policy area, as Scharpf argues, “the initial mode [...] must be *intergovernmental agreement*. It

is the governments of member states who must decide that certain policy choices, that otherwise would be exercised autonomously within the political systems of member states, should be transferred to the European level” (2002: 4, emphasis in the original). This process therefore leaves less space for supranational actors to exercise formal power and influence—which may change after the initial integration stage. Yet, if the role of institutions like the European Court of Justice and the Parliament is minimal, this is less the case for the Commission. In domains where the Commission has no formal competence it may well be subordinate to the directive of the Member States. But often the Commission can also to some extent act as a facilitator to the integration process by, for example, offering suitable institutional solutions or displaying political will to act in a new field—which, ultimately, the Member States may decide whether to do or not.

In addition to the assumption that the focus must be on the Member States, it is also assumed that they are unitary actors when they interact with each other. Following SCA, it is expected that the interaction of substate actors “effectively aggregates these actors into states, and that these states, in turn, interact with each other” (Lake and Powell 1999: 14). This implies that the preferences of a given state are a function of strategic interactions that occur at the domestic level between relevant substate actors, including ministries, lobbyists, and NGOs. Hence, when studying international relations, the substate actors are not part of the focus, as they—at this level of analysis—have already been integrated into the process of preference formation at a prior analytical stage.

This is not to deny that Member States are comprised of much more than their national governments, or even that these national governments are composed of different forces, which potentially have different preferences; the understanding of what migrant policies should be about is likely to be very different among the ministries that deal with these issues. Employment ministries, for example, may place a stronger emphasis on socio-economic integration, whereas home affairs ministries will tend to have a stronger focus on the migratory aspects. Moreover, other Member State actors also have access to the EU level and can try, for example, to lobby the Commission to influence the policy-making process. However, during the actual decision-making process, it is the representatives of the member governments that sit at the negotiating table—and they must speak with one voice for the Member State and have the power to commit on its behalf.

Drawing on the above considerations, I thus base my explanatory framework on the following assumptions: the actors are rational; the main actors that should be the focus of the analysis are the Member States; they are assumed to be unitary actors when interacting with each other; and, their preferences are fixed for any given interaction. Finally, the outcome is the result of the strategic interaction of these actors.

Explanatory Framework

Based on the above assumptions, I propose a two-stage explanation for the EU cooperation in the field of migrant integration, which takes its different aspects into account, namely: a) the driving factors leading to the presence of EU cooperation; b) the policy type of the cooperation; and c) the policy mode of the cooperation. The first stage will be dedicated to the drivers of the cooperation, while the second stage will deal with the negotiations between the Member States as to what the nature of the cooperation should be.

The Drivers of Cooperation

Why would Member States favor cooperation in the field of integration over strictly national policies? And why would they decide to cooperate after having displayed a strong reluctance for so long? This is especially puzzling, since migrant integration policy—which can also be summarized as how a state treats its non-citizen population—is the epitome of national identity and the sovereignty of the modern State over its constituents. Furthermore, it has also recently become a crucial aspect of electoral contests in most Member States. Why then would national governments as rational actors, decide to commit—even in the weakest way—to common actions and run the risk of losing discretion in this fundamental field, whether due to past political commitments or to the cooperation developing its own dynamics, leading to unintended further transfers of competences at a later stage? Several explanations could elucidate the incentives for Member States' governments to act together at the EU level.

One explanation could be that governments would like to initiate changes to their national integration policies but are facing domestic opposition. In this case, the European level offers a way to circumvent other domestic actors and can serve as a justification for reforms. In this respect, Wolf's *new raison d'état* concept (1999) represents an interesting argument in relation to the transfer of competences from the national to the supranational level. Wolf also conceptualizes governments as rational or strategic actors, but argues that they should not be uniquely considered as a neutral transmission belt of societal actors' demands, but rather as independent actors having their own interests and preferences (Wolf 1999: 231). These preferences are always facing constraints and their realization is determined by the degree of autonomy (internal or external) a government enjoys (Wolf 1999: 243). Wolf argues that because the governments have been “[c]hallenged by the emancipation of their societal and sub-state environments”, they have developed this *'new raison*

d'état, that is, “a common interest in instrumentalising intergovernmental governance structures for the maintenance of their internal autonomy” (1999: 233).

In the same vein, Moravcsik (1994) argues that the European level can improve the margin of maneuver of national governments *vis-à-vis* their domestic constituents. Starting from a Principal-Agent model, Moravcsik conceptualizes the relationship between the national executive (the agent) and the other domestic actors (the principals)—whose preferences are distinct and independent—as an “ongoing set of bargains” (1994: 5). The relative power between these two sets of actors “can be analyzed in terms of their respective control over four domestic political resources: initiative, institutions, information and ideas” (Moravcsik 1994: 5). According to Moravcsik, negotiations at the international level may induce a redistribution of these political resources that usually empowers the national executive at the expense of other domestic actors.

Another alternative explanation could be found in the “symbolic politics” argument. In this view, the governments of Member States would act at the EU level—without strong commitments—to signal to their electorate that they are actually doing something on issues that are of primary importance (see for example de Ruiter 2007).

A final relevant argument that has been dealt with profusely in the literature following the adoption of the OMC in certain policy areas is that cooperation at the EU level is seen as a way to find solutions to similar challenges at the domestic level and to foster policy learning in order to improve national policies.

Yet, while each of these alternative arguments yields some explanatory power and might be part of the explanation for some Member States, they do not appear to be sufficient to comprehensively explain this particular instance of cooperation. For the argument regarding the use of the EU as a venue to circumvent national opposition, this would imply that: a) governments actually want to change their national policy, and b) that there is a strong opposition preventing them from doing so at the domestic level. As subsequent chapters will document, however, this is not the case in the field of migrant integration policy. Concerning the symbolic politics argument, this would mean that acting at the EU level would be perceived by the domestic level as an appropriate solution. However, not all national electorates are in favor of dealing with new issues—especially one as sensitive as integration can be—at the EU level, particularly in the context of the ratification of the Constitutional Treaty that led many citizens to begin questioning the entire process of European integration. In this perspective, it would not be an advantage to initiate cooperation, but on the contrary, an incentive to limit the scope of EU action as much as possible. As to the final argument—policy learning and problem-solving—not only might Member States face very different problems and no one-size-fits-all solution would be relevant, but, if the issue was only

about learning from each other, then there would have been no real need for the Member States to adopt Common Basic Principles defining what integration policy *should* or *should* not be, even before initiating the learning process.

Instead of these alternative explanations, I base my argument on both SCA and LI—which in my view are more suitable for offering a comprehensive explanation that could hold for all the Member States. Therefore, the starting point of my investigation is to consider the preferences of national executives concerning migrants and integration policies at the domestic level.

Given the multiplicity of historic paths, traditions, ideologies and economic and labor market requirements, we might reasonably expect that a high level of heterogeneity of preferences regarding migrants exists across national executives in the Member States. However, this is not necessarily the case: the preferences of governments concerning migrants can be deduced from the most basic preferences normally ascribed to liberal democracies, such as an increase in overall welfare, low unemployment rates, a peaceful and cohesive society, etc. (Frieden 1999: 54). We can reasonably assume, then, that the preferences of governments regarding migrants will share some basic similarities. That is, regardless of the political, economic or cultural context, national governments should prefer migrants who can adapt—at least in a minimal way—to their host environment, coexist peacefully with the host society and do not represent a financial burden for the state.

Although the fundamental preferences deduced above are still commonly shared, governments' specific preferences with regard to migrants have evolved since the early 2000s. Not only have national executives accepted immigration as a permanent phenomenon, but there has been an increasing acknowledgment of its desirability as a long-term strategy to cope with serious challenges posing a threat to the future social and economic well-being and prosperity in Europe, namely aging populations and labor force shortages (Joppke 2007; European Commission 2000; Niessen, Schibel and Thompson 2005: 4). However, this desirability of migration does not concern all types of migrants. As Niessen, Schibel and Thompson (2005) stress, in some countries, both measures aimed at restricting migration and measures designed to attract migrants were conjointly adopted. The restrictive measures were focused mainly on refugees and family members—perceived as a burden in economic terms and lacking integration capacities—while the measures to attract migrants were targeted at high-skilled migrants, seen as essential for the national economies, while also not deemed problematic with respect to integration in the host society (2005: 7). In addition to this change of mindset concerning the desirability of certain types of migration, there has also been, since the late 1990s, an atmosphere of crisis and policy failure framing the debate about

migrant integration in some national contexts, such as France and the Netherlands (Bonjour and Lettinga 2012; Joppke 2007).

In sum, governments' preferences regarding migrants have changed in the sense that some categories of migrants are now seen as desirable, while others are perceived to have lower integration capacities and therefore represent a potential burden, such as welfare dependence and risks for their host country (for example, social disruption, racism, violence, terrorism, rise of extreme-right movements/parties, anti-immigrant attitudes, etc.). On this basis, I make the following assumptions regarding governments' preferences and strategies:

Basic preferences regarding migrants: while some governments are willing to accept increased numbers of foreign nationals who can contribute to their host society's (economic) well-being, most governments wish to limit within their non-national population the number of migrants considered as lacking integration capacity.

To realize these preferences, two main unilateral strategies are available to governments:

Non-restrictive (unilateral) strategy: these basic preferences may be achieved through integration policies based on the investment of substantial resources in migrants with lower integration capacity to ensure their individual integration in the host society.

Restrictive (unilateral) strategy: these basic preferences may be achieved through integration policies with a strong link to immigration control, using integration as a condition or barrier for migrants to enter and stay permanently in the host country should they lack integration aptitudes.

In the early 2000s, while some countries had already adopted or were adopting the first strategy, other Member States were reformulating their integration policy on the basis of the second strategy—which was a novelty in the EU. However, the ability of EU Member States to unilaterally realize their preferences regarding migrants using the integration policies mentioned above—in isolation from the actions of other Member States—is significantly hampered by the existence of *strategic interdependence* among the EU countries. Indeed, I argue that strategic interdependence is the key element in understanding the quest for EU cooperation in a policy domain that in the past had been jealously guarded by the Nation States from the European Union's intervention. I will now present this key concept and then discuss its implications for national migrant integration policies.

Induced by the presence of externalities, strategic policy interdependence between organizational units—countries or subnational units in a federal system for example—, is a situation where “whenever some unit(s)’s actions affect the marginal utilities of the alternative actions for some other(s)” (Franzese and Hays 2008: 745, based on Brueckner 2003). Strategic policy interdependence can be either of a strategic-complement or of a strategic-substitute type,

depending on the patterns of externalities defining the strategic situation (Franzese and Hays 2006). Let us consider two distinct political units and how their strategic behavior varies when they face negative or positive externalities.

In the case of positive externalities, the policy pursued in the first unit yields unforeseen beneficial effects for the second unit. The unit affected will respond to the policy of the other unit by adopting a policy that goes in a reverse direction. For example, if one Swiss canton chooses to invest massively in cancer treatments, acquiring the leading-edge technical equipment and hiring the best oncology specialists for its hospital, the other canton in its vicinity will most likely reap benefits from this investment. Its inhabitants in need of cancer treatment will probably seek care in the first jurisdiction's hospital where medical staff are much better trained and the equipment highly superior. This will decrease the incentives for the second jurisdiction to maintain its current level of resource investment in the oncology service of its hospital, leading it to adopt a free-rider behavior. In sum, these jurisdictions are in a situation of strategic-substitute policy interdependence, induced by positive externalities that are present because potential patients are able to choose freely between the two hospitals of the different jurisdictions.

In the situation of negative externalities, the first unit's policy has an unintended harmful impact on the second unit's welfare. The unit affected will respond to the policy of the first unit by adopting a policy that goes in the same direction. A classic example is fiscal policy: consider a situation where firms and capital can move easily from one country to the next. If one country opts for a dramatic cut in corporate taxes to attract international firms, the other country will have little choice but to follow the same path so as to avoid suffering from competitive disadvantages. In turn, the first country may have to cut its taxes again, and so on and so forth, as the countries enter a race to the bottom; they are thus in a situation of strategic-complement policy interdependence.

Another remarkable example of jurisdictions adopting strategic behavior with race-to-the-bottom dynamics is the case of welfare policies. Studies have shown—notably in the US context—how state governments interact strategically when setting the level of welfare benefits. In particular, policy-makers adopt strategic behavior in order to mitigate welfare migration, *i.e.* welfare-dependent individuals leaving a state with low benefits for another state offering higher benefits so as to secure a better life quality (Brueckner 2000: 507). Therefore, as one state decreases welfare benefits, other states follow the same path, entering a race to the bottom. The consequence of this strategic-complement policy interdependence created by human mobility—the possibility of migrating where the grass is greener—is that states opt for less important benefits than they would have in the absence of interdependence (Brueckner 2000: 507).

Furthermore, and most interestingly, states have been found to adjust their level of benefits despite the fact that there is no conclusive evidence that welfare migration actually occurs. In this sense, Brueckner points out that “for strategic interaction [...] to materialize, *all that is required is a perception* on the part of state governments that generous benefits attract welfare migrants” (2000: 508, emphasis added; see also Figlio, Kolpin and Reid 1999). In addition, as Kvist demonstrates (2004: 315), similar dynamics occurred in the EU at the time of the 2004 enlargement. Notwithstanding the fact that, based on migratory projections and former enlargement processes, there were no grounds to expect welfare migration to occur from the new Member States towards the EU 15, the old Member States strategically interacted so as to limit the access for the new EU citizens to their labor markets and their eligibility for social benefits.

In sum, for the units to adopt strategic behavior—reacting to a policy change in another jurisdiction by adapting their own policy—two conditions are necessary, as Fredriksson and Millimet remind us in their analysis of US environmental policy (2002: 102). The first is that the unit must have the leeway to change its policy, *i.e.* the competence to take decisions in a policy field. For example, in the hypothetical case of Norway adopting a policy with harmful effects for Denmark in an area where the EU has the exclusive competence, Denmark will not be able to react to the policy change in Norway by adjusting its own policy. The second condition is the existence of incentives—in the form of the presence of externalities; if a change of policy in one unit has no positive or negative effect on the situation in another unit, there is no rationale for the latter to react to the policy of the former. Again, these incentives, as the case of welfare migration illustrates particularly well, need not occur in the real world. The only thing that matters is that policy-makers believe that they do.

With these reflections in mind, I will now apply the concept of strategic interdependence to immigrant integration policy. At first, it might seem counter-intuitive to speak about transnational externalities in a domain that seems to be so nationally embedded. Yet, the very effectiveness of an EU country’s national integration policy has become conditioned by interdependences among the Member States, and especially by the proportion of other Member States that pursue opposite policy options. What, then, are the sources that induce strategic interdependence between Member States’ national integration policies? The answer lies in two dynamic elements that occurred in the period leading up to the formal elaboration of the EU cooperation—that is, the adoption of the Common Principles on integration in November 2004. The first element is the trend towards increasing mobility within the EU for third-country nationals, while the second element concerns the changing nature of national integration policies. I will discuss each element separately and then

consider how they mutually reinforce each other and how they might foster potential negative externalities for the Member States.

TCNs: Towards greater geographical mobility within the EU?

Following the entry into force of the Amsterdam Treaty in May 1999 and the new competences of the Community in the field of immigration and asylum, the Commission laid out a plan to address the three main sources of migration to the EU: human, family, and economic migration (European Commission 2000). Yet, the Commission did not only consider external migration in its approach to the buildup of a common immigration policy, but it also initiated policy developments with respect to the internal mobility of non-EU citizens. Tackling the issue of TCNs' internal mobility was very innovative. Thus far, TCNs had not been directly covered by EU legislation in this respect, although some specific categories benefitted from “derived rights”, such as family members of EU citizens exercising their right to freedom of movement (Wiesbrock 2010a: 457).

In this context, between March 2001 and March 2003, three Directives containing mobility provisions were submitted by the Commission to the Council and successfully became part of the EU secondary legislation:⁶ Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents;⁷ Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service;⁸ and, finally, Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research⁹ (hereafter the Long-Term Residents Directive, the Students Directive and the Researchers Directive respectively).¹⁰ The Directives concerning students and researchers were not controversial in comparison to the Long-Term Residents Directive. This is most likely due to the fact that the first two targeted only a limited

⁶ Ireland, the UK, and Denmark are not bound by these Directives.

⁷ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 16, 23.1.2004, p. 44–53.

⁸ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. OJ L 375, 23.12.2004, p. 12–18.

⁹ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. OJ L 289, 3.11.2005, p. 15–22.

¹⁰ Two other Directives containing mobility provisions for TCNs were adopted at a later stage, respectively in 2009 and 2014, the Blue Card Directive and the Directive on intra-corporate transfers (Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer OJ L 157, 27.5.2014, p. 1–22; Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009, p. 17–29).

number of TCNs, belonging to categories of high-skilled migrants—and therefore perceived as less problematic in terms of integration—and the wide margin of discretion as to the access to the national labor markets left to the Member States (Pascouau 2010: 476). I will discuss the Long-Term Residents Directive in more detail as it is without a doubt the most important—with regard to the size of the potential target group¹¹ and its wider scope, since the mobility provisions goes beyond occupational status.

The Long-Term Residents Directive creates the new status of EC long-term residents for TCNs who have resided for five years in the territory of a Member State. It lays down the conditions for obtaining the status and the rights associated with it. The three main conditions for obtaining the LTR status concern health insurance, resources, and integration if required by national law (art. 5 of the Directive). Under the rights associated with the LTR status, a TCN is offered better protection against expulsion (art. 12), greater equality of treatment (art. 11) and is endowed with conditional rights to free movement to reside in other Member States for economic, educational/vocational training or other purposes (Chapter III of the Directive). The chapter relating to the right to free movement for TCNs was “the most innovatory aspect of the Directive and its true added value” in the words of the Commission representative during the discussions of the Directive within the Council Working Party on Migration and Expulsion (Council 2001: 1).

The Commission’s proposal (European Commission 2001b) was generous and liberal compared to the outcome of the Council negotiations. In its original version of the Directive, the Commission chose to deal with the matter of long-term resident status and rights in a similar fashion to its traditional approach to EU citizens residing in other Member States (Halleskov Storgaard 2011: 302). In particular, with respect to the mobility provisions, the Commission had proposed a “simple right to move whenever the long-term resident wanted to take up activity, without any provision for labour market priority, quotas on third-country nationals or special rules on seasonal workers or cross-frontier workers” (Peers and Rogers 2006: 622). As to non-economic free-movers, only resources and insurance criteria were imposed in the proposal (Peers and Rogers 2006: 622). However, through surprisingly quick negotiations for such a sensitive matter in the Council (Groenendijk 2006: 389), the Directive was greatly watered down on most of its aspects: Requirements for obtaining the status were raised, limitations to the rights associated to the EC status were imposed and—one of the most disappointing aspects according to Boelaert-

¹¹ In 2010, more than 20 million TCNs were living in the EU, representing about 4% of the total EU 27 population (source: <http://ec.europa.eu/eurostat/documents/3433488/5579176/KS-SF-11-034-EN.PDF/63cebff3-f7ac-4ca6-ab33-4e8792c5f30c> (last accessed 21.06.2015)).

Suominen (2005: 1021)—the potential target group was drastically narrowed with the exclusion of refugees from the personal scope of the Directive.¹²

One of the most important restrictions introduced in the Directive through the negotiation process was the insertion of integration clauses in two different articles—advocated by Austria, Germany and the Netherlands. The first of these articles allows Member States to impose integration requirements on migrants for the acquisition of the LTR status (art. 5). The second article leaves Member States with the option to impose integration measures on the migrant exercising her right to free movement in their territory as long as the LTR EC permit holder has not been subject to integration conditions in the Member State that delivered the original permit—although linguistic measures can still be required (art. 15 (3)).

The integration conditions for obtaining the EC LTR status contained in the Directive leave Member States with a great margin of maneuver (see for example Pascouau 2010; Carrera 2009; Carrera and Apap 2003; Wiesbrock 2010a). And, as Apap and Carrera (2003: 17) note, this is particularly true since “[t]here seems to be no clarification about the real limits of this requirement, leaving wide room for discretion to the member states to define, through their respective national immigration laws, the real meaning and content of the conditions that need to be fulfilled for the effective integration of these persons within their societies.” According to Groenendijk, the number of TCNs that will be granted the status will thus to a large extent depend on the decision of Member States to introduce integration tests in their national law and the level of knowledge that will be required to successfully pass such tests (2006: 404). And, since the free movement rights are conditioned by the acquisition of the status, this will also *de facto* affect the number of TCNs that will be able to move freely within the EU. The introduction of these conditions was for some Member States a way to limit the scope of Europeanization as far as possible (Carrera 2009) in as much as it was the expression of their fear of intra-EU migration (Pascouau 2010). In its current formulation, the Directive has been said to be more an expression of the logic of immigration control than one of free movement (Iglesias Sánchez 2009: 217).

However, whereas some Member States wanted to limit as much as possible the possibility of free movement, this was not the case for all the Member States. A clear expression of this fact is that the other delegations drastically minimized the restrictive German-Dutch-Austria proposal on the integration clauses. In its original formulation, the German-Austrian-Dutch proposal stipulated that to exercise their free movement rights, TCNs could be required to comply with integration

¹² In 2011, the Directive was amended to include refugees as well (Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection, OJ L 132, 19.5.2011, p. 1–4).

conditions and that Member States could demand that migrants pay the costs of their own integration program. Three aspects of the adopted Directive differ fundamentally from their joint proposal: first, the Directive mentions integration measures—and not conditions. This means TCNs *may* be obliged to follow a language and/or a civic integration course, but cannot be required to successfully pass a test to be granted the right to reside in a second Member State (Groenendijk 2004: 123). Secondly, the Directive assumes a sort of “mutual recognition” of integration; as Iglesias Sánchez points out, “[o]nce the long-term resident is deemed to have been integrated in one member state, s/he cannot be required one more time to proof [sic] her/his integration [...] integration in one member state is considered equivalent to integration in European Union considered as a whole” (2009: 216). Third, in the final version of the Directive, a migrant cannot be compelled to pay the costs of the possible integration measures imposed by a second Member State. Furthermore, one should not forget the potential role of the ECJ in increasing and asserting the rights of TCNs to free movement. Indeed, according to Groenendijk (2011: 6–7), after the first legislation for freedom of movement for EU citizens was adopted in the 1970s, “those rules were primarily developed and specified by the case law of the Court of Justice.” One might therefore wonder if the ECJ would not also further the rights of TCNs to free movement.

Another fundamental legislative development with the potential to induce greater intra-mobility of TCNs that occurred during this period was the effective incorporation of the Schengen convention and agreement into the EU *acquis* with the Amsterdam Treaty, creating an area without internal borders between the participating Member States.¹³ In this context, certain categories of TCNs were granted limited rights of free movement (MacGregor and Blanke 2002: 191; Condinanzi, Lang, and Nascimbene 2008: 207). In particular, TCNs holding a short-term visa (uniform visa), not subject to visa requirements, or holders of a residence permit in one Schengen Member State¹⁴ were offered the possibility to move freely within the Schengen area for a set amount of time (art. 20–21 of the Schengen Convention). Yet, as Condinanzi, Lang, and Nascimbene point out, the limitations of free movement for these specific categories go further than the duration and also cover the aim of the stay—which, as a general rule, proscribes access to the labor market (2008: 207). Yet, even with these restrictions, this limited right to free movement is certainly not without consequences for the intra-mobility of TCNs from one Member State to another. For example, Groenendijk (2011: 10) claims that “[o]ne of the reasons why nationals of

¹³ The UK and Ireland are not part of the Schengen area; the Member States of the 2004 and 2007 Enlargements joined the Schengen area in December 2007, except Bulgaria, Cyprus and Romania. Non-EU Member States part of Schengen are Iceland, Liechtenstein, Norway and Switzerland.

¹⁴ In 2011, the Schengen zone was composed of the EU 15, except for the UK and Ireland who opted out. As to the countries who joined the EU in or after 2004, most of them became part of the Schengen area in 2007, while others were to join at a later stage (Cyprus, Bulgaria and Romania). The EFTA countries are also members of the Schengen area.

Ukraine today are the third largest group of third-country nationals in Portugal is that a few years ago the German consulate in Kiev issued large numbers of Schengen visa to Ukraine citizens.”

An additional factor putting pressure on the Member States to increase the mobility of the TCNs was the compelling case made by the Commission in the context of the demographic crisis. This major issue had been put in the spotlight with an alarming 2000 United Nations report with dark forecasts on the decline and aging of populations (United Nations 2000; Apap 2002). Far from being as drastic in its recommendations, the Commission nonetheless partly based its rationale for opening legal migration channels—and also internal mobility—for TCNs on this argument (European Commission 2000: 14–15). This was expressed by the fact that when the Commission spoke of migration and mobility of TCNs, it referred to the labor market and economic benefits (see, for example, Hansen 2005). When the Commission talked about the European Labor Market and its rigidity, especially in light of the 2000 Lisbon strategy, one of the suggested solutions was the mobility of the TCNs (for example, European Commission 2001c; see also the report of the High Level Task force on Skills and Mobility, European Commission 2001d). In this sense, it is no surprise that all the Directives proposed in the early 2000s containing mobility provisions all refer to EU economic interests (see Wiesbrock 2010a).

The New Integration Policies

The second source of interdependence is related to the very nature of the restrictive integration policies adopted by some Member States in the early 2000s. These new policies, as briefly mentioned before, introduced a reversal of the traditional concept underlying integration policies. The traditional approach to migrant integration is based on the idea that endowing migrants with rights and granting them a secure resident status in the host countries is an essential element to encouraging individual integration. In the more recent and restrictive approach, rights are not seen as a means to foster integration, but represent instead the reward for migrants who are able to prove their integration in the host society (Groenendijk 2004; 2006: 406). Secure residence rights—and therefore the certainty to be able to stay in a country—are, in this perspective “the crown on an accomplished integration” (Groenendijk 2012: 4). Migrants must be able to demonstrate their willingness and their capacity to become integrated (Böcker and Strik 2011). This *de facto* implies that there is an assumption that some migrants either lack the capacity or the will to become part of the host society (Iglesias Sánchez 2009: 213).

In practice, the major innovation of this new understanding of integration has been the introduction of language and civic knowledge tests as a way to select “migrants from outside the

EU who are accepted as potential or full members of the country of residence” (Guild, Groenendijk and Carrera 2009: 7), and at the same time deter migrants that are unwilling or unable to integrate (Penninx, Spencer and Van Hear 2008). In short, as Groenendijk argues, “Integration policy became part of the control, selection and exclusion of immigrants. It became part of immigration policy” (Groenendijk 2012: 4). These reforms took place at the national level during the period in which the Directives on legal migration were being negotiated at the EU level, and greatly affected the negotiations as well as the nature of the Directives, as we saw above with the integration requirements imposed by Germany, Austria and the Netherlands in the LTR Directive. More precisely, while in 1999, only Germany had some restrictive elements in its integration policy (targeted at migrants of German ethnicity), by 2004, four other countries—Denmark, the Netherlands, Austria and France—had adopted or were planning to adopt a restrictive approach linking integration and immigration (Groenendijk 2006: 397).

In Germany, the restrictive aspects of integration policy became more and more important during the debates about the major reform of German immigration law initiated around 2002, leading to the introduction in the new law of compulsory integration classes (Groenendijk 2006: 403). In Denmark and the Netherlands, compulsory aspects had already been present in their national integration policy since the end of the 1990s. However, as Groenendijk stresses, there was no intention at the time to use integration as an instrument to regulate entry or stay in these countries. Yet, in both countries, in 2002, the idea of using tests for accessing status secured the support of a parliamentary majority (2006: 397). In Austria, the obligatory nature of integration was enacted in 2002 with the introduction of integration agreements for foreigners wishing to obtain a residence permit. Failing to comply with the requirements could result in sanctions ranging from administrative punishment to expulsion (Adam and Devillard 2008). Finally, in France, changes also began in 2002. A few months after the dramatic elections that saw for the first time the actual possibility of a National Front President, the newly-elected center-right government proposed the creation of integration contracts (Böcker, de Hart and Michalowski 2004). The idea was to establish a formal link based on rights and obligations between newly arrived migrants and the State. The fulfillment of these obligations would in turn be taken into account for obtaining permanent residence (Böcker, de Hart and Michalowski 2004).

Not only did all of these countries introduce integration requirements as a condition for obtaining a secure residence status. They also chose to impose integration requirements on some categories of migrants as a condition for the ability to come to their territories. Moreover, after this initial introduction of requirements, there has been a tendency towards the adoption of an even more restrictive approach, as these countries drew inspiration from one another, usually with the

most restrictive policy setting the example to follow: as Böcker, de Hart and Michalowski (2004) underline, while Germany, Austria and France looked to the Netherlands, the latter displayed great interest in observing the notoriously restrictive Danish policy.

To conclude, since the very nature of the new restrictive integration policies is so closely linked to immigration control, it has the potential to create negative externalities for countries following different policies because changes in immigration policies have a great potential to affect other countries. For example, if one country decides to restrict the legal migration channel to a minimum, the neighboring countries will most likely experience an increase of migratory inflows.

Some Hypothetical Scenarios

I will now illustrate the potential interdependence patterns in the field of integration induced by the elements discussed above with different hypothetical scenarios showing how the integration policy of one Member State can affect the situation of another. For the sake of simplicity, let us imagine that there are only two homogenous groups of countries in the EU, Countries 1 and Countries 2. Assuming that both groups enjoy similar economic conditions and can offer the same level of living conditions for their population, they are both equally attractive as settlement countries for migrants coming from regions located outside of the European Union's territory. Countries 1 and Countries 2 are assumed to hold a similar preference for limiting the number of migrants perceived to have lower integration aptitudes—whether due to a lack of language knowledge, a mismatch of skills with the domestic labor market's demand, radically different values that conflict with those of the host societies, and so on. Let us now imagine the hypothetical situation where 20,000 migrants with limited integration capacity would like to migrate to Countries 1, which already host 20,000 TCNs with low integration aptitudes. Countries 2 are facing the exact same situation.

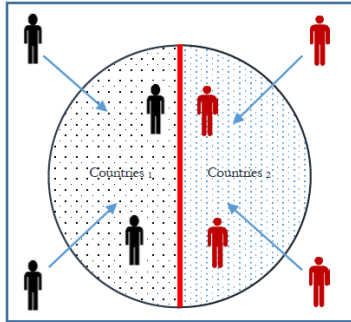
T₀: limited interdependence

At T₀, there are no common rules between the countries in terms of internal mobility for non-EU citizens, which is, therefore, rather limited. Also, both groups of countries pursue similar integration policies with regard to their direct and indirect links to immigration rules and potential effects on migration numbers; at this stage, considerations on the integration aptitudes of migrants are absent from the process regulating the entry and stay of TCNs in these countries. Other rules and laws with a direct impact on immigration flows and numbers do differentiate these countries, but these rules are becoming more alike as a result of the process of European integration, such as

the harmonization of the right to family reunification for TCNs, and other international norms. Furthermore, since the aptitude to become integrated in the host society is not part of these rules, it should not affect the nature of the migrant population in this respect.

Figure a illustrates the situation at T_0 where the main features are the absence of internal mobility

Figure a



and convergent integration policies between Countries 1 and Countries 2. The circle delimitates the EU's territory from the rest of the world. The inner left side of the circle represents the territories of Countries 1 and the right side those of Countries 2. The symbols represent legal migrants from third countries whose integration potential may be deemed lower. In black are the migrants that want to come and/or permanently settle in Countries 1; the red figures are the TCNs who want to come and/or permanently settle in Countries 2. The arrows illustrate migratory movements. At T_0 , since neither of the groups of countries has restrictive integration policies that may impact on the migration and settlement of TCNs with lower integration aptitudes, each group of countries assumes its own share of this particular migrant category.

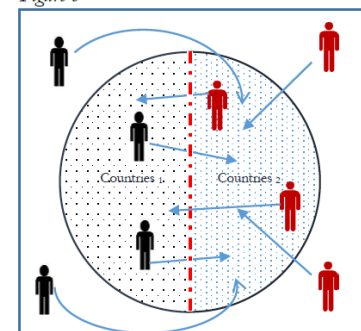
Countries 1; the red figures are the TCNs who want to come and/or permanently settle in Countries 2. The arrows illustrate migratory movements. At T_0 , since neither of the groups of countries has restrictive integration policies that may impact on the migration and settlement of TCNs with lower integration aptitudes, each group of countries assumes its own share of this particular migrant category.

T_1 : policy divergence

At T_1 , Countries 1 have engaged in the process of reformulating their integration policies. In so doing, they have become more restrictive and have operationalized the link between migration and integration. Integration policies have now become a way of selecting migrants. Consequently, Countries 1 and Countries 2 now follow different policy options. While Countries 1 have chosen to implement restrictive integration policies, Countries 2 are, however, still pursuing non-restrictive integration policies. In addition, common rules have been adopted and have created more opportunities for TCNs to move between the two groups of countries, namely the gradual extension of free movement rights to TCNs and the absence of border controls in the Schengen area. The combination of these two factors—mobility and policy divergence—creates the potential for negative externalities for both groups of countries.

Figure b shows the potential patterns of negative externalities. Let us first consider the case of Countries 1. With the adoption of restrictive integration policies, Countries 1 can filter the migrants who want to come to their territories according to their integration capacities and can select the migrants who can stay permanently according to their integration aptitudes. In other words, migrants who cannot or

Figure b



are not willing to achieve or prove the required level of integration are neither welcome to come nor to stay permanently. However, while this filtering and selection may work for migrants coming from outside Europe or living in Countries 1 territories, this would not be the case for the migrants coming from within Europe and exercising their rights to free movement. Member States belonging to the Countries 1 group cannot impose integration conditions on migrants with LTR permits coming from Countries 2. While they can impose integration measures on migrants coming from Countries 2, where there are no integration conditions, these measures cannot lead to a denial of a residence permit. In other words, Countries 1 face a situation where a part of the immigrant population could come and permanently settle without having been selected through integration requirements—implying a loss of control and also a partial policy failure.

Let us now turn to the implications of the policy divergence for Countries 2. The restrictive policies of Countries 1 may affect them in a negative way through three potential mechanisms. Firstly, the strict and restrictive integration policies in Countries 1 will deter immigration of migrants with lower integration aptitudes to those countries; the higher opportunity costs of settling in Countries 1 render Countries 2 more attractive. This implies that immigrants would make the decision to migrate to Countries 2 instead of Countries 1. Secondly, migrants who have failed to demonstrate their capacity to integrate—and therefore cannot migrate to Countries 1—may decide to go to Countries 2 as an alternative. Thirdly, if migrants are denied access to permanent residence in Countries 1 because of their inability to fulfill integration conditions, they may seek to migrate to Countries 2, where there are no integration requirements in order to access a more secure residence status. The combinations of these mechanisms in would in short leave Countries 2 in a situation where they may have to assume the lion’s share of migrants with lower integration capacity.

T₂: coordination

Let us now turn to the hypothetical case where the two groups of countries manage to coordinate their policies at the EU level, either on a restrictive mode or on a non-restrictive mode.

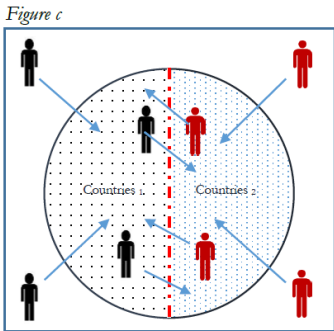
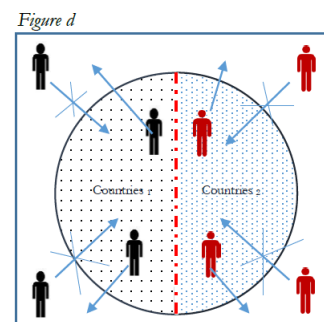


Figure c shows the case where both Countries 1 and Countries 2 pursue non-restrictive policies. There again, just like at T₀, migrants with lower integration capacities will be distributed evenly between Countries 1 and Countries 2. Countries 1 will then also have migrants with lower integration aptitudes, but at least they will not run the risk of implementing an inefficient integration policy anymore. As to Countries 2, they will be able to continue with their

preferred policy option without being pressured by Countries 1 and ending up in a situation with an extra burden of lower integration capacity migrants, putting strain on their integration policies.

Figure d displays the case of coordination on a restrictive mode. In this instance, no migrant with lower integration capacities can come or have access to a secure residence status in the EU. And no countries have either an inefficient policy or suffer an extra burden because of policy divergence. In addition, as countries have the same integration criteria, intra-mobility is no longer a problem; if a migrant is accepted in one country, she will also fulfill the requirements in other countries. Countries 1 will have an efficient policy without facing criticism and pressures from Countries 2, who in turn will not risk bearing the burden of migrants with lower integration capacities for both groups of countries.



Two elements should be highlighted with respect to the theoretical discussion about the concept of strategic interdependence. Firstly, it should be reemphasized that it does not matter whether the potential consequences and implications induced by the actors pursuing diverging policy options occur in the real world. What does matter is that the governments of the Member States perceive these consequences as being likely. Or, in other words, that these perceived externalities are part of their beliefs and assessment of the strategic situation they face. Again, empirical studies have demonstrated that policy units have in some instances adjusted their strategies and entered competitive races based solely on the perception of what could be the likely future consequences of an event—even though these expected consequences never occurred. Hence, whether the externalities in the case of diverging integration policies are empirically confirmed or not, does not matter as such. The important point is that they are part of the beliefs of the actors and that they act on this basis.

The second element that should be discussed is why the actors do not engage in strategic behavior that leads to a race to the bottom, as is the case in classic situations characterized by patterns of negative externalities. Since Countries 1 were the first movers, we might have expected Countries 2 to spontaneously adapt their policies towards more restrictiveness. However, seeing how the negative externalities patterns potentially affect both groups of countries, a spontaneous adjustment of their integration policies to one that is fundamentally opposed to their preferred option does not constitute the most rational response, especially if the EU level can be used as a venue to mitigate the externalities. Therefore, in this context, the best strategy available to the actors for avoiding externalities while pursuing their favorite integration policy is to engage in

cooperation at the EU level and attempt to upload their own policy model and control the other actors' policies.

To summarize, there can be three possible outcomes of this situation featuring both TCNs' intra-EU mobility and immigration control-oriented integration policies: the first outcome would be the *status quo* with policy divergence, the second outcome would be policy coordination on a restrictive mode, and the third outcome would be a policy coordination on a non-restrictive mode. For these three outcomes, the preferences of the two sets of countries are the following:

Countries 1: Cooperation on restrictive policies > Cooperation on non-restrictive policies > Status quo (policy divergence)

Countries 2: Cooperation on non-restrictive policies > Cooperation on restrictive policies > Status quo (policy divergence).

In light of the above assumptions and the argument developed to explain the drivers of the cooperation in migrant integration at the EU level for the Member States, I propose the following hypothesis:

Increasing discrepancies between national integration policies induced by a restrictive turn in integration policy in some Member States have created a potential for negative externalities affecting all the Member States because of the strong link between restrictive integration policies and immigration, combined with the increasing mobility of third-country nationals. These potential negative externalities have, in turn, acted as a driver for Member States to engage in cooperation at the EU level as a way to limit these externalities by uploading their national policies.

However, this still leaves the question of the EU cooperation policy type and policy mode unanswered; the fact that Member States face a common incentive to cooperate at the EU level tells us little of the nature of cooperation which might emerge. Figure 2.1 provides some insights. Rather than portraying a “pure” coordination game, which could arguably also suffice to induce the Member States to engage in EU cooperation, Figure 2.1 depicts the underlying strategic configuration of a “battle of the sexes” game. Although both groups of countries would prefer a cooperative solution, they also have diverging preferences regarding the nature of a potential common policy. Cooperation might thus still prove problematic. Unlike the “pure” coordination game, where the actors are only faced with choosing between two equal equilibria, in the “battle of the sexes” game of migrant integration policy, the two groups of countries are not only attempting to cooperate, but must simultaneously seek to solve conflicts over distribution (Scharpf 1997: 74).

As said before, both groups of countries would prefer the other group of countries to adjust their integration policies, rather than having to change their own policies. However, as the Member States in any case would be better off by coordinating their policies, they must find a mechanism through which the “winners” can compensate the “losers” of such an uploading process, if cooperation is to be achieved. These various issues will be dealt with in the following section.

Figure 2.1: Strategic interdependences in the field of migrant integration

		Countries ₂	
		Restrictive Policy	Non-Restrictive Policy
Countries ₁	Restrictive Policy	4 ; 2	1 ; 1
	Non-Restrictive Policy	0 ; 0	2 ; 4

The Nature of the Cooperation

In the first part of this chapter, I developed a causal argument to explain why the Member States would favor cooperating in the field of integration over dealing with this issue exclusively at the national level. The second part of this chapter will be dedicated to investigating the nature of the cooperation, which, as mentioned before, relates to two different aspects: the integration policy type and the policy mode of the cooperation. In the classical formulation of LI (Moravcsik 1998), integration processes are approached through a tri-partite explanation: the preference formation process of national executives—taking place at the domestic level; the negotiation process between national executives over the substance of an agreement; and finally, the institutional choice to embed the agreement and secure the outcome of the bargaining process. While I do not question the importance of separating these steps for analytical purposes, I believe that in the current case, where we are not in the presence of “grand bargains” or historical decisions that profoundly modify the path of European integration, it is more fruitful to consider the choice of the policy mode as an aspect on which actors have a preference and that is subject to negotiations. Therefore, I will focus on the first two stages—the preference formation process and the negotiation process, conceptualizing the nature of the cooperation as an outcome of the process of a series of

negotiations between Member States having simultaneously divergent preferences over the nature of the cooperation and desires for reaching an agreement to cooperate.

Preferences over the Outcome

I will now deal with the preferences of the actors over two aspects of the outcome. I will first consider the individual preferences of the Member States over the policy type of the cooperation—what kind of integration policy would the individual actors like the cooperation at the EU level to be based on? And how can we account for the preference for one policy type over another? To address these questions, I will first establish—expanding on the distinction previously made between restrictive and non-restrictive policies—the possible types of integration policies for which governments could have a preference. I will then advance an explanation for why an actor would prefer one particular type. I will adopt the same approach to the preferences over the policy mode, first looking at what are, in theory, the possible options for translating into practice the cooperation, and then consider the possible determinants of the preferences of individual actors for one particular mode over another.

Preferences over the Policy Type

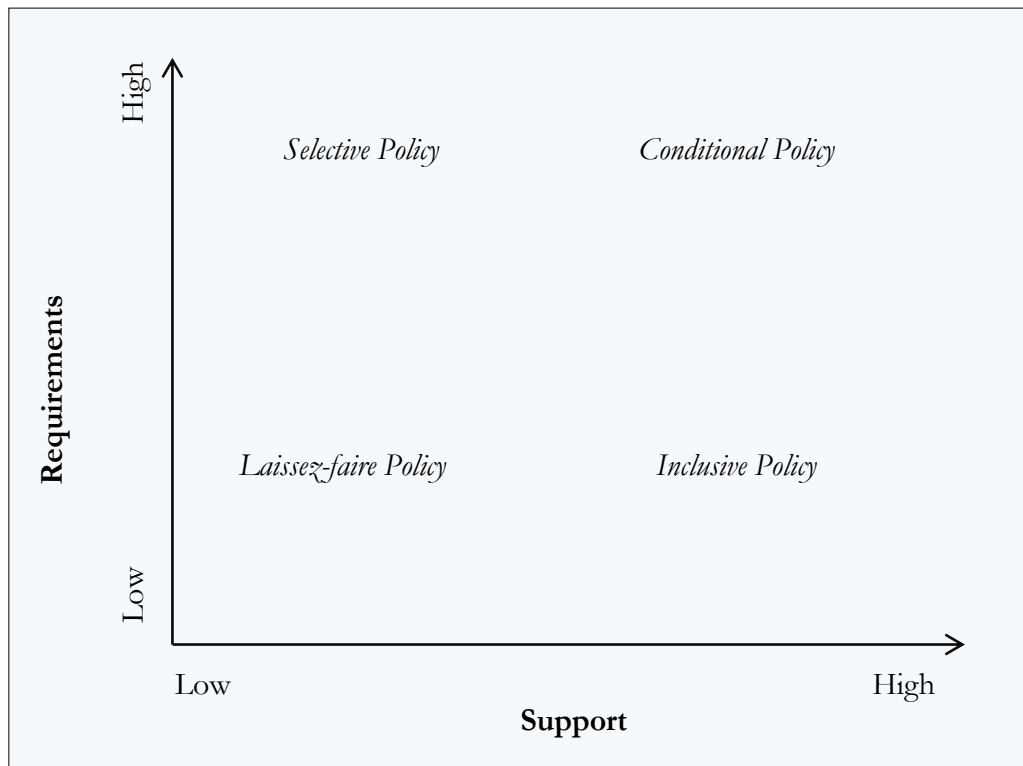
Although well aware that integration policies are very complex, cross-cutting many policy areas, in this dissertation I focus mainly on one particular aspect: civic integration policies. Beyond questions of feasibility and clarity, the rationale behind this choice is twofold. First, civic integration has been the most salient aspect of integration policies and debates for the past fifteen years. As such, it has been the center-piece of national reforms. Second, and related to the previous point, this is where the divide between the Member States' integration policies is probably the deepest. Civic integration carries a certain idea of integration and a vision of society, and for some years now, this is where preferences among the Member States have diverged the most in terms of what the EU cooperation should entail. Other aspects might be less contentious. For example, it seems clear, at least on paper, that Member States agree to fight discrimination and to integrate migrants into the labor market. Now, it has been less obvious if they could agree on whether migrants have to internalize national values or not, for example. Therefore, in this dissertation, to classify and

distinguish the different civic integration policies, I use a simple two-dimensional typology.¹⁵ The first dimension is the support the State provides the individual migrant to help in her integration process into the host society. This support can involve various elements, but the most obvious would be language classes. The second dimension is the requirements placed on a migrant in terms of achieving her individual integration, typically by means of testing. Both dimensions take continuous values, as they are understood in terms of degrees. However, at this abstract level, I attribute only two values to each dimension: low and high level of support on the one hand, and low and high level of requirements on the other. Crossing these simplified dimensions, we arrive at four ideal types of civic integration policies (see Figure 2.2 below).

The *laissez-faire* policy is where neither support nor requirements are part of the State policy, which means, in other words, that the State is absent in the individual civic integration process. The State does not help and it does not control whether the immigrant is integrated or has a will to do so. The second type, the *inclusive civic integration* policy, combines a high level of support from the State, with no or little requirements. In this instance, the State assumes the responsibility for migrants' integration and offers support to facilitate the process. However, the State does not ask the immigrant to prove her will to integrate or success in integrating into the host society. The next type—*conditional* policy—is based on a mixture of support and requirement. The State offers tools to the migrants to help their integration process, but the policy, based on a principle of shared responsibility, places requirements on the migrant. This may be requirements of results—success in integration exams for example—or requirements to display efforts in the integration process. Similarly, the fourth type, the *selective* policy, also places emphasis on requirements. Unlike a conditional policy, however, the State does not provide migrants with tools for fulfilling the integration requirements.

¹⁵ For more comprehensive typologies, classifications or conceptual spaces of migrant integration policies, see for ex. Penninx (2004), Entzinger (2000) or Koopmans *et al.* (2005). As regards civic integration policies, Goodman (2010) establishes a Civic Integration Index based in particular on the requirements placed on migrants at different levels—entry, settlement and naturalization.

Figure 2.2: Civic integration policy types



Several aspects of these different types are worth noting. First, there is the question of choice and coercion. Does the migrant have to follow an integration course or otherwise prove her successful integration? Or is integration—for example as measured by mastering the language of the host society—a matter of free choice? Second, there is the aspect of responsibility. Who has to do what in terms of individual integration? What is the responsibility of the State? And what are those of the migrants? Is it shared? Or is the burden placed on one and not the other? And finally, the nature of the consequences from a legal perspective. Does the integration process—failed or successful—have consequences for the migrants’ legal status? This concerns only the restrictive policies group (selective and conditional), where the aspect of control is present, and where integration policy and process are clearly linked with immigration policy. Furthermore, it is important to keep in mind that countries’ policies are not necessarily of one single type. It would actually be surprising if they were. Diversity arises from different types of immigrants. These are subject to different regulations that are not always determined at national level, or at least, limited by supranational rules. For example, Member States cannot legally impose integration requirements

on EU citizens exercising their right to free movement. Just as they cannot threaten to withdraw a residence permit from a refugee for failing a language test, although other sanctions can be used.

Turning now to the question of why a Member State, should, for example, prefer the cooperation at the EU level to be an inclusive policy, I will refer to the argument developed in the previous part. Following the logic of the argument, the actors' preferences over the policy type conveyed in the EU cooperation is a function of the type of national policy. Countries have a preference for their own policy type, so as to ensure the effectiveness of their national policy, by preventing other Member States from pursuing the alternative policy option. Therefore, the preference over the nature of the EU policy is dependent on the national integration policy and should closely match the policy type at the national level. I introduced above a new distinction between the two broad policy types used in the argument, namely restrictive and non-restrictive. For the sake of simplicity, I will continue to refer to these two types in the remainder of this chapter, because they are sufficient for capturing the possible effects on the situations of other actors as illustrated in the first part of the chapter. For example, negative externalities should not arise between countries that pursue conditional and selective policies because, by both belonging to the restrictive groups of policy, they ultimately have a similar effect on migration. The same applies for the inclusive and laissez-faire types that are both non-restrictive. Thus, if a country has a conditional policy, it will most likely have a preference for cooperating on the conditional policy type, and then on a selective type, and not on a non-restrictive type, be it inclusive or laissez-faire.

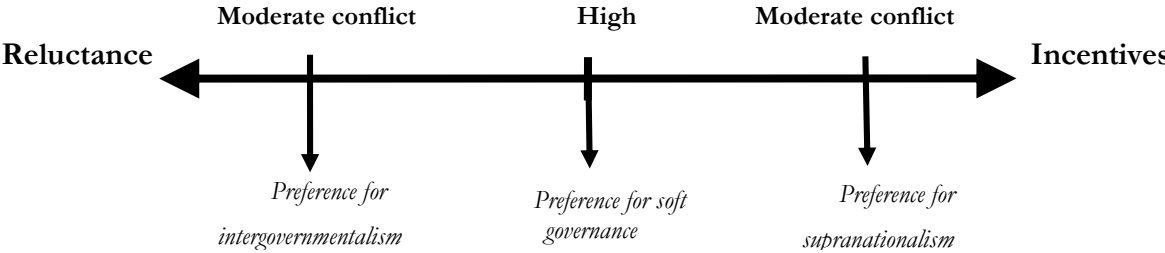
Preferences over the Policy Mode

I will now consider the Member States' preferences over the policy mode to sustain the EU cooperation in the field of migrant integration. Policy modes have been described in various ways in the literature. Wallace (2005; also Wallace and Wallace 2006), for example, identifies five different policy modes used at the European level, such as the classic community method, pure intergovernmentalism, regulatory and distributional modes, and policy coordination. According to Wallace, each policy mode is different in terms of the roles and behavior of the actors, their approach to problems and the type of instruments. Another close classification is the one proposed by Buonanno and Nugent (2013: 294ff.) with four policy modes: Community method; intensive transgovernmentalism; open coordination and centralized decision-making (294ff.). They base their typology on three criteria suggested by Maignette: "the degree of involvement of institutions that are independent of government; the decision-making rules in the Council; and the legal character of many decisional outcomes" (2005 cited in Buonanno and Nugent 2013: 294). These

criteria are indeed important and could offer a precise way of analyzing the preferences of the actors, but taken together, the value they take can also well be represented by the simple spectrum running from pure intergovernmentalism to supranationalism, with a soft policy mode, such as an OMC procedure as a “middle way”. Therefore, I consider the Member States to have preferences that are either in the center of this spectrum or tend more towards one or the other extremities, all being a matter of degrees.

In order to account for the preferences of the actors over a specific policy mode, I will rely on an argument advanced by de Ruyter (2007)—originally used to explain the degree of development of OMC procedures in some policy areas. According to de Ruyter, to account for the choice of a soft mode of governance, one must consider both the incentives and the reluctance of national governments to act at the EU level. Hence, drawing on de Ruyter (2007), I conjecture that a Member State’s preference for a particular mode of governance in a given policy area can be explained by the dilemma between the incentives and the reluctance to establish cooperation at the EU level. More precisely, the preference for a particular mode of governance is dependent on the magnitude and the nature of the conflict between the incentives and reluctance to act at the EU level. The figure below displays this causal relationship.

Figure 2.3: Preferences over modes of governance



This bi-directional arrow represents the level and type of conflict between obstacles and incentives in relative terms. At the center, the incentives and reluctance to cooperation are equivalent, resulting in a high level of conflict. The further from the center, the lower the magnitude of conflict as the level of incentives and reluctance differs. In turn, the direction of conflict induces a certain preference for a particular mode of governance in a given policy area:

- When the reluctance exceeds the incentives (moderate conflict), we can expect a preference for an intergovernmental mode (left side of the arrow in Figure 2.3)
- Conversely, when incentives outweigh reluctance, we may expect the actors to have a preference for a supranationalism mode (right side of the arrow in Figure 2.3)
- In a situation of high conflict between reluctance and incentives, we can finally expect the actors to have a preference for a soft mode of governance (center of the arrow in Figure 2.3)

Needless to say these three *cas de figures* are ideal-types and there is an infinite number of possibilities along the arrow. Yet, it should be feasible to identify preferences closer to one of the extremes. Drawing on the previous considerations, it can be assumed that the magnitude and direction of conflict between incentives and reluctance to act at the EU level determines the actors' preference for a particular mode of governance in a specific policy area.

The preference over the mode of governance, just as with every actor's preference, is determined at the national level, by domestic factors, which are *ex-ante* to the negotiation process. I will now discuss the factors that influence this set of preferences. The first side of the equation, the incentives to act at the EU level are, as discussed in the first part of the chapter, the strategic interdependence between the Member States that induces a pattern of negative externalities. It is assumed that the Member States face the same degree of incentives to act at the EU level. As to the other side of the equation, there is the reluctance to act at the EU level—while this may vary between the Member States, two factors are of primary importance. The first factor is sovereignty concerns. A Member State that harbors strong sovereignty concerns in general towards EU integration will certainly strive for a softer mode of governance in engaging in cooperation in new policy areas. This is all the more important as migrant integration is closely linked to the core competences of Member States and is one of the foundations of the Nation State's identity. By this logic, a Member State that usually displays a more pro-integrationist attitude towards the EU should also favor a stronger policy mode.

The second factor is the salience of the issue in the domestic arena. Indeed, governments need to keep firm control of issues that are highly salient, since they tend to play a major role in electoral politics (de Ruiter 2007: 9–10). Therefore, governments, by opting for a soft mode of governance, “prevent a shift of competences” and thus prevent “their position from being transformed in such a way [unexpected/undesired] on issues that are salient in the domestic arena” (de Ruiter 2007: 7–8). This holds for integration policy as well. Since the mid-1990s integration policy has become a

more and more salient issue at the domestic level and is now a key element of electoral politics in many countries, such as, for example, France, Denmark, and the Netherlands.

Taken together, the individual preferences of the actors over the different aspects of the cooperation summarize what could in theory be the possible outcomes of their interactions at the EU level, as displayed below:

Table 2.1: Logical possibilities of outcomes

Policy Types	Policy Modes		
	Supranationalism	Soft Governance	Intergovernmentalism
Non-Restrictive Orientation	Outcome 1	Outcome 2	Outcome 3
Restrictive Orientation	Outcome 4	Outcome 5	Outcome 6

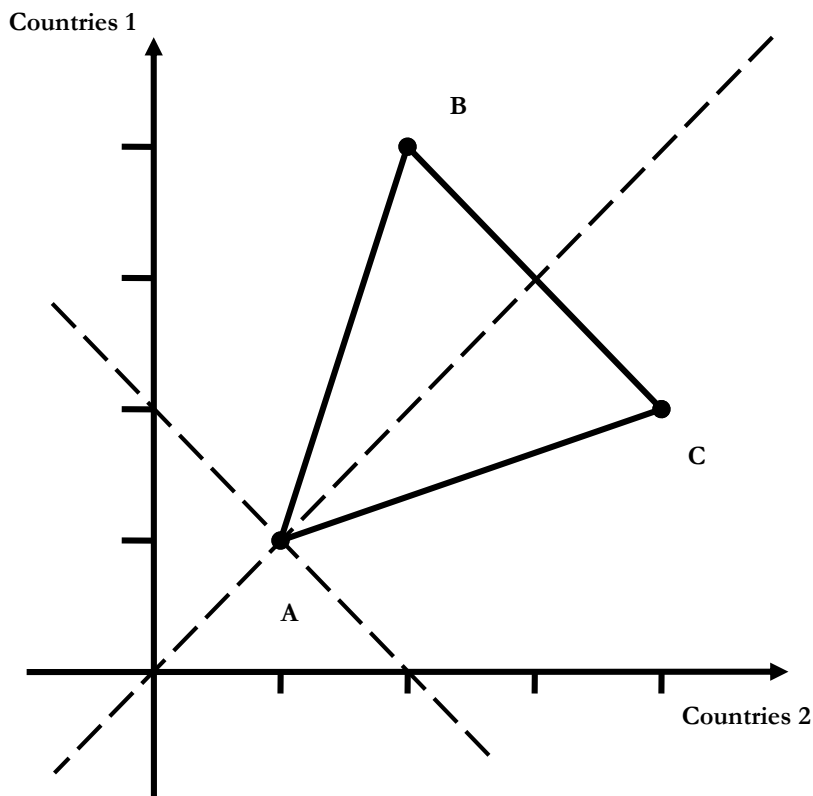
Negotiations

After having discussed the first part of the explanatory framework—the preference formation process—I now turn to the second stage of the explanation. Indeed, once the (diverging) individual Member State preferences over the outcome are established, we need to look at the negotiation process that takes place among the Member States at the EU level to account for the outcome. The outcome is the final agreement, resulting from the negotiation process, where the actors strategically interact.

I will now deal with the negotiation space in which the actors interact. Once again, I will consider only two types of Member States: those that would rather have a restrictive EU cooperation in integration policy, and those that wish to pursue a non-restrictive policy at the EU level. For the time being, I assume that the aim of the negotiations is to reach a binding agreement. In addition, as is always the case for new policy areas, the decision-making mode is intergovernmental (Scharpf

2002). Hence, Member States negotiate on the basis of a unanimity procedure and, in theory, none of the negotiators can be forced into accepting an agreement fundamentally against their interests.

Figure 2.4: Negotiation space in migrant integration policy



Adapted and modified from Scharpf (1997: 120, Figure 6.3)

Figure 2.4 illustrates the potential outcomes for both types of actors negotiating the substance of an agreement, given their individual preferences. The vertical axis represents the utility of countries that favor a restrictive policy, while the horizontal axis shows the utility of countries that prefer a non-restrictive policy. Point A corresponds to the status quo, where each group of countries pursues their own preferred policy and therefore do not coordinate. Point B represents the case in which all countries agree to pursue a restrictive policy, while point C displays the case where both groups of countries adopt a non-restrictive integration policy. In any case, the countries would favor a cooperative solution, since each actor will obtain a superior pay-off by cooperating

compared to pursuing policies unilaterally (*status quo*). Hence, the actors bargain, as Morrow (1999: 96) points out, since there are “many solutions [...] available and they do not agree on the ranking of those solutions”; the crucial question for the actors at this point is not only whether they should reach an agreement, but which agreement they should reach (1999: 96). Yet, due to the dichotomist nature of integration policies, the only way they can coordinate in an effective fashion is to agree to pursue EU cooperation that would either be closer to the restrictionist *or* to the non-restrictionist extreme. It would make little sense in terms of policy effectiveness to adopt an agreement that would be equidistant to points C and B.

Assuming that the actors think in terms of relative gains, the distribution of the gains of the agreement—in other words, “who wins” and “who loses” the negotiations—will be determined by the relative bargaining power of each negotiator (Moravcsik 1998: 60ff.). Put in the simplest way, bargaining power is the “capacity of the national executive to achieve a distributional outcome that as closely as possible reflects the preferences of the Member State he or she he represents” (Tallberg 2008: 687). Hence, the more bargaining power a Member State has, the better able it will be to shape the non-binding agreement according to its preferences. Therefore, based on bargaining theory, the final outcome will reflect the preferences of the most powerful Member States in the negotiations.

In classical bargaining theories, the main determinant of bargaining power is the “relative value [a government] places on an agreement compared to the outcome of its best alternative policy” (Moravcsik 1998: 62). However, in the present actor constellation, we have seen that both groups of actors face equally attractive alternative options to an agreement—hence they have equal bargaining power. Therefore, given the conflict potential on the distributive dimension, it seems unlikely that they would find a common and effective agreement. One group of actors would always benefit much more from a particular type of coordination than the other. This conflict will be very difficult to solve, even if issue linkage or side-payment to compensate the loss of relative utility for the deprived actors were possible. In sum, interstate bargaining theories predict the quasi impossibility of finding a point of agreement in the search *for a binding solution*, resulting in *the absence of an outcome*.

The quasi impossibility of finding a satisfying agreement—despite the Member States’ preferences for coordination at the EU level—is solved by the availability of cooperating under a soft policy mode, hence one that is not legally binding. It has been argued by Schäfer that the use of soft governance at the EU level can be explained by the difficulty in reaching a substantial agreement in a given area (2005). Indeed, from this perspective, soft governance is conceived as “a way to resolve deadlocks that result from interest heterogeneity” (Schäfer 2005: 5); a heterogeneity

of interests that is very much characteristic of the field of migrant integration. As Schäfer argues, opting for a soft mode of governance, therefore, helps to reduce the salience of these difficulties, because of the inherent features of soft modes of governance, such as voluntarism or flexibility. In short, to use Schäfer's words, adopting a soft mode of governance allows actors to agree on disagreeing. Hence, by changing the parameters of the negotiations with the aim of reaching an agreement on a non-legally binding output (such as Council Conclusions, for example), an agreement on the policy may be possible. Yet, it is important to stress—as I discussed in the previous section—that Member States will still hold preferences over modalities of the cooperation. Even if the latter must be operationalized via a soft mode, this soft mode can be more or less stringent. They will therefore negotiate on the precise institutional modalities of an agreement if they hold diverging preferences, although the negotiation space on this particular aspect is rather limited.

Generally speaking, negotiation processes in areas of soft governance result in agreements which are more vague and ill-defined in comparison to traditional regulation. Still, even though the agreement to be negotiated will not be binding, the actors still negotiate on its substance. They may even resort to hard bargaining strategies, as illustrated in the negotiations of the European Pact on Immigration and Asylum in 2008, when Spain publicly threatened to block the adoption of the Pact, if the reference to compulsory integration contracts was not removed (EUobserver 2008). Indeed, even if the agreement is not considered legally binding, it can still be seen as *politically* binding and may therefore have (unforeseen) consequences in the future. Therefore, bargaining power still matters and the agreement should reflect a hybrid compromise rather than one policy option over the other.

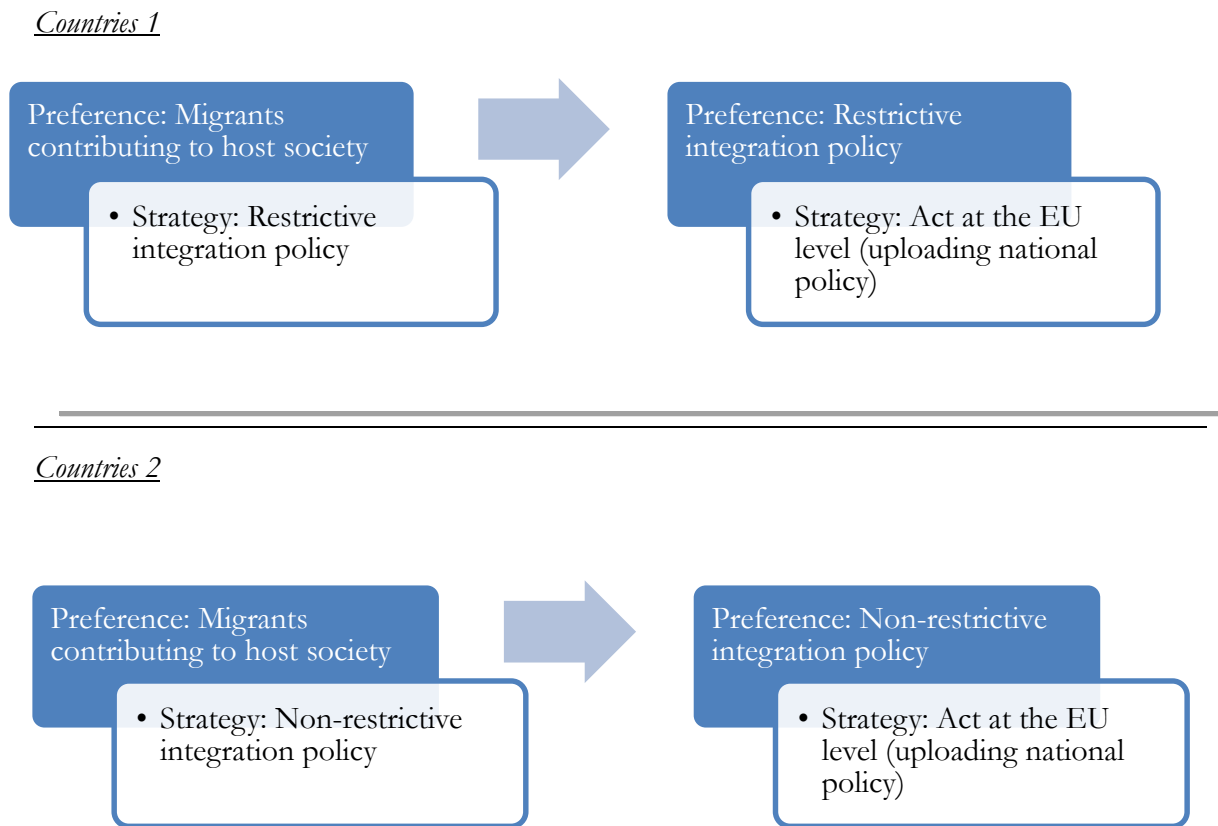
Conclusion

This chapter aimed at developing theoretically-driven answers/hypotheses to the questions guiding this research project, that is to say, why an EU policy in the field of migrant integration was introduced and how we can explain the substantial and institutional nature of this policy. To account for this particular outcome, I proposed to treat these questions in two separate analytical stages: (1) the drivers of the cooperation; and (2) the preference formation and negotiation process. I will now briefly summarize the causal argument developed in this chapter.

The starting point for the argument was the basic preferences of Member States with respect to migrants. The strategies for realizing these preferences have evolved in the past decade or so, resulting in the reformulation of national integration policies towards more restrictive integration policies in some Member States, while other Member States have continued to favor non-restrictive policy options. These policy reformulations have, in turn, led to increasing discrepancies between national policies. However, because of the very nature of the new restrictive integration policy, with their strong ties to immigration and the ever-increasing mobility of TCNs within the EU, Member States are embedded in strong and growing interdependence patterns. Hence, the national policy of one Member State with regard to migrant integration creates negative externalities for other Member States if their policies are too divergent.

As always, in the case of negative externalities, a possible response could be “mutual adjustment” (Scharpf 1997). However, this option is not available as countries diverge in their preferred possible policy and both produce negative externalities for each other. Member States are, in other words, facing a coordination problem. Therefore, governments have a preference for cooperation at the European level as a strategy to ensure the realization of their preferences with regard to migrant integration. Hence, both groups of countries have an incentive to upload their respective national policies. This argument can be summarized with the “box” metaphor, as developed by Frieden (1999) and illustrated by Figure 2.5. The first box, at T_1 , displays the preference of the actors regarding migrants (easily adaptable, contributing to host society welfare) and the unilateral strategy to realize this preference—that is a certain type of integration policy. The second box at T_2 shows that the strategy in the first box has now—induced by strategic interdependence between the actors—become the preference of the actors, while the strategy to realize this preference now favors EU coordination (attempting to upload national policy).

Figure 2.5: The “box” metaphor: Actors’ preferences and strategies



Once the drivers of the cooperation were established, the next step was to consider what would be the result of the strategic interactions between the actors as to the nature of the cooperation. I proceeded in two steps. Firstly, I discussed the possible preferences over the outcome of the actors’ interaction and how these particular preferences could be explained. Concerning the preferences over the policy type, it followed from the causal argument that a Member State should have a preference for cooperation based on its own national policy type. As to the policy mode, it was suggested that a Member State having high sovereignty concerns and/or perceiving integration as an issue of high salience in the electoral contest would favor a softer policy mode than a Member State with little sovereignty concerns and/or perceiving integration issue as non-salient in the domestic context.

Secondly, I discussed the negotiation process between these actors, who have divergent preferences as to what the EU cooperation should be. I argued that the actors had equal bargaining power but both would favor cooperation over status quo. I also argued that reaching an agreement

of a binding nature would be extremely difficult because of the actors' positions and thus the only way to overcome these difficulties was to opt for a soft governance because it allows cooperation without formal pooling or delegation of sovereignty. As a result, the cooperation should be more reflective of a compromise than of one policy type over another. Table 2.2 provides an overview.

Table 2.2: Summary of the argument

Causal argument	Necessary conditions
<p>Reformulation towards more restrictive integration policies in some Member States</p> <p style="text-align: center;">↓</p> <p>Increasing discrepancies between the national integration policies</p> <p style="text-align: center;">↓</p> <p>Strategic Interdependence Caused by increasing mobility of TCNs and immigration oriented nature of restrictive policies</p> <p style="text-align: center;">↓</p> <p>Potential negative externalities affecting all the Member States</p> <p style="text-align: center;">↓</p> <p>Incentive for EU cooperation</p> <p style="text-align: center;">↓</p> <p>Cooperation at the EU level</p>	<p>Possibility of using a soft mode of governance</p>

Chapter III

Methodological Framework

In order to assess the empirical validity of the causal argument and hypothesis developed in the theoretical chapter, I will proceed in two steps. These two steps will be preceded by a preliminary stage, where I will present and discuss what the dissertation aims to explain: the cooperation in the field of migrant integration at the EU level. I will trace the path of events at the European level that led to the cooperation and its subsequent developments during the first decade of the second millennium. I will also expose the policy mode of the cooperation and the integration policy type informing the EU activities in this field. This will allow us to grasp a better understanding of the dynamics of the field of migrant integration at the EU level and set the stage for the remainder of the empirical analysis. The first step will be dedicated to empirically assessing the hypothesis concerning the drivers of the cooperation in the field of migrant integration. The second step will deal with the preferences and negotiations between the Member States to explain the nature of the EU cooperation. In this step, I will attempt to determine the factors behind the individual preferences of a Member State over the policy type and the policy mode of the cooperation. I then explore the negotiation process in the field of integration between the Member States.

The remainder of this chapter is structured as follows. The first section will expand on the research strategy for the two steps mentioned above. The second section will describe the empirical cases upon which the analysis will be based. The final section will be dedicated to presenting the data and the data collection process.

The Drivers of Cooperation in the Field of Migrant Integration

In the theoretical chapter, the following hypothesis was suggested to explain the motivations for the Member State governments to act jointly at the EU level in the area of migrant integration:

Increasing discrepancies between national integration policies induced by a restrictive turn in integration policy in some Member States have created a potential for negative externalities affecting all Member States because of the strong link between restrictive integration policies and immigration, combined with the increasing mobility of third-country nationals. These potential negative externalities have, in turn, acted as a driver for the Member States to engage in cooperation at the EU level as a way to limit these externalities by uploading their national policies.

To confirm or disconfirm this hypothesis, I will firstly empirically consider which Member States have openly displayed or actively engaged in fostering the cooperation process at the EU level. A first indication of the validity of the hypothesis is that these Member States must have different policy types at the national level because this would indicate that negative externalities affect both the Member States with restrictive policies and those with non-restrictive policies. If only one type of Member State was affected by the policy divergence, there would be no incentive strong enough for the other type of Member State to act at the EU level in this field. And for cooperation to emerge, all the Member States should prefer cooperation over strictly national policies. This will be operationalized by looking at the Member States' Council Presidency work program. The Presidency agenda communicates the priorities that the Member State holding the Presidency of the Council intends to work on. It is an essential tool for individual Member States to advance the issues that are of importance in their national context. Therefore, the presence of integration as an item on the Presidency agenda indicates that a Member State actively attempts to foster the cooperation.

Secondly, I will place the focus on two country cases—Sweden and the Netherlands, which I will describe below—with an emphasis on the year 2004, as this was the year the cooperation was formally introduced with the adoption of the CBPs. In particular, I will explore what arguments were advanced in their national contexts to support the cooperation and if these arguments can or cannot be linked to the presence of negative externalities induced by strategic interdependence.

The Nature of the Cooperation

The nature of the cooperation results from the negotiations between the Member States, which hold different preferences. I will first consider the Member States' preferences over the outcome and the factors that may explain these preferences, taking the national level as the level of the analysis. I will then study the negotiation process between the Member States at the EU level.

Preferences

Policy Type

In the argument, it was stated that the Member States prefer the policy type of the EU cooperation to correspond to their national policy type. In that context, a simple typology of civic integration policies was developed, using two dimensions: the support provided by the State to foster individuals' integration process and the requirements placed on migrants (see Figure 2.2). Combining these dimensions, the typology is comprised of four policy types: Laissez-faire (low support/low requirements); Inclusive (high support/low requirements); Selective (low support/high requirements); and Conditional (high support/high requirements).

To assess the plausibility of the argument, I will determine for both Sweden and the Netherlands which policy type their national integration policies are closest to. To operationalize the support dimension, I will use the following indicators: presence or absence of language classes; presence or absence of civic integration classes; and, presence or absence of measures fostering access to the labor market.

To operationalize the requirements dimension, I will use the following indicators: compulsory or voluntary attendance at integration classes; compulsory or voluntary attendance at language classes; presence or absence of integration tests; presence or absence of sanctions in case of non-compliance or failure to meet the integration requirements. Of course, for each of these indicators there can be many additional variations, such as the number of hours of the language classes, the level of requirement in the test, the cost of the test, the severity of the sanctions, etc. But for the sake of comparison it is not necessary to further specify the indicators.

Once the national policy type has been established using the support and requirement dimensions indicators, I will examine the preferences Sweden and the Netherlands displayed at the time of the negotiations, by observing the positions they adopted on the Presidency proposals for

Council Conclusions. Taking this as a benchmark, I will examine whether a Member State perceives a given proposal as being either too restrictive or not restrictive enough and what kinds of modifications the Member State suggests during the negotiation process. For the argument to hold, the requests or positions of Sweden and the Netherlands must be similar to their national integration policy.

Policy Mode

Assuming the preferences for the cooperation—the presence of incentives to act at the EU level—I will focus on two factors of reluctance, sovereignty concerns and the salience of integration issues in the national debate. This will involve assessing the position of Sweden and the Netherlands on the policy mode, or more precisely its strength, in terms of the nature of the instruments (binding or non-binding, for example). Again, I will take as a benchmark their positions on the Presidency proposal for the negotiations. In the very likely case that their positions match the proposal or the output of the negotiations, meaning that they had a preference for a policy mode with soft instruments, they should score high on the reluctance factors, sovereignty and the salience of integration issues.

As to sovereignty concerns, I use the Manifesto Project data (Volkens *et al.* 2014a). These data show the share of a given party manifesto allocated to one particular issue. To operationalize sovereignty concerns, I use in particular the Manifesto Project variables (Volkens *et al.* 2014b: 9) *Per108 European Community/Union: positive. Favorable mentions of European Community/Union in general.* It may include:

- desirability of the manifesto country joining (or remaining a Member);
- desirability of expanding the European Community/Union;
- desirability of increasing the EC/EU competences;
- desirability of expanding the competences of the European parliament.

I likewise use the variable *Per110 European Community/Union: negative. Negative references to the European Community/Union.* It may include:

- opposition to specific European policies which are preferred by European authorities;
- opposition to the net contribution of the manifesto country to the EU budget.

I focus on the position of the government parties and their parliamentary support parties. The rationale for this is that the more negative references to the EU that are included in its party

manifesto, the less pro-integrationist a government is and, therefore, the less likely to commit to more than a soft policy mode for the EU cooperation. Since neither in Sweden nor the Netherlands, a single party (without parliamentary support) was in office during the period of the study, I use the average positions of the parties composing/supporting the government, weighted by the share of votes they received during elections.

Concerning the salience of integration issues, I use once again the Manifesto Project data, and in particular, the following variables (Volkens *et al.* 2014b: 17):

Per607 Multiculturalism: Positive. Favorable mentions of cultural diversity and cultural plurality within domestic societies. It may include:

- preservation of autonomy of religious communities;
- linguistic heritages within the country including special educational provisions.

Per608 Multiculturalism: Negative. It may include:

- enforcement or encouragement of cultural integration;
- appeals for cultural homogeneity in society.

In this case, I consider the government and the other parties, still using a weighted average (by the share of votes), in order to avoid distortion with small parties that are very vocal on integration issues. I look at both the way the issue is framed (negatively or positively), but also at the total share of the manifesto allocated to integration issues, combining therefore both the negative and positive stances. The sum of these two variables shows the salience of integration issues. To complement this indicator, I also look at the electoral strength of the far-right parties, which should give an indication of the salience of the issue for the electorate, given that integration and immigration are one of the main themes of these parties. If the integration issues are salient and therefore can in future be expected to play a key role in electoral politics, governments will be reluctant to commit at the EU level, because they may need to use the issue to win elections; a stronger policy mode implies a loss of flexibility in that respect.

Negotiations

The final step of the analysis is concerned with the EU level and the negotiation process. In a situation where Member States hold diverging preferences, how can we explain the substance of the agreement? To answer this question, I will analyze and compare two cases of negotiations of

Council Conclusions in the field of migrant integration, one from 2004 and the other from 2011. I will carefully consider the informal and formal rules shaping the negotiations. In addition, I will assess whenever possible the positions of the Member States on the status quo in order to determine their preference intensity, focusing in particular on Sweden and the Netherlands. I expect that the Member States with the strongest preference intensity will have difficulties in shaping the outcome of the negotiations. To assess this claim, a comparison will be made between the different drafts of the Council Conclusions. A difference between drafts on a particular issue indicates that a negotiation took place. This will then be read in light of the Member States' positions.

Description of Cases

Country Cases

The country cases—Sweden and the Netherlands—are used to assess the validity of the argument for the drivers of the cooperation and the preferences over the nature of the outcome. The rationale for the case selection is that these countries offer a maximum variation as to the nature of their integration policies, while allowing us to keep constant other important features as I will discuss below. The description of the cases will be centered on both countries' immigration policies and patterns. The reason the presentation is focused on immigration policies and trends is that they set the stage for countries' integration policies and, therefore, the preferences they hold in this regard. For example, a country with no immigration has no reason to establish an integration policy. In the same way, a country that sees immigration as a temporary phenomenon will not invest in an integration policy—as has happened in many Member States with their guest workers immigration policies. Furthermore, integration policy is influenced by the type of migration a country receives. Highly-skilled workers do not have the same need as refugees, for example. I will consider first Sweden and then the Netherlands.

Sweden

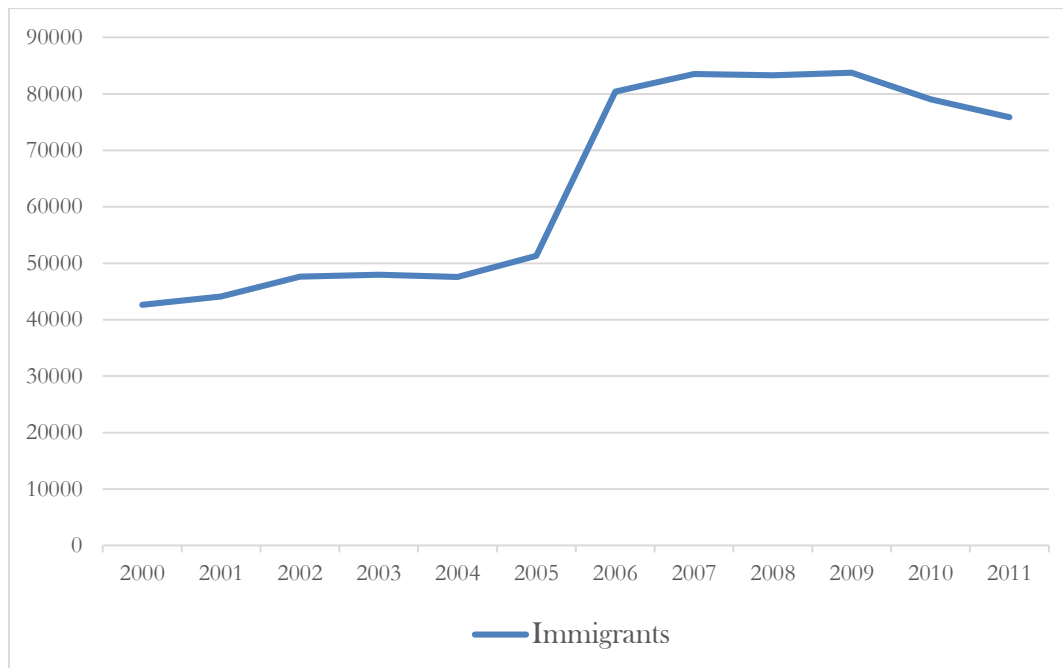
Until the middle of the 20th century, Sweden had traditionally been an emigration country (Lemaître 2007: 12). The migratory patterns in Sweden started reversing in the aftermath of World War II, with the arrival of refugees from the Nordic, Baltic and other European nations (Lemaître 2007: 12). These early refugee waves were soon overtaken by labor-driven immigration, as a consequence of the rapid economic growth in Sweden during the post-war period (Bevelander 2010: 287). Just as many other European countries, Sweden massively imported foreign labor. Yet, the Swedish mind-set concerning migrants was rather different from other receiving countries, such as Germany or Switzerland. Sweden did not follow the typical guest workers policy: rather, it was assumed that the foreign workers would not return to their countries of origin and would therefore become integrated into Swedish society (Parusel 2009; Westin 2006; Dingu-Kyrklund 2007). This liberal immigration regime started to lose impetus in the second half of the 1960s and came to a drastic end in 1973 with the first oil crisis (Westin 2000: 22–23). Yet, although Sweden closed the gates on labor migrants, it did not follow a similar path with regard to refugees. Indeed, after the oil crisis, labor migration declined dramatically, while other types of migration, namely refugees and “tied” movers, gradually increased (Bevelander 2010: 288).

As regards the current Swedish immigration policy, the officially-stated goals are to guarantee a sustainable migration policy in the long run, safeguarding the right of asylum, facilitating cross-border mobility and promoting migration based on the needs of the Swedish labor market (Ministry of Justice 2011: 1). Overall, the Swedish immigration regime can be characterized as liberal. Firstly, Sweden is among the European countries that welcome the largest share of refugees. As pointed out in official documents, the Swedish position on asylum is that “the right to seek asylum must be safeguarded and a trend in Europe towards closed borders must be opposed” (Ministry of Justice 2011: 2). Secondly, and most importantly, labor immigration legislation has undergone major reforms in recent years. Indeed, with the new rules that entered into force in December 2008, Sweden’s government aimed at opening up its labor market to third-country nationals—be they low- or high-skilled workers (Parusel 2009: 3).

I will now discuss some key immigration trends, covering the period under study. As shown in Graph 3.1, the immigration rate of foreigners to Sweden changed quite substantially during the period from 2000 to 2011. Undoubtedly, the most striking element is that the number of persons coming to Sweden has almost doubled over a period of eleven years, from 42,629 persons in 2000 to 75,852 migrants in 2011. More specifically, during the first half of the decade, immigration rose slowly, in a constant way. This was followed by a sharp increase from 2005 onwards, reaching a

peak in 2007, with 83,536 immigrants arriving in Sweden. The trend remained stable until 2009, when the number of migrants started to decline slightly.

Graph 3.1: Foreign immigration to Sweden, 2000–2011



Source: Statistics Sweden¹⁶

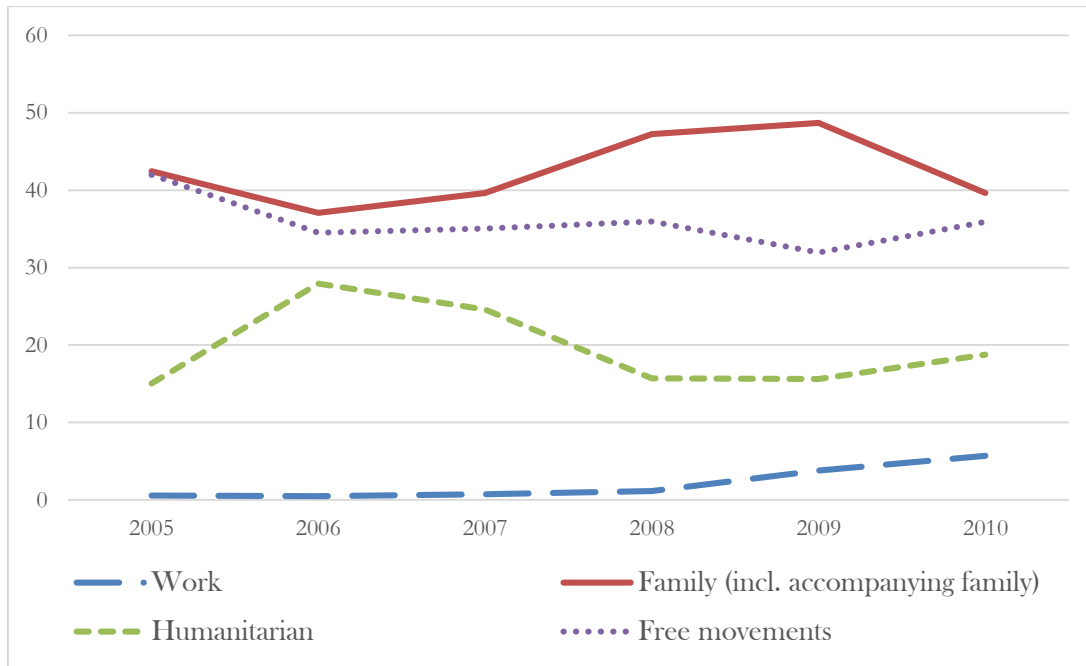
I will now consider the reasons for migration. Graph 3.2 displays the types of permits granted by Swedish authorities to immigrants during the period 2005–2010. As can be observed, the main types of permits were given on grounds of family reunification, closely followed by free movement from other EU countries. Migration based on humanitarian grounds also has a rather important share of the permits delivered through this period. Most importantly, Graph 3.2 indicates a very low, comparatively speaking, share of permits related to work reasons for non-EU migrants. Yet, a noticeable fact is that from 2008 onwards, the relative share of work-based residence permits has

¹⁶ The data are available

at: <http://www.ssd.scb.se/databaser/makro/Visavar.asp?yp=tansss&xu=C9233001&huvudtabell=ImmiEmiMedb&deltabell=01&deltabellnamn=Immigrants+and+emigrants+by+country+of+citizenship+and+sex%2E+Year&omradekod=BE&omradetext=Population&preskat=O&innehall=Emigranter&starttid=2000&stoptid=2011&Prodid=BE0101&fromSok=&Fromwhere=S&lang=2&langdb=2>, last accessed 30.09.2012.

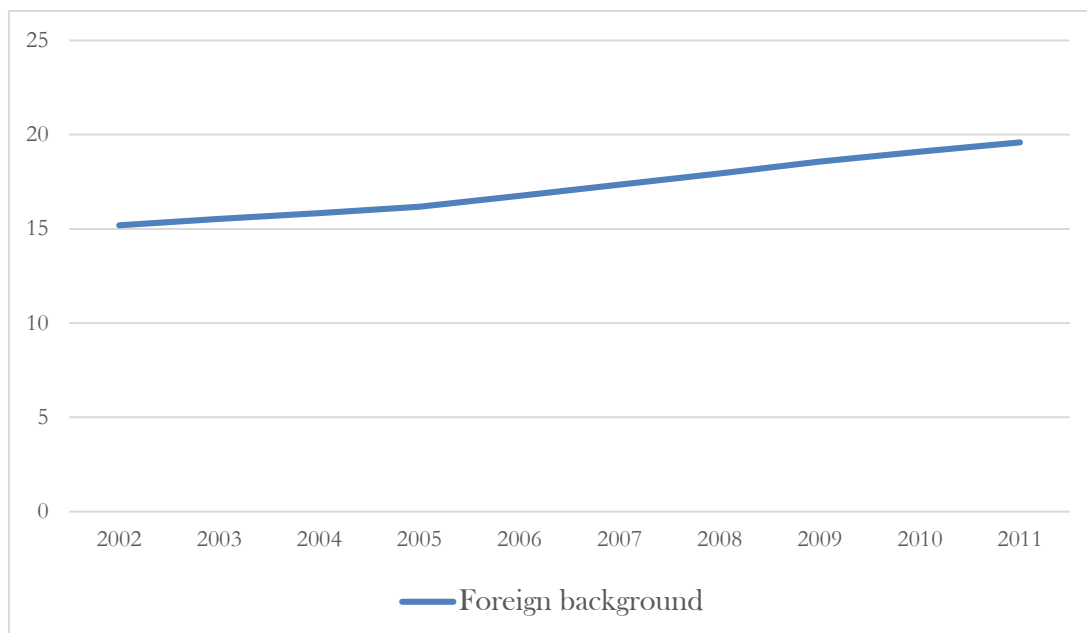
increased, with 2008 marking a turning point in labor migration policy in Sweden: in 2005, work-related permits represented only 0.5% of total permits, while it reached 5.7% in 2010.

Graph 3.2: Residence permits by type, Sweden, 2005–2010 (percentages)



Sources: OECD, International Migration Outlook: SOPEMI, country notes, Sweden, edition 2008, 2010, 2011, and 2012.

A last essential figure is the share of the population having a foreign background. Graph 3.3 shows that the tendency of the last ten years has been a constant increase in the relative share of the population having a foreign background. Already at the beginning of the previous decade, this share was fairly significant (15%). And in 2011, almost 20% of the population residing in Sweden had a foreign background.

Graph 3.3: People with a foreign background in Sweden, 2002–2011 (percentages)¹⁷

Source: Statistics Sweden¹⁸

The Netherlands

Following the Second World War, the Netherlands experienced significant migration inflows, notably from its former colonies (Penninx, Garcés-Mascareñas and Scholten 2005: 4). Yet, these migration waves were seen as temporary; as Penninx, Garcés-Mascareñas and Scholten point out, there “was a powerful norm that the Netherlands should not be an immigration country” (2005: 4). Successive Dutch governments therefore expected that immigrants would return to their countries of origin (Entzinger, Saharso and Scholten 2011: 5).

Labor migration was seriously reduced after the oil crisis in 1973, but this—according to Bruquetas-Callejo *et al.* (2007: 6)—was more due to a lack of employers hiring foreign workers, than because of an explicit migration policy. In the 1980s, as a consequence of the failure of guest

¹⁷ Statistics Sweden defines persons of foreign background as persons who are foreign-born, or born in Sweden with foreign-born parents. Persons with Swedish background are defined as persons who are Swedish-born with two Swedish-born parents or Swedish-born with one Swedish-born parent and one foreign-born parent.

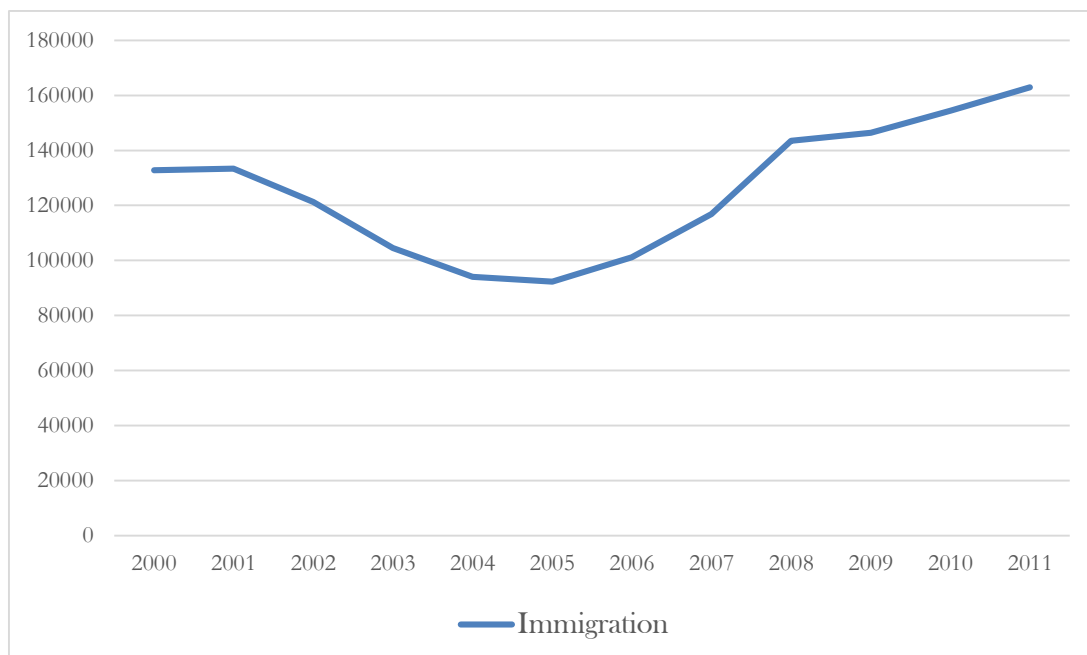
¹⁸ The data are available

at: <http://www.ssd.scb.se/databaser/makro/Visavar.asp?yp=tansss&xu=C9233001&huvudtabell=UtlSvBakgTotNK&deltabell=R1&deltabellnamn=Number+of+persons+with+foreign+or+Swedish+background+%28rough+division%29%2C+entire+country%2C+age+in+ten+year+groups+and+sex%2E+Year&omradekod=BE&omradetext=Population&preskat=O&innehall=UtlSvBakg&starttid=2002&stopptid=2011&ProdId=BE0101&fromSok=&Fromwhere=S&lang=2&langdb=2> (last accessed 30.09.2012).

workers to return and increased migration from its former colonies, the Netherlands slowly came to accept the fact that migrants would not return to their home countries and that it had become an immigration country (Entzinger, Saharso and Scholten 2011: 5). Yet, this did not mean that the Dutch government was inclined to welcome more migrants. Indeed, as these migration waves settled in the Netherlands, they were perceived as a “historically unique” event (Entzinger, Saharso and Scholten 2011: 6). In parallel to these developments, an increasingly restrictive migration policy was implemented in the 1980s and the 1990s (Bruquetas-Callejo *et al.* 2007: 4). However, beyond restricting labor migration, the “government could do little to prevent family migration or asylum migration” (Entzinger, Saharso and Scholten 2011: 6), which became a major part of immigration flows to the Netherlands.

Turning to current Dutch immigration policy, it is fairly restrictive and reforms have been enacted in the past decade towards ever-greater restrictiveness, in particular for family migration (OECD 2005). Also, immigration and integration have become more and more interlinked, stipulating integration conditions for migrating to the Netherlands, notably in case of family reunion. On the other hand, the Netherlands have tried to facilitate and attract high-skilled migrants. The objectives of the Dutch immigration policy are simply to restrict and reduce the scope for migrants without prospects to come to the Netherlands (Dutch Coalition Agreement 2010 quoted in de Boom *et al.* 2012: 2).

Graph 3.4 shows the evolution of immigration flows to the Netherlands during the last decade. Interestingly, immigration started at a high level in 2000, only to decrease sharply after 2001, and finally increase in a drastic way from 2005 onwards. These trends may be explained by an ever-more restrictive immigration policy, but also by movements from the new Member States.

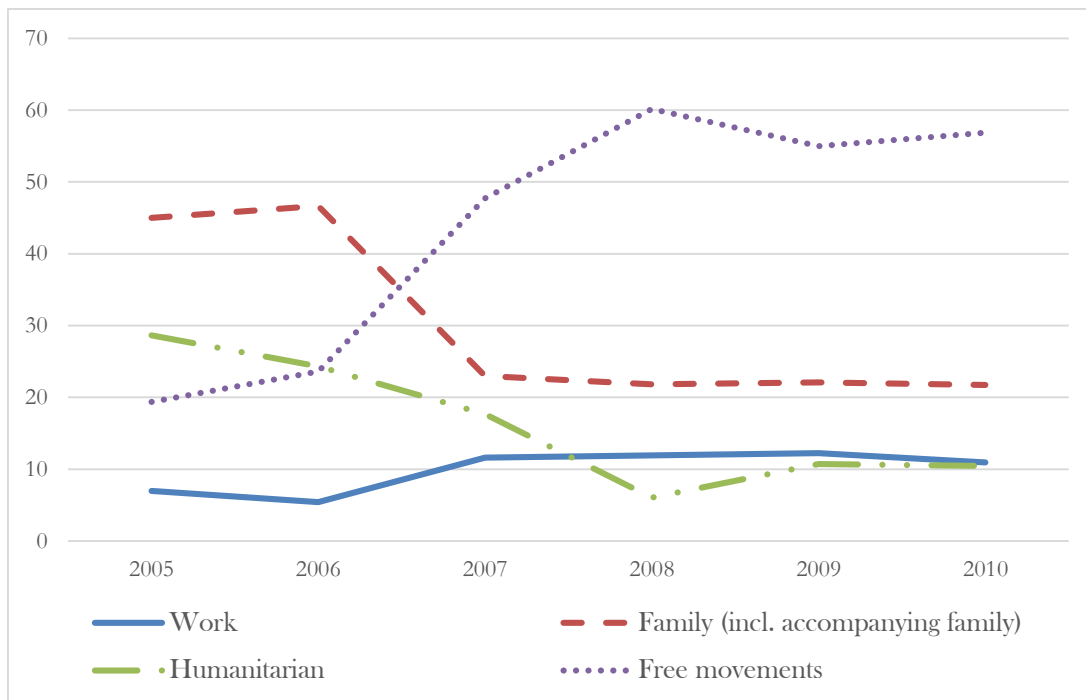
Graph 3.4: Foreign immigration to the Netherlands, 2000–2011

Source: *Centraal Bureau voor de Statistiek (CBS) Netherlands*¹⁹

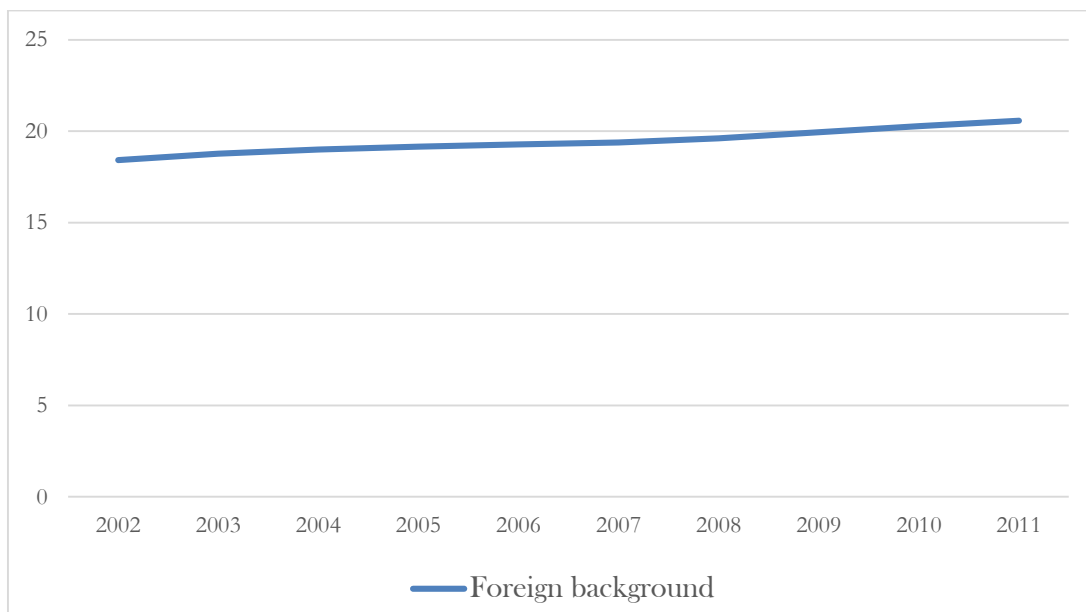
I will now consider the reasons for migration to the Netherlands. Graph 3.5 presents the types of permits issued by the Netherlands from 2005 to 2010. As can be observed, the relative share of reasons for migration has evolved. While in 2005 family reunification was by far the main reason for migration, it decreased drastically over the years. At the end of the period, the most important grounds for immigration were free movement, which sharply increased after 2006. Humanitarian migration decreased, while labor migration slightly increased.

¹⁹ Data available at

<http://statline.cbs.nl/StatWeb/publication/?DM=SLEN&PA=03742ENG&D1=0&D2=0&D3=0&D4=0&D5=0&D6=5-16&LA=EN&VW=T> (last accessed 27.10.2012).

Graph 3.5: Residence permits by type, Netherlands, 2005–2010 (percentages)

Sources: OECD, International Migration Outlook: SOPEMI, country notes, Netherlands, edition 2008, 2010, 2011, and 2012.

Graph 3.6: People with a foreign background in the Netherlands, 2002–2011 (percentages)

Source: CBS Netherlands²⁰

²⁰ The data are available at: <http://statline.cbs.nl/StatWeb/selection/?DM=SLEN&PA=37325ENG&LA=EN&VW=T> (last accessed 26.10.2012).

Concerning the share of people with a foreign background in the Netherlands, two observations can be made by looking at Graph 3.6. Firstly, the share of people with a foreign background in the Dutch population is high. Secondly, this relative share has increased during the period under consideration, from 18% to 20% of the total population.

To summarize, Sweden and Netherlands are different in terms of immigration, but they do share important features. First of all, they share a similar pattern with regards to historical migration trends: a big influx of foreign immigration, mainly labor-driven in the post World War II period that ended with the oil crisis, and was then replaced by other types of migration, such as family reunion and refugees. Secondly, both countries have high levels of immigration flows and consequently minorities with a foreign background in their national population. The share of people with a foreign background has increased in both cases during the decade, although this was more important for Sweden. At the end of the period, in 2011, Sweden and the Netherlands almost had similar proportions of people with a foreign background in their resident population, close to 20%.

These features are not specific to Sweden and the Netherlands; in fact, they apply to most of the “old” Member States. As to the differences between the two cases in terms of immigration trends, the types of migrants coming to the Netherlands and Sweden—family, refugees, EU workers, and non-European workers—are rather different, especially if we adopt a time perspective. While the share of different migrant groups was relatively stable in Sweden, with family migration having the highest share, the picture is different in the Netherlands, where the reasons for migration have changed between 2005 and 2010. This is especially noticeable with regard to family migration, which had the biggest share of immigration in 2005, while free movement increased drastically, to become the first reason for immigration after 2006. This is due, in part, to changes in migration policy in the Netherlands towards more restrictiveness with the aim of curbing family migration. In fact, this is where the dissimilarities are the most important: the Netherlands pursues a restrictive immigration policy, while the Swedish policy is rather liberal. As immigration and integration policy are linked to each other, this results in equally divergent integration policies: the Netherlands has a restrictive and selective integration policy, while Sweden pursues a lenient and inclusive policy.

Negotiation Cases

The cases selected in order to investigate the EU negotiation process are the negotiations of the Common Basic Principles in 2004 and the negotiations of the Council Conclusions adopted in December 2011 under the Polish Presidency of the Council. The negotiations of the Common Basic Principles were chosen as they have a very special political significance. It is these negotiations that first elaborated and made integration an autonomous policy field at the European level. Examining these negotiations in particular is essential for explaining the presence of the outcome.

The negotiations of December 2011 were chosen since they are representative of the discussions that had been going on over the past ten years in the field of integration at the EU level. The 2011 Council Conclusions negotiations reflect all the various issues, general and particular, that had previously been dealt with in the Council. They thus touch upon the policy type, the policy mode, and the way in which to enhance future cooperation in the area. In addition, the Conclusions reflect the current debate, which makes them all the more relevant. A second advantage of this case is that the adversarial preferences of the Member States are very clear, thus making them easily available for analysis. A final advantage of dealing with this case is the availability of information. Indeed, it was negotiated while the research was being carried out. Thus, not only were most of the participants in the negotiations accessible; they also demonstrated a clear recollection of the sequence of events, thus avoiding or at least minimizing “memory” biases.

Furthermore, taking two cases that are so far apart is particularly beneficial for grasping the different dynamics through time. One case represents the beginning of the EU policy, while the other occurs at a moment when the cooperation is more mature and the instruments have been elaborated. In addition, just like the CBPs negotiations, the 2011 Council Conclusions negotiations also intervene at a crucial juncture, just after the release of the Second Commission Agenda, which was intended to give new impetus to the cooperation.

Data and Data Collection

Empirically, the dissertation relies—beyond the analysis of the secondary literature—mainly on official documents and interviews. The data were collected at two different levels: the national level and the EU level.

National Level

With regard to the analysis at the national level, several written sources were used. Firstly, in order to establish the national integration policy type, literature on both cases was studied. Official documents, released by governments or ministries in charge of the integration portfolio, were used whenever an English translation or summary was available. Finally, I used extracted parliamentary documents on the EU cooperation, focusing on the years of the negotiations. I collected the parliamentary documents through an extensive search on the respective websites of the two countries' parliaments, using key words in Dutch and in Swedish, such as "Common Basic Principles on Integration" or "Second Agenda for Integration of Third-Country Nationals". The translation of the key words was based on comparing the English, Swedish, and Dutch versions of official EU documents. I next took all the documents from my website search and used Internet-based translating tools to establish whether they were relevant or not to the research. The relevant parts of the translations were then thoroughly verified and compared with the original extracts of the documents by native speakers.²¹ In addition to these written sources, qualitative interviews were carried out at the national level—9 for the Swedish case and 8 for the Netherlands—between April 2012 and February 2013. The interviews were semi-structured. The interviewees were selected according to two criteria. The first criterion was the interviewee's knowledge of EU cooperation in the field of migrant integration. The second criterion was to achieve maximum representativeness of the various stakeholders of integration policies at the national level: NGO representatives, integration ministry representatives, statistics office representatives, local/regional level representatives, and academic experts on integration.

I also used quantitative data, mostly the Manifesto Project data (Volkens *et al.* 2014a). The Manifesto Project data were complemented with secondary literature and political yearbooks, to overcome the fact that the Manifesto data only covers election years and also that party manifestos are not the only communication support available for election campaigns. The Political Data Yearbook, published by the European Journal of Political Research "documents election results, national referenda, changes in government, and institutional reforms [...]. [R]ecognized experts on the politics of each country provide commentary on these events, as well as on the principal issues in national politics during the year."²² Election results were also used, accessed from the national election authorities' websites, to compare the performance of the far-right parties. The advantage

²¹ See Annex IV for a complete list of the parliamentary documents from which extracts were translated.

²² [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)2047-8852](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)2047-8852) (last accessed 30.01.2015).

of using these data is that the measure and data collection are the same for both cases, thus improving the level of comparability.

EU Level

As regards the EU level, I make extensive use of official EU documents of two kinds. These are the Commission Communications, Opinions of EESC and Parliamentary Resolutions, for the whole time period, as well as the Council Conclusions that were adopted on integration matters from 1999 to 2011. With regard to the negotiation cases in particular, I gathered the different drafts prior to the final agreement. The documents were collected through the various EU websites.²³ To complete the written sources, 19 semi-structured interviews were carried out with various key stakeholders and participants from December 2011 to June 2012. Most of the interviews were conducted with representatives of the Member States who were experts on Justice and Home Affairs issues and who had taken part in the actual negotiation processes I investigate. It was not possible to interview every representative, but I managed to obtain a fairly representative sample, in the sense that I interviewed representatives from different types of Member States, new and old, big and small, and belonging to different geographic groups. Interviews were also carried out with officials from the Commission, notably policy officers from DG Home Affairs—responsible for the whole area of integration—and from DG Employment, who have some involvement in and a broad vision of integration issues. Interviews were also conducted with representatives of the other European Institutions, notably the EESC, which has had a proactive role in the elaboration of the EU integration cooperation. Finally, academic experts and representatives from NGOs were also interviewed. Unfortunately it was not possible to conduct interviews with Members of the European Parliament.

²³ See Annex V for a complete list of the primary documents used in the analysis of the negotiations.

Chapter IV

EU Cooperation in Integration Policy

Located between description and analysis, this chapter constitutes the first step of the empirical part of the dissertation and aims at presenting the various aspects of the EU cooperation in the field of migrant integration. Following the tridimensional approach to the outcome developed in the theoretical framework—presence, policy mode, and policy type—the discussion is structured as follows: the first part presents the development of the outcome in a chronological perspective; the second part deals with its policy design; while the last part is concerned with its substance. By describing the outcome in its various aspects, this chapter lays the groundwork for the remainder of the dissertation, which aims to explain it.

Policy Developments

As mentioned in the previous chapters, the main questions that frame this research are “why was cooperation in integration policy introduced at the European level, and how can the specific (and current) features of this cooperation be accounted for?” In other words, the ultimate goal is to explain a *policy outcome*. The present section will be the starting point of the empirical analysis of the dissertation, by exploring *how* this outcome has arisen. Therefore, the aim of this section will be to reconstruct the path that led to the outcome.

The following analysis will be based on several sources. These are, firstly, most of the public EU documents related to immigrant integration that has been released by the Commission, the European Council and the Justice and Home Affairs (JHA) Council. Only EU documents issued by these three institutions will be taken into account as they are the main institutions of the

cooperation. While the European Council and the JHA documents constitute the decision-making outputs, the documents of the Commission elucidate the way in which these decisions are implemented, and also provide reports on the policy process. Therefore, the information collected in these documents is particularly relevant to the exercise of reconstructing the path to the policy outcome. Secondly, interviews with officials and experts who witnessed or were directly involved in the process of the elaboration of this field. And finally, specialized press in European matters and literature will be used.

The next subsections will be structured following the chronology of the development of the cooperation. Three main periods were distinguished for the timeframe for which the analysis was carried out: firstly, the start of the cooperation (1999-2003); secondly, the momentum when the cooperation took off (2004–2005); and, finally the current period, which started around 2006.

A Slow Start (1999–2003)

When did the EU cooperation in integration matters start? While asking several interviewees about this point, the answers they gave were not that straightforward and were somewhat confusing: some would say about 2002, others 2004, and some 1999. Looking closer, the reason why this confusion arises is that the launch of the idea of cooperation and its actual start far from coincided time-wise.

The idea of working jointly on integration matters at the EU level appeared formally at the Summit of Tampere in 1999. During this summit, the European Council adopted the first Justice and Home Affairs multi-annual program, the so-called Tampere Program. The aim of this multi-annual program was to progressively establish an Area of Justice, Freedom and Security in the European Union, as foreseen and made possible by the entry into force of the Treaty of Amsterdam (1999). The Tampere Program sketched out the four cornerstones of a common EU migration policy: partnership with countries of origin of immigrants; a common European asylum system; fair treatment of third-country nationals; and the management of migration flows (Council 1999). It was in this particular context that European leaders presented for the very first time an interest to act collectively on the issue of migrant integration, somehow placing it on the same level of importance as other areas of migration policy. More specifically, the Tampere Program stressed the necessity of developing a common approach to ensure the integration of migrants into European societies: a call was made for a more “vigorous” integration policy, with the stated aim of granting migrants rights and obligations comparable to those enjoyed by EU citizens (Council 1999: point 18).

In order to pursue the work program established at Tampere, the Commission, beyond legislative proposals concerning discrimination, family reunification and long-term residents, released two Communications on immigration policy in November 2000 and July 2001, respectively, in which integration issues were partly addressed (European Commission 2000; 2001a). On this specific point, both Communications sketched a working method to be used in a future EU migrant integration policy, along with the main practical domains concerned. The first Communication suggested some general actions, and foresaw that a Community Action Program could be developed, in order to improve the understanding of integration issues by—among others—means of the evaluation of practices and the development of benchmarks (European Commission 2000: 20). The second Communication, however, proposed formal use of the Open Method of Coordination in the field of immigration, including guidelines concerning the integration of TCNs (European Commission 2001a: 11–12). The proposal to use the OMC in the field of immigration/integration did not yield any success. Partly because of sovereignty reasons, but also because Member States, at this point, were becoming less favorable to adopting new OMC processes; indeed, some interviewees pointed out that the refusal to use the OMC in the field of immigration was linked to the fact that Member States did not want to bear the high administrative burden that an OMC process would create in the field (Interview B13,²⁴ Interview B19). In sum, both Communications had rather limited impacts with regard to the development of migrant integration policy at the European level.

Therefore, despite the fact that integration was allegedly to be one of the cornerstones of a future common migration policy, the immediate period following the Summit was one of inertia for immigrant integration. The inaction in this field was a consequence of the political priorities at the time. Indeed, Amsterdam and Tampere offered new opportunities to carve up the field of immigration at the European level. Yet, focus and resources were allocated to developing fields other than integration, which was not a priority at the time.

In this sense, an observer who at the time was involved in home affairs issues at the Commission stressed that it is important to understand that Tampere brought together these four different points, although the focus and political priorities were on asylum and border control:

²⁴ The letters refer to B for Brussels, S for Sweden, and NL for the Netherlands. The numbers indicate the order in which the interviews were carried out for each case.

You have to understand the process: we had the Tampere Conclusions, with all those four points [...] at the same time. The priority and the pressure was always, and still is unfortunately, on asylum, asylum, asylum, and border control, border control. And nobody was really interested in integration much [...] And then the other area that moved quite fast because it was linked to asylum, and border control [...] was cooperation with third countries (Interview B19).

In other words, integration did not stand a chance against asylum and border control, and had to be put on the waiting list until the latter areas became more developed. This was true both at the Council level, but also for the Commission. At the Commission, even though officials touched a little upon the topic of integration in the two aforementioned Communications, they “didn’t actually start working on integration the first two, three years [...] because [they] didn’t have the people to do it, [they] just didn’t have the manpower” (Interview B19). This remained the case until 2003.

However, and despite this lethargy, the importance of the Tampere Summit should not be underestimated. For one thing, Tampere gave the EU the mandate to act in this field (Interview B19). And without a mandate, short of the necessary legitimacy to act, not much would have happened at a later stage. More than a simple mandate, it is also in Tampere, according to an interviewee, that “the basic objectives for the policy cooperation on integration” were set (Interview B2).

A gap of three years was ultimately needed to see the return of integration issues to the European agenda. Only in 2002 did the Member States display renewed interest in migrant integration issues at the EU level. This was the work of the Danes, who placed integration issues as a theme on their Presidency agenda. According to an observer, they “were very active and they made a very good job in bringing it onto the agenda” (Interview S9). The fact that the Danish Presidency included integration in the work program of the Council was perceived as “very positive” by the Commission (Agence Europe 2002b).

Hence, in mid-October 2002, migrant integration was for the first time formally discussed in the Justice and Home Affairs Council. During this meeting, a few significant Conclusions were adopted without much difficulty and were “even warmly welcomed by some Member States” (Urth 2005: 170). Those Conclusions—beyond recalling the Tampere commitment of approximating the rights between EU citizens and third-country nationals—specified the future orientations and content of possible EU actions in integration matters. Particular emphasis was placed on the importance of ensuring the participation of TCNs in their host society and the labor market, improving the reception of newly arrived migrants, the possibility of setting up integration

requirements, as well as the need to adopt inclusive approaches to integration policies in the sense of involving all relevant stakeholders and levels of governance (Council 2002: 17–18). Beyond these general orientations, the JHA Council meeting established the basis for the future working method of the EU cooperation on integration policy, by placing a strong emphasis on identifying best practices and information exchange among Member States (Council 2002: 18). In this sense, and in order to facilitate the process, the Council called for the establishment of National Contact Points on Integration (see the Instruments section in this chapter) (Council 2002: 18). The setting up of the NCPI for some observers marks the real start of the cooperation (Interview B2, Interview S1). This is partly true because this was the first output that went beyond vague ideas that was achieved in this field.

The role played by Denmark must be underlined: it is thanks to the Danes that the Commission started to work seriously on integration as they “really pushed the idea up the agenda when they asked the Commission to set up what became the NCPI” (Interview B19). In addition, the Danes provided human resources by delegating one of their national experts to the Commission in order to work on these issues (Interview B19). Before that, as said earlier, no policy officer at the Commission had the specialized task of working on integration.

Eight months after this first JHA meeting, the Commission released a major Communication on immigration, integration and employment (European Commission 2003; the Communication was prepared jointly by DG Employment and DG Home Affairs). Notably, it was the first Communication to devote so much attention to integration issues. The purpose of the Communication, according to the Commission, was—as requested by the JHA Council in 2002—to fill the gap in relation to integration policy, which was at that time the only element of the Tampere milestones on which little progress had been made (European Commission 2003: 3). In this Communication, which also took into account the recently adopted Lisbon Agenda, the Commission stressed the need for a holistic approach and identified the main policy areas that should be considered for further actions, namely: integration through the labor market; education and language skills; housing and urban issues; health and social services; social and cultural environment; nationality, civic citizenship; and respect for diversity.

The next step in the elaboration of the policy was taken at the European Council Summit in Thessaloniki in June 2003, during the Greek Presidency. For the very first time, the European Council agreed on a common definition of integration, which was then defined “as a continuous, two-way process based on mutual rights and corresponding obligations of legally residing third-country nationals and the host societies” (Council 2003: 9). Also, the Council clearly acknowledged that, in light of the new demographic and economic challenges, integration issues were even more

relevant and pressing as immigrants could help their host societies address these challenges—as already stated in previous Commission Communications. Beyond the recurring reminder that integration remains first and foremost the responsibility and competence of the Member States, the Council underlined the need for developing a coherent EU Framework and went on to list the domains that should be covered by such a framework. The domains agreed by the European Council were largely similar to the ones previously identified by the Commission: employment, economic participation, education, language training, health and social services, housing and urban issues, culture, and participation in social life (Council 2003: 8), save for the absence of one: civic citizenship and nationality. In order to pursue the elaboration of the EU framework, the Council called for the development of what would eventually evolve into the Common Basic Principles (see the Instruments section in this chapter). In addition—and always with the aim of ensuring an exchange of information—the Council asked the Commission to produce annual reports on integration (Council 2003: 9).

The Momentum for the Elaboration of the Cooperation (2004–2005)

The following year—2004—was unmistakably a decisive point in the elaboration of the EU cooperation. The year 2004 signified a true *momentum* in the build-up of the EU immigrant policy, thanks to the Dutch Presidency. The Dutch devoted much time and energy to further advancing EU cooperation. And it is fair to say that, without them, the cooperation would not really have developed.

Under the Dutch leadership, three key events took place during this year. The first major event was the adoption by the European Council in early November 2004 of a new multi-annual program for the Area of Freedom, Security and Justice (AFSJ), the so-called Hague Program, successor to the Tampere Program. Notably, the Hague Program accorded a much more prominent place to integration issues than its predecessor: under the heading “Strengthening Freedom”, a separate section was exclusively dedicated to the integration of TCNs. In a nutshell, the Hague Program called for strengthening the *coordination* of national policies and EU initiatives. Most importantly, the main orientations of the policy were laid down by establishing the fundamental basis of the upcoming Common Basic Principles by listing the minimal elements that such principles should contain. In addition, the Hague Program called for the creation of a website on migrant integration policy (Council 2004b: 19–21).

The second important event—which occurred immediately after the adoption of the Hague Program—was the first *ministerial conference* on integration issues, held in Groningen (Netherlands).

This was the very first time that national ministers gathered to exclusively debate migrant integration policy. This ministerial conference further elaborated the CBPs in view of their adoption.

The last fundamental event of 2004 took place briefly after the adoption of the Hague Program and the ministerial conference. At the Justice and Home Affairs Council meeting, the Common Basic Principles, which can be considered as the core of the EU cooperation (Council 2004a), were finally adopted—a little more than one year after the initial call for their elaboration was made at the European Council Summit in Thessaloniki (2003). Another notable outcome of this meeting was that the JHA Council not only insisted on the benefits that a successful integration policy could bring, but it also emphasized the dangers of policy failure in individual Member States' integration policies and the likely adverse consequences that such failures could have for other Member States and the EU as a whole. Finally, 2004 also witnessed the release of the first annual report on migration and integration by the Commission in June (European Commission 2004b) and the publication of the first edition of the Handbook on Integration for policymakers and practitioners in November (European Commission 2004a; see the Instruments section in this chapter).

In response to the adoption of the Common Basic Principles by the Council, the Commission issued a major Communication entitled “A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union” (European Commission 2005a). This Communication proposed more tangible actions to implement the CBPs, both at the national and at the EU level, along with “a series of supportive EU mechanisms”. As its title suggests, more than a statement, it should be seen as the concrete work program of the Commission in the field of integration for the years to come.

The Communication was welcomed by the Justice and Home Affairs Council, which expressed once again the need to reinforce coordination in this policy area and the importance of developing a coherent framework at the EU level (Council 2005: 24–25). In addition to this point, the JHA Council agreed that ministerial conferences should be held on a regular basis, as a follow up to the political debate initiated with the first ministerial conference in Groningen in 2004 (Council 2005: 26).

Incremental Developments as a Routine (2006–2011)

During 2006, migrant integration issues received little attention from the Council, although the Commission did pursue its mandate by issuing a second annual report on migration and integration (European Commission 2006). Immigrant integration returned to the Council agenda under the

auspices of the German Presidency in the first half of 2007. This year marked an important step towards the consolidation of the policy.

The Germans organized the second informal ministerial conference in Potsdam. As an observer recalls, “a lot of resources [were invested] to talk about identity. It’s very important because at that level nobody has the time to think about these things” (Interview B19). This really demonstrates the political will. Also, Commissioner Frattini took the opportunity to present the Second Handbook at the Ministerial conference (Agence Europe 2007). This second ministerial conference in Potsdam in May led to a declaration, which was formally adopted as Conclusions at the JHA Council meeting the following month. In a nutshell, this Council meeting recalled what had been agreed so far and asked the Commission to redesign the annual reports. Furthermore, it was agreed to examine the added value of developing common European modules for migrant integration in areas such as introductory courses for newly arrived migrants, involvement of the host society in integration issues, and promotion of migrant participation in local life (Council 2007a).

Another remarkable development that occurred under the German Presidency was the adoption of a Council decision, which established a new financial instrument—the European Integration Fund (EIF; see Instruments section in this chapter)—specifically dedicated to the EU cooperation on integration policy (Council 2007b).

In addition to the outputs of the Council meeting, a Communication of the Commission on “a common immigration policy” was released in early December, in which integration “challenges” (in the Commission’s words) were considered. Remarkably, the Communication was relatively critical, as illustrated, for example, by the following statement: “[t]he EU lags behind other main immigration destinations in terms of integration” (European Commission 2007a: 8). The Commission stressed once more the (need for) synergy between immigration and integration, stating that effective integration policies would lead to benefits from immigration in terms of economic prosperity, especially in the light of the Lisbon goals (European Commission 2007a).

The second half of 2008 was also a key period with regard to integration issues at the EU level, especially with the French Presidency making immigration and integration one of its top priorities. In June, the Commission released two related Communications setting up the principles and tools for a common EU migration policy; with regard to integration, the Commission adopted an extremely critical stance by declaring that progress on the integration of legal migrants was insufficient. In particular, the Commission argued that some crucial elements still presented major challenges—such as effective sharing of information, coordination of authorities and stakeholders, gender issues, specific needs of migrant youth and children—while other elements were still insufficiently developed, notably the capacity to collect, analyze and disseminate information, the

monitoring of processes and evaluation, and the identification of specific integration indicators (European Commission 2008a: 2). Annexed to this document, ten principles underpinning migration policy were presented, recalling once again the strong link between immigration and integration, while re-emphasizing that actions must be informed by the Common Basic Principles adopted in 2004 (European Commission 2008a).

A few months later, in October 2008, the Commission released a new report on integration, with the aim of facilitating the preparations for the upcoming ministerial conference in Vichy. The report summarized the actions that had been undertaken so far and suggested what should be considered as priority areas for future actions (European Commission 2008b). A week later, a crucial event took place: after numerous negotiations and amendments since its presentation in July (Agence Europe 2008), the European Council finally reached an agreement and adopted the European Pact on Immigration and Asylum in mid-October. The Pact, as stated by the Council, aims to constitute the new basis for the Union and its Member States on a common immigration and asylum policy (Council 2008a: 8). The objective was to combat illegal immigration, while supporting the integration of legal immigrants (Agence Europe 2008). More precisely, the basic political commitments agreed by the Member States in the Pact were “to organize legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration” (Council 2008c: 4). In this regard, Member States were invited to establish “ambitious” integration policies in line with the Common Basic Principles on Integration (Council 2008c). In the early drafts of the Pact, the French had included the use of integration contracts between migrants and the host country. According to EUobserver, “[t]he contracts would have made it obligatory for immigrants to adopt so-called national and European values, as well as to take compulsory language lessons” (Goldirova 2008). Yet, the integration contracts were abandoned by France, giving in to pressure from Spain. Dropping the idea of the contracts was for Spain a *sine qua non* condition for agreeing to the Pact (Goldirova 2008).

Shortly after the adoption of the Pact, integration issues were further—and separately from immigration issues—discussed at the EU level, in the framework of the third ministerial conference in Vichy. The Declaration adopted by the ministers emphasized the need to encourage and explore the Common Basic Principles in relation to the numerous following areas: promotion of European Union’s fundamental values; integration process; access to employment and promotion of diversity in employment; integration of women and education of children; intercultural dialogue at the service of integration; and integration policy governance (Council 2008b). The outputs of the ministerial conference were formally adopted by the JHA Council at the end of November (Council 2008b). In conclusion, what needs to be remembered from the Pact, and from the French

Presidency in general, is that it really created “a strong link between integration and migration issues” (Interview B17) at the EU level.

In 2009, two new tools completing the EU cooperation were launched by the Commission: the European Forum on Integration, and the European Website on Integration (EWSI). In addition, the new multi-annual program for the AFSJ was adopted by the European Council in December (European Council 2009). With regard to integration, the Stockholm Program restated the importance of successful integration policies in order to maximize the benefits of immigration and underlined that “European cooperation can contribute to more effective integration policies in the Member States by *providing incentives* and *support* for the action of Member States” (Council 2010a: 106, emphasis added). Furthermore, the European Council gave the Commission a mandate to support Member States’ efforts:

- “through the development of a coordination mechanism involving the Commission and the Member States using a common reference framework, which should improve structures and tools for European knowledge exchange;
- to incorporate integration issues in a comprehensive way in all relevant policy areas;
- towards the identification of joint practices and European modules to support the integration process, including essential elements such as introductory courses and language classes, a strong commitment by the host community and the active participation of immigrants in all aspects of collective life;
- towards the development of core indicators in a limited number of relevant policy areas (e.g. employment, education and social inclusion) for monitoring the results of integration policies, in order to increase the comparability of national experiences and reinforce the European learning process;
- for improved consultation with and involvement of civil society, taking into account integration needs in various policy areas and making use of the European Integration Forum and the European website on Integration,;
- to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts at all levels” (Council 2010a: 107–108).

A few months after the adoption of the Stockholm Program, the Commission issued a new report in view of the upcoming ministerial conference in Spain. The report was centered on three main axes: fundamental rights, intercultural dialogue and active citizenship (European Commission 2010a). Furthermore, the Commission emphasized that there was a new political and legal context,

which would bring changes to the integration policy at the EU level. This new context resulted from a conjunction of two elements: the adoption of the Stockholm Program on the one hand, and the entry into force of the Lisbon Treaty on the other. As regards the entry into force of the Lisbon Treaty, this was a fundamental step as it for the first time provided a firm legal basis for EU activities in the migrant integration area. This legal basis may have created new opportunities, and “enable the Commission to do more”, but also, and this is almost as important, it “justif[ies] what had been done already” (Interview B19). According to an interviewee, “there [was] a logic to put into the Treaty what was already being done” (Interview B11). The same interviewee sees Lisbon as a “key moment because it gave legitimacy” (Interview B11). And without doubt, in an area so close to the issue of Member States’ sovereignty, legitimacy is the key for doing anything.

Under the lead of the Spanish Presidency in April 2010, the third informal ministerial conference was organized. The aim was not only to discuss theoretical concepts related to integration, but to take a pragmatic step forward, according to Anna Terrón, the then Spanish state secretary for immigration: “[o]ver and above theoretical discussions on integration, we have to establish these common indicators” (quoted in Europolitics, Vandystadt 2010). In addition to the discussion on indicators, ministers agreed to focus on and explore “the key aspects of integration as a driver for development and social cohesion by incorporating integration issues in a comprehensive way in all relevant policy fields”, with particular attention devoted to the areas of employment and education, policy evaluation and finally, intercultural dialogue and urban areas issues (Council 2010b: 4ff.). Also, on the occasion of this ministerial conference on integration in Saragossa, the Commissioner in charge of integration issues—Cecilia Malmström—gave a speech²⁵ in which she announced an upcoming new Commission strategy for integration for 2011. Malmström stressed that it was necessary to take into account the new political context, *i.e.* the Lisbon Treaty, the adoption of the Stockholm Program, “EU 2020”,²⁶ but also the economic and financial crisis.

In addition, the Council invited the Commission to elaborate a new integration agenda (Council 2010b: 10). Indeed, most of the tools proposed in the first Agenda adopted in 2005 (European Commission 2005a)—the National Contact Points on Integration, the Integration Handbooks, the European Website on Integration, the European Forum, and the European Integration Fund (see the Instruments section in this chapter)—had been set up by then (European Commission 2011a: 4). The new Agenda was released in July 2011, highlighting integration challenges in the European Union and suggests recommendations and areas for actions to overcome these

²⁵ Available at http://ec.europa.eu/commission_2010-2014/malmstrom/archive/integration_zaragoza_2010_04_en.pdf (last accessed 01.06.2011).

²⁶ Europe 2020 is the new EU’s growth strategy, succeeding the Lisbon Agenda.

challenges (European Commission 2011b: 3). The focus was placed on three key areas: integration of migrants through participation; increasing the involvement of the local level in integration policy; and relationships with migrants' countries of origin with respect to their role in the integration process (European Commission 2011b). In reaction to this Communication, the JHA Council adopted Conclusions (Council 2011). Both the content of the Agenda and the Conclusions will be further discussed in the chapters on the negotiations (Chapter VII and Chapter VIII).

To conclude this section, a few elements characterizing this policy area can be underlined by observing its chronological developments. Firstly, compared to the other so-called Tampere milestones, integration policy was initially not a priority for the EU. It took a relatively long time to witness the first steps towards the elaboration of the policy, even though a clear mandate to act at the EU level was established with the Tampere Program.

Secondly, and related to the previous point, it seems that the elaboration of the policy was highly dependent on the interests of specific Member States, notably those holding the Presidency of the Council during formative moments in the development of the policy. The Netherlands, France, Germany and Spain in particular have been central to the development and strengthening of the policy, while other Member States have not devoted much attention to it during their Presidency of the Council. However, if the Council has not given continuous attention to integration issues, the Commission has more or less been constantly involved, after the adoption of the Common Basic Principles in 2004.

Thirdly, the main orientations of the policy have remained quite stable over time: even if these orientations have been elaborated and adapted to the evolving political context, the main philosophy has not changed *dramatically* through the years. However, the consistency of the policy orientations does not apply to the policy tools. Indeed, the policy tools underpinning the EU policy have been added in a gradual manner. All in all, the elaboration and development of the policy have thus far been of a very incremental nature: since its inception, the cooperation has constantly been—and remains—under construction.

Policy Mode

In this section, I will present and discuss one specific aspect of the EU cooperation in the field of migrant integration, namely its policy mode. Policy mode is here understood to be composed of

two distinct elements. First, the policy process: which European Institutions do what? Second, the steering mechanisms used to reach the goals of the cooperation. The ultimate goal of the EU cooperation is to modify national policies so as to make them effective and to induce some degree of voluntary convergence between the Member States.

Policy Process

To discuss the policy-making process, I will approach the matter by adopting a perspective centered on the European Institutions. Unlike other, more integrated policy areas, migrant integration related activities at the EU level do not follow a linear process, and the allocation of responsibilities between the Institutions is not clear-cut. The main reason for this state of affairs is that the EU competence was thin, even non-existent, at the beginning of the cooperation. Once the work of the Union in this area acquired a sound legal basis, it remained only a supportive competence. Yet, it is still possible to see some patterns in the EU cooperation. On a very general level, the cooperation follows a dynamic where the main impetus and orientations are given by the European Council and the JHA Council. The Commission acts on this mandate and either fleshes out what has been decided by these Institutions, or formulates initiatives that materialize the ideas put forward at the political level. The main working method of the Commission has been to adopt Agendas—in 2005 and in 2011, respectively. These Agendas can be seen as sort of working programs, where the Commission presents what it intends to do in the upcoming years in the field. The JHA Council discusses these Agendas and adopts Council Conclusions on the matters. In fact, almost every time the Commission takes a new step in the field, the Council takes a position on the matter.

With regard to policy initiatives, the European Council, the Council of Ministers (under the JHA configuration), and the Commission are the main Institutions. Neither the Parliament nor the European Economic and Social Committee plays a noticeable role in this phase. As stated above, three Institutions are important in the phase of policy initiation, yet to different degrees and extent, although each of them has initiated specific instruments of the cooperation. First and probably foremost, the European Council has fully assumed its role as agenda-setter by giving a mandate for the establishment of EU cooperation in 2003 in Thessaloniki. Given the limited Community competences and the highly sensitive nature of migrant integration issues, a mandate at the highest political level was probably a necessity. The second Institution, the Council of Ministers has also taken initiatives on several concrete outputs of the cooperation, namely the NCPI, the European indicators and the European modules. Finally, the Commission—almost always bearing in mind

that its initiatives are made in order to implement the ideas endorsed by the Council—has taken the initiative for developing the Forum, the Handbooks and the European Fund.

Turning to another phase of the policy process, namely the elaboration of these initiatives, the main Institutions are the Council and the Commission. The European Council was only involved in the formulation of the CBPs, establishing their main elements. On that basis, the JHA Council, with the help of the NCPI, has elaborated and adopted the CBPs. In other words, the normative basis of the EU cooperation has been elaborated by the Institutions representing the Member States. The Council also shaped the elaboration of the Fund, on the basis of the Commission proposal. It was also involved to some extent in the elaboration of the indicators, and arguably, of the modules, depending on how precisely the Council laid down the contents of these instruments when adopting Conclusions on the matter.

The Commission has been formally involved in the elaboration of all the outputs, save for the Common Basic Principles where it only provided support, but did not participate in the actual decision-making process. Yet, most of the time, the elaboration of concrete instruments was made in cooperation with the NCPI, such as the reports, the indicators, the handbooks and the modules. In other words, the only instances where Member States' representatives were not formally included in the elaboration process was the setting up of the Forum and the EWSI. The omnipresence of the Member States in the elaboration process can be seen from two different perspectives: it allows the Member States to keep control of what the Commission is doing, but it also has the advantage that joint decisions give a sense of co-ownership to the Member States and produce outputs that would be well received and therefore more effective.

Having dealt with the main Institutions of the policy process, it is also worth mentioning those that play a secondary role: the European Economic and Social Committee and the European Parliament. The EESC—which is a purely consultative institution—has attempted to be involved since the early beginning of the policy, as migrant integration issues are cross-cutting within its main areas of interest, the social and economic domains. As early as 2002, the EESC called upon the Commission to establish a comprehensive framework for the social integration of migrants (Agence Europe 2002a; European Economic and Social Committee 2010a), and has since continued to display a proactive attitude within the limits of its competences, by issuing own-initiative opinions that deal with these matters. For example, in 2010 the EESC called on the EU to “strengthen the links between its integration policies and the social policy agenda” (Agence Europe 2010). Beyond this proactive and independent role, the EESC also acts upon requests from other institutional actors, by giving exploratory opinions, for example on migrant workers, as requested by the Spanish Presidency in 2010 (European Economic and Social Committee 2010b)

or by the Commission, which asked the Committee to draw up a concept for the subsequently established European Integration Forum. In addition to exploratory and own-initiative opinions, the EESC also assumes—in tandem with the Commission—an organizational and representative role in matters concerning the European Forum on Integration (see the Instruments section in this chapter).

With regard to the European Parliament, it has—so far—been a rather marginal player in relation to the elaboration and development of the EU cooperation. However, if the Parliament has not formally been involved in the policy process, this has not prevented it from employing its right to deliberate on these kinds of issues (see Jacqué 2006: 267) and to adopt several resolutions on migrant integration. The Parliament has thus on several occasions emphasized that integration of third-country nationals must be part of the common EU immigration policy (European Parliament 2005: point 1; 2006a: point L; 2006b: point 9; 2009: point E), as well as the significance of having a dedicated policy at the EU level.²⁷ Indeed, not only has the Parliament adopted a “fierce” position in favor of EU involvement in migrant integration issues, but it has also clearly advocated for a policy, which could encompass the basic coordination of national policies (European Parliament 2005: point 49). Thus, the Parliament has pushed for a stronger and more ambitious policy, such as an OMC process proper (2005: point 48). Generally, however, the Parliament is the European Institution that is left on the sidelines in this process, overshadowed and little heard by the European and the JHA Councils. Consequently, the Parliament has displayed a certain amount of skepticism concerning the willingness of the other Institutions to further advance the development of the policy.²⁸

In conclusion, the overall picture seems to be one of the institutions representing the Member States assuming a lead in the process, thus keeping it firmly under their control. The Commission has little room to maneuver and its role has mainly been limited to specifically delegated tasks. As regards the other institutions involved in the policy process—notably the European Parliament and the EESC—although they have attempted to shape the policy by adopting opinions or resolutions, they seem so far to have had a rather limited impact on the process. Furthermore, we can observe the contours of an emerging divide between the EU Institutions in relation to the EU cooperation, chiefly with respect to the degree of integration and the favored policy mode: on the

²⁷ Interestingly, the European Parliament draws a comparison between Member State accession and migrant integration policy: “these over 40 million immigrants might be seen as the EU’s 26th Member State (and its fifth largest in terms of population), and the EU’s concern and efforts to integrate this population should be equivalent to EU commitments to integrate accession countries” (2006a: point D).

²⁸ This distrust is obvious in the following Parliament declaration: “the EU institutions should ensure that their well-meant initiatives do not simply become symbolic policies with no added value” (European Parliament 2006a: point J).

one hand, the Commission has proposed the use of a formal OMC procedure, an initiative which has been widely backed by the Parliament and the EESC; yet, this has on the other hand been squarely rejected by the Council. Hence, the dynamics and division of labor among the Institutions thus far may be summarized as the European Council and the JHA Council decide, the Commission acts, while the other Institutions watch. However, with the changes brought by the entry into force of the Lisbon Treaty, this institutional configuration and dynamics could evolve in the future. The Treaty thus calls for the ordinary legislative procedure to be applied in the field of migrant integration policy, which may lead to a greater involvement of the European Parliament in shaping the policy and an enhanced agenda-setting role for the Commission.

Instruments

Policy instruments are, according to Howlett's seminal definition, "the generic term provided to encompass the myriad techniques at the disposal of governments to implement their public policy objectives" (1991: 2), or, put more simply, the "means to achieve ends" (Bähr 2010: 1). In the EU cooperation, the "ends" are to ensure that national integration policies are effective and to induce some degree of policy convergence. The instruments of the EU cooperation are therefore addressed to national policy-makers. The public policy literature distinguishes three main types of instruments: command and control (regulation), incentives based, and, finally suasive instruments (see for example de Bruijn and Hufen 1998). Instruments of the first type, command and control, "directly affect the addressees of political steering. They establish legally binding provisions that prescribe specific goals and the way these goals must be achieved" (Bähr 2010: 18). Those to whom these instruments are addressed have little choice in that case and face sanctions in case of non-compliance. In the EU context, this more concerns hard law type instruments, such as directives or regulations. In the EU cooperation in the field on integration, command and control instruments are, however, non-existent. The second type of instruments—financial incentives—is non-coercive in comparison to command and control instruments (de Bruijn and Hufen 1998: 18) and the target group of such instruments is "in large part, free to decide whether to react to the incentive" (de Bruijn and ten Heuvelhof 1998: 77). The incentives can be either positive or negative. This type of instrument is present in the EU cooperation, for example with the Integration Fund that provides positive incentives to Member States for changing their policies. The last type of instruments, suasive instruments, "provide information and seek to persuade the addressees of political steering to behave in a certain way. They rely on voluntary compliance" (Bähr 2010: 18). The EU cooperation is mostly based on this last type of instruments, with the exception of the Fund as

mentioned above, with the use of guidelines, benchmarks, networks, and best practices. Let us consider each instrument used in the EU cooperation in the field of migrant integration in turn.

Suasive Instruments

Guidelines

CBPs

The Common Basic Principles²⁹ were, as said earlier, formally adopted by the JHA Council in 2004. The project of establishing Common Basic Principles was initiated at the highest political level—the European Council—in Thessaloniki in 2003. While they are not guidelines as such, they are very close to such tools, since they establish what integration policies should aim at and with what content.

The CBPs occupy a central place in the EU cooperation, to the extent that they constitute its main *normative* instrument. Although not legally binding, they do in fact represent a big step in this area as the CBPs constitute a clear political commitment by the Member States. In light of the diversity of policy traditions and regimes at the national level, it is indeed rather surprising that the Member States managed to reach consensus on what should constitute the aims and priorities of integration policies. In addition to establishing normative orientations, the CBPs also structure and give a clear frame to the other instruments sustaining the cooperation.

The Principles—as laid down in the Council Conclusions—are intended to achieve numerous aims, both at the national and EU levels. Regarding the domestic level, officially, the CBPs aim to assist Member States in formulating their national policies, by providing a “simple non-binding but thoughtful guide” against which the Member States can assess and adjust their existing policies, while also helping them set priorities and goals (Council 2004a: 16ff.). In addition, with respect to improving governance, the CBPs may facilitate the involvement of non-governmental stakeholders and improve the interaction between different levels of governments, both in terms of formulation and implementation of national policies. Concerning the EU level, the CBPs serve several important objectives. Firstly, they aim to complement the existing legislation, which touches upon integration issues, such as the Directives in the field of legal migration. Secondly, they serve as an instrument to structure the dialogue between Member States and EU Institutions in this field. And

²⁹ See Annex I for the list of CBPs in their original formulation.

thirdly, they accommodate the further development of the EU cooperation by, on the one hand, assisting the EU in refining other existing tools, while facilitating consensus in the Council on the adoption of new tools, on the other (Council 2004a).

With respect to the concrete content of the Common Basic Principles—eleven in total—a distinction can be made between those CBPs that concern the substance of integration policy, and those that are related to the policy process. CBPs 1 through 9 are the ones that deal with the substance. Starting with a common European definition of integration as “a two-way process of mutual accommodation”, which should include efforts from both the migrants and the host society (CBP 1), the subsequent principles touch upon the three main integration domains—that is, the cultural, socio-economic and politico-legal domains (Penninx 2004).

Regarding the cultural domain, it occupies a central position in the cooperation with four principles of the eight dealing with the three integration domains related to this particular issue. The “cultural” Common Basic Principles stress firstly that integration implies respect for European values (CBP 2), combined with a strong emphasis on the fact that it is essential for migrants to acquire a basic knowledge of their host society, such as its language, history, and institutions (CBP 4). In addition, frequent interactions between migrants and the host society are recommended (CBP 7). Finally, CBP 8 states that migrants’ cultural and religious practices should be respected and allowed—as long as they do not conflict with any national or European laws. Concerning the socio-economic domain, two principles emphasize the fundamental importance of employment and education in relation to integration (CBP 3 and CBP 5), especially in the sense of guaranteeing and improving access to these areas for migrants, as they are seen as a crucial aspect of the integration process. Finally, the CBP dealing with the *politico-legal* domain underlines the importance of ensuring that migrants are granted, to the widest extent possible equal rights and access to public institutions and public goods (CBP 6), as well as being included in the political process, both at the individual and collective level, such as consultative arrangements to enhance migrant participation in policy-making (CBP 9).

The second type of CBPs relates to policy governance, strongly encouraging the mainstreaming of integration policies, both in terms of the formulation and implementation phases, across every level of governance and across all relevant policy portfolios (CBP 10). Along with the idea of mainstreaming, a strong emphasis is placed on the necessity of developing clear goals and indicators (CBP 11). The rationale for this recommendation is twofold: on the one hand, this would facilitate better and more accurate policy evaluations and, where required, adjustment of national policies. On the other hand, clear goals and indicators would greatly increase the efficiency of information exchange at the EU level. The Commission, by means of the First Agenda, has sought to respond

“to the invitation of the European Council to establish a coherent European framework for integration” (European Commission 2005a: 4). The Agenda suggested practical measures to translate the CBPs into practice.

Networks

The cooperation is also sustained by networks, namely the National Contact Points on Integration (2002) and the European Integration Forum (2009). These are not instruments in the classic sense because they do not require implementation in the Member States and do not impose obligations. They are, however, central because they provide information to the participants; they convey or create knowledge and they participate in the elaboration of the other instruments. In this case, the addressees have an opportunity to take part in the regulatory process.

National Contact Points on Integration

The National Contact Points on Integration met for the first time in March 2003 (Carrera 2008: 13). The network was set up by the Commission, following a request from the Justice and Home Affairs Council (Council 2002: 18). The NCPI were the very first concrete step of the EU cooperation in the field of integration policy. They are composed of national civil servants from the ministries responsible for integration issues. The National Contact Points serve several purposes: firstly, they aim to encourage and facilitate the exchange of information and best practices. Secondly, they ensure policy coordination between the national and the EU levels, and, thirdly, they also monitor progress at the national level (Urth 2005; Carrera 2008: 13). The meetings, chaired by DG Home Affairs (Carrera 2008: 12), are held on a regular basis, approximately every 2-3 months, with conferences, expert seminars, and informal contacts via phone or email in the intervening period (Interview B3).

The NCPI network is a cornerstone of the cooperation and is almost always involved in all its different aspects. Among other things, the NCPI participated in the elaboration of the CBPs, and played a key role in the formulation of the Integration Handbooks and drafting process of the modules. They further took part in the reunion of the European Integration Forum. Even when the Council negotiates on the matter, it seems that some of the Member States’ representatives in Brussels work closely with the policy officer who is “the national contact point” back in the capital (Interview B3, Interview NL1). Their centrality in the process of coordination is not surprising, however. They are, after all, representing the Member States in the cooperation on a day-to-day basis in areas of limited EU competences and they form the link between the Commission and the

national administrations. Also, considering the limited manpower available to the Commission in this field, they are most likely the channel through which the Commission is made aware of developments, issues and debates in the 28 Member States. The network is also an opportunity for the Member States to transmit their positions or claims to the Commission (Interview B3). At the end of the day, the network, in theory, provides opportunities for the Commission to know what is going on in the Member States, for the Member States to know what the Commission is doing and to make their claim known, and, finally for the Member States to meet each other. We could almost say that the NCPI are the essence of “the cooperation and coordination.”

*European Integration Forum*³⁰

One of the initiatives foreseen by the Commission in its 2005 European Agenda for Integration (European Commission 2005a), the European Integration Forum was launched in April 2009. To implement this project, the Commission asked the EESC for support, notably via an exploratory opinion on the “elements for the structure, organization and functioning of a platform for the greater involvement of civil society in the EU-level promotion of policies for the integration of third-country nationals” (European Economic and Social Committee 2009). Issued in 2008, the Opinion received strong support at the ministerial conference on integration in Vichy (European Economic and Social Committee 2008). Based on this exploratory opinion, the Commission settled on the rules of procedures of the Forum, with the consent of the EESC (see the exchange of letters between Commission Vice-President Jacques Barrot and EESC President Mario Sepi (2009)). This partnership between the Commission and EESC was reflected in most organizational aspects of the Forum, such as the selection of participation, and the logistics of the bi-annual plenary meetings of the Forum.

The main goal of the Forum is to involve the stakeholders and to provide a “voice for representatives of civil society on integration issues” and “for the Commission to take a pro-active role in such discussions” (Barrot and Sepi 2009). Indeed, looking at the composition of the Forum, it provides a bridge between civil society and the European Institutions. Its participants—about 100, selected by the Commission, with the help of EESC—include representatives from the Institutions (European Commission, EESC, Committee of the Regions, and European Parliament); NCPI from the Member States of the Troika Presidency of the Council; experts; EU umbrella NGOs, active across several Member States; and finally representatives of consultative bodies and platforms from the national level (Barrot and Sepi 2009). To fulfill this goal, the

³⁰ It has been announced that the European Integration Forum will enlarge its scope and become the “European Migration Forum” from 2015 onwards. Source: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2014/20141015_01_en.htm (last accessed 10.01.2015).

European Integration Forum’s main tasks are to: share information, technical know-how and good practices; tackle technical issues when relevant; and to draw up reports, both on its own initiative and at the request of the Institutions (Barrot and Sepi 2009). In summary, as Barrot put it, the Forum is “a tool for consultation, exchange, emulation and proposal” (Barrot 2009: 4, my translation).

Defined by the Forum Bureau (comprising the Commission, EESC and two Forum members), its activities and agenda are informed by the Common Basic Principles, and rooted in the EU legal mandate and policy context (Barrot and Sepi 2009). More concretely, for each bi-annual reunion of the European Integration Forum, specific themes are addressed. For example, the relationship between migrants and media, integration of young people, the economic dimension of migration, but also much more controversial issues for the Member States, such as the involvement of countries of origin in the integration process (European Integration Forum 2010a; 2013a; 2012b; 2011). In parallel to these thematic discussions, the Forum is also consulted on important aspects of the policy initiatives and processes on integration at the EU level by the Commission, namely possible inputs of the Forum for the elaboration of the Second Agenda of the Commission (European Commission 2011b), the future of the (post-Stockholm) JHA multi-annual program, and public hearings for the Commission Green paper on family reunification (European Commission 2011c) (European Integration Forum 2010a; 2012a; 2013b).

Best Practices

Handbooks for Policy-Makers

The Handbook on Integration for policy-makers and practitioners was launched under the initiative of the Commission in 2004. The Commission presented the Handbook as a way to follow up on the 2003 European Council of Thessaloniki, which underlined the importance of developing the cooperation and information exchange (European Commission 2004a: 6). After the first publication, two additional editions were released in 2007 and 2010. The aim of the Handbook is to act “as a driver for the exchange of information and best practices between the Member States” (European Commission 2004a: 6)—best practices in this context being defined as “approaches that have been shown, through research and evaluation, to be effective and sustainable and produce outstanding results, and that can be applicable in and adapted to a different situation” (European Commission 2004a: 11). The Handbook is addressed to policy-makers in the field of integration policy, at the national, local, regional and EU level, although other stakeholders might also find it useful.

The Handbook is prepared by the Commission in close cooperation with the National Contact Points on Integration, based on technical seminars hosted by the ministries in charge of the integration portfolios in the various Member States (Kate and Niessen 2007: 4). DG Home Affairs delegated the final elaboration and writing of the Handbook to the Migration Policy Group, an independent European think-tank. Regarding the content of the Handbook, each of the three editions deals with different themes. The first Handbook (2004) covers three main areas: introduction courses for newly arrived migrants and refugees; migrant participation in political and civic life, and the elaboration of integration indicators. The second edition in 2007 (European Commission 2007b) addresses housing and urban issues; access to services and the labor market as well as broader issues concerning economic integration; policy mainstreaming; and integration infrastructure. Finally, the third issue of the Handbook (European Commission 2010b) concerns issues such as: the role of the mass media; the importance of raising awareness of migrant integration issues in the host societies; dialogue platforms; acquisition of nationality and practices of active citizenship; and young migrants, education and the labor market. The three handbooks seem to have been well received by the Council (Council 2005: 25, Council 2007a: 25, Council 2010b: 11). The Handbooks have subsequently been replaced by the European modules.

Modules on Migrant Integration

The European integration modules are one of the most recent tools developed in the context of the EU cooperation. Originally, a call was made in 2007 by the Council to consider the added value of having European modules. Interestingly, this call was addressed not to the Commission but to the NCPI, supported by the Commission (Council 2007a: 25–26). Integration ministers requested that the NCPI give priority to the development of the modules (Council 2008b: 11)—a request that was reiterated on several occasions, notably during the ministerial conference on integration in 2010 as well as in the Stockholm Program (Council 2010a: 65; Council 2010b: 11). Draft European modules were released in 2011 (European Commission 2011d) and the final version in 2014 (European Commission 2014).³¹ The modules were elaborated by the NCPI, with the help of service providers.³² The European modules are targeted at national authorities (European Commission 2011d) and, as mentioned earlier, are replacing the Handbook (European Commission 2011b: 11). More than knowledge exchange and presentation of best practices, the modules aim at becoming a “reference” for Member States (Council 2010b: 11) and at being, in the words of the Commission, a “flexible European tool box”, that can be adapted to different

³¹ http://ec.europa.eu/ewsi/UDRW/images/items/docl_40802_750229173.pdf (last accessed 06.01.2015)

³² http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=25494 (last accessed 28.10.2012).

contexts (European Commission 2011b: 11). To some extent the modules can be seen as providing non-binding guidelines or policy recommendations. Clearly, they constitute a further step in the cooperation: one expert explained that with the modules, the cooperation went from having “a frame” to having “a mold” (Interview B1). Yet, this assessment does have to be taken with some caution as the Council has not officially endorsed this view and the elaboration process has been mainly technocratic. So far, and as identified by the Council, three modules have been developed in the following key areas: introductory and language courses; strong commitment by the receiving society; and active participation of migrants in all aspects of collective life (European Commission 2011b: 12). For each draft module, the working method was based on a four-step approach (European Commission 2011d: 5):

- 1) “Identify key challenges across the EU within the three themes
- 2) Identify good practices across the EU that address the challenges
- 3) Prioritise the topics and select good practices to be discussed with experts
- 4) Develop the components of the module during an expert seminar.”

European Website on Integration

Called for as early as 2004 by the European Council (2004: 15), the European Website on Integration³³ was launched by the Commission in April 2009, in conjunction with the European Integration Forum. While the Forum functions as a “physical platform”, the website constitutes a “virtual platform” for the involvement of civil society stakeholders in the EU cooperation (European Commission 2009a). It primarily targets integration practitioners and policy-makers active in the field of integration. The European Integration Website appears to provide a very versatile tool and network possibilities. Firstly, the website is extremely rich in terms of factual information: it provides details about funding opportunities (EU, national and private sources); links to policy papers, legislation and ministries responsible for each Member State; news updates about policy developments at the national and EU levels; a presentation of the EU integration framework; and, finally, an agenda of upcoming events in the field. Secondly, the website facilitates the dissemination of best practices. Thirdly, it encourages user involvement and contribution as it is possible to upload documents, such as policy papers or academic research, that are then made accessible to the wider public. And finally, the website creates networking opportunities for stakeholders via a virtual discussion Forum and a directory of all registered members, which contains their names, positions, and nationality, as well as the possibility to contact them directly.

³³ <http://ec.europa.eu/ewsi/en/> (last accessed 28.10.2012).

Benchmarks

Indicators

Indicators in the field of integration policy are one of the latest tools of the cooperation, just like the modules. In this context, officially, the indicators are intended to perform two tasks. Firstly, they may assist the Member States in assessing their own national policies (Council 2007a: 26). Secondly, common indicators allow for a more systematic comparison of national policy outcomes, which in the view of the European Council would reinforce the “European learning process” (Council 2010a: 107). Despite the fact that the issue of indicators has been on the agenda since the introduction of the cooperation—they were mentioned in the Common Basic Principles (CBP 11)—developing indicators was initially not a priority. During the German and French Presidencies, in 2007 and 2008 respectively, the theme of indicators regained political attention, however. Concrete efforts started in 2009, outside the political arena, with an expert meeting organized by the Swedish Presidency in Malmö. The outcomes of this expert meeting were then endorsed by the Justice and Home Affairs Ministers in 2010. Quantitative indicators, taking the population as a whole as a benchmark, were agreed in four different domains: employment, education, social inclusion, and civic citizenship (Council 2010b: 14; see Annex II for the list of the indicators). The Council also gave a mandate to the Commission to assess the proposed indicators, “taking into account the national contexts, the background of diverse migrant populations and different migration and integration policies of the Member States, and reporting on the availability and quality of the data from agreed harmonized sources necessary for the calculation of these indicators” (Council 2010b: 12). A first pilot study was released by Eurostat in 2011 (Eurostat 2011).

Reports

Proposed by the Thessaloniki European Council in 2003, the reports on integration and immigration are elaborated by the Commission in collaboration with the NCPI. Three annual reports have been published, in 2004, 2006 and 2007 (European Commission 2004b; 2006; 2007c). They provide an overview of trends in national integration policies, along with progress made at the EU level. The second and the third of these reports are much more precise and elaborated than the first in the sense that they refer to particular countries, whereas the first report was of a more general nature. Furthermore, the last report was structured around the CBPs. However, the reporting process has changed over the past years: instead of releasing information on national policies, the Commission was asked to prepare reports to facilitate the work of the ministerial

conference on Integration (Commission 2008b). These reports contain little information on developments at the national level, but focus rather on policy developments at the EU level.

Incentives Based Instruments: Positive Financial Incentives

*European Integration Fund*³⁴

The European Fund for the Integration of Third-Country Nationals, with a budget of €865 million for 2007–2013, was the financial instrument that sustained the EU cooperation in the field of integration. Integration-related activities at the EU level had already been funded, with limited resources, since 2002. Due to the success of the pilot projects, the Commission advanced the idea of a proper fund for integration, on the occasion of the first ministerial conference in Groningen in 2004 (European Commission 2005b: 104). This idea became more concrete with the Commission’s proposal of establishing the European Integration Fund in 2005. This was done in the context of the prospects of the general financial program “Solidarity and Management of Migration Flow”, which aimed to address issues of burden-sharing between the Member States, resulting from the introduction and implementation of common EU policies on asylum and migration (Council 2007b, preamble).

Two years after the proposal, the Council adopted the Decision establishing the Fund for the period 2007–2013 (Council 2007b), endowing the financial instruments with a total amount of €865 million. The Council decision was addressed to all Member States taking part in EU immigration and asylum policies, including Ireland and the UK. The only Member State not participating in the activities of the Fund was Denmark. The implementation of the Council decision was delegated to the Commission (art. 21).

Targeted in particular at newly arrived migrants, the general ambition of the EIF was to “support the efforts made by the Member States in enabling third-country nationals of different economic, social, cultural, religious, linguistic and ethnic backgrounds to fulfil the conditions of residence and to facilitate their integration into the European societies” (art. 2). Beyond this general objective,

³⁴ Although outside the timeframe of this dissertation, it is important to mention that the European Integration Fund has ceased to exist as a separate entity. Following a restructuring and rationalization of Home Affairs funding, integration-related activities funding is now integrated into the Asylum, Migration, and Integration Fund. Unlike the EIF which was based on a Council decision, the Asylum, Migration, and Integration Fund was established by a Regulation of the Council and the Parliament under the ordinary legislative procedure (Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund). An amount of €3137 million has been allocated to the Fund for the period 2014–2020, of which €2752 million are earmarked for the Member States (art. 14 and 15 of the Regulation). It is interesting to note that the new fund widens the target group of third-country nationals and also puts much more emphasis than the EIF on funding pre-departures measures in countries of origin (art. 8 of the Regulation). The link between integration and legal migration is greatly put forward, as they are in the same chapter of the Regulation.

the Fund has specifically aimed at promoting four goals (art. 3): (a) support for the development and implementation of admission procedures related to the integration process; (b) development and implementation of integration processes for newcomers; (c) supporting Member States' capacity "to develop, implement, monitor and evaluate policies and measures for the integration of third-country nationals"; (d) and finally, sharing of information and best practices between/within Member States.

Operationally, the Fund acted in accordance with the Common Basic Principles, while seeking to complement the European Social Fund. Concerning the programming, the Commission was requested by the Council to establish the Fund's strategic guidelines (art. 16). These strategic guidelines, which were laid down in a Commission decision, set up four priorities. The first priority is the implementation of actions that translate the CBPs into practice. The Commission refers in particular to the concrete measures put forward in the 2005 Agenda, and the Handbook as a complement. In addition, and following the logic of the EIF, newcomers should be the primary target groups of the measures. The Commission suggested, in that sense, that actions under this priority "may include programmes and activities designed to introduce newly arrived third-country nationals to the host society and to help them acquire basic knowledge about the host society's language, history, institutions, socio-economic features, cultural life and fundamental norms and values"(European Commission 2007d: 4). The other mandatory priority concerns the "[d]evelopment of indicators and evaluation methodologies to assess progress, adjust policies and measures and to facilitate co-ordination of comparative learning" (European Commission 2007d: 4). The third priority concerns policy governance, namely capacity building and coordination between the different level of governments and mainstreaming of integration policies. The fourth priority concerns the sharing of experiences, information and good practices between the Member States (European Commission 2007d: 4).

On the basis of the strategic guidelines, Member States were asked to draw up multi-annual programs, to be approved by the Commission. These multi-annual guidelines had to contain a minimum of three of the Commission's priorities, of which the first and second priorities had to be included (European Commission 2007d: 3). In turn, these national multi-annual programs were to be implemented via annual programs (art. 19), also submitted to the authority of the Commission. Financial contributions to actions undertaken in the Member States took the form of grants, which could not exceed 50% of overall costs, with the remaining resources coming either from public and/or private sources (art. 13).

With regard to the allocation of financial resources, 7% were allocated to Community activities (art. 5), which were used to sustain the European Integration Forum, the Website, and the

elaboration of the modules, among others. The remaining 93% of the resources were earmarked for national activities. The repartition of the funding between the Member States followed two lines of reasoning. The first one is, in the words of the Commission, that “many Member States (and in particular the new Member States) would need to make some structural investments to successfully integrate third country nationals” (European Commission 2005b: 106), possibly meaning that some Member States did not have much of an integration policy. This rationale was translated into the Decision by a yearly fixed amount of €500,000 for every Member State. The second line of reasoning behind the allocation was solidarity, taking into account the Member States’ relative situations, and therefore expressed by two proportionality criteria (European Commission 2005b: 106): the total number of legally-residing TCNs (40%) and the number of TCN newcomers, as measured by the number of TCNs having received a residence permit over the previous three years (60%) (art. 12). The fact that the second proportionality criterion had more weight was to reflect the fact that the Fund was primarily targeted at newcomers (European Commission 2005b: 106).³⁵

As regards the specification of the priorities chosen by the Commission, four of the eleven Common Principles are strongly noticeable. Priority 1 reflects the CBP 2 on European values and CBP 4 on the knowledge of the host society, while Priority 2 and 3 are informed by CBP 10 and CBP 11, respectively on governance and indicators. The Fund was truly one of the most important instruments, giving financial incentives to the Member States to adopt measures that would be directly inspired by what had been adopted in the framework of the EU cooperation. The efficiency of this instrument is of course dependent on the context: for example, in a country where the budget for integration is substantial, like Sweden, the Fund is less important than in countries with limited means.

³⁵ To give an indication of the Fund’s allocations, the five countries that benefited the most from the €448,167,000 in funding from 2007 to 2011 were Italy (17.48% of total amount for Member States), UK (14.96%), Spain (14.85%), Germany (13.75%), and France (8.02%). Four countries, among which are the Netherlands (2.4%) and Sweden (2.13%), received between 2 and 3%, while the rest of the Member States received between 0.6 and 1.92%. (Table available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/pdf/table_n1_v_200611_en.pdf) (last accessed 11.01.2015).

Table 4.1: Instruments summary

Name	Instrument	Instruments Type	Operational years	Initiator	Institution(s) involved in elaboration	Legal status
CBPs	Guidelines	Suasive	2004–	European Council	European Council, NCPI, Council	Non-binding
NCPI	Network	Suasive	2003–	Council	Commission	N/A
Forum	Network	Suasive	2009–2014	Commission	Commission, EESC	N/A
Handbooks	Best Practices	Suasive	2004–2010	Commission	Commission, NCPI	Non-binding
Modules	Best Practices	Suasive	2011–	Council	Commission, NCPI	Non-binding
EWSI	Best practices	Suasive	2009–	European Council	Commission	N/A
Reports	Benchmark	Suasive	2004–2007	European Council	Commission, NCPI	N/A
Indicators	Benchmark	Suasive	2009–	Council	Council, Commission, NCPI	Non-binding
EIF	Financial Positive incentives	Incentives Based	2007–2013	Commission	Council, Commission	Binding

Policy Type

In this final section, I will discuss the nature of the EU cooperation in integration policy; that is, the (normative) policy orientation(s) underlying the EU activities towards the integration of third-country nationals. The definition, conceptualization and perception of integration determine the most fundamental aspects of the policy at the concrete level, such as the ranking of priorities or the choice of policy instruments. To examine the nature of the European Union's conception of migrant integration is a difficult exercise for three reasons. Firstly, as it has been established with regard to national integration policies (see, for example, Freeman 2004 or Joppke 2007), there is no such thing as a fully unified conception of integration in any immigrant policy. We can reasonably expect then the same situation at the EU level, and possibly even to a greater extent than in a national context. Secondly, the different actors of the European Union institutional system do not necessarily share a perfectly similar understanding of what integration is, or should be. And, while the formal distribution of competences in this field grants the Council the "last word" in shaping the vision for EU integration, the influence of the other institutions cannot be ignored. Thirdly, integration conception is not a static object. It is subject to multifaceted dynamics and evolution over time, as can be seen in the profound changes and "mutations" that have occurred in some Member States during the past decade.

Keeping in mind these obvious limitations, I will sketch the broad outline of *what migrant integration policy is* at the EU level. Although the discussion will mainly be centered on the EU framework for the integration of TCNs, I will also briefly consider the relevant legislative instruments—the Family Reunification and the Long-Term Residents Directives. Indeed, as they contribute to the EU integration concept, including them in the discussion allows for a better understanding of the meaning of integration in the EU context.

As has been pointed out, numerous ways exist in which migrant integration are perceived at the EU level and reflected in actual policy (Kostakopoulou, Carrera and Jesse 2009: 167). Among those multiple conceptions of integration, two perspectives predominate: on the one hand, *integration as equal treatment*, and, on the other hand, *integration as a condition*. In the following paragraphs, I will elucidate both perspectives by defining them, explaining their rationale and illustrating how they influence the EU policy.

As regards *integration as equal treatment*, we may conceptualize it in the following way: migrant integration in the host society is the ultimate goal of the policy, and, as Iglesias Sánchez points out, is to be achieved by means of rights endowment (2009: 213), such as, for example, secure residence status or equal access to the labor market. This conception of integration has been perceived by

some scholars as the *traditional* understanding informing integration policy at the EU level, relying on the three main axes of social inclusion, equal treatment, and anti-discrimination (Guild, Groenendijk and Carrera 2009: 1–2). A clear manifestation of this perspective can be observed in the political commitment made at the Tampere summit in 1999, which placed the approximation of legal status between EU citizens and TCNs—leading to “near equality”—at the heart of the future EU cooperation in integration policy towards non-EU citizens. It can also be illustrated by the anti-discrimination Directives, but only to a certain extent, as they do not cover discrimination on the grounds of nationality. As Kostakopoulou, Carrera and Jesse point out, the high point of this particular vision came with the Directive proposals elaborated by the Commission concerning family reunification and long-term resident’s status (2009: 178), in which granting TCNs rights and secure status was clearly understood as a means of fostering the integration process.

However, if this equal treatment perspective was originally the one sustaining the EU actions, a new conception emerged in 2002 (Kostakopoulou, Carrera and Jesse 2009; Carrera and Faure Atger 2011: 54; Guild, Groenendijk and Carrera 2009). This more recent perspective, *integration as a condition*, radically differs from the first conception as it is based on a reverse rationale: in order for migrants to obtain certain rights, integration must be achieved, notably by following civic programs and/or passing integration tests. Migrants are required to learn the language and the history of their host society, and also to “internalise its values and ways of life” (Kostakopoulou, Carrera and Jesse 2009: 184). In its most restrictive variant, conditional integration performs the following functions: “filtering the population seeking entry, keeping the undesirables out, testing the resource and the commitment of the included, and [...] promoting ‘identificational’ integration” (Kostakopoulou, Carrera and Jesse 2009: 184).³⁶ Integration thus aims to control migration and to preserve (national) social cohesion. *If successfully completed*, migrants are “rewarded” by secure status and rights (Kostakopoulou, Carrera and Jesse: 2009: 181). In a nutshell, integration in this perspective is not the *telos* of the policy, but rather a means to an end.

As regards the EU hard-law instruments, it is paradoxically in the very same Directive proposals, which were the height of the fair treatment paradigm, that this second integration perspective entered the EU legislative scene. Indeed, the Member States—under the impetus of the German, Dutch and Austrian delegations—watered down the Commission proposals and inserted integration clauses in both Directives, expressing the conditional vision of integration (see for example Kostakopoulou 2010: 12–13). However, it is important to stress that this second

³⁶ It is important to emphasize that restrictive and selective integration policies (aiming at controlling immigration) should not be considered as being the functional equivalent of the so-called “zero immigration” policies. While in the former the aim is to reduce the maximum number of migrants, the latter aims at operating a selection among migrants.

perspective in the Directives is not translated into concrete legal obligations for the Member States, but leaves them the option of applying it.

Concerning the EU framework, integration as a condition—or an obligation—is very much present and it has been so from the early beginning of its concrete elaboration: already in 2002, the Council adopted Conclusions that foresaw the possibility of introducing integration requirements (Council 2002: 17–18). As the policy gradually developed, this perspective became increasingly manifest. Indeed, the elaboration of the Common Basic Principles on Integration, which are the cornerstone of the EU policy, was informed by this integration conception. This can be seen in the strong emphasis put on the necessity for migrants to respect, know and adhere to European and national values, while also acquiring a (basic) knowledge of the history, language, culture and institutions of the host society, as stated in the second and the fourth CBPs. These two CBPs truly testify to the paradigmatic shift from fair treatment to migrants' obligations, according to Kostakopoulou, Carrera and Jesse (2009: 183). The conception of integration as being an obligation and a selection tool becomes even more obvious, as emphasized by Kostakopoulou, when we consider that the Commission suggested the use of pre-departure packages to implement CBP 4 (2010: 15). The priorities and targets of the concrete tools adopted within the EU framework display many instances of this vision. For example, the first edition of the Handbook was very much focused on the issue of integration programs, which hints at the political priorities, while the European Integration Fund is primarily targeted at actions related to “migrant newcomers”, such as (again) integration programs. Another concrete manifestation of the predominance of the second integration conception can be found in the European Pact on Immigration and Integration—(see the Policy developments section in this chapter). The Pact appears to go further in the direction of conceiving integration as an obligation and a condition. Indeed, had the original draft version been adopted, this perspective would have attained its most extreme variant, as the draft included a reference to compulsory integration contracts between migrants and the State. Still, the Pact rests on the premise of integration as mandatory, and according to Kostakopoulou, it clearly legitimizes a “retreat from multiculturalism and pluralism” by stating that legal migration must be selective and “in accordance with the acceptance capabilities of the Member State and the integration capabilities of migrants” (2010: 17).

In conclusion, from this discussion of the integration paradigm that informs and sustains the EU policy, one can unmistakably discern two *competing* integration perspectives: the fair treatment paradigm on the one hand, and integration as a condition on the other. Stated even more simply, one may contrast the two by using the antonymous qualifiers of *lenient/inclusive* and *restrictive/selective*. Not only do they coexist to some extent, but they can also be perceived as time-sequential. The

paradigm of equal treatment was seemingly the first to inform the EU policy orientations, as exemplified in the Tampere Program, which—as highlighted before—paved the initial way for EU action in the field of migrant integration. However, when the time came to move forward and adopt a more concrete approach, a partial shift occurred, as testified by the emergence of the second integration paradigm in both legislative and soft instruments.

Yet, if we consider the soft framework and the legislative instruments separately, it is interesting to note that while it may be appropriate to speak of a “shift” in the case of the Directives, it would not be accurate to refer to the same phenomena as far as the EU framework is concerned: from the very beginning, the underlying dominant paradigm was always integration as a condition. And it seems that this perspective has been reinforced as the EU cooperation in integration policy gradually developed. However, if this perspective has supplanted the equal treatment paradigm—and while some scholars claim that Tampere now constitutes a “forgotten vision” (e.g. Kostakopoulou, Carrera and Jesse 2009: 184)—it does not mean that the former has disappeared entirely, as it can still be seen in certain aspects of the policy, such as the strong emphasis on the need for effective anti-discrimination policies. In conclusion, then, although it would be erroneous to “throw the baby out with the bathwater” by stating that the first perspective of integration as equal treatment is no longer present at the EU level, it coexists and competes with the second perspective.

Chapter V

Drivers of Cooperation

Keeping in mind the main puzzle of the unexpected existence of cooperation in migrant integration at the European level, this first part of the analysis will aim at unveiling the drivers of Member States' incentives to engage in the cooperation. The goal of this chapter is thus to move from theoretical assumptions to empirical observations with respect to Member States' preferences and in the process empirically assess the main hypothesis formulated in Chapter II; that is:

Increasing discrepancies between national integration policies induced by a restrictive turn in integration policy in some Member States have created a potential for negative externalities affecting all Member States because of the strong link between restrictive integration policies and immigration, combined with the increasing mobility of third-country nationals. These potential negative externalities have, in turn, acted as a driver for the Member States to engage in cooperation at the EU level as a way to limit these externalities by uploading their national policies.

As stated in the methodological chapter, to confirm or disconfirm this hypothesis, I will firstly consider which Member States have openly displayed interest or actively engaged in fostering the cooperation process at the EU level. Secondly, I will focus on the Swedish and the Dutch cases and analyze the arguments advanced in their national contexts for engaging in the cooperation.

Partial confirmation of the validity of the hypothesis requires that there was a level of diversity among the Member States that actively contributed to the elaboration of the cooperation in terms of their national policy types. If only Member States with restrictive integration policies had displayed an interest in cooperating, this would mean that Member States with non-restrictive integration policies would have lacked incentives to cooperate at the European level. This would thus serve to disconfirm the hypothesis since it states that incentives—the negative externalities—must be present for both types of Member States.

Following the approach developed in the previous chapter, I will start by dealing with the role of individual Presidencies of the Council of the European Union as a first indicator of the types of Member States actively working to foster EU cooperation. Following this, I will draw some preliminary conclusions regarding the characteristics of these Member States.

Integration and Presidencies

The historical account of the introduction and development of the EU integration cooperation—presented in Chapter IV—revealed the fundamental importance of individual Presidencies as a driver for the development of cooperation and for the strengthening of EU activities in the field of migrant integration. This account offered insight into which Member States displayed an interest in enhancing cooperation at the EU level and thus highlights the importance of the individual Member State holding the Presidency of the Council. However, all Presidencies are not equal and some invested more resources than others in developing the cooperation. I will now deal specifically with the role of the Presidency as an indicator of an individual Member State favoring EU cooperation over national policies. Indeed, one can reasonably assume that the more active a Member State is with regard to integration issues during its Presidency, the stronger its incentives for cooperation at the EU level are. As an observer pointed out, the fact that a Presidency organizes events and activities on integration allows it to keep the momentum and to move the European cooperation forward (Interview B1). I will start by discussing Presidencies' agendas, and then move on to individual Presidencies' achievements in enhancing European cooperation.

The Presidency Agenda

A closer look at the agenda of the Member State holding the Presidency reveals the important issues a Member State intends to work on during its six months mandate. Although integration is rarely stated as a main priority in Presidency work programs, several Member States did nonetheless mention this subject in their agendas. During the period covered by this study, at least ten Member States mentioned integration issues in their work programs (see Table 5.1 below). Those Member States were Greece (2003), the Netherlands (2004), Germany (2007), Portugal (2007), France (2008), Czech Republic (2009), Sweden (2009), Spain (2010), Hungary (2011) and Denmark (2012).

Table 5.1: Integration issues during Presidency

Year	Presidency	Work program	European Council	Justice and Home Affairs Council	Ministerial Conference
1999	Finland	N/A	Yes	No	No
2000	Portugal	N/A	No	No	No
2000	France	N/A	No	No	No
2001	Sweden	N/A	No	No	No
2001	Belgium	N/A	No	No	No
2002	Spain	N/A	No	No	No
2002	Denmark	N/A	No	Yes	No
2003	Greece	Yes	Yes	No	No
2003	Italy	N/A	No	No	No
2004	Ireland	N/A	No	No	No
2004	Netherlands	Yes	Yes	Yes	Yes
2005	Luxembourg	N/A	No	No	No
2005	UK	N/A	No	Yes	No
2006	Austria	No	No	No	No
2006	Finland	No	No	No	No
2007	Germany	Yes	No	Yes	Yes
2007	Portugal	Yes	No	No	No
2008	Slovenia	No	No	No	No
2008	France	Yes	Yes	Yes	Yes
2009	Czech Republic	Yes	No	No	No
2009	Sweden	Yes	Yes	No	Yes
2010	Spain	Yes	No	Yes	Yes
2010	Belgium	No	No	No	No
2011	Hungary	Yes	No	No	No
2011	Poland	No	No	Yes	No
2012	Denmark	Yes	No	No	No

Source: based on Presidencies' work programs when available; European Council and Council documents covering the whole period of study.

Yet, placing integration as an item on the agenda of a Presidency does not tell the whole story, especially when integration is mentioned in the work program but there are no follow-ups in the form of discussions at the European Council level, or Council Conclusions concerning integration. For example, this was the case for Portugal (2007), the Czech Republic (2009), Hungary (2010) and Denmark (2012). It should be noted, however, that while these countries did not deal with integration at the political level, they did initiate work at the expert level, including organizing conferences on specific integration topics. This was also the case with Belgium (2010): although integration was not mentioned in its Presidency agenda, Belgium did convene experts meetings. We can thus draw the conclusion that the Member States which put integration in their work program and did follow-up work on that matter at the political level have more incentives for coordinating integration policies at the EU level. As regards the Member States which organized activities at the expert level only, we can say that they do favor coordination, but not as much as the first group of Member States. In turn, we can assume that Member States which did not take any initiatives in this field are less interested in the coordination of integration policies.

Presidencies' Activities and Achievements

I will now discuss the various achievements of the Presidencies that worked on integration. Since 2002, which was a turning point in the EU cooperation, eight Member States have allocated a part of their Presidency activities to the issue of migrant integration. These eight Member States were Denmark, Greece, the Netherlands, Germany, France, Spain, Sweden and Poland. They will each be considered in turn.

Denmark (2002)

Denmark was the first country to take up the issue of integration during its Presidency after the window of opportunity opened with the Tampere Program. Integration was not, however, dealt with at the highest political level—the European Council—but in the framework of the Justice and Home Affairs Council, in the form of Council Conclusions. This output might seem insignificant, but this is far from being the case. Not only did the Council Conclusions give momentum to the issue; they also established the basis for cooperation, by stressing the importance of exchange of experiences, which could lead to drafting best practices, and a call for the establishment of the National Contact Points on Integration (Council 2002: 17).

Greece (2003)

During the Greek Presidency, the European Council for the first time agreed on a common definition of integration, which was then defined “as a continuous, two-way process based on mutual rights and corresponding obligations of legally residing third-country nationals and the host societies” (Council 2003: 9). Furthermore, a call was made in the Council Conclusions for developing a coherent EU Framework, the focus of which should be employment, economic participation, education, and language training. One of the main achievements of the Greek Presidency was moreover to appeal for the elaboration of the future Common Basic Principles on Integration.

The Netherlands (2004)

As stated in the chronological account of the policy developments, the 2004 Dutch Presidency was highly active in the field of integration and really laid the ground for the future of cooperation. Integration was dealt with several times during the Dutch term, at all political levels as well as in the framework of expert conferences. The main and most important outcome of the Dutch Presidency was the elaboration and adoption of the Common Basic Principles on Integration that set the direction of EU cooperation for the rest of the decade. Even today, and despite the fact that these principles were adopted more than ten years ago, they remain highly relevant and are continuously referenced in any work done at the EU level in the field of integration, be it at the Council level or in the work of the Commission.

Germany (2007)

The German Presidency was likewise fairly active in dealing with integration. Not only did the Germans organize an informal ministerial conference, but they also adopted Council Conclusions at the Justice and Home Affairs level. Above all, the German Presidency managed to adopt a Council decision regarding the Integration Fund; a major achievement that gave renewed impetus to the EU cooperation, providing it with an actual implementation mechanism. In addition, Germany put the new theme of intercultural dialogue on the European agenda—a theme which has since been abandoned—and suggested a new European tool, the European modules. This tool goes much further than the exchange of information and best practices. The modules can be considered as a kind of structuring and as non-binding guidelines in integration policies.

France (2008)

France was one of the Member States which dedicated the most resources to integration issues during its Presidency. Integration was said to be a core priority for the French Presidency and was mentioned in the Presidency's work program. Furthermore, it was discussed at every possible instance and level. Firstly, at the highest political level, the European Council, within the framework of the adoption of the Pact on Immigration and Asylum. Secondly, in the Justice and Home Affairs Council, and thirdly, in the framework of an informal conference of Ministers of Integration in Vichy, the outputs of which were adopted as Justice and Home Affairs Council Conclusions. The main achievement of the French Presidency is, first and foremost, the great emphasis placed on European values. These European values, it was agreed, not only need to be respected, but also presented to migrants during the integration process. Indeed, the French, perhaps more than any other Presidency, put a very strong emphasis on crafting an introduction program for migrants. The other principal achievement is that they pursued work on intercultural dialogue, which had been placed on the European agenda during the German Presidency of the Council.

Sweden (2009)

The Swedish Presidency was fairly active in the field of integration. Not only was integration mentioned as a priority in their work program, but substantial effort was made in the framework of the Stockholm Program, although this was very much influenced by the previous work of the French Presidency within the framework of the immigration Pact. Sweden dealt with integration mainly through expert conferences. The main concrete and noticeable outcome was perhaps the work done to launch the process, which later would result in the European indicators to monitor integration policies. The idea of indicators had been dealt with since the early stages of the cooperation in 2004, but before the Swedish Presidency, no Member State had taken serious steps towards advancing this process.

Spain (2010)

The Spanish Presidency's involvement in integration issues was also noticeable, although the outputs are perhaps less far reaching than those of previous Presidencies. Integration was mainly dealt with in the context of an informal ministerial conference, whose main output was to present integration as a driver for development and social cohesion. In addition, further work was done on the indicators and previous work done in this area during the Swedish Presidency was discussed and adopted at the ministerial conference. Also, and this is perhaps what should be remembered from the work of the Spanish Presidency, a call was made for the development of a new Agenda

on integration at the European level. The background for this new Agenda was, on the one hand, the fact that most of the actions proposed in the first European Agenda had been achieved. On the other hand, however, the context for the cooperation had changed significantly, not least with the economic crisis, but also given the adoption of the Europe 2020 Agenda and the Stockholm Program, and ultimately with the introduction of the new legal basis for cooperation with the entry into force of the Lisbon Treaty.

Poland (2011)

The only achievement under the Polish Presidency was the adoption of Conclusions in the framework of the Justice and Home Affairs Council in December 2011. These Conclusions are a follow-up to the second Agenda for the integration of TCNs released by the Commission in July 2011. The text adopted, according to the interviews, was not far-reaching (Interview B17, Interview B18), although the Conclusions did introduce a new linkage between integration and circular migration, while highlighting dividing lines in the Council between different Member States. I will return to the negotiations of these Council Conclusions in Chapter VIII.

We might, at first glance, assume that because Poland worked on integration matters during its Presidency, it holds a strong preference for cooperating in this issue area at the EU level. Yet, this does not seem to be the case. For one thing, integration was not even mentioned in the Polish Presidency's work program. We may therefore wonder why the Poles dedicated energy and resources to adopting a set of Council Conclusions. The answer is twofold. On the one hand, as the Commission issued a crucial Communication—the second Agenda—in July, it is standard procedure for a Presidency to acknowledge the work of the Commission by adopting Conclusions (Interview NL1).

More interesting, and significant for understanding the activities of the Polish Presidency, is the fact however that working on integration was requested by Denmark when the 18-month program of the Presidency troika—composed of the three upcoming Presidencies, which at the time were Poland, Denmark and Cyprus—was elaborated. Indeed, the Danes specifically requested that the Polish Presidency work on integration as a way to lay the ground for their Presidency, which would take place immediately after Poland's. The reasoning was that adopting Conclusions during the Polish Presidency would allow the Danes to work further and enhance the cooperation. Ultimately, however, the Danes changed their plans: integration of migrants was indeed mentioned in the Danish Presidency's work program, which is a hint that Denmark favored enhancing EU cooperation in this field; nonetheless, just before assuming the Presidency, Denmark renounced their intention to deal with integration issues at the political level (Interview B14). This shift in

priorities is without a doubt a result of the change in government in Denmark that took place in September prior to their Presidency. Yet, integration did not totally vanish from the Danish Presidency's activities, and some work was done in the framework of ad-hoc conferences and expert seminars.

In sum, since 2002, which marks the turning point in the development of EU cooperation, eight Member States have allocated part of their Presidency's activities to the issue of migrant integration. Of course, some Presidencies have had higher ambitions than others, such as Denmark in 2002 which started the cooperation from scratch. The same goes for the Netherlands, France and Spain, which dealt with integration issues at every political level: in the European Council, but also with ministerial conferences and in the Justice and Home Affairs Council. As regards the concrete outcomes of the various Presidencies, some Member States secured more wide-ranging achievements either by truly framing the orientations of EU cooperation, be it at the level of ideas or policy instruments, or by taking more concrete steps, such as Spain and Sweden whose main outputs were work on the integration indicators. This assessment nonetheless has to be interpreted with a degree of caution as the time sequence matters: Sweden and Spain held the Presidency at the very end of the period under study; and much work had thus already been completed.

As has been said, the fact that a Member State is active in the field of integration during its Presidency of the Council is a good indicator of its preferences to cooperate at the EU level. Yet, placing integration issues on a Presidency's agenda has some shortcomings as an indicator since some Member States did not hold the Presidency during the period under study. Also, and as regards to Member States that did not act during their Presidency, we may wonder whether they were indeed unfavorable to coordination; or whether they were simply indifferent or rather unable to act upon their preferences given domestic constraints.

To address these shortcomings, we can instead look at the degree of resources invested by the Member States in the negotiations at the EU level. The reasoning is that a Member State that invests resources in the negotiation process has a stronger interest in reaching an agreement and hence advancing EU cooperation in the field of integration. Looking at the negotiations of the Council Conclusions in December 2011, the level of resources invested—in terms of activities during the meetings and informal contacts—confirms that most of the Member States, such as the Netherlands, Germany, Spain and Sweden, which placed integration on their agendas, were also very active during the 2011 negotiations. However, some Member States, such as France, Greece, and Denmark, which had all previously placed integration on their Presidency agendas, were not particularly involved in the negotiation process—even to the extent that France was initially against

adopting Council Conclusions. This shift of preferences at that particular point in time has to be explained by events at the national level. France was in the middle of the 2012 Presidential campaign, while Denmark had a new government, with different priorities than its predecessor. In addition, one other Member State that was very active was Austria. Yet, the Austrians did not deal with integration issues during their 2005 Presidency.

To conclude, the Member States that displayed a stronger preference for cooperating in the field of integration at the EU level are all Member States for which integration is an important item on the national agenda. Moreover, these are all countries where immigration numbers are fairly high. Some, such as France or the Netherlands, are traditional immigration countries, while other Member States, such as Spain, are new immigration countries, which therefore have been confronted with integration challenges only recently. As regards the Member States which did not display much interest in developing the EU cooperation, immigration is fairly low in comparison with the EU average and their integration policies are less developed than those of other Member States. As regards the formal beginning of the cooperation, with the adoption of the CBPs, an observer underlined that the new Member States were not much interested in integration issues (Interview B14), which were therefore more a topic of interest for old Member States than for the new ones. Among the countries particularly active, it appears that we can find both countries that took a restrictive turn in the early 2000s—Netherlands, France, Germany, and Denmark, with restrictive approaches to integration—and countries that are known for their non-restrictive policies, namely Spain and Sweden. All in all, the diversity among the Member States that have displayed a particular inclination to engage and enhance the cooperation provides some support for the hypothesis; favoring cooperation is not connected to one single integration policy type.

Country Cases

In this section, I will consider the two country cases, Sweden and the Netherlands, with an emphasis on the year 2004, as this was the year the cooperation was formally introduced with the adoption of the CBPs. In particular, I will observe what arguments were advanced in these national contexts to support the cooperation and if these arguments can or cannot be linked to the presence of negative externalities induced by strategic interdependence.

As proven by the simple fact that the EU cooperation has developed, all the Member States had a preference for acting at the EU level. Of course, the individual preferences for the cooperation

were not all of the same intensity. Some actors were, and are, keener than others for cooperating at the EU level, as suggested by the role of the Presidency discussed above. Furthermore, not only was the intensity for the initial preferences for cooperation different among the actors, it is also possible that the incentives to act at the EU level were different from one Member State to the next. The argument developed in the theoretical part of the dissertation advanced the view that Member States, in 2002-2004, when the cooperation really kicked off, wanted to cooperate in the field of integration because they were locked, in that particularly nationally-bounded policy area, in a situation of strategic interdependence, where the actions of one Member State would affect the others negatively. The triggering factor creating negative externalities was argued to be a change in national integration policies, where the policies of Member States were drifting further apart. In this section, I will confront this argument with empirical evidence, from interviews and parliamentary documents. I will start with the Swedish case, before turning to the Dutch case, and finally draw lessons from the comparison.

Sweden

What were the incentives for cooperating at the EU level in the field of integration policy for the Swedes? What was the Swedish mindset when the cooperation actually took shape with the elaboration of the Common Basic Principles? It was clear, from the very beginning, that Sweden would not want something binding and wanted cooperation to be based on learning and exchange of experiences. This is very much reflected in the “sales” pitch of Justice Minister Thomas Bodström, when reporting on the elaboration process of the CBPs to the *Riksdag* Committee in charge of EU affairs:³⁷

A common binding EU policy on integration should not be developed. It is also clear that the EU member states have much to gain by the sharing of experiences in the field of integration. All the EU member states share the same interest of having efficient integration policies. (ANF. 140 Minister for Justice Thomas Bodström)³⁸

Not a common binding policy, but still a shared interest for the Member States. The fact that the EU cooperation, as expressed in this case by the CBPs, would not “force Sweden to change its policy”,³⁹ to borrow Minister Bodström’s words, was confirmed by an interviewee, who was a key

³⁷ All the extracts from parliamentary debates are translations. These were verified by native speakers (for more details, see Data Collection in Chapter III.). All the translations, along with the original documents are available upon request.

³⁸ Riksdagen (2004). *EU-nämndens stenografiska uppteckningar*. 2004/05:8. Stockholm, Fredagen den 12 november 2004.

³⁹ *Ibid.*

witness to the whole process. The interviewee pointed out a fundamental aspect, namely that Sweden at the time had no intention of getting anything out of the EU cooperation for its own policy development:

We knew from the beginning, that we as a country would never sort of take over something from the Common Basic Principles or the agenda. (Interview S9)

Another interviewee made a similar observation:

I would say that Sweden was rather...How could you put it...not reluctant, but I mean, was not interested in following or using, I mean, or taking any kind of influence from the European policy, EU policy on integration [...] Because we thought at that time and we maybe still think that we already have a very good integration policy. (Interview S2)

The same observer, when asked about the added value of the EU framework for Sweden reiterates his statement, with a quite critical view of the Swedish attitude towards the Union in general:

I'm not sure about that, no. As I said, I think Sweden was at that time and still is, I mean, the attitude as well, not that we are the best, but we don't think that the EU could contribute much to the integration policy in Sweden, which has a long tradition, even if it has not been very successful. I mean, successful in the way that there is a lot of money spent on integration issues, yeah. And there is a rather coherent and rather well-structured system I mean.... (Interview S2)

In other words, the Swedes entered, and wanted, the cooperation, knowing that they would not use it because they already had an integration policy in Sweden and that the CBPs could not really bring anything new to this policy. Especially considering that Sweden had had an integration policy since the 1970s, and as an observer pointed out quite clearly:

Of course, we do work with the European Integration Fund and stuff like [...]. We do have the same definition, but in one sense, the European standards and definitions, we wrote those twenty years ago, you know. (Interview S4)

Then why would Sweden want cooperation if not for itself? As a Member of Parliament claimed during the parliamentary debates, this was confusing. This MP, a member of the Liberal party—which was then part of the opposition, but was usually considered as one of the champions of EU integration in Sweden (Michalski 2013: 168)—was very skeptical of this EU development and was questioning the “*raison d'être*” of the Principles, not only the aspects of the EU working outside of the scope of its competences, but also seriously wondering why Sweden would support EU policy developments that would have no impact in Sweden:

It is here noted that each Member State should establish its own integration policy. Then one can only wonder what the point of having this kind of document is? I am highly uncertain as to why we should have a document like this in the first place? This is a case of the EU working outside its scope of competence, which leads to the Union being unable to focus on its important work. To endorse the proposal whilst at the same time pointing out that this document does not affect Swedish integration policy sends a clear message that this will only create confusion and take time away from the important common issues. (ANF. 141 Karin Pilsäter (fp))⁴⁰

The reply of the Justice Minister, Thomas Bodström, was informative in that sense. Admitting that the policy would have no effect on Sweden, he still mentioned that Sweden might learn from others. More importantly, he also mentioned the “new” Member States:

It is true that this document will not force us to change our policies. But even Sweden, which is a leader in the area of integration should perhaps be humble and have the attitude that we can learn from other countries. This is the aim. We should also remember that there are now ten new EU member states. I believe they also can profit from this kind of cooperation. (ANF. 143 Minister of Justice Thomas Bodström (s))⁴¹

This “hinting” at the new Member States had indeed been, according to one observer, the key reason for the cooperation:

We as a State could have done without it. But we thought it was an excellent idea from the Commission because this might hopefully contribute to elaboration of good or better, better integration policies in new Member States, if you say so. (Interview S9)

So, that was it. For Sweden, the main reason for the EU cooperation at the time was to contribute to “good” integration policies in the Member States of the 2004 Enlargement wave. A year that coincides with the adoption of the Common Basic Principles. Therefore, the cooperation, from the point of view of this interviewee, was not elaborated for the old Member States, the EU 15, but for the ten newcomers, in particular from Eastern and Central Europe:

⁴⁰ Riksdagen [Swedish Parliament] (2004). EU-nämndens stenografiska uppteckningar. Fredagen den 12 november 2004. 2004/05:8. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/EU-namndens-stenografiska-uppteckningar/Fredagen-den-12-november-2004_GS0A8/ (last accessed 27.06.2015).

⁴¹ Riksdagen [Swedish Parliament] (2004) EU-nämndens stenografiska uppteckningar. Fredagen den 12 november 2004. 2004/05:8. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/EU-namndens-stenografiska-uppteckningar/Fredagen-den-12-november-2004_GS0A8/ (last accessed 27.06.2015).

The idea behind these Common Basic Principles, what the Commission really thought, was many countries, that have had immigration for a long time and who have worked out decent integration policies, these countries were not really so much helped. They would not be so much helped by these principles. But the new Member States, mainly Central and Eastern states, they could have good use of these principles. (Interview S9)

For this interviewee, this point of view was shared by other old Member States, and that might be one of the reasons why the elaboration of the CBPs was so consensual (see Chapter VII):

I think it was seen as a good step forward, not a controversial step forward and most countries thought like, countries like us, countries that did have a decent integration policy, they thought ‘this, is something that won’t concern us directly, but it hopefully will concern countries that have not yet elaborated integration policies’. (Interview S9)

Obviously, the fact that the old Member States had this particular vision of the cooperation was not something said out in the open:

That was not something ever anyone said during the roundtables... that was what we thought... Well I talked to the Commission, they said it openly. And I would spoke to other delegations, from other countries, it was all clear that this is for the new Member States. (Interview S9)

Why then would Sweden, as a country, feel so concerned about the policy of the new Member States? The interviewee explained that the reason behind this concern was the fear of secondary migration of third-country nationals from the new Member States to the old Member States:

But it concerned us in a way, I thought about this yesterday, because we had of course, although, we knew from the beginning, that we as a country would never sort of take over something from the Common Basic Principles or the Agenda. But we hoped that other countries might learn from it. That was important for us, because if we have immigration to all Member States in Europe, and some Member States have bad integration policies. There’s a risk for secondary migration from European countries with bad integration policies to countries with better integration policies. And we would not like that. Not for ourselves. Not for the individuals concerned and for other States as well. (Interview S9)

When asked if the fear of secondary migration was shared with other countries—although at some point during our conversation she emphasized that we “should not exaggerate our thoughts about secondary migration”—the informant was indeed positive:

Well, I didn't say it openly in the discussions in the NCPI, but we talked to it...talked to Germans, some other countries...so, this is something that many countries...This is what many countries thought was the *raison d'être* for the whole process. (Interview S9)

The empirical evidence from the Swedish case in the context of the launch of the cooperation back in 2004 thus reveals some very interesting elements. First, the evidence shows that alternative explanations—alternative to the strategic interdependence argument—for the initial incentives of the Member States to engage in cooperation at the EU level are not very plausible. For example, the explanation relating to using the EU as leverage for circumventing opposition at the national level does not hold. This simply cannot be the case because, firstly, the Swedish government had no plan to change its policies through means of the EU cooperation, but also, as an observer pointed out, there was, at least at the time, a consensus between the different parties from the governing coalition and the opposition on integration policy (Interview S5). Another alternative explanation that does not seem to hold is related to problem-solving and learning: Member States seek to cooperate at the EU level because they are uncertain of how to deal with an issue at home or have a sense of policy failure. By cooperating, there is a hope that new solutions and innovative ideas can be found. This does not appear to be the case for Sweden in 2004 when the Common Basic Principles were adopted. Without being too cynical, even though the Swedes may have wanted to learn, they believed that their own national policy was superior to anything the EU cooperation could bring. However, as we saw, learning was not a totally foreign factor in the incentives to cooperate for Sweden: it was not learning for itself, but learning for the others.

The second element that stands out from the evidence is that it gives some support to the argument of strategic interdependence as a driver for supranational cooperation in the very nationally-bound field of integration. Sweden's main incentives to cooperate at the time was for the new Member States to have effective integration policies, because if their integration policies were inefficient this would have caused negative externalities for Sweden, in this case secondary immigration—made possible by internal mobility. The original argument of the driver of the actors' preferences for coordinating at the EU level therefore partially holds in the Swedish case. The preferences are driven by the perception of being in a situation of strategic interdependence, where the discrepancies between national integration policies can cause damage to other countries. The EU cooperation in this context must be seen as a way of controlling other countries' policies. However, the argument needs to be refined: the source of the interdependence in the case of Sweden in 2004 was not the beginning of the reform process towards more restrictive integration policies in other old Member States, but the accession of the Eastern and Central European Member States; the discrepancies were in other words not between restrictive and non-restrictive

policies at that time, but between having a policy and not having a developed policy. Therefore, interestingly, a process of horizontal integration has triggered a (soft) process of sectoral integration of a new field at the EU level.

The Netherlands

The Netherlands—the driving force behind the adoption of the Common Basic Principles—has demonstrated a strong preference for acting at the EU level. The launch of the EU cooperation occurred in a very particular context: the Netherlands had been experiencing an acute crisis in the field of integration since the early 2000s, and a reform of the Dutch civic integration policy was announced by Minister Verdonk just at the time of the elaboration of the CBPs. I will discuss these developments and their influence on the Dutch preferences in more details in the next chapter.

Just as in the Swedish case, the alternative explanation of acting at the EU level as a strategy to circumvent opposition to a change of integration policies does not hold. As Besselink underlines, there was a unanimous consensus in the Netherlands on the mandatory aspect of civic integration policy: “All political leaders during the 2002 electoral campaigns agreed that every foreigner who wants to settle in the Netherlands would have to *inburger* before having any rights of residence and social support” (2009: 243). Even later, when the Civic Integration Act was passed in 2006, the support was impressive: in the Lower House only one MP voted against it (Besselink 2009: 254).

There may be multiple factors behind the motivation of the Netherlands to act at the EU level, but one is prominent: the desire to establish the connection between migration and integration at the EU level. As an interviewee recalls, the Dutch saw a window of opportunity, opened by the Danes and the Greeks during their Presidencies, and decided to jump in:

It was kind of an example and we already thought it’s already somewhere on the agenda. You know, it was prepared by Denmark and Greece, and maybe it’s good to elaborate it, because it was just a small thing and... and it was the kind of issue, we can make it bigger. And make it part of this integration and immigration together, I’d say. (Interview NL5)

This view is reflective of the fundamental changes that had started at the end of the 1990s, when the Netherlands shifted from a very tolerant and open policy towards a more restrictive integration policy, where the link between immigration and integration became stronger and stronger:

And we decided to make a kind of policy for European that involves migration and integration, because we think that's an important one, you know if you come to a country, it's good to feel more connected, to be more prepared, and that the societies also prepared to... for the newcomers, you know, at the same time. And we had a quite long history in integration policy in the Netherlands, already for, I think about a year... 1960–70. (Interview NL5)

The need to address integration was not simply induced by the fact that a common EU immigration policy was under way. More importantly, the Netherlands also perceived—just like Sweden—big differences between the Member States in terms of the development of integration policy; as one interviewee mentioned:

we saw in so many countries that it was not a subject or a very small subject. When you go for the migration, you need to do also something about integration issues. (Interview NL5)

There was one difference that could have negative consequences for the Netherlands: the same interviewee clearly mentions the problem of secondary migration in the case of ineffective integration policies:

And if you have not a good integration policy in one country, where then problems arise, then people often go maybe to another country. And within the EU, you know, because you have no borders so that's... (Interview NL5)

The same argument—beyond a more prosperous Europe if every country invested in its foreigners—was made by Rita Verdonk, when a MP of the Dutch Labour Party inquired about the benefits of EU cooperation:

when there would be a more common policy towards asylum, immigration and return, it would look strange in the context of efficiency and clarity not to look at integration. Having an integration policy or no integration policy could turn out be a push-or pull factor for other Member States.⁴²

This idea of negative externalities caused by differences in national integration policies was also noticeable in the Proposal put forward by the Dutch for the CBPs. After stating the primary responsibility of the Member States, it notes that “the failure of one Member State to develop and implement a successful integration policy can have adverse implications for other Member States

⁴² Tweede Kamer (2006). Wet inburgering. Verslag. 30 308. Nr. 7. Den Haag, 3 januari 2006. Available at <https://zoek.officielebekendmakingen.nl/kst-30308-7> (last accessed 28.06.2015).

and on the European Union” (First draft 2004: 2). Among the negative consequences listed, the draft states:

When immigrants move to another Member State the failure to implement a successful integration policy of one Member State can also influence the integration process in the other Member State. (First draft 2004: 2)

Interestingly, this unequivocal mention of interdependence—induced by ineffective integration policies and the movement of people within the EU—is nowhere to be found in the final version of the CBPs.

Unlike Sweden, however, it appears that the Netherlands was not only concerned by the lack of integration policies in some Member States. “Older” Member States that were in a similar situation as the Netherlands, in terms of tensions relating to integration and the rise of the far-right, were also of concern to the Dutch. In this context, an informant made the following observation:

Because you saw the same kind of movement in France, you know, we had the same issues, and also in Germany, maybe less but still... and also in Denmark, this all kind of politicians who became tougher and tougher. And we thought it’s a good time to do it more on European level and to have a kind of common ideas about how to see integration issues. (Interview NL5)

It may therefore also be a case of aligning national integration policies. Rita Verdonk made a remark with a similar meaning during the debate on the reform of the Dutch integration policy:

Because the Dutch Government prefers policy that is in conformity with that of other Member States, but at the same time, as stated before, fulfills a leading role, the Dutch Government aims to keep integration high on the European agenda.⁴³

The evidence—interviews, EU documents and parliamentary documents—thus seems to corroborate the argument of strategic interdependence as a driver behind the preferences for cooperation at the EU level. In the case of the Netherlands, national policies alone is seen as problematic, because these national policies are too divergent and may induce negative externalities for the Netherlands. The negative externalities are the secondary migration of third-country nationals moving from other Member States to the Netherlands. One source of externalities is clearly created by Member States with no policy, in a similar way as in the Swedish case. In addition, it is possible that the Netherlands, seeing the focus on older Member States, may have wanted to coordinate the level of “toughness” of the integration policies to avoid policies with “too” restrictive conditions that would leave it with more “unwanted” migrants. But also, it is likely that

⁴³ Tweede Kamer (2006). *Wet inburgering. Verslag*. 30 308. Nr. 7. Den Haag, 3 januari 2006.

countries with inclusive policies—that is, with a high level of support and a low level of requirements—could have been perceived as problematic since the Dutch gave importance to being both in line with other countries’ policies, while being a leader in the field.

In conclusion, the findings bring support to the argument of strategic interdependence as a driver of the Member States’ preferences for cooperation at the EU level, instead of strictly national integration policies. The next chapter will explore the preferences of the Member states in more detail.

Chapter VI

Preferences over the EU Cooperation

The previous chapter was concerned with exploring the incentives for the Member States—Sweden and the Netherlands in particular—to act at the EU level in the field of integration policy. The findings indicated that strategic interdependence perception did play a predominant role as a driver to engage in the cooperation. However, drivers and incentives of the cooperation are only one side of the coin. The other side—the topic of the remaining empirical chapters—relates to the specific nature of this cooperation. This nature is determined by the preferences of the Member States and the negotiation process taking place between them at the EU level. In the present chapter, I will deal with the specific preferences of the Member States concerning both—and separately—the policy type and the policy mode of the EU cooperation in the field of integration. Once again, I will focus on Sweden and the Netherlands, as the preference formation process takes place at the domestic level. I will in turn consider the preferences over the policy type and then the preferences over the policy mode.

Preferences over Policy Type

In the theoretical chapter, it was said that the preferences of a Member State over the policy type of the cooperation were determined by its national policy type: countries should have a preference for a policy type similar to their own in the EU cooperation. I will first discuss the Swedish case, by presenting its national policy over the period under consideration, and then consider whether it is reflected in its positions while negotiating the substance of the EU cooperation in 2004 and in 2011. I will adopt the same approach for the Dutch case.

Sweden

Sweden has a long tradition in integration policies, with the first measures adopted as early as the mid-1960s, such as free language classes (Wiesbrock 2010b: 633). The major aims of the Swedish integration policy are: “[e]qual rights, responsibilities and opportunities for all, regardless of ethnic or cultural background”; “[a] community based on diversity”; and “[a] society characterised by mutual respect and tolerance, in which everyone can take an active and responsible part, irrespective of background” (Swedish Government 2002: 2). Officially, integration is perceived as a mutual process in which every member of society—foreigners and natives—has a part to play (Ministry of Employment 2011: 4). The Swedish integration policy is directed at newcomers, mainly refugees and their relatives, in the first 2-3 years after their arrival. Following the introductory stage, migrants’ needs are served by general policies aimed at the entire Swedish population (Swedish Government 2002: 2). These integration measures, as Wiesbrock points out, aim “to promote the socio-economic inclusion and independence of immigrants within the context of a society based on the principle of diversity” (2011: 49). The current Swedish policy has its roots in a 1997 Law adopted by the *Riksdag* in the context of passing “from an immigration to an integration policy” (Wiesbrock 2011: 50; Swedish Government 2002: 2). Following the entry into force of the Law, the Swedish Integration Board (discontinued in 2009) was established and was made responsible for developing introduction programs for refugees as well as promoting integration and monitoring policy outcomes (Swedish Government 2002: 2). While the Integration Board established guidelines and managed the fund for the introduction allowances to the municipalities, the latter were in charge of implementation and establishing newcomers’ introduction programs—in consultation with the Employment service (Lemaître 2007: 15). In the case of a negative assessment of the readiness of newcomers to access the labor market, a plan was drawn up, with the participation of the newly arrived migrant, to help her enter the labor market. Minimum elements of the plan were language classes (500 hours on average), introduction to life in Sweden (about 60 hours), and, if required, vocational training (Lemaître 2007: 15; Ministry of Housing, Spatial Planning and the Environment 2010: 52).

In November 2009, the Alliance coalition presented a proposal to reform the introduction program to accelerate migrants’ integration in the Swedish labor market. The previous introduction programs, established at the end of the 1990s, had had the unfortunate effect of delaying the entry into the labor market (Wiesbrock 2011: 59), resulting on average in a seven-year period until the migrants reached self-sufficiency, according to the then Minister in charge of the integration portfolio, Nyamko Sabuni (2010 cited in Suter 2011: 5). The reform was enacted in December 2010

with the entry into force of the “Law on the establishment of certain newly incoming immigrants”. The core measures of the law still center on integration programs for newly arrived migrants. The program consists of three different elements: language classes, civic courses, and activities to facilitate entry into the labor market (Ministry of Integration and Gender Equality 2009). More specially, newcomers receive “customized” support from the State (Wiesbrock 2011: 53): with the help of the Public Employment Service, they are supposed to formulate individual integration plans (Wiesbrock 2011: 50). The reform did not change the target group of the state-funded measures—these are still limited to the integration of newly arrived refugees and their relatives. However, municipalities are free to extend the scope of some parts of the introduction program to other newcomers (Suter 2011: 4). The reform introduced three main changes: first, an “introduction benefit” replaces the previous social benefits. The amount is higher and, unlike previously, individual and not household-based. In addition, with the new law, migrants can in most cases keep any extra income they may receive from paid employment, while under the previous system it was deducted from their allowance—hence, now creating an incentive for migrants to work during the two-year establishment program (Ministry of Housing, Spatial Planning and the Environment 2010: 53). The second major change brought by the reform is that civic orientation is now a mandatory element of the introduction program that is elaborated by the central government (Suter 2011: 4). The last change concerns a new division of administrative responsibilities, with a major role given to the Public Employment Service and a lesser municipal involvement (Suter 2011: 4). In 2012, the Government planned to enlarge the target group of integration measures to family migrants, by giving them the opportunity to join the civic orientation component of the introduction program. The official aim of this plan was to give this type of immigrant a better start and opportunities in Sweden (Ministers Erik Ullenhag and Nyamako Sabuni in *The Local* 2012).

Enrolment in the introduction program has always been voluntary in Sweden. However, once migrants have agreed to enter an introduction plan, they have to follow it. If they do not, they may see their benefits reduced. The end of an introduction program—more precisely the language component—includes an optional test. The advantage of passing the test is to obtain a certificate that might be an asset when looking for a job (Wiesbrock 2010b: 640). To summarize, the civic integration policy in Sweden is mostly aimed at supporting the immigrants’ entry into the labor market, which is seen as the key to integration. Voluntary in nature, the policy is based on a mix of positive financial incentives (to follow the program or to finish it within a shorter period of time) and negative incentives (to remain in the program).

Despite the long tradition of dealing with immigrants, integration policy in Sweden has not been deemed a success. Most parties agree on the failure of integration, but have diverging opinions as

to what the solution is. For example, the 2010 reform led by the center-right government was criticized by the opposition for its strong focus on “individual responsibility” and lack of consideration for some “structural obstacles to immigrant integration” (Suter 2011: 5).

Comparing the two different years of the negotiations, the Swedish policy has not changed much. The basic idea is still to provide the key tools to enable migrants to enter the labor market, by offering them a high level of voluntary support. Major differences between the 2004 and 2011 Swedish integration policy are that the focus on labor market inclusion is even stronger, the introduction program has become more formalized and there are more positive financial incentives. In addition, the civic component has become an integral part of the Swedish integration policy. The degree of requirements is however similar between 2004 and 2011: requirements are weak and concern only migrants that have chosen to follow the integration program. Sanctions are only financial. The Swedish policy is therefore one where the State provides a high level of support while placing few requirements on migrants regarding their individual integration, and with a complete absence of any links to immigration. The Swedish policy belongs, for both years under scrutiny, to the “Inclusive policy” type outlined in the typology (Chapter II, Figure 2.2). Is the Swedish policy then perfectly reflected in the position of Sweden in the negotiations of the EU cooperation? Yes and no.

For the year 2004 it is, but to a lesser extent than in 2011. In 2004, Sweden displayed few objections in accepting those elements of the Common Basic Principles that did not fit its national policy and context. For example, the code of conduct for the media is an element that did not fit their national context (Interview S9). The same goes for the focus on national values. At that point, it was entirely foreign to the Swedish national integration policy (Interview S2). Even Minister Bodström, when presenting the Principles to the *Riksdag*, displayed some degree of skepticism concerning the content of the CBPs:

I believe that even though this is far from being the EU’s best proposal it is still good to have this discussion. We can always learn something new.⁴⁴

The reason why the Swedish policy is not perfectly reflected in the Swedish positions during the negotiations of the CBPs is—as discussed in the previous chapter on the drivers of the cooperation—that Sweden in 2004 had no intention to take anything back home from the Principles.

⁴⁴ Riksdagen (2004). *EU-nämndens stenografiska uppteckningar*. 2004/05:8. Stockholm, Fredagen den 12 november 2004.

Still, Sweden wanted the Principles to be “as good as possible” (Interview S9), with the idea that they were aimed at improving not the Swedish policy but the integration policies of the new Member States. In this context, it is easily understandable that Sweden could be flexible—to a certain extent, of course—with respect to the specific formulation of the Common Basic Principles.

The situation in 2011 is, however, very different. So different in fact, that Sweden independently advanced a revised draft of the Council Conclusions proposal and displayed a lack of flexibility during the negotiations. In this draft, the specific preferences of Sweden, concerning the scope of the EU cooperation, are much more visible. The explanation for this difference is that in 2011 Swedish incentives to cooperate in integration matters are driven by a different set of factors than in 2004. In 2011, Sweden still tries to influence and control other countries’ policies, because of strategic interdependence patterns. However, while in 2004 it seems that the perception of potential externalities are induced by ineffective/inexistent policies of other Member States, in 2011 it is induced by divergence in policy orientations. These externalities may be pressures from other Member States or negative influence from other Member States on the national debate in the field of integration. This issue will be addressed in more detail in Chapter VIII. Therefore, unlike 2004, where the aim was “helping” countries with no integration policy, it seems that in 2011, it is about influencing countries, whose policies differ from the Swedish policy; that is, countries with integration policies that are restrictive in nature. In addressing the Parliament, the Government made its position—shared by the MPs—very clear: the EU cooperation should be about openness and tolerance towards migrants, just as the Swedish policy is:

The Government would like to emphasize the importance of openness and tolerance in the field of European cooperation. The government’s view on the Commission’s message is overall a positive one and the government will try to influence the work that will follow by adding a Swedish perspective.⁴⁵

In this context, looking at the draft proposed by Sweden during the 2011 Council Conclusions negotiations, it is very clear what the Government wanted from the EU cooperation—and what it did not want it to be:

⁴⁵ Riksdagen (2011). *Protokoll utskottssammanträde. Arbetsmarknadsutskottet*. 2011/12:3. Stockholm, Torsdagen den 13 oktober 2011.

Recalling the Stockholm Programme, approved by the European Council on 10 and 11 December 2009, which states that the successful integration of legally residing third-country nationals remains the key to maximising the benefits of immigration and defines strategic guidelines in this field, *and that the objective of granting comparable rights, responsibilities and opportunities for all is at the core of European cooperation in integration.* (Swedish draft 2011: 2, emphasis added)

The emphasis is what Sweden added to this paragraph. This formulation reflects the fact that Sweden felt the need to recall the rights-based approach to migrant integration expressed in the Tampere and Stockholm multi-annual programs. A vision that matches its policy but not the ones of restrictive countries, where rights endowment comes after integration. Sweden pursues the same line of reasoning in its draft proposal:

Managing integration is a **shared responsibility** requiring engagement from both the receiving society and individual migrants. Both parties need to be aware of their **rights and obligations which have to be well-balanced** and create favourable conditions for integration. On the one hand, migrants need to show a willingness and responsibility to integrate. (Swedish draft 2011: 4, emphasis in the original)

In this extract, Sweden replaces the sentence stipulating that migrants “should assume responsibility for their own integration” (First draft 2011: 4) with a much softer formulation—the “need to show a willingness and responsibility to integrate.” What migrants have to do, relative to the proposal, remains unchanged, that is, “acquiring the language and respecting the laws and values of the receiving society.” Yet, Sweden places a stronger emphasis on the role of the State:

On the other hand, the receiving society has the responsibility to provide migrants with access to crucial aspects of social, economic and public life such as language courses, work, health care and education. (Swedish draft 2011: 4)

Going from “most elementary” to “crucial” thus enlarges the role of the State. And so does unequivocally the attempt to insert a reference—absent from the Proposal—stating that the State has the responsibility to provide language courses to migrants.

In conclusion, the modifications to the Presidency proposal advanced by Sweden clearly reflect the Swedish policy—not only with respect to the equal rights approach—but also, and more importantly, to the supportive aspect of integration policy, where the State has a high level of responsibility in the process and few obligations are placed on the migrants. The migrants’ responsibilities are limited to efforts and willingness, not results.

The Netherlands

The Netherlands had already in the 1970s established an immigrant policy, the *categorical policy*, where the focus was on maintaining migrants' group cohesion. The next decade was focused on *minority policy*, where the main objective was to improve ethnic groups' socio-economic status, while preserving their cultural identity. The 1990s saw the advent of *integration policy* (Duyvendak, Pels and Rijkschroeff 2005: 5), which shifted the emphasis away from cultural and group aspects to one of the individual's socio-economic integration (Duyvendak, Pels and Rijkschroeff 2005: 5–6). It is in this context that the process of mandatory integration was set in motion, with the first law on the civic integration of newcomers entering into force in 1998. However, harsh criticisms of previous integration policies were voiced starting in the early 2000s. The debate on integration issues—in particular in relation to Islam—in the Netherlands commenced in earnest in 2000, with the influential article of Paul Scheffer, a leftist intellectual, “The multicultural drama” (*Het multiculturele drama* in Dutch) (Eyerman 2008: 4–5). In the aftermath of the 9/11 terrorist attacks, the issues of immigration, integration and Muslims in the Netherlands grew in importance (Lucardie and Voerman 2002: 1037–1038) and were used in the 2002 elections by far-right politician Pim Fortuyn and his newly founded far-right party. In this context, while the government already before the elections had advanced the idea of including more mandatory elements in Dutch integration policy (Entzinger, Saharso and Scholten 2011: 11), the year 2002, as Entzinger, Saharso and Scholten stress, “would provide the immediate stage for a significant reform of the Dutch civic integration system” (2011: 11). Two parliamentary motions were adopted that year demanding a reform of the integration system. Both charged the government to develop plans for starting the mandatory process of civic integration prior to migrants' arrival in the Netherlands (Entzinger Saharso and Scholten 2011: 11). A new coalition took office the next year. The coalition agreement of the new cabinet was crystal-clear as to its plans and positions on migration and integration:

Who wishes to settle permanently in our country must participate actively in society, acquire proficiency in the Dutch language, be aware of Dutch values and abide to the norms. Every newcomer who comes to the Netherlands on a voluntary basis and is part of the target population for the Civic Integration of Newcomers Act, should first acquire a basic level of Dutch language proficiency in the country of origin as a condition for admission. Once in the Netherlands, that person should further familiarize himself or herself with Dutch society (*Tweede Kamer* 2002-2003, 28637, nr. 19: 14 cited in Entzinger, Saharso and Scholten 2011: 12).

Rita Verdonk, from the Liberal Party, was put in charge of the integration portfolio and enacted a profound reform of the Dutch integration system, “Integration policy new style”. Verdonk's

reforms plans were the codification of the “policy paradigm-shift in Dutch integration policy at large” (Entzinger, Saharso and Scholten 2011: 12). This reformulated integration policy led to the adoption of two civic integration acts, in 2005 and 2007, respectively—one regulating pre-entry integration requirements and the other post-immigration integration obligations. Following the 2006 elections, both acts stayed in force, but the new integration minister, Ella Volegaar, made a few practical changes that watered down their initial objectives (Michalowski 2009: 260), notably the financial responsibilities of migrants to prepare for their integration, which again became a municipal responsibility (Entzinger, Saharso and Scholten 2011: 32). Nonetheless, the next government, which took office in 2010, decided to return to the previous scheme by reenacting the loan system, thus again shifting the financial responsibility to migrants. In addition, it was decided to toughen the sanctions in case of non-compliance, with the possibility of revoking the temporary residence permit for individuals, who did not pass the test within the assigned time frame (Böcker and Strik 2011: 163; Entzinger, Saharso and Scholten 2011: 13). I will now discuss the three integration acts in force during the period covered by this dissertation.

WIN

The Integration Act for Newcomers (*Wet Inburgering Nieuwkomers*, hereafter WIN) was the first comprehensive law covering civic integration in the Netherlands, marking the “formal beginning of the now so renowned Dutch inburgeringsbeleid” (Entzinger, Saharso and Scholten 2011: 7). In force from 1998 until 2007, WIN targeted newly arrived migrants from extra-European countries—economic migrants excluded (Carrera 2006: 18). Migrants already settled in the Netherlands were however entitled, on a voluntary basis, to benefit from the integration programs established by the Integration Act. Offering a state-funded integration program, the initial object of WIN was, according to Michalowski, “to help newcomers who were likely to remain in the country for an extended period of time to quickly acquire the skills needed to have access to a position of (social and economic) ‘self-sufficiency’” (2009: 265). The program had two distinct components: a language course and orientation classes of 600 and 30 hours, respectively, spread over a year (Wiesbrock 2010b: 632). While the objective of the language classes was to reach a B1 level of the Common European Framework of Reference (CEFR), social orientation aimed “at preparing the migrant for getting along in everyday life, preventing intercultural misunderstandings and informing him/her about individual rights cherished in the Netherlands, such as the respect of homosexuality or the equality between men and women” (Michalowski 2009: 265). In addition, immigrants could also benefit from guidance on how to enter the Dutch labor market (Wiesbrock 2010b: 632). Attending the integration programs was compulsory for newcomers. Failure to

comply was punished with financial sanctions, either a cut in social benefits or a fine. A test was also included at the end of the program, but failing the test did not have severe consequences (Michalowski 2009: 265).

WIB

The Civic Integration Abroad Act (*Wet inburgering in het buitenland*, hereafter WIB) was adopted in 2005 and entered into force in 2006. The first of its kind in Europe, the measures established in this Act consist of a compulsory integration test in the migrants' country of origin as a precondition for settling permanently in the Netherlands. A materialization of the integration-migration nexus, civic integration abroad is a way of selecting migrants and limiting the immigration to the Netherlands of "migrants that were seen as hard to integrate" (Entzinger, Saharso and Scholten 2011: 7). The Act is mainly directed at third-country nationals—excluding countries with which the Netherlands has bilateral agreements—immigrating for family reunification purposes. The Integration exam is taken at the Dutch embassy and tests both basic language skills and society knowledge—history, institutions and democracy, geography, education, health care, economy and employment (Besselink 2009: 246). The cost of taking the test is high: €365, paid entirely by the candidate and non-reimbursable in case of failure. The Dutch government does not provide any assistance for preparing the exam, but offers candidates the possibility of buying a €65 study kit, containing a film about life in the Netherlands, a list of questions representative of those that will be asked during the exam, as well as sample tests. The migrant, according to the Dutch government, should allocate 50–75 hours for preparing the knowledge part, while 250 to 300 hours would be necessary for preparing the language part (Michalowski 2009: 268). The level of the test was raised in 2008, as a result of an evaluation showing that the candidates displayed better language skills than initially expected (Wiesbrock 2010b: 606-607).

WI

The Civic Integration Act (*Wet inburgering*, WI), which entered into force in January 2007, replaced the 1998 Act, WIN. While WIN's mandatory aspects concerned only newcomers, the scope of Dutch civic integration policy has with this Act been enlarged to also include the so-called "oldcomers". WI concerns all third-country nationals—except those from countries with bilateral agreements—from the age of 16 to 65 years, with a view to permanent settlement in the Netherlands (International Organization for Migration 2010: 142). In the 2007 Act, language courses are no longer organized by the State. The attendance obligation has likewise been replaced by a requirement to pass mandatory language (A2 level) and civic integration tests after three and

a half years of residence in the Netherlands (Wiesbrock 2010b: 632). The rationale behind this change is to shift the focus on the migrants' individual responsibilities: the State organizes the test, but is disengaged from the preparation for passing it. The migrant has to pay both for the preparation of classes and the test itself (€230). As Michalowski points out, migrants coming to the Netherlands “without sufficient language skills should acquire these skills on their own—that is without the financial or organisational help of the Dutch state” (2009: 269).

At first, the State made loans of a maximum of €5000 available to migrants for attending preparatory courses, with the possibility of partial reimbursement if the test was passed within the time set by the law (Michalowski 2009: 269). After one year, however, the new minister in charge of integration, Ella Vogelaar, made funding for the classes available again (Michalowski 2009: 269) and the loan system was discontinued; newcomers, as it turned out, were reluctant to borrow this much money and, in consequence, did not attend the classes (Entzinger, Saharso and Scholten 2011: 14). As said before, the 2010 coalition brought some changes to the Act: the consequences of failing to pass the test could be a fine of up to €1000 or a reduction in welfare benefits (Wiesbrock 2010b: 645). More importantly, however, before the migrant successfully passes the test, a permanent residence permit is not granted (Besselink 2009: 248). As Entzinger, Saharso and Scholten point out, this means that migrants have the right to be in the Netherlands as long as the grounds on which their temporary permit were granted are still valid: for example, if the country of a refugee is deemed safe, her permit may be withdrawn (2011: 30). The 2010 center-right Cabinet also planned to raise the sanctions for migrants who failed to pass the test within three years after their arrival; for non-refugee migrants, the possibility to revoke their temporary residence permit would thus in effect mean an obligation to leave the Netherlands (Entzinger, Saharso and Scholten 2011: 14; Böcker and Strik 2011: 163).

I will now consider whether the Dutch policy is consistent with the Dutch preferences over the policy type of the EU cooperation during the 2004 and 2011 negotiations.

For the year 2004, since the Dutch were holding the Presidency, their proposal was obviously informed by their own policy. This is especially noticeable with the strong focus on national values—which was at that point absent from most Member States' policies and relatively new in others. In the first draft of the CBPs, the Netherlands states that migrants need to adapt and follow the “basic code of conduct” of the host society:

CBP 2: Integration implies respect for the basic values of the European Union.

Immigrants have to adapt to and adhere closely to the basic code of conduct expected of all residents of the receiving society. (First draft 2004: 5, emphasis in the original)

In the final version, “immigrants” was replaced by “every resident”, while the reference to the code of conduct had disappeared. These positions clearly reflect the shift that happened at the end of the 1990s, with the beginning of compulsory civic integration in the Netherlands. Under the 1998 Act, still in force during the negotiations, migrants had an obligation to integrate, but the State still had a role to play in the process by offering introduction programs—containing both language courses and civic orientation classes. Interestingly, almost in parallel with the negotiations of the CBPs, Minister Verdonk was presenting to the Dutch Parliament her grand reform project, Integration Policy New Style. As we have seen, the two new acts—WI and WIB—while maintaining the mandatory aspects of civic integration, were at the same time disengaging the State from the process, shifting the responsibility for integration to migrants. It therefore seems that the preferences displayed by the Netherlands were more in line with its previous policy, mixing support and requirements. Verdonk seems to have arrived too late in the process to influence it and thus had little choice but to sign off on a set of principles that were contradictory to her own future plans and beliefs (Interview NL2, Interview B19)—probably not with respect to the mandatory aspects, but more with the role given to the State, which was in the new Dutch thinking not to provide support, but only control of migrants’ individual integration. This, however, did not prevent Minister Verdonk from confirming that the Principles were in line with her new policy:

One of these basic principles implies that basic knowledge of the language, history and institutions of the host country are essential for integration. Further explanation of the basic principle learns that programs provided herein not only enable immigrants to find their place faster in the key areas of employment, education, housing and health, but also ensure that there is [an investment] in [the] economic and social well-being of society as a whole. According to the Cabinet the new integration system connects seamlessly to these points. The introduction of integration in the country of origins adds an extra building block to the system.⁴⁶

With regard to the Dutch positions in the 2011 negotiations—just like the Swedes, the Dutch also proposed a revised draft—they closely match the 2011 Dutch integration policy. Firstly, they added a new paragraph:

Acknowledging that there are also concerns about the number of immigrants that are ill equipped to actively take part in society, notably family migrants, and the strain/pressure which is put on receiving societies in this regard. (Dutch draft 2011: 3)

This extract is inspired by the notion that some particular groups of migrants put a lot of pressure on the host society because they do not have the ability to integrate. It echoes—if not explicitly—

⁴⁶ Rijksoverheid (2004). *Herziening van het inburgeringsstelsel. Brief van de Minister voor Vreemdelingenzaken en Integratie*. 29 543. Nr. 4. Den Haag, 7 december 2004.

the WIB Act, which seeks to limit immigration by means of testing integration in the host country. Concerning the vision of the division of responsibilities in the integration process, the Presidency proposal mentioned a shared responsibility between migrants and the host society. On the one hand, the responsibilities of the State were not clearly spelled out, except for guaranteeing access to basic elements, such as health or education. On the other hand, the Proposal stated that migrants had to “assume” responsibility for their integration (First draft 2011: 4). This was clearly something the Dutch could agree on and, therefore, they did not suggest any modifications on this point.

The Dutch likewise wanted to remove a paragraph that reflected on the role of countries of origin in the integration process. The role of countries of origin in this context was to provide support to potential migrants to ease their integration process once settled in the host country. This was an idea in contradiction with the focus on individual responsibility and limited state support of the Dutch policy. The Dutch also removed a reference to the promotion of diversity in the host societies and replaced the term “accommodation” by “equal chances”, reflecting the mandatory aspect of integration and the fact that it is migrants who have to adapt, not the host society. In sum, the Dutch positions in the 2011 negotiations perfectly reflect their integration policy: a requirement to integrate, with a very limited role for the State.

Table 6.1 provides an overview of the Swedish and Dutch integration policies according to the classification developed in Chapter II, based on the dimensions of support provided by the State and requirements imposed on the migrants in the integration process. In observing the table, it appears very clearly that the Swedish integration policy belongs to the inclusive policy type over the whole period. As to the Dutch policy, it belongs in the beginning of the period to a conditional policy type, but evolves towards the selective type at the end of the period, as the role of the State becomes less important in providing migrant support and the emphasis is placed on the migrant requirements. To conclude, the evidence partially supports the argument according to which a Member State’s preferences over the policy type of the nature of the EU cooperation is determined by its national policy. In 2004 and in 2011, the positions of the Netherlands clearly matches its national policy. The same observation holds for Sweden in 2011. The case of Sweden is slightly different in 2004; it does not appear to advocate strongly for the cooperation to be as close as possible to the Swedish integration policy—although within certain limits. The reason, as stated before, is that Sweden did not intend to use the cooperation in its national context and that the perceived potential externalities, from a Swedish perspective, were created by differences in the

degree of developments of the integration policies of other countries. Since then, the aim of the cooperation is to mitigate the externalities by developing these countries' policies and therefore, the policy type of the cooperation has a lesser importance.

Table 6.1: Civic integration policy in Sweden and the Netherlands

		Integration in Host Country		Integration Abroad	
	Requirements	Support	Requirements	Support	
2004	Netherlands	Attendance compulsory for newcomers [refugees and family migrants] (WI reforms initiated)	Language classes (free, 600 hours) -Orientations classes (free, 30 hours) -Other types of support (employment) [refugees and family migrants; optional for oldcomers] (WI reforms initiated)	N/A (but reform resulting in the WIB initiated)	N/A (but reform resulting in the WIB initiated)
	Sweden	Completing the introduction program once entered on a voluntary basis Sanction for non-compliance: benefits reduction [refugees and relatives]	Language classes (free, 500 hours on average) - Orientations classes (free, 60 hours on average) -other types of support (employment) [refugees and relatives; languages classes for all kind of migrants]	N/A	N/A
2011	Netherlands	Passing the integration test (sanctions for failing the test: permanent residence permit denied; sanctions for not passing the test: permanent permit denied, administrative fine) [family migrants, refugees]	Loan system for following the class [family migrants] Allowance for following classes if economic necessity [refugees]	Passing civic and language tests in country of origin (sanctions for failing; migration denied) [family migrants]	Possibility of buying a preparatory kit for the test [family migrants]
	Sweden	Completing the introduction program once entered on a voluntary basis Sanction for non-compliance: benefits reduction [refugees and relatives]	Language classes Orientations classes (free, 60 hours on average) -Strong employment support [refugees and relatives] [languages classes for all immigrants]	N/A	N/A

Preferences over Policy Mode

I will now discuss the preferences of the Member States over the policy mode sustaining the cooperation. It was argued that sovereignty concerns and salience of integration issues at the domestic level would influence the preferences for a more or less stringent policy mode. I will consider each factor separately.

Sovereignty Concerns

I will now turn to the issue of sovereignty. I rely on a simple definition of this concept. Sovereignty is understood as, for a state, to be free of external constraints and obligations when choosing to pursue a given course of actions. In the present case, the external constraints on a country's autonomy stem from being a member of the European Union. The actual degree of constraints greatly varies from one issue to another. While in some policy areas, Member States have pooled or delegated their national sovereignty, in other fields they have partly or mostly retained their prerogatives. Migrant integration, until the early 2000s, was an exclusive competence of the Member States and there were no activities of the EU in that domain as such, until the Member States gave a clear mandate to the Commission to act, later formalized by the insertion of an article in the TFEU.

As mentioned in the methodological chapter, in considering the value attached to sovereignty by the actors I assess the political elite's stances on EU issues. The reasoning is that the more negative the stance, the stronger the sovereignty concerns. In turn, if the sovereignty concerns are significant, this adds up to a dissuading factor to act at the European Union level instead of having exclusively national policies.

Sweden

When considering Sweden as a member of the Union, we often place it in the EU-15 category, hence together with the so-called "old" Member States. However, we should not forget that Sweden was a "late comer" and only joined the Union in 1995—just short of ten years before the "new Member States" of the Eastern Enlargement wave. The fact that Sweden was a late comer

and the context surrounding its decision to join the EU provide valuable insights as to what sovereignty means in the Swedish case.

It was only in 1990 that the then Social Democrat government announced its intention to join the European Community. The decision to become part of the EC/EU was a “dramatic policy reversal” in the words of Anderson (2001: 285). Indeed, since the beginning of the European project in the post-World War II era, Swedish political elites had perceived the integration process with both “suspicion” and “ambivalence” (Anderson 2001: 285); the idea of “supranational European cooperation” was indeed explicitly rejected (Selck and Kuipers 2005: 157–158). Based on these observations, two questions naturally arise: why was Sweden so reluctant towards to the EU integration project, clinging to its sovereignty and independence? And, why did it reverse its position after thirty years of being an outsider?

To the first question, we may answer that Sweden’s reluctance to join the EC was in part due to the absence of “pull factors”; and partly a result of a perception of a misfit with the Community. With respect to the lack of pull factors, politically, Johannsson reminds us of the role of history and ideas:

Sweden stayed out of the two world wars and many of the ideas underpinning the EU project, such as the subsidiarity connected with Catholic social teachings, are unknown to most Swedes, few of whom identify with this project. In short, *neither crucial parts of general European history nor basic ideas are shared between Sweden and the continental countries which originally launched the project of European integration.* (Johansson 2003: 372, emphasis added)

In other words, Sweden, unlike the six founding members, did not go through the same ordeals that provided the initial impetus for European integration. Moreover, it is very likely that there were also fewer economic incentives to join: Sweden might have been satisfied with the then commercial ties and relations with the other European countries. Even if it did not take part in the European economic integration *per se*, Sweden opted for the middle way with the launch of the European Free Trade Association (EFTA) in 1960. EFTA allowed the members to benefit from trade liberalization without pooling sovereignty—unlike the EC, which at the time was intended to become a customs union.⁴⁷

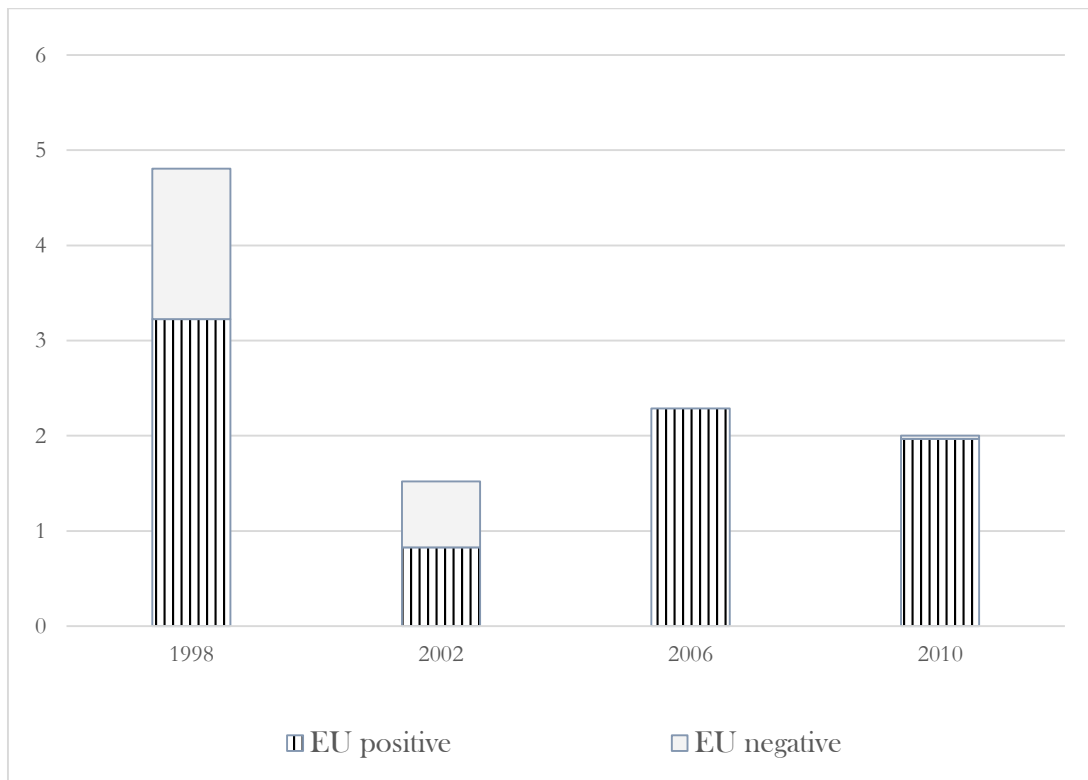
Concerning the misfit aspect, the belief at the time in Sweden was that some of its core policy areas—defining its national identity—were incompatible with joining the EC. Among these policy areas, scholars stress the centrality of Swedish foreign policy, based on neutrality, and the extensive welfare state. To these two fields, Michalski (2013) adds a third one, democratic norms and

⁴⁷ The difference between a free trade area and a customs union is that, while both have no internal customs tariff barriers, the customs union members have a common external tariff towards third-countries (see Balassa 1961).

principles. According to Michalski, in these three fields, “Sweden’s policy norms and orientation were seen as more advanced than in the EU and therefore membership constituted a ‘misfit’” (2013: 163).

What changed then? Two major developments, one external and the other internal made Sweden revise its positions towards the Union. Internally, the country found itself in a serious and acute economic crisis in the early 1990s. Externally, the end of the Cold War had the effect of making Sweden rethink its foreign policy (Anderson 2001; Lindahl and Naurin 2005: 68). This short outline of the background for the Swedish accession, then, sets the stage: Sweden did not join the EU with enthusiasm and was initially a reluctant Member State.

Graph 6.1: Position on EU issues, governing coalition, Sweden⁴⁸



Source: Manifesto Project data, Volkens *et al.* (2014a).

Turning to a more recent period, Graph. 6.1 displays the evolution of the stances of the governing coalitions—and their parliamentary support—on the EU from 1998 to 2010. The values

⁴⁸ Governing coalition: 1998 and 2002: Social Democratic Labor Party, with the Green Ecology Party and Left Party’s support; 2006 and 2010: the “Alliance” formed by the Liberal People’s Party, the Christian Democrats, the Moderate Coalition Party, and the Centre Party (Jon and Widfeldt 1999; Widfeldt 2003; 2007; 2011).

represent the average share of the Party Manifestos allocated to negative or positive claims about the EU. The average is weighted by the parties' respective share of votes to avoid distortion caused by small parties with a strong stance on the issue.

Examining Graph 6.1, two elements are eye-catching. First, the EU as an issue occupies less and less space in the Party Manifestos of the different coalitions. Second, the way the issue is approached becomes more and more positive. Following the 1998 and 2002 elections, the Social Democratic Labor Party (SAP) was in office, supported by the Greens and the Left—at that time the most Eurosceptic parties in Sweden with 9.7% negative claims in 1998 and 4.3% in 2002 in the Green party's manifesto and 4.3% and 2% in the Left party's for the same years (not shown). Their positions were quite extreme, since, at that time, these parties were explicitly in favor of leaving the EU, which was perceived as a “threat to Swedish democracy” (Aylott 2002a: 6). The position of the Greens has, however, since evolved and the party formally renounced its previous stance to leave the EU in 2008 (Miles 2011: 268). SAP, in contrast, only express positive positions on the EU for these elections.

The big gap between 1998 and 2002, almost 5 points difference, might be due to a loss of salience of the EU issue, but it could also be an effect of the way Swedish elites have handled EU-related issues during this period. With a rather Eurosceptic electorate, Swedish politicians have tried altogether to avoid politicization of EU issues in the public debate (Lindahl and Naurin 2005), and if such issues could not be avoided, the parties did their best to separate EU issues from national elections, preferring instead to deal with them in other ways (Aylott 2002b). This strategy, with the Economic and Monetary Union referendum planned the year after the 2002 elections, partly explains why the issue has lost so much salience, when looking at the parties' manifestos. The next electoral years, 2006 and 2010, saw the Alliance take office, with only positive stances on the EU in their manifestos.

How does this positive stance of the Swedish government translate into practice? In Brussels, on a day-to-day politics level, it appears that Sweden has not been an “obstructive” partner in the Council of Ministers—save for the first year of its membership (Lindahl and Naurin 2005: 81). Rather than being uncooperative, Johansson in fact emphasizes that “Swedish representatives seemingly do their best to behave well in the Union, both administratively and politically” (2003: 372). When it comes to more fundamental steps of integration, Michalski argues that if Sweden was skeptical on constitutional and institutional matters, it was also supportive of transferring more competences to the EU in fields of particular interest to Sweden (2013: 164). Indeed, Miles points out that “[i]n practice, Swedish governments have selected various issues as

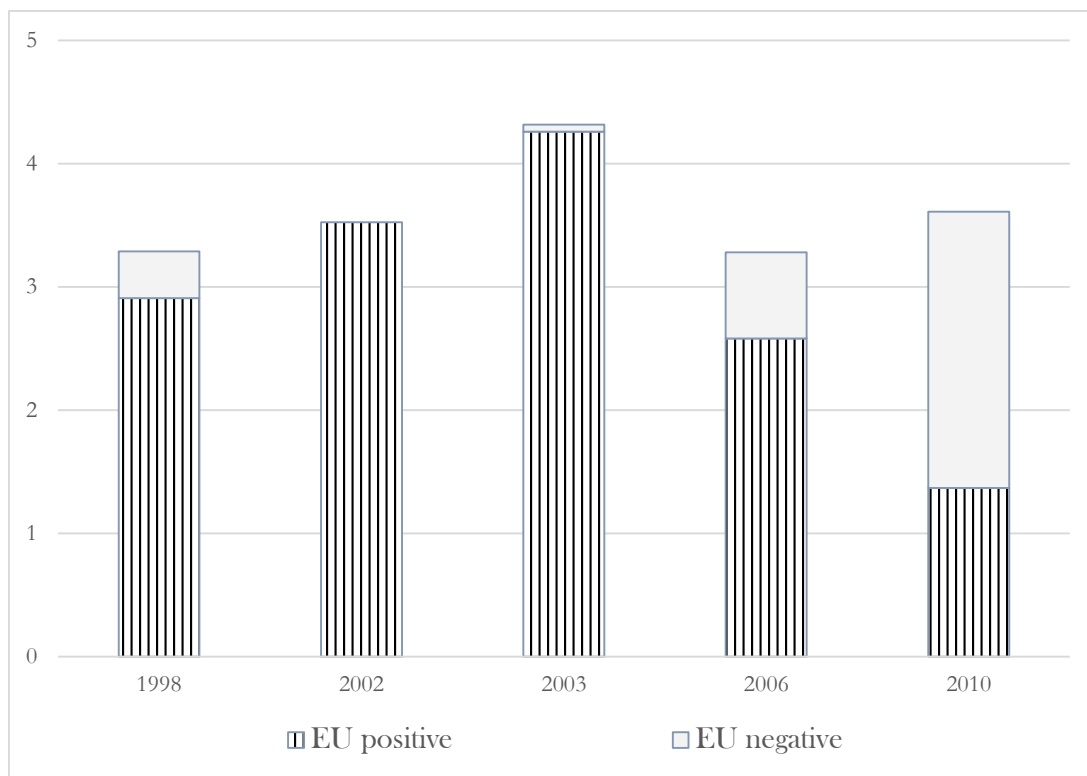
being of primary importance and have duly championed these within the EU policy-making process”, such as the environment, social policy or democratic aspects of the EU (2005: 178).

The Netherlands

From a historical perspective, the Netherlands has been one of the main supporters of European integration. Along with the other Benelux founding members, the Netherlands held the belief in the necessity of political integration (Beyers, Kerremans and Bursens 2001). Beyond an ideological or even idealist vision, the importance of integration was closely tied to the issue of sovereignty, since, as Keman stresses, “upholding [its] sovereignty [was] by and large dependent on international integration and military co-operation” (2008: 238). Indeed, given the economic and geopolitical position of the Netherlands, stuck between Germany and France, political integration was a way of “guaranteeing access to European markets, and of constraining the power of more powerful states” (Anderson and Kaeding 2006: 108). Hence, and unlike Sweden, integration had not been perceived as a loss of sovereignty, but on the contrary, as a way to safeguard it.

This commitment to integration is illustrated by the fact that the Netherlands until recently, has consistently pushed for pro-integrationist agendas during its presidencies of the Council, notably with the signature of the Maastricht and the Amsterdam Treaties, further enhancing European cooperation (Anderson and Kaeding 2006: 115). More than pro-integration, the Netherlands has in the past been “too” pro-integration for the taste of other Member States: in 1991, as Anderson and Kaeding underline, the Netherlands “pushed the idea of ‘European Political Union’” (2006: 123). This federalist position had to be abandoned during the negotiations of the Maastricht Treaty (Anderson and Kaeding 2006: 123; Hoetjes 2003: 317).

According to Hoetjes, this unquestioning support for “more Europe” began to fade in the mid-1990s, as a result of the failure to influence the Maastricht negotiations (Hoetjes 2003: 318). Moreover, financial aspects were becoming increasingly important, as the Netherlands was no more a net beneficiary of EU funding, but had become a net contributor to the budget (Hoetjes 2003: 318; Anderson and Kaeding 2006: 108–109). After 1994, there was indeed a change of paradigm, with “the government publicly stat[ing] its desire to promote its national interest in Europe, including Dutch business interests”, instead of the implicit assumption that more integration was the best way to advance Dutch interests (Hoetjes 2003: 318).

Graph 6.2: Position on EU issues, governing coalition, Netherlands⁴⁹

Source: Manifesto Project data, Volkens *et al.* (2014a).

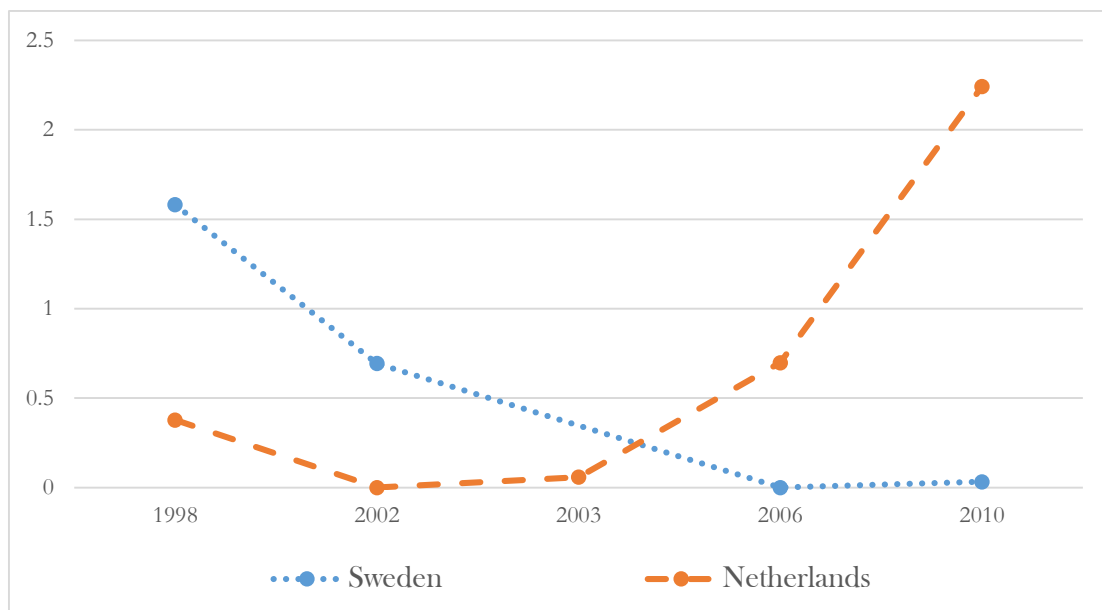
Graph 6.2 displays the average positions of the political parties forming the governing coalition in the period from 1998 to 2010. It appears that from a very positive, almost exclusively positive, position on the EU, Dutch governments have become much more negative from 2006 onwards, making a leap from 0.06% to 0.92% of negative claims between 2003 and 2006. Noting that the coalition partners are almost similar in both electoral years (CDA, VVD, D66 in 2003; VVD and CDA in 2006; see footnote), the increase in negative claims between 2003 and 2006—which is also reflected in the overall average for all Dutch parties' positions (not shown)—is without a doubt a reaction of the Dutch political elites to the 2005 Referendum, where the Dutch electorate voted massively against the EU Constitutional Treaty—61.54% against, 38.46% in favor.⁵⁰

⁴⁹ Governing coalitions: 1998: Labor Party (PvdA), People's Party for Freedom and Democracy (VVD), Democrats 66 (D66); 2002: Christian Democratic Appeal (CDA), VVD, List Pim Fortuyn (LPF); 2003: CDA, VVD, D66; 2006: VVD, CDA; 2010: VVD, CDA, with Party for Freedom (PVV) support (Lucardie and Voerman 1999; 2003; 2004; 2007; 2011).

⁵⁰<http://www.verkiezingsuitslagen.nl/Na1918/Verkiezingsuitslagen.aspx?VerkiezingsTypeId=6> (last accessed 01.12.2014).

The majority of the political establishment had supported the Treaty: the governing coalition, the PvdA, and the Green party were all in favor, but did not manage to organize a common campaign (Lucardie and Voerman 2006: 1202). Taken together, these parties accounted for 128 seats out of the 150 in the *Tweede Kamer*. This means, as Lucardie and Voerman point out, that in addition to the supporters of the parties of the “no side”, “most supporters of PvdA and Green Left as well as substantial minorities of CDA and VVD voters” voted against (2006: 1202). This partisan “defection” of the electorate came as a severe shock to the political elite (Bursens and Crum 2010: 148; Lucardie and Voerman 2006: 1202). The result of the referendum thus “forced [the parties] to reconsider their position on European integration” (Bursens and Crum 2010: 148).

The “No” and subsequent reorientations of the governing parties’ stance on EU issues had concrete repercussions for the Lisbon Treaty negotiations. Dutch demands had a very different tone than in past Treaty negotiations. A significantly less integrationist tone in fact. Bursens and Crum recall the core objectives of the Dutch negotiators: no constitutional character for the new treaty; a more democratic EU; clear delimitations of EU competences; and finally, more cooperation in areas of particular Dutch interest—such as energy policy, environmental problems, asylum and migration policy, economic competitiveness, terrorism, cross-border crime, and external policy (2010: 149–150). This trend of increasingly negative claims on EU issues was manifest in the 2010 electoral campaign. The governing parties—the VVD and the CDA, which formed a minority coalition, with the official support of the Eurosceptic PVV—took an overall negative stance on the EU, with negative claims, for the first time, outweighing positive positions at 2.24% and 1.37%, respectively, as shown in Graph 6.2.

Graph 6.3: Negative position on the EU, governing coalitions, Sweden and the Netherlands

Source: Manifesto Project data, Volkens *et al.* (2014a).

Looking at the share of negative claims in the governing parties' manifestos in both countries, shown in Graph 6.3, we can see that the Swedish and Dutch paths diverge strongly. And, while at the beginning of the period, the Swedish government was much more Eurosceptic than the Dutch, the reversal in positions is dramatic after 2006. If we look at the electoral years closest to the 2004 and 2011 Council negotiations in the field of integration, we can see that in 2004, the Dutch governmental parties still displayed few sovereignty concerns, with less than 0.06% negative claims in their manifestos, creating a favorable situation for acting at the EU level. The same applies to Sweden, even though the governmental parties are more critical than in the Dutch case, with a score of 0.69%. For the second case of negotiations, the closest electoral year, 2010, shows a dramatically different picture, with a Dutch government holding a much more negative stance compared to 2004—an unfavorable context for enhancing the European cooperation—and also compared to Sweden, where the Government coalition's negative claims are close to zero.

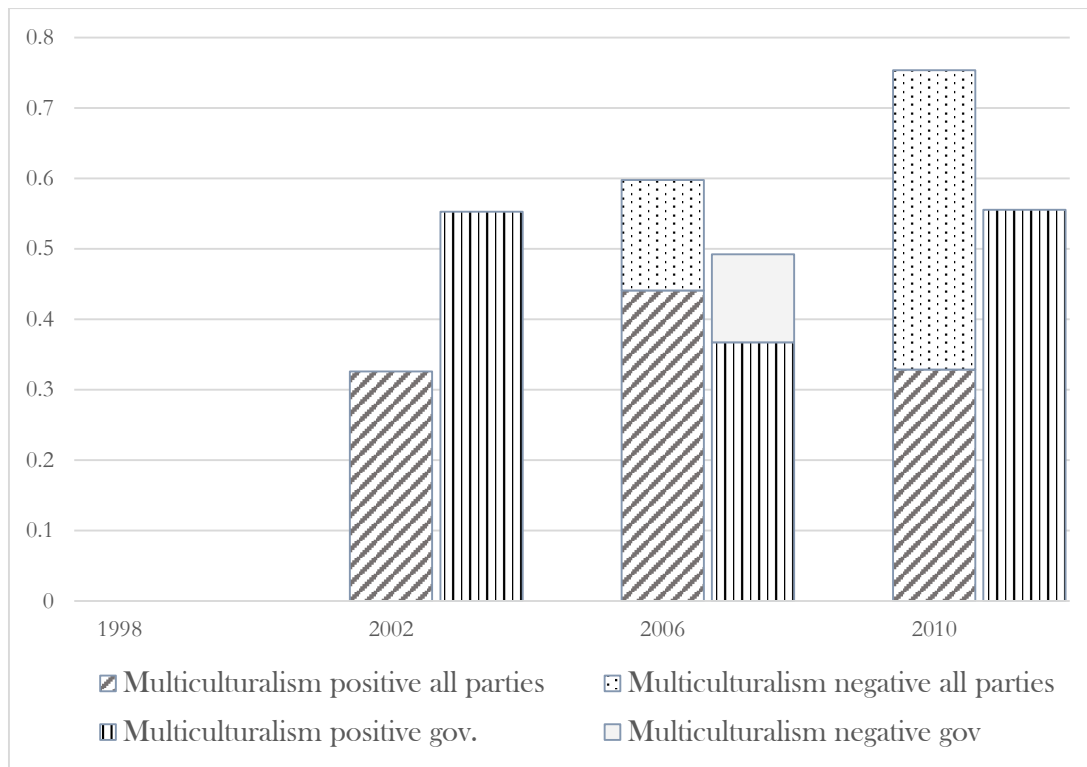
Salience of Integration Issues

The second factor influencing Member States' preferences over the policy mode of the EU cooperation is the salience of integration issues at the national level. The salience of integration

issues in the present case is considered as a hindering factor to act at the EU level for the Member States. Indeed, if an issue is salient at the national level, it plays a role in the electoral choice of voters. And since parties are instrumental and seek to maximize their share of votes (Strøm and Müller 1999), they must be able to capitalize on integration issues to win elections, if need be. Transferring competences in integration policy would thus to a wide extent mean losing their margin of maneuver in that field. For example, parties cannot promise their electorate that they will reestablish customs tariffs within the EU—except Marine Le Pen’s National Front⁵¹—because governments have relinquished their competences in this field and it would require renegotiating the Treaties—with no guarantee of success. Every field works the same way. Imagining the hypothetical situation in which the Member States had committed to a directive, offering free integration classes to all newcomers, the second Balkenende Cabinet would thus not have been able to shift the financial responsibilities for civic integration on the migrants coming to the Netherlands.

Therefore, considering the incentives to act at the EU level—as we did in the previous chapter—the salience of integration will be one of the factors explaining how the Member States want to implement the cooperation: if, at the national level, integration is of little salience—provided there is a presence of incentives—a Member State will have a preference for a more stringent policy mode for enacting the EU cooperation. And vice-versa. Let us now consider what the situation is like in the two cases. To assess the salience of integration in national politics, I combine two quantitative indicators: the space committed to issues related to multiculturalism in party manifestos during parliamentary elections and the electoral strength of the far-right parties.

⁵¹ See for example Landré (2011).

SwedenGraph 6.4: Multiculturalism as an electoral issue, Sweden

Source: Manifesto Project data, Volkens *et al.* (2014a).

Graph 6.4 shows the salience and average positions—negative or positive—on multiculturalism for both the parties represented in the *Riksdag* (left bar) and the governing coalition (right bar) formed after the elections. Considering the different governing coalitions in Sweden, it appears that multiculturalism has mostly been a “non-issue” over the whole period, as seen in Graph 6.4, with very low scores. In 1998, it is not even mentioned in the manifestos, while the highest scores reach only 0.55% in 2002 and 2010. Moreover, when dealt with, it is mainly in positive terms, and integration is thus not framed as a problem. The picture is slightly different when considering the average claims of all parties in the *Riksdag*. Firstly, there is a noticeable trend towards the increasing importance of integration issues from one election to the next—yet the levels are still extremely low. Secondly, the share of negative claims increases: from non-existent at the beginning of the period to 0.42% in 2010, surpassing the positive views.

The analysis of the Manifesto Data reflects an image of integration being a non-issue in Swedish electoral politics. However, this needs to be nuanced for two reasons. Firstly, as discussed earlier, parties may use other support than their manifestos to politicize an issue. Secondly, just because parties are silent on an issue, it does not mean that it is not salient. It could simply mean that mainstream parties refrain from attempts to mobilize the electorate on that given issue. Both elements seem to be present in the Swedish case. As regards the use of alternative modes of communication, this appears to have been the case during the 2002 elections, where integration was actually politicized by the Liberal party leader (Bale 2013: 359; Widfeldt 2003: 1091). Leijonborg presented a program on integration and immigration a few weeks before the elections, combining a liberal approach to labor migration, with a hard stance on integration. With respect to the latter, the proposed measures were, for example, the repatriation of migrants who have not found a job within a certain period of time, civic orientation classes and citizenship tests (Bale 2013: 359; Widfeldt 2003: 1091). An approach rather foreign to the Swedish context, but that met with great success, helping the Liberal party regain popularity among voters (Bale 2013: 359; Widfeldt 2003: 1091).

Electoral reports suggest that integration issues were not politicized by other means than the manifestos of the mainstream parties for the other electoral years. In relation to this point, and concerning the “hidden” salience of integration, the steady rise of the far-right party, the Sweden Democrats, from 1.4% in 2002 to 5.7% in 2010 (Table 6.2) shows that there is in fact a potential to mobilize voters around integration and immigration issues. And, having won 5.7% in 2010, the Sweden Democrats entered the Swedish Parliament. This was a huge shock for Swedes. As Aylott points out, unlike many other European countries, including their Nordic neighbors, Sweden had so far “lacked a radical-right populist party that sought to exploit ethnic tensions for its own advantage” (2010: 6).

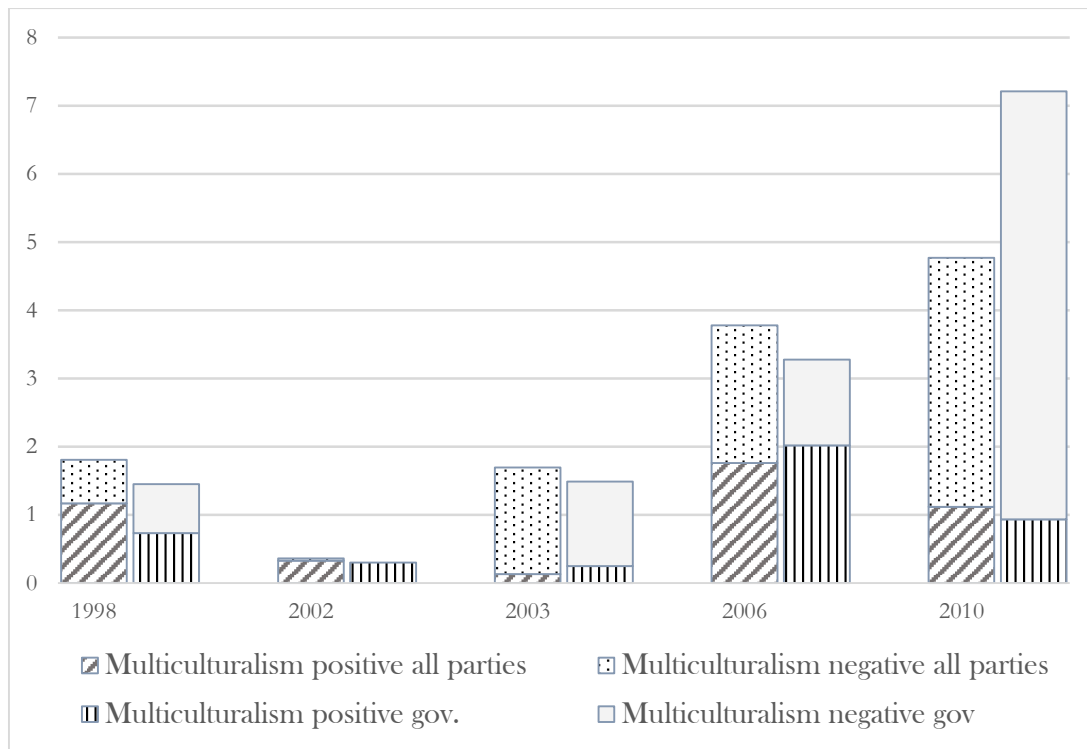
Table 6.2: Electoral strengths of far-right parties, Sweden and Netherlands

Country	2002	2003	2006	2010
Sweden	1.4%	N/A	2.93%	5.7%
Netherlands	17%	5.7%	5.89%	15.45%

Notes: for the Netherlands, the far-right is represented by the LPF in 2003 and 2002, and then the PVV in 2006 and 2010. For Sweden, it is the Sweden Democrats who represent the far-right over the whole period.
 Source: www.val.se; www.nlverkiezingen.com (last accessed 26.01.2015).

The Netherlands

Graph 6.5: Multiculturalism as an electoral issue, Netherlands



Source: Manifesto Project data, Volkens *et al.* (2014a).

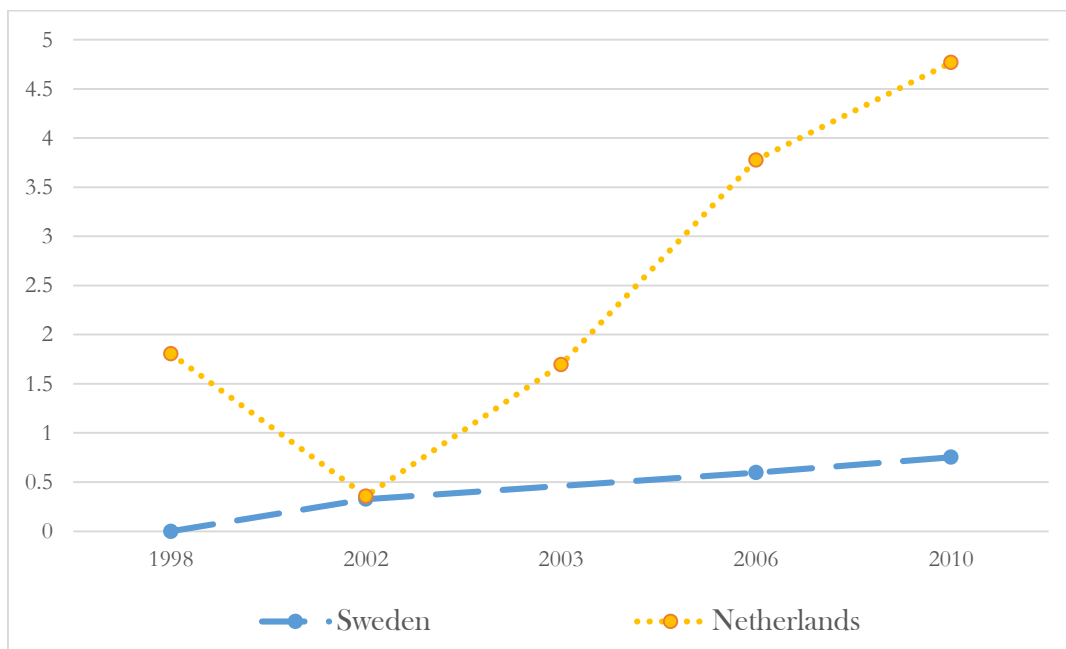
Turning to the Dutch case, the picture is—as expected—dramatically different. Graph 6.5 shows the parties’ (left bar) and governing coalitions’ (right bar) stances on multiculturalism and the space the issue occupies in the electoral contest. Not only, compared to Sweden, is the salience of integration issues much higher, but the parties also adopt a much more negative stance. While the issue is already somewhat salient in 1998—the year of the entry into force of the Civic Integration Act (WIN)—it steadily gains in importance over time. As mentioned before, the integration debate in the Netherlands became more and more central in the early 2000s. This is reflected in the success of the far-right in the 2002 elections. Despite the assassination of its leader—Pim Fortuyn—a few days before the elections, the far-right party made a stunning entrance into the parliament, with a 17% of share of the votes for its first electoral campaign.

According to electoral reports, integration, immigration and Islam—Pim Fortuyn’s main themes—were still important in the 2003 elections, but not as much as in 2002 (Lucardie and

Voerman 2004: 1084). Moreover, the other mainstream parties had adopted more negative stances on multiculturalism, as can be seen in Graph 6.5. Both the party average and the governing coalition had thus adopted a mostly negative stance. In addition, the LPF had softened its position on the matter; the distance between the main parties and the far-right was reduced, and LPF had lost the ownership of these issues (Lucardie and Voerman 2004: 1084). Within one year, the LPF went from 17% to only 5.89% of the share of votes (Table 6.2) and did not make it into Parliament in 2006.

However, the space left empty by the LPF was quickly taken up by the PVV, whose leader, Geert Wilders, is well known for his anti-Islam positions. In the 2006 elections, multiculturalism regained in importance, with an almost 4% share of the parties' manifestos dealing with this issue. Nonetheless, the shares of negative and positive claims were much more balanced than in the previous elections of 2003. 2010 marks an incredibly high salience of multiculturalism issues, the highest over the whole period. While the share of the manifestos committed to multiculturalism issues is about 5% for the parties on average, it climbs to almost 8% for the governing coalition. Not only are the numbers staggeringly high, but the issue is also framed in a mostly negative way, especially when it comes to the government parties' manifestos: 6.3% of the claims concerning multiculturalism are negative. This is in part due to the fact that the far-right party, the PVV was *de facto* part of the governing coalition, without formally being in office.

Graph 6.6: Salience of multiculturalism, Sweden and Netherlands



Source: Manifesto Project data, Volkens *et al.* (2014a).

Integration clearly did not play the same role in Swedish and Dutch politics during the period under consideration. A quick look at Graph 6.6 shows how pronounced the difference between the two cases is, when considering the parties' average, keeping in mind that the point of 2002 for the Netherlands should be much higher, the gap between the countries becomes wider and wider, to the extent that multiculturalism takes almost five times more space in the Dutch manifestos compared to the Swedish ones.

For the Dutch case in particular, integration has been a key issue over the whole period. It was already essential in the elections preceding the adoption of the Common Basic Principles in 2004—with a surge of votes for the far-right in 2002. During the negotiations of the CBPs, integration was high on the agenda with the reform of the Dutch integration policy. It became even higher *during* the negotiations with the murder of Theo van Gogh by a second-generation migrant of Moroccan descent in November that year, just as the Principles were negotiated. Integration further remained of key importance throughout the decade, and the post-2010 elections Cabinet—under which the 2011 Council Conclusions were negotiated—also placed a strong emphasis on integration issues, always towards greater restrictiveness. Seeing how fundamental integration issues have been in Dutch electoral politics, there is no way that Dutch politicians would have had a preference for a strong policy mode in that field. In addition, it seems that the Dutch displayed an ambiguous attitude towards advancing the cooperation in 2011. On the one hand, adopting the Council Conclusions was seen as important and there was clearly a desire to broaden the scope of the cooperation (Interview NL1), but the position that the Dutch government presented to the Parliament clearly states that the Dutch do not want a deeper cooperation at this stage as they are against enhanced coordination on integration indicators.⁵² This difference in attitude can be explained by the increase in salience of the issue, but also by the rather negative stance toward the EU of the Dutch government in this period.

Turning to the Swedish case, the picture is one of a moderate salience at the beginning of the period, notably in 2004, probably with a certain refusal of mainstream parties to capitalize on integration issues. However, this does not mean that integration issues are not salient in the eyes of the public, as indicated by the steady rise of the Swedish far-right party. It appears, then, that integration issues are more salient in 2011 than in 2004, considering the rise of the Sweden Democrats. This implies that even if the mainstream parties do not try to mobilize their electorate on integration issue at this particular point in time, it would nonetheless be too risky a strategy to

⁵² Rijksoverheid (2011). *Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie. Brief van Staatssecretaris van Buitenlandse Zaken*. 22 112. Nr. 1219. Den Haag, 12 september 2011.

opt for a stronger policy mode for the EU cooperation. The parties may thus in future need to be able to actually capitalize on the issue to counter the rise of the far-right.

In conclusion, salience of integration issues, even with very different levels, could explain why Member States may favor less stringent cooperation. However, the empirical test would have been more convincing if Sweden and the Netherlands held a strong divergent preference as to the policy mode of the cooperation. Unfortunately—from a theoretical point of view—the divergence in terms of preferences on this aspect among the Member States do not appear to be very significant. Beyond Sweden and the Netherlands, there seems to be a general consensus among the Member States that the only acceptable way to deal with integration issues at the EU level is through a soft mode of governance. No Member State appears to be in favor of delegating competences in this area and all are very careful of not committing to anything legally binding (Interview B18). Even the proposed application of the Open Method of Coordination was seen as a step too far, despite its generally soft nature. Another illustration can be found in the negotiations of the last Council Conclusions in December 2011. Even though the Presidency's draft Conclusions were very careful in the sense of respecting the distribution of competences, the Member States nonetheless saw the need to add many safeguarding clauses to the agreement.

Chapter VII

Negotiating the Common Basic Principles

In Chapter VI, an attempt was made to explain, through a comparison of the Swedish and Dutch cases, the individual preferences of the Member States over the nature of the cooperation in the field of integration policy at the EU level. The remainder of the dissertation will explore the dynamics that determine the features of this cooperation by examining the negotiation process between Member States holding diverging preferences. According to classical bargaining theory, the outcome—hence the nature of the cooperation—should reflect the preferences of the most powerful actors in the negotiations, as determined by the best alternative to an agreement.

The present chapter as well as the next one will be dedicated to confronting this claim with the empirical evidence, by analyzing two cases of negotiations in the field of integration at the European level. Firstly, the negotiations of the Council Conclusions establishing the Common Basic Principles in 2004, and, secondly, the Council Conclusions on the second European Agenda for the integration of the TCNs, negotiated in December 2011. For the sake of clarity, the analysis of each negotiation episode will be carried out in two separate chapters. Both chapters will, to the extent possible, be structured in a similar way, to ease the comparison across the two cases. Nonetheless, it should be noted that the analysis of the second negotiation case will be more elaborate, for the simple reason of greater data availability. I will return to this issue at a later stage.

The following analysis relies on two sources: firstly, written documents, that is the various drafts produced during the negotiations by the Council, as well as the final version of the Council Conclusions. This final version of the document is the output of the negotiations. The second source consists of interviews with officials, who were directly or indirectly involved in the negotiation processes. However, it is important to note that the interviews for the first negotiation case concerned an event that occurred more than ten years ago and that, compared to the other negotiation case, they are relatively few in number.

The chapter is structured as follows: the first part presents the context in which the negotiations took place. The second part focuses on the substance of the negotiations. Finally, the third part deals with the bargaining process and the outcome of the negotiations.

Contextualizing the Negotiations

In this first section of the chapter, I will present the contextual elements of the negotiations: their background and timing, the institutional parameters, and finally the “climate” in which they took place. These three elements are essential to our understanding of the dynamics of the negotiation process and its subsequent outcome.

Background and Timing

The entire process of elaborating the Common Basic Principles on migrant integration took months as well as substantial efforts on the part of the 2004 Dutch Presidency. It is, however, important to distinguish between *the preparation of the negotiations* by the Presidency and *the formal negotiation process* among the actors that are empowered to do so.

According to an observer, the preparation of the negotiations of the CBPs had begun well before the Dutch Presidency, and, surprisingly, not under the auspices of the EU institutions. Indeed, the early work of the upcoming Dutch Presidency took place in the Council of Europe, in Strasbourg. There, the Dutch tried to assess whether “there would be enough support to do something with this issue” (Interview NL5), that is, establishing the Common Basic Principles that were already mentioned by the European Council at the Thessaloniki summit in 2003. Furthermore, in addition to this initial probe for support in the Council of Europe, the Netherlands also decided to contact several Member States to gauge their views prior to assuming the Presidency of the Council in July 2004 (Interview NL5).

As the Dutch saw that there would be some possibilities of support from the other EU Member States to pursue this path, their next task was to draft Common Basic Principles on integration that could secure a consensus among the Member States.

The first document, on which the negotiations would later take place, was drafted by the Dutch Presidency—more precisely by a small team of national civil servants from the Ministry in charge of the integration portfolio, which was convened to complete the particular task of elaborating the CBPs. In this respect, it is interesting to note that the Dutch team sought external expertise, notably from a Washington-based think tank, the Migration Policy Institute (MPI), to prepare the Principles

(Interview NL2, Interview NL5). The reason as to why the Dutch team needed external expertise is, however, not entirely clear. It could be hypothesized that the team may have wanted to produce a first document that would not be “too national” in order to facilitate the negotiations and gather more support from the other delegations. It could also be that the team needed help to manage the workload, or that it was simply keen on hearing innovative ideas. The most likely reason why the Dutch decided to work with the MPI, however, appears to be that the think tank had already been involved in assisting the Greek Presidency, when it had sought to negotiate Conclusions on integration issues in 2003 (Interview NL2).

Later, probably at the beginning of their Presidency, the Dutch contacted the Commission to let them know of their plans for “doing these CBPs” and that they also intended to organize an informal ministerial conference on integration—the first of its kind (Interview NL5). In this respect, a couple of interviewees mentioned a remarkable fact: the Commission was anything but satisfied when they realized that the Dutch were assuming the challenging task of elaborating the CBPs on the integration of TCNs (Interview B19, Interview NL5). According to a Dutch observer, the Commission was not “too happy” because it believed that it was not the task of the Dutch “as a country to write” the CBPs (Interview NL5). According to the same informant, the Commission officials thought at the time that it was “[their] task to write these CBPs because it was what Greece asked [them] to do” (Interview NL5). Yet, within the one-year period between the Greek and the Dutch Presidencies, the Commission did little to initiate the process of elaborating the CBPs (Interview B19, Interview NL4). However, despite this conflict at the beginning of the process, the Commission did help the Dutch in the drafting of the Principles, notably with respect to the procedural and legal aspects (Interview NL5).

Following the drafting process, a first policy paper was presented at the NCPI level (Interview NL5). Already at this stage, then, a document was discussed by civil servants specialized in integration matters from all the other Member States. Indeed, it seems that a major part of the negotiations were accomplished in this context (Interview B6). In consequence, this first document over which the subsequent formal negotiations took place at the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) meeting in September had in fact already been “pre-negotiated”.

While the *preparation* of the negotiations was thus lengthy, this did not appear to be the case for the formal negotiation process itself. The formal negotiation process—that is the negotiations of the CBPs taking place among national representatives—ran from mid-September till early November 2004, taking all in all a little less than two months to conclude. Before its formal adoption by the Justice and Home Affairs Council on the 19th of November, four rounds of

negotiations took place. The two first rounds took place in the framework of SCIFA meetings, while the last two were held at the level of the Committee of Permanent Representatives (COREPER).

Institutional Parameters

Concerning the institutional parameters that frame the negotiations, it is important to stress two elements. Firstly, the institutional rule that applies while negotiating in the area of integration is the one of unanimity, meaning that every Member State must agree on the content of the text for it to be adopted. Secondly, and given the division of competences in this field, Council Conclusions are the only policy outputs, yet also the backbone of the cooperation, produced collectively by the Council in the area of migrant integration. Most importantly, Council Conclusions are not hard law, and hence not legally binding for the Member States. But, to grasp the dynamics of the negotiation process it is essential to move beyond these formal elements to understand what Council Conclusions mean from a Member State's point of view. This is all the more important as there is no visible legal impact at the domestic level, as would be the case with a directive or a regulation. On the basis of interviews with national and EU institutions representatives, we can identify three main functions performed by Council Conclusions. Firstly, they are a political signal of the readiness of the Member States to act together in a given field (Interview B10) and the collective acknowledgement by all Member States of the importance of a given issue (Interview B9).

Secondly, Council Conclusions are, and especially in areas like integration, a means of enhancing cooperation (Interview B8). Indeed, they mainly do so by “inviting the Commission to take certain measures” (Interview B18, Interview B14). In fact, the mandate given to the Commission by the Member States through Council Conclusions clearly constitutes the way cooperation moves forward in this field (Interview B18).

And, thirdly, with regard to the national level, Council Conclusions serve as political guidance for Member States (Interview B10) and as an appeal to governments to apply certain kinds of measures (Interview B14).

Despite—from a strictly legal point of view—the non-binding nature of Council Conclusions, some observers pointed out that, nonetheless, they were in fact binding on a political level (Interview B17). Not only do they provide political guidance, they also apply some political pressure on the Member States (Interview B12). Governments feel committed to what they agree in the Council Conclusions (Interview B6). Indeed, representatives emphasized that once Council

Conclusions are adopted, the clear expectation is that actions should be taken at the national level, although the perceived commitment to do so might vary from one Member State to the other (Interview NL1). Furthermore, once Council Conclusions are agreed, they acquire a certain precedent or “stickiness” (Interview B6 and Interview B17). Consequently, what has once been decided or agreed at the EU level is fairly difficult to modify afterwards (Interview B17). Indeed, as one observer pointed out, negotiating Council Conclusions is almost as hard as negotiating hard law, because they certainly also have consequences (Interview B14).

The Climate of the Negotiations

The context in which the negotiations took place was rather particular: the Council Conclusions on the CBPs were the first substantial and important Conclusions in the field of integration, even though the topic had already been discussed on several occasions in the European arena. The “novelty” of this area made it easier to deal with at the time, according to an observer (Interview B19). The same interviewee also notes that not only were fewer countries concerned by integration issues at the time but that the general context, be it politically or economically speaking, was much more favorable (Interview B19). These elements probably did much to establish a favorable climate for the negotiations.

Another aspect which needs to be considered is that the situation in the Netherlands, which was leading the negotiations, may have influenced the negotiation climate and may have partly shaped it. Indeed, as said earlier, the situation in the Netherlands at the time was extremely tense. Integration was (already) an extremely salient and problematic issue: integration policies were becoming more and more conservative under the leadership of the Dutch “iron lady”, Minister Verdonk. In addition, there were migrant youth riots in the Hague, and right before the informal conference of integration ministers in Groningen, Theo van Gogh—a Dutch filmmaker known for his critical position on Islam—was murdered (Interview B19, Interview NL5). This last event seems to have really marked the people involved in the negotiations. It is thus probable that the Dutch situation influenced the negotiations in a “positive” way, showing just how pressing and salient integration matters could be.

More generally, the mood in Brussels during the negotiations of the Council Conclusions was quite cooperative (Interview B6). According to an interviewee, these negotiations in view of adopting the CBPs were “seen as a good step forward and not a controversial step forward” (Interview S9). Two additional elements support the idea that the CBPs negotiations took place in an extremely cooperative climate. The first element is that some interviewees had the feeling that

the Common Basic Principles would never have been adopted if they were to be negotiated in the current context (Interview NL4, Interview B1, Interview B2, Interview B11 and Interview B14).

The second element is that the CBPs at the time were perceived as entirely uncontroversial (Interview S9). Some observers were even left with the impression that there were no real negotiations at all in the Council. For example, to the question of her involvement in the negotiation process, an interviewee answered: “There wasn’t any... This is a really good example on how it worked in these days: it’s a question of building consensus before you come to the meeting” (Interview B19).

The Negotiations in Substance

Content of the Council Conclusions

Turning now to the substance of the negotiations,⁵³ the Council Conclusions can be divided into two parts: the Preamble and the Principles themselves.

Concerning the content of the Preamble, which introduces the context, rationale, and objectives for the adoption of the Common Basic Principles, it is interesting to note that, on many points, there seems to have been a consensus from the start of the negotiation process. These points concerned the perception of immigration, the perception of the link between immigration and integration, the appropriate level of competences and the diversity of national policies. Only two issues in the Preamble appeared to play a role in the negotiations. The first issue is the perception of the consequences of failed integration policy in one Member State. In its final formulation, it is expressed as follows:

The failure of an individual Member State to develop and implement a successful integration policy can have in different ways adverse implications for other Member States and the European Union. For instance, this can have impact on the economy and the participation at the labour market, it can undermine the respect for human rights and Europeans’ commitment to fulfilling its international obligations to refugees and others in need of international protection, and it can breed alienation and tensions within the society. (Third draft 2004: 4)

Beyond slight reformulations, the most striking change is the deletion of any mention that policy failure in one Member State can also influence the integration of migrants in other Member States,

⁵³ There are six drafts in total plus the final text. See Annex V, part I, for a complete list of the primary documents used in the analysis of the negotiations.

hence suggesting a direct interdependence between national integration policies as expressed in the first proposal:

When immigrants move to another Member State the failure to implement a successful integration policy of one Member State can also influence the integration process in the other Member State. (First draft 2004: 2)

The second issue concerns the aim of the CBPs. While it did not seem too contentious, the final agreement was nonetheless reached only after the third meeting of the negotiators. The main modification to the text was that extra goals were added, making the CBPs even more important. These additional aims were: helping the Member States set priorities in their national policies; assisting in structuring the Member States dialogues on these matters; and to “serve as a basis for and assist the EU to explore how existing EU-instruments related to integration can be developed further” (Fourth draft 2004: 5). In addition, Member States throughout the negotiation process felt the need to emphasize once again the non-binding nature of the Principles. I will now consider the specific issues related to each individual CBP.

CBP 1: Definition of integration

With regard to CBP 1 and its explanation, the definition of integration, it does not seem to have been subject to much negotiation. The only change concerns the responsibilities of the receiving society, which were slightly reduced. From an obligation of creating opportunities for migrants, it became a normative prescription:

It also involves the receiving society, which **must** create the opportunities for the immigrants’ full economic, social, cultural, and political participation. (First draft 2004: 4, emphasis added)

It also involves the receiving society, which **should** create the opportunities for the immigrants’ full economic, social, cultural, and political participation. (Fifth draft 2004: 8, emphasis added)

CBP 2: Basic values

CBP 2 concerns values, more specifically, respect for the basic values of the European Union. A final agreement on this Principle and its interpretation were found fairly early in the process, after the second negotiation round. The explanation of CBP 2 was extensively modified after the first draft. First of all, the values of the EU and of the Member States were listed in a more exhaustive way and a reference to the Charter of Fundamental Rights was added. Most importantly, the explanation, after the negotiations, included an entire paragraph dedicated to the dangers of

having migrants with opinions that are not in line with the basic values of the Member State's society:

Views and opinions that are not compatible with such basic values might hinder the successful integration of immigrants into their new host society and might adversely influence the society as a whole. Consequently successful integration policies and practices preventing isolation of certain groups are a way to enhance the fulfilment of respect for common European and national values. (Third draft 2004: 9)

CBP 3: Employment

Employment is the subject of CBP 3. An agreement on this Principle and explanation were only found at the end of the negotiation process. Interestingly, far from being downgraded like some of the other Principles, it appears that the negotiations resulted in a more far-reaching Principle than had been originally drafted. Even though its fundamental principle was not changed, negotiations resulted in a number of added elements that prescribe a much more proactive and stronger role for the State in fostering migrants' participation in the labor market, such as the importance of having "sufficient incentives and opportunities for immigrants, in particular for those with the prospect of remaining, to seek and obtain employment" (Sixth draft 2004: 9), the provision of training opportunities, the facilitation of access to jobs, and the importance of taking measures to combat discrimination by the private sector in the recruitment process.

CBP 4: Basic knowledge of the host society (history, language, institutions)

CBP 4 seems to have been a contentious issue in the negotiations. Indeed, an agreement on the principle explanation was also only found at the end of the negotiation process. It seems that for some Member States, the focus put on the need for migrants to acquire basic knowledge of the host society's language had to be accompanied by a sort of safeguarding clause that this should not prevent Member States from respecting migrants' own culture and language. This reference was not present in the early drafts and was added later on, thus changing the balance and meaning of the explanation. This "safeguarding clause" modification thus read:

This important focus on obtaining the language and culture of the host society, does not detract from respect for the immigrants' own language and culture, as guaranteed in national, European and international law. (Fourth draft 2004: 10)

Interestingly, this compromise was not satisfactory for all the negotiators, as demonstrated by a new—and final formulation—of the added element:

Acquiring the language and culture of the host society should be an important focus. Full respect for the immigrants' and their descendants' own language and culture should be also an important element of integration policy. (Sixth draft 2004: 10)

While the previous drafts introduced this clause as a clear message to the Member States to respect the culture of migrants when demanding that they learn the language and history of the host society, the new formulation is only prescriptive in saying that respecting migrants' language and culture should be an important element of integration policy. More important, however, is the deletion of references to laws in this respect.

CBP 5: Education

This CBP was uncontroversial and an agreement was found after the second meeting of the negotiators. Only minor modifications were made to the original draft, without fundamentally altering the meaning of the original formulation.

CBP 6: Access of migrants to institutions, public and private goods

This Principle did not seem to be particularly problematic either. An agreement was likewise found after the second meeting of the negotiators. Yet, the Principle was slightly modified: the scope was widened, by adding access to private good and services and mentioning immigrants instead of only legally-residing migrants.

CBP 7: Interaction between migrants and host society

This issue did not seem too controversial. Member States agreed on this point after the third meeting. One noticeable change between the early drafts was the space allocated to anti-discrimination. In the first draft, anti-discrimination efforts were mentioned in the Principle itself, but were later deleted. Other references to anti-discrimination were slightly watered down in the explanation of the Principle. Other than that, there were, quantitatively speaking, substantial modifications to the explanation, but it was more a matter of words than of meaning.

CBP 8: Practice of migrants' culture

The practice of migrants' culture and its limitations did not seem to be a contentious issue. An agreement was found after the third round of negotiations, but no substantial modifications were made. The only change that is noticeable is a stronger emphasis on the possibilities and role of the Member States to limit such practices. For example, the reference to national law is added, while only European laws were mentioned at first. Furthermore, Member States introduced a reference to the possibilities of establishing legal (coercive) measures in case of unacceptable practices.

CBP 9: Participation of immigrants in the political/policy process.

An agreement was found after the third round of negotiations. Although the issue did not seem too contentious, some minor changes were introduced, hence slightly modifying the meaning of the Principle. With respect to this CBP, several interesting issues can be noticed by comparing the various drafts. Thus, the first draft proposed by the Dutch Presidency reads:

The participation of immigrants in the democratic process and in the formulation of policies that affect them engages immigrants as partners in a common cause and results in policy that better supports integration. (First draft 2004: 9)

Nonetheless, in the subsequent draft, the participation of migrants in the policy formulation process is restrained. In the first draft, it is a question of involving migrants in all policies that affect them. Formulated in this very general fashion, the Principle could be understood as referring to policies that go far beyond integration policy, such as education or cultural policy among others. Furthermore, it was added that involving migrants in policy formulation at the local level was especially relevant. Specifying a particular political level thus clearly limits the possible sphere of influence. The final version of this Principle is formulated as follows:

The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration. (Third draft 2004: 7)

Another interesting element that should be noted is the fact that in the first draft, migrants are considered as potential partners. This view of migrants however disappears from the document at an early stage of the negotiation process.

CBP 10: Mainstreaming of integration policies

An agreement on this Principle was found after the third negotiation round, with several important modifications introduced in the process. Firstly, the Principle was slightly downgraded: while mainstreaming of integration policy and measures in public policy formation and implementation in the first formulation were seen as “necessary”, they later became only an “important consideration”.

Secondly, a prescription to develop time-specific policies for migrants was added in the explanation, which most likely related to integration of newcomers. Thirdly, another new element was introduced in the explanation of the Principle, regarding the need to consider the impact of immigration on public services:

In this context particularly consideration needs to be given to the impact of immigration on public services like education, social services and others, especially at the level of regional and local administrations, in order to avoid a decrease in the quality standards of these services. (Fifth draft 2004: 14)

This could be interpreted as a somewhat negative view of immigration and integration on the capacity of a country.

CBP 11: Monitoring of integration policies

CBP 11 concerns the monitoring of integration policies. This Principle and its explanation were not controversial: an agreement was found after the first SCIFA meeting and only cosmetic changes were made to the first draft.

Member States' Positions

In this subsection, I will present, based on the information collected through the interviews, the various Member States' positions.

In general, there were few strong and divergent positions on specific issues. As a participant recalls:

There was not much to discuss in substance because no delegation or no country wanted to delete any principle or add another one, because we had more or less reach this informal agreement beforehand. So the discussion about the Principles/Framework were more like ‘should we put this principle before the other one?’, ‘should we put another line of explanation?’ (Interview S9)

This is probably due to the fact that, as we saw above, the early draft was the product of a long phase of preparation, already incorporating the various national positions prior to the formal negotiations. Another possible explaining factor might be that, at the time, the CBPs were seen as fairly vague and abstract. On this point, an interviewee made the following observation: “There were not such big positions in the Council because it was more philosophical” (Interview B11).

This idea of Member States not having strong positions because at the time they did not perceive the Principles as binding is confirmed by another participant, speaking of the code of conduct of the media: “One thing that we were not really fond of ourselves, but we accepted because these principles were not binding... one thing we would never do” (Interview S9).

Yet, there were still a few particular positions. The delegations that stood out were Germany, France, Greece, Italy and Spain (Interview NL5).

The diverging position of Germany was of a more general nature rather than on a specific point: it was a matter of level of competences, because of the Länder, but the Germans changed their mind of their own accord (Interview NL5).

The position of France was also a general, but, nonetheless, rather important one: the French supported the 11 Principles, but not their explanation/descriptions (Interview NL5), at least not to the same level as other delegations. As said above, in the early document, each Principle would be combined with its explanation. But, after the second round of negotiations, it was agreed that the descriptions would be separated from the Principles and placed in the Annex to the Conclusions:

Establish the following common basic principles for immigrant integration policy in the European Union, which will be explained individually in the Annex, which forms an integral part of these Conclusions. (Third draft 2004: 6)

The importance of the descriptions was further downgraded. The subsequent draft thus reads:

Establish the following common basic principles for immigrant integration policy in the European Union, which will be explained individually in the Annex. (Fourth draft 2004: 6)

In this formulation, the descriptions are “only” in the Annex and the reference to them as being an “integral part” of the Conclusions is removed.

It appears that even this was not satisfactory for the French delegation. At a later stage, a new point was introduced which gave even less importance to the descriptions of the Principles:

The explanations provided are intended to give direction to the common basic principle. The description is indicative and by no means exhaustive. (Fifth draft 2004: 8)

An observer stressed that adopting the explanation on the same level as the Principles, thus giving them the same normative weight, “was too much [for France], they couldn’t live with it”, as there were too many other things that they did not agree upon. Thus, separating the explanations from the Principles made it easier for everyone (Interview NL5) and facilitated the negotiation process.

As regards other specific issues, Italy made some demands on the topic of religion, but did not succeed in making alterations to the text. Spain also had some problems with the text, in particular with respect to the issue of learning the language of the host society. Ultimately, however, a compromise was found on this issue. Greece also had a diverging position, but eventually came around. These three delegations thus delayed the negotiation process (Interview NL5).

More generally, it seems that the Presidency received much support from both the UK and Denmark. Even Sweden was at the time quite supportive of the Netherlands (Interview NL5).

Bargaining and Outcome

As suggested in the theoretical chapter, the outcome of the negotiations, that is the final agreement reached between the actors (here the CBPs), is determined by the actors’ bargaining power. Bargaining power is defined as the ability of an actor to achieve an outcome that is closer to its preferences relative to other actors and is determined by the preference intensity of an actor. The preference intensity for reaching a given agreement is a function of the best alternative to an agreement. In short, the actors with the best alternative to an agreement will be those that are better able to influence the outcome. In the present case, since the CBPs constitute the basis of the cooperation, failure to reach an agreement would mean *not* engaging in cooperation at the EU level. Therefore, we can consider which Member States would be better off by pursuing strictly national integration policies.

Following the argument developed in the theoretical chapter, all Member States, however, shared much the same interests in engaging in cooperation, given the negative externalities induced by strategic interdependence. Therefore, Member States should then have equal bargaining power in this negotiation. Yet, if the Member States have equal bargaining power and different preferences over the nature of the cooperation—mostly its policy type, how could they, in practice, arrive at an agreement? The answer is twofold. Firstly, the fact that any agreement would be non-binding helped the participants find a compromise, because, to some extent, it allowed them a great margin of maneuver in accepting elements that would otherwise have been rejected. Secondly, for some Member States, the main factor triggering the need for the cooperation was the fear of secondary migration from countries with no or ineffective integration policies. Therefore, the solution in the

cooperation for these Member States was to help these countries develop (better) integration policies, but not necessarily of a particular policy type. This also allowed some flexibility in the actors' positions, fostering an agreement based on a compromise.

The evidence indeed seems to support this claim: in this negotiation case, it seems difficult to assess who “won” the negotiations. Rather, the solutions to some particular issues represented a fair compromise between the actors. Generally speaking, it appears that all the negotiators were satisfied with the agreement. One observer said that she never heard anyone openly expressing dissatisfaction with the outcome of the negotiations (Interview S9). Another interviewee said that the CBPs had been elaborated in a balanced way, so that every country would find something in them (Interview B6). Of course, some delegations might have been happier with the results than others. For example, the Netherlands seemed to be extremely satisfied (Interview NL5), especially since it was their “project”, and they had the feeling that most of the elements they put in their early draft were still present in the final output of the negotiations (Interview NL5). We can also assume that the UK and Denmark were very satisfied as they had formed a coalition to support the Netherlands. With respect to position shifts, it seems that only two countries had to give up on their demands: Italy and Greece (Interview NL5). The other countries that displayed diverging preferences, such as France and Spain, managed to find a compromise that largely satisfied their concerns.

Furthermore, at the time of the CBPs negotiations, even though the divide between restrictive and non-restrictive countries was already present, it was far from being as important as in 2011. Consequently, the preferences over the policy type of the cooperation were clearly not as extreme as in the negotiations of the Council Conclusions in 2011. This obviously created more common ground for reaching a compromise. Had it not been the case, the CBPs would likely never have been adopted.

Chapter VIII

Negotiating the Council Conclusions on the Second European Agenda

This chapter, like the previous one, is dedicated to the analysis of the negotiation process between the Member States with regard to the cooperation in the field of migrant integration policy.

The second case chosen to explore the negotiation dynamics in the field of migrant integration at the EU level is the negotiations of the Council Conclusions adopted under the Polish Presidency in December 2011. While the objective of the first chapter on the negotiations was to uncover the determinants of the *nature* of the cooperation the Member States decided to engage in, this second chapter aims to explore the evolution in the nature of the cooperation and how, through successive negotiations, it has been modified over time. Indeed, unlike the negotiations over the Common Basic Principles, the 2011 Council Conclusions occurred in a context where cooperation at the EU level in the field of integration had already been established for some years.

The analysis is mainly based on two qualitative sources. I rely on the various drafts of the Council Conclusions⁵⁴ produced during the successive negotiation rounds, as well as on interviews with officials directly or indirectly involved in the negotiation process.

The chapter, adopting the same structure as Chapter VII, is divided into three parts. The first part presents the context in which the negotiations took place. The second part focuses on the contents of the negotiations. Finally, the third part deals with the bargaining process and the outcome of the negotiations.

Contextualizing the Negotiations

In this first section of the chapter, I will present the context for the negotiations, including their background and timing, the institutional parameters, and finally the “climate” in which they took

⁵⁴ There are five drafts in total plus the final text. In addition, there are two draft proposals that were issued respectively by the Swedish and the Dutch delegations in the early stages of the negotiation process. See Annex V, part II, for a complete list of the primary documents used in the analysis of the negotiations.

place. These three elements are essential to the understanding of the dynamics of the negotiation process and its ultimate outcome.

Background and Timing

The negotiations under study are those for the Council Conclusions on the European Agenda for the Integration of Third-Country Nationals, adopted by the Justice and Home Affairs Council in December 2011, during the Polish Presidency of the Council. These Council Conclusions are a follow-up to the Communication of the Commission, released in July that year, on the second European Agenda for the Integration of Third-Country Nationals. The Communication follows the completion of the first European Agenda on integration adopted by the Commission in 2005. In terms of sequence, the negotiation process took place over approximately four months, from September until December 2011, and was discussed on several occasions at various levels of the Council, under the Justice and Home Affairs configuration. Starting from written contributions from the Member States, and an initial exchange of views in the framework of the Working Group on Integration, Migration and Expulsion in late September, the Presidency issued a first draft at the end of October. This draft was next discussed in the Working Group, followed by further discussions in a SCIFA meeting in late November, and ultimately considered by the Justice and Home Affairs Counselors in early December. Ultimately, the negotiations proceeded to the COREPER, where a final agreement was reached, before being adopted by the Council of Ministers as an “A point”⁵⁵ in mid-December, at the very end of the Polish Presidency, resulting in some time pressure on the negotiation process.

Institutional Parameters

Concerning the institutional parameters which govern the negotiations, they are largely similar to those of the CBPs negotiations, considered in the previous chapter. To briefly summarize, for these negotiations, the institutional rule under which decisions are adopted is unanimity; the Council Conclusions are the main policy outputs and non-legally binding on the Member States. The corresponding section in the previous chapter discussed these elements in detail. The only major difference with the previous negotiations is the entry into force of the Lisbon Treaty in 2009, providing a legal basis for the field of migrant integration at the EU level as well as opening the possibility to adopting decisions under the ordinary legislative procedure. So far this possibility has

⁵⁵ “A points” are agenda items which are adopted by the Council without debate.

not, however, been used, and if it were, it would be for more precise measures than general Council Conclusions. Nonetheless, the Lisbon Treaty may change some dynamics and give more weight to the Commission.

The Climate of the Negotiations

The climate of the negotiations to some extent seems to vary according to the perception of the participants. Some delegations perceived the climate during the four months of negotiations as cooperative. For others, however, cooperation was all but the right word to describe the climate in which the interactions were taking place. Here we should, of course, remember that the on-going Euro/debt crisis added an extra element of tension to the discussions. As an observer recalls, it was very difficult to address, not to mention progress, on integration issues in a socio-economic context that was even more restrictive than previous years (Interview B18). Also, the sequence and duration of the negotiations, in comparison with usual Council Conclusions negotiations, supports the argument that the negotiation climate was unfavorable, if not outright hostile. As mentioned above, the negotiations were pursued to the COREPER level, which rarely happens in the case of migrant integration (Interview B18), implying that it was not possible to reach an agreement at a lower political level. And, despite the amount of time invested in the negotiations, no agreement satisfactory for all parties was found, with three countries opting to endorse a dissenting declaration, annexed to the Conclusions.

Ultimately, and being unwilling to include discussions on integration at the ministerial level, the Presidency threatened to drop the Conclusions altogether, if an agreement could not be found prior to the JHA Council meeting; a fact which further illustrates the climate under which the negotiations were conducted.

The Negotiations in Substance: Content of the Council Conclusions

In this section, I will deal with the general content of the Council Conclusions. To understand the substance of the negotiations, it is necessary to take a brief look at the Commission Communication of July 2011. This Communication, which triggered the Council Conclusions, was elaborated and adopted by the Commission in response to the completion of the actions proposed under the first European Agenda for the integration of TCNs adopted in 2005. The purpose of the Communication was to give new impetus to and suggest new directions for the EU cooperation in

the field of migrant integration. As emphasized by the Commission, the Communication highlights *integration challenges* in the European Union. It provides recommendations and suggests areas for actions to overcome these challenges (European Commission 2011b: 3). The Commission's Agenda focuses on three key areas: integration of migrants through participation; increasing the involvement of the local level in integration policy; and relationships with migrants' countries of origin with respect to their role in the integration process.

Concerning the first area, integration of migrants through participation in the host society, the Commission considers participation in two different spheres: on the one hand, in the socio-economic sphere, and, on the other hand, in the politico-legal sphere. Regarding the socio-economic level, the Commission suggests actions in areas that have already been dealt with in the past, such as language knowledge, the labor market, education, and living conditions for migrants. Yet, a very strong emphasis is placed on the role of the State in helping migrants acquire language skills, while offering educational curricula that reflect the diversity of the host society, notably by employing teachers that themselves have a migratory background or training. With respect to the politico-legal sphere, the Commission re-emphasizes the importance of equal treatment and stresses that the political participation of migrants is absolutely essential to their integration.

In the second area, actions at the local level, the Communication suggests a more proactive approach by involving the local level in integration policies. This issue has been dealt with by the Council several times in the past, but also, and chiefly, by the Commission. The Commission's recommendations are mainly focused on placing a stronger priority on urban areas and improving the coordination of various levels of governance.

As regards the third area, the involvement of countries of origin, this is arguably the most far-reaching point of the Communication in the sense that the recommendation for involving the migrants' countries of origin in the integration policy is quite innovative at the EU level. In a nutshell, the Commission suggests actions on three different axes: pre-departure measures for migrants in the countries of origin; the role of the diaspora in the development of the countries of origin, notably via remittances; and, finally, facilitating circular migration of individuals between the host country and the country of origin.

On the basis of this Communication, and following an initial exchange of views among the Member States, the Polish Presidency elaborated a first draft of the Council Conclusions. The structure of this draft and its topics remained the same throughout the subsequent negotiations rounds.

The Council Conclusions first, as usual, recalled the basis of the text, such as the article on integration in the Lisbon Treaty and previous Conclusions adopted mentioning integration, like

the Stockholm Program. Secondly, the draft states the Council's support for the actions proposed by the Commission in its Communication on the second Agenda for the Integration of Third-Country Nationals. Moreover, the draft advances a number of principles that should serve as guidance for the implementation of these actions. These principles are related to:

- Competences in the field of integration
- Coordination and involvement of various levels of governance
- Target groups of integration policies
- A vision of integration as shared responsibilities between migrants and host society
- The importance of measures preventing discrimination and promoting diversity
- Financial aspects with regards to EU funding

In the third and final part of the Conclusions, the Council proposes particular measures to enhance EU cooperation, while showing the way forward. A mandate is specifically given to the Commission to ensure the proper implementation of the measures advocated by the Council. Those measures are related to:

- Coordination mechanism
- Monitoring of integration policies
- Integration Modules and guidelines
- Networking and conferences on integration
- Cooperation with countries of origin in the field of integration
- Use of EU Funding

A brief comparison between the Commission Communication and the Council Conclusions is revealing. Indeed, it seems that the Council did not endorse many of the actions recommended by the Commission. This can be illustrated with several examples. For one thing, the participation of migrants in the host society, be it political or socio-economic participation, is largely absent from the Conclusions. Furthermore, as regards the two other main topics of the Communication, they also received little space in the Conclusions. And while the role of the local level seems to be a rather consensual issue, the proposed cooperation with countries of origin triggered heated debates. All in all, this case thus nicely illustrates how the Council and the Commission tend to have different perceptions and agendas in the field of integration. At a later stage, I will discuss the specific issues on which the actual negotiations between the Member States took place.

Bargaining and Outcome

Following the presentation of the negotiation case, this part of the chapter aims to explore the factors shaping the outcome of the negotiations, given the diverging Member States' preferences over the nature of the cooperation, namely the policy type and the policy mode. In these negotiations, Member States however had similar preferences with respect to the policy mode. Therefore, the focus will be placed on the policy type. Again, the preferences of the Member States are established prior to the negotiations and the preferences for a particular policy type is dependent on the national policy of the Member States

Preference Intensity and Best Alternative to an Agreement

Following classic bargaining theories, I expect that the outcome of the negotiations will reflect the preferences of those actors with the weakest preference intensity, and, reversely, that the actors with a stronger preference intensity will be less able to shape the agreement according to their preferences.

As mentioned in the introduction, the situation the actors were faced with in the second negotiation episode is fundamentally different from the negotiations of the Common Basic Principles in 2004. While during the earlier negotiations, a failure to reach an agreement and adopt Council Conclusions would have been tantamount to the absence of formal EU cooperation, the 2011 negotiations occur seven years later, with an already established cooperation framework at the European level in the field of integration. The stakes are thus radically different. In this case, what an agreement can thus achieve is to modify the nature of the cooperation. In contrast, failing to reach an agreement means that the status quo prevails and, therefore, that the cooperation keeps going as it is: no change of policy orientations and no enhancement of the cooperation.

The question then becomes, which countries, according to this line of reasoning, would benefit the most from changing or deepening the EU cooperation?

According to the strategic interdependence argument, the countries that would benefit the most from an agreement—and therefore should be less able to influence the outcome of the negotiations—would be those that would suffer the most from policy divergence in the field of migrant integration policy. In order to empirically assess these claims, I will look at the Swedish and the Dutch cases, focusing on their national contexts and considering their fallback options, in case of no agreement. The Dutch and Swedish cases are particularly suitable for the analysis as they have very different national policies—and therefore different preferences over the outcome. Next, I will briefly consider the other Member States' preference intensity. The final step will then be to

assess which actors were able to influence the negotiations or, on the contrary, failed to advance their views, looking at specific issues of the negotiations, in order to confirm or disconfirm the validity of the preference intensity as a determinant of the outcome of the negotiations.

Sweden

How did the Swedes perceive the status quo—the level of policy divergence with other Member States and the nature of the EU cooperation—prior to the agreement on the Council Conclusions?

The way the Government presented its position on the Commission's second Integration Agenda is illustrative in this respect. Unlike the Dutch, the Swedes perceived the Communication in a positive light. More than that, though, they established a strong parallel between the EU cooperation and their national policy, stating that, “[t]he overall thinking and the way integration issues are tackled in the message are similar to how [they] work with these issues in Sweden”.⁵⁶ In addition, and unlike the Netherlands, the Swedes stressed the importance of immigration and effective integration policies to counter demographic challenges.

Therefore, it appears that Sweden was satisfied with the EU cooperation as envisioned by the Commission's work program, but wanted to ensure that this positive and open view was reflected at the Council level, as illustrated by the following two Government statements:

Sweden is pushing for an open and tolerant EU and agrees that the EU needs a positive attitude towards diversity and guarantees of fundamental rights and equality.

Finally, I can say that the communication from a Swedish perspective is positive. However one can never know what happens during a process like this. Everyone is aware that there are different streams in the European countries, but the Swedish government's position will be to stand for openness and tolerance.⁵⁷

It would, in other words, appear that the Swedish position on the status quo is rather ambiguous. While the Swedish Government welcomes the work of the Commission, it is also clear that Sweden wants to bring the cooperation more in line with its national policy in the Council Conclusions. This could be due to policy divergence between Sweden and the group of restrictive countries—Denmark in particular—which could be seen as problematic for Sweden on two accounts. Firstly, there seems to be a perception that the negative tone in Denmark has adverse repercussions on the Swedish debate. Commenting on the Danish policy, an interviewee made the following remark:

⁵⁶ Riksdagen (2011). *Protokoll utskottssammanträde. Arbetsmarknadsutskottet*. 2011/12:3. Stockholm, Torsdagen den 13 oktober 2011.

⁵⁷ Riksdagen (2011). *EU-nämndens stenografiska uppteckningar*. 2011/12:1. Stockholm, Fredagen den 16 september 2011.

It's been, a lot of discussions in Sweden and the hate party in the Parliament, often takes Denmark as a good example [...] And that's one of the reason why I see it's important that we talk about on EU level, because what Denmark decides, affects in the neighbor countries. (Interview S5)

And this impact is very visible when considering that during the parliamentary debates on the EU cooperation, a member of the Sweden Democrats—the Swedish far-right party—made the following statement:

Obviously, as a Sweden Democrat, I see with envy the vision of many of Europe's leading politicians when it comes to the issue of asylum, migration and the insight of what conditions real integration requires. (ANF. 140 Sven-Olof Sällström (SD))⁵⁸

This is even more relevant—and probably a cause for concern for Swedish mainstream parties—considering that the Swedish far-right has been gaining more and more support from the Swedish electorate since the 2006 general elections.

The second likely problematic aspect of the policy discrepancy with other Member States is the possible political pressure that Sweden might face as a result of its generous and liberal policy—with respect to immigration, asylum and integration—as an interviewee pointed out:

The Danes have, a couple of times, made the argument that, well, the Swedish asylum and refugees policy is much more generous than Danish and therefore, there's a pull factor, and you could attract...and then you have sort of asylum seekers and refugees living in Malmö, but are actually working...in...black jobs in Copenhagen... (Interview S1)

However, unlike the situation in 2004, it does not appear evident that there are fears of secondary immigration because of other countries' restrictive or ineffective integration policies. This might be due to the fact that Sweden had adopted a much more liberal immigration policy after 2004.

All in all, Sweden seems to have a great interest in ensuring that the EU cooperation reflects its views to the greatest extent possible to mitigate the negative influence and possible pressures of countries with more restrictive integration policies. And the fact that Sweden, just like the Netherlands, presented its own revised draft of the Council Conclusions seems to corroborate this argument.

The Netherlands

I will now consider how attractive or unattractive the status quo was for the Netherlands in 2011. As we have seen in Chapter VI, the Dutch integration policy underwent major changes

⁵⁸ Riksdagen (2011). *Riksdagens protokoll* 2011/12:86. Stockholm, Onsdagen den 21 mars.

between 2004 and 2011. From a policy that could be classified as a conditional integration policy, it moved closer to a policy of a selective nature—with a high level of requirements placed on the migrants and a tendency towards decreasing support from the State in the individual integration process. However, there was no noticeable similar trend in the nature of the EU cooperation: while the level of requirements placed on the migrants might at times be ambiguous, there is no doubt about the major role allocated to the State in fostering the integration process. This discrepancy was confirmed by an observer who pointed out that the definition of integration expressed in the Common Basic Principles—the normative backbone of the cooperation—was not in line with the current view in the Netherlands at that point. While integration is seen as a two-way process requiring mutual adaptation from both migrants and host society in the CBPs, more emphasis is placed on migrants' responsibility and less on the receiving society's responsibility in the Dutch perspective (Interview NL4). The growing gap between the EU cooperation and the Dutch policy is even more noticeable in the Government's assessment of the Commission Communication on the second Agenda, of which the Dutch were quite critical. Among the problematic aspects, the Dutch point out the lack of attention paid to the relationship between migration and integration, the failure to consider integration of EU citizens, and also concerns regarding the financing of pre-departure measures in the countries of origin.⁵⁹ Indeed, as the following extract illustrates, the Communication is clearly in contradiction with the Dutch selective integration policy:

The communication, by only speaking in terms of economic interests and diversity like enrichment, pays insufficient attention to the pressure disadvantaged migrants put on host societies. This erodes the support for migrants. Also in relation to this, the government lacks the focus in the Communication to limiting the influx of disadvantaged migrants. To integrate successfully a migrant has to be well prepared and has to start with enough knowledge at the beginning of the integration process. Therefore, it is desirable to also discuss integration conditions at admission within the scope of cooperation in integration matters at the European level.⁶⁰

The discrepancy with the EU cooperation—and other Member States' policies could be problematic for the Dutch government for several reasons. Firstly, the idea of possible externalities because of policy divergence is still present; informants recalled that in an area where people move freely it is important to have a common basis (Interview NL1, Interview NL4). Secondly, the policy

⁵⁹ Rijksoverheid (2011). *Brief inzake verslag JBZ-Raad, 27 en 28 oktober 2011. Brief van de minister van Veiligheid en Justitie*. 32 317. BC. Den Haag, 29 november 2011;

Rijksoverheid (2011). *Brief inzake geannoteerde agenda JBZ-Raad 27-28 oktober 2011. Brief van de staatssecretaris van Veiligheid en Justitie*. 32 317. AZ Herdruk. Den Haag, 21 oktober 2011.

⁶⁰ Rijksoverheid (2011). *Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie. Brief van Staatssecretaris van Buitenlandse Zaken*. 22 112. Nr. 1219. Den Haag, 12 september 2011.

discrepancy might constrain the Dutch from pursuing their favorite policy option. At the domestic level, some parties are using the EU cooperation to criticize and question the Government's policy, as the following parliamentary document extract illustrates:

The European Commission emphasizes the joint responsibility for the integration process of both the migrant and the government, as is observed by the members of Greens Left. The Commission, in this context, recommends to offer language courses and integration programs. Can the government explain how the coalition agreement in this respect (no financial responsibility and no management role of the government with respect to integration programs, threatening to withdraw the temporary residence permit for non-compliance with the integration law and passing the integration test to obtain a permanent or independent right of residence) meet the principle of joint responsibility? What responsibility does the government undertake itself to promote integration? ⁶¹

And at a more general level, an observer pointed out that there were also external constraints:

Maybe we sometimes are afraid that if we take strict integration measures, we are overruled, by other Member States or by the Commission.

When you have some common ground, you can act. When there is no common ground, you could argue that are you are free to do everything you want, but I don't think you are then, as free as you think you are. (Interview NL1)

Therefore, as we can conclude from this discussion, the status quo of the cooperation at that point in time may prove problematic and unattractive for the Netherlands—and the best course of action was therefore to seek an agreement that would bring the EU cooperation closer to the Dutch national policy, in order to minimize possible external (and internal) constraints. It is thus unsurprising that the Netherlands proposed its own revised draft of the Council Conclusions. In this case, I expect that the Netherlands will not be able to influence the negotiation outcome as much as other negotiators given its strong preference intensity. By comparison, since the Swedish government faces fewer constraints on its ability to pursue its policy preferences, the alternative to an agreement was consequently more favorable. I therefore expect Sweden to be better able to achieve a negotiation outcome closer to its preferences than the Dutch.

⁶¹ Eerste Kamer (2011). *Brief aan de minister van Binnenlandse Zaken en Koninkrijksrelaties over de Europese agenda voor de integratie van onderdanen van derde landen*. 149611u. Den Haag, 22 november 2011.

Other Member States

Concerning the other Member States, we can expect that countries having a very restrictive integration policies may face the same types of constraints as the Netherlands, while countries having a lenient policy may be driven by the same incentives as Sweden. In other words, the more extreme the policy of a Member State, the stronger its incentives to modify the EU cooperation. Indeed, the interviews demonstrated that an agreement on the form of the Council Conclusions was truly important for countries like Sweden, the Netherlands, Germany, Spain and Austria. The value these countries attached to having Council Conclusions is clearly reflected in the resources they invested in the negotiations, be it in issuing statements, having many informal contacts with other negotiators, being very vocal in the actual meetings and trying to form coalitions. Among those countries, the Netherlands and Sweden invested the most resources in the negotiations as they both produced alternative drafts of the Council Conclusions, including their own modifications to the proposal. In addition, the Netherlands succeeded in building a coalition with Austria and Germany. However, it appears that an agreement was not particularly important for a large majority of actors—at least not before entering the negotiations. Some countries believed that having Council Conclusions on integration at this particular point in time was unnecessary, especially as they did not see the added value of these particular Council Conclusions as they were formulated (Interview B9, Interview B8). Other Member States were also indifferent, as integration of migrants is not placed highly on their national agendas. As regards the other countries, they were fairly absent from the negotiations, in particular Eastern Member States and the Baltic countries.

Position Shifts on Specific Issues

In order to assess which actors were able to influence the negotiations or, on the contrary, failed to impose their views, I will now consider *shifts in positions* during the negotiations. By “shift” I refer to a change of positions, in the sense that an actor agreed to a final draft, which did not reflect its original positions on certain issues; an actor’s positions in the first round of negotiations should be very close to its preferences. Therefore, the more an actor has had to shift its positions on specific issues during the negotiation process, the further the agreement is from its preferences.

To assess position shifts, I only focus on those issues on which actual negotiations took place, meaning that the actors had diverging starting positions on these issues and that bargaining was necessary to reach an agreement. To identify these contentious issues, a comparison between the various drafts of the Council Conclusions has been carried out. If substantial and visible changes between the various drafts have been made concerning a given point, this implies that a negotiation took place. For each specific issue identified, I will first provide a description of the issue, and then,

based on the information collected during the interviews, consider the various Member States' positions and position shifts.

Migration as a Solution to Demographic Challenges

Issue Description

The link between successful integration policies and migration as a solution to demographic challenges, such as workforce shortage on the labor market, has been an established and on-going theme at the EU level. Yet, despite this long discursive tradition, the issue has remained very contentious for some Member States. In the first draft, this well-known trend of presenting migration in a positive light and as a solution to demographic problems was reflected:

Recognising that migration can be one of the solutions to address the current demographic challenges (e.g. ageing population, declining workforce and labour shortages) faced by the European Union and that successful integration policies can help to make full use of the potential of migration. (First draft 2011: 3, emphasis in the original)

However, and despite this long established tradition, the view of migration as one of the solutions to demographic challenges was seen as too “positive” and far-reaching by some Member States. After three rounds of negotiations, the outcome was that migration was no longer mentioned as a solution, but only as an aspect to be considered in light of the demographic challenges the EU faces. This point was softened even further, in the sense that migration as an aspect to be considered, applies only to *some* Member States:

Recognising that, for some Member States and depending on their specific needs, migration can, when addressing the current demographic challenges faced by the European Union [...] (e.g. ageing population, declining workforce and labour shortages) be one of the aspects to be considered. Successful integration policies can help to make full use of the potential of migration. (Third draft 2011: 3, ellipsis in the original)

Positions and Position Shifts

The original and positive approach did not seem to constitute a problem for Sweden, which did not suggest any modifications to this point in its proposal. For the Netherlands, in contrast, presenting migration as “the” solution regarding future problems on the labor market was considered too far-reaching and too positive (Interview NL1). Indeed, the Netherlands does not view migration as such as a solution for demographic challenges. The solution is instead migration

of a “selective” nature (Dutch draft 2011). This position found support among some other countries, such as the UK (Interview B9). Needless to say, these positions have to be understood in the context of the economic crisis, where labor shortages are not as important as in times of economic growth. Indeed, it seems that the Netherlands and other restrictive countries managed to defend their positions, while Sweden had to accept a less positive formulation, further away from its national policy.

Vision of Integration

Issue Description

The vision of integration—as expressed by the allocation of responsibilities between the migrants and their host society with regard to the integration process—has, as an observer points out, been another dividing line during the negotiations (Interview B18).

At the EU level, integration has, generally speaking, been defined as a two-way process, that is, a shared responsibility between both migrants and host society in which both parties have rights and obligations. Yet, the exact balance between rights and obligations is a delicate matter: specifically, to which extent is the migrant obliged to integrate by her own means? What must the host society do in order to facilitate the integration process? What rights are migrants entitled to? And, what is the responsibility of the State in providing migrants with access to certain aspects of society and institutions?

In the first draft, the level of responsibilities for both migrants and host society is set fairly high: migrants should assume responsibility for their own integration, while the host country is responsible for ensuring access to social, economic and public life, notably health care, work and education. The first draft thus notes:

Managing integration is a **shared responsibility** requiring engagement from both the receiving society and individual migrants. Both parties need to be aware of their **rights and obligations which have to be well-balanced** and create favourable conditions for integration. On the one hand, migrants should assume responsibility for their own integration, including acquiring the language and respecting the laws and values of the receiving society. On the other hand, the receiving society has the responsibility to provide immigrants with access to the most elementary aspects of social, economic and public life such as work, health care and education. (First draft 2011: 4, emphasis in the original)

In the second draft, however, the formulation has been significantly softened and expectations lowered for both parties. On one side, the emphasis on migrants’ responsibilities is much more lenient. In the new formulation, migrants are not responsible for their own integration; they only

need to show willingness and make efforts to integrate. On the other side, the obligations on the part of the host society have been reduced as well. The formulation has become less precise, and there is now no mention of work, health care or education, which relieves the host society of responsibilities.

Positions and Positions Shifts

As said earlier, the vision of integration was a significant dividing line between the Member States. At one end of the spectrum, some countries, such as the Netherlands or the United Kingdom, found that the balance between rights and obligations for migrants and host society was too much in favor of migrants (Interview NL1, Interview B12, Interview B9, and Interview B10). In essence, these countries took the position that the original draft put too much emphasis on the obligations of the host society and not enough on the responsibility of migrants to integrate into the host society. In addition, and specifically with respect to the Dutch position, it is interesting to note that their draft proposal on this issue reflected an approach where specific integration policies are rather limited and migrants should be treated just like every other citizen.

At the other end of the spectrum, we find the Swedish position: unlike other countries, which perceived the first draft as too positive, Sweden's position was even more "generous" than the original formulation. This was reflected in their draft proposal: firstly, Sweden was not in favor of demanding that migrants should be responsible for their own integration, but only that migrants need to display *willingness* to integrate. Secondly, Sweden suggested that the Conclusions should be more precise with regard to the host society obligations, adding notably a reference to the fact that the host society should also provide migrants with access to language courses.

On this issue, then, we can observe that most of the negotiators had to shift their positions to reach a consensus. Yet, it appears that Sweden, to a larger extent than other delegations, shifted its position, as the final outcome carries little of the spirit of the Swedish proposal.

Political Participation of Migrants

Issue Description

Political participation of migrants in the host society has been another extremely contentious issue and certainly the one which was reduced to a bare minimum between the various drafts. In the early version of the draft Council Conclusions, the part of the text dedicated to this issue dealt with participation of migrants in the democratic process, both at the individual and collective levels. The proposal to let migrants take part in the democratic process of the host country may initially

seem particularly ambitious, especially since only a minority of countries allow migrants to participate in elections at the local level. However, it is important to remember that statements about migrants' political participation are anything but a new theme at the EU level. Indeed, the issue was included from the very beginning of the EU cooperation, in particular during the adoption of the Common Basic Principles in 2004. This clearly diminishes the "ambitious" aspect of this point. In the early draft, the issue of political participation was formulated, in line with previous Council statements, as follows:

Active participation of migrants in the democratic processes in the receiving society is important for their successful integration. In this context, the role of migrant organisations and of the efforts to remove obstacles to migrants' political participation is crucial. (First draft 2011: 4)

After a first round of negotiations, however, the point was drastically reduced. There was no longer any mention of collective participation, or participation in the democratic process for that matter, or of the importance of removing obstacles to migrants' political participation. In fact, this point was reformulated in very vague language, only mentioning the importance of civil participation:

Civil participation of migrants [...] in receiving [...] **societies** is important for their successful integration. [...] (Second draft 2011: 4, emphasis and ellipses in the original)

Nonetheless, it seems that despite being vague and ill defined, this new wording was still too far-reaching for some Member States, and "civil participation" was replaced with "active participation". Nonetheless, a reference was added to the CBPs:

Active participation of migrants in receiving societies, **as stated in the Common Basic Principles**, is important for their successful integration. (Third draft 2011: 5, emphasis in the original)

Positions and Positions Shifts

While this article did seem to find some support from both the Netherlands and Sweden, other countries, such as Slovenia, Greece, Austria or the Baltic States, were fairly skeptical and ultimately succeeded in weakening the formulation (Interview B10, Interview B17, Interview B14). The interviews, however, indicated that the issue was in fact a "struggle" between two countries: France and Spain. This point was very important to Spain, which insisted on including political participation (Interview B17, Interview B14, Interview B6). France, on the other hand, was categorically against such language and unwilling to show any flexibility on this point (Interview B6, Interview B14). The strong French position on this issue should be understood in light of the

upcoming 2012 French Presidential elections, for which campaigning had already begun at the time of the negotiations. Integration was a focal point of the French debate and President Sarkozy had—in contrast to his past favorable position on the issue—taken a strong position against the participation of foreigners in local elections.⁶²

In conclusion, the countries that best managed to hold their positions were Austria, the Baltic States and, especially, France. The country which had to shift its position in a major way was Spain, which did want to go further and ensure the presence of migrants' political participation in the agreement.

Cooperation with Countries of Origin

Issue Description

In the early draft, the Council Conclusions mentioned that the EU should further explore how to cooperate with migrants' countries of origin. For example, it stated that the EU should:

Further explore the possibilities for **cooperation with the countries of origin** in supporting integration policies in Member States paying particular attention to the roles, responsibilities, rights and obligations of all the stakeholders involved. (First draft 2011: 6, emphasis in the original)

This formulation was slightly softened after the first round of negotiations by shifting the emphasis from national integration policies to the integration process. The second draft thus reads:

Further explore the possibilities for cooperation with the countries of origin in supporting **the** integration [...] **process** in Member States paying particular attention to the roles, responsibilities, rights and obligations of all the stakeholders involved. (Second draft 2011: 6, emphasis and ellipsis in the original)

An agreement on this point was found in the next negotiation round. On the one hand, the Member States added a safeguard clause, by mentioning that the EU and the Member States should jointly explore potential possibilities for cooperation. On the other hand, the point was formulated much more progressively by mentioning that the positive impact of integration on the developments of countries of origin should be explored:

⁶² See for example Le Monde.fr (2011).

Further explore **with Member States** the possibilities for cooperation with the countries of origin in supporting the integration process in Member States paying particular attention to the roles, responsibilities, rights and obligations of all the stakeholders involved. **In addition, consider how a successful integration policy can have a positive impact on the development of countries of origin.** (Third draft 2011: 6, emphasis in the original)

Positions and Positions Shifts

The issue of cooperation with migrants' countries of origin as an element of the integration process appears to have found little support among the Member States. Indeed, some delegations, such as that of the Netherlands, were strongly opposed, which is obvious from their draft proposal, which simply suggested the elimination of this point from the Conclusions altogether. Other countries, such as Austria, Germany, France and Belgium, also took a reluctant position on this issue (Interview B10, Interview B6). Indeed, the interviews revealed that the only country really favorable to this point was Sweden (Interview B6). Not only were the Swedes in favor of dealing with this issue, but they also wanted to go much further than proposed in the early draft of the Council Conclusions (Interview S1). This is particularly clear from the Swedish draft proposal, where circular migration and the beneficial relationship with the diaspora, along with remittances, were explicitly mentioned. It is interesting to note that all these issues were covered by the Communication of the Commission.

In sum, as there was little common ground on this issue at first, almost every delegation had to shift their positions to find a *satisfactory* agreement. Some delegations however had to shift their positions more than others, namely those that were clearly opposed to including this issue in the agreement in the first place: Austria, Germany, France and Belgium (Interview B10, Interview B6). And since the only true supporter of this issue, as we saw, was apparently Sweden, it is probably the country that had to shift its position the least on this issue.

Target Group

Issues Description

The question of the target group, namely which legal categories of migrants would be covered by the EU framework, has without a doubt been the most contentious point of the negotiations. Originally, the EU framework for the integration of migrants only targeted third-country nationals legally residing in the Member States' territory. This implies that the exchange of information and best practices, the modules or handbooks, but also the EU fund for integration, exclude every other kind of migrant; that is, in a nutshell, illegal immigrants and people with a migratory background holding the nationality of a Member State. In addition, the EU fund, intended to support the

implementation of the framework, excludes refugees, who are covered by another EU fund. On this particular topic, the negotiations focused on the possibility of enlarging the target group, or at least introducing more flexibility in the Framework, notably with regard to funding. Indeed, the most debated point was the question of enlarging the framework—at least in an informal way—to include also EU citizens with a migratory background. This could be either third-country nationals that went through a naturalization process to acquire citizenship of a Member State, or, and especially, EU citizens living in another Member State under the right of free movement.

Positions and Position Shifts

This issue was absent from the first draft version of the Council Conclusions, but it appeared very quickly on the negotiating table and was debated until the very end of the negotiation process at the final COREPER meeting before the actual Council meeting (Interview B14). In fact, it appears that it was this particular point which made the negotiations so lengthy.

At some point during the negotiations, there was an acknowledgement of this issue in the Conclusions, in which the importance of the exchange of information concerning the social inclusion of people with a migratory background was stressed (Third draft 2011: 3). But this reference to the social inclusion of people with a migratory background was later removed.

The only point that finally remained was with respect to funding, where a greater flexibility is mentioned. At the end of the day, no compromise between the different negotiators was found. This resulted in a dissenting declaration annexed to the Council Conclusions by three countries: Germany, the Netherlands and Austria. In essence, this declaration stated that the failure to open an exchange of information and practices about EU citizens with a migratory background was not reflective of the actual practice in their respective national contexts.

The main promoter of this dissenting opinion was the Netherlands. Austria and Germany joined the Dutch position following the first negotiation round. While some countries, such as the UK and Belgium, were sympathetic to this position—without adopting it—, perceiving the potential added value of discussing an enlarged target group, most delegations rejected the idea of including the issue of EU citizens with a migratory background in the Conclusions. One of the arguments made by the opponents was the legal basis (Interview S1, Interview B12, Interview B9). The article in the Treaty on which the EU integration framework is based is only applicable to third-country nationals, and according to the opponents, expanding the scope of the policy would thus have been problematic. Furthermore, it was mentioned that including EU citizens in the debate would have been a step back as they should not be considered as migrants. Sweden was, according to an observer, the fiercest opponent to the Dutch, Austrian and German position (Interview S1). Therefore, the countries that had to shift their positions the most on this issue were the

Netherlands, followed by Austria and Germany. The other delegations firmly maintained their positions not to enlarge the target group.

Conclusion

In this particular case of the negotiations of the Council Conclusions, some observers emphasized that there were no losers or winners (Interview B17). Indeed, in this type of negotiation, as the governing institutional rule is unanimity, no Member State can be reduced to having to “accept the unacceptable”, as might happen with other kinds of decision-making rules, like qualified majority. Another more elegant way of putting it is to say that “everybody wins, but nobody is ever fully satisfied” (Interview B14), meaning that, overall, each participant gets something out of the negotiations, but never as much as she could have wished for. In that sense, as former participants emphasized, most delegations had a general feeling of satisfaction with the agreement (Interview NL1, Interview B17). It is worth mentioning that even the Member States that appeared to be rather skeptical of the Conclusions in the first place, such as the UK or France, were nonetheless fairly supportive of the agreement at the end of the process (Interview B9 and Interview B14). Yet, this “general feeling of satisfaction” needs to be nuanced; we saw that some Member States were less successful than others in advancing their views and maintaining their positions on specific issues. Based on the interviews, the Netherlands, Austria, and Germany appear to have particularly diverging degrees of satisfaction with the outcome. This is confirmed by the fact that they ultimately felt the need to adopt a dissenting declaration, as the common agreement only partly reflects their preferences. Sweden also appears to have a different level of satisfaction with the agreement than other delegations.

As to the Netherlands in particular, they had to shift their positions on numerous issues and failed to include their most important wishes in the final text, such as, for example, the issue of discussing the situation of people with a migratory background. The consequence was that the outcome of the negotiations was perceived as merely acceptable, given the Dutch national context (Interview NL1). This is understandable considering the fact that the Dutch—because of the policy divergence—were most in need of agreement and therefore less able to shape the negotiations.

The Swedish situation appears to be more ambiguous. Despite a rather strong preference intensity, Sweden managed to win on some important issues, mainly circular migration. The Swedes succeeded in not only keeping this point in the Conclusions, despite strong opposition from some delegations, but also ensured a much more positive formulation than in the original draft. In general, observers emphasized that the Swedes were truly satisfied with the outcome (Interview B14). Yet, this assessment needs to be balanced by the fact that Sweden’s objectives for the

negotiations were not fully met. Indeed, Sweden wanted much more ambitious Conclusions (Interview B12, Interview S1) and had to shift position on several issues. The fact that Sweden's position was very close to the Commission's views might have contributed to the Swedish achievements in the negotiations.

All in all, the Member States that did not specifically want an agreement were truly satisfied with the outcome, meaning that the agreement reflected their preferences. On the contrary, countries which desired an agreement the most were also much less satisfied, if not in some cases outright displeased, with the outcome of the negotiations—confirming to some extent the validity of the preference intensity as a determinant of the outcome. However, it is very interesting to note, that despite the fact that these countries may have failed to realize their preferences entirely, their activities and diverging preferences did nonetheless shape the dynamic of the negotiation process as a whole.

Chapter IX

Conclusion

This dissertation aimed at exploring the development of cooperation in uncharted policy areas at the European level at a time when integration processes have taken different forms and meanings. In the past, ‘Historic’ decisions and Treaty conclusions were often the way European integration moved forward. Today, with less room to Europeanize new policy areas, the transfer of competences from the national to the European level is less clear-cut and European integration progresses in different ways.

The case chosen to analyze these dynamics was the cooperation at the European level in the field of migrant integration policy. The particularities of integration policy, that is, its close ties to national identity and the notion of sovereignty, as well as its high salience in national politics, made this area a least-likely case for common action by Member States at the EU level. Nonetheless, policy cooperation has developed, albeit in an uneven fashion, during the first decade of the millennium, with hesitant and slow beginnings until 2004, when the Common Basic Principles were adopted and the cooperation gained first momentum. Later, the cooperation continued to evolve, but in a more incremental fashion. These developments resulted in the adoption of various instruments. These instruments—the Common Basic Principles, NCPI, Handbooks, Modules, Reports, Indicators, Forum and Website—are of a suasive nature, with the exception of the European Integration Fund that operated as an incentive-based instrument type. From these instruments, it is clear that the cooperation is based on a soft mode of governance and that its rationale is to induce voluntary policy convergence between the Member States without a formal transfer of competences. Based on these observations, the research questions the dissertation aimed to answer were as follows:

- Why was a policy that deals with such a sensitive national area introduced at the EU level?
- How was the substance of the cooperation determined?
- How can the particular choice of policy mode be explained?

In short, the aim of the dissertation was to explain an outcome: the presence of the EU cooperation and the shape this cooperation took. Adopting a Liberal Intergovernmentalism view of European integration (Moravcsik 1998), combined with the Strategic-Choice Approach (Lake and Powell 1999), I relied on the assumptions that Member States were the most important actors—hence they were placed at the center of the analysis—and that the outcome was the result of strategic interactions among these actors. More specifically, to answer the research questions outlined above, a two-step approach was adopted. Concerning the first question, I analyzed the driving factors that led the Member States to engage in cooperation, focusing mainly on the national level, specifically through a comparison between Sweden and the Netherlands. The two subsequent questions were dealt with by considering the preferences of individual Member States over the specific nature of the cooperation—relying again on a comparison of the Swedish and the Dutch cases—and the negotiations at the European level between the Member States. I will now consider the findings from both steps.

The Drivers of Cooperation

The argument developed in the theoretical chapter led to the following hypothesis as an explanation of why the Member States would have a preference for cooperation over strictly national policies in the field of integration policy:

Increasing discrepancies between national integration policies induced by a restrictive turn in integration policy in some Member States have created a potential for negative externalities affecting all Member States, because of the strong link between restrictive integration policies and immigration, combined with the increasing mobility of third-country nationals. These potential negative externalities have, in turn, acted as a driver for the Member States to engage in cooperation at the EU level as a way to limit these externalities by uploading their national policies.

The empirical assessment led to a partial confirmation of the hypothesis. In the original formulation of the argument, the triggering factor for the preferences for cooperation was the process of national reforms of integration policies in some Member States that was launched in the early 2000s—resulting in increasing policy divergence within the EU. This was a potential source of negative externalities given the strategic interdependence between the Member States. While this

may indeed have played a role for the Netherlands, it was, as we have seen, not the case for Sweden. In both cases, however, the source of negative externalities was indeed created by differences among Member States' integration policies; differences, which could result in unwanted secondary migration to their territories made possible by the potential internal mobility of third-country nationals. For Sweden, the main concern was the absence of effective integration policies in the new Member States. The EU cooperation was therefore seen as a way to help these Member States develop integration policies of their own. For the Netherlands, the concern was likewise the new Member States, but possibly also other "older" Member States. It seemed at the time that the Netherlands wanted to minimize the differences between the various integration policy types found in the EU. In this case, more than other countries having "effective" policies, there might also have been a desire from the Dutch side to ensure that all countries follow the same kind of policy.

All in all, it is clear that strategic interdependence was the primary driver behind the preferences of the Member States to engage in cooperation: the EU cooperation was, then, a strategy to limit the negative externalities created by this interdependence. Yet, the source of the externalities identified in the hypothesis—the divide between restrictive and non-restrictive policies—is not entirely supported by the evidence. However, it is not fully disconfirmed either as it probably did play a role for the Netherlands. The commonly perceived source of externalities in the present case stems from policy divergence in terms of the development of integration policies, while the triggering factor was the 2004 Enlargement. Therefore, interestingly, a process of horizontal integration has triggered a (soft) process of sectoral integration of a new field at the EU level.

The Nature of the Cooperation

To explain the nature of the cooperation, I first considered the factors shaping the specific preferences of the actors over the nature of the cooperation—the policy type and the policy mode. This step was particularly important because the preferences constitute the basis on which the Member States negotiate when elaborating the cooperation. Second, once the diverging preferences were established, I analyzed the negotiation process between the Member States at the European level.

Preferences over the Nature of the Cooperation

Regarding the Member States' preferences for the policy type of the EU cooperation, the evidence showed, as expected, that these preferences were mostly determined by national policies. This was especially true for the Netherlands: the Dutch integration policy was clearly reflected in the positions adopted in the negotiations of the Council Conclusions in 2004 and 2011. The preferences of the Netherlands in 2004, moreover, differ from those of 2011, just as its national policy differed, providing additional support for the argument. While in 2004, the Dutch displayed a preference for a conditional integration policy—with requirements to integrate placed on the migrant and with the State acting as an enabler for the migrant to meet these requirements—in 2011, the Dutch preferences for the policy type of the EU cooperation were rather a selective integration policy, where the migrant is required to integrate, but the State is disengaged from the process. This change of preferences over time mirrors policy developments at the domestic level.

With respect to Sweden, the link between the national policy and its preferences over the policy type of the cooperation is strong in 2011, but weaker in 2004. In 2011, Sweden's positions in the negotiations of the Council Conclusions closely matched its own national policy. In 2004, however, while the national policy type also played a role, it was not as visible as in 2011, when Sweden assumed an inflexible position in the negotiations. The reason the evidence does not fully support the argument for the 2004 negotiations appears to be that the incentives for engaging in cooperation in the Swedish case differ between the two years. In 2004, EU cooperation was seen as a way to help other countries formulate “good” integration policies. The specific national policy type of these countries did not matter as such, as long as their policies were effective. In 2011, however, cooperation was no longer about the “absence” of policies in certain Member States, but more about the negative impacts that countries with restrictive policies could have on Sweden. Sweden therefore sought to use the EU cooperation to influence the other Member States' policies in the direction of a model closer to its own.

The analysis thus revealed that the preference a Member State holds for a particular policy type is heavily influenced by the factors that compelled it to seek cooperation in the first place. If the incentives for cooperation are based on the perception of negative externalities due to policy divergence, then a Member State will try to upload its own national policy. If the incentives for cooperation are rooted in the perception of negative externalities due to policy divergence as to the level of development/efficiency of the national policies, then a Member State will be more indifferent regarding the policy type of the cooperation, as long as it is acceptable in its national context. And finally, if the incentive for cooperation is born of a desire to use the EU level as

leverage to change the national policy, the preferences of a Member State would most likely have been discrepant from its own national policy.

With respect to the preferences for the policy mode under which the EU cooperation in the field of integration took form, the empirical assessment indicated that they were in both cases very much conditioned by the tensions between incentives and a reluctance to act. Even if the preferences for the cooperation were present, it would have been almost inconceivable for the Member States to opt for a stronger mode of cooperation that would have implied further obligations, a pooling of sovereignty, or both. As regards the attitude of the governments towards the EU and their sovereignty concerns, this was not a particularly important issue in 2004. The Dutch were still pro-integration. The Swedes as well, although less openly. 2011 saw a different situation for the Netherlands, with a government much less favorable to EU ‘meddling’ in its national affairs. With regard to the salience of the migrant integration issues at the domestic level, in the Dutch context, integration was very salient and played a significant role in electoral politics during the whole decade. Dutch politicians could not rationally have relinquished any decision-making authority in this field. They needed the flexibility. The same is true for Sweden, especially at the end of the decade, when the issue became openly politicized by the far-right party. The evidence thus seems to confirm the argument that Member States with sovereignty concerns and/or considering integration as a highly salient issue have a preference for a softer mode of governance. However, this empirical confirmation would have been more convincing had there been more differences between the two cases.

In addition, just as in the case of the policy type, exploring the reasons the Member States wanted to cooperate in the first place can indicate some elements of an answer. For example, the Swedish case clearly showed that in 2004 Sweden wanted the cooperation to help other countries to formulate better integration policies. The Swedish Government did not at the time have any intention to use the CBPs to inform national policy developments. Sweden could therefore not rationally have committed to something more binding as they were not planning to implement it. In sum, both the preferences for the policy type and the policy mode are heavily dependent on the nature of the incentives for a Member State to act at the EU level

Negotiating Migrant Integration

Once the preferences had been explored, the negotiation process was the final step in explaining the outcome. Negotiations take place when actors want to reach an agreement but have divergent preferences as to the shape and nature of the agreement to be adopted (Morrow 1999: 96ff.). Two

cases were used to explain the outcome, with different heuristic values. On one hand, the first case explained how the nature of the cooperation was determined once the actors decided to cooperate. The second case, on the other hand, was used to explore how the nature of the cooperation can evolve or be modified through time. I will now briefly summarize the findings for each of the negotiation cases.

The first negotiation case between the Member States at the Council level was the negotiations of the Common Basic Principles in 2004. Since the Common Basic Principles were retained as the formal start of the cooperation because of their normative weight, the failure to reach an agreement would have been close to a situation where the cooperation was non-existent, or at best, rather weak.

In theory, both the policy mode of the cooperation and the policy type could have been subject to bargaining. However, it seems that, as regards the policy mode chosen to operationalize the cooperation, Member States shared a preference for a soft mode of governance. Therefore, it was never really subject to negotiation and the explanation is thus limited to the determinants of the specific preferences over the policy type.

Concerning the policy type, although Member States had different preferences, the output of the negotiations was closer to a fair compromise between the actors than one particular type of policy—resulting in a general feeling of satisfaction among the negotiators. This was explained by the fact that, all the actors of the negotiations—and this is especially true for the EU-15 Member States—appeared to have equally attractive alternative options to an agreement as they had a shared interest in achieving cooperation to limit the possible negative externalities due to policy divergence within the EU.

More than that, other factors also made it possible to reach a compromise: firstly, in 2004 the Member States had divergent integration policies, but certainly not to the same extent as in 2011. There was consequently more common ground between the actors. Secondly, some actors could be more flexible because they perceived the problem as being the difference of levels between the Member States' integration policies. Given this particular externality pattern, the perceived solution to mitigate the externalities was to develop the policies of the new Member States, while ensuring their effectiveness, rather than attempt to upload national policies. This eased the negotiation process since it made the actors more flexible—of course, within limits and also since the result was not a legally binding output.

This last point is particularly important. The possibility of adopting non-legally binding outputs and cooperating under a soft mode of governance is clearly a factor that played a significant role in reaching an agreement, introducing more flexibility. Not only were the actors under no legal

obligation to act on the adopted Principles, but a soft mode of governance is also, by its very nature, easier to modify over time than a Directive or Regulation. Indeed, negotiating with a view to adopt a legally binding output—provided the Member States had a preference for this kind of policy mode—would likely have been unsuccessful; again, given the divergent preferences and equal bargaining power of the actors. Therefore, the availability of a soft mode of governance also constitutes part of the explanation for the presence of the EU cooperation in the field of integration—the other drivers alone would probably have been insufficient to explain why the Member States engaged in the cooperation. Hence, the answer to the presence of the EU cooperation can be summarized as follows: the presence of strategic interdependence patterns inducing potential negative externalities acted as a driver for the Member States to engage in cooperation; this cooperation could take place because there was a possibility to operationalize it with a soft mode of governance.

Turning to the second negotiation case in 2011, the picture was radically different. Unlike 2004, these negotiations of the Council Conclusions took place in a context in which the cooperation was already established. At stake was therefore how to enhance or modify the nature of the cooperation. The other crucial aspect differentiating the 2011 negotiations from those of 2004 relates to the Member States' preferences. On the one hand, some of the actors had strongly diverging preferences as to the policy type and scope of the cooperation. On the other hand, there were also great differences in terms of preference intensity between the negotiators. Using the example of Sweden and the Netherlands, the empirical assessment demonstrated how countries with more extreme policy types—restrictive or non-restrictive—were suffering the most from the status quo of the cooperation. They were therefore disadvantaged in the negotiations and largely failed to shape the agreement according to their preferences. This was especially true for the Netherlands. The strong divergence in preferences shaped the entire negotiation process and made it hard for the different parties to find a satisfactory agreement. In consequence, the cooperation did not evolve much in comparison with the previous negotiations with respect to its policy type.

Discussion of the Findings

While based on solid empirical foundations, the project do suffer from certain limitations. For some parts of the empirical assessment, it would for instance have been judicious to conduct more interviews. This is the case in particular for the negotiations of 2004. With such a time gap between

the data collection and the negotiations, it was however not always easy to find available interviewees—either because of career/job changes or perhaps a loss of interest in the topic. However, by using other sources, notably parliamentary debates and EU documents, this challenge was in the whole overcome. In general, the research sought to maximize the number of different sources and triangulate the data in order to arrive at more robust findings. Language was another barrier to the data collection, limiting access to some written sources, such as newspapers or official documents, and maybe some interviewees. Fortunately, Sweden and the Netherlands are rather well documented cases in the secondary literature on integration. Furthermore, Dutch governments published summaries of their integration policy and position papers in English. In addition, important parliamentary document extracts were translated by native speakers, providing essential insights into these two countries' national contexts.

Another limitation of the project is the small number of country cases, which clearly limited the test of the argument in some instances, in particular with respect to the preferences of the Member States over the policy mode of the cooperation. Given the lack of variation between the cases, it was difficult to examine the relationship between preference for a policy mode and the conflict between incentive and reluctance to act at the EU level. Importantly, however, the empirical assessment did not disconfirm this relationship. As this relationship has been established in other policy areas, such as education and social inclusion (de Ruiter 2007), it is reasonable to assume that a similar relationship between preferences for a given policy mode and the conflict between incentive and reluctance to act at the EU level should also exist in this area, although further research is indeed needed to establish the validity of this claim.

As usual, choosing two cases involves a trade-off. Yet, by limiting the number of countries, the great advantage of this research design was the ability to observe the different mechanisms and issues at stake at the national level in a deeper manner. A further strength of the research design was the focus on two separate years, 2004 and 2011, hence buttressing the validity of the findings. This time perspective allowed for a double comparison: across countries and across the two years for each country. Finally, choosing Sweden and the Netherlands was particularly valuable, given the variations between their integration policies and the fact that each country's integration policy approximates the ideal type proposed in Chapter II.

The question of whether the findings can be generalized to other Member States is, as always, a delicate one. From the evidence, it seems that it would indeed be possible to generalize the findings at least to the EU-15 Member States. However, for the new Member States, this might be more problematic. Unlike the EU-15, most of the EU-10 Member States did not have well-developed integration policies at the beginning of the cooperation—a significant factor behind the older

Member States' willingness to engage in cooperation. Therefore, we might wonder what drove the new Member States to accept cooperation in this field. Was it that they were also afraid of secondary migration from the EU-15 Member States? Or, alternatively, was it that they joined the EU at a stage where the elaboration process of the cooperation had already been launched, and they were thus faced with *a fait accompli*? Or was it that they did not have strong sovereignty concerns in this field and in the cooperation saw an opportunity to benefit from the experience of the older Member States? These questions would be interesting—and important—to consider by expanding the research to also include new Member States.

Conclusion

This research project has offered new insights on several accounts. Firstly, it allowed us to carefully consider the integration dynamics in an area where Member States are clinging to their sovereignty and EU competences are therefore limited. It showed that under the right conditions—in the present case negative externalities and the possibility to cooperate under a non-binding mode—it is possible for an area to develop at the EU level and to achieve a rather important level of cooperation.

Moreover, studying the developments of the cooperation in integration matters by adopting a theoretical and systematic approach helps to cover a gap in the literature. Excellent contributions exist on this topic, but few of address the question of what drove the Member States to cooperate. In addition, the research project has considered negotiation dynamics under unanimity rules with the aim of reaching non-binding agreements. To the best of my knowledge, most of the literature on negotiations tends to address either 'Historic' decisions or negotiations over Directives—all negotiations with hard law consequences. One notable exception is the work of Tallberg (2007), who considers European Council Conclusions; yet, Tallberg's work is mainly focused on the positions of the elites and negotiations with higher political profiles. Studying these non-binding outputs was therefore interesting in two respects: firstly, thanks to the interviews, we gained insights on how such non-binding Conclusions are perceived by the negotiators, showing that, contrary to some popular accounts, Council Conclusions are indeed important and do have consequences for Member States, despite their non-binding nature. Secondly, and related to this, the analysis also showed, that sometimes, Council Conclusions are difficult to negotiate and subject to hard bargaining tactics by negotiators—a rather unexpected dynamic given their soft nature.

To conclude the dissertation, I will briefly discuss the future of the EU cooperation in the field of migration integration. After the animated 2011 negotiations, it appears that integration has not placed highly on the Council agenda. The first substantial Conclusions adopted on the issue came in 2014. Integration was in this context placed on the agenda of the Council because of the ten-year anniversary of the Common Basic Principles. These Conclusions reaffirmed the commitment of the Member States to the CBPs, but did not seem to bring much change to the cooperation (Council 2014). Indeed, in recent years, the focus at the political level on TCNs in the field of JHA is strongly placed on immigration and asylum matters, leaving little space for the issue of integration. Corroborating this fact, in the Commission Migration Agenda released in 2015, the space allocated to integration was almost non-existent (European Commission 2015). This lack of attention to integration issues is ultimately to be expected given the pressing, dire and urgent migration crisis the EU is presently facing, testing the limits of the solidarity between the Member States. Whatever the outcome of the current crisis, the large influx of refugees and asylum seekers will beyond doubt add diversity to European societies. And once this influx has stabilized, integration will likely become more relevant than ever.

Annex

Annex I: Common Basic Principles on Integration

CBP 1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

CBP 2. Integration implies respect for the basic values of the European Union.

CBP 3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible

CBP 4. Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.

CBP 5. Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.

CBP 6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.

CBP 7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.

CBP 8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.

CBP 9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

CBP 10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.

CBP 11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

Source: Council 2004a: 18-19.

Annex II: Common Integration Indicators

Policy area	Indicators
Employment	Core indicators: <ul style="list-style-type: none"> • employment rate • unemployment rate • activity rate
Education	Core indicators: <ul style="list-style-type: none"> • highest educational attainment (share of population with tertiary, secondary and primary or less than primary education) • share of low-achieving 15-year-olds in reading, mathematics and science • share of 30—34-year-olds with tertiary educational attainment • share of early leavers from education and training
Social inclusion	Core indicators: <ul style="list-style-type: none"> • median net income — the median net income of the immigrant population as a proportion of the median net income of the total population • at risk of poverty rate — share of population with net disposable income of less than 60 per cent of national median • the share of population perceiving their health status as good or poor • ratio of property owners to non-property owners among immigrants and the total population
Active citizenship	Core indicators: <ul style="list-style-type: none"> • the share of immigrants that have acquired citizenship • the share of immigrants holding permanent or long-term residence permits • the share of immigrants among elected representatives

Source: Council 2010b: 16.

Annex III: List of Interviews

Level	Interview code	Date	Place	Type
European level	B1	06/12/2011	Brussels	Official
	B2	07/12/2011	Brussels	Official
	B3	12/12/2011	Brussels	Official
	B4	13/12/2011	Brussels	Expert
	B5	14/12/2011	Brussels	Civil Society
	B6	12/01/2012	Brussels	Official
	B7	02/05/2012	Brussels	Official
	B8	02/05/2012	Brussels	Official
	B9	04/05/2012	Brussels	Official
	B10	04/05/2012	Brussels	Official
	B11	07/05/2012	Brussels	Official
	B12	07/05/2012	Brussels	Official
	B13	08/05/2012	Brussels	Official
	B14	09/05/2012	Brussels	Official
	B15	11/05/2012	Brussels	Official
	B16	15/05/2012	Brussels	Official
	B17	14/05/2012	Brussels	Official
	B18	15/05/2012	Brussels	Official
	B19	22/06/2012	Paris	Official
National Level	NL1	16/04/2012	Den Haag	Official
	NL2	19/04/2012	Amsterdam	Expert
	NL3	20/04/2012	Den Haag	Official
	NL4	24/04/2012	Den Haag	Official
	NL5	11/02/2013	Den Haag	Official
	NL6	12/02/2013	Den Haag	Official
	NL7	14/02/2013	Den Haag	Official
	NL8	14/02/2013	Den Haag	Official
	S1	02/04/2012	Stockholm	Official
	S2	02/04/2012	Stockholm	Official
	S3	04/04/2012	Stockholm	Official
	S4	04/04/2012	Stockholm	Official
	S5	10/04/2012	Stockholm	MP
	S6	11/04/2012	Stockholm	Civil Society
	S7	11/04/2012	Stockholm	Official
	S8	08/02/2013	Stockholm	Official
	S9	08/02/2013	Stockholm	Official

Annex IV: List of Parliamentary Documents

Sweden

Riksdagen [Swedish Parliament] (2004). *EU-nämndens stenografiska uppteckningar*. Fredagen den 12 november 2004. 2004/05:8. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/EU-namndens-stenografiska-uppteckningar/Fredagen-den-12-november-2004_GS0A8/ (last accessed 27.06.2015).

Riksdagen (2011). *En europeisk agenda för integration av tredjelandsmedborgare*, Arbetsmarknadsutskottet *utlåtande* 2011/12:AU7. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Betankanden/201112En-europeisk-agenda-for_GZ01AU7/ (last accessed 27.06.2015).

Regeringskansliet (2011). *Rådspromemoria. Rådets möte (rättsliga och inrikesfrågor) den 22-23 september 2011*. Arbetsmarknadsdepartementet 07.09.2011. Bilaga till EU-nämndens sammanträde. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Dokument/Bilaga-till-EU-namndens-sammantrade/_GZ0N298134/?text=true (last accessed 27.06.2015).

Regeringskansliet (2011). *Rådspromemoria. Rådets möte (rättsliga och inrikesfrågor) den 27-28 oktober 2011*. Arbetsmarknadsdepartementet 12.10.2012. Bilaga till EU-nämndens sammanträde. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Dokument/Bilaga-till-EU-namndens-sammantrade/_GZ0N29C94E/?text=true (last accessed 27.06.2015).

Riksdagen (2011). *EU-nämndens stenografiska uppteckningar*. Fredagen den 16 september 2011. 2011/12:1. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/EU-namndens-stenografiska-uppteckningar/Fredagen-den-16-september-2011_GZ0A1/ (last accessed 27.06.2015).

Regeringskansliet [Government Offices of Sweden] (2011). *Faktapromemoria 2010/11:FPM146. Europeisk agenda för integration av tredjelandsmedborgare*. Arbetsmarknadsdepartementet 30.08.2011.

Available at http://www.riksdagen.se/sv/Dokument-Lagar/EU/Fakta-PM-om-EU-forslag/Europeisk-agenda-for-integrati_GY06FPM146/ (last accessed 27.06.2015).

Riksdagen (2011). *Riksdagens protokoll* 2011/12:86. Onsdagen den 21 mars. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Kammaren/Protokoll/Riksdagens-protokoll-2011128_GZ0986/ (last accessed 27.06.2015).

Riksdagen (2011). *Protokoll utskottssammanträde*. Torsdagen den 13 oktober 2011. Arbetsmarknadsutskottet [Committee on the Labour Market] 2011/12:3. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Utskottens-protokoll/Protokoll---utskottssammantrad_GZA129CC06/ (last accessed 27.06.2015).

Riksdagen (2011). *Protokoll utskottssammanträde*. Tisdagen den 29 november 2011. Arbetsmarknadsutskottet 2011/12:11. Available at http://www.riksdagen.se/sv/Dokument-Lagar/Utskottens-dokument/Utskottens-protokoll/Protokoll---utskottssammantrad_GZA12A0912/ (last accessed 27.06.2015).

The Netherlands

Eerste Kamer [Senate of the Dutch Parliament] (2011). *Brief aan de minister van Binnenlandse Zaken en Koninkrijksrelaties over de Europese agenda voor de integratie van onderdanen van derde landen*. 149611u. Den Haag, 22 november 2011. Available at http://www.eerstekamer.nl/eu/behandeling/20111122/brief_aan_de_minister_van/info (last accessed 27.06.2015).

Eerste Kamer (2011). *EU-mededeling: Europese agenda voor de integratie van onderdanen van derde landen COM(2011)455*. Brief aan de Vicevoorzitter van de Europese Commissie. 33 103 A. Den Haag, 25 november 2011. Available at <https://zoek.officielebekendmakingen.nl/kst-33103-A.html> (last accessed 27.06.2015).

Eerste Kamer (2011). *EU-mededeling: Europese agenda voor de integratie van onderdanen van derde landen COM(2011)455*. Verslag van een schriftelijk Overleg. 33 103 B. Den Haag, 25 november 2011.

Available at <https://zoek.officielebekendmakingen.nl/dossier/33103/kst-33103-B?resultIndex=1&sorttype=1&sortorder=4> (last accessed 27.06.2015).

Rijksoverheid [Government of the Netherlands] (2004). *Herziening van het inburgeringsstelsel*. Brief van de Minister voor Vreemdelingenzaken en Integratie. 29 543. Nr. 4. Den Haag, 7 december 2004. Available at <https://zoek.officielebekendmakingen.nl/kst-29543-4> (last accessed 27.06.2015).

Rijksoverheid (2004). *Ontwerpbesluiten Unie-Verdrag*. Brief van de Ministers van Justitie en voor Vreemdelingenzaken en Integratie. 23 490. Nr. 338. Den Haag, 8 oktober 2004. Available at <https://zoek.officielebekendmakingen.nl/kst-23490-338> (last accessed 27.06.2015).

Rijksoverheid (2005). *Jaarverslag van het ministerie van Justitie*. 30 100 VI. Nr. 4. Den Haag, 18 mei 2005. Available at <https://zoek.officielebekendmakingen.nl/dossier/30100-VI/kst-30100-VI-1?resultIndex=8&sorttype=1&sortorder=4> (last accessed 27.06.2015).

Rijksoverheid (2005). *Nederlands EU-voorzitterschap 2004*. Brief van de Minister en van de Staatssecretaris van Buitenlandse Zaken. 29 361 Nr. 11. Den Haag, 18 januari 2005. Available at <https://zoek.officielebekendmakingen.nl/dossier/29361/kst-29361-1?resultIndex=19&sorttype=1&sortorder=4> (last accessed 27.06.2015).

Rijksoverheid (2005). *Ontwerpbesluiten Unie-Verdrag*. Brief van de Ministers van Justitie, Binnenlandse Zaken en Koninkrijksrelaties en voor Vreemdelingenzaken en Integratie. 23 490. Nr. 396. Den Haag, 2 november 2005. Available at <https://zoek.officielebekendmakingen.nl/kst-23490-396> (last accessed 27.06.2015).

Rijksoverheid (2011). *Brief inzake geannoteerde agenda JBZ-Raad 27-28 oktober 2011*. Brief van de staatssecretaris van Veiligheid en Justitie. 32 317. AZ Herdruk. Den Haag, 21 oktober 2011. Available at <https://zoek.officielebekendmakingen.nl/kst-32317-az> (last accessed 28.06.2015).

Rijksoverheid (2011). *Brief inzake verslag JBZ-Raad, 27 en 28 oktober 2011*. Brief van de minister van Veiligheid en Justitie. 32 317. BC. Den Haag, 29 november 2011. Available at <https://zoek.officielebekendmakingen.nl/kst-32317-bc> (last accessed 28.06.2015).

Rijksoverheid (2011). *Brief van de minister voor Immigratie, Integratie en Asiel met antwoorden op vragen over de Europese agenda voor integratie van onderdanen van derde landen*. WBI/I&S2011058056. Den Haag, 23 december 2011. Available at http://www.eerstekamer.nl/eu/behandeling/20111223/brief_van_de_minister_voor/info (last accessed 27.06.2015).

Rijksoverheid (2011). *Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie*. Brief van Staatssecretaris van Buitenlandse Zaken. 22 112. Nr. 1219. Den Haag, 12 september 2011. Available at <https://zoek.officielebekendmakingen.nl/dossier/C/kst-22112-1219.html> (last accessed 27.06.2015).

Rijksoverheid (2011). *Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie*. Brief van staatssecretaris van Buitenlandse Zaken. 22 112. EW. Den Haag, 12 september 2011. Available at <https://zoek.officielebekendmakingen.nl/kst-22112-ew> (last accessed 28.06.2015).

Rijksoverheid (2011). *Nieuwe Commissievoorstellen en initiatieven van de lidstaten van de Europese Unie*. Brief van Staatssecretaris van Buitenlandse Zaken. 22 112. Nr. 398. Den Haag, 2 november 2005. Available at <https://zoek.officielebekendmakingen.nl/kst-22112-398.html> (last accessed 27.06.2015).

Rijksoverheid (2011). *Rapportage implementatie van het Stockholm Programma 2013-2014*. Brief van de ministers van Veiligheid en Justitie en van Binnenlandse Zaken en Koninkrijksrelaties en de Staatssecretaris van Veiligheid en Justitie. 32 317. Nr. 243. Den Haag, 3 juli 2014. Available at <https://zoek.officielebekendmakingen.nl/kst-32317-243.html> (last accessed 28.06.2015).

Rijksoverheid (2011). *Staat van de Europese Unie 2010–2011*. Brief van de minister van Binnenlandse Zaken en Koninkrijksrelatiesvoor. 32 502. Nr. 97. Den Haag, 15 december 2011. Available at <https://zoek.officielebekendmakingen.nl/kst-32317-97.html> (last accessed 28.06.2015).

Tweede Kamer [House of Representatives of the Netherlands] (2004). *Jaarnota Integratiebeleid 2004*. 29 837. Nr. 2. Den Haag, 29 oktober 2004. Available at

<https://zoek.officielebekendmakingen.nl/kst-29837-2.html#IDADICFB> (last accessed 27.06.2015).

Tweede Kamer (2005). *Wet inburgering. Verslag*. 30 308. Nr. 3. Den Haag, 27 september 2005. Available at <https://zoek.officielebekendmakingen.nl/kst-30308-3> (last accessed 27.06.2015).

Tweede Kamer (2005). *Wet inburgering. Verslag*. 30 308. Nr. 6. Den Haag, 6 december 2005. Available at <https://zoek.officielebekendmakingen.nl/kst-30308-6> (last accessed 28.06.2015).

Tweede Kamer (2006). *Wet inburgering. Verslag*. 30 308. Nr. 7. Den Haag, 3 januari 2006. Available at <https://zoek.officielebekendmakingen.nl/kst-30308-7> (last accessed 28.06.2015).

Tweede Kamer (2011). *Verslag van een algemeen overleg, gehouden op 15 september 2011, inzake de JBZ-Raad 22 en 23 september 2011*. 32 317. Nr. 76. Den Haag, 19 oktober 2011. Available at <https://zoek.officielebekendmakingen.nl/kst-32317-76> (last accessed 28.06.2015).

Tweede Kamer (2011). *Verslag van een algemeen overleg, gehouden op 26 oktober 2011, inzake de JBZ-Raad op 27 en 28 oktober 2011*. 32 317. Nr. 81. Den Haag, 29 november 2011. Available at <https://zoek.officielebekendmakingen.nl/kst-32317-81> (last accessed 28.06.2015).

Annex V: List of Primary Documents for the Analysis of the Negotiations

Part I (2004)

[First draft 2004]: Council of the European Union (2004). *Common Basic Principles for immigrant integration policy in the European Union*. Note from the Presidency to the Strategic Committee on Immigration, Frontiers and Asylum. 12258/04. LIMITE. MIGR 69. Brussels, 9 September 2004.

[Second draft 2004]: Council of the European Union (2004). *Common Basic Principles for immigrant integration policy in the European Union*. Note from the Presidency to the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA). 12979/04. LIMITE. MIGR 77. Brussels, 1 October 2004.

[Third draft 2004]: Council of the European Union (2004). *Common Basic Principles for immigrant integration policy in the European Union*. Note from the Presidency to the Permanent Representatives Committee / Council. 13680/04. LIMITE. MIGR 87. Brussels, 19 October 2004.

[Fourth draft 2004]: Council of the European Union (2004). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the establishment of Common Basic Principles for immigrant integration policy in the European Union*. Note from the Presidency to the Permanent Representatives Committee (part 2). 13973/04. LIMITE. MIGR 96. Brussels, 3 November 2004.

[Fifth draft 2004]: Council of the European Union (2004). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the establishment of Common Basic Principles for immigrant integration policy in the European Union*. Note from the Presidency to the Permanent Representatives Committee (part 2). 13973/1/04. REV 1. LIMITE. MIGR 96. Brussels, 9 November 2004.

[Sixth draft 2004]: Council of the European Union (2004). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the establishment of Common Basic Principles for immigrant integration policy in the European Union*. Note from the Presidency to the Council. 14776/04. LIMITE. MIGR 104. Brussels, 18 November 2004.

[Council Conclusions]: Council of the European Union (2004). *Press Release*. 2618th JUSTICE and HOME AFFAIRS Council meeting. 14615/04 (Presse 321). Brussels, 19 November 2004.

Part II (2011)

[First draft 2011]: Council of the European Union (2011). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. Note from Presidency to the Working Party on Integration, Migration and Expulsion on 28 October 2011. 15797/11. LIMITE. MIGR 161 SOC 894. Brussels, 21 October 2011.

[Swedish draft 2011]: Council of the European Union (2011). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. Note from the Swedish delegation to the Working Party on Integration, Migration and Expulsion on 28 October 2011. 16022/11. LIMITE. MIGR 162 SOC 913. Brussels, 25 October 2011.

[Dutch draft 2011]: Council of the European Union (2011). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. Note from the Netherlands delegation to the Working Party on Integration, Migration and Expulsion on 28 October 2011. 16154/11. LIMITE. MIGR 166 SOC 926. Brussels, 27 October 2011.

[Second draft 2011]: Council of the European Union (2011). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. Note from the Presidency to the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 30 November 2011. 17341/11. LIMITE. MIGR 191 SOC 1025. Brussels, 24 November 2011.

[Third draft 2011]: Council of the European Union (2011). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-*

Country Nationals. Note from Presidency to JHA Counsellors on 8 December 2011. 18123/11. LIMITE. MIGR 205 SOC 1077. Brussels, 6 December 2011.

[Fourth draft 2011]: Council of the European Union (2011). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. Note from Presidency to Permanent Representatives Committee / Council. 18296/11. LIMITE. MIGR 210 SOC 1096. Brussels, 9 December 2011.

[Fifth draft 2011]: Council of the European Union (2011). *Draft Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. Note from Presidency to Council. 18296/1/11. REV 1. MIGR 210 SOC 1096. Brussels, 12 December 2011.

[Council Conclusions 2011]: Council of the European Union (2011). *Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. 3135th JUSTICE and HOME AFFAIRS Council meeting. Brussels, 13 and 14 December 2011.

References

- Adam, Christine and Alexandre Devillard (2009). *Comparative Study of the Laws in the 27 EU Member States for Legal Immigration, Including an Assessment of the Conditions and Formalities Imposed by Each Member State for Newcomers*. Brussels: European Parliament.
- Agence Europe (2002a). “(EU) ESC/Immigration: Committee Asks Commission to Prepare Comprehensive Framework Programme for Promoting Integration of Immigrants and Refugees”, *Europe Daily Bulletins* no. 8182 - 29/3/2002.
- Agence Europe (2002b). “(EU) EU Informal JHA: Fifteen to Prepare Very General Conclusions on Integrating Immigrants - Commission Proposes Eur 12 Million Programme For Integration - Civil Society Criticises Seville Conclusions”, *Europe Daily Bulletins* no. 8295 - 12/09/2002.
- Agence Europe (2007). “(EU) EU/JHA: New Handbook on Integration of Non-EU Nationals”, *Europe Daily Bulletins* no. 9424 - 11/05/2007.
- Agence Europe (2008). “(EU) EU/JHA Council: EU Adopts Immigration and Asylum Pact”, *Europe Daily Bulletins* no. 9748 - 26/09/2008.
- Agence Europe (2010). “(EU) EU/Social: Economic and Social Committee Calls on Union to Strengthen Links between its Immigrant Integration Policies and Social Policy Agenda”, *Europe Daily Bulletins* no. 10082 - 20/2/2010.
- Anderson, Karen (2001). “Sweden: Retreat from Exceptionalism”, in Eleanor E. Zeff and Ellen B. Pirro (eds.), *The European Union and the Member States: Cooperation, Coordination, and Compromise*. Boulder, CO: Lynne Rienner Publishers, pp. 285–304.
- Anderson, Karen and Michael Kaeding (2006). “Belgium, the Netherlands and Luxembourg: Increasingly Cautious Europeans”, in Eleanor E. Zeff and Ellen B. Pirro (eds.), *The European Union and the Member States: Cooperation, Coordination, and Compromise* (2nd edition). Boulder, CO: Lynne Rienner Publishers, pp. 107–126.

- Apap, Joanna (2002). “Shaping Europe’s Migration Policy New Regimes for the Employment of Third Country Nationals: A Comparison of Strategies in Germany, Sweden, the Netherlands and the UK”, *European Journal of Migration and Law* 4(3): 309–328.
- Apap, Joanna and Sergio Carrera (2003). *Towards a Proactive Immigration Policy for the EU?* Brussels: Centre for European Policy Studies.
- Aylott, Nicholas (2002a). “Europe and the Swedish Parliamentary Elections of September 2002”. *Election Briefing no. 6*, Riia/Oern.
- Aylott, Nicholas (2002b). “Let’s Discuss This Later: Party Responses to Euro-Division in Scandinavia”, *Party Politics* 8(4): 441–461.
- Aylott, Nicholas (2010). “Europe and the Swedish Election of September 19th 2010”, *Election Briefing no 59*, European Parties Elections and Referendums Network.
- Bähr, Holger (2010). *The Politics of Means and Ends: Policy Instruments in the European Union*. Farnham, Surrey and Burlington, VT: Ashgate.
- Balassa, Bela A. (1961). *The Theory of Economic Integration*. Homewood, IL: R.D. Irwin.
- Bale, Tim (2013). *European Politics: A Comparative Introduction* (3rd edition). Basingstoke: Palgrave Macmillan.
- Barrot, Jacques (2009). “Une Nouvelle Architecture Offrant des Espaces Interactifs, Réactifs et Imaginatifs Permettant d’Insuffler une Nouvelle Dynamique à la Stratégie Européenne d’Intégration”, *SPEECH/09/191*, *Forum de l’Intégration*, Bruxelles, 20.04.2009.
- Barrot, Jacques and Mario Sepi (2009). *Exchange of Letters and Rules of Procedure (European Integration Forum)*, Brussels, 25.03.2009 and 16.04.2009, available at http://ec.europa.eu/ewsi/UDRW/images/items/docl_10413_377068598.pdf (last accessed 15.12.2014).
- Barry, Brian (1980). “Is It Better to be Powerful or Lucky, Part I and Part II”, *Political Studies* 28(2): 183–194; (3): 317–343.
- Bendel, Petra (2007). “Everything under Control? The European Union’s Policies and Politics of Immigration”, in Thomas Faist and Andreas Ette (eds.), *The Europeanization of National Policies and Politics of Immigration: Between Autonomy and the European Union*. Basingstoke; New York: Palgrave Macmillan, pp. 32–48.
- Besselink, Leonard F. M. (2009). “Integration and Immigration: The Vicissitudes of Dutch ‘Inburgering’”, in Elspeth Guild, Kees Groenendijk and Sergio Carrera (eds.), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*. Farnham, Surrey; Burlington, VT: Ashgate, pp. 241–258.

- Beyers, Jan, Bart Kerremans and Peter Bursens (2001). “Belgium, the Netherlands, and Luxembourg: Diversity among the Benelux Countries”, in Eleanor E. Zeff and Ellen B. Pirro (eds.), *The European Union and the Member States: Cooperation, Coordination, and Compromise*. Boulder, CO: Lynne Rienner Publishers, pp. 59–88.
- Bevelander, Pieter (2010). “Sweden: The Immigration and Integration Experience: The Case of Sweden”, in Uma A. Segal, Doreen Elliott and Nazneen S. Mayadas (eds.), *Immigration Worldwide: Policies, Practices, and Trends*. Oxford and New York: Oxford University Press, pp. 286–302.
- Böcker, Anita, Betty de Hart and Ines Michalowski (2004). *Migration and the Regulation of Social Integration*. Osnabrück: Institut für Migrationsforschung und Interkulturelle Studien (IMIS), Universität Osnabrück.
- Böcker, Anita and Tineke Strik (2011). “Language and Knowledge Tests for Permanent Residence Rights: Help or Hindrance for Integration?”, *European Journal of Migration and Law* 13(2): 157–184.
- Boelaert-Suominen, Sonja (2005). “Non-EU Nationals and Council Directive 2003/109/EC on the Status of Third-Country Nationals Who Are Long-Term Residents: Five Paces Forward and Possibly Three Paces Back”, *Common Market Law Review* 42(4): 1011–1052.
- Bonjour, Saskia and Doutje Lettinga (2012). “Political Debates on Islamic Headscarves and Civic Integration Abroad in France and the Netherlands: What Can Models Explain?”, *Journal of Immigrant and Refugee Studies* 10(3): 260–278.
- Borrás, Susana and Kerstin Jacobsson (2004). “The Open Method of Co-ordination and New Governance Patterns in the EU”, *Journal of European Public Policy* 11(2): 185–208.
- Boom, J. de, A. Weltevrede, Y. Seidler, P. van Wensveen, E. Snel and G. Engbersen (2012). Migration and migration policies in the Netherlands 2012. Dutch SOPEMI-report 2012. Preliminary draft v2.0, August 2012. Rotterdam, Risbo.
- Brubaker, Rogers (1992). *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press.
- Brueckner, Jan K. (2000). “Welfare Reform and the Race to the Bottom: Theory and Evidence”, *Southern Economic Journal* 66(3): 505–525.
- Brueckner, Jan K. (2003). “Strategic Interaction Among Governments: An Overview of Empirical Studies”, *International Regional Science Review* 26(2): 175–188.

- Bruquetas-Callejo, María, Blanca Garcés-Mascareñas, Rinus Penninx and Peter Scholten (2007). *Policymaking Related to Immigration and Integration. The Dutch Case*. IMISCOE Working Paper no. 15.
- Buonanno, Laurie and Neill Nugent (2013). *Policies and Policy Processes of the European Union*. Basingstoke, Hampshire: Palgrave Macmillan.
- Bursens, Peter and Ben Crum (2010). “The Benelux countries: How Politicisation Upset a Pro-integration Coalition”, in Maurizio Carbone (ed.), *National Politics and European Integration: From the Constitution to the Lisbon Treaty*. Cheltenham, UK: Edward Elgar, pp. 144–163.
- Carrera, Sergio (2006). *A Typology of Different Integration Programmes in the EU*. European Parliament Directorate-general Internal Policies. Policy unit C citizens’ rights and constitutional affairs briefing paper.
- Carrera, Sergio (2008). *Benchmarking Integration in the EU. Analyzing the Debate on Integration Indicators and Moving it Forward*. Gütersloh: Bertelsmann Foundation.
- Carrera, Sergio (2009). *In Search of the Perfect Citizen? The Intersection between Integration, Immigration, and Nationality in the EU*. Leiden; Boston: Martinus Nijhoff Publishers.
- Carrera, Sergio (2014). “Integration of Immigrants in EU Law and Policy”, in Loïc Azoulay and Karin de Vries, *EU Migration Law: Legal Complexities and Political Rationales* [online]. Oxford: Oxford University Press.
- Carrera, Sergio and Anaïs Faure Atger (2011). *Integration as a Two-Way Process in the EU? Assessing the Relationship between the European Integration Fund and the Common Basic Principles on Integration*. Centre for European Policy Studies (CEPS): Brussels.
- Cholewinski, Ryszard (2005). “Migrant as Minorities: Integration and Inclusion in the Enlarged European Union”, *Journal of Common Market Studies* 43(4): 695–716.
- Condinanze, Massimo, Alessandra Lang and Bruno Nascimbene (2008). *Citizenship of the Union and Free Movement of Persons*. Leiden; Boston: Martinus Nijhoff Publishers.
- Council of the European Union (1999). *Presidency conclusions*. Tampere European Council, 15 and 16 October 1999.
- Council of the European Union (2001). *Outcome of Proceedings. Subject: Proposal for a Council Directive concerning the Status of Third-country Nationals who are Long-Term Residents*. MIGR 72, 11702/01, Brussels, 22 October 2001.
- Council of the European Union (2002). *2455th Council meeting, Presse 308, 2455th Council Meeting, Justice and Home Affairs, 12894/02, Luxembourg, 14/15 October 2002*.

- Council of the European Union (2003). *Thessaloniki European Council 19 and 20 June 2003, Presidency Conclusions*. 11683/03, POLGEN 55, Brussels, 1 October 2003.
- Council of the European Union (2004a). *Press release, 2618th Council Meeting, Justice and Home Affairs*, 14615/04 (Presse 321), Brussels, 19.11.2004.
- Council of the European Union (2004b). *Brussels European Council 4/5 November 2004, Presidency Conclusions*. 14292/1/04, REV 1, CONCL 3, Brussels, 8 December 2004.
- Council of the European Union (2005). *2696th Council Meeting, Justice and Home Affairs*, 14390/05 (Presse 296), Brussels, 1-2 December 2005.
- Council of the European Union (2007a). *2807th Council meeting, Justice and Home Affairs*, 10267/07 (Presse 125), Luxembourg, 12-13 June 2007.
- Council of the European Union (2007b). *Council Decision of establishing the European Fund for the Integration of third-country nationals for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows'*, Brussels, 18 April 2007, doc 16923/06.
- Council of the European Union (2008a). *Brussels European Council 15 and 16 October 2008 Presidency Conclusions*. 14368/08 CONCL 4, Brussels, 16 October 2008.
- Council of the European Union (2008b). *MIGR 108 SOC 668, 15251/08*, Brussels, 6 November 2008 (11.11).
- Council of the European Union (2008c). *Limite, ASIM 72, 13440/08; Subject: European Pact on Immigration and Asylum*, Brussels, 24 September 2008 (07.10).
- Council of the European Union (2010a). *The Stockholm Programme - An open and Secure Europe Serving and Protecting Citizens*. CO EUR-PREP 2 JAI 81 POLGEN 8, 5731/10, Brussels, 3 March 2010.
- Council of the European Union (2010b). *Document 8771/10*. Brussels, 20.04. 2010.
- Council of the European Union (2011). *Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals*. 3135th JUSTICE and HOME AFFAIRS Council meeting, Brussels, 13 and 14 December 2011.
- Council of the European Union (2014). *Council conclusions of the Council and the Representatives of the Governments of the Member States on the integration of third-country nationals legally residing in the EU*, Justice and Home Affairs Council meeting, Luxembourg, 5 and 6 June 2014.
- De Bruijn, Hans A. and Ernest F. ten Heuvelhof (1998). "A Contextual Approach to Policy Instruments", in B. Guy Peters and Frans K.M. van Nispen (eds.), *Public Policy*

- Instruments: Evaluating the Tools of Public Administration*. Cheltenham, UK and Northampton, MA: Edward Elgar, pp. 69–84.
- De Bruijn, Hans A. and Hans A.M. Hufen (1998). “The Traditional Approach to Policy Instruments”, in B. Guy Peters and Frans K.M. van Nispen (eds.), *Public Policy Instruments: Evaluating the Tools of Public Administration*. Cheltenham, UK and Northampton, MA: Edward Elgar, pp. 11–32.
- De la Porte, Caroline (2002). “Is the Open Method of Coordination Appropriate For Organising Activities at European Level in Sensitive Policy Areas?”, *European Law Journal* 8(1): 38–58.
- De Ruiter, Rik (2007). *To Prevent a Shift of Competences?: Developing the Open Method of Coordination: Education, Research and Development, Social Inclusion and e-Europe*. Unpublished PhD dissertation. Florence: European University Institute.
- Dehousse, Renaud (2003). “The Open Method of Coordination: A New Policy Paradigm?”, *Cahiers européens de Sciences Po* 3.
- Dingu-Kyrklund, Elena (2007). “Citizenship, Migration, and Social Integration in Sweden: A Model for Europe?”, *CERIS Working Paper No. 52*, Joint Centre of Excellence for Research on Immigration and Settlement. Toronto: CERIS.
- Duyvendak, Jan Willem, Trees Pels and Rally Rijkschroeff (2005). “A Multicultural Paradise? The Cultural Factor in Dutch Integration Policy”, *Paper Presented at the 3rd ECPR Conference*, Budapest 8-10 September 2005.
- Entzinger, Han (2000). “The Dynamics of Integration Policies: A Multidimensional Model”, in Ruud Koopmans and Paul Statham (eds.), *Challenging Immigration and Ethnic Relations Politics. Comparative European Perspectives*. New York: Oxford University Press, pp. 97–118.
- Entzinger, Han, Sawitri Saharso and Peter Scholten (2011). *Shaping Immigration for Integration? The Dutch Migration-Integration Nexus in Perspective*. Promoting Sustainable Policies for Integration (PROSINT). Consolidated report for WP 2, 3 & 4.
- European Commission (2000). *Communication from the Commission to the Council and the European Parliament on a Community Immigration Policy*, COM (2000) 757 final. Brussels, 22.11.2000.
- European Commission (2001a). *Communication from the Commission to the Council and the European Parliament on an Open Method of Coordination for the Community Immigration Policy*, COM (2001) 387 final. Brussels, 11.7.2001.
- European Commission (2001b). *Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents*, COM (2001) 127 final. 13.03.2001.

- European Commission (2001c). *Communication from the Commission to the Council on the New European Labour Markets, Open to All, with Access for All*, COM (2001) 116 final. Brussels, 28.2.2001.
- European Commission (2001d). *High level task force on Skills and Mobility. Final report*. Brussels: Directorate-General for Employment and Social Affairs.
- European Commission (2003). *Communication from the Commission to the Council and the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Immigration, Integration and Employment*, COM (2003) 336 final. Brussels, 3.6.2003.
- European Commission (2004a). *Handbook on Integration for policy-makers and practitioners*, first edition, November 2004, written by Jan Niessen and Yongmi Schibel of Migration Policy Group on behalf of the European Commission. Brussels: Directorate-General for Justice, Freedom and Security.
- European Commission (2004b). *Communication from the Commission to the Council and the European Parliament, the European Economic and Social Committee and the Committee of the Regions: First Annual Report on Migration and Integration*, COM (2004) 508 final. Brussels, 16.7.2004.
- European Commission (2005a). *Communication from the Commission to the Council and the European Parliament, the European Economic and Social Committee and the Committee of the Regions: A Common Agenda for Integration. Framework for the Integration of Third-Country Nationals in the European Union*, COM (2005) 389 final. Brussels, 1.9.2005.
- European Commission (2005b). *Communication from the Commission to the Council and the European Parliament establishing a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013*, COM(2005) 123, Brussels, 6.4.2005.
- European Commission (2006). *Commission Staff Working Document: Second Annual Report on Migration and Integration*, SEC (2006) 892. Brussels, 30.6.2006.
- European Commission (2007a). *Communication from the Commission to the Council and the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Towards a Common Immigration Policy*, SEC (2007) 1632, COM (2007) 780 final. Brussels, 5.12.2007.
- European Commission (2007b). *Handbook on Integration for policy-makers and practitioners*, second edition, May 2007, written by Jan Niessen and Yongmi Schibel of Migration Policy Group on behalf of the European Commission. Brussels: Directorate-General for Justice, Freedom and Security.
- European Commission (2007c). *Communication from the Commission to the Council and the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Third Annual Report on Migration and Integration*, COM (2007) 512 final. Brussels, 11.9.2007.

- European Commission (2007d). *Commission Decision of 21/VIII/2007 Implementing Council Decision 2007/435/EC as regards the adoption of strategic guidelines for 2007 to 2013*. C (2007) 3926 final, Brussels, 21/VIII/2007.
- European Commission (2008a). *Communication from the Commission to the Council and the European Parliament, the European Economic and Social Committee and the Committee of the Regions: A Common Immigration Policy for Europe: Principles, actions and tools*. SEC (2008) 2026, SEC (2008) 2027, COM (2008) 359 final. Brussels, 17.6.2008
- European Commission (2008b). *Commission Staff Working Document: Strengthening actions and tools to meet integration challenges. Report to the 2008 Ministerial Conference on Integration*, SEC (2008) 2626. Brussels, 8.10.2008.
- European Commission (2009a). *Press Release. Platform for dialogue: 'European Integration Forum' and interactive 'European Web Site on Integration': two new tools to make integration work*, IP/09/593, Brussels, 20 April 2009.
- European Commission (2009b). *Communication from the Commission to the European Parliament and the Council: An Area of Freedom, Security and Justice Serving the Citizen*, COM (2009) 262 final. Brussels, 10.6.2009.
- European Commission (2010a). *Commission Staff Working Document: The consolidation of the EU framework on integration. Report to the 2010 Ministerial Conference on Integration*, SEC (2010) 357 final. Brussels, 19.3.2010.
- European Commission (2010b). *Handbook on Integration for policy-makers and practitioners*, third edition, April 2010, written by Jan Niessen and Thomas Huddleston of Migration Policy Group on behalf of the European Commission. Brussels: Directorate-General for Justice, Freedom and Security.
- European Commission (2011a). *Commission Staff Working Paper: EU initiatives supporting the integration of third-country nationals*, SEC (2011) 957 final. Brussels, 20.7.2011.
- European Commission (2011b). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. European Agenda for the Integration of Third-Country Nationals*, COM (2011) 455 final. Brussels, 20.7.2011.
- European Commission (2011c). *Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC)*, COM (2011) 735 final. Brussels, 15.11.2011.
- European Commission (2011d). *Draft Modules*, DG HOME. Brussels, July 2011.

- European Commission (2014). *European Modules on Migrant Integration, Final report*, DG HOME. Brussels, February 2014.
- European Commission (2015). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration*, COM (2015) 240 final. Brussels, 13.5.2015.
- European Council (2009). Conclusions. European Council 10/11 December 2009. EUCO 6/09, CO EUR 6, CONCL 4, Brussels, 11 December 2009.
- European Economic and Social Committee (2008). *European Ministerial Conference on integration strongly supports EESC opinion on the creation of a European Integration Forum*, Press release CES/08/99. 5 November 2008, available at http://www.eesc.europa.eu/activities/press/cp/index_en.asp (last accessed 10.01.2015).
- European Economic and Social Committee (2009). *Opinion of the European Economic and Social Committee on the 'Elements for the structure, organisation and functioning of a platform for the greater involvement of civil society in the EU-level promotion of policies for the integration of third-country nationals'*, (2009/C 27/21).
- European Economic and Social Committee (2010a). *Opinion of the European Economic and Social Committee on 'Integration and the social agenda'* (own-initiative opinion), (2010/C 347/03).
- European Economic and Social Committee (2010b). *Opinion of the European Economic and Social Committee on 'The Integration of immigrant workers'* (exploratory opinion), (2010/C 354/03).
- European Integration Forum (2010a). *Summary Report, 3rd meeting of the European Integration Forum*, 24 and 25 June 2010, Brussels.
- European Integration Forum (2010b). *Background document prepared for the 3rd meeting of the Forum by European Commission services*, "The civil society input to the Second Agenda for Integration".
- European Integration Forum (2011). *Summary Report, 9th meeting of the European Integration Forum*, "The involvement of countries of origin in the integration process", Brussels, 9 and 10 November 2011.
- European Integration Forum (2012a). *Background Paper, 8th meeting of the European Integration Forum*, "The contribution of migrants to economic growth in the EU", Brussels, 16 and 17 October 2012.
- European Integration Forum (2012b). *Summary Report, 7th meeting of the European Integration Forum*, "Public Hearing on the Right to Family Reunification of Third Country Nationals living in the EU", Brussels, 31 May and 1 June 2012.

- European Integration Forum (2013a). *Summary Report, 9th meeting of the European Integration Forum*, “Integration of Migrant Youth in European Society”, Brussels, 4 and 5 June 2013.
- European Integration Forum (2013b). *Summary Report, 10th meeting of the European Integration Forum*, “Participation of migrants in the democratic process - Towards a more inclusive citizenship”, Brussels, 26 and 27 November 2013.
- European Parliament (2005). *Legal and illegal migration and the integration of migrants. Resolution on the links between legal and illegal migration and integration of migrants (2004/2137(INI))*, P6_TA(2005)0235.
- European Parliament (2006a). *Integration of immigrants in the European Union. European Parliament resolution on strategies and means for the integration of immigrants in the European Union (2006/2056(INI))*, P6_TA(2006)0318.
- European Parliament (2006b). *EU common immigration policy. European Parliament resolution on the EU common immigration policy*, P6_TA(2006)0386.
- European Parliament (2009). *A Common Immigration Policy for Europe. European Parliament resolution of 22 April 2009 on a Common Immigration Policy for Europe: Principles, actions and tools (2008/2331(INI))*, P6_TA(2009)0257.
- European Union (1985). *Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, on the Gradual Abolition of Checks at their Common Borders*.
- Eurostat (2011). *Indicators of Immigrant Integration. A Pilot Study*. Eurostat, Methodologies and Working Papers, prepared by Katarzyna Kraszewska in collaboration with Bettina Knauth and David Thorogood. Brussels: European Commission.
- Eyerman, Ron (2008). *The Assassination of Theo Van Gogh: From Social Drama to Cultural Trauma*. Durham, N.C.: Duke University Press.
- Favell, Adrian (2001). “Integration Policy and Integration Research in Europe: A Review and Critique”, in T. Alexander Aleinikoff and Douglas Klusmeyer (eds.), *Citizenship Today. Global Perspectives and Practices*. Washington: Carnegie Endowment for International Peace, Brookings Institution Press, pp. 349-399.
- Figlio, David N., Van W. Kolpin, and William E. Reid (1999) “Do States Play Welfare Games?” *Journal of Urban Economics* 46(03): 437–454.
- Franzese, Robert and Jude Hays (2006). “Strategic Interaction among EU Governments in Active Labor Market Policy-making”, *European Union Politics* 7(2): 167–189.

- Franzese, Robert and Jude Hays (2008). “Interdependence in Comparative Politics: Substance, Theory, Empirics, Substance”, *Comparative Political Studies* 41(4-5): 742–780.
- Fredriksson, Per and Daniel Millimet (2002). “Strategic Interaction and the Determination of Environmental Policy across U.S. States”, *Journal of Urban Economics* 51(1): 101–122.
- Freeman, Gary P. (2004). “Immigrant Incorporation in Western Democracies”, *International Migration Review* 38(3): 945–969.
- Frieden, Jeffrey A. (1999). “Actors and Preferences in International Relations”, in David Lake and Robert Powell (eds.), *Strategic Choice and International Relations*. Princeton, N.J.: Princeton University Press, pp. 39–76.
- Geddes, Anthony (ed.) (2008). *Immigration and European Integration* (2nd edition). Manchester and New York: Manchester University Press.
- Goldirova, Renata (2008). “EU Won over to France’s Hard Line on Immigration and Asylum”, *EUobserver*, July 7, 2008.
- Goodman, Sara Wallace (2010). “Integration Requirements for Integration’s Sake? Identifying, Categorising and Comparing Civic Integration Policies”, *Journal of Ethnic and Migration Studies* 36(5): 753–772.
- Gornitzka, Åse (2005). “Coordinating Policies for a ‘Europe of Knowledge’: Emerging Practices of the ‘Open Method of Coordination’ in Education and Research”, *working paper, ARENA*. Centre for European Studies: University of Oslo.
- Groenendijk, Kees (2004). “Legal Concepts of Integration in EU Migration Law”, *European Journal of Migration and Law* 6(2): 111–126.
- Groenendijk, Kees (2006). “The Legal Integration of Potential Citizens: Denizens in the EU in the Final Years before the Implementation of the 2003 Directive on Long-term Resident Third Country Nationals”, in Rainer Bauböck, Eva Ersbøll, Kees Groenendijk and Harald Waldrauch (eds.), *Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries. Volume 1: Comparative Analyses*. Amsterdam: Amsterdam University Press, pp. 385–410.
- Groenendijk, Kees (2011). “Introduction: Migration and Law in Europe”, in Elspeth Guild and Paul Minderhoud (eds.), *The First Decade of EU Migration and Asylum Law*. Boston: Martinus Nijhoff Publishers, pp. 1–22.
- Groenendijk, Kees (2012). “Integration of Immigrants in the EU: The Old or the New Way?”, in Yves Pascouau and Tineke Strik (eds.), *Which Integration Policies for Migrants? Integration between the EU and its Member States*. Nijmegen: Wolf, pp. 3–14.

- Guild, Elspeth, Kees Groenendijk and Sergio Carrera (2011). “Understanding the Contest of Community: Illiberal Practices in the EU?”, in Elspeth Guild, Kees Groenendijk and Sergio Carrera (eds.), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*. Farnham, Surrey; Burlington, VT: Ashgate, pp. 1–25.
- Guiraudon, Virginie (2003). “The Constitution of a European Immigration Policy Domain: A Political Sociology Approach”, *Journal of European Public Policy* 10(2): 263–282.
- Halleskov Storgaard, Louise (2011). “The Long-Term Residents Directive: a Fulfilment of the Tampere Objective of Near-Equality?”, in Elspeth Guild and Paul Minderhoud (eds.), *The First Decade of EU Migration and Asylum Law*. Boston: Martinus Nijhoff Publishers, pp. 299–328.
- Hancock, Donald M. (ed.) (2012). *Politics in Europe*. 5th edition. Washington: CQ Press.
- Hansen, Peo (2005). *A Superabundance of Contradictions: The European Union’s Post-Amsterdam Policies on Migrant ‘Integration’, Labour Immigration, Asylum, and Illegal Immigration*, Linköpings Universitet, REMESO Institut för Forskning om Migration, Etnicitet och Samhälle.
- Héritier, Adrienne (2002). “New Modes of Governance in Europe: Policy Making without Legislating?”, *Political Science Series 81*. Vienna: Institute for Advanced Studies.
- Hoetjes, Ben J.S. (2003). “The Netherlands: A Former Founding Father in Search of Control”, in Wolfgang Wessels, Andreas Maurer and Jürgen Mittag (eds.), *Fifteen into One? The European Union and its Member States*. Manchester and New York: Manchester University Press, pp. 315–336.
- Howlett, Michael (1991). “Policy Instruments, Policy Styles, and Policy Implementation: National Approaches to Theories of Instrument Choice”, *Policy Studies Journal* 19(2): 1–21.
- Iglesias Sánchez, Sara (2009). “Free Movement as a Precondition for Integration of Third-Country Nationals in the EU”, in Elspeth Guild, Kees Groenendijk and Sergio Carrera (eds.), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*. Farnham, Surrey; Burlington, VT: Ashgate, pp. 205–220.
- International Organization for Migration (2010). *Compendium on Migrant Integration and Practices*. Labour and Facilitated Migration Division, Migration Management Services Department, IOM: Geneva.
- Jacqué, Jean-Paul (2006). *Droit institutionnel de l’Union européenne* (4th edition). Paris: Dalloz.
- Johansson, Karl Magnus (2003). “Sweden: another awkward partner?”, in Wolfgang Wessels, Andreas Maurer and Jürgen Mittag (eds.) (2003). *Fifteen into one? The European Union and its member states*. Manchester and New York: Manchester University Press, pp. 369–387.

- Joppke, Christian (2007). “Transformation of Immigrant Integration. Civic integration and Antidiscrimination in the Netherlands, France, and Germany”, *World Politics* 59: 243–273.
- Kate, Mary-Anne and Jan Niessen (2007) *Locating immigrant integration policy measures in the machinery of the European Commission*. A report prepared for EPIM.
- Keman, Hans (2008). “The Low Countries: Confrontation and Coalition in Segmented Societies”, in Josep Maria Colomer (ed.), *Comparative European Politics*, 3rd edition London: Routledge, pp. 208–245.
- Koopmans, Ruud, Statham, Paul, Giugni, Marco, and Passy, Florence (2005). *Contested Citizenship: Immigration and Cultural Diversity in Europe*. Minneapolis: University of Minnesota Press.
- Kostakopoulou, Dora (2010). “Introduction”, in Ricky Van Oers, Eva Ersbøll and Dora Kostakopoulou (eds.), *A Re-definition of Belonging? Language and Integration Tests in Europe*. Leiden: Martinus Nijhoff Publishers, pp. 1–23.
- Kostakopoulou, Dora, Sergio Carrera and Moritz Jesse (2009). “Doing and Deserving: Competing Frames of Integration in the EU”, in Elspeth Guild, Kees Groenendijk and Sergio Carrera (eds.), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*. Farnham, Surrey; Burlington, VT: Ashgate, pp. 167–186.
- Kvist, Jon (2004). “Does EU enlargement start a race to the bottom? Strategic interaction among EU member states in social policy”, *Journal of European Social Policy* 14(3): 301–318.
- Lake, David and Robert Powell (eds.) (1999). *Strategic choice and international relations*. Princeton, N.J.: Princeton University Press.
- Landré, Marc (2011). “Le Pen: Protections aux Frontières et Sortie de l’Euro”, *Le Figaro.fr*, 08.04.2011, available at <http://www.lefigaro.fr/conjoncture/2011/04/08/04016-20110408ARTFIG00551-le-pen-protections-aux-frontieres-et-sortie-de-l-euro.php> (last accessed 26.01.2015).
- Le Monde.fr avec AFP et Reuters (2011). “Sarkozy: Le Droit de Vote des Etrangers est Une Proposition Hasardeuse”, *Le Monde.fr*, 23.11.2011, available at http://www.lemonde.fr/election-presidentielle-2012/article/2011/11/23/nicolas-sarkozy-contre-le-droit-de-vote-aux-etrangers-aux-elections-locales_1608263_1471069.html (last accessed 25.06.2015).
- Lemaître, Georges (2007). *The Integration of Immigrants into the Labour Market: the Case of Sweden*, OECD DELSA/ELSA/WD/SEM(2007)3, Paris: OECD.
- Lindahl, Rutger and Daniel Naurin (2005). “Sweden: The twin faces of a euro-outsider”, *Journal of European Integration* 27(1): 65–87.

- Lucardie, Paul and Gerrit Voerman (1999). "The Netherlands", *European Journal of Political Research* 36: 465–471.
- Lucardie, Paul and Gerrit Voerman (2002). "The Netherlands", *European Journal of Political Research* 41: 1037–1040.
- Lucardie, Paul and Gerrit Voerman (2003). "The Netherlands", *European Journal of Political Research* 42: 1029–1036.
- Lucardie, Paul and Gerrit Voerman (2004). "The Netherlands", *European Journal of Political Research* 43: 1084–1092.
- Lucardie, Paul and Gerrit Voerman (2006). "The Netherlands", *European Journal of Political Research* 45: 1201–1206.
- Lucardie, Paul and Gerrit Voerman (2007). "The Netherlands", *European Journal of Political Research* 46: 1041–1048.
- Lucardie, Paul and Gerrit Voerman (2011). "The Netherlands", *European Journal of Political Research* 50: 1070–1076.
- MacGregor, Anne and Gordon Blanke (2002). "Free movement of persons within the EU: current entitlements of EU citizens and third country nationals – a comparative overview", *International Trade Law & Regulation* 8(6): 173–193.
- Margheritis, Ana and Martin Maldonado (2007). "Regional Integration and (Hauled) Migration Policy. What Does the European Experience Teach us?", *Journal of European Public Policy* 14(1): 152–166.
- Michalowski, Ines (2009). "Liberal states – privatised integration policies?", in Elspeth Guild, Kees Groenendijk and Sergio Carrera (eds.), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*. Farnham, Surrey; Burlington, VT: Ashgate, pp. 259–275.
- Michalski, Anna (2013). "Sweden: From Scepticism to Pragmatic Support", in Simon Bulmer and Christian Lequesne (eds.), *The Member States of the European Union*, 2nd edition. Oxford: Oxford University Press, pp. 161–185.
- Miles, Lee (2005). *Fusing with Europe? Sweden in the European Union*. Aldershot: Ashgate.
- Miles, Lee (2011). "Looking Back on Sweden's 'Twin Faces': Reflections on Sweden and European Integration", in Claes Alvstam, Birgitta Jännebring and Daniel Naurin (eds.), *I Europamissionens tjänst - Vänbok till Rutger Lindahl*. Göteborg: Centre for European Research (CERGU), Göteborg University, pp. 265–273.

- Ministry of Employment (2011). *Pocket facts 2010. Statistics on integration*. Stockholm: Ministry of Employment.
- Ministry of Housing, Spatial Planning and the Environment (2010). *Integration Systems Compared 2010*, prepared by Andersson Elffers Felix. The Hague: Ministry of Housing, Spatial Planning and the Environment.
- Ministry of Integration and Gender Equality (2009). *Government reform to speed up the integration of new arrivals in Sweden*. Fact Sheet December 2009. Stockholm: Government Offices of Sweden.
- Ministry of Justice (2011). *Migration Policy. Fact Sheet Ju 11.02e, April 2011*. Stockholm, Sweden [on file with the author].
- Moravcsik, Andrew (1994). “Why the European Community Strengthens the State: Domestic Politics and International Institutions”, *Center for European Studies Working Paper Series 52*. Cambridge: Center for European Studies.
- Moravcsik, Andrew (1997). Taking Preferences Seriously: A Liberal Theory of International Politics”, *International Organization* 51(4): 513–553.
- Moravcsik, Andrew (1998). *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. Ithaca: Cornell University Press.
- Morrow, James D. (1999). “The strategic setting of choices: Signaling, commitments, and negotiation in international politics”, in David Lake and Robert Powell (eds.), *Strategic choice and international relations*. Princeton, N.J.: Princeton University Press, pp. 77–114.
- Mulcahy, Suzanne (2011). *Europe’s Migrant Policies: Illusions of Integration*. Basingstoke; New York: Palgrave Macmillan.
- Niessen, Jan, Yongmi Schibel and Cressida Thompson (eds.) (2005). *Current Immigration Debates in Europe: a Publication of the European Migration Dialogue*. Brussels: Migration Policy Group.
- OECD (2005). *Trends in International Migration. SOPEMI 2004 Edition. Recent Changes in Migration. Movements and Policies* (country notes). Paris: OECD.
- OECD (2008), *International Migration Outlook: SOPEMI*, country notes, Sweden. Paris: OECD.
- OECD (2008). *International Migration Outlook: SOPEMI*, country notes, Netherlands. Paris: OECD.
- OECD (2010), *International Migration Outlook: SOPEMI*, country notes, Sweden. Paris: OECD.
- OECD (2010). *International Migration Outlook: SOPEMI*, country notes, Netherlands. Paris: OECD.
- OECD (2011), *International Migration Outlook: SOPEMI*, country notes, Sweden. Paris: OECD.
- OECD (2011). *International Migration Outlook: SOPEMI*, country notes, Netherlands. Paris: OECD.
- OECD (2012), *International Migration Outlook: SOPEMI*, country notes, Sweden. Paris: OECD.

- OECD (2012). *International Migration Outlook: SOPEMI*, country notes, Netherlands. Paris: OECD.
- Parusel, Bernd (2009). “Country Profile: Sweden”, *Focus Migration* no. 18. Available at http://focus-migration.hwwi.de/typo3_upload/groups/3/focus_Migration_Publikationen/Laenderprofile/CP_18_Sweden.pdf (last accessed 29.06.2015).
- Pascouau, Yves (2010). *La politique migratoire de l'Union européenne: De Schengen à Lisbonne*. Paris: Fondation Varenne.
- Peers, Steve, and Nicola Rogers (eds.) (2006). *EU Immigration and Asylum Law: Text and Commentary*. Leiden and Boston: Martinus Nijhoff Publishers.
- Penninx, Rinus (2004). “Integration of Migrants: economic, social, cultural and political dimensions”, *Background paper for the session on: International migration: promoting management and integration*, European Population Forum 2004: Population Challenges and Policy Responses.
- Penninx, Rinus (2007). “Integration Processes of Migrants: Research Findings and Policy Challenges”, *Migracijske I etničke teme* 23(1-2): 7–32.
- Penninx, Rinus, Blanca Garcés-Mascareñas and Peter Scholten (2005). *Policy-making related to immigration and integration: A review of the literature of the Dutch case*. Country Report on the Netherlands. IMISCOE.
- Penninx, Rinus, Dimitrina Spencer and Nicholas Van Hear (2008). *Migration and Integration in Europe: The State of Research*. Report commissioned by the Economic and Social Research Council (ESRC) for NORFACE (New Opportunities for Research Funding Cooperation in Europe). Oxford: ESRC Centre on Migration, Policy and Society (COMPAS), University of Oxford.
- Pierre, Jon and Anders Widfeldt (1999). “Sweden”, *European Journal of Political Research* 36: 511–518.
- Radulova, Elisabeta (2007). “Variations on Soft EU Governance: The Open Method(s) of Coordination”, in Dirk de Bièvre and Christine Neuhold (eds.), *Dynamics and Obstacles of European Governance*. Cheltenham, UK and Northampton, MA: Edward Elgar, pp. 3–27.
- Rosenow, Kerstin (2009). “The Europeanisation of Integration Policies”, *International Migration* 47(1): 133–159.
- Schäfer, Armin (2004). “Beyond the Community Method: Why the Open Method of Coordination Was Introduced to EU Policy-making”, *European Integration online Papers* (EIoP) 8(13).
- Schäfer, Armin (2005). “Resolving Deadlock: Why International Organizations Introduce Soft Law”, *Paper for the EUSA Ninth Biennial International Conference Austin, Texas, March 31-April 2, 2005*.

- Scharpf, Fritz (1997). *Games real actors play: actor-centered institutionalism in policy research*. Boulder, CO: Westview Press.
- Scharpf, Fritz (2002). “Legitimate Diversity: the New Challenge of European Integration”, *Les Cahiers européens de Sciences Po*, n° 01. Paris: Centre d’études européennes at Sciences Po.
- Schimmelfennig, Frank and Berthold Rittberger (2006). “Theories of European Integration: Assumptions and hypotheses”, in Jeremy Richardson (ed.), *European Union: Power and Policy-making*, 3rd edition. Oxon: Routledge, pp.73–95.
- Scott, Joanne and David Trubek (2002). “Mind the Gap: Law and New Approaches to Governance in the European Union”, *European Law Journal* 8(1): 1–18.
- Selck, Torsten, J. and Sanneke Kuipers (2005). “Shared hesitance, joint success: Denmark, Finland, and Sweden in the European Union policy process”, *Journal of European Public Policy* 12(1): 157–176.
- Spencer, Sarah (2005). “The Challenge of Integration in Europe”, Chapter for *Managing Migration: A Policy Agenda for Economic Progress and Social Cohesion*. Washington: Migration Policy Institute.
- Strøm, Kaare and Wolfgang C. Müller (1999). “Political Parties and Hard Choices”, in Wolfgang C. Müller and Kaare Strøm (eds.), *Policy, Office, or Votes? : How Political Parties in Western Europe Make Hard Decisions*. Cambridge: Cambridge University Press, pp. 1–35.
- Suter, Brigitte (2011). *The impact of admission-policies and admission-related integration policies on the labour market integration of TCN newcomers in Sweden*, Promoting Sustainable Policies for Integration (PROSINT), WP 5.
- Swedish Government (2002). *Swedish Integration Policy for the 21st Century*. June 2002. Stockholm: Regeringskanliet.
- Tallberg, Jonas (2007). *Bargaining Power in the European Council*. Paper presented at the Tenth Biennial EUSA Conference, Montreal, May 17-19, 2007.
- Tallberg, Jonas (2008). “Bargaining Power in the European Council”, *Journal of Common Market Studies* 46(3): 685–708.
- The Local (2012). *Love immigrants’ need more support adjusting to life in Sweden*, by Nyamko Sabuni and Eriik Ullenhag, article first published in Swedish in the Svenska Dagbladet (SvD) newspaper, available at <http://www.thelocal.se/20120718/42098> (last accessed 25.11.2014).
- United Nations (2000). *Replacement Migration: Is it a Solution to Declining and Ageing Populations?* New York: UNO.

- Urth, Helene (2005). “Building a Momentum for the Integration of Third-country Nationals in the European Union”, *European Journal of Migration and Law* 7: 163–180.
- Van Oers, Ricky, Betty de Hart and Kees Groenendijk (2013). *Country report: the Netherlands*. Florence: EUDO citizenship observatory.
- Vandystadt, Nathalie (2010). “Immigration: Integration: Member States Strive to Align Policies”, *Europolitics*, April 16, 2010.
- Volkens, Andrea, Polad Lehmann, Nicolas Merz, Sven Regel and Annika Werner (2014a): *The Manifesto Project Dataset - Documentation*. Manifesto Project (MRG/CMP/MARPOR). Version 2014a. Berlin: Wissenschaftszentrum Berlin für Sozialforschung (WZB).
- Volkens, Andrea, Pola Lehmann, Nicolas Merz, Sven Regel and Annika Werner with Henrike Schultze (2014b). *The Manifesto Data Collection*. Manifesto Project (MRG/CMP/MARPOR). Version 2014b. Berlin: Wissenschaftszentrum Berlin für Sozialforschung (WZB).
- Wallace, Helen (2005). “An Institutional Anatomy and Five Policy Modes”, in Helen Wallace, William Wallace and Mark A. Pollack (eds.), *Policy-making in the European Union*, 5th edition, Oxford and New York: Oxford University Press, pp.49–90.
- Wallace, Helen and William Wallace (2006). “Overview: The European Union, Politics and Policy-making”, in Knud Erik Jørgensen, Mark A. Pollack and Ben Rosamond (eds.), *Handbook of European Union politics*. London and Thousand Oaks, CA: SAGE, pp. 339–357.
- Westin, Charles (2000). “The effectiveness of settlement and integration policies towards immigrants and their descendants in Sweden”, *International Migration Papers* 34. Geneva: International Labour Office.
- Westin, Charles (2006). *Sweden: Restrictive Immigration Policy and Multiculturalism*. Washington DC: Migration Policy Institute.
- Widfeldt, Anders (2003). “Sweden”, *European Journal of Political Research* 42: 1091–1101.
- Widfeldt, Anders (2007). “Sweden”, *European Journal of Political Research* 46: 1118–1126.
- Widfeldt, Anders (2011). “Sweden”, *European Journal of Political Research* 50: 1145–1154.
- Wiesbrock, Anja (2010a). “Free movement of third-country nationals in the European Union: the illusion of inclusion”, *European Law Review* 35(4): 455–475.
- Wiesbrock, Anja (2010b). *Legal migration to the European Union*. Leiden: Martinus Nijhoff Publishers.
- Wiesbrock, Anja (2011). “The Integration of Immigrants in Sweden: a Model for the European Union?”, *International Migration* 49(4): 48–66.

- Wolf, Klaus Dieter (1999). “Defending state autonomy: intergovernmental governance in the European Union”, in Beate Kohler-Koch and Rainer Eising (eds.), *The Transformation of Governance in the European Union*. London; New York: Routledge, pp. 231–248.
- Yanasmayan, Zeynep (2009). “European Citizenship: A Tool for Integration?” in Elspeth Guild, Kees Groenendijk and Sergio Carrera (eds.), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU*. Farnham, Surrey; Burlington, VT: Ashgate, pp. 79–101.

