Talking Solidarity and the Burden of Saving Lives

A Qualitative Case Study on the Common European Asylum System

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Abstract

This thesis examines the difficulties encountered in the process of establishing the Common European Asylum System, taken from a discursive perspective. The focus of the study is threefold; why are specific issues highlighted by the European Union Member States, how is the discursive conflict expressed within the discourse on CEAS, and what definitions of solidarity are promoted by the Member States. In purpose of addressing these focuses, discourse theory, issue salience and solidarity through burden sharing are used as theoretical framework. By applying critical method and discourse analysis, this study has managed to establish that the security issues are among the most highlighted, whereas the geographical location of a Member State seems to be an explanatory factor to a Member State’s specific emphasis. Regarding the discursive conflict, the definitions of the concepts mutual trust, fair distribution and cooperation are especially contested. Furthermore, the external dimension of solidarity is proven to be the precedent definition of solidarity.

Keywords
International relations, CEAS, European Union, Asylum, Migration, Discourse, Solidarity through Burden Sharing
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**Acronyms**

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<tr>
<td>CEAS</td>
<td>Common European Asylum System</td>
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<td>CEU</td>
<td>Council of the European Union</td>
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<td>EASO</td>
<td>European Asylum Support Office</td>
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<td>EC</td>
<td>European Commission</td>
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<td>RPP</td>
<td>Regional Protection Programme</td>
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<td>TFEU</td>
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<td>UNHCR</td>
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1 Introduction

“The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.”

Article 80 TFEU (EU, 2012:32)

Asylum and migration are two major issues in international politics (Klepp, 2010:6, Hansen, 2008:11). The increasing flows of migrants escaping the battles in Northern Africa and in the Middle East has come to result in large numbers of lost migrant lives at sea while trying to reach safety in the European Union (EU). For the EU, these disastrous events put pressure on the Member States’ governments to take action. An intensified need for a consolidation of the system, which intention is to harmonise EU standards for “receiving asylum seekers, processing their claims, and providing protection...” (Katsificas, 2014:1), is called for. The system referred to is known as the Common European Asylum System (CEAS).

As the quotation above establishes, the principles of solidarity and fair sharing of responsibility are set out to guide and govern the EU Member States (MS) in their implementation of common policies. This also applies to the policies regarding asylum and migration. However, as daily reports are delivered on how boats, overloaded with refugees, sink on EU territory, the level of compliance between EU’s actions and international law and human rights standards is questioned. Since a majority of these boats are headed towards the EU MS Italy and Malta, international organisations and non-governmental organisations (NGOs) push for the EU to reconsider its asylum and refugee policies. Nevertheless, such reconsideration is not likely to take place. The reason for this is that the implementation phase of CEAS finally, after a prolonged and burdensome process, reached a closure in 2012. In the eyes of international spectators however, EU still fails to fulfil its commitments of saving people by internal law and human rights standards (Bendel, 2014:1-2, Katsiaficas, 2014:1). Thus, it becomes clear that the current CEAS is malfunctioning.

One of the reasons why the system has failed to achieve its goals is because of the lack of a common perception among the EU MS of what the principles of solidarity (Raspotnik, et al. 2012) and fair
sharing of responsibility (Thielemann, 2008:2-3) should include. Since CEAS is supposed to be achieved based on Article 80 in TFEU, such conceptual uncertainties create controversy in the discourse on CEAS. Since this controversy is described as a major problem in the context, it is highly relevant to look further into its underlying components.

The topic of asylum is especially interesting to look further into, since this topic is stressed as one of the key issues encountered by the EU. In fact, the topic of migration is considered to be of equal importance to the EU as that of economic growth¹ (Klepp, 2010:6, Hansen, 2008:11).

In this thesis, different components of solidarity are examined in order to establish where certain disagreements between the MS are most visible. This aim is taken both from a discursive and from a practical angle. Regarding the practical angle, this refers to the practical definition of solidarity. In order to address both of these angles, a combined methodological approach of discourse analysis and critical method has been applied.

1.1 Disposition
The first chapter of this thesis accounts for the formulation of the purpose and the research questions, along with a historical overview of CEAS, a presentation of previous research, and a presentation of the terminology used herein. Following this, the second chapter presents the theoretical framework, which is divided into three main fields; issue salience, discourse theory, and solidarity through burden sharing. In the third chapter, the methodological approach is presented, whereby a discussion of methodology and of material and limitations takes place. In the fourth chapter, the analysis is presented together with the results. The fourth chapter ultimately leads up to the concluding chapter, in which the conclusions of the findings are presented together with the potential for future research on the subject.

1.2 Purpose
The subject of CEAS has undergone controversy since it first was addressed at the Tampere meeting in 1999. Ever since, the practical feasibility of CEAS has been questioned. Some scholars have even gone to the extent of denouncing the pursuit for such a policy

¹ Drawing on the escalation of the migratory phenomena, beginning in the 1980’s and successively enhancing its status of significance into today’s contemporary contexts, the underpinning reasons to why it has managed to advance on the agenda within the European Union become clear. As a matter of fact, as the creation of the so called Single Market took place and was defined by Article 8a in the Single European Act (1986), it stood clear that “as ‘an area without internal frontiers’ immigration and asylum policy became matters of common concern” (Favell & Geddes, 1999:16).
harmonisation that CEAS imply. This pessimism is based on the assumption that a full-scale harmonisation, which means adjusting to one common policy, would have a negative impact on some of the EU MS (Thielemann, 2008:5). The harmonisation is also assumed to have a negative impact on the future asylum seekers (Mitsilegas, 2014:186).

Previous research on CEAS has mainly focused on how solidarity and fair responsibility sharing is manifested in the legislation of the EU and in practice. However, few studies have investigated the intermediate discussion process between legislation and the practical implementation of it. Since certain difficulties in addressing CEAS in both practice and through legislation has occurred, it is legitimate to presume that the root to these difficulties can be traced to disagreements within the discourse. Thus, an investigation in the discourse on CEAS is proven relevant.

Even though EU is a supranational organ, some scholars claim that the individual nation state still holds a crucial position in the process of international negotiations (Jorgensen & Philips, 2002:23; Starkey et al., 2010:64). Therefore, this thesis will focus on the standpoints and arguments of the individual MS. By assuming this angle, this thesis should be anticipated as a contributor to the field on discursive conflicts and practical deficiencies regarding solidarity. In the larger context, the findings of this thesis will serve as a step towards fully understanding the setbacks in international processes. In this case, this international process is the deliberations on CEAS.

The purpose of this thesis is to shed some light on why the deliberations on the implementation of CEAS have met with difficulties. In order to do so, the focus is set on the discursive conflict and the various practical definitions of solidarity within the EU. This discursive conflict both accounts for the conflicting ideas of what the term ‘solidarity’ should comprise, and of how solidarity should be fostered in practice within the EU.

To the general public, an identification of this controversy should be perceived as an important issue, since the loss of migrant lives in the Mediterranean Sea can be traced to the setbacks in the discussions on CEAS in Brussels and Strasbourg.

In terms of disciplinary relevance, the purpose of this thesis is to contribute to the state-focused research regarding the discussion process on CEAS. The findings in this thesis will provide further knowledge on how the conflicts within the discourse on CEAS are expressed. As part of uncovering this conflict, a mapping of the
various practical definitions of solidarity in EU is also executed. In order to achieve these disciplinary endeavours, a comprehensive examination of the EU MS different inputs to the discourse on CEAS has taken place. As further accounted for in the Material and limitations section, official documents of the European Commission, the European Parliament, and the Council of the European Union has been used as material.

1.3 Research questions

By focusing on the solidarity and the discursive conflict between the EU MS, an important research angle that has yet received little attention is highlighted. This angle rather concentrates on how the flaws within CEAS are visible in the discourse within the EU. Also, as presented in the previous research section below, MS seems to focus on different issues depending on various external and internal factors. Taken from this, a diversity of possible approaches for achieving a common asylum system has emerged. This suggests that different MS as actors prefer different ways of dealing with the ‘refugee issue’. Therefore, the MS will advocate differently in the process of developing CEAS. Consequently, a conflict within the discourse on CEAS is anticipated. Furthermore, divergence among the MS regarding the practical definition of solidarity is also of essence when addressing the reason for the setbacks of CEAS. If various MS promote somewhat incompatible definitions on a larger scale, this would indicate that the inability in reaching a common solution of CEAS is not only highlighted through the discursive conflict. It would also reduce the possibility for a practical implementation of solidarity to take place through common procedures. In interest of examining how the discursive and practical conflict on CEAS is demonstrated in the EU documents, the research questions to be addressed in this thesis are the following:

- Why are specific issues emphasised by certain Member States?
- How is the discursive conflict expressed in the discourse on the Common European Asylum System?
- Can specific definitions of solidarity be associated with certain Member States?

Since the MS, depending on individual preferences, advocate for different elements to be incorporated in the CEAS, a conflict of interests is visible in the discourse. Therefore, this study is designed as a qualitative case study. In the light of such a conflict, with regard to the research questions, a combined methodological approach has been
applied. Discourse analysis is a well-suited method for identifying actors’ discursive position. In addition to this, the second methodological approach of critical method has been applied due to its categorising features (see section 3.1).

1.4 Terminology
In reference to the research question regarding the discursive conflict on CEAS, this thesis adheres to the discursive orientation of Laclau and Mouffe. Laclau and Mouffe have developed a specific definition of discourse, which is based on the concept of articulation. Articulation is defined as a practice that establishes “a relation among elements such that their identity is modified as a result of the articulatory practice” (Laclau & Mouffe, 2001:105). In turn, ‘discourse’ refers to “the structured totality resulting from the articulatory practice” (ibid). Although the concept of ‘articulation’ is not central in this thesis, the same definition of discourse has been adopted within this study.

1.5 CEAS - a historical overview
In order to better understand the justification of this investigative thesis, a brief background on the emergence and the development of the CEAS will be presented. Along with this, a description of the complex circumstances revolving the policies of this common asylum system will be provided.

The underlying reason to why CEAS emerged in the first place was motivated by a vision stipulated in the Geneva Convention of 1951. Within this vision, a call for a comprehensive and legally binding incorporation of the principle of ‘non-refoulement’ was made. By incorporating this through practical measures, the objective of “absolute respect of the right to seek asylum” (Tampere European Council, 1999; Vedsted-Hansen, 2005) could be anticipated.

In 1999, during the EC (European Council) Tampere meeting in Finland, the then 15 EU MS agreed to develop EU “as a common area of freedom, security and justice” (Lambert, 2009:525; EC, 2007). By taking full advantage of the Amsterdam-treaty, which suggested the opportunity of developing a future common European defence policy (Amsterdam Treaty, 1997), the basic layout for CEAS was made. This layout consisted of three directives and two regulations2 and was later

2 There seems to be a contextual ambiguity amongst scholars regarding the definition of the directives and regulations stipulated in the CEAS, which in turn results in range of different ways to categorize them. In this paper, the perception applied is directly adopted from the definition established in congruence of the Hague Programme, where the CEAS is explained as consisting of three directives (the Asylum Procedures Directive;
confirmed by the Hague Programme in 2004 (Buono, 2009; EC, 2007). The process was initially divided into two phases. The first phase in 2000-2005 held the main objective of harmonising national policies to a set of common minimum standards. The second phase, during 2005-2009, focused on enhancing the effectiveness of the CEAS and thereby the protection mechanisms granted therein (Toscano, 2013:5). The directives were finally presented as the Asylum Procedures Directive of 2005, the Reception Condition Directive of 2003 and the Qualification Directive of 2004. In addition to this, the Dublin Regulation of 2003 was presented, which was underpinned by the Eurodac Regulation of 2000.

Nonetheless, by the time the completion of the first phase of the CEAS was done, deficiencies regarding the practical implementation of the legislative instruments had been discovered. These discoveries revealed incidences of arbitrary assessments on the MS part and the “low level of harmonisation sought [...]” (Smyth, 2014:13). These findings also revealed that “diverse national practices in terms of reception, qualification and procedures” (ibid:13) were present. Due to the given date for the full-scale implementation of the CEAS, the ‘future architecture’ of the system called for an in-depth debate. The objective of this debate was to contemplate on the observations and evaluations of the first phase, with the higher purpose of outlining the difficulties that had been encountered (EC, 2007). This was conducted in the so-called Green Paper of 2007 (Thielemann, 2008:1).

Following the Tampere and The Hague, a third multi-annual programme was adopted by the EC in purpose of continuing the monitoring and development of CEAS. Although not initially anticipated, the failure of a full implementation of the CEAS by 2010 led up to the Stockholm Programme of 2010-2014. The objective of this third phase was to continue to strengthen the components of justice, freedom and security by further equipping the institutional foundation of CEAS. The aim was also to achieve greater uniformity in the policy harmonisation in order to address future challenges, hence acting in accordance with the best interest of the EU citizens (Smyth, 2014:16; Peers, 2013a:6).

However, in the aftermath of the Stockholm Programme, uncertainty regarding the viability of CEAS has occurred since several crucial aspects still remain unaddressed. Thus, the steps towards a full implementation of CEAS should be viewed as modest ones (Peers, 2013a:6; Clayton, 2014:154; Smyth, 2014:16).
1.6 Previous research

1.6.1 Criticism against CEAS

In previous research on the subject of CEAS, the so-called Dublin System\(^3\) is faced with great controversy concerning its ability to address its primary objective of creating a common European area of freedom, security and justice (Velluti, 2013:108; Langford, 2013:219). While some scholars underscore the positive aspects of CEAS (Hailbronner, 2004; Kaunert, 2009:151), others find the implementation of such a system problematic\(^4\) (Velluti, 2013:108; Langford, 2014\(^5\)).

Amongst several criticized aspects, CEAS has been accused of having an “undermin[ing] rather than facilitat[ing]…” (Thielemann, 2008:6) impact on the objective to “achieve [...] more equitable responsibility sharing” (ibid). This accusation takes a two front approach. First, the incentive to achieve a more comprehensive ‘burden sharing’ through the Dublin regulation is presumed to have favoured the northern EU countries immensely. This, since most asylum seekers enter through the south of EU (Clayton, 2011:760; Langford, 2013:218). Secondly, the structural pulls of a country, “such as historic networks, employment opportunities, geography or a host country’s reputation[.]” (ibid.), were not taken into account when drafting CEAS. According to Thielemann, such structural pulls may be of equal, if not of greater importance to the asylum seeker when deciding on which MS to lodge his/her asylum application in (Thielemann, 2008:6). By not being considerate of these pulls\(^6\), the burden of migratory pressures will be further polarized in certain regions. As a result, this will lead to an even more unbalanced burden-distribution throughout the EU (ibid).

1.6.2 Reasons for conflict within the discourse

Some of the reasons as for why differences of opinion occur amongst MS stem from specific institutional, material, and historical circumstances. Countries with long experience of consolidated asylum

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3 The Dublin System refers to the provisions of the Dublin II Regulation; it establishes the principle that only one MS is responsible for examining of an asylum seekers application (EU, 2003).

4 Two important aspects in this regard create certain controversy about CEAS. Firstly, there is disunity among scholars on what CEAS has achieved so far and the differing opinions on what can be expected of CEAS in the future (Langford, 2013:238; Thielemann, 2008:5; Peers, 2013b; Clayton, 2014:154, Peers, 2013a:6, Peers, 2013b:15, Smyth, 2014:16). Secondly, there is an ongoing dispute on how the concept of solidarity should be perceived (e.g. Velluti, 2013:43; Langford, 2013:219; Thielemann, 2008:7).


6 These pulls are also based on what relative cost a migration will impose on the individual asylum seeker. Hence, an asylum seeker's choice of destination is to some extent determined by what seems to be the most cost-effective alternative for him/her personally (Thielemann, 2008).
and refugee institutions are set out to be more efficient in providing refuge for asylum seekers. Countries with strong national military forces, however, are more positively predisposed to proactive interventions in the countries of origins. In addition to this, the attitude among MS national constituents towards asylum is presumed to be reflective of a country’s position on the supranational level (Thielemann, 2008:8).

A MS geographical location can also explain a state’s behaviour regarding asylum. In this context, the application of the so-called ‘Dublin rules’ on responsibility for asylum applications has been disputed. One argument is that the Dublin criterion for responsibility has led to an offset of increased burden for dealing with asylum applications to the, in general, much poorer MS situated at the external south-, east- and sea EU borders (Peers, 2013a:6).

Scholars have further emphasised the polarisation between the central and the external border countries, by asserting that centrally situated countries, in general, are less participant in the processing of asylum applications. In turn, this has implied an intensified burden on the externally located countries (Langford, 2013:218). Such an intensified burden also applies to financial constraints on the external MS. This, due to the “asymmetrical obligations for which the northern states have failed to compensate.” (Langford, 2013:218). Therefore, the southern MS are more apt to “employ controversial migrant interception measures that defy their human rights obligations under EU and international law” (ibid).

In Western MS however, the fear of a ‘burden increase’ has arisen due to the aforementioned structural pulls within the richer countries in terms of attractive welfare and employment opportunities. For example, Raspotnik et al. (2012) asserted that France and the Czech Republic are the two EU MS that are officially opponent of a so-called permanent relocation mechanism. With regard to potential structural pulls, these two MS motivate their stance by claiming that the structural pulls will complicate the responsibility-sharing instrument’s sustainability.

On the opposite, Southern MS on the external borders become attractive due to their cultural and geographical proximity (Neumayer, 2004:165). Because of this, the countries encountered with intensified burden in the southern regions and at the external borders of EU more

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7 Raspotnik et al. wrote this in a discussion paper for the pre-presidency of the Cypriot presidency of 2012.
8 However, this does not apply to all external border countries. Sweden, for example, has a reputation of being a recipient of great numbers of asylum seekers. This may be explained by its institutional and economical favorable conditions (Thielemann, 2008).
often act out hostile measures to minimize potential pull factors. Thus, strategic measures in order to discourage asylum seekers from lodging applications in their territory take place (Langford, 2013:218).

Kremenyuk (2002) has also found that post-Soviet EU MS, hence post-communist states, are less inclined to approve asylum applications due to their already encountered difficulties in keeping up their economic development (Kremenyuk, 2002:26).

Furthermore, Lavenex (2001) asserts that security issues, such as internal security and transnational crime, are likely to be the two most highlighted issues in the future development process of CEAS. Lavenex also explains that governmental actors develop their own policy agenda and highlights non-binding legislation and international treaties (Lavenex, 2001). Such non-binding treaties, together with clashes of interests and structural pulls, may cause a conflict within a discourse.

1.6.3 Implementing asylum systems

Previous scholars have engaged in addressing the matter of implementing asylum systems and in identifying the adversities within such systems. In 2001, Alink et al. presented a paper that was set out to bring clarity to institutional crises, using the European asylum policy as an example. For instance, Alink et al. explained that institutional crises emerge in the European asylum policy because each Member State (MS) has its own individual agenda. In turn, each agenda is set based on what experiences the respective country has had with migration. Therefore, as the experiences within this domain vary, so does the institutional outcome of it. However, as the Europeanization is expanding, institutional crises emerge in Europe since all MS do not share a common agenda. Thus, the EU MS try to solve the asylum-policy issue by promoting somewhat incompatible measures (Alink et al., 2001: 291).

In another article, conducted by Mascini (2008), the matter of implementation complications of asylum law is further emphasized. By focusing on the inherent inequalities in the implementation of asylum law within the Dutch Immigration and Naturalization Service,

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9 For example, Greece has on multiple occasions been faced with criticism for treating asylum seekers in an undignified manner, hence evoking a deterring reputation to be sent out to future asylum seekers (Triandafyllidou & Maroukis, 2012:84, Langford, 2013:218; Reuters, 2013/05/14).

10 Transnational crime in terms of smuggling and trafficking.

11 Types of experiences may be timing, i.e. the specific time for when a country experience asylum crises. Another kind of experience may be "the scope of the various national crises", i.e. for what different reasons the asylum issue has been set on the agenda. Finally, the last type of experience is defined to be dependant on what depth, i.e. what degree of complexity of the political dilemmas within a nation, a crisis has had (Alink et al., 2001:291).
Mascini concludes that the processing of asylum applications differs depending on the caseworker. By interviewing ninety-eight caseworkers, Mascini discovered that factors such as work pressure, political opinion, local policies e.g. has a contributing effect on the grade of equality within the assessment process (Mascini, 2008:173). Regarding the case of CEAS, both Alink’s et al. and Mascini’s findings become interesting as they show that the matter of asylum is a highly contested issue that may partially have its root in differences of language and action between EU MS. These findings are of further value to this study since it suggests that language and action differ, which could cause instability to the discourse. In turn, this strengthens the need for an analysis of the discourse on CEAS.

1.6.4 Solidarity

Regarding the solidarity aspect in the EU, much of the research regarding asylum and immigration is focused on the legislation. Drawing on Article 80 of the Treaty on the Functioning of the European Union (TFEU), it is established that the policy of CEAS must be based on the principles of solidarity and fair responsibility sharing (Gray, 2013:177). For example, the Commission (EC) highlights the importance of clear allocation of responsibility among the Member States for the examination of an asylum claim. This measure is taken in order to prevent the phenomena of ‘asylum shopping’ (Thielemann, 2008:5).

The practical implementation of such a sharing of responsibilities can further be divided into five different kinds of burden-sharing mechanism - binding rules, voluntary pledging, explicit compensation, implicit trade (Thielemann, 2008:3) and the external dimension of solidarity (Hansen, 2008:145). However, due to certain incompatibility between these different kinds of burden-sharing mechanisms, an anti-climax has emerged in the process of implementing CEAS. For instance, some scholars point to the fact that reaching solidarity by allocating responsibility in accordance with voluntary assumptions is “discordant with the idea of solidarity” (Gray, 2013:192). Nonetheless, the MS are generally reluctant to embark on any binding rules, since the idea of being obligated to certain commitments may prove to be disadvantageous in the long run. Due to this, a vast majority of the discussions in political negotiations regarding asylum settle in agreements on voluntary measures (ibid)12.

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12 See also Lavenex (2001).
According to Thielemann back in 2008, the one-dimensional approaches of binding rules and voluntary pledge were the two prominent burden-sharing initiatives in EU\textsuperscript{13}. However, in the case of France and the UK, these two EU MS stood out from the rest, as they called for reinforcement of the explicit-compensation logic (Thielemann, 2008:3-4). Even though Thielemann found that the one-dimensional approaches were the most common in 2008, no study claiming that the one-dimensional approach is the only approach promoted in EU has been found. Being aware of the fact that there seems to be a lack of studies that investigate the true diversity of practical definitions of solidarity promoted in the EU, an interesting angle emerges. If a certain disagreement on the practical definition of solidarity can be found amongst the EU MS, this could subsequently serve as an explanatory factor to why instabilities in the discourse on CEAS are present.

Furthermore, there is a current ambiguity within the EU on how certain components related to the CEAS should be defined. One disputed component of solidarity and burden sharing is cooperation. Scholars express that CEAS has the potential of achieving cooperation, but that it is, in its current state, faced with limitations and hindrances due to several factors. One of these factors is that the burden asymmetry in hosting great numbers of refugees has so far failed to be compensated by financial transfers (Czaika, 2009). Once again, it has not been examined how the asymmetry and the lack of cooperation is manifested in the discourse on CEAS.

Another disputed component of solidarity is the undefined principal mutual trust (Herlin-Karnell, 2014). It has been argued the term embodies a "constitutinal axiom that must inspire legislative action at EU level, but does not give rise to judicially enforceable standards..."\textsuperscript{14} (Lenaerts, 2015:5).

It has also been argued that mutual trust should

"lead to increased confidence in the criminal justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation..." (Lenaerts, 2015:9).

\textsuperscript{13} See section 2.3 Solidarity through Burden Sharing

In addition to this, several quasi-definitions between these two discursive antitheses has been developed\textsuperscript{15} (Lenaerts, 2015).

Even though the transnational corporations and the increasing number of transboundary activities have resulted in greater emphasis on international negotiations, the focus on the individual MS remains interesting. The MS, as individual actors, continue to be the most essential actor on the international arena due to their mutually shared main interest - sovereignty (Jorgensen & Philips, 2002:23; Starkey et al., 2010:64).

1.6.5 Summary of previous research

First, previous research points out that CEAS has been subjected to criticism. The criticism includes, for example, the notion that the system favours the northern MS and that structural pulls of a country were not taken into account when forming the system. Second, previous research also concludes that many circumstances, such as institutional and historical ones, are potential sources for conflicts within the discourse on CEAS. A MS geographical position is highlighted as an important variable for determining a country’s behaviour in the discourse. Third, a country’s previous experiences with asylum and migration crises affect the implementation of a common asylum system. The differences in implementation are also contested due to differences in disciplinary language and in what actions that are taken. Lastly, solidarity is hard to implement since it consists of many components. Some of these components are particularly undefined and disputed.

Although one article took language into account, it seems that few studies on implementation of asylum systems have focused on analysing discourses. Arguably, discourse is important to analyse as it will affect the actual practice of a EU MS. To the field of implementation of asylum systems, this thesis therefor contributes to the previous research by addressing the features in the discourse.

In this chapter, it has been explained that the purpose of this thesis is to investigate why a successful implementation of CEAS has not yet been reached. It has also been established that the focus of the thesis is to look into the discourse on CEAS, in order to find an explanation to the unsuccessfulness of this system. In the next chapter the theoretical framework will be presented.

\textsuperscript{15} See Lenaerts (2015) pp. 5-8.


2 Theory

As explained in the introduction chapter, the three research questions are motivated by three factors. First, the MS seems to concentrate on different issues. Secondly, the discursive perspective is lacking in previous studies. Thirdly, it is important to address the aspect of solidarity as it is often highlighted in the EU. It is therefore necessary to apply one that explains the salience of issues, a second one to explain conflicts within the discourse, and a third one that focuses on solidarity. Together, they can help shed light on why the implementation of CEAS has been difficult.

The theories are; issue salience, discourse theory and solidarity through burden sharing. The first two theories are applied in order to bring clarity to why specific issues are emphasised by certain MS and how the discursive conflict is expressed in the discourse on CEAS. As discussed in section 2.2, a certain interconnection between these two theories has been found. Subsequently, this finding has had an impact on how the results are presented in the analysis section. Lastly, the third theory is applied in purpose of determine whether specific definitions of solidarity can be associated with certain Member States.

2.1 Issue Salience

As explained above, the theory of issue salience is applied in purpose of addressing why specific issues are highlighted by certain MS regarding asylum and how the discursive conflict is expressed in the discourse on CEAS.

Issue salience accounts for the “significance that an actor ascribes to a specific issue on the agenda” (Opperman & de Vries, 2011, 3; Soroka, 2003:28-29). The level of attention dedicated to a certain issue is determined by how relevant and important the decision makers within each EU MS national government perceive an issue to be. In policymaking, the impact of this acknowledgement is that decision makers cognitively select what information to process “before deciding on a course of action” (Opperman & de Vries, 2011:3-4). Also, the higher the salience of an issue - the more eager is the decision maker to address the issue and to make his/her position heard (ibid:8).

To lift the national preference in the international discussions has become increasingly important. Since the classical government vis-a-vis government diplomacy has become somewhat obsolete in the growing internationality, new negotiation conditions apply. These new conditions no longer assume the classical negotiation platform where both parties within a discussion can expect to reach a mutually
acceptable agreement. Instead, these new conditions assume that the level of satisfactory within a reached agreement will turn out to be rather relative for the parties involved. This is because these more complex negotiation constellations call for greater sacrifices on all parties. Thus, the new aim with a negotiation is to end up as the party that, by the end of the negotiation process, has made the least concessions (Kremenyuk, 2001).

Issue salience was originally being referred to as a matter of domestic affairs when used in political science research. However, by conducting a few adjustments, this theory becomes applicable on the international arena (Behr & Iyengar, 1985). By addressing the EU MS as the operative actors and by having the three EU-institutions to answer for the playing field, this theoretical framework becomes adequate in serving the purpose of

“[u]nderstanding variations in issue salience for the actors involved in international negotiations [...] to build a more complex understanding of the ways issues affect negotiations” (Strakey et al., 2010:94).

Domestic actors have the power to influence the foreign policy and thus the international politics. According to the theory of issue salience, the governments’ forces within each MS determine the politics in the EU. Thus, the politics of the EU is a compilation of the foreign policies of the individual EU MS. Furthermore, the theory highlights that there is a relationship between the national government and the decision-making agent that deploys the national government’s foreign policy in EU. In this regard, the acts of the decision-making agent are expected to be representative for his/her respective national government, since the agent is appointed by the national government to act on behalf of its interests\(^\text{16}\). Hence, the issues discussed in the EU are reflective of the interests of domestic actors of the MS (Opperman & de Vries, 2011:6-7).

Relevant to the field of issue salience are studies of public opinion, in which many researchers have tried to uncover what issues the public believes to be most important. This is usually done through large-scale surveys such as the recurrent European Election Study. These surveys register the level of different issues in EU MS in order to establish what issue that is considered the \textit{Most Important Problem} by the

\(^{16}\) In the theory, the actors within national governments are also referred to as the \textit{principals}.
public (ibid:13). In respect of previous research in this field, the emphasis on the principles that control the foreign policy decision-making agent creates certain value and relevance for this study to take place. This, since the agent, i.e. the decision maker, is directly affected by the national public opinion.

Although most of the research on issue salience is performed through quantitative methods, qualitative text analysis, such as discourse analysis, is applicable. To provide a concrete example of how this is demonstrated in previous research, Sjöstedt (2011) conducted a study on how swine flu became a threat in Sweden. Sjöstedt used discourse analysis to examine how the threat became salient to the public by medial reports and through public statements by officials. By analysing the discourse through concepts of idea and through role framing, it was possible to determine how a certain threat, or the perception of a problem, is diffused (Sjöstedt, 2011:79-92).

2.2 Discourse theory
The second theory, which is also used in order to address the initial two research questions, is discourse theory. Within this theory, the theoretical concept of order of discourse is proven useful. This concept, which originates from critical discourse analysis, is defined as a composition of discourses within the same institution. This means that actors try to add new discourses in order to provide meaning to the disciplinary field. In the case of this study, the disciplinary field is asylum. Since actors try to push certain discourses into the field while at the same time continuously shutting others out, a struggle of power can be attached to this concept. Subsequently, this causes different positioning amongst actors (Jørgensen & Phillips, 2002:71-72).

Furthermore, discourse can be viewed as a fixation of meaning and as a way of representing parts of the world. Using a framework such as order of discourse is thus appropriate when determining a struggle amongst representations (ibid:141-145).

Closely related to this fixation of meaning is the term ‘dialogical struggle’. A dialogical approach refers to a struggle between different interpretations within the same part of a discourse. This orientation acknowledges that there are numerous discourses present at the same time within a discursive field and that one or several will become dominant, although perhaps in different ways. Even though each discourse is autonomous, they might overlap each other. However, there can still be different interpretations present in the disciplinary field (Grant et al., 1998:7-9).
In the discourse theory, initially designed by Laclau and Mouffe, the notion of different discourses struggling for order is captured by the concept of social conflict. The most common state of society is not characterised by harmony but by conflict, which in turn is a major component when constructing the identity of hegemonic discourses. Laclau and Mouffe use the term antagonism to explain this process (Torfing, 1999:81-83). The approach in this thesis is closer to the latter definition. To analyse the features of language, the concepts of floating signifiers and antagonism, as explained in section 3.1, has been included.

Often referred to as social antagonism, it is suggested that a discursive construction is made through the interaction of two different processes. While social antagonism frames what is included in a specific discourse, the antagonism also brings instability into the discourse per se, since there is a constant on-going conflict of definitions. This means that the identity of an actor in the discourse is threatened by the antagonism. In turn, this prevents society from creating an objective and rational reality, even though social antagonism establishes the boundaries of a discourse (ibid, 43-44).

The term social antagonism is linked to politics in the sense that all positions of political parties and actors encounter adversities by other actors’ positions. The term has a stabilising, yet disrupting, effect on politics since it defines the different positions, while at the same time reshapes identity as new positions emerge. Since politics focuses on authority, hegemony is the focus of social antagonism since the creation of hegemonies happen in an antagonistic environment (ibid:120-131).

These concepts found in discourse theory are used to analyse how the discursive conflict is expressed in the discourse on CEAS. Further explanations of the concepts are provided in chapter 3. However, there is a certain connection between discourse theory and issue salience.

Regarding discourse theory, the methodological terms ‘floating signifiers’ and ‘elements’ (see; chapter 3) are ascribed to those issues that lack generally recognised definitions. The theory of issue salience explains this by asserting that these issues are discussed on the international level as a consequence of being addressed as salient on the individual MS domestic agendas at a previous stage. Since these issues are missing internationally recognized definitions, each MS may form their own opinion on what components a certain issue is based on, and how it should be addressed. Due to the lack of common definitions for these particular issues, the same issue can be emphasised by several MS, but in completely different ways.
According to discourse theory, this may impose certain instability within the discourse, which in this case is CEAS. As a logical consequence, this could destabilise the discourse and hence intensify the discursive conflict.

2.3 Solidarity through burden sharing
In order to clarify whether specific definitions of solidarity are associated with certain Member States, the third theory - *solidarity through burden sharing* - is applied. In the context of EU, several different kinds of responsibility-sharing mechanisms exist. It is stated that CEAS is to be perceived as

> “a system in which solidarity should go hand-in-hand with responsibility – with solidarity not limited to Member States' relations with each other, but also aimed at asylum-seekers and beneficiaries of international protection” (EP, 2014a:10).

Hence, the matter of providing international protection becomes a concern of burden sharing.¹⁷

Thielemann (2008) has accounted for four argumentative approaches to burden-sharing - *binding rules, voluntary pledging, explicit compensation* and *implicit trade*. To these, an additional fifth *external dimension of solidarity* has been applied.

2.3.1 Binding Rules¹⁸
Regarding the distribution approach in a one-dimensional manner, *binding rules* forces states to harmonise their national policies to a solid and uniform policy. The idea of overcoming burden inequalities by agreeing on a set of common international rules is hence presumed to equalise observed inequalities between countries’ asylum reception systems. Furthermore, the need for corrective actions will decrease since every state will practice the same policy. Hence, the ‘redistribution of burden’, if an observation can confirm inequalities

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¹⁷ For example, one concern derives from the fact that the amount of responsibility is closely linked with enlarged expenses for the individual Member State and therefore becomes a question of how these costs should be distributed (EP, 2014d:19). This in turn becomes an issue of how a common asylum system should be appointed. Hence, How MS position themselves to the different types of burden-sharing depends on structural variables, both internally (Thielemann, 2008) and externally (Thielemann & El-Enany, 2011:212).

¹⁸ It is important to highlight that the binding rules and the binding rules logic may imply different realities for each MS once put into practice. Whilst the binding rules in sole form only emphasises that all countries should apply to common procedures, the binding rules logic is oriented towards the implementation of CEAS by taking each MS individual capacity into consideration - hence the antagonism of fair distribution (see section 4.4) becomes relevant. Thus, some MS may be pushing for the binding rules solely, whilst other include the angle of binding rules logic.
and imbalances in the practice amongst states will be executed based on an assessment of the fairness principles of responsibility, capacity, benefit, or cost (Thielemann, 2008:3).

2.3.2 Voluntary Pledging
Regarding the rule approach, this one-dimensional burden-sharing mechanism implies that solidarity may be reached not by agreeing on a binding distributional key, but rather by emphasizing the initiative of voluntary pledging. In this regard, a country that finds itself under less pressure of responsibility can volunteer to alleviate another state that is faced with greater burden. Based on the principle of ‘double voluntarism’, the reception of refugees must not merely be motivated by the interests of the displaced individuals, but must also recognise the will of the receiving state (Thielemann, 2008:3). To this approach of burden sharing, Schucks (1997) criterion of ‘consent’ becomes relevant. This criterion articulates that genuine commitment of a state to take responsibility can only be achieved by participating through a voluntary burden-sharing scheme (Schuck, 1997:276).

2.3.3 Explicit compensation
As for the multidimensional distribution approach, the phenomenon of explicit compensation is introduced. This ‘explicit compensation logic’ is based on the principle that one country’s disproportional efforts in one contribution dimension will pay dividends in terms of compensation in other dimensions. Such compensation may for instance be certain privileges on other instances or through cost reductions (Thielemann, 2008:4). By using the metaphoric terms of ‘carrots and sticks’, Schuck (1997) makes a remark on how states can make strategic inputs in the international system in order to enhance their influence on the decisions. Thus, these states can have a say about both their own and other states headed directions. Thereby, a disproportional effort can be explained by internal forces rather than by external pressure (Schuck, 1997:276).

2.3.4 Implicit Trade
The multidimensional rule approach is referred to as implicit trade, which, in contrast to the multidimensional approach mentioned above, stresses the ‘implicit trading logic’. This logic is based upon the assumption that rather than having all states contributing to refugee protection by uniform measures, the international burden-sharing will be achieved by having states contributing to the so called ‘collective good’. Such a contribution can be made either through proactive- or reactive initiatives. Whilst a proactive actor will engage in operations
such as peacekeeping/-making aid, trade and investment in regions of origin\(^{19}\), reactive actors will be more apt to provide protection for displaced individuals on its respective national territory. As the two principal terms reveal, actions linked to the former principal imply operations that are incorporated prior to a potential crisis, whereas the latter conform to actions incorporated once a crisis has occurred. By specializing in one’s comparative advantage, this means that a burden-sharing mechanism is achieved in a state where “\textit{every country can contribute to some collective goods relatively more cheaply than another country}” (Thielemann, 2008:7).

2.3.5 External dimension of Solidarity

An additional approach, which can be related to a so called \textit{proactive} attitude towards the asylum matter in full, is the attitude of keeping the asylum seekers on the outside of the EU external borders. Since a greater amount of asylum seekers arrive in third-countries, advocates of this dimension of solidarity find it more efficient if ‘third safe’ hosting countries are provided the assistance needed. By providing these countries adequate assistance, provision of international protection to individuals found to be in need of it becomes feasible. In order to achieve this, so-called \textit{Regional Protection Programmes} (RPP) are suggested adequate\(^{20}\) (Mitsilegas, 2014:189\(^{21}\)). Such a measure is also presumed to serve the purpose of preventing illegal immigration and terrorism (Hansen, 2008:145). An important agency to this solidarity dimension, which operational field is concentrated on strengthening the controls at the external borders of the EU by a joint intergovernmental cooperation, is the \textit{European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union} (Frontex) (Keller et al., 2011:6).

In this chapter, the theoretical framework, including issue salience, discourse theory and solidarity through burden sharing, has been forwarded. All of the three theories have been deemed necessary to apply in order to answer each of the three research questions. In the following chapter, the method is presented, including the analytical

\(^{19}\)In this regard, regions of origin does not only account for regions located in third countries, but also includes regions in other EU member states where asylum seekers make their first arrival

\(^{20}\)The underlying intention to the implementation of such RPP:s is to enhance the protection and the asylum systems in regions of particular need, as well as giving the RPP a consultant role of identifying protection irregularities and establish what concrete measures that are called for in order to address eventual system gaps (EC, 2005).

\(^{21}\)Mitsilegas uses the conceptual term \textit{solidarity based on externalisation} (see; pp. 189).
framework and a discussion of methodology. Also, a presentation of the material and the limitations is provided.
3 Methodology

3.1 Analytical framework
Keeping the objectives of this study in mind, a discourse analysis is used to answer the research questions, due to its useful features when identifying expressions. Since this thesis will build partly upon a discourse analysis, documents\textsuperscript{22} from the EU have been analysed, focusing on the usage of specific linguistic definitions (Bryman, 2011:474-483). It should be noted that discourse is not only expressed through texts, but is also manifested in other forms of communication (Jones, 2012:4). However, the material used in this study is limited to official documents (see section 3.3).

Due to these material limitations, the main target when conducting this study has been to uncover textual and linguistic expressions. As previous research suggests, individual MS will push for their individual interests to be accounted for in international discourses. These interests can also be described in terms of specific preferences. Each of these preferences are linked to a specific set of linguistic expressions. Depending on which linguistic expressions that are found in a text, it is possible to distinguish which actor/s that possess certain power over the discourse. However, due to the setbacks in the discussions regarding CEAS, it is possible to assume that ‘hegemonic’ power is not present within this specific discourse. Therefore, a discourse analysis is motivated in order to establish where in the official EU documents the conflicts of preferences are most visible.

As explained above, this thesis adheres to the discursive orientation, which per se stems from the work of Laclau and Mouffe. Within this orientation, a central theoretical concept is elements. An element is defined as an expression within a discourse that does not have a universal meaning. Instead, elements reflect the ambiguity in the discourse as it highlights the struggle between different meanings. (Laclau & Mouffe, 2001:105-106; Jorgensen & Phillips: 27-28). Furthermore, elements that can be ascribed significantly diverse meanings are called floating signifiers. A floating signifier refers to a struggle between different discourses and may thus cause instability to a discourse (Laclau & Mouffe, 2001:112; Jorgensen & Phillips, 2002:28). Furthermore, Ferdinand Saussure’s emphasis on the importance of language, since it can be viewed as a system of signs, has influenced Laclau and Mouffe. Saussure makes a distinction between the expression, which he called the signifier, and the content,

\textsuperscript{22} See section 3.3 Material and Limitations.
referred to as the *signified* (ibid: 87). However, to avoid unnecessary concepts, *signs* are named *expressions* herein.

In this thesis, the elements reveal which expressions that are mostly used in the discussions on CEAS. As shown in the 4.1 *Highlighted issues*, the expressions adheres to the elements which are mainly brought up as issues in the discussions. Thus, these expressions show what issues that are limited to the agenda of a certain meeting regarding CEAS in the EU. From a discursive point of view, these expressions are contested since the substantial meaning of them varies depending on which actor that uses it (Bergström & Borèus, 2012:365). This strengthens the notion of elements as issues since the issues highlighted in the discussions are contested and have different meanings depending on the MS in question. In this thesis, the notion of an element is used based on the same premises as that of an issue. Basically, this means that an element is the label of an issue and the controversies within it.

In contrast, floating signifiers are expressions that are open to many different meanings (Ibid:365-366). As explained above, they cause instability to the discourse and will be present on multiple occasions in the discourse. In the discussions on CEAS, they are present in within several of the issues that are highlighted by each MS. The expressions adhering to floating signifiers are therefore different from those adhering to elements since the former are present in many different issues.

An *antagonism* is a closed system of differences and is linked to *hegemony*. An antagonism may be viewed as a struggle of definitions within a discourse. Such struggles are particularly common in political discourses (Laclau & Mouffe, 2001, s. 125-131; Smith, 1998:89). The struggle is almost never restricted to one sole focus point. Laclau and Mouffe point out that “*the more unstable social relations [...] the more points of antagonism will proliferate*” (Laclau & Mouffe, 2001:131). Herein, antagonism is only connected with floating signifiers. The antagonism, together with the floating signifiers, is used in the analysis to explain the conflict caused by unstable social relations. This is described in 4.2.2 *Antagonisms*.

In order to achieve the purpose of this thesis, it is also important to clarify how the different concepts are viewed upon and used by each actor (MS) in the discourse on CEAS. These concepts are used to analyse the material in order to show what is brought into the discourse.
To clarify the above mentioned, the analysis tool of this thesis consists of the following concepts of discourse analysis as displayed in *Table 1*.

**Table 1**

<table>
<thead>
<tr>
<th>Issue salience</th>
<th><strong>Elements</strong></th>
<th>Expressions which’ substantial meaning is contested by various and sometimes incompatible perceptions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discourse theory</td>
<td><strong>Floating signifiers</strong></td>
<td>Expressions that have many different meanings, causing instability to the discourse. Expressions that are present in many of the issues highlighted in the discussions on CEAS.</td>
</tr>
<tr>
<td>Antagonism</td>
<td><strong>Antagonism</strong></td>
<td>Conflicts that derive from unstable social relations that are not restricted to one focus point but several. Where clashes of different and incompatible meanings becomes evident.</td>
</tr>
</tbody>
</table>

The concepts in *Table 1* are used to explain the differences of opinion on solidarity in the discourse on CEAS. These are linked to the theoretical frameworks of *issue salience* and *discourse theory*.

The issues that are salient in the material are charted by the elements, which are more focused on the content of the discourse (Jorgensen & Phillips, 2002:27-28). The remaining two concepts; floating signifiers and antagonism, reveal how the discursive conflict is expressed in the discourse. It is necessary to point out that a floating signifier is closely related to an element. However, floating signifiers are more suitable when searching for indicators for an antagonism since actors attempt to fill them with different contents. The floating signifiers therefore uncover the discursive conflict within a text in terms of antagonisms (ibid:148). The differences between elements and floating signifiers are presented above and shown in *Table 1*. The elements are closely linked to the theory of issue salience, which in turn holds the objective of answering the question on why specific issues are emphasised by certain MS. The floating signifiers, together with antagonisms, are tied to discourse theory with to purpose of answering the question on how the discursive conflict is expressed in the discourse on CEAS.

In order to determine what *practical definition of solidarity* a MS or a set of MS promotes, Thielemann’s (2008) description of the four burden-sharing mechanisms *binding rules, implicit trade, voluntary*
pledge and explicit compensation have been used. In addition to these, a fifth aspect of external dimension of solidarity has been applied, based on texts and articles by Hansen (2008), Langford (2013), Mitsilegas (2014) and Keller (2011). In order to strengthen the validity in the results, these five categories have been operationalized. However, soon after the analysing process had begun it became clear that the MS do not address these five mechanisms. At least not explicitly. Nonetheless, based on the descriptions of what each mechanism entails, it was possible to identify hints of the different mechanisms within the documents. Therefore, the need for a second method, which would allow for an operationalization to take place, emerged. Hence, an additional second form of qualitative text analysis has been used. This method is called critical method and is partly connected with discourse analysis, since it, just like discourse theory, entails qualitative interpretation to a certain degree. Critical method is particularly suitable, since it allows for categorisations to take place when looking into certain features within a discourse. Since one of the central points in the analysis is to determine what different definitions of solidarity that is present in the EU, critical method presents itself as useful (Alvesson & Deetz, 2000: 163-170).

Based on the burden-sharing mechanisms explained in section 2.3, an operationalisation is presented in Table 2.

| Table 2 |
| ------------------ | ------------------ |
| **Solidarity through burden sharing** | **Solidarity through burden sharing** |
| **Binding Rules** | • In favour of minimum standards
• Comprehensive implementation of CEAS by all MS
• ‘Binding rules’ logic – efforts based on relative capacity (size of population, finances, labour market, absorption capacity etc.)
• Urge for harmonisation of CEAS – ‘common processing’, compatibility of the MS asylum systems’ or ‘uniform level of international protection’ |
| **Voluntary pledge** | • Subsidiary protection
• Voluntary nature of e.g. relocation.
• ‘Should be encouraged’ to do something. Hence NO coercion to participate or make specific commitments
• Voluntary pledge logic -Temporary, Ad Hoc and non-binding
• Principle of ‘voluntarianism’ |
| **Explicit compensation** | • Term ‘bilaterally’ used to describe an agreement between two/several MS |
| **Implicit trade** | • Supporting and/or enhancing EASO
• Provision/contribution of assistance and support (of different kinds, e.g. training, experts, technical support etc. |
| **External dimension of** | • Urge to assist refugees in their country/region of origin |
3.2 Discussion of methodology

Perhaps the most direct methodological approach in order to address the research questions presented above would have been ethnography. By observing the discussions in the three EU-institutions, it would have been possible to distinguish which actor that is the pacesetter in the discussions and what each actor is trying to put on the agenda. However, considering the practical difficulty of directly accessing the three EU-institutions, an ethnographic approach would soon be proven impractical.

A second possible method would be to conduct qualitative interviews, thus open up for the possibility to conduct such interviews by using technical communication devices. However, this approach is problematic due to the transparency issues of uncovering hidden activities and discovering what is taken for granted. The person being interviewed might try to withhold information and behaviours from the interviewer, or might simply misinterpret a situation (Bryman, 2011:440-441). In this regard, the application of qualitative interviews would be better suited to answer the question of how the actors within the three EU-institutions view the discussions and what they believe to be the difficulties in the development of CEAS.

In general, discourse analysis is associated with constructivism due to its focus on language. It is sometimes criticised since a one-sided focus on language tends to miss important perspectives (Alvesson & Sköldberg, 2008:464-470). In terms of reliability and validity, it is generally acknowledged that discourse analysis struggles with more open analytical tools than for example ideational analyses. Discourse analysis, as well as critical method, might turn out as problematic in terms of attaining intersubjectivity, which in turn affects the reliability of the study. Nonetheless, this can be amended by a well-constructed tool for analysis (Bergström & Boréus, 2012:405-406). The research process has benefited from the fact that the few concepts of discourse analysis are well defined by Laclau and Mouffe. Albeit, some of their terminology has been removed to accommodate the extent of the material.

Another benefit, regarding reliability, is that the material used herein is available online and easy to access through the homepages of the three EU-institutions. Hence, anyone is able to look into the
documents and form a second opinion on whether this study’s results seem reasonable. The documents’ open accessibility also enhances the replicability of this study.

One specific issue, regarding validity, that calls for special attention is the fact that some of the analytical concepts overlap each other. Subsequently, this could result in arbitrary findings within the analysing process. As explained in *Theory*, floating signifiers are elements that are open to many different meanings. Overlapping concepts might be problematic since the concepts have similar definitions. However, these are clearly distinguished in the analysis. This issue has also been addressed through an enhanced internal reliability, where the authors of this thesis have been very conscious about keeping a joint approach when assessing the material. Hence, a common criterion for which expressions that adheres to what concepts has been used.

To use Lecompte and Goetz terminology of validity in qualitative research, good internal validity requires that the measurements are accurate representations of reality (Lecompte & Goetz, 1982). Such a requirement is problematic for constructivist types of discourse analysis since the orientation adhering Laclau and Mouffe is more idealistic, meaning that reality is reduced to concepts of ideas (Bergström & Boréus, 2012:400-401). The external validity addresses whether the representations can be transferred to other situations. This requirement may however be difficult to achieve since the design of this thesis is a case study (Lecompte & Goetz, 1982).

Moreover, discourse as the focus point when investigating policy change and European integration is a relatively new and unexplored methodological approach. In order to get a better understanding of the complexity within “*the process of national adjustment to the EU...*” (Schmidt & Radaelli, 2011:184), the discursive process in formulating policies and ideas becomes relevant.

### 3.3 Material and limitations

Previous research has been able to confirm that institutional and normative challenges has occurred in the event of creating CEAS. One of the challenges concerns the method of policy-making, where the traditional method of cooperation in the EU is referred to as the *Community Method* of integration. This method calls on each respective institution to answer for different responsibilities in process of making policies. While the Commission holds a strong agenda-setting role, the European Parliament (EP) serves as the institutional organ that reviews and amends drafts from the Commission. Finally, once the EP has approved a draft, the proposition is passed on to the
Council of the European Union (CEU), where the final stage of decision-making is made (Lavenex, 2001 & Wallace, 2000:3-36). Henceforth, when investigating the discourse on CEAS, it is relevant to look into all of the institutional organs included in the policy process.

The material used in this study is official documents from all three EU-institutions. It should be noted that only public documents has been used for the analysis herein. However, some documents from the Commission had to be explicitly requested by filling out a specific form. The documents selected stretches from January 1\textsuperscript{st} 2013 to January 1\textsuperscript{st} 2015. The selection has been performed based on the documents degree of relevance in relation to the focus of the study. Due to the practical limits of a bachelor thesis, regarding time and quantity, these necessary delimitations has been made. Hence, documents that do not explicitly address or account for the discussions related to the subject of CEAS have been excluded.

Due to the phenomena of linguistic barriers, documents authored in languages other than English has been selectively excluded. In order to compensate for any potential deficiencies that may have occurred due to this exclusion, a rather comprehensive compilation of material has been examined. Due to the increased amount of material used, the prospects of providing a reflective picture of the current discursive landscape has been deemed as good. Thus, the reliability of the findings is reinforced.

In the material, certain constellations of countries have been encountered. Therefore, in certain contexts, larger regions of EU have been referred to instead of individual MS. The constellations found in the material are Resettlement Countries\textsuperscript{23}, New Resettlement Countries\textsuperscript{24}, Northern States\textsuperscript{25}, Southern States\textsuperscript{26}, Central European States\textsuperscript{27}, Non-frontier States\textsuperscript{28}, Mediterranean MS\textsuperscript{29}, and Frontline States\textsuperscript{30}. Even though these constellations are not a central focus of this study, previous research still indicate that such constellations may come in handy when trying to explain why international negotiations are unsuccessful. Hence, since this study partially aims at capturing

\textsuperscript{23} Sweden, the Netherlands, and Finland.
\textsuperscript{24} Belgium, Czech Republic, France, Germany, and Spain.
\textsuperscript{25} No specific constellation, MS in the northern part of the EU in general.
\textsuperscript{26} No specific constellation, MS in the southern part of the EU in general.
\textsuperscript{27} Czech Republic, Poland, Bulgaria, Romania, and Slovakia.
\textsuperscript{28} MS with low migratory pressure.
\textsuperscript{29} Spain, Malta, Cyprus, Italy, Greece, and Bulgaria.
\textsuperscript{30} MS with high migratory pressure.
the antagonisms within the discourse on CEAS, these constellations are taken into consideration when viewing the results.

In this chapter, the method used in this thesis, including an operationalization of the different kinds of solidarity, has been presented. A discussion of methodology, following a discussion of material and limitations has also been conducted. In the next chapter the analysis and the results found in the material will be forwarded.
4 Analysis and results

The analysis and results consist of three sections, each adhering to one of the research questions. First, in 4.1 Highlighted issues, the issues that each MS highlight is presented. After this, the conflict within the discourse on CEAS is described in 4.2 Discursive conflict. Lastly, the definitions of solidarity associated with the MS are presented in 4.3 Solidarity through burden sharing.

4.1 Highlighted issues
This section adheres to the first research question on why specific issues are emphasised by certain MS. This is done through the discursive concept element. The elements represent the issues that are found to be of particular essence in the discussions on CEAS.

4.1.1 Reception
A central element in the discourse is ‘reception’ as in reception of asylum seekers and refugees. However, the actors’ specific attention on the matter is split between the three eligible forms of reception. This split depends on whether the actors’ main focus is on the Qualification Directive, the Reception Procedures Directive or the Reception Procedures Directive. Although the Eurodac Regulation as well as the Dublin Regulation also constitutes the legislative framework of the CEAS, these three forms of reception are the only ones that are used in the discourse (CEU, 2014e:4). Generally, each of the MS address the issue of ‘reception procedures’. However, different strays within the perception of how the receptions procedures should be formed emerges. Whereas some MS emphasise the consolidation of common minimal standards (e.g. Austria and Germany), others rather focus on enhancing the support for the activities of EASO (e.g. the Czech Republic).

In contrast, however, there is less engagement among the MS on the ‘reception qualification’, which aims at establishing whether an asylum application is granted refugee status. For instance, Belgium, the Netherlands, and the UK are in the forefront of mentioning the issue of reception qualification. Notably, few of the Southern MS with a land frontier bordering towards the Mediterranean Sea address reception qualification. Spain and Italy are more visible regarding this issue than the other南方 MS but still to a much less extent than Belgium, the Netherlands, and the UK. The Reception Conditions refers to the rights which, by European law, are to be enjoyed by each asylum applicant during the processing procedure of their application. These rights include accommodation, education, healthcare, inter alia.
This issue is in general the least addressed ‘reception’ issue amongst the three. Even though Finland and Italy somewhat stands out from the crowd in this regard, it is not by far the most highlighted issue for either of them.

4.1.2 Resettlement and Funding

Another important element is ‘resettlement’, which refers to the movement of refugees from refugee camps and other locations into EU territory. It differs from other asylum seekers in the EU since the refugees do not have to be present in the EU when they are being granted refugee status. At the same time, it is not an obligation on the MS part to engage in resettlement. Instead, it is a voluntary expression of international solidarity, which consequently would contribute to a durable solution for the refugees (EP, 2013a: 34-35). Mostly northern MS highlight this issue, whereby Sweden proclaims itself to be an advocate for resettlement. The issue is less highlighted amongst countries with low migratory pressure. The latter countries are mostly located at distance from the EU external borders.

‘Funding’ is closely linked to resettlement and to all other issues stressed herein. This element is mentioned in almost every document, where several different funds surrounding CEAS are mentioned such as the European Refugee Fund (ERF). Funding is a key element since it is used both as a mean of compensation and as an expression of solidarity. In addition to this, it is also a point of concern since some MS plead for a more efficient use of resources in the area of justice and home affairs because of the economic crisis (CEU, 2013a:3). Funding as solidarity is described below.

4.1.3 Border control/management and internal security

In the material of this thesis, it is evident that the elements border control/management and internal security receive the most attention in the discussions on CEAS. All the MS mention both issues. Thus, border control/management seems to be the greatest concern to the MS that have a southern external border. Greece, however, stands out in this regard, as its emphasis on border control/management is much more extensive than that on internal security.

Other Mediterranean MS stress border control/management more than internal security, albeit not in the same extent as Greece. For many of the central and eastern European MS, the focus on internal security might be explained by the Salzburg Forum. This forum is a constellation of countries that engage in a dialogue on internal security and consists of Poland, the Czech Republic, Slovakia, Austria, Hungary, Romania, Slovenia, Croatia, and Bulgaria (Salzburg
The focus on internal security in the Salzburg Forum might be one explanation to why these MS highlight internal security. Some of the material consists of joint contributions from this constellation of MS.

4.1.4 Return or integration

The issue of returning asylum seekers whose applications have been unfounded receives a lot attention in the discussions on CEAS. This is expressed through the elements of ‘return’, ‘readmission’, and ‘reintegration’. The idea is that once an asylum application has been unfounded, the migrant is returned to its country of origin in which he or she is to be readmitted and reintegrated. Most MS highlight this issue. However, Belgium seems to be the strongest advocate for returning migrants.

If the asylum seeker is granted refugee status, or if a refugee is resettled to the EU, the individual needs to be integrated with the society of the host country. ‘Integration’ is discussed somewhat in the documents, however not nearly as much as border control/management or internal security. It is mostly addressed by Belgium, Italy, and Sweden. Funding of the return is made through the Return Fund (EP, 2014b:6).

4.1.5 Relocation and capacity building

The issue ‘relocation’ does not receive much attention. The idea is to relocate refugees from MS with high migratory pressure to other EU MS and involves, among other measures, so called ‘Dublin Transfers’. A Dublin transfer means that an asylum application can be transferred and put in the hands of another EU MS, hence redistributing the administrative burden of processing applications (CEU, 2012a:6). Even though Greece, Hungary, and Poland highlight this issue more than the other MS, it is still not a particularly highlighted issue in general.

Lastly, the element ‘capacity building’ is highlighted on a regular basis by various MS. By large, capacity building entails reinforcement of the hosting and procedural capabilities in a country, e.g. by training your staff or sharing best practices with other countries. However, the element capacity building seems to be eligible to further division; capacity building in third countries, which becomes more of an external dimension of solidarity, and capacity building for intra-EU solidarity purposes.

Regarding the external capacity building, most of the MS in different instances talk about the need for capacity building in third countries and in countries of origin through enhanced transboundant
cooperation. Such an initiative serves the purpose of organising returns and developing migration and asylum capacities in countries outside EU territory (CEU, 2013a; EC, 2013a).

In contrast, regarding the intra-EU capacity building, some of the MS that are more engaged in the external capacity building are less present such as the Czech Republic, Ireland, France and Austria. Nevertheless, other MS, such as Cyprus, Greece, Spain, Italy, Germany and Sweden, which too are active promoters of external capacity building, remain visible in contexts regarding intra-EU capacity building. These MS are more engaged in training and reinforcing their own national asylum capacities (EC, 2014).

To get better visualisation what issue(s) that is/are most highlighted by each MS, see Table 3.

Table 3

<table>
<thead>
<tr>
<th>Most salient issues</th>
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<tbody>
<tr>
<td>Austria</td>
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<tr>
<td>Belgium</td>
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<tr>
<td>Bulgaria</td>
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<tr>
<td>Croatia*</td>
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<td>Cyprus*</td>
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<tr>
<td>Czech Rep.</td>
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<tr>
<td>Denmark*</td>
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<tr>
<td>Estonia</td>
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<tr>
<td>Finland</td>
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<td>France</td>
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<tr>
<td>Germany</td>
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<td>Greece</td>
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<td>Hungary</td>
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<tr>
<td>Ireland</td>
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<tr>
<td>Italy</td>
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<tr>
<td>Latvia</td>
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<tr>
<td>Lithuania*</td>
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<td>Luxembourg</td>
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<td>Malta</td>
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<td>Netherlands</td>
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<td>Poland</td>
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<tr>
<td>Portugal</td>
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<tr>
<td>Romania</td>
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</tbody>
</table>
In relation to the theory of issue salience, domestic factors are probably the prominent reason to why some issues are highlighted by certain MS. Through the material used in this thesis it is however not possible to establish what these factors are, since such an establishment would require in-depth data on each MS. Even so, the results presented in Table 3 show that geography might have a determining impact on what issues a specific MS highlight. For instance, the findings of Langford (2013:218) can assist in providing a reason to why the Czech Republic, Ireland, France and Austria are less active in the discussions on intra-EU capacity building. This may be explained by the fact that these countries are all centrally located in EU and therefore are less involved when it comes to processing asylum applications.

The connection with discourse theory may also provide certain insights. It was discussed in chapter 2 that issues brought up by different MS could be based on different definitions. Nonetheless, MS located near each other are more likely to promote similar definitions of common issues. Thus, it can be anticipated that these MS, to a greater extent, will highlight similar issues since they usually share common definitions. For example, Sweden and the Netherlands, which are located in geographical proximity to each other, both highlight resettlement. It is therefore plausible that they share a closer common ground for the concept than with that of Greece, which is located in the southern part of Europe. Thus, they can more easily agree on issues as they share similar definitions, causing them to highlight similar issues.

4.2 Discursive conflict

The floating signifiers and antagonisms are used to explain the discursive conflict. Together, they reveal instability in the discourse.

4.2.1 Floating signifiers
There are some expressions that are used differently by the MS, which have the potential of causing instability to the discourse. One of these is ‘Mutual trust’, which is often expressed in the documents. Mutual trust is closely related to subject of solidarity. As shown in a document from the CEU, ‘mutual trust’ even challenges ‘burden sharing’:

“The concept of solidarity [...] has been the subject of many reflections from the Member States. Whether associated with the notion of ‘burden sharing’, or [...] mutual trust, questions have frequently been raised about its actual content, prompting some Member States to ask for a clarification and the development of its practical implications, as well as its implementation” (CEU, 2014a:10).

This quote, which points to a struggle between solidarity as burden sharing or as mutual trust, also makes it clear that ‘solidarity’ itself is a floating signifier since many different meanings are put into it.

Back on ‘mutual trust’ as a floating signifier, the MS have different relationships to this expression. To demonstrate these different perceptions of mutual trust, Greece calls for mutual trust to be fostered through enhanced cooperation between the MS in the Schengen area (CEU, 2013b:15). Slovenia, on the other hand, highlights judicial authorities and the CEU as enhancers of mutual trust (CEU, 2013a:211). Ireland mentions the implementation of mechanisms for crisis management and early warning (ibid:131). Lastly, Austria, Belgium, Denmark, the Netherlands and Sweden express that mutual trust can be achieved and that

“Member States should take full responsibility for implementation of the asylum, borders, visas and migration acquis, resulting in a functional migration and asylum system and effective border controls” (ibid:224).

They are thereby giving a key role to Frontex when creating mutual trust (ibid:224 & 226).

‘Pressure’ is another floating signifier that has different meanings when used in the discourse. It is connected to a variety of topics such as irregular and illegal migration, and disproportionate pressure of asylum applications. It is evident that the pressures referred to in the documents are different. In a motion on how to handle the flow of refugees due to the conflict in Syria, it is
determined that Germany and Sweden experience the highest pressure in terms of lodged asylum claims. The writers of the motion further advocates for legal entry for the Syrian refugees (EP, 2013b:3). Pressure through legal entry is very different than the pressure that the southern MS experience due to migrants arriving in overcrowded boats.

When it comes to pressure in terms of irregular migration, the ideas of what the causing factor to the pressure is differ. In a question to the EC, a Member of European Parliament asks if the EC agrees that the influx of immigrants “is a consequence of EU policy…” (EP, 2013c:1). Commissioner Malmström replies that the number of asylum applicants in the EU was lower in 2012 than it was in 2001. She explains that the EC does not agree with the notion of influx of immigrants as a consequence of EC policy and that other crises surrounding the EU is the cause of the pressure (ibid). It is clear that ‘pressure’ is contested by different actors in the EU and that the concept has many different meanings.

Another major floating signifier is ‘cooperation’. Many MS cooperate with several external actors such as third countries, i.e. countries outside of the EU, and UNHCR. Internal cooperation between the MS is somewhat less defined. The MS often mention ‘practical’ and ‘operational’ cooperation, although without further defining the term. Nonetheless, ‘operational cooperation’ is more often mentioned in relation to border control/management. Here, the EASO holds a key position with its purpose to “facilitate, coordinate and strengthen practical cooperation among Member States on the many aspects of asylum” (CEU, 2013c:5).

Many of the MS call for strengthened cooperation between the MS, although most of the cooperation stressed by the MS in the documents concerns cooperation with third countries. Other times it concerns practical cooperation through EASO activities and cooperation in border control/management or resettlement (CEU, 2014b:50 & EC 2013:42-43). Practical cooperation occasionally also seems to entail relocation of asylum applicants (CEU, 2014c:15). Very few documents highlight cooperation in terms of common standards for reception procedures (CEU, 2014d:4). It is clear that ‘cooperation’ is a very loosely defined term.

4.2.2 Antagonisms

Mutual Trust
One antagonism that appears in the material is mutual trust. Austria, Belgium, Denmark, France, Germany, the Netherlands and Sweden
claim that mutual trust is achieved by having MS assuming full responsibility in order to keep up the solidarity among EU MS. In turn, the objective of both protecting refuge seekers, as well as preventing illegal immigration, is presumed to be achieved. In the context, these states put much emphasis on the need for

“Member States [to] ensure, as applicable, the effective transposition and coherent implementation of the EU asylum acquis, including the newly adopted CEAS package[,]” in order to establish “that similar asylum cases are treated alike and result in the same outcome, including receiving the same standard of reception, throughout the EU” (CEU, 2013a:224).

Greece, however claims that mutual trust is achieved by

“the establishment of an effective and reliable monitoring and evaluation mechanism [...] taking into consideration that Europe’s external borders must be effectively and consistently managed, on the basis of common responsibility, solidarity and practical cooperation.”” (CEU, 2013b:15).

Greece, which on multiple occasions has been charged with non-compliance of the asylum acquis, also defends itself and other states located in the south of EU against the received criticism for not fulfilling their commitments. Greece, in its proposition, reiterates its vulnerable position, since being an external-border country imposes excessive burden in terms of asylum applications. Thus, Greece means that a full compliance of CEAS by all MS would not solve the problem of lacking mutual trust, since some MS still would not be able to live up to their commitments.

This antagonism it further confirmed by Slovenia’s attitude towards the common minimum standards entailed by the recast of the Reception Procedure Directive. Here, Slovenia opposes the German delegation’s particularly positive attitude towards the revisions. Slovenia highlights the fact that the recast would entail problems in the asylum procedure, as ‘legally problematic solutions’ and additional administrative and financial burdens would follow. Whilst

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31 The Northern states also emphasise mutual trust in terms of a reinforced role in Frontex part. This does not quite comply with what could be anticipated. In this regard, SE actually highlights the same issue that SL did, although not as a concern to the national reception procedure.

32 See EU, 2013.
Germany advocates for mutual trust to be enhanced by minimum standards of procedures in MS\textsuperscript{33}, Slovenia stresses the fact that the recast will have a negative impact on the MS ability to fight potential cases of abuse of the system. Instead, Slovenia pushes for mutual trust to be based on a common minimum procedural standard in terms of criminal proceedings (CEU, 2013a). Thus, the perception of mutual trust as promoted by Germany et al. is not legitimate according to Greece and Slovenia.

In this regard, the disagreements between these two sets of MS demonstrate a typical example of where there is an absence of a joint perception of mutual trust. Since none of the two parties seem to abandon their point of view in order to give way for the counterpart, an ‘antagonistic environment’ is present at its utmost in the context. This non-hegemonic state of antagonism can hence be explained by the discourse theory.

**Fair distribution**

Another instance, in which the MS disagree, is when the issue of ‘fair distribution of asylum seekers’ is brought up. In this context, the antagonism emerges between Greece, Italy, Spain, Malta, Cyprus and Bulgaria\textsuperscript{34,35}, and the Czech Republic and Belgium\textsuperscript{36}. Regarding Cyprus, a report by the Cypriot rapporteur Kyriacos Triantaphyllides was highlighted in the Council of ministers to demonstrate the malfunctioning intra-solidarity among the MS (EP, 2014c).

In the context it is stated that conflicting interests amongst the MS is the reason to why the concept of solidarity is met with controversy. In this regard, Cyprus et al. underline that problems occur when the perception of what these MS are presumed to do by others and what they themselves wants to do go apart. While other EU MS assume that Cyprus et al. should engage in border management and reception procedures, Cyprus et al. themselves call upon a more fair distribution of applicants by incorporating a permanent relocation mechanism.

In opposition to this perception of what fair distribution should comprise, MS such as the Czech Republic and Belgium resents the idea of a permanent relocation mechanism. According to them, such a mechanism could foster pull factors, which subsequently might entail the reinforcement of the phenomena ‘asylum shopping’ (ibid).

\textsuperscript{33} See CEU, 2013d.

\textsuperscript{34} In the material, two definitions of which countries that were included in the subject position Mediterranean Member States. In the alternative definition to the one presented in this study, only the MS Spain, Malta and Cyprus were included. However, in our case, the more comprehensive edition will be used.

\textsuperscript{35} See EC 2014a

\textsuperscript{36} See CEU, 2013a
To provide an example of how this antagonism is demonstrated, it can be found that the subject of the Dublin regulation is undergoing certain controversy. In this regard, the Czech Republic lodges for a comprehensive consolidation of the already existing legislation. In the Czech Republic’s opinion, further revision of the regulation is not desirable since the regulation in itself is considered to be a ‘key pillar’ of the CEAS. Instead of recasting the regulation, the Czech Republic acknowledges the essence of reinforcing the implementation of CEAS by establishing an “*effective interconnection with the Asylum and Migration Fund*[.]” (CEU, 2013a:38) and by supporting the stabilization of the EASO. Keeping in mind that the Dublin regulation calls for the ‘first entry principle’\(^{37}\), the Czech Republic’s stance can thus be interpreted as being in favour of the consolidation of this principle. When overviewing the material, it also becomes clear that the Czech Republic is one of the prime promoters of the burden-sharing mechanism *implicit trade* (see Table 4). The Czech Republic has a positive attitude towards the stabilization of EASO and is lobbying for the current Dublin Regulation. In accordance with previous research this makes sense since the Czech Republic is not, like other centrally located EU MS, subject to high influxes of irregular migration and asylum applications.

In opposition to the Czech Republic, Bulgaria is especially concerned with the fact that the countries at the external borders of EU are faced with a disproportionate burden in terms of international protection seekers. Bulgaria also expresses how the lack of ‘genuine practical solidarity’ from the other European MS is due to an insufficient and ineffective burden-sharing system. It is also expressed by Bulgaria that a clear and comprehensive definition of the principle of solidarity is much needed. To the perception of what such an effective system should imply, Bulgaria points out that

> “*[w]ider use of the relocation as an effective and fair solidarity instrument will allow overcoming of the disproportional burden on the asylum systems*” (CEU, 2013a:28).

Hence, the task of encouraging MS to relocate more refugees from the external border countries should be embraced and accounted for in the CEAS. In addition to this, Bulgaria call for EASO to proceed with its support to the affected MS. Bulgaria also stresses the need for

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\(^{37}\) If the objective and hierarchical criteria, within the *Dublin II Regulation*, are met by any specific MS, the responsibility for processing an asylum application is allocated to the first country through which the asylum seekers enters EU territory (EU, 2003).
consolidation of a common European integration policy in order to accelerate the practical implementation of CEAS (ibid).

To further exemplify this discursive controversy, the case of Greece and Belgium becomes relevant. Throughout the EU, Greece shows the greatest emphasis on the issues of border control/management, relocation and capacity building among the EU MS, along with a moderately high emphasis on the issue of return/readmission/reintegration. Regarding relocation, Greece stresses that more solidarity must be shown towards the MS at the external borders. This, because they face a greater migratory pressure (from Syria), and that a creation of an early warning and preparedness system is not enough. Greece, however, has no emphasis at all on the issues of reception qualification, along with a relatively low focus on internal security. This becomes very interesting, since all other MS that emphasise border control/management also highlight internal security as an equally important issue. Since Greece does not follow this pattern, this could indicate that Greece is coercively preoccupied with border management/control. This, since Greece’s promotion of enhanced border control/management is not, unlike the cases of all other MS, motivated by an enhanced internal security.

In contrast to this, Belgium takes a very active role in the deliberations regarding reception qualification, internal security and return/readmission/reintegration. At the same time, Belgium keeps a low profile in contexts where relocation and capacity building is discussed (see Table 3). Regarding return, reception qualification and internal security, Belgium calls for the need of creating an (asylum) system where the specific interests of not only third countries, but of the MS in question as well, should be accounted for (CEU, 2013a). In a report by AFP, it is stated that Belgium, together with MS such as France and UK, is one out of the five EU countries that has expressed the greatest fear of an influx of Syrian refugees (EP, 2013d). This, in turn, is interesting since such an outspoken fear could explain why these centrally located countries are preoccupied with issues such as internal security and qualification. It could also explain why Greece is forced to work with border control/management. By having Belgium et al. focusing on internal security issues and on providing assistance to the external border countries, an offset of the responsibility for dealing with reception of irregular immigrants and prevention of illegal migrants appear.

Being located near the war zones in Northern Africa, this may imply that Greece might not have a choice but to be concerned with an issue which is less promoted by the centrally located EU MS - capacity building (EC, 2013a). Since Greece, together with e.g. Italy
and Spain, are situated on a geographically vulnerable location, they are simply forced to process a proportionally larger amount of asylum applications than the rest of EU MS. As a consequence, these three countries put greater emphasis on the issue of capacity building, since reception capacity has become essential to the respective countries as a direct consequence of instabilities outside of the EU\textsuperscript{38}. Not being allowed to, on par with other EU MS, express its own preferences, this could explain why Greece on multiple occasions has been charged with violating its commitments\textsuperscript{39}.

In the context of Greece, discourse theory is proven insufficient to explain Greece’s high emphasis on border control/management. Due to the low emphasis on internal security, this could mean that Greece does not actively push for border control/management to be included in the discourse, but is more likely forced to do so. However, there is no question about Greece’s identity being threatened due to the ongoing conflict within this antagonism. As a consequence of external pressure by other more influential EU MS, discourse theory announces that conflicts of definitions within a discourse may lead to some less influential actors’ submission.

**Cooperation**

In close relation to fair distribution, cooperation is another focus point of antagonism. It mostly involves MS in the northwest part of the EU against the other eastern and southern MS. As explained above, most of the cooperation is mentioned in relation to partnerships with third countries. This might not be very surprising since many of the northern and western MS are resettlement countries. However, these countries also have a great focus on returning refugees and much less on cooperation through relocation of refugees within the EU.

As previously described, border control/management receives much attention in the documents, whereby cooperation is stressed in this regard as well. This internal cooperation, i.e. cooperation between the MS, is highlighted by all of the MS. It is the form of cooperation, besides cooperation with third countries, which is stressed the most. It is interesting that even the countries, which do not hold an external border in the south, highlight border control/management. For example, Finland expresses that it is important to implement cooperation between the MS in terms of border surveillance:

\textsuperscript{38} Greece’s, Italy’s and Spain’s (together with Sweden’s) emphasis on capacity building is not accounted for in Table 3 because this issue is not given the greatest emphasis by these countries in relation to their other emphasises; however, in relation to other countries emphasis on capacity building, these three (four) countries sticks out.

\textsuperscript{39} See Langford (2013:218) in section 1.6.
“In the coming years, it is essential to ensure effective implementation of the second-phase legislation [...] concerning the European border surveillance system (EUROSUR). Steps should be taken to promote further approximation of practices by intensifying the operational cooperation between Member States with the support of European Asylum Support Office” (CEU, 2013a:106).

MS in the southern and eastern part of Europe, on the other hand, focus much more on relocation of refugees as an important way to foster cooperation between the MS. For example, Malta called for relocation of refugees, which in turn lead to the EUREMA (European Union Relocation from Malta) I and II project (EP, 2014d:56).

Greece agrees with Malta by explaining that

“It is essential to create a permanent mechanism for relocation of mixed migratory flows (asylum seekers etc.), as well as returnees, among M-S, which will be based on quotas on the basis of population of the M-S, its ability to integrate immigrants, its GDP and its area” (CEU, 2013a:70).

MS in the northern and western part of the EU are clearly reluctant to accept the definition of cooperation promoted by the MS in the south. Instead, they focus on cooperation with third countries and cooperation on border control/management. The fact that they still stress border control/management suggests that they wish to decrease the flow of asylum seekers.

One interesting fact is that Malta points out that northern and western MS, only in a reluctant manner, volunteer to relocate refugees from the MS afflicted with the greatest irregular migratory pressures (EP, 2014c:2). This finding is crucial, since it shows that the pessimism towards relocation as a cooperative mechanism is far more widespread than what Raspotnik et al. claimed in 2012.40

Another interesting fact, which apply to all the antagonisms identified above, is that Cyprus and Croatia hold an overall low profile in the documents. However, since both of these countries are

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40 See section previous research and Raspotnik et al. (2012:7).
41 Denmark is also relatively absent in the discourse. However, since Denmark is bound to the EU-governance (together with UK and Ireland) in the same way as the rest of the EU MS, but goes by special arrangements, a less active role on Denmark’s part is anticipated.
situated in the south of EU and thereby are afflicted by increasing migratory pressures, they ought to be more active in the discourse. Discourse theory is to some degree able to explain this state, by pointing to the fact that Cyprus and Croatia may not be very influential in the politics regarding the subject. Thus, in this context, their identities are ‘disrupted’ as a result of that other, perhaps more powerful, positions have arisen. However, discourse theory cannot address why specifically these two countries’ identities are disrupted. One thinkable explanation is that by the time these countries became Member States of the EU, the developing of CEAS had already been in process for years. Thus, the reasons to why Cyprus and Croatia are passive in the deliberations must not be because they find the discourse insignificant. It might just as well be due to practical limitations such as lacking negotiation experience or unfamiliarity of the CEAS per se.

4.3 Solidarity through burden sharing

From what the material show, it is possible to establish that different practical definitions of solidarity are promoted on a large scale throughout EU. The EU MS are overall mostly concerned with fostering the implicit-trade logic and the external dimension of solidarity. Hence, this result demonstrate that the overall emphasis is on consolidating solidarity through contributing to the ‘collective good’, and by assisting people in need of international protection outside of EU territory. However, there are instances where the binding-rules logic has been promoted.

Calling upon the findings of Czaika (2009) and Langford (2013), the presence of both binding rules and implicit trade becomes problematic. Since it is stated that the burden asymmetry in hosting refugees has so far failed to be compensated by financial transfers, the implicit trade logic seems to be malfunctioning in the EU. The countries that promote the binding-rules logic has, perhaps as a consequence of this ill-function, promoted that efforts should be based upon e.g. absorption capacity and size of population. Hence, if the number of asylum applications lodged in a MS exceeds these capacities, a call for distribution is anticipated. This is also relevant in accordance with another binding-rules component – ‘common processing’. Instead, MS, which rather promote implicit trade, emphasise the vitality of transfers in terms of finances as well as other kinds of support. Due to the currently ill-functioning transfers, this

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42 Disrupted by theoretical means mean that an actor’s identity is formed by other external actors. Thus, the identity is not formed by the respective actor per se, but is also reflective of external actors’ influences and preferences.
difference of the practical definition of solidarity can be seen as an issue that further impedes the establishment of a functioning CEAS.

One special case in the context is Greece, which promotes both binding rules and implicit trade. This, however, can possibly be explained by its geographically vulnerable position. Since Greece is under higher irregular migratory pressure than the average EU MS, this could result in greater need of both external aid and a greater common processing.

*Table 4 reveals which definitions of solidarity that are promoted by each MS.*

<table>
<thead>
<tr>
<th>Country</th>
<th>Definition of solidarity (through burden sharing)</th>
</tr>
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<tbody>
<tr>
<td>Austria</td>
<td>Binding rules, External dimension of solidarity</td>
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<tr>
<td>Belgium</td>
<td>External dimension of solidarity</td>
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<tr>
<td>Bulgaria*</td>
<td>N/A</td>
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<td>Croatia*</td>
<td>N/A</td>
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<tr>
<td>Cyprus*</td>
<td>N/A</td>
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<tr>
<td>Czech Rep.*</td>
<td>Implicit trade, External dimension of solidarity</td>
</tr>
<tr>
<td>Denmark*</td>
<td>N/A</td>
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<tr>
<td>Estonia*</td>
<td>N/A</td>
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<tr>
<td>Finland</td>
<td>Implicit trade, External dimension of solidarity</td>
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<tr>
<td>France</td>
<td>Implicit trade, External dimension of solidarity</td>
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<tr>
<td>Germany</td>
<td>Implicit trade</td>
</tr>
<tr>
<td>Greece</td>
<td>Binding rules, Implicit trade, External dimension of solidarity</td>
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<tr>
<td>Hungary</td>
<td>External dimension of solidarity</td>
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<tr>
<td>Ireland</td>
<td>Implicit trade, External dimension of solidarity</td>
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<tr>
<td>Italy</td>
<td>External dimension of solidarity</td>
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<tr>
<td>Latvia*</td>
<td>N/A</td>
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<tr>
<td>Lithuania</td>
<td>External dimension of solidarity</td>
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<tr>
<td>Luxembourg*</td>
<td>N/A</td>
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<tr>
<td>Malta*</td>
<td>N/A</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Binding rules, External dimension of solidarity</td>
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<tr>
<td>Poland</td>
<td>Implicit trade, External dimension of solidarity</td>
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<tr>
<td>Portugal</td>
<td>Implicit trade, External dimension of solidarity</td>
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<tr>
<td>Romania</td>
<td>External dimension of solidarity</td>
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<tr>
<td>Slovakia</td>
<td>External dimension of solidarity</td>
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<tr>
<td>Slovenia</td>
<td>Binding rules, External dimension of solidarity</td>
</tr>
<tr>
<td>Spain</td>
<td>Implicit trade</td>
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<tr>
<td>Sweden</td>
<td>Implicit trade, External dimension of solidarity</td>
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<tr>
<td>UK</td>
<td>External dimension of solidarity</td>
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</tbody>
</table>

* not available due to insufficient data.

An interesting finding in the context is the total absence of the voluntary-pledge mechanism. This in turn contradicts Lavenex (2001) who claimed that most EU MS governments are very aware of the non-binding nature in supranational contexts. It may, however, be
perceived as quite strange that neither of the EU MS has given the voluntary-pledge mechanism a precedent emphasis, considering the mechanism’s recurrent appearance in formal EU contexts (CEU, 2015). Keeping in mind the austere financial landscape, in which many the EU MS find themselves in as a consequence of the financial crisis in 2008, voluntary pledging ought to be more prominent in the documents since such a mechanism does not imply the immediate and binding expenditures, as being the case of binding rules. The interaction between the recent development of the refugee crisis and the limitations of material in this thesis might provide one feasible explanation to this. According to Eurostat, the number of first time asylum seekers increased by 86% during the first quarter of 2015 compared to the figures registered during the same period in 2014 (Eurostat, 2015). Such a substantial increase may have induced a greater emphasis on voluntary pledging as the situation calls for all MS to accentuate their stance in the debate. In such an event it is possible that some MS, which previously held a low profile in the discussions, has taken a more active role in promoting the voluntary-pledge mechanism. However, as the material used herein only stretches from January 1st 2013 to January 1st 2015, the refugee situation had yet not become as acute at the time.

Another potential explanation could also be a measurement error, which regretfully is an inherent characteristic of qualitative methods that, as demonstrated here, one simply face a hard time getting around.

Another interesting fact appears to be that the overall burden-sharing approach seems to have shifted since 2008, when Thielemann’s article was published. The one-dimensional approaches of binding rules and voluntary pledge were the most common burden-sharing incentives in EU by 2008. However, this study shows that there has been a shift towards the multi-dimensional approach of implicit trade. On the contrary, voluntary pledging, binding rules and explicit compensation are less common. Hence, a new era of burden-sharing incentives has emerged since 2008.

In this chapter, the results from the analysis are outlined. In the following chapter, a conclusion of the results and a summary of the found answers to the research questions are presented. The conclusions chapter is completed by a small section on future research which, in reference to the results, would be of potential value.
5 Conclusions

From what the findings show, it seems to be as if geographical location may explain why some issues are highlighted by certain MS. Previous research also confirms this pattern\(^{43}\). For instance, so-called ‘Non-Frontier States’, which are centrally located in EU territory and thus on considerable distance from its external borders, are the prime promoters of the issue ‘reception qualification’. Drawing on previous research, this could be explained by the fear of asylum shopping and structural pulls, which are of greater concern to these centrally located MS. By being very active in the discursive input on this particular issue, the Non-Frontier States are given the upper hand in the discourse when it comes to influencing what criteria an asylum seeker must meet in order to classify as a refugee. Hence, it is possible to address the problems with asylum shopping.

Regarding resettlement, this issue is not the primary issue for all of the so-called ‘New Resettlement Countries’, even though such an endeavour could be anticipated. Instead, it is only the New Resettlement Countries located in northern EU, such as Finland, Germany, the Netherlands and Sweden, which are found to have a significant emphasis on this issue. Even though the material used herein cannot address why a division between these countries has occurred, previous research suggests that it might have to do with how advanced the institutionalism within each country is. Looking at the institutionalism within the (New) Resettlement Countries, it is certain that of these four above mentioned countries are more stable in this regard than Spain and the Czech Republic. This in turn could imply that the northern (New) Resettlement Countries has the upper hand in the discussions on resettlement, since they have been involved with providing refuge for asylum seekers for a historically longer period of time. Regarding border control/management, this issue has been found to be emphasised to a larger extent by the MS located on the southern external borders of EU. In these contexts, these MS often mention their geographically vulnerable position, being located near the regions of combat in North Africa.

From what the findings show, it appears to be as if the discursive conflict on CEAS is further expressed through differences of opinion. These differences of opinion are expressed through antagonisms. The antagonisms, in turn, are in particularly articulated on the matters of mutual trust, fair burden sharing and cooperation.

\(^{43}\) See Langford, 2013.
Regarding achieving mutual trust, some MS, mostly located in the north of EU, reiterate the importance of thorough harmonisation of the already existing CEAS. However, opposing MS, mostly located in the south, urge that mutual trust would be experienced through an implementation of minimum standards for criminal standards in order to combat abuse of the system.

Concerning fair distribution, some external-border MS, mostly located in the Mediterranean, argue in favour of a permanent relocation mechanism to be put into effect in order to solve the problem with disproportionate burdens of international protection seekers. Nonetheless, the centrally located MS oppose this suggestion by referring to the ‘first entry principle’ and the legitimacy of fair distribution to be acquired by having all MS adhering to the exact same regulation.

The third point of antagonism is cooperation. Once more, the issue of relocation becomes relevant. In this respect, southern and eastern EU MS highlight the importance of solid relocation mechanism to be put into effect in order to foster substantial cooperation between the EU MS. However, opposing MS, referred to in the material as (New) Resettlement Countries, are more focused on creating cooperation between MS in terms of border control/management. All in all, cooperation is mostly used to describe cooperation with third countries outside the EU in order to return or reintegrate the asylum seekers who do not qualify as refugees. These findings somewhat relates to those established by Alink et al. (2001). However, Alink’s et al. study showed how difficulties in the implementation of a common asylum system were due to dissimilar experience with migratory issues and differing national agendas. Similarly, this study examines what could be viewed as a pre-state to Alink’s et al. research. The differing experiences of migratory issues, along with the antagonisms emerging at the EU-level discussions could, as a matter of fact, be the reason to why the EU MS as individual states in the implementation phase would demonstrate different measures for processing asylum matters. The promotion of incompatible measures, as argued for by Alink et al., may possibly be viewed as a direct consequence of promoting incompatible meanings to the seemingly most prominent common concepts within the CEAS discourse. Hence, an institutional crisis is indeed set out to take place.

Regarding the last research question, whether specific definitions of solidarity can be associated with certain MS, the answer to this can be viewed in Table 4. External dimension of solidarity, followed by implicit trade, are the most used definitions of solidarity among the
EU MS. Binding rules, however, is only promoted by Austria, Greece, the Netherlands and Slovenia.

Regarding the explicit-compensation mechanism, it is also thinkable that the subject of such a mechanism is taboo in official contexts. Since a membership in a union implies certain commitments to be carried out on an unconditional basis, these fundamentals contradict the explicit compensation logic.

It is unclear why external dimension of solidarity and implicit trade receive most attention. Nonetheless, one possible explanation could be that there are MS in the EU that hold more influential positions in the discourse. As Raspotnik et al. (2012) asserts, the richer central European countries emphasise the fear of reinforced structural pulls if a permanent relocation mechanism is agreed upon. These countries do not want to further distribute asylum seekers within EU territory. Thus, this could explain why these countries are strong promoters of the external dimension of solidarity. Since different definitions as a matter of fact are promoted in the EU, this further explains why certain instability in the discourse on CEAS applies.

Another outcome of the results, which this thesis is unable to explain, is the total absence of the voluntary-pledge mechanism in the overall compilation of the findings. The absence in this regard can possibly be explained by the limitation of materials made herein and what the refugee situation looked like during the specific time frame. It is also conceivable that a measurement error could be the underlying factor, which unfortunately always is a potential risk when applying a qualitative method. Hence, further investigation on the matter is called for in order to bring clarity to this uncertainty.

Even though speculations on the reason to why an extensive focus is set on the external dimension of solidarity and on implicit trade have been performed in this thesis, the material used herein cannot provide a consolidated answer. Therefore, future research is called for in order to bring clarity to the matter. By doing so, further knowledge on the setbacks on CEAS will accumulate. In turn, this may favour both decision makers as well as the common society in their endeavour for an implementation of an, at least, sufficiently functional Common European Asylum System.

The findings of this thesis claim that one of the reasons for the difficulties in establishing the CEAS is due to an on-going conflict caused by unstable social relations, i.e. antagonisms within the discussion on CEAS. From a discursive point of view, the unstable social relations is due to unbalanced power over the discourse and
over the power to decide what issues that should be discussed and what meanings they should be ascribed. Hence, the discursive approach taken in this paper serves as a contributor to the current research on the setbacks of the implementation of CEAS.

In 1.6.2, further reasons for conflict within the discourse were presented. For example, as previous research state, a MS geographical position can explain the state’s behaviour. This assumption is further reinforced by the results herein. Taken from a new different perspective, these results also support the relevance of Alink’s et al. (2001) findings, suggesting that differences in timing, scope of national crisis, and the degree of complexity of an institutional crisis are crucial in the context. Even though the difficulties in achieving CEAS within this thesis is explained from a discursive perspective, Alink’s et al. findings may prove useful to explain the pre-state of the discursive conflicts. Since the experiences of asylum crises vary depending on a MS geographical location, disagreement on how the matter should be tackled is practically inevitable.

It should be noted that other factors may also help to explain the difficulties in establishing the CEAS. An article by Mascini, presented in 1.6.3, suggests that differences in language and action make it difficult to implement common asylum systems in general. Keeping this in mind, it might be possible that the difficulties of establishing CEAS is merely due to different traditions of how national administrative institutions deal with refugees. In turn, this might be attributed to the historical differences of each MS.

Another possible explanatory factor is that the CEAS cannot be implemented properly due to the comprehensive consequences of that has followed the financial crisis. For example, the financial crisis may have led to insufficient funding, which in turn has a negative impact on the implementation of the system within each MS. Although this could be a contributing factor, it does not account for the findings of this study i.e. that MS use different definitions depending on their geographical position.

In the aftermath of this study, the reality of a discursive conflict as being a strong component to the setbacks in CEAS has proven to be rather apparent. Given the in general low emphasis on implementation of asylum systems where discourse has been subscribed a deciding factor, the findings herein support such a statement even more than what either of the authors dared to anticipate. By being able to show how widespread and rigid the antitheses’ within CEAS are, an obvious obstacle for further achievements towards a true implementation of a common asylum system has unfolded. The findings of this thesis also
reinforce the notion of what crucial power a discourse and discursive conflicts may have in an implementation process. Due to its constructivist features, discourse analysis often faces criticism for being blurry and incapable of explaining occurrences by scientific manners. However, the findings herein show quite the reverse. As a matter of fact, this study suggests that the power possessed by discourse may in fact, if ill-functioning, come to have a vast impact on a refugee’s life or death.
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