

A House Divided: Evolution of EU Asylum Policy after the Bosnian War

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## DEDICATION

This is dedicated to Mom, Dad, and Chris, for always believing this goal was within my reach.

## ACKNOWLEDGEMENTS

I would like to thank my committee for five years of mentoring and friendship, my supervisors and colleagues for their patience and understanding as I balanced work and school, and my friends and family for their love and support.

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## ABSTRACT

### A HOUSE DIVIDED: EVOLUTION OF EU ASYLUM POLICY AFTER THE BOSNIAN WAR

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This dissertation examines the role of the Bosnian refugee crisis in generating support within EU Member States for a centralized, EU-level asylum policy after the 1992-95 Bosnian war. As the Bosnian war occurred on the heels of the Cold War and the signing of the Maastricht Treaty creating the European Union, this study assesses whether non-state and inter-state actors and EU institutions urging a centralized asylum policy supplanted traditional, internal sources of policy influence, such as public opinion and political partisanship. The methodology includes a review of scholarly literature, interviews with EU and nongovernmental organization (NGO) officials, press reports from all EU Member States, EU polling data, and reports from NGOs and EU institutions. The study concludes that NGOs and EU institutions lobbying for an EU-level policy as a result of the Bosnian refugee crisis carried substantial influence on EU Member State positions on such a policy, while political partisanship and public opinion did not bear out significant results.

## CHAPTER 1

### Introduction

The role of a humanitarian crisis in the shaping of European policy is a concept of increasing importance amid what post-Cold War scholarly literature terms the decline of the state and rise of global governance and global civil society, and this study examines the impact of the Bosnian refugee crisis in the 1990s on the shaping of European asylum policy.<sup>1</sup> The wars in the former Yugoslavia in the 1990s, and the refugee exodus that followed, are among the most striking examples in recent history of the effects of a humanitarian crisis on European policy scope. The brutal splintering of Yugoslavia forced the European Union (EU)—in whose backyard the wars erupted—to revisit longstanding norms of humanitarian intervention, relationships with national and international nongovernmental organizations (NGOs) and intergovernmental organizations, and the prevention of similar crises in the future. The bloody breakup of Yugoslavia also presented the European Union with the enormous challenge of accommodating the hundreds of thousands of refugees—particularly from Bosnia and Herzegovina (hereafter Bosnia)—who poured into the European Union in the immediate aftermath of the wars and, years later, remain unable to return home. These challenges

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<sup>1</sup> This study defines *refugee* as a person who flees to a foreign country to escape danger or persecution “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country,” per the Geneva Convention. An *asylum-seeker* is a person seeking recognition as a refugee.



came amid significant, post-Cold War changes in policy development, with the increasing prominence of NGOs and intergovernmental organizations, the empowerment of EU institutions, and changing norms within Europe. This study examines the role of the Bosnian refugee crisis—manifest in post-Cold War policy actors—in engendering support within EU Member States for a centralized, EU-level asylum policy after the Bosnian war.<sup>2</sup>

### Background

The Bosnian refugee crisis, which erupted during the 1992-95 war and continued in its aftermath, began just as the ink was drying on the Treaty on European Union—or Maastricht Treaty—which created the European Union from the European Community.<sup>3</sup> The signing of the treaty was the capstone of a somewhat euphoric period in the Community. Sentiments in favor of a more unified Europe were relatively strong; the Berlin Wall had just fallen and Germany was emerging as a unified European partner; and a peaceful Europe was negotiating the terms of its increasing unity. The Maastricht Treaty solidified Western Europe's progress toward European Monetary Union and laid the groundwork for European Political Union, underscoring emerging debates on the merits of common social policy, greater powers for Community institutions, a common foreign and security policy, and a harmonized approach to policies concerning Justice

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<sup>2</sup> At the beginning of the Bosnian war, the European Community included 12 Member States: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom. Austria, Finland, and Sweden joined in 1995.

<sup>3</sup> This study refers to the European Union as the European Community for data prior to Maastricht's *entry into force* (and the official name change) on 1 November 1993, and as the European Union thereafter. This is not to be confused with the timeframe for most of the data, which begins with Maastricht's *signing* (and the conclusion of relevant negotiations) on 7 February 1992.

and Home Affairs—including asylum and immigration. The wars in the former Yugoslavia brought these issues to the forefront of many European minds as an embarrassed Community attempted to contain a massive conflict in a corner of the European continent.<sup>4</sup>

*Development of Asylum Policy in the European Community before the Bosnian War*

Before the Bosnian war, the debates surrounding a common Community policy on asylum and immigration were largely grounded in discourse over broader political concerns, and asylum and immigration policy harmonization generally developed in tandem with political and economic integration.<sup>5</sup> The gulf between the notions of guarding long-held concepts of Westphalian sovereignty and ceding authority to the Community for the sake of efficiency and external Community border safety made immigration policy one of the most controversial issues in European politics at that time.<sup>6</sup> Debates over asylum policy were driven in large part by different interpretations of statistics on the number of refugees in the Community, with Member States each perceiving that they took in a disproportionately large number of refugees in comparison with their neighbors.<sup>7</sup> As a Member State implemented a restriction on asylum, therefore, others followed with similarly strict regulations.

Beginning in the mid-1980s, Member States began to cooperate on asylum issues as controls at internal borders were abolished, but most of that cooperation took the form

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<sup>4</sup> Moravcsik, A., 1998; Dinan, D., 1999.

<sup>5</sup> Collinson, S., 1994.

<sup>6</sup> Luedtke, A., 2007.

<sup>7</sup> These perceptions were not entirely groundless; EU data from May 1994 showed that all Member States except Greece, Ireland, Italy, Luxembourg, and Portugal witnessed a sharp increase in asylum requests since the 1980s, particularly Germany. (Bulletin of the European Communities, May 1994, 1.5.2.)

of restrictions. In the absence of a “burden-sharing” system at the EU level, Member States turned to agreements that determined which state would be responsible for handling an asylum claim.<sup>8</sup> The so-called core members of the Community—Germany, France, and the Benelux—formed the Schengen Group in 1985 to help control immigration in Europe after internal borders came down, and the Schengen partners agreed on the long-term objective of harmonizing visa policies.<sup>9</sup> The 1985 Schengen Implementing Agreement included detailed measures on asylum and the status of refugees.<sup>10</sup>

The next major Community agreement on asylum was the Dublin Convention, signed in 1990 and fully implemented in 1997, following struggles within Member States over the merits of ceding authority on asylum to the EU level, as well as a territorial dispute between Britain and Spain over the status of Gibraltar. The Dublin Convention determines the “country of first asylum,” the country responsible for processing an asylum claim and for taking back asylum seekers who subsequently file claims in other Member States.<sup>11</sup> Dublin was eventually integrated into Title VI—which outlined Justice and Home Affairs provisions—of the Maastricht Treaty.<sup>12</sup> Maastricht’s “third pillar”—the Justice and Home Affairs pillar—also institutionalized cooperation on establishing a policy network across national law enforcement agencies in response to an increase in

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<sup>8</sup> Bocker, A., & Havinga, T., 1998.

<sup>9</sup> Sigona, N., 2005.

<sup>10</sup> Den Boer, M., 1996.

<sup>11</sup> Bocker, A., & Havinga, T., 1998; Dinan, D., 1999. According to the Dublin Convention, a state assumes “first asylum” status based on the following criteria: 1) if the asylum applicant has a family member who has been recognized as a refugee in that state and is a legal resident there, 2) if the applicant has a valid residence permit in that state, 3) if the applicant has a current or expired visa in that state, 4) if the applicant crossed the border of that state before entering another state that is a signatory to the Dublin Convention.

<sup>12</sup> Den Boer, M., 1996.

cross-border terrorism, crime, drug trafficking, and refugees.<sup>13</sup> This “third pillar,” while a step toward a consolidated Community approach to asylum, provided only for intergovernmental cooperation, rather than supranational decision-making. Differences in Member States’ law enforcement and legal traditions and cultures, questions of sovereignty, and waxing and waning popular and parliamentary opinion about the Community made progress on communitarizing this “third pillar” especially difficult.<sup>14</sup>

Adding to these obstacles to policy harmonization, the asylum debates took place at the end of the Cold War, when the Europeans no longer envisioned a clear enemy to combat—and, correspondingly, saw few clear victims to be protected. Concerns about safety also fueled asylum policy debates; in many countries, increases in migration corresponded with increases in crime, and although the two may not have been directly correlated, the public believed that they were. These refugee groups, as well as migrants in general, not only challenged traditional notions of sovereignty but—in the minds of the public—also threatened the security, way of life and ethnic identity of their countries.<sup>15</sup>

Some states—particularly Germany and France—received a disproportionately large number of refugees in the early 1990s, particularly from areas with colonial or historical ties to those countries or refugees hoping to flee to the richest of the

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<sup>13</sup> The Maastricht Treaty divided EU policies into three main areas, called pillars. The first, or “Community,” pillar concerned economic, social, and environmental policies. The second, or “Common Foreign and Security Policy,” pillar addressed foreign policy and military matters. The third, or “Justice and Home Affairs,” pillar, primarily concerned cooperation against crime. Supranationalism was strongest in the first pillar, while decisions within the second and third pillars were almost entirely intergovernmental.

<sup>14</sup> Den Boer, M., 1996.

<sup>15</sup> Haerpfer, C., Milosinski, C., & Wallace, C., 1999.

Community countries.<sup>16</sup> These concerns fostered interest within these Member States and Community institutions in formulating a common strategy to accommodate refugees before Maastricht, although enough Member States balked at putting this concept into writing that the Maastricht Treaty did not accomplish much more than creating a framework that would allow for a centralized policy if the Member States could agree on it.<sup>17</sup>

Although the Maastricht Treaty did not create a formal, practical asylum policy binding on all Member States, it did give the Community unprecedented institutional provisions for asylum and immigration by establishing a formal intergovernmental cooperative body in the fields of Justice and Home Affairs. Maastricht did not make this decision-making process entirely transparent, though, and it made it logistically difficult by placing asylum and immigration issues under the third pillar, while policies for conducting external relations were housed in the first (Community) and second (Common Foreign and Security Policy) pillars.<sup>18</sup> However, the treaty marked a significant step toward Community-level responsibility for refugees within its borders.<sup>19</sup> It also clearly labeled asylum and immigration “matters of common interest” to the Community.<sup>20</sup>

#### *Community Responses to the Bosnian Refugee Crisis*

When the Bosnian war began, it forced immediate decisions from Community Member States as refugees streamed across their borders, sometimes by the thousands.

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<sup>16</sup> Bocker, A., & Havinga, T., 1998.

<sup>17</sup> Van Selm, J., 2000; Moravcsik, A., 1998; Bocker, A., & Havinga, T., 1998.

<sup>18</sup> The Maastricht Treaty divided EU policies into three main areas, called pillars, each of which strikes a different balance between supranational and intergovernmental principles.

<sup>19</sup> Castagnos-Sen, 1999; Stepputat, F., 2004.

<sup>20</sup> Lavenex, S., 1998.

Previous debates on creating a centralized asylum policy resurfaced as many Member States struggled to accommodate the high number of asylum applications. Some—such as Germany, which already housed a large Bosnian population, and the Netherlands, which historically had led the Community in pragmatic and liberal asylum policies—quickly became overwhelmed with asylum requests from Bosnians, and these states therefore pushed for a “burden-sharing” arrangement within the Community.<sup>21</sup> Other Member States—especially France and Portugal, which did not receive many asylum requests from the Balkans—at first opposed “burden-sharing” of the Bosnians, particularly because of the already taxing number of economic immigrants they regularly received from North Africa. The Community as an institution, moreover, found the “burden-sharing” approach logistically difficult, particularly in the case of spontaneous immigration, which would have required the forced movement of entire families from one unfamiliar country of temporary refuge to another, a morally and politically difficult concept to justify.<sup>22</sup>

Member States therefore developed varied approaches toward the Bosnian refugees, as they could not agree on a common policy. The EU Council of Ministers (or Council) tried to develop several proposals during and shortly after the Bosnian refugee crisis outlining a common approach to temporary protection and “burden-sharing,” without binding results.<sup>23</sup> These signs of movement toward a Community-level policy, however, caught the attention of international human rights and refugee organizations and

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<sup>21</sup> Boswell, C., 2002.

<sup>22</sup> Van Selm, J., 2000.

<sup>23</sup> Van Selm, J., 2000.

sparked concerns about the development of a “Fortress Europe,” with states cooperating to implement increasingly restrictive refugee policies.<sup>24</sup> There was some truth to their objections, as Member State governments repeatedly expressed concern that many refugees would use the asylum system as a back-door channel for immigration, gaining—even if their claims were rejected—months or even years of living and working legally in the host country, followed by an indeterminate stay as illegal immigrants.<sup>25</sup>

The end of the Bosnian war quickly dashed any hopes the European Union may have had about sending the Bosnian refugees home expeditiously. The lack of established economic and political institutions in Bosnia and the other former Yugoslav republics left these new states incapable of implementing sustainable refugee returns and ultimately presented the European Union—as well as NATO and the United States—with an unprecedented challenge in completely rebuilding these countries after all of the fighting had ceased.<sup>26</sup> Moreover, ethnic tension—which many scholars argue helped instigate and propel the Bosnian war—remained high in the aftermath of the conflict, preventing many refugees from returning home due to real and perceived intimidation. The destruction of countless homes during the war and the continued presence of landmines in many areas also prevented rapid repatriation.<sup>27</sup> The lack of a clear delineation between the civilian and military forces on the ground in Bosnia left no clear authority for ensuring safe refugee returns, as neither NATO’s Stabilization Force (SFOR) nor the UN-led International Police Task Force (IPTF) had the mandate to

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<sup>24</sup> Boswell, C., 2002; Geddes, A., 2000.

<sup>25</sup> Rogers, R., 1992; Guest, I., 1991.

<sup>26</sup> Woodward, S., 1995.

<sup>27</sup> Silber, L., & Little, A., 1996; Sudetic, C., 1998.

provide for refugees.<sup>28</sup> Repatriation therefore was almost non-existent during the initial years after the Bosnian war.<sup>29</sup>

As it became clear that the Bosnian refugees would present a long-term challenge for EU countries—and illegal immigration continued unabated in those countries that tried to stymie the flow of asylum-seekers—some Member States that previously opposed a centralized asylum policy began to soften their stance, and the European Union began to make incremental progress toward crafting a viable, EU-level policy to ease the burden on its Member States. Debates at the 1996 Intergovernmental Conference (mandated under Maastricht), which paved the way for the 1997 Amsterdam Treaty, highlighted the rise in interest in a common asylum policy over the course of the Bosnian war.<sup>30</sup>

The Amsterdam Treaty, which Member States signed in 1997 following two years of preparation and negotiation, marked the first time the European Union incorporated immigration and asylum into an actionable issue for all its Member States. EU countries were now expected to adopt binding rules on immigration and asylum and incorporate them into their national law.<sup>31</sup> Although the treaty lacked specific implementation provisions, it did repair some of the logistical concerns of Maastricht—and emphasized the increased priority the European Union as an institution placed on asylum policy—by

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<sup>28</sup> Calic, M., Gnesotto, N., Sharp, J., & Woodward, S., 1999.

<sup>29</sup> Calic, M., Gnesotto, N., Sharp, J., & Woodward, S., 1999.

<sup>30</sup> European Union, 1996; Boswell, C., 2002. The Council of Ministers convenes Intergovernmental Conferences as a forum for negotiations between Member State governments with a view to amending EU treaties.

<sup>31</sup> Castagnos-Sen, 1999; Bijleveld, A., 1999; Stepputat, F., 2004.



incorporating some of the asylum issues into the first pillar.<sup>32</sup> Article 63 of the Treaty states that the Council shall adopt measures “promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons.”<sup>33</sup>

These changes occurred at Amsterdam only because more Member States supported them. Political scientist Andrew Geddes followed each Member State’s support or opposition to an EU-level asylum policy at Maastricht and Amsterdam and ranked each state “0” for no support, “1” for tempered support, or “2” for full support. He ranked France, Luxembourg, and Portugal at “1” at Maastricht and “2” at Amsterdam; no state jumped from “0” to “2” or from “0” to “1.” These three states therefore form the basis for my assessment of individual state positions. Greece and Ireland dropped from “2” to “1,” and all other states’ support levels remained the same. Belgium, Germany, Italy, the Netherlands, and Spain held a “2” ranking throughout, and Denmark and the United Kingdom held a “0” ranking throughout.<sup>34</sup> Austria, Sweden, and Finland joined the European Union in 1995 and therefore participated in debates only at Amsterdam, not Maastricht, but I include them in this study because of the reception in Austria and Sweden of a large number of Bosnian refugees and all three states’ contribution to the support for an EU-level policy. All three states supported an EU-level policy at Amsterdam.

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<sup>32</sup> Boettcher, D., 2000.

<sup>33</sup> Thielemann, E., & Dewan., T., 2006.

<sup>34</sup> Geddes, A., 2000.

This study measures the impact of the Bosnian war on the shift in Member States' support for a centralized asylum policy between Maastricht and Amsterdam. Each set of deliberations included elements of a nascent common approach to asylum, but Amsterdam allowed the European Union more authority over asylum policy and more heavily emphasized the importance of a common policy. I suggest that the Bosnian war, through a variety of factors, helped shape the asylum elements of the Amsterdam Treaty by swaying more EU Member States toward favoring a common policy.

### Literature Review

Scholarly literature provides many theories on the formation of European state policy positions, including during times of crisis. However, although the development of EU policies on immigration is extensively covered in post-Cold War literature and refugee studies are becoming increasingly popular in public policy academia, very little research exists on the formation, successes, and failures of an EU policy on refugees.<sup>35</sup> Scholarly literature on immigration—rather than refugees—has some explanatory value, but the nature of addressing a refugee crisis tends to raise more human rights concerns than immigration policies and therefore touches a slightly different nerve for EU public opinion, NGOs, and intergovernmental organizations. Similarly, almost no literature exists on the impact of the Bosnian war on the shaping of EU asylum policy. This study contributes to literature on asylum and the formation of post-Cold War state policy in Europe by assessing the impact of state, non-state, and inter-state actors during the

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<sup>35</sup> Black, R., 2001.

Bosnian refugee crisis on the decision of EU Member States to support or oppose an EU-level asylum policy.

Certainly, immigration and refugee issues are inextricably linked, and an assessment of asylum policy cannot ignore the impact of immigrants and their mobilizing effect on public opinion, political actors, NGOs, and intergovernmental organizations. Until the refugee concept was codified in the nineteenth century, immigration and asylum policy were one and the same.<sup>36</sup> Scholars suggest that over the past half-century, immigration *en masse*—facilitated by advances in transportation—has led to a drop in support for migrants of any kind, including refugees, within Europe. Moreover, many migrants follow asylum procedures, even if the Convention would not categorize them as refugees, and therefore refugees are difficult to distinguish from immigrants.<sup>37</sup> For these reasons, asylum discussions within the European Union have been often intertwined—but not interchangeable—with deliberations on immigration policy.

To assess the development of and motivations behind policy-shaping during the Bosnian refugee crisis, it is necessary to examine theories behind state decision-making in the post-Cold War era. I draw the independent variables for my study from this literature, comparing the impact of public opinion, political partisanship, NGOs and

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<sup>36</sup> Marrus, M., 2002. The word *refugee* dates back to 1685, when it referred exclusively to French Protestants (Huguenots) who fled their country upon the revocation of the Edict of Nantes. The 1796 *Encyclopedia Britannica* broadened the definition for the first time to include “all such as leave their country in times of distress, and hence, since the revolt of the British colonies in America, we have frequently heard of American refugees.” The definition gained prominence amid the 19<sup>th</sup> century development of the nation-state and fixed borders by colonial powers, which cut across tribal areas and resulted in mass movements of refugees across national borders.

<sup>37</sup> DeBoer, G., 1992.

intergovernmental organizations, and EU institutions on EU Member State support for a centralized asylum policy.

*Introduction: The Post-Cold War State*

The role of refugee crises in EU policy gives rise to the broader question of the factors that affect policy-shaping in general. Numerous theories, almost exclusively focusing on state actors during and immediately after the Cold War, attempted to explain the origins of policy. *Realist* theories suggested that states were the only forces that mattered and that they created and shaped international institutions as they found it in their best interests to do so.<sup>38</sup> Today's *neo-realists* acknowledge that international institutions play a role in the shaping of policy, but they see these institutions as “networks of interdependence” controlled by states, which are—as realists believe—unanalyzed actors pursuing their own self-interests.<sup>39</sup> *Macrorealist* arguments just at the cusp of the fall of the Cold War—such as world-system theory and state-competition theory—suggested that states made decisions based on their clearly-defined economic and political role in the world system, which was dictated by money and force, power and interests. Yet a fourth perspective posited that state institutions were culturally constructed and acted based on internal cultural interests that did not reflect world processes.<sup>40</sup>

One obvious flaw in the realist theories, as political scientist James Keeley points out, is their inherent assumption that international institutions comprise independent

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<sup>38</sup> Boli, J., & Thomas, G., 1997; Meyer, J., & Thomas, G., 1997.

<sup>39</sup> Boli, J., & Thomas, G., 1997.

<sup>40</sup> Meyer, J., & Thomas, G., 1997; Boli, J., & Thomas, G., 1997.

actors engaged in rational, self-interested action, which leads some realists to interpret these institutions as voluntary, benevolent, cooperative, and legitimate. While arguments can be made that the European Union and many European NGOs and intergovernmental organizations fit into this category, collective action problems such as free riding, economic inefficiencies, and domestic political uncertainties undermine the assumption of the “rational actor” principle.<sup>41</sup> The increasingly popular world-polity view contends that culture is increasingly global and that a transnational “legal world order” exists outside the purview of state actors.<sup>42</sup> Sociologists John Meyer and George Thomas suggest that states are culturally constructed and embedded—in contrast with the “rational actor” principle of the realist theories—and that the culture is organized at the global level, rather than within the state, such that state actions are shaped from the concept of global cultural norms.<sup>43</sup>

Another flaw in the realist theories is their assumption that states are monolithic, all-powerful entities, when in fact they increasingly interact with non-state and inter-state actors in crafting policy.<sup>44</sup> The *constructivist* approach—which counters the original realist theory—posits that states, individuals, and local institutions evolve within the context of overarching institutions, which do not simply reflect the preferences and interests of their constituent units, but actually shape those preferences. In contrast with the realists, constructivists consider non-state actors key drivers of policy.<sup>45</sup> The concept

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<sup>41</sup> Keeley, J., 1990.

<sup>42</sup> Boli, J., & Thomas, G., 1997.

<sup>43</sup> Meyer, J., & Thomas, G., 1997.

<sup>44</sup> Reich, S., 2000.

<sup>45</sup> Keohane, R., 1988; Finnemore, M., 1993; Hopf, T., 1998.

of the prominent non-state actor has spread outside of the constructivist persuasion as well. Michael Cohen and Maria Figueroa Kupcu, senior researchers at the New America Foundation, assert that the end of the Cold War sparked the “era of the non-state actor,” curtailing the Westphalian era of the nation-state.<sup>46</sup>

Jessica Matthews, president of the Carnegie Endowment for International Peace, suggests that, primarily because of heightened interconnectedness in an era of rapidly developing information technology, state governments are “not simply losing autonomy ... they are sharing powers—including political, social, and security roles at the core of sovereignty—with businesses, intergovernmental organizations, and a multitude of citizen groups known as NGOs.” According to Matthews, the very concept of community is beginning to change, and individuals are increasingly connected across state borders through sophisticated communication methods. Correspondingly, the global public is finding it in its best interest to look to NGOs and intergovernmental organizations—which increasingly build constituencies of their own, rather than acting at the sole behest of states—to resolve pertinent concerns.<sup>47</sup> Political scientist Susan Strange posits that economic markets since the end of the Cold War have increasingly integrated on a global scale, rendering these markets more powerful than the states to which political authority over society and economy is supposed to belong. The state continues to exist, according to Strange, because people need a political authority of

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<sup>46</sup> Cohen, M., & Figueroa Kupcu, M., 2005.

<sup>47</sup> Matthews, J., 1997.

some type, legitimated by coercive force, popular consent, or both. As states become deficient in these fundamental principles, non-state and inter-state actors fill in the gaps.<sup>48</sup>

Notwithstanding the influence of NGOs, the state still holds considerable power, particularly within intergovernmental institutions. Some contemporary EU scholars argue that much EU policy is shaped from the bottom up, with domestic interests setting the agenda for state policy, and states' interests driving EU policy. Indeed, the inefficiency of many EU policies due to failed attempts to reconcile 27 members' agendas may indicate support for the realist theories. However—especially in a post-Cold War world—none of the theories outlined thus far hold true for every institution or even every issue put before the European Union for deliberation.

The scholars below suggest that, in a global society with a greater role for non-state and inter-state actors, the traditional, dichotomous theories limit analysis. Therefore, I assess in this study the impact of both internal and external factors on asylum policy: public opinion, political partisanship, NGOs and intergovernmental organizations, and EU institutions. I also examine the effect of global and European norms, looking at their role in both Member State policy positions and the underlying factors affecting them.

Despite the arguments for the growth of the non-state and inter-state actor, I use the EU Member State governments as the dependent variable for this study. I use this variable primarily because in the European Union at the time of the Bosnian war, Member States' approval was necessary for any progress toward harmonization on

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<sup>48</sup> Strange, S., 1996.

asylum policy.<sup>49</sup> However, the dependent variable is arguably the least interesting element of this study, as the results actually reflect the impact of each independent variable and whether the non-state and inter-state actors had more of an effect on Member State opinions than did traditional, intra-state influences. This study therefore acknowledges that the state remained the primary political actor within the European Union but suggests that—in concert with the literature—there may have been a growing role for non-state and inter-state elements in state-level policy formation vis-à-vis the European Union.

### *Public Opinion*

Scholars have long acknowledged the role of public opinion in shaping state decisions.<sup>50</sup> Political scientists Terri Givens and Adam Luedtke assert that states' stances toward transnational issues form from the ground up, arising from domestic politics and existing internal policies. They argue that political salience can trump "client politics"—the notion that groups that face more concentrated benefits of a policy will organize to push the state in favor of their interests more effectively than those with diffuse benefits—by mobilizing large portions of an electorate in favor of or opposition to a certain policy.<sup>51</sup> Political scientist Marc Rosenblum takes a similar approach to assess the impact of U.S. public opinion on immigration policy, concluding that the president and foreign policy considerations are less likely to have an impact on immigration policy when the issue is highly salient, as electoral considerations—particularly the threat of

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<sup>49</sup> Den Boer, M., 1996.

<sup>50</sup> Steiner, N., 2000.

<sup>51</sup> Freeman, 2002, in Givens, T., & Luedtke, A., 2004; Givens, T., & Luedtke, A., 2004.



Far-Right parties, who use immigration as a mobilizing factor—ensue when issue salience is high. Policymakers face prohibitively high political costs if they ignore the wishes of their populace.<sup>52</sup>

Public opinion, in turn, is subject to changing conditions within the country. Political scientists Frank Baumgartner and Bryan Jones note that most change in public opinion occurs “during periods of heightened general attention to the policy ... in the process of agenda-setting, the degree of public indifference to given problems changes dramatically,” even during times of economic prosperity.<sup>53</sup> “Focusing events”—particularly wars, political crises, periods of sustained international turmoil, and legitimacy crises at the domestic level—can shape policy as they mobilize interest groups and the public seeks to contain or expand these issues within the policy agenda.<sup>54</sup> These “focusing events” can encourage elites at the domestic level—often encouraged by interest groups—to seek alternatives to existing norms discredited by the event and try to find opportunities for political gains and coalitional realignment.<sup>55</sup>

Numerous scholars have demonstrated that issue salience—particularly during “focusing events” such as massive inflows of migrants—can mobilize electorates for or against immigration and asylum issues and generate pressure on both leading political parties and government leaders themselves.<sup>56</sup> Public perceptions within EU states of the high cost of assisting refugees have at times sparked public backlashes against migrants

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<sup>52</sup> Rosenblum, M., in Givens, T., & Luedtke, A., 2004.

<sup>53</sup> Baumgartner & Jones, 1993, in Givens, T., & Luedtke, A., 2004.

<sup>54</sup> Birkland, T., 1998; Modelski, G., 1990.

<sup>55</sup> Ikenberry, G., & Kupchan, C., 1990.

<sup>56</sup> Boswell, C., 2000; Geddes, A., 2003; Van Selm, J., 2000.

and led to increasingly restrictive policies on the part of the states, particularly those such as Germany and France, which tend to receive a disproportionately high number of asylum applications.<sup>57</sup> Conversely, public opinion during the 1999 war in Kosovo galvanized some EU states—such as the Netherlands—to accommodate more refugees as the public reacted to media images of starving children and tattered families.<sup>58</sup>

The Bosnian war was a “focusing event” throughout Europe, as it constituted the first major conflict leading to genocide on European soil since World War II, and because it produced a larger number of refugees than the Europeans anticipated. The media helped maintain the salience of the Bosnians for the EU publics throughout the war. Moreover, for the countries that received a disproportionately large number of refugees, the accommodation and integration of those refugees kept the issue highly relevant—as reflected in public opinion surveys—even after the war had ended. I expect public opinion, therefore, to be correlated with the EU Member States’ support for an EU-level asylum policy.

### *Political Partisanship*

In democratic states, public opinion is inextricably linked with the political system, as parties constantly vie for public support for their competing interests. As the prominent parties often have considerable funds and resources for communication and fostering political support, scholars point to them as prominent actors in the shaping of domestic and, in turn, international policy.<sup>59</sup> However, scholars also note that political

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<sup>57</sup> Boswell, C., 2000; Ucarer, E., 2001.

<sup>58</sup> Van Selm, J., 2000.

<sup>59</sup> Hix, S., 1999a; Anderson, C., 1998.

agendas often take paths independent of the explicitly stated will of the public, and these internal debates can shape policy separately from public opinion, though perhaps not as heavily. Parties, many of which have existed for decades and have long-entrenched ideologies, articulate social divisions and promote certain views external to their populace and therefore are constrained by the shape of the “political space”—which dictates the amount of cognitive constraints they face—in which they operate.<sup>60</sup>

Partisan and public interests are often driven by ideological alignments. Some scholars posit that political competition takes place within a “Left/Right” struggle for greater versus lesser government involvement in market operations and outcomes.<sup>61</sup> When it comes to European integration, though, mainstream parties in EU Member States tend to be unified. Extreme Left and extreme Right parties in Europe both tend to be skeptical of centralized European policies, whereas those in the middle—including most Social Democrat, Christian Democrat, Liberal, and Conservative parties, with the exception of “Euro-skeptical” factions within those parties—tend to favor European integration. Indeed, the European Union was founded upon political actors on the Center-Right, Center, and to a lesser extent Center-Left, which have dominated European decision-making for the last 50 years.<sup>62</sup>

Scholars have found a robust relationship between national politics and EU countries’ support for centralized EU policies, including immigration. The “Euro-skepticism” of some of the Right-wing parties is strongly correlated with their opposition

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<sup>60</sup> Marks, G., & Wilson, C., 2000; Kriesi, H., 1998; Hix, S., 1999a; Lipset, S.M., & Rokkan, S., 1967, in Hix, S., 1999a.

<sup>61</sup> Hooghe, L., Marks, G., & Wilson, C., 2002; Hix, S., 1999a.

<sup>62</sup> Hooghe, L., Marks, G., & Wilson, C., 2002; Taggart, P., 1998.

to immigration. They tend to portray themselves, particularly in electoral campaigns, as the parties best capable of guarding the sanctity of the country's culture and territory against foreigners. Even less radical conservative parties tend to balk at immigration, attempting to defend national culture and sovereignty against competing interests within the state and external pressures from NGOs, intergovernmental organizations, and other states.<sup>63</sup>

Some scholars have examined the effect of political partisanship on asylum policy—although far fewer such studies exist than similar assessments of immigration policy—and its role in debates on internal and external security. Europeans became accustomed to the effects of the political system on asylum policy during the refugee influxes into Western Europe in the 1970s and 1980s. Politicians who exploited the societal resentment toward refugees by urging their governments to put a stop to unwanted streams of foreigners fared better in public opinion ratings.<sup>64</sup> Indeed, EU Member States have been more reluctant to cede authority to the European Union on matters of security than any other issue, largely because of states' concerns over retaining control of their national borders against unwanted foreigners.<sup>65</sup>

Political parties, therefore, are effective agenda-setters on immigration and asylum. Givens and Luedtke found that politics at the state level dictated the positions of these countries when negotiating within the European Union and led to political blockages within states of EU-led movements to create a supranational immigration

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<sup>63</sup> Hooghe, L., Marks, G., & Wilson, C., 2002.

<sup>64</sup> Ucarer, E., 2001.

<sup>65</sup> Hix, S., 1999a.

policy.<sup>66</sup> Andrew Geddes argues that political partisanship also plays a role in shaping public opinion on immigration policy, although most states do not consult their public directly about immigration policy through referenda or other such means of gauging public interest.<sup>67</sup> Rather, the public influences immigration decisions indirectly through elections, which are imperfect mechanisms for measuring public opinion.<sup>68</sup>

Although immigration—and, to a lesser extent, asylum—policy is covered widely in scholarly literature, the absence of comparable, cross-national data on parties' positions on this issue during “focusing events” such as the Bosnian war preclude a robust assessment based on the literature of the impact of political party positions on asylum policy at the EU level. However, some scholars provide data that can be useful in research on this topic. Political scientist Leonard Ray crafted a dataset—based on a survey of 135 indigenous professional political scientists in all EU countries—on party positions with respect to European integration at four different points during the evolution of the European Union from the European Community: 1984, 1988, 1992, and 1996. His findings correlate highly with the results of the Eurobarometer surveys and the Comparative Party Manifesto Project. He devised a seven-point scale—with “1” denoting strong opposition to European integration, and “7” strong favor toward it—and calculated the mean response for each political party. His findings present a data set applicable to the beginning and end of the Bosnian war and can be used to determine

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<sup>66</sup> Givens, T., & Luedtke, A., 2004. Alec Stone Sweet and Wayne Sandholtz (1997) define supranational governance within the European Union as the competence of the Union to make binding rules in any given policy sector.

<sup>67</sup> Geddes, A., 2003; Freeman, G., 1995.

<sup>68</sup> Freeman, G., 1995.

which parties generally favored centralized EU policies and which did not when measuring the impact of country leadership on support for an EU-level asylum policy.<sup>69</sup>

I expect that a shift in power in an EU Member State in the years between Maastricht and Amsterdam to more pro-EU parties from those that oppose centralized policies played a role in that state's support for a centralized asylum policy, and that the public response to the Bosnian refugee influx may have helped some of these parties solidify their power.

#### *NGOs and Intergovernmental Organizations*

As non-state and inter-state actors have increasingly helped mold international policy, political parties have ceased to be the primary driving force behind policy decisions. Many scholars emphasize the role of NGOs and intergovernmental organizations in directly influencing states as well as shaping public opinion, which in turn helps drive policy.<sup>70</sup> NGOs function within the regulatory framework states provide but are not necessarily subservient to the demands of governments; in fact, a host of evidence supports the notion that states increasingly depend on a wide array of non-state and inter-state actors. NGOs in particular are motivated in some cases by altruism or passion for a given issue, and in other cases by the prospect of influence in global policies and monetary profit. Scholars suggest that non-state and inter-state actors are generally less hierarchical and bureaucratic than state governments—and beholden to

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<sup>69</sup> Ray, L., 1999b.

<sup>70</sup> Stone, D., 2004; Stone Sweet, A., & Sandholtz, W., 1997.

fewer demands—and can arguably use their resources more efficiently than some state actors.<sup>71</sup>

Refugee-related NGOs transcend national boundaries to act as “implementing partners” to state governments and to intergovernmental organizations such as the United Nations High Commission for Refugees (UNHCR), the lead organization responsible for refugee protection. NGOs therefore play a pivotal role in directly providing assistance to refugees, according to many scholars. NGO officials and case workers are often closest to the affected populations and arguably the most knowledgeable about their plight, and they also have the capacity to “blow the whistle” on human rights violations. NGOs, however, are subject to the domestic laws of the countries of asylum and in principle can only intervene when those countries ask them to do so.<sup>72</sup>

Political scientist Shannon Orr’s systematic survey results concluded that the local influence of NGOs often extends to the international level, and that NGOs have therefore inserted themselves into both domestic and global policymaking. Although states often have the final say in international decision-making, organized interests provide expertise, raise the profile of certain issues, monitor governments, negotiate business contracts, and interface with similar groups elsewhere in the world.<sup>73</sup> Andrew Geddes claims that whether the public in a given country views international migration as a boost to the

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<sup>71</sup> Cohen, M., & Figueroa Kupcu, M., 2005.

<sup>72</sup> Rogers, R., 1992.

<sup>73</sup> Orr, S., 2006.

economy or a drain on already scarce resources depends largely on the position of organizations in those societies on international migration.<sup>74</sup>

More recent scholars have argued that NGOs and intergovernmental organizations play a key role in the development of a post-Cold War system of *global governance*, in which state and non-state entities attempt to address transnational issues in a manner that transcends the capabilities of states alone.<sup>75</sup> Scholars generally agree that this global system challenges—though does not eliminate—traditional state sovereignty by creating cross-border, non-state networks.<sup>76</sup> Among the fundamental tenets of global governance, according to some scholars, is *cosmopolitanism*, which Thomas Pogge defines as “a concrete political ideal of a global order under which all persons have equivalent legal rights and duties, that is, are fellow citizens of a universal republic.”<sup>77</sup> Political scientist David Held claims that cosmopolitanism has emerged, primarily in the United States and Europe, as a result of changes in global politics from the Westphalian system of state sovereignty to one in which power is shared, contested, and negotiated between state governments and intergovernmental organizations.<sup>78</sup> Other cosmopolitanism scholars have suggested that one product of the expansion of global governance and civil society is the proliferation of NGOs and the strengthening of intergovernmental organizations,

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<sup>74</sup> Geddes, A., 2003.

<sup>75</sup> Gordenker, L., & Weiss, T., 1995b; Thomas, C., 2001.

<sup>76</sup> Murphy, C., 2000.

<sup>77</sup> Pogge, T., 1992; Archibugi, D., 2004; Held, D., 2003; Beitz, C., 1994.

<sup>78</sup> Held, D., 2003; Held, D., 2004.



which have helped not only to spread the notion of global governance, but to shape it as well.<sup>79</sup>

As post-Cold War literature clearly indicates the rise of non-state and inter-state actors in shaping policy, a thorough assessment of the evolution of asylum policy must include NGOs and intergovernmental organizations. I expect a positive correlation between increased lobbying efforts of NGOs and intergovernmental organizations addressing refugee interests during the Bosnian war and Member State support for a centralized asylum policy at Amsterdam. These increased efforts could take the form simply of a larger number of organizations in an EU Member State that cover refugees, or of a more concentrated lobby during and after the Bosnian war by organizations already in existence.

#### *EU Institutions*

The other key actors that arise in literature on policy influence in EU Member States are the EU institutions themselves, particularly the Commission, Council of Ministers, and Parliament. Each EU treaty has vested more power in these institutions. As the Member States strengthen the European Union, the EU-level institutions gain influence and credibility, providing an avenue for global, or in this case regional, governance.<sup>80</sup> The Bosnian war occurred just as the EU Member States signed the Maastricht Treaty, which coincided with a spike in interest in European matters and participation in EU institutions.<sup>81</sup> These institutions developed their own identities as

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<sup>79</sup> Gordonker, L., & Weiss, T., 1995b; Teegen, H., Doh, J., & Vachani, S., 2004.

<sup>80</sup> Weiler, J., 2002.

<sup>81</sup> Hayes-Renshaw, F., & Wallace, H., 2006.

each treaty delineated and cemented their respective responsibilities and relationships with the Member States.<sup>82</sup>

The Commission—by treaty, having the exclusive right to propose legislation in the first (“Community”) pillar of the European Union—is arguably the most powerful and public EU institution.<sup>83</sup> Member State governments appoint Commissioners to act in the interests of the Union, and the Commission epitomizes the supranationalism of the EU system.<sup>84</sup> The Commission therefore had a substantial amount of agenda-setting power within the European Union and influence over Member States during the Bosnian war, but under Maastricht its formal influence was limited to first-pillar (supranational) matters, of which asylum policy was not one.<sup>85</sup> The Commission therefore had an interest in solidifying its power on asylum policy by bringing it into the first pillar, but the Council held the real power, as under Maastricht, the Council was the main decision-making body for third-pillar issues and the main forum for the exchange of Member State discourse on these matters.<sup>86</sup>

The Council—composed of ministers from national governments and a European Commissioner—ensures the presence of a national, in addition to the supranational, voice in EU decisions. The Council maintains both direct contact with Member State ministries—as each Member State is directly represented within the Council—and indirect contacts with national parliaments, interest groups, and sub-national

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<sup>82</sup> Scharpf, F., 1994.

<sup>83</sup> Mazey, S., & Richardson, J., 1997.

<sup>84</sup> Dinan, D., 2006.

<sup>85</sup> Den Boer, M., 1996; Aghion, P., & Tirole, J., 1997.

<sup>86</sup> Wallace, H., 1996b.

governments.<sup>87</sup> The strength of the Council has helped provide assurances to Member States skeptical of the Commission's increased powers under Maastricht.<sup>88</sup>

Scholars also frequently mention the European Parliament in discussions of EU institutional influence under and since Maastricht, as the Parliament has gradually been granted an increase in budgetary and legislative powers.<sup>89</sup> The Parliament, however, lacked strength within the European Union during the Bosnian war, as it did not have codified agenda-setting power.<sup>90</sup> The Parliament also held very little sway with Member State parliaments at the time of the Bosnian war, as the various publics did not pay much attention to elections for European Parliamentarians, and the direct election of European Parliamentarians by the public diminished the interest of the Member State parliaments in the European Parliament.<sup>91</sup> Communitarizing third-pillar issues would ensure a greater role for the Parliament in decision-making, as the Parliament—rather than the Member States—would have budgetary oversight over these issues, so the Parliament lobbied hard for common Justice and Home Affairs policies during the Bosnian war.<sup>92</sup>

I therefore expect that the Council—as both an institution in itself and a clearing house for Member State ideas—helped sway Member States to support a common asylum policy, especially if a Member State that strongly supported such a policy held the Council Presidency during these debates. I suggest that the Commission pushed for

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<sup>87</sup> Hayes-Renshaw, F., & Wallace, H., 2006.

<sup>88</sup> Wallace, H., 1996b.

<sup>89</sup> Dinan, D., 2004; Tsebelis, G., & Garrett, G., 2000; Wallace, H., 1996a; Tsebelis, G., 1994. After the implementation of the Amsterdam Treaty, the Parliament became a coequal legislator with the Council. (Tsebelis, G., & Garrett, G., 2000.)

<sup>90</sup> Konig, T., & Hug, S., 2000; Dankert, P., 1997; Hayes-Renshaw, F., & Wallace, H., 2006.

<sup>91</sup> Hayes-Renshaw, F., & Wallace, H., 2006.

<sup>92</sup> Dankert, P., 1997.

communitarization of asylum policy in negotiations with Member States, but that its lack of codified power on third-pillar issues precluded equal weight with the Council on asylum policy. Finally, I assess that the Parliament pushed Member States for an EU-level asylum policy but held far less influence with the Member States than did the Council and Commission.

### *Global Norms*

Many scholars argue that global norms—rule-like prescriptions clearly visible to a community of actors and making behavioral claims on those actors, with roots in the notions and patterns of acceptable behavior widely accepted in the constituent nations, and in the self-interest and power politics of dominant societies—also shape international cooperation and, more fundamentally, have a hand in molding the structures and policies of state and non-state actors in nearly all elements of society.<sup>93</sup> The spread of norms throughout international society has been instrumental in arguments concerning the adoption of democratic processes in formerly communist states, compliance within an international alliance, and the delegitimation of the use of force.<sup>94</sup> Some organization theorists postulate that the globalization of Western norms—which spread to less developed countries during the period of European colonization in Africa and Asia—has defined legitimate and desirable goals for policy actors to pursue and produced organizational and behavioral similarities around the world that traditional political science theories cannot explain.<sup>95</sup> The globalization of norms has increased the scope of

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<sup>93</sup> Finnemore, M., 1993; Meyer, J., & Thomas, G., 1997; Starr, H., 1991; Goertz, G., & Diehl, P., 1992.

<sup>94</sup> Starr, H., 1991.

<sup>95</sup> Finnemore, M., 1996.

issues requiring international attention, such as piracy and transborder trafficking, encouraging cooperation on the institutional level outside of Europe.<sup>96</sup>

Scholars suggest that non-state and inter-state actors, particularly NGOs and intergovernmental organizations, are the key purveyors of international norms, as they are organized and capable of parlaying domestic public opinion into formal calls for assimilating revised norms into transparent, accountable, and stable democratic policies.<sup>97</sup> Unlike states, NGOs can neither make nor enforce laws, and they often have few economic resources. States, transnational corporations, and many intergovernmental organizations can wield military, economic, or political power within a framework in existence for over a century in some cases, such as the International Committee of the Red Cross (founded in the 1860s) and the International Electrotechnical Commission (founded in 1904). NGOs play an important role in propagating world cultural structures, which increasingly form the basis for state action. Scholars assert that NGOs are key bearers, implementers, and translators of transnational cultural knowledge, providing a means for grassroots organization around a specific norm, establishing a basis for communication across country lines, and lobbying local issues with states.<sup>98</sup>

Intergovernmental organizations are also essential in parlaying global norms into international policy. Scholars argue that intergovernmental organizations—which are historically fashioned by states to meet a specific need, but increasingly autonomous and powerful actors in global politics—can persuade states to adopt changes in a manner that

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<sup>96</sup> Nadelmann, E., 1990.

<sup>97</sup> Reich, S., 2000; Boli, J., & Thomas, G., 1997; Goertz, G., & Diehl, P., 1992; Jacobsen, K., 1996; Malkki, L., 1995.

<sup>98</sup> Boli, J., & Thomas, G., 1997.

local organizations within the state are unable to do.<sup>99</sup> In contrast with neorealist theories that portray intergovernmental organizations as passive and constraining forces, they often are proactive, responding quickly to evolving norms and influencing state behavior based on those norms.<sup>100</sup> Intergovernmental organizations create actors, specify responsibilities, designate authority and tasks, and assign normative value to the work. As intergovernmental organizations often are created and operated by states, they have considerably more tangible power than NGOs, though perhaps not as much grassroots access or knowledge in some cases.<sup>101</sup>

The emergence and development of a common EU immigration and asylum policy occurred during a time not only of shifting global norms, but of evolving European norms and a developing European identity.<sup>102</sup> The Maastricht Treaty created the European Union just before the Bosnian refugee crisis, and gradual European integration since then has rendered the European Union even more of a political system—with legislative, executive, and judicial functions—than an intergovernmental organization. Through its policies and legislation—particularly those related to citizenship, culture, media, and efforts against racism and xenophobia—the EU increasingly helps shape values and norms throughout Europe.<sup>103</sup> Some scholars argue that supranational cooperation at the EU level is also evolving along with the intrinsic international nature of modern-day policy problems such as transnational terrorism, pollution, refugees and

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<sup>99</sup> Barnett, M., & Finnemore, M., 1999.

<sup>100</sup> Finnemore, M., 1993.

<sup>101</sup> Barnett, M., & Finnemore, M., 1999.

<sup>102</sup> Callovi, G., 1992.

<sup>103</sup> Hix, S., 1999a.

illegal migration, and drug trafficking, as well as increasing economic interdependence.<sup>104</sup>

Some scholars argue that the movement toward an EU-level immigration and asylum policy created greater restrictions on migrants than had existed before, reflecting a widely-held European concept of migration as challenging the territorial, organizational, and conceptual boundaries and not a part of national self-understanding.<sup>105</sup> The asylum debates of the past two decades have created somewhat of an identity crisis within Europe as states and citizens have attempted to reconcile the conflicting concepts of liberal human rights values—the cornerstone of European self-identity—and public cries for guarding the sanctity of state borders and culture and limiting competition for the already-scarce pot of state resources. Facing a combination of rising numbers of asylum-seekers and economic recession and unemployment, European governments have felt domestic pressure simultaneously to maintain humanitarian commitments to refugees and to retreat from liberal universalist values of refugee protection—the long-held individual rights-based concept of refugee protection, as outlined in the Geneva Convention and grounded in European political and moral thought—in the interest of caring for the existing population.<sup>106</sup> Political scientist Christina Boswell asserts that asylum debates have undermined liberal universalist values by questioning the ability of liberal democratic states to promote cultural diversity and remedy problems of socio-economic inequalities between ethnic groups. More simply,

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<sup>104</sup> Caporaso, J., 1992; Callovi, G., 1992.

<sup>105</sup> Geddes, A., 2003; Givens, T., & Luedtke, A., 2004; Keely, C., 1996.

<sup>106</sup> Boswell, C., 2000; Ucarer, E., 2001.

she argues that the individual-rights concepts of the Geneva Convention have been challenged in Europe by the sheer volume of asylum applications and states' inability to accommodate all of the refugees.<sup>107</sup>

Political scientist Sandra Lavenex opines that European integration not only molds the political debates but also can redefine the way political actors perceive and interpret the underlying problem. She uses refugee policies as an example, arguing that supranational and transgovernmental actors disagree on the factual account of the refugee problem as well as the normative formulation of refugee policies. Europeanization, Lavenex argues, tends to favor a "securitarian," state-centered framework that actually limits the European Union's ability to develop common policies on controversial issues. In the case of asylum policy, EU Member States' orientation has shifted from the contentious debates over who constitutes a refugee and which country should receive him to the less sensitive notion of protection at the place of origin, reorienting European emphasis from protection *of* asylum-seekers to protection *from* them.<sup>108</sup> States increasingly differentiate between "political refugees," viewed as victims of circumstances outside their control, and "economic refugees" or migrants seen as simply seeking a better life. European publics encourage their governments to keep the latter at bay so as to protect the security and prosperity of the country of asylum.<sup>109</sup>

I expect to find a correlation between shifting global and European norms and support for a centralized asylum policy, but the direction of that correlation depends on

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<sup>107</sup> Boswell, C., 2000.

<sup>108</sup> Lavenex, S., 2001; Ucarer, E., 2001.

<sup>109</sup> Whittaker, D., 1995.



the political debates and public opinion in each country. For example, countries that strongly favor internal security over humanitarian assistance at any cost would tend to reject the notion of ceding control over their borders to the European Union. I anticipate a correlation between norms and all other key factors driving EU policy, as the role of norms in shaping public opinion, political ideologies, and the activities and goals of NGOs and intergovernmental organizations are peppered throughout scholarly literature.

### *Other Factors*

The literature on refugees and immigration explores several other key factors that influence state decision-making on these issues, but I contend that these variables do not bear out equal effects as the aforementioned factors on the evolution of EU asylum policy during the Bosnian war. Nonetheless, I include them in my analysis, partly to demonstrate that they are in fact less pertinent than the key variables, but also to further isolate the effects related to the Bosnian war from those related to general refugee and immigration debates independent of the Bosnian refugee crisis.

Numerous scholars suggest that xenophobia within European countries helps drive asylum policy, as many refugees bring with them ethnic backgrounds that the public perceives threaten the cultural integrity of the state or, increasingly in an era of international terrorism, pose a security threat.<sup>110</sup> Nearly all Bosnians, however, are Caucasian and—in the case of the Bosnian Croats and Serbs—Catholic or Orthodox Christian, as are most Europeans. The influx of Bosnian Muslim refugees into some EU states may have sparked public backlash, but Bosnian Muslims—especially in the

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<sup>110</sup> DeBoer, G., 1992; Jacobsen, K., 1996; Van Selm, J., 2000.

immediate aftermath of the fall of Communist Yugoslavia—were overwhelmingly secular and not immediately identifiable by their religion.<sup>111</sup> I therefore suggest that what xenophobic attitudes may have existed within EU states in connection with the Bosnian refugees had no discernible impact on state support for or opposition to a centralized asylum policy.

I also include the net immigration rate to help isolate the impact of refugees, rather than immigrants, on support for an EU-level asylum policy. As discussed above, immigration and asylum are closely linked, but they touch different nerves for the populace and governments. As the vast majority of Bosnians entering the European Union during the war were asylum-seekers, rather than immigrants, I am more interested in the impact of the refugee influx than total migrant flows.

#### Hypotheses and Research Models

I suggest that the refugee crisis generated by the 1992-95 Bosnian war helped engender support within EU Member States in the immediate aftermath of the war for a unified asylum policy at the EU level. This study uses an original model and compilation of data to test this supposition. I employ a set of crosstabulations and simple regression models, using a dependent variable denoting the change from the Maastricht Treaty to the Amsterdam Treaty in EU Member States' support for an EU-level asylum policy. The dependent variable reflects whether a country supported full, partial, or no

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<sup>111</sup> Gurr, T., 1993.

supranationalization of asylum policy in each set of treaty debates, as categorized by Andrew Geddes.<sup>112</sup>

### *Data*

This study focuses on the debates within Member States leading up to the ratification of the Maastricht Treaty and the Amsterdam Treaty, as this time encompasses the beginning and the culmination of the Bosnian refugee flows into the EU. I therefore use data for this regression from 1991-1992 and 1995-1996 for each state that held EU membership at both times. I supplement the quantitative analysis with EU and state government documents, including speeches, official correspondence, annual reports, and the websites of the European Commission and the countries that held the Council Presidency from 1991-96. I consulted GMU's European Documentation Center, as well as sources available online, for this documentation. As most scholars cited above use interviews to determine the impact of certain groups or individuals on policy, I interviewed EU and NGO officials to supplement my findings.

### *Hypotheses*

My analyses test the following hypotheses:

H1: An increase in public support within a Member State for centralized immigration and asylum policies following the Bosnian war corresponded with an increase in support from that Member State's government for a centralized asylum policy. Data are derived from March-April 1992 and April-May 1995 Eurobarometer surveys, which asked respondents in each EU Member State whether they believed

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<sup>112</sup> Geddes, A., 2000.

immigration and asylum should be handled primarily at the state level or jointly within the European Community.

H2: States governed by political parties that supported European integration endorsed an EU-level asylum policy, and those led by parties that were skeptical of EU policy integration did not support an EU asylum policy. The Bosnian refugee crisis helped the pro-European parties rise to power in those countries with a large number of Bosnian refugees.

H3: A higher number of transnational, refugee-related NGOs in an EU Member State following the Bosnian war corresponded with higher support within that state for a centralized asylum policy, as the NGOs raised awareness of the cross-border effects of the refugee crisis. For the same reason, the lobbying efforts of intergovernmental organizations focusing on refugees in the aftermath of the Bosnian war led those Member States in which those groups were more prevalent to support more strongly a centralized EU asylum policy. I test this hypothesis in the quantitative analysis using the number of refugee-related NGOs and intergovernmental organizations registered in each EU Member State in 1992 and 1995 as an independent variable. The most important data for this hypothesis, however, come from interviews with NGO and intergovernmental organization officials and reading the organizations' reports, as the number of organizations provides only a crude measure of their impact.

H4: The European Commission and Council helped mobilize Member State support for an EU-level asylum policy, the Commission by urging Member States to support communitarization and the Council by serving as a clearing house for Member

State ideas. Because of the institutional benefits of moving asylum policy to the first pillar, the Parliament was the most vocal and internally unified proponent of an EU-level asylum policy, but it held little sway with Member States, in part because of indifference from the national public and legislatures.

I also propose that all of these factors were driven in part by a general shift in norms within Europe from trying to protect each individual refugee within the bounds of national security to maintaining the integrity of national cultures and ceding responsibility for Europe-wide concerns to the European level. This assessment does not lend well to quantitative data, so it instead forms the basis in the final chapter for discussion of the other four hypotheses in the context of the data collected on those hypotheses, as well as literature on global and European norms.

#### *Testing Other Variables*

I include xenophobia and the net immigration rate in the quantitative analysis in order to attempt to rule them out as factors in the impact of the Bosnian crisis on EU asylum policy. I measure xenophobia through responses to the items in March-April 1992 and November-December 1994 Eurobarometer surveys, which ask whether the presence of members of other nationalities and religions disturb a respondent's daily life. These surveys also include a question about race, but I do not include that factor, as nearly all Bosnians are Caucasian and therefore of the same race as most Western Europeans. I also include in the qualitative analysis any references to these variables present in the country and EU documentation I use for the remainder of the study. I do

not expect to find a correlation between either of these variables and my dependent variable.

### *Control Variables*

To further isolate the effects of the Bosnian war on my dependent variable, I present control variables into the model to account for factors external to the Bosnian war that may have independently influenced EU members' decisions to support or reject a more centralized asylum policy between 1992 and 1995. I control for unemployment and state GDP per capita, as scholars assert that economic conditions independent of migrant inflows tend to play a role in states' receptiveness to immigrants and refugees because the economy affects states' perceptions of their capability to accommodate migrants.<sup>113</sup> I also control for the number of Bosnian refugees a country received, as well as the total number of refugees, as refugee influxes separate from but coterminous with the Bosnian refugees may also have played a role in states' support for or opposition to an EU-level asylum policy.

### *Quantitative Models*

Because my sample size—twelve data points—is relatively small, my data lack the degrees of freedom necessary to conduct a complete, sophisticated regression analysis. I can, however, examine basic bivariate relationships and explore each individually in a simple ordinary least squares (OLS) regression, the easiest linear

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<sup>113</sup> Freeman, G., 1995; Money, J., 1997; Steiner, N., 2000.

regression model to conduct and interpret.<sup>114</sup> My quantitative models form the basis for discussion on each of the variables, and my qualitative research supplements the results.

Therefore I begin with a series of crosstabulations between the dependent variable and each independent variable (excluding for now the control variables) to capture the joint distribution of each. I begin by using chi square to calculate the statistical significance of each crosstabulation, but the small sample size may not yield significant results for the variables, as the frequency of each combination of dependent variable values and independent variable values would probably be 1 in most cases.<sup>115</sup> Cramer's V or the lambda coefficient—which factor out sample size to measure the strength of association of crosstabulations—may provide a better sense of the significance, although these calculations are inherently difficult to interpret.

I then proceed to the regression analyses, using the following baseline OLS regression model:

$$y = X_i\beta_i + \varepsilon_i$$

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<sup>114</sup> Degrees of freedom indicate the number of independent pieces of information that feed into the estimate of a parameter, or the number of values that are free to vary. The degrees of freedom generally equals the sample size minus one, so my degrees of freedom would be 11 (because there are 12 EU Member States that held EU membership in both 1992 and 1995). Recommendations for minimum sample sizes vary, but Hutcheson and Sofroniou suggest no fewer than 10 units per variable, so that at least 20% of cells in contingency tables—levels of the dependent variable measured against levels of each independent variable—have expected frequencies of less than 5 but no cell has an expected frequency of less than 1. The data's usefulness declines as cells have frequencies of zero, which is more likely to occur in small sample sizes (generally defined as fewer than 30 units). Because my degrees of freedom are 11, I can only safely measure one—two at the most—independent variable at a time. Hutcheson, G., & Sofroniou, N., 1999.

<sup>115</sup> The chi square statistic measures the statistical significance of the association between two variables by calculating the difference between the observed counts in the contingency tables and those that would be expected if there were no relationship between the variables. A large difference between the observed and expected counts indicates an observed relationship between the variables.

In this construction,  $i$  is a subscript indicating individual-level data, and  $y$  is the change in support for a centralized asylum policy between Maastricht and Amsterdam, given the vector  $X_i$  values of the explanatory variables. The regression coefficients  $\beta_i$  are maximum-likelihood estimates.  $\varepsilon_i$  denotes the error term, a random variable with mean zero. Each coefficient can be interpreted as the change in support for a centralized asylum policy associated with a unit change in the corresponding independent variable. For the purpose of significance assessments, I also calculate the  $t$ -ratio associated with each coefficient, the significance level of the entire model, and the *R-squared* goodness-of-fit measure.<sup>116</sup>

Because of my limited degrees of freedom, I can only regress the independent variables against the dependent variable two at a time. I use factor analysis—a data reduction technique used to explain variability in observed variables in terms of fewer, unobserved variables called factors—to create single variables for public opinion and political partisanship, each of which are represented by multiple variables in the initial data set.<sup>117</sup> These factor variables eliminate the nuances in each independent variable but allow for a crude baseline measure of the relationship between these variables and the dependent variable, which I further develop in my qualitative research.

### Goals of the Forthcoming Chapters

The next two chapters assess of the internal factors—public opinion and political partisanship—and their relationship with the dependent variable, the change in state

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<sup>116</sup> Nielsen, F., & Salk, J., 1998.

<sup>117</sup> Isogawa, Y., & Okamoto, M., 1980.



support for an EU-level asylum policy between Maastricht and Amsterdam. The following two chapters examine the external factors—NGOs and intergovernmental organizations, and the EU institutions. The concluding chapter offers thoughts on the impact of global and European norms on the dependent variable and each independent variable, as well as the progress of asylum policy in the European Union since Amsterdam and suggested areas for future research. Each chapter begins with a review of current literature on the variable in focus and then examines the relationship between the independent variable and the dependent variable, as well as between it and the other independent variables. The following chapter begins with a look at the impact of public opinion on Member State support for an EU-level asylum policy.

## CHAPTER 2

### Public Opinion

The will of the people is an important element in an assessment of European policymaking, especially with respect to human rights and refugees. As such, many scholars have tackled the question of how much influence the public has, and how that influence has changed in the post-Cold War era. With the breadth of information available to the public through the media and NGOs, the public has, in theory, an unprecedented number of opportunities to become aware of and involved in the political process. This assessment contributes to that literature in the context of the Bosnian refugee crisis. This chapter tests the hypothesis that an increase in public support within a Member State for centralized immigration and asylum policies following the Bosnian war corresponded with an increase in support from that Member State's government for a centralized asylum policy.

Contrary to the general views of functionalists and neofunctionalists, who contend that state policies are elite-driven rather than built by the populace, many scholars find that public opinion is a key element in the development of most issues in the European Union. For example, referenda on the Maastricht Treaty and EU membership in several countries brought these landmarks to a halt, reinforcing the importance of public opinion

on the development of major EU policies and of the organization itself.<sup>118</sup> During the Bosnian war, the media plastered images of ravaged cities, starving refugees, and crying children on televisions and newspapers all over the world, which generated a public outcry. While scholarly literature has not deeply explored whether this charged public had any impact on the decision-making process of EU Member States on a common asylum policy, numerous themes in the literature on immigration policy and EU integration can help frame the answer to this question.

### Literature Review

Scholars have long acknowledged the role of public opinion in shaping state decisions.<sup>119</sup> Numerous classic theories attempt to explain the state policymaking process and the function of the public—including Easton’s systems theory,<sup>120</sup> Dahl’s pluralist theory,<sup>121</sup> Downs’s utility theory,<sup>122</sup> Lasswell’s elite theory,<sup>123</sup> and popular sovereignty theory<sup>124</sup>—and all agree that policies form in response to someone’s preferences. Moreover, all acknowledge that the public plays some role in the political system. These views imply that policies form in response to demands for those policies.

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<sup>118</sup> Anderson, C., 1998; Gabel, M., 1998b.

<sup>119</sup> Steiner, N., 2000.

<sup>120</sup> Easton proposed that a political system could be viewed as a fluid and bounded structure of decisionmaking steps, including demands for a certain output, competition across those demands, interaction between the ultimate decision and its environment, and new demands generated in response to that policy. (Green, L., 1985.)

<sup>121</sup> Dahl hypothesized that political power in a society lies neither with the electorate nor the elites, but rather with a disparate array of groups such as trade unions and interest groups. (Perry, H., 1991.)

<sup>122</sup> Downs suggested that most decisions to vote are irrational, as the probability that one vote will affect an election outcome is very small, and therefore the costs of voting exceed the benefits. His theory posits that the electorate votes because it wants democracy to continue. (Nicholson, S., & Miller, R., 1997.)

<sup>123</sup> Lasswell theorized that governments are run not by the governed, but by the governors who represent the governed and can be removed from office if they fail to perform their duties adequately. The study of elites, therefore, is essential to understanding a democracy. (Eulau, H., 1977.)

<sup>124</sup> The belief that the state is created by and for the people, who are the source of all political power.

Correspondingly, according to these theories, competitive political systems are designed to respond to citizens' preferences and facilitate their expression.<sup>125</sup> Historical scholarly views of the public as a passive, uneducated receptor of values and beliefs propagated by elites have largely given way since the early 1990s to a view of the public as a rational, independent actor in the decision-making process.<sup>126</sup>

Public opinion plays a key role especially on issues of high salience, which Terri Givens and Adam Luedtke claim crafts both state-level and supranational policy as policymakers at the national and international level respond to heightened public sentiment on these issues.<sup>127</sup> Political parties, as I explore in the next chapter, sometimes abandon entrenched partisan ideologies in favor of electoral strategies simply to win votes—thereby allowing public attitudes to trump the traditional Left-Right balance of the party system—when an unpopular view on a highly-salient issue promises to be very costly for a political party.<sup>128</sup>

Many factors, both endogenous and exogenous to the country, can spike issue salience for a public and therefore give the public greater say in decision-making. “Focusing events”—particularly wars, political crises, periods of sustained international turmoil, and legitimacy crises at the domestic level—mobilize both interest groups, which are often created by and for the public, and the media.<sup>129</sup> War and its casualties are among the most studied of the focusing events with respect to public opinion, largely

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<sup>125</sup> Weber, R., & Shaffer, W., 1972.

<sup>126</sup> Jones, B., 1994.

<sup>127</sup> Givens, T., & Luedtke, A., 2004.

<sup>128</sup> Rosenblum, M., in Givens, T., & Luedtke, A., 2004.

<sup>129</sup> Birkland, T., 1998; Modelski, G., 1990.

because of the central role the public plays in governments' decisions to initiate and terminate military force and the share of the burden the public bears after a war.<sup>130</sup> Focusing events also challenge and help identify public norms and values, which further shape policy. For example, the international climate of the 1990s—the wars in Yugoslavia, the renewed emphasis on human rights, and the substantial political changes in the Soviet Union and Eastern Europe—shifted the focus of asylum policy from resettlement to repatriation, creating a greater willingness to intervene in other countries in the interest of preventing a refugee crisis or assisting the displaced.<sup>131</sup>

#### *Importance of Public Opinion to Policymaking*

A body of literature suggests that public opinion is mirrored in policy outcomes and is one of the key factors influencing policymakers' decisions, and that the impact of public opinion on government policy has been stable over time.<sup>132</sup> Democratic theory views public opinion as one of the key factors in government decision-making, linking the public with the elites through the institutions and organizations of democratic politics.<sup>133</sup> However, leaders do not always account for public opinion in their decision-making, which some scholars suggest could reflect a disparity in basic values between politicians and the public.<sup>134</sup> Most researchers, though, have found that salience is the key variable in policymaker response to the constituency; the higher the public interest in

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<sup>130</sup> Gartner, S., & Segura, G., 1998.

<sup>131</sup> Rogers, R., 1992.

<sup>132</sup> Barrett, E., 1995; Burstein, P., 2003.

<sup>133</sup> Burstein, P., 1998.

<sup>134</sup> Page, B., & Barabas, J., 2000; Burstein, P., 2003.

an issue, the greater the policymaker responsiveness.<sup>135</sup> Political scientist Christopher Wlezien suggests that the public acts as a thermostat for issues of high salience, adjusting its preferences for “more” or “less” policy in response to policies themselves, and then sending signals to policymakers to adjust their policies according to the changes in preferences.<sup>136</sup>

Public opinion is not the only factor that affects policymaking, as I explore in subsequent chapters. The public is often ignorant of key elements of the political process as well as of the issues themselves; several scholars have found that many European publics have only a superficial knowledge of most political issues.<sup>137</sup> Also, scholars note that the public is sometimes misinformed, as various sources of their information selectively portray the facts, skew them, or blatantly lie, making the public confident in erroneous perceptions.<sup>138</sup> Therefore, other factors in the decision-making process—as well as the interaction between those factors and public opinion—are important to study as well.

### *Influences on Public Opinion*

Many factors affect public opinion, and the public helps set the agenda for some of those sources of influence as well.<sup>139</sup> The media in particular have a powerful influence on public opinion, in concert with constructionist theories of preference formation, which suggest that the public constructs explanations for political events based

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<sup>135</sup> Monroe, A., 1998; Sutton, R., 1973; Risse-Kappen, T., 1991.

<sup>136</sup> Wlezien, C., 1995.

<sup>137</sup> Cullen, F., Fisher, B., & Applegate, B., 2000; Bartels, L., 1996; Peffley, M., & Hurwitz, J., 1993.

<sup>138</sup> Kuklinski, J., Quirk, P., Schwieder, D., & Rich, R., 1998.

<sup>139</sup> Hill, K., & Hinton-Anderson, A., 1995; Olsen, G., 2001; McGraw, K., Best, S., & Timpone, R., 1995.

on the information available to them.<sup>140</sup> After all, the public communication of information is what makes popular opinion public.<sup>141</sup> Some scholars suggest, though, that the media do not influence public opinion directly, but rather in subtle ways, including through elites.<sup>142</sup> Some literature indicates that the media therefore influence views on an aggregate scale, but that economic conditions trump the media at the individual level.<sup>143</sup> However, even if the media do not directly influence public views, scholars generally agree that the media do help set the public agenda, increasing the salience of certain issues through prolonged, intense exposure.<sup>144</sup> The media also help policymakers gauge public opinion, as reliable polls and other scientific methods often are not available.<sup>145</sup>

Values—standards of desirability invoked in social interaction to evaluate the preference of behavioral goals or modes of action—and norms also affect public opinion.<sup>146</sup> Traditional theories—particularly Inglehart’s socialization hypothesis—suggest that economic experience, particularly during the pre-adult years, is the key to shaping individual values and that once grown, these values remain constant across changing economic circumstances.<sup>147</sup> Values at both the individual and societal level often compete with each other and necessitate setting priorities and accepting trade-

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<sup>140</sup> Barker, D., & Knight, K., 2000; Snyder, J., & Ballentine, K., 1996.

<sup>141</sup> Huckfeldt, R., Beck, P., Dalton, R., & Levine, J., 1995.

<sup>142</sup> Jacobs, L., & Shapiro, R., 1996.

<sup>143</sup> Mutz, D., 1992.

<sup>144</sup> Jacobs, L., & Shapiro, R., 1996.

<sup>145</sup> Mutz, D., & Soss, J., 1997.

<sup>146</sup> Alwin, D., & Krosnick, J., 1985; Carrubba, C., & Singh, A., 2004.

<sup>147</sup> Clarke, H., & Dutt, N., 1991; Bielasiak, J., 2002.

offs.<sup>148</sup> The media, NGOs, and intergovernmental organizations help convey values and norms and thereby help shape public opinion. William Riker suggests that while politicians can be compared with entrepreneurs in their methods and motives, voters differ widely from consumers, in that voters often respond to needs that lack a clear definition. They know they want to be better off but lack a clear connection between this objective and the politically-offered platforms for making them better off.<sup>149</sup>

Other theories indicate that a host of other factors, including psychological sources, social and geographic position, education level, political trust, self-interest of a societal group, the degree to which citizens believe their nation can trust other nations, and general Left-Right political identification also play a role in shaping public opinion.<sup>150</sup> Some scholars suggest that elite messages and the coalition-building process among elites—such as parliamentary representatives, experts, and interest group leaders—also provide cues for the mass public on a particular issue.<sup>151</sup> Elites also often invoke public opinion when discussing issues among themselves, highlighting the importance of public opinion in decision-making.<sup>152</sup> However, some scholars suggest that elites' perception of the proper relationship between them and the public dictates

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<sup>148</sup> Shamir, M., & Shamir, J., 1995.

<sup>149</sup> Riker, W., 1982.

<sup>150</sup> Sniderman, P., & Citrin, J., 1971; Hetherington, M., 1998; Citrin, J., Green, D., Muste, C., & Wong, C., 1997; Brewer, P., Gross, K., Aday, S., & Willnat, L., 2004; Bobo, L., & Kluegel, J., 1993; Jacoby, W., 1991.

<sup>151</sup> Kuklinski, J., & Hurley, N., 1994; Holsti, O., 1992; Cook, F., Barabas, J., & Page, B., 2002; Risse-Kappen, T., 1991.

<sup>152</sup> Cook, F., Barabas, J., & Page, B., 2002.



their responsiveness to public opinion, and that the popular voice can therefore be buried under an avalanche of more influential factors.<sup>153</sup>

The way political actors, elites and the media portray issues also affects public opinion on those matters.<sup>154</sup> Numerous scholars suggest that “issue frames”—definitions of the way that ambiguous or controversial issues are presented to the public—originate with political leaders and that the mass media are the conduits by which those frames are disseminated to the public.<sup>155</sup> This concept often results from public inability or unwillingness to become educated on political issues—coupled with a desire to hold some sort of view on these matters—which paves the way for political actors to provide shortcuts through powerful, simplistic messages.<sup>156</sup>

Anthony Downs, a public policy and public administration scholar, suggests that all issues pass through a five-stage cycle with the public. In the “pre-problem” stage, experts or interest groups have identified a potential area of concern, but that issue has not yet captured public attention. The public becomes aware of the issue in the “alarmed discovery and euphoric enthusiasm” stage. When the public and its leaders realize the costs of addressing the problem, the issue enters the “realizing the cost of significant progress” stage. Eventually, public boredom with the issue leads to the “gradual decline of public interest” stage, culminating in the “post-problem” stage of relegation to the back burner of the public agenda. This theory posits that an issue can pass through this cycle more than once, particularly because institutions and organizations that formed

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<sup>153</sup> Foyle, D., 1997.

<sup>154</sup> Jacoby, W., 2000; Schindlmayr, T., 2001; Jacobs, L., & Shapiro, R., 1996.

<sup>155</sup> Jacoby, W., 2000; Iyengar, S., 1990; Nelson, T., & Kinder, D., 1996.

<sup>156</sup> Iyengar, S., 1990; Jones, B., 1994.

during the times of heightened public attention remain intact and influential after public concern shifts to other issues.<sup>157</sup> Based on the other literature, the public would appear to have the most influence on the decision-making process during the second and third stages. However, few scholars have considered the length of time it takes to organize a public lobby or even simply to convey public views on a major issue. For an issue that would require a significant policy shift, a lengthy organizing process could render the lobby unable to have a major impact until most of the public has already reached the “gradual decline” stage.

#### *Public Opinion on European Integration*

Scholars generally agree that public opinion plays a role in European integration, not only through country-wide referenda, but through lobbying, public protests, and elections of EU officials.<sup>158</sup> Political scientist Matthew Gabel notes that, because the European Union lacks a supranational enforcement body, it relies heavily on public compliance with EU law. Public support therefore is essential to continued progress on European integration.<sup>159</sup> In the early decades of European integration, scholars labeled the position of Member State publics on EU policy a “permissive consensus,” by which the ill-informed and disinterested publics allowed political elites a free hand in setting EU policy. This theory argues that European publics did not focus heavily on European integration at that time because the issues surrounding EU policy were technical in nature and had little direct impact on individual citizens. Indeed, debates over European

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<sup>157</sup> Schindlmayr, T., 2001.

<sup>158</sup> Gabel, M., 1998b; Eichenberg, R., & Dalton, R., 1993.

<sup>159</sup> Gabel, M., 1998b.

Parliament elections tended to focus on national, rather than European, issues. However, scholars suggest that the “permissive consensus” began to erode around the time of the Maastricht Treaty, which proposed significant changes to the EC structure and greater powers for its institutions at the expense of the Member State governments. In Denmark, for example, the public rejected the Maastricht Treaty on its first vote, and the low public support in France for Maastricht revealed widespread dissatisfaction with the proposed changes to the European Community.<sup>160</sup>

At the time of the Bosnian war, as the “permissive consensus” was beginning to erode, public opinion on European integration was still generally unstable and based on a low degree of familiarity with the European Union, according to political scientist Joseph Janssen. Janssen attempted to refute Inglehart’s theory, hypothesizing that political elites, rather than economic experiences and entrenched partisan ideologies, accounted for public opinion on integration during that time.<sup>161</sup> Other scholars have tended to support the notion of the “rational public” that educates itself about key issues and votes accordingly.<sup>162</sup> However, the majority of the literature tends to discount the ability of the general populace to form—and adequately convey—fully-informed, rational decisions, as well as the inclination of decisionmakers to incorporate public opinion into their policies completely and objectively. A robust research project therefore would benefit from considering the simultaneous effects of multiple factors in lobbying for or against European integration.

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<sup>160</sup> Carrubba, C., 2001; Laursen, F., 1999; Wallace, H., 1994.

<sup>161</sup> Janssen, J., 1991.

<sup>162</sup> Knopf, J., 1998.

Literature on this issue tracks with general theories on public opinion, suggesting that elites and political parties help shape public opinion on European integration, with the impact of the public increasing as the salience of the issue rises.<sup>163</sup> Gabel used regression analyses of Eurobarometer surveys over a 20-year period to determine that partisan context and utilitarian consequences of a particular policy on European integration accounted for a significant portion of variation in public support for integration. He found—and other scholars’ findings support—that citizens’ expectations of economic benefits from integration, as well as partisan influence, were closely related to public support for the European Union.<sup>164</sup>

#### *Public Opinion on Refugees*

Public opinion—despite high interest—may have been mixed on European integration during the Bosnian war, but scholarly literature suggests that it was much clearer on the issue of asylum policy, perhaps reflecting an even higher salience of that issue. Asylum and immigration influxes consistently lead to public backlash within some European electorates toward their governments’ asylum policies—with cries for either a more restrictive or more open policy—and directly effect change.<sup>165</sup> The Bosnian war was the first major conflict leading to genocide on European soil since World War II, and it generated an unprecedented number of refugees in the European Union, so it would seem reasonable to conclude that the war—as well as the corresponding refugee crisis—would have been a “focusing event” in the European Union, particularly in those

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<sup>163</sup> Ray, L., 2003.

<sup>164</sup> Gabel, M., 1998b; Eichenberg, R., & Dalton, R., 1993; Gabel, M., & Whitten, G., 1997; Mahler, V., Taylor, B., & Wozniak, J., 2000; Gabel, M., 1998a.

<sup>165</sup> Boswell, C., 2000; Ucarer, E., 2001; Van Selm, J., 2000.

countries that received a disproportionately high number of refugees compared with other Member States.

Immigration and asylum debates feed into public views on such issues as taxes and crime, as well as the corresponding racial, ethnic, cultural, and economic anxieties.<sup>166</sup> Scholars note that these debates fundamentally center on the question of whether immigration and asylum are basic human rights or matters primarily of national sovereignty. Refugee policies also evoke sentiments about coercion and basic human fairness, about which a large portion of the European public has strong feelings.<sup>167</sup> Scholars generally agree that public attitudes toward the group it perceives will benefit from a certain government policy strongly influence public opinion on that policy.<sup>168</sup> Most respondents to surveys on immigration want their country to accept more immigrants than the law allows, prefer that their country not accept immigrants of color, and assess that their country has done more than its share to help refugees.<sup>169</sup> Numerous scholars note that the public perceives that refugee movements threaten the cultural harmony of the host country by altering its ethnic, religious, or linguistic composition, which can put great strain on the host government, especially in cases in which economic resources are limited, political legitimacy is weak, or ethnic rivalries are latent.<sup>170</sup>

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<sup>166</sup> Passel, J., & Fix, M., 1994.

<sup>167</sup> Weiner, M., 1996.

<sup>168</sup> Nelson, T., & Kinder, D., 1996.

<sup>169</sup> Simon, R., & Lynch, J., 1999.

<sup>170</sup> Dowty, A., & Loescher, G., 1996.

However, the end of the Cold War also brought an unprecedented public focus on human rights, which is also reflected in public opinion toward asylum-seekers.<sup>171</sup>

Many researchers have tied public views on immigration to the economy, arguing that opposition to new immigrants rises during recessionary periods.<sup>172</sup> Prejudices crafted during an individual's formative, pre-adult years also appear to contribute to these sentiments, a view with which Inglehart would agree.<sup>173</sup> Political scientists Peter Burns and James Gimpel found that attitudes on immigration policy in the United States were heavily linked to stereotypical beliefs about the work ethic and intelligence of other groups.<sup>174</sup> Other scholars also found that Europeans' attitudes toward immigrants were largely dictated by the threat perceived by the dominant group, as well as economic conditions and the size of the dominant group.<sup>175</sup>

One might expect, therefore, that public views on whether asylum should be handled at the EU level might be mixed between Maastricht and Amsterdam, as the literature suggests the public was uncertain at that time about its feelings on integration. One might expect that these views would depend in part on economic conditions, with weak economic performance at the time of the Bosnian war exacerbating public opposition to migrants and—in a populace that generally supports integration—greater support for an EU approach to migration. In countries such as Germany, which received the largest number of refugees of any EU Member State, a significant public movement

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<sup>171</sup> Weiner, M., 1996.

<sup>172</sup> Burns, P., & Gimpel, J., 2000; Lapinski, J., Peltola, P., Shaw, G., & Yang, A., 1997.

<sup>173</sup> Burns, P., & Gimpel, J., 2000; Citrin, J., Green, D., Muste, C., & Wong, C., 1997.

<sup>174</sup> Burns, P., & Gimpel, J., 2000.

<sup>175</sup> Quillian, L., 1995; Krysan, M., 2000.

in favor of an EU-level policy might be expected as a direct result of the Bosnian war, especially if the refugee lobby had sufficient time to organize before the issue ceased to be a public priority. Given the high salience of the Bosnian refugee crisis within Europe, a change in government positions at Amsterdam based on changes in these public demands with respect to an EU-level asylum policy might be expected.

### Hypothesis and Methodology

This chapter tests the hypothesis that an increase in public support for centralized immigration and asylum policies following the Bosnian war corresponded with a growth in state support for an EU-level asylum policy. For this chapter, I use public opinion data collected by the European Union, as well as media articles from throughout the European Union during and shortly after the Bosnian war. I also draw from resources—including parliamentary debates and speeches—used in other chapters.

My dependent variable is the change in state support for an EU-level asylum policy between Maastricht and Amsterdam. In this chapter, I test that variable against the independent variables relating to public opinion: the change in public support for an EU-level asylum policy and the change in public support for an EU-level immigration policy. Other independent variables, which I regress against public opinion to discern sources of change in public support, include changes in: the number of Bosnian refugees, the total number of refugees, the net migration rate, the pro-EU composition of the leading party or parties in parliament, the number of refugee-related NGOs and intergovernmental organizations, and xenophobia. Control variables include changes in state GDP and the unemployment rate.

### *Survey Data*

Polling is a valuable—and increasingly utilized and accessible—source of information on people’s perceptions.<sup>176</sup> A body of research shows that well-designed public opinion surveys accurately reflect public concerns, influence policymakers, and generally predict popular behavior.<sup>177</sup> However, polls sometimes misrepresent true public opinion; selection bias models demonstrate that some individuals with socially-unpopular views tend to hide behind “I don’t know” responses on surveys.<sup>178</sup> Moreover, political scientist Christopher Anderson argues—based in part on overwhelming inaccuracy in responses to basic, factual survey questions related to the European Union—that when responding to survey questions about European integration, participants tend to employ proxies grounded in attitudes toward domestic politics, including the political system, the current government, and establishment parties rather than carefully crafted opinions about integration. These factors, according to Anderson, transcend respondents’ economic concerns and lead them to answer questions in ways in which they may not have replied if they had been better-informed.<sup>179</sup> For these reasons, I combine my polling data with qualitative sources such as media articles.

To obtain comparable survey data across countries, political scientists often aggregate individual-level polls such as Eurobarometer, the public opinion assessment

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<sup>176</sup> Cullen, F., Fisher, B., & Applegate, B., 2000; Bloom, D., 1995; Mishler, W., & Sheehan, R., 1993; Barrett, E., 1995.

<sup>177</sup> Bloom, D., 1995.

<sup>178</sup> Berinsky, A., 1999.

<sup>179</sup> Anderson, C., 1998.



arm of the European Union.<sup>180</sup> Eurobarometer is a useful tool because it includes all EU Member States and is carried out in a uniform fashion. Some scholars have found Eurobarometer overly sensitive to economic trends, particularly unemployment, so I control for unemployment and state GDP in my regression analyses.<sup>181</sup>

Eurobarometer conducted surveys in all EU Member States twice a year during the Bosnian war. The content of the surveys varied, however, and only three surveys contained questions of interest to this study. Eurobarometer 37.0, conducted in March-April 1992, asked whether rules for political asylum should be decided a) by the national government, or b) jointly within the European Community. A second question in this survey gave the same two options to the question of who should handle immigration policy. I coded the answers assigning a value of 1 to those who reported that the national government should handle asylum or immigration and a value of 2 to those who indicated that these policies should be decided jointly within the European Community. This scale suggests that a higher value signifies an increase in support for EU-level policies. Sample sizes generally fell between 1,000 and 1,300 respondents, with two outliers: Luxembourg garnered only 496 participants, probably because of the small size of the country relative to the others, and Germany brought in 2,177 responses because Eurobarometer conducted separate, full surveys in East and West Germany.

Eurobarometer 43.1, conducted in April-May 1995, asked two almost identical questions: should rules for political asylum or immigration policy be decided a) at the

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<sup>180</sup> Jones, B., & Norrander, B., 1996.

<sup>181</sup> Clarke, H., & Dutt, N., 1991.

national level, or b) within the European Union. I code these answers in the same manner as the 1992 data, with a value of 1 denoting the national level and a value of 2 indicating the EU level. I again average the results for each Member State. The differences between the two averages give me the change in public support for both asylum and immigration policies between the two years and become my public opinion independent variables.

I test my hypothesis using a basic correlation between the dependent variable, each public opinion variable, and all other independent variables. I follow the correlation test with a series of basic crosstabulations and simple, ordinary least squares (OLS) regressions that test each public opinion variable separately against the dependent variable.

### *Media*

Because polling data do not provide an infallible method of measuring public opinion, I also use data from 1,925 media articles between 1 April 1992—the beginning of the Bosnian war—and 31 December 1996. I found most of these articles through the Factiva search engine, using the search terms “asylum or refugee,” “Bosnia or Yugoslavia,” and “European Community or European Union.” These articles contained one or more terms from each of those three categories.

Factiva only gave me results from media sources that either originally ran in English or carried a regular English translation, so the primary sources of media data include the British newspapers *The Independent*, *The Times*, and *The Guardian*, as well as the English version of the French news agency *Agence France Presse*. I found English

translations of media articles from the other countries using search engines on the Internet. Other prevalent sources include *British Broadcasting Corporation*, the EU publication *Official Journal* and the Brussels-based newsletter *Agence Europe*, the *Irish Times*, the Greek *Macedonian Press Agency* and *Athens News* and the Danish newspaper *Copenhagen Post*.

### Quantitative Results

Although my public opinion dataset is large, my sample size—twelve EU Member States—is small, which lowers the probability that I would obtain statistically significant results, as described in the previous chapter. I begin with a series of crosstabulations between the dependent variable—change in support for refugee portions of EU treaties between Maastricht and Amsterdam—and each independent variable. As discussed in chapter 1, I use chi-square to calculate the significance of each crosstabulation, without expecting to find significant results using this tool, as the small sample size leads to a value of 1 for the frequency of each combination of dependent variable values and independent variable values. I therefore calculate Cramer's V—which factors out sample size to measure the strength of association of crosstabulations—to further refine my significance results. Cramer's V ranges from 0 to 1, with a larger number reflecting a greater observed relationship between the two variables as a percentage of their maximum possible variation. Although Cramer's V is difficult to interpret, it helps reduce the inherent problems the small sample size generates.<sup>182</sup>

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<sup>182</sup> Gautam, S., & Kimeldorf, G., 1999.

Both the chi-square and Cramer's V values indicate a significant relationship among nearly all of the variables I test. The crosstabulation between treaty support and public support for an EU-level asylum policy generates a chi-square value of 20.14, which exceeds the critical value (10.827) for a 0.001 probability level given one degree of freedom, leading me to reject the null hypothesis that the two variables are not related. The Cramer's V value is 0.92, which also indicates a strong relationship. The chi-square and Cramer's V are a bit lower (15.14 and 0.79, respectively) for the relationship between treaty support and public support for an EU-level immigration policy, but the chi-square still passes the threshold for significance at the 1% level. On the surface, then, it appears as though these variables are related, but the crosstabulations cannot tell me the direction of that relationship. Moreover, some scholars have found that small values of order statistics can inflate goodness-of-fit measures such as chi-square and Cramer's V.<sup>183</sup> Therefore I also run basic OLS regressions on these variables.

Contrary to my hypothesis, the regression results suggest that public opinion that favored stronger EU action on asylum actually corresponds with a *decrease* in support for an EU-level asylum policy, although the correlation is very weak and not statistically significant. Public opinion favoring centralized EU immigration policies correlates fairly highly with an increase in support for an EU-level asylum policy, perhaps suggesting that the immigration lobby was better organized during the Bosnian war than the asylum lobby, and that the overlap between the two issues translated to greater action on refugees. Table 1 shows the basic crosstabulations and OLS regression results measuring

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<sup>183</sup> Michael, J., & Schucany, W., 1979.

the relationship between changes in public opinion on asylum and immigration and changes in state support for an EU-level asylum policy.

**Table 1:** Impact of Public Opinion on State Support for EU-Level Asylum Policy

Variable	OLS		Crosstabulations	
	Coefficient	S.E.	Chi-Square	Cramer's V
Public Support for EU-Level Asylum Policy	-0.84	2.70	20.14	0.92
Public Support for EU-Level Immigration Policy	2.33	3.35	15.14	0.79

\*Significant at 15% level

\*\*Significant at 10% level

\*\*\*Significant at 5% level

#### *Accounting for Other Independent Variables in Impact of Public Opinion on State Support*

I also run OLS regressions holding other independent variables constant, in order to control for the effects of those variables and isolate the effect of public opinion. As table 2 demonstrates, the public opinion coefficients are inconsistent, although more than half are negative, suggesting that in general, public opinion on an EU-level asylum policy and the state's support for such a policy are inversely related, although no result is significant at the 15% level or lower. It is important to note that correlation does not imply causation, and it is possible that these results reflect a negative public reaction to state support for a centralized policy. However, the state governments at the time of the

survey were in the midst of deliberating their positions on each treaty; it is not clear how much of their deliberations were made public before the survey.

One notable case in which public opinion on asylum generates a positive coefficient is the regression that combines that variable with the variable measuring the pro-EU inclinations of the parliament, and regresses both against treaty support. In this regression, both the parliament and public opinion variables generate positive coefficients, although neither is significant. These results suggest that while public opinion alone may have had a negative relationship with states' decisions, the interplay between the public and the parliament generates positive results. Moreover, the adjusted R-squared values for these models are low, suggesting that more factors than public opinion alone—and even the combination of public opinion and political partisanship—had an impact on treaty support. I cannot include all variables in the regression together, though, because of the low degrees of freedom, so I limit my regressions to one or two independent variables against the dependent variable.

The variable measuring public opinion on immigration yields more consistent results. In nearly all regressions, public opinion on immigration correlates positively with treaty support (although rarely is it significant), which lends further support to the suggestion that the public lobby on immigration had stronger inroads with Member State governments than did the asylum lobby. The regression of public opinion on immigration and the pro-EU inclinations of the parliament together against treaty support generates significant results at the 15% level and a positive coefficient: 6.56, suggesting that a one-unit increase in public support for EU-level immigration policies corresponds

with an overwhelming 6.56-unit increase in state support for an EU-level asylum policy at Amsterdam. Table 2 highlights the results of the OLS regressions of each of the two public opinion variables—change in support for EU-level asylum and support for EU-level immigration—against the change in state support for EU-level asylum, holding each other independent variable constant. As mentioned above, my degrees of freedom limit my OLS regressions to two independent variables at a time.

**Table 2:** Effects of Public Opinion on Treaty Support, Holding Other Variables Constant

Variable Held Constant	<i>Public Opinion on Asylum</i>		<i>Public Opinion on Immigration</i>	
	Public Opinion Coefficient	S.E.	Public Opinion Coefficient	S.E.
Number of Bosnian Refugees	-1.21	3.06	2.29	3.55
Number of Total Refugees	-0.91	2.92	2.33	3.53
Net Migration Rate	1.56	2.08	1.76	2.47
Unemployment	-2.90	2.94	-0.52	4.97
State GDP	0.60	2.71	3.28	3.08
Pro-EU Parliament – Leading Party	-0.46	2.63	2.83	3.20
Pro-EU Parliament – Total	0.80	3.43	6.56*	3.83
Number of Refugee Organizations	-0.76	2.19	1.68	2.74
Xenophobia – Nationality	-1.24	2.60	1.14	3.46
Xenophobia – Religion	-1.65	3.09	2.08	3.87

\*Significant at 15% level  
 \*\*Significant at 10% level  
 \*\*\*Significant at 5% level

### *Effects of Other Variables on Public Opinion*

Although most are not significant, the results of the regressions using public opinion as independent variables are worth discussing, as they generate further questions for the qualitative research and subsequent chapters. Public opinion supporting an EU-level asylum policy appears to have increased as the country's net migration rate increased, but this result is significant only when controlling for unemployment. These results suggest that the public—disaffected with its economy and blaming migrants of all types for economic hardships—turned to the European Union for a solution. Interestingly, the regression of the net migration rate on public support for an EU *immigration* policy was not significant, perhaps lending support to the suggestion that the immigration lobby was already well-organized and public views well-entrenched.

The only variable with a clear impact on public support for asylum policy at the EU level is the country's unemployment rate. As unemployment increases, so does the public's desire to cede authority over asylum issues to the European Union. Regressing unemployment and the net migration rate against public support for an EU-level asylum policy yields positive, significant coefficients. This finding further supports the notion that disenchanted EU Member State publics assessed that the European Union would be better-equipped to manage migration problems. However, the regressions do not show significant evidence that these changes in public support led to changes in the treaty negotiations, which suggests that other factors besides public opinion contributed to those state positions.



Regressions of the other independent variables on public opinion generate infinitesimal, statistically insignificant results across the board. On the surface, these results suggest that public opinion on these issues was firmly entrenched before the Bosnian war. The Bosnian refugee lobby, then, probably was more heavily driven by public opinion itself than by the other variables pushing the public, at least in the midst of and immediate aftermath of the war—the time in which the public and governments were making up their minds about the Amsterdam Treaty. These results could suggest that the Bosnian refugee crisis was in Downs’s “alarmed discovery” stage during the treaty negotiations—though immigration had progressed to a more advanced stage—and therefore the public was reacting more quickly than the time the governments had to respond before Amsterdam.

Table 3 outlines the results of the OLS regressions using public opinion on EU-level asylum as an independent variable. Because some of these results gained statistical significance when holding unemployment constant—as discussed above—table 3 includes those results as well. Those variables whose significance increased, however, generated negligible coefficients, with the exception of the net migration rate, as discussed above.

**Table 3:** Effects of Other Factors on Public Opinion on EU-Level Asylum Policy

Variable	Coefficient	S.E.	<i>Accounting for Unemployment</i>	
			Coefficient	S.E.
Number of Bosnian Refugees	-2.84e-06	2.18e-06	-3.60e-06**	1.85e-06
Number of Total Refugees	-1.03e-07	1.40e-07	-1.66e-07	1.24e-07
Net Migration Rate	0.01	0.25	0.02**	0.01
Unemployment	0.02*	0.01	N/A	N/A
State GDP	0.00	0.00	0.00	0.00
Pro-EU Parliament – Leading Party	-0.02	0.05	-0.01	0.05
Pro-EU Parliament – Total	-0.08***	0.04	-0.07*	0.04
Number of Refugee Organizations	0.00	0.01	0.00	0.01
Xenophobia – Nationality	-0.12	0.34	-0.90	0.31
Xenophobia – Religion	-0.35	0.24	-0.29	0.22

\*Significant at 15% level

\*\*Significant at 10% level

\*\*\*Significant at 5% level

### Qualitative Assessment: Public Response and Impact

The assertion of Givens, Luedtke, and Rosenblum that political salience can outweigh collective action problems and galvanize the public to action seems to be accurate in this study, particularly in the case of immigration. The Member State

governments appeared to pay attention to public demands on immigration, as indicated by the quantitative results above, which suggests that either the effects of the public's asylum lobby were more complex than the quantitative measures captured, or the asylum lobby was not sufficiently organized at the end of the Bosnian war to carry the same weight as the immigration lobby. Alternatively, the asylum lobby may have been sufficient only in certain states—namely, those that received the largest number of Bosnian refugees—to spur the public to react. To answer this question, I delve further into the public response to the Bosnian refugees, exploring both the apparent salience of the issue as described by Givens and Luedtke, and the role of public opinion in parliamentary debates and speeches.

Unlike the World War II refugee crisis, which occurred at a time of relatively primitive global communication, the Bosnian refugee influx generated a massive media response that included a recurrent display of wrenching images of starving refugees and their families. This media pushed for—and received—a stark public response. References to the plight of the Bosnian refugees and the need for a Europe-wide response to them dominated the media in several EU states, particularly at the beginning of the Bosnian war. These articles, which appeared in a wide swath of periodicals of different political persuasions, almost universally chastised their government—and, in many cases, the European Union—for not doing enough to assist the refugees.

At the beginning of the war, the entire European Union quickly became aware that Germany would carry the largest burden of the Bosnian refugees despite public ambivalence toward immigrants. Media articles throughout Europe featured touching

stories of German villagers offering refuge to Bosnian families despite internal tension over immigration.<sup>184</sup> When the German government decided in mid-1992 to increase its quota of Yugoslav refugees and to pressure its EC partners to do the same, a British newspaper reported that Bonn had been motivated in large part by television coverage of Yugoslav children awaiting help. Although the Community did not immediately respond with promises to implement refugee quotas as a unit, it did increase aid to refugees within Yugoslavia following Bonn's pleas, suggesting a direct link between public opinion and Community action.<sup>185</sup> Germany demonstrated early in the war its willingness to respond quickly to popular concerns; the German public complained when UN planes carrying aid into Bosnia in mid-1992 left Bosnia empty when they could have been filled with refugee children, so Bonn prepared to fly Bosnian children to Germany outside the auspices of the UN.<sup>186</sup>

Not all Germans held their arms open to the Bosnian refugees or expected their government to do the same, however. Media articles throughout the war underscored the intense domestic pressure Germany faced throughout the war to push for "burden-sharing" within the Community because of the disproportionately large number of Bosnian refugees the Germans accepted.<sup>187</sup> Although Bosnians were not directly targeted, hundreds of refugees throughout Germany were assaulted and many murdered in efforts to intimidate other asylum hopefuls as Germany's refugee numbers skyrocketed. German citizens also publicly bewailed Germany's financial struggles,

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<sup>184</sup> Thomsen, H., 31 July 1992.

<sup>185</sup> The Independent, 21 July 1992.

<sup>186</sup> Lebor, A., & Murray, I., 27 July 1992.

<sup>187</sup> Bone, J., & Murray, I., 23 July 1992.

arguing in the case of a voter from the center-right Christian Democratic Union (CDU)—the second-largest German party, which has traditionally favored closer European integration—that “Germany has fallen since unification from second to seventh place as regards output per head in the EU and we simply cannot afford to go on paying for west Europe, east Europe and Russia, let alone all those so-called refugees.”<sup>188</sup>

These sentiments were not limited to Germany; even an independent British periodical—in direct contradiction to its government’s policies, which were among the most strict in the European Union toward Bosnian refugees—pushed for “burden-sharing” within the Community, deeming it “plainly unjust” that Germany took in such a disproportionate number of Bosnian refugees while the United Kingdom accepted so few.<sup>189</sup> The same periodical in July 1992 published an article that chastised London for accepting almost no Bosnian refugees while impoverished Hungary had taken in 60,000 and Germany 200,000, sentiments which many other British press articles echoed throughout the Bosnian war.<sup>190</sup> London did not appear as keen on acquiescence to its public as did Bonn, though; in response to public criticism noting that tiny Slovenia had accepted 50,000 Bosnian refugees, an unspecified British Minister claimed, “If you had as many in England it would amount, proportionately, to around one and a half million. And we can’t concentrate them in large camps. That might be misunderstood by our own

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<sup>188</sup> Gow, D., 4 June 1994.

<sup>189</sup> The Independent, 1 December 1992.

<sup>190</sup> Crawshaw, S., 8 July 1992.

people. You see, their standards are different. ... We have to teach them how to use a water-closet.”<sup>191</sup>

The British government did provide unilateral aid to Bosnia for its refugees, but perhaps just as much with the purpose of keeping them as close to their areas of origin as possible—and therefore out of the United Kingdom—as pacifying an apparently altruistic public.<sup>192</sup> Then-Prime Minister John Major in July 1992 spoke directly with then-UN High Commissioner for Refugees Sadako Ogata to discuss a proposed mission that would fly 60 wounded children—mostly orphans—from Bosnia to Britain for treatment, and in August 1992 London, following immense public criticism for its stinginess with regard to the Bosnian refugees, agreed to admit former Yugoslav nationals as “visitors” to the country and effectively suspend asylum laws on their behalf.<sup>193</sup> London still came under public fire, however, for sending some 36 former Yugoslav nationals back to the countries through which they transited en route to the United Kingdom and holding others in prison and other detention centers while they awaited the processing of their asylum applications.<sup>194</sup> London ultimately conceded to its public, allowing those refugees who had passed through other European countries “only in transit” to the United Kingdom to stay there.<sup>195</sup> However, in November 1992 Britain introduced visas for former Yugoslav nationals, which also led to public outcry.<sup>196</sup> One op-ed in *The Independent* shortly thereafter quipped, “The way a government handles refugees is the

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<sup>191</sup> Hope, C., 11 July 1992.

<sup>192</sup> Pick, H., & Traynor, I., 11 July 1992.

<sup>193</sup> Williams, J., 13 July 1992; Davies, P., 7 August 1992.

<sup>194</sup> *The Independent*, 12 August 1992

<sup>195</sup> Wintour, P., 13 August 1992.

<sup>196</sup> Binyon, M., 18 November 1992.

way it would like to handle its own subjects. They are foreign and helpless. We—or, rather, most of us—are not. However, we should take note of the official reaction to the Bosnian refugees, and shiver.”<sup>197</sup> British public outcry toward its country’s asylum policy vis-à-vis the European Union had quieted down by early 1993 but flared up again in 1994 as London threatened to expel a handful of Bosnian-born asylum-seekers to Croatia despite warnings from prominent NGOs that such a course of action would place the refugees in danger of simmering Croat-Bosniak (Bosnian Muslim) disputes within the still-unstable Croatia.<sup>198</sup>

Especially at the beginning, many news articles throughout Europe pointed to the impotence of the European Community—which withdrew most of its monitors in 1992 after they came under fire and a Belgian observer was killed—in assisting the refugees, using such declarations as, “Even the European Community monitors will be completely useless when tomorrow or the day after everything blows up again,” and “The [Bosnian] crisis is a grave indictment of the European Community’s diplomacy in the Balkans and its ambitions to pursue a common foreign policy. If those are ever to mean anything in practice, then the EC must show itself capable of organizing a response to the refugee problem.”<sup>199</sup> Numerous other articles blamed the European Community’s recognition of Bosnia for the escalation of fighting and emphasized the leading role Washington played—which these articles claimed the European Community should be playing—in refugee assistance. French papers were generally less vitriolic, pointing out instances in

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<sup>197</sup> Ascherson, N., 22 November 1992.

<sup>198</sup> Pilkington, E., 7 November 1994.

<sup>199</sup> Reuters News, 12 May 1992; Meares, R., 12 May 1992; Antonov, N., 5 January 1992; The Independent, 16 July 1992.

which the European Community rushed to help individual refugees.<sup>200</sup> However, even the French press noted the Community's general ineffectiveness in the region, quoting a Bosnian radio station: "Sarajevo will be hit again (by artillery) as soon as [EC envoy Jose Cutilheiro] leaves."<sup>201</sup> Those that did not directly implicate the Community in the refugee crisis highlighted in graphic detail the highly personal nature of the war, emphasizing the murders and forced evacuations particularly of Bosniaks and Croats and flashing these images across newspapers and television screens across the European Community.

Press articles from other EU Member States—even the Netherlands and Denmark, which received the second and third largest number of Bosnian refugees, respectively, among EU states—did not indicate that the publics in those countries were as irate about the refugee crisis as those in Germany and the United Kingdom. Articles about these refugees generally were factual, although occasionally an article would call for increased aid to the war victims within Bosnia. Immigration was a more salient issue in many of these countries, but it did not appear to focus specifically on Bosnia. In Greece, immigration of neighboring ethnic Albanians stirred some angst within the population, but the longstanding animosity between the two countries had nothing to do with the Bosnian war. In Spain, media articles reflected a desire to help more wounded refugee children within the country but did not specify a role for the European Union. By and large, while the EU Member State publics appeared to pay close attention to the war and

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<sup>200</sup> Agence France-Presse, 10 April 1992.

<sup>201</sup> Stegic, V., 12 April 1992.



its refugees, it did not push—at least in the media—for or against “burden-sharing” during and in the immediate aftermath of the war by the number of refugees on EU soil, except in Germany and Great Britain. This finding suggests that my hypothesis that the public was only sufficiently charged in the countries in extreme situations vis-à-vis the Bosnian refugees may be accurate.

A handful of speeches by European leaders underscore the importance of public opinion not only in state policy, but in EU policy as well. In 1993, Jacques Delors—President of the European Commission at that time—gave a speech in the Netherlands about the need to address adequately the Yugoslav conflict, as “our political powerlessness before this unending Yugoslav tragedy is what strikes public opinion.”<sup>202</sup> David Owen—the chief EU negotiator in the Balkans—in 1996 expressed his view that public opinion should drive the decision on how to handle the Bosnian crisis.<sup>203</sup> One could argue that these and other leaders were simply paying lip service to calm a restive populace. Indeed, internal parliamentary debates regarding the refugees during the Bosnian war only occasionally invoked estimated public opinion. An Irish parliamentarian argued, for example, that the Irish public would broadly support an increase in Irish refugee receptions and greater action at the EU level.<sup>204</sup> Most asylum debates focused more heavily on internal politics, though. However, the accommodation of refugees in Germany in response to the public outcry suggests that at least one Member State took action as a result of public pressure.

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<sup>202</sup> Agence Europe, 3 September 1993.

<sup>203</sup> Battiata, M., 30 June 1996.

<sup>204</sup> Dáil Éireann, 20 May 1993.

While the Member States had mixed feelings on how the Bosnian refugees should be handled, they had very strong opinions about EU integration writ large. Media articles and speeches indicated that the EU governments in which the public opposed closer integration proceeded cautiously in Brussels.<sup>205</sup> This result further suggests that the asylum lobby might not have been fully organized by the time of the Amsterdam negotiations; the problem was not that the EU governments did not respond to the people, but rather that the people were not speaking loudly enough about this particular issue. The main exception was Germany, which suggests that the number of refugees may have jumpstarted the public lobby sufficiently to capture the attention and action of the government. In the following chapters I explore other factors that may have pushed Germany and the other Member States to action, including the political parties in power, the activities of NGOs and other organizations, and the norms and values in these states.

### Conclusion

This chapter concludes that public opinion vis-à-vis Bosnian refugees did have an impact on states' support for an EU-level asylum policy between Maastricht and Amsterdam, but that in most countries the public voice probably took a backseat to other factors—such as the influence of NGOs and the EU institutions—during that time. The refugee crisis clearly was a salient issue for the public, and the populace spoke out frequently in the media, but it appears that only in Germany—which received a substantial number of refugees in comparison with the other EU Member States—and, to

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<sup>205</sup> Villa, M., 28 October 1995.

a lesser extent, the United Kingdom, was the question of “burden-sharing” also sufficiently salient.

Several scholars suggest that economic factors would influence public support for an EU-level asylum policy. The quantitative results suggest that this is the case; higher unemployment led to greater public support for an EU-level asylum policy, perhaps because the public assessed that the European Union would be better equipped to handle refugees and thereby alleviate costs at the national level. Indeed, when I regress both unemployment and the net migration rate against public support for an EU-level asylum policy, both independent variables give significant results. These sentiments were not reflected heavily in the media; only in Germany did the public actively speak out in favor of “burden-sharing” because Germany struggled to provide economic support for the refugees. However, overall, these results suggest that asylum was a significant issue for the public, even if their governments did not immediately respond to their concerns. I explore in the next chapter whether asylum sufficiently motivated the public at the polls to change the pro-EU composition of state governments.

It appears from the media articles in most Member States that norms and other sources of influence—perhaps NGOs—also drove the public to push for or against “burden-sharing.” For example, the British public’s cries for greater assistance in the EU framework seem to suggest that at least a portion of the British populace wanted to help its EU neighbors and the refugees for human rights reasons. Based on this chapter, I suggest that the public role in bringing the European Union closer to a centralized asylum policy—at least before Amsterdam—was channeled through NGOs and support for pro-

European political parties, rather than direct public lobbying. I explore this relationship in greater depth in the following chapters.

### CHAPTER 3

#### Political Partisanship

Scholarly literature on asylum policy in EU countries leaves little doubt that asylum plays heavily into domestic politics, particularly when a “focusing event”—such as a massive influx of migrants, as during and after the Bosnian war—occurs in close proximity to an election. The literature is less clear, though, on the influence of entrenched partisan ideologies and election strategies vis-à-vis asylum on eventual state positions on EU-level policies. It would seem obvious that the parties that support European integration would push for an EU-level policy, and that such a policy would advance at the EU level if a sufficient number of such parties held power in Member States at the same time. However, partisan ideologies are not the only factor influencing the development of policy positions, and therefore the resulting progress—or lack thereof—toward an EU-level asylum policy may differ from the professed stance of the majority of domestic parties within the European Union. I delve in this chapter into the complicated partisan question as it relates to asylum for each EU Member State between Maastricht and Amsterdam, in order to test the hypothesis that changes in state support for an EU-level asylum policy between these two treaties arose in part because of the importance of the Bosnian refugees to the EU electorates and, correspondingly, the

election success during the Bosnian war of parties whose stance on such a policy matched that of the majority of the populace.

Most literature on partisan positions on EU policy focuses on the countries with the most extreme policy positions, noting particularly that political parties in Germany—the most receptive EU member to refugees at the time of the Bosnian war and correspondingly the most susceptible to mass influxes—made asylum a top platform priority when public fear of imminent refugee flooding led to outbreaks of violence against refugees.<sup>206</sup> On the other hand, British political debates over social policy led then-Prime Minister John Major to threaten to veto agreement on immigration policy, as well as labor law and economic and monetary union, during the Maastricht negotiations.<sup>207</sup> However, no scholar has yet explored the impact of the Bosnian refugee crisis on these debates and the subsequent effect, if any, on the success of particular parties and on eventual state policy. Moreover, little scholarly literature focuses on the smaller, less vocal states within the European Union, for which refugee issues might not have topped the political agenda before the Bosnian war but for which the Bosnian refugee influx may have generated attention to asylum policy. I attempt in this study to shed light on both of those issues.

An assessment of political partisanship vis-à-vis policymaking raises a number of theoretical questions, many of which scholars have been debating since the advent of the political party. This study does not deeply explore the creation or internal functioning of

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<sup>206</sup> Schonwalder, K., 1996.

<sup>207</sup> Moravcsik, A., 1998.

parties, nor on the development of their ideologies, as these debates—while important—stray from the central question of this study. Rather, this chapter focuses on questions of parties’ interaction with their surroundings: what is the relationship between partisan policy positions, particularly during a refugee crisis, and electoral success? Once elected, to what extent do these parties’ positions on salient issues lead to near-term policy changes?

The Bosnian refugee crisis in the European Union provides an ideal case study for these questions, as I found in the previous chapter that the Bosnian refugee influx was a highly salient issue for EU publics and governments. Also, a wide array of data exists—including party manifestos, media articles, and parliamentary debates—from the Bosnian war years that can help shed light on these debates. Moreover, the Bosnian refugee crisis was unprecedented for the European Union as an institution, and the requirements to manage it were unprecedented for nearly all EU Member States, so the governments’ responses to the refugees can help measure the impact of “focusing events” on the shaping of the EU members’ policies.

### Literature Review

Scholars generally agree that how political parties behave—the crux of rational choice theories of democracy—plays a crucial role in European state decision-making.<sup>208</sup> Parties provide voters a voice in government by allowing them to choose leaders whose priorities and preferences best align with theirs, and those leaders theoretically pass laws in accordance with those preferences, which might not be reflected in government

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<sup>208</sup> Budge, I., 2001.

without parties.<sup>209</sup> Parties also help streamline social conflicts by providing advocacy for different sides of debates.<sup>210</sup> However, the public is not the only factor driving the preferences and strategies of political parties, nor are parties the only sources of influence on government decision-making. Therefore the impact of partisan behavior and election strategies on states' policies is a widely-debated question in public policy literature, and it is important to include this question in an assessment of partisanship on EU state decisions vis-à-vis asylum policy during and after the Bosnian war. Asylum was a hotly debated topic during that time, and it figured into the election campaigns in a number of EU Member States.

*Success at the Polls: From Election Strategies to Governing Power*

Naturally, most literature on parties focuses primarily on elections, as they are the means by which parties come to power. Numerous scholars posit that internal partisan ideologies—sometimes independent of public opinion—play a key role in shaping parties' policy positions and election strategies. Many parties have existed for decades and have long-entrenched ideologies, which may at times drive them toward views that clash with those of their voting base, but generally give them a predictable voting populace that agrees with their views.<sup>211</sup>

Scholars suggest that in European democracies, partisan and popular views tend to fit into the traditional “Left-Right” struggle for greater versus lesser government involvement in market outcomes—as well as European integration—which helps dictate

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<sup>209</sup> Krehbiel, K., 1993.

<sup>210</sup> MacDonald, S., Listhaug, O., & Rabinowitz, G., 1991.

<sup>211</sup> Marks, G., & Wilson, C., 2000; Kriesi, H., 1998; Hix, S., 1999a; Lipset, S. M., & Rokkan, S., 1967, in Hix, S., 1999a; Kriesi, H., 1998; Marks, G., Wilson, C., & Ray, L., 2002.



partisan policy, define partisan ideologies, and provide an easily-identifiable sphere of interaction between parties and populace.<sup>212</sup> The Left-Right framework also provides voters with relatively discrete and often well-entrenched sets of views that help them navigate through a complex political system.<sup>213</sup>

Even with the relatively discrete Left-Right spectrum, however, partisan success is subject to a voting populace whose views are often transient. During the Cold War, Left-Right theories focused on Marxian class structure as a predictor of voter-partisan alignment, with the working class favoring the Left-wing parties and the upper class voting for the Right-wing parties. However, more recent literature suggests that a variety of market, organizational, and reproductive experiences contributes to popular support for particular parties, thus painting a complex picture for government hopefuls and the development of subsequent policies.<sup>214</sup> Parties need to carefully maneuver within an often unpredictable playing field to win the hearts—and votes—of the popular majority, and entrenched partisan ideologies therefore are not the only source or predictor of partisan behavior.

Bearing in mind both their partisan ideologies and unpredictable public opinion, scholars note that parties strategize in election campaigns to garner as much power as possible while holding onto as many of their partisan priorities as they can. On highly-salient issues, the scales appear to tip in favor of public opinion, with parties willing to sacrifice some elements of their ideology to satisfy a mobilized public. Literature points

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<sup>212</sup> Hooghe, L., Marks, G., & Wilson, C., 2002; Hix, S., 1999a.

<sup>213</sup> Aspinwall, M., 2002.

<sup>214</sup> Kitschelt, H., 1993.

to a substantial correlation between stated public opinion on a highly-salient issue and partisan strategies in the subsequent election—due in large part to the vast array of information available to the public through the media, which leads to a better-informed voting base—but also notes that this correlation is not 100%.<sup>215</sup> A modification of Downs’s 1957 *Economic Theory of Democracy* posits that parties move to policy extremes when they believe they will certainly win or lose the election, but shift to the policy center when they are unsure of the election outcome.<sup>216</sup>

Parties succeed at the polls, then, based upon the salience of the main issues, the proportion of the public that traditionally aligns with them along the Left-Right spectrum, and a marriage of the two—the “swing voters” who support the party that best captures their feelings on an issue of high relevance to them at that particular time. Voter choice, though, is not the only influence on partisan strategies; rational choice theories also suggest that party activists, campaign contributions, third-party threats, endogenous preferences, and expectations of changes in voter preferences also help shape partisan positions.<sup>217</sup> Political scientists Ken Kollman, John Miller, and Scott Page combine these factors into the concept of *political landscapes*, which voter preferences and challenging party platforms shape and which define the space in which opposition parties can claim votes. On highly-salient issues, the landscape narrows, leading parties to converge on the moderate view—slowly if voter preferences are extreme, quickly if they are centrist.<sup>218</sup>

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<sup>215</sup> Ray, L., 1999a.

<sup>216</sup> Budge, I., Klingemann, H., Volkens, A., Bara, J., & Tanenbaum, E., 2001.

<sup>217</sup> Kollman, K., Miller, J., & Page, S., 1998; Grofman, B., 1993.

<sup>218</sup> Kollman, K., Miller, J., & Page, S., 1998.

Election strategies, therefore, appear to be carefully woven with partisan ideologies and public opinion, which also help determine partisan positions once they are in government.

*Success in the Government: From Governing Power to Policy Change*

Notwithstanding the priority parties place on public mobilization during elections, literature suggests that ideologies—particularly of the dominant parties—better determine their policies once they are in power, even on highly-salient issues.<sup>219</sup> This is not to say that electoral competition is irrelevant when parties are in government, however. Parties outside of government scheme to oust the governing parties by attempting to pacify the partisan voter base, trumpeting a popular view on a salient issue to portray their party as reformed and refreshing; if persistence on partisan ideologies does not work, then accommodation and innovation might.<sup>220</sup>

Public opinion does remain a key variable in party politics once the parties are in power, especially on salient issues of morality, such as asylum policy.<sup>221</sup> One study found that if public opinion is divided on a salient issue, parties will follow their respective voting bases closely, and if public opinion is clear, political elite ideology will be the most influential factor on partisan behavior.<sup>222</sup> Public views on salient issues also directly affect perception of policymaker effectiveness. As public opinion on an issue waxes and wanes over time, so does the public's view of those policymakers who address that particular issue.<sup>223</sup>

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<sup>219</sup> Barrilleaux, C., 1997.

<sup>220</sup> Finegold, K., & Swift, E., 2001.

<sup>221</sup> Mooney, C., & Lee, M., 2000.

<sup>222</sup> Mooney, C., & Lee, M., 2000.

<sup>223</sup> Weissert, C., 1991.

Regardless of its plans and priorities, unless a party holds sole power in government, it cannot act based entirely on its own voters or ideologies but must negotiate with other parties in the governing coalition. Political scientist Ian Budge notes that political ideologies do not always provide parties or coalitions detailed guidance on which position to take on issues when popular preferences are not clear. On these issues, Budge suggests that the lack of clear ideological instructions—as well as the near-universal presence of median legislators in democratic governments—will lead coalitions to fall back on the median position.<sup>224</sup> During “focusing events,” coalitions can even form around the key issues, further securing a coalition consensus.<sup>225</sup>

Regardless of what drives the parties in power, the time it takes to parlay those factors into policy changes is often seen as the key measure of their effectiveness on salient issues. Margaret Whitehead, a World Health Organization consultant, examined health care debates around the European Union, contrasting the Dutch government’s efforts to build a careful consensus—which required extensive time—and Britain’s immediate, aggressive approach, which many viewed as overly confrontational.<sup>226</sup> A government that cannot form a consensus quickly on a salient issue may not be viewed as effective by a demanding populace. Also, the time it takes to form a consensus within a government on a contentious issue may preclude the translation of partisan ideologies and strategies into near-term policy change.

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<sup>224</sup> Budge, I., 1994.

<sup>225</sup> Peterson, R., & De Ridder, M., 1986.

<sup>226</sup> Whitehead, M., 1998.

Scholars might therefore suggest that as long as public opinion was clear on the Bosnian refugee crisis, parties would converge around the policy position with the highest level of public support, both at the polls and within government. To develop this thought further, it is necessary to look at parties' positions on European integration, as integration and an EU approach to asylum were inextricably linked. The Bosnian refugee crisis occurred at a time of significant flux with respect to public views on integration, and this study explores the relationship between these two issues.

*Success during the Bosnian War: Partisan Views and Actions on EU Integration*

During the Bosnian war, one of the key issues political parties addressed was European integration, which Mark Aspinwall defines as binding, supranational rules that lead to a reduction or potential reduction in state power within Europe.<sup>227</sup> Some scholars argue that after the founding of the European Union, European integration considerations affected nearly all domestic economic and political issues.<sup>228</sup> New developments in Brussels fostered some of this political interest; the Bosnian refugee crisis occurred when the European Union had just formed from the European Community and was demanding an unprecedented level of compromise from its Member States and relinquishing of their sovereignty. These demands invigorated fundamental tensions within each state between the desire for the benefits of closer integration and the drive to maintain control of its decision-making power. Based on the literature, I hypothesize that partisan positions within EU Member States on the merits of EU integration played a key role in the

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<sup>227</sup> Aspinwall, M., 2002.

<sup>228</sup> Marks, G., & Wilson, C., 2000.

election success of those parties and in those states' eventual support for or opposition to the asylum portions of the Amsterdam Treaty.

Scholars generally agree that European integration falls into the Left-Right debate within EU Member States. Extreme Left and extreme Right parties both tend to be skeptical of centralized European policies, but those in the middle—including most Social Democrat, Christian Democrat, Liberal, and Conservative parties, with the exception of “Euro-skeptical” factions within those parties—tend to favor European integration.<sup>229</sup> In the run-up to and beginning of the Bosnian war, EU Member State parties—particularly the Socialists—generally shifted toward the center, and political systems overall drifted slightly to the Right. Some newly-emerging parties, though, became firmly polarized on the extreme ends of the Left-Right spectrum.<sup>230</sup> The ratification process of the Maastricht Treaty highlighted the diversity and prevalence of “Euro-Skeptics” in the EU Member States. In addition to staunch anti-EU parties in France, Germany, and Denmark, numerous “new politics,” neo-fascist, agrarian, and “new populist” parties fervently took up the issue of integration.<sup>231</sup>

It is worth noting that a common theme throughout these scholarly debates emphasizes that parties that are otherwise ambivalent toward European integration support it when they perceive the European Union can more effectively address an issue

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<sup>229</sup> Hooghe, L., Marks, G., & Wilson, C., 2002; Taggart, P., 1998; Aspinwall, M., 2002.

<sup>230</sup> Knutsen, O., 1998.

<sup>231</sup> Taggart, P., 1998.

than can the domestic government. Some scholars claim that this sentiment is especially true among small, often single-issue parties such as the Green Parties.<sup>232</sup>

*Success during the Bosnian War: Partisan Behavior on Asylum Policy*

These scholarly debates lead to the question of whether the Bosnian refugee crisis figured so heavily in EU states' election campaigns that it helped bring particular parties into power. If the refugee crisis were sufficiently salient, it could affect an election outcome, especially if the public wishes clashed with partisan ideologies. If the public in a particular country favored keeping asylum policy at home, for example, while its moderate parties aimed to supranationalize it, rational choice theory would suggest that the public would promptly bring in new, more favorable leaders at the next election. Perceptions of this risk may have led some of the moderate parties, which otherwise would have supported an EU-level asylum policy, to balk at it, especially on the eve of an election.

Downs's theory would suggest that states with strong, vocal public opinion on asylum policy would elect parties that reflect the popular view on that policy, and therefore the will of the people would dictate that country's course of action. Downs also would suggest, however, that the asylum policy of those countries in which the Bosnian refugee crisis did not significantly galvanize the public would be dictated by the stance on the issue of parties that dominated the election landscape for other, more salient reasons.

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<sup>232</sup> Aspinwall, M., 2002.

Looking more closely at Downs leads to more implications for the Bosnian refugee crisis in the European Union: he assumes that political parties construct every policy to maximize votes (and, correspondingly, that every voter seeks to maximize his utility outcome, so he will vote for the political party he most closely agrees with) and that both parties in a two-party system agree on issues that a majority of citizens favor.<sup>233</sup> Downs's theory would suggest that parties in EU Member States—particularly the parties that held a majority of seats in parliament—would converge on issues of high salience, such as the Bosnian refugee crisis, creating minimal dissonance because each party knows that the Bosnian refugees would not be a major dividing factor (and therefore would not make or break any party) in the elections. Correspondingly, Downs might suggest that only countries with publics divided on the issue of supranationalizing asylum policy would engage in rigorous partisan debate on this issue because only in those countries might the populace be able to choose from multiple policy options.

However, while Downs's theory provides a good springboard for discussion on rational choice theory, he simplistically assumes that 1) no external factors weigh into partisan debates and decision-making, 2) political parties have no inherent ideologies that might trump public wishes even—or, perhaps, especially—on issues of high salience, and 3) debates do not overlap with each other such that a party might be willing to sacrifice public support on one issue to gain support on another, the latter of which the party deems more important to its success at the polls. The first assumption is particularly important in this case, because it could be argued (as I outlined in chapter 1) that

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<sup>233</sup> Rogers, W., 1959.



transnational actors and concepts were far more prevalent in Europe in the 1990s than in the 1950s. One cannot assume that the parties in the Member States were solely seeking votes when they crafted their responses to the Bosnian refugee crisis, and it stands to reason that an issue such as asylum policy—which raises broader concerns of human rights and humanitarian aid—would not only touch the hearts of the public but also play into the ideologies of the parties in government. For example, a party that traditionally saw its homeland as a country of immigration—or was founded by immigrants—might assume that a public opposed to supranational immigration or asylum policy was ill-informed and forge ahead with its entrenched agenda.

Despite these shortcomings in Downs's study, the fact that centrist parties in Europe generally support EU integration might suggest that Downs is right and that the Bosnian refugee crisis had little or no impact on partisan debates within the European Union and therefore on states' positions vis-à-vis supranationalizing asylum policy. One study tested whether political shifts sparked changes in asylum policy and found that no such changes occurred in any EU Member State in the mid-1990s.<sup>234</sup> Another study suggests that the high degree of consensus in favor of integration among the major parties in the Member States would make it difficult for voters to choose between them on that issue alone. Euro-Skepticism is manifest mainly in the fringe parties without much public support, which political scientist Paul Taggart claims indicates that integration is not a key point of contention for European publics.<sup>235</sup> By extension, Taggart would not

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<sup>234</sup> Schuster, L., 2000.

<sup>235</sup> Taggart, P., 1998.

find a link between political partisanship and support for the refugee portions of the Amsterdam Treaty to the extent that asylum policy reflected overall support for European integration.

Based on these hypotheses in the literature, quite a bit of partisan election emphasis might be expected on asylum policy vis-à-vis the European Union—especially in those countries that received a large number of refugees and in which the issue was therefore highly salient—but only an isolated impact on election outcomes. In those countries in which the refugee crisis did have an impact on the election results, one could conclude that the salience of the issue with the public did lead to near-term action and therefore policy change; the Amsterdam negotiations occurred less than a year after the Bosnian war ended and therefore provided an immediate opportunity to parlay election concerns about the Bosnian refugees into treaty change. However, in countries in which the refugee crisis did not figure heavily in the elections, one might expect that forming a consensus would be much more difficult, precluding policy change before Amsterdam.

#### Hypothesis and Methodology

This chapter tests the hypothesis that changes in state support for an EU-level asylum policy during the Bosnian war arose in part from the rise of political parties that favored such a policy. These partisan successes, in turn, were determined in part by popular mobilization around the Bosnian refugee crisis. As with public opinion, I combine regression and correlation analyses with qualitative sources. Because the analyses support my underlying assessment that public opinion and political partisanship

are inextricably—though not completely—linked, this chapter expands upon some of the points I made in the previous chapter.

As the study of policy preferences and party ideologies is established yet constantly evolving, the literature leads me to numerous sources of data on political platforms. Michael Laver and Ben Hunt discuss three possible methods for determining party positions: analyses of party documents (usually electoral manifestos), mass public opinion surveys, and expert judgments.<sup>236</sup> Other scholars note that data from manifestos—although derived directly from the party’s official record and a generally reliable measure of parties’ positions along the Left-Right continuum—are inherently subjective when measuring a concept such as that party’s support for a particular position, and they may exclude smaller parties that do not have manifestos.<sup>237</sup> Surveys are more easily quantifiable but reflect only the party electorate, not its leadership. Expert judgments allow for the inclusion of all parties in a study, even if they do not have manifestos, but they do not exist for many concepts worthy of empirical study.<sup>238</sup> It appears, then, that a combination of methods is necessary for this portion of the study.

For the quantitative data, I use Leonard Ray’s seven-point scale—discussed in chapter 1—which measures each party’s position on European integration. I test this hypothesis in the quantitative model using two binary variables that captured the extent to which the dominant party or parties in parliament favored European integration. I craft the aggregate variable by averaging the integration “score”—as assigned by Ray—for all

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<sup>236</sup> Laver, M., & Hunt, B., 1992, in Ray, L., 1999b.

<sup>237</sup> Gabel, M., & Huber, J., 2000.

<sup>238</sup> Ray, L., 1999b.

parties that held ten percent or more seats in parliament that year. I weight this average by percentage of seats within that group; for example, if the Social Democrats held 50 out of 100 parliamentary seats, the Christian Democrats held 30 seats, and a handful of smaller parties—none of which crossed my ten percent threshold—held the remaining 20, I added the total number of seats (80, in this case) that the main parties held and assigned them weighted scores based on that seat total. So, in this example, I would assign the Social Democrats a weighted score of  $(62.5\% \times \text{Ray's score})$  and the Christian Democrats a weighted rating of  $(37.5\% \times \text{Ray's score})$ . I use weighted averages in order to reduce the “noise” that the far less influential parties might contribute to the calculation.

The quantitative data are inherently flawed, however, as support or opposition to EU integration is neither binary nor absolute.<sup>239</sup> However, the analysis of media reports, parliamentary debates, and manifesto data help flesh out my quantitative findings. To assess the impact of the Bosnian refugees on the campaign success of the pro-European parties, I examine the manifestos of some of those parties that took power from pro-European parties between 1992 and 1996 to determine the role, if any, that asylum and immigration policy played in their rise to power. I also include some of the results of my media analysis—discussed in the previous chapter—because it includes numerous data points that are useful for this portion of the study. Finally, I examine 69 speeches addressing immigration or asylum by political leaders in EU countries during or shortly after the Bosnian war.

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<sup>239</sup> Taggart, P., 1998.

International studies scholar Niklaus Steiner describes the power of language to set the political agenda, emphasizing that understanding politics requires an assessment not only of the actions of political actors but also of their rhetoric. According to Steiner, no better method of determining political actors' positions exists than examining parliamentary debates, which provide parliamentarians a forum to argue their positions, shape political discourse, and impress the public.<sup>240</sup> I therefore supplement my other data with parliamentary debates, which are archived on numerous Member States' parliamentary websites. However, as English is the only EU language I can understand, I am only able to directly examine debates from Great Britain and Ireland; I am limited to references to debates of other EU parliaments in English translations of their media articles.

### Quantitative Results

The political partisanship variables indicate fairly clearly that a change in the pro-EU inclinations of parliament had a direct impact on Member States' positions on EU asylum policy, but the results do not give definite conclusions on whether the Bosnian refugee crisis led to changes in these countries' leadership.<sup>241</sup> The results do show a relationship between public opinion and the rise or fall of pro-EU parties, as I expected based on the literature, but in this case public opinion on asylum seems to have an inverse impact on the increase or decrease in the pro-EU partisan position in government. These

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<sup>240</sup> Steiner, N., 2000.

<sup>241</sup> A change in the partisan support variable almost exclusively indicates a change in the partisan composition of parliament, rather than a position change within a party, as the change in partisan support for integration between 1992 and 1995 in nearly all cases was negligible.

quantitative results lead me to the interim conclusion that the public elected its leaders during the Bosnian war based on EU integration concerns other than asylum.

### *Partisan Support for Amsterdam*

As with public opinion, the two partisanship variables—change in pro-EU inclinations of the leading parties and of parliament as a whole—show a substantial relationship in the crosstabulations. However, given concerns that small values of order statistics can inflate goodness-of-fit measures such as chi-square and Cramer's V, I also run regressions on each variable against the dependent variable, the change in state support for an EU-level asylum policy between Maastricht and Amsterdam.

The ordinary least squares (OLS) regressions do not generate as strong results as the crosstabulations, but they do suggest a link between partisanship and the dependent variable. Support for European integration as measured by the total parliamentary parties with 10% or more seats generates a coefficient of 0.77—indicating that a one-unit increase in support within that party would correspond with a 0.77-unit increase in support for the asylum policy portions of the Amsterdam Treaty—significant at the 11% level when regressed along with public opinion on immigration policy. Change in support for European integration within the leading parliamentary party shows a large—yet not significant—impact on that country's support for the asylum portions of Amsterdam, indicating that asylum policy within EU Member States was inextricably linked to broader questions of European integration, which I discuss briefly in this chapter and in more depth in chapter 6. While these results indicate that the party in power was able to effect change in state policy positions at Amsterdam, the results do not

indicate to what extent the Bosnian refugee crisis contributed to these changes. The qualitative analysis provides more insight into that part of the research question.

Table 4 shows the results of each of the initial crosstabulations and OLS regressions, separately measuring each of the partisanship variables against the dependent variable.

**Table 4:** Impact of Partisanship on State Support for EU-Level Asylum Policy

Variable	OLS	Crosstabulations		
	Coefficient	S.E.	Chi-Square	Cramer's V
Pro-EU Parliament – Leading Party	0.57	0.42	20.19	0.92
Pro-EU Parliament –Total	0.32	0.37	24.00	1.00

\*Significant at 15% level

\*\*Significant at 10% level

\*\*\*Significant at 5% level

Introducing other independent variables into the regressions strengthens these results. The pro-EU inclinations of the leading party in parliament show a significant relationship with changes in state support for an EU-level asylum policy when holding each of the following independent variables constant: the number of Bosnian refugees, the number of total refugees, the net migration rate, unemployment, and religion-based xenophobia. Holding public support for an EU-level immigration policy constant makes the pro-EU inclinations of the entire parliament significant when regressed against the

dependent variable. All of these coefficients are positive, indicating a direct relationship; as more pro-EU parties are elected, the government increasingly favors an EU-level asylum policy. I explore the extent to which the Bosnian war contributed to this outcome in the next section of the quantitative analysis and in the qualitative section. Table 5 lists the results of the regressions that hold other independent variables constant.

**Table 5:** Effects of Partisanship on Treaty Support, Holding Other Variables Constant

	<i>Parl. – Leading Party</i>		<i>Parl. – Total</i>	
Variable Held Constant	Partisanship Coefficient	S.E.	Partisanship Coefficient	S.E.
Number of Bosnian Refugees	0.97*	0.57	0.34	0.39
Number of Total Refugees	1.23**	0.58	0.32	0.39
Net Migration Rate	0.60***	0.27	0.18	0.28
Unemployment	0.67*	0.40	0.54	0.37
State GDP	0.38	0.44	0.16	0.38
Public Opinion – Asylum	0.56	0.44	0.39	0.49
Public Opinion – Immigration	0.61	0.42	0.77**	0.43
Number of Refugee Organizations	0.32	0.37	0.36	0.29
Xenophobia – Nationality	0.59	0.39	0.33	0.36



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Xenophobia – Religion	0.83**	0.45	0.40	0.39
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\*Significant at 15% level  
\*\*Significant at 10% level  
\*\*\*Significant at 5% level

### *Factors Influencing Government Positions on EU Integration*

I also examine the impact of other variables on changes in the pro-EU composition of the government, hoping to capture whether asylum policy sufficiently mobilized the electorate to ensure pro- or anti-EU parties' success at the polls. Interestingly, public support for an EU-level asylum policy corresponds with a relatively strong *decrease* in the pro-EU composition of parliament (with a coefficient of -4.22), significant at the 5% level. Similarly, public support for an EU immigration policy generates a strong, negative coefficient with the aggregate parliament variable (-5.47, significant at the 5% level). Bearing in mind that correlation does not imply causation, these results could indicate that asylum policy was not the key issue for voters when assessing the merits of pro- or anti-EU candidates; although they supported a more closely integrated asylum policy, they perhaps disliked other aspects of European integration and voted accordingly.

Along with public opinion, I also measure all of my xenophobia variables against the partisanship variables, finding no significant results except for the regression of religion-based xenophobia against the pro-EU stance of the leading party in parliament. This regression generates a coefficient of 2.23, significant at the 15% level, suggesting

that higher levels of xenophobia based on religion corresponded with a greater desire for EU policing of asylum. Germany may have been a heavily influencing factor here, as my media content analysis points to xenophobia in Germany as a major driver of public opinion on refugees and motivation behind public calls for “burden-sharing.” I discuss xenophobia in greater depth in chapter 6.

The only other regressions that garner significant results are those that measure the impact of the number of Bosnian refugees and the number of total refugees on the pro-EU inclinations of the leading party in parliament. Although significant at the 5% level, these results are negligible, suggesting that the number of refugees alone did not suffice to change the outcome of elections during the Bosnian war.

Table 6 lists the regression results for both of the partisanship variables against each other independent variable. Controlling for unemployment, the impact of public support for immigration and religion-based xenophobia on the pro-EU inclinations of the leading party in parliament lose significance at the 15% level. Otherwise, results using the control variables do not change the significance of these regressions, and therefore I do not include in table 6 the results for the regressions that include the control variables.

**Table 6:** Effects of Other Factors on Partisanship

	<i>Parl. – Leading Party</i>		<i>Parl. – Total</i>	
Variable	Coefficient	S.E.	Coefficient	S.E.
Number of Bosnian Refugees	3.05e-05***	0.00	7.24e-06	0.00

Number of Total Refugees	-2.01e-06***	0.00	4.72e-08	0.00
Net Migration Rate	0.01	0.06	-0.04	0.07
Unemployment	-0.03	0.06	-0.09	0.07
State GDP	0.00	0.00	0.00	0.00
Public Opinion – Asylum	-0.69	1.89	-4.22***	1.79
Public Opinion – Immigration	-0.82	2.38	-5.47***	2.23
Number of Refugee Organizations	-0.06	0.06	0.01	0.07
Xenophobia – Nationality	0.22	2.02	0.09	2.38
Xenophobia – Religion	2.23*	1.40	1.55	1.78

\*Significant at 15% level

\*\*Significant at 10% level

\*\*\*Significant at 5% level

These results suggest that public opinion did help emplace or remove pro-EU governments, although not exclusively because of the public's stance on asylum policy. The rise and fall of pro-EU parties did have an impact on overall state support for an EU-level asylum policy, but the quantitative results do not clarify the role of the Bosnian war in this impact. For this question I turn to the qualitative portion of the study.

### Qualitative Results

The literature and media analyses indicate that the Bosnian refugee influx served as a “focusing event” in several EU states; each state took in at least some Bosnian refugees. This issue captivated major newspapers, both in headlines and in opinion pieces, especially at the beginning and end of the war. In the first year of the war, the major periodicals in the United Kingdom, Ireland, and France—as well as the major international newspapers—featured 1,536 articles containing references to the Bosnian refugees, and 4,957 discussing Bosnia in general. The latter figure topped the number of articles discussing Iraq, the European Union, and the World Cup. The reaction of the publics in those countries—namely the United Kingdom and Germany—that took extreme positions vis-à-vis asylum policy at both the state and EU level underscores the high salience of the refugee crisis in those countries in particular.

Asylum and immigration as a whole were also politically- and publicly-charged issues throughout Europe during the Bosnian war. Press reports in fall 1992 emphasized that immigration topped the political agenda in many EC countries, with anti-immigrant parties on the rise, particularly in France and Belgium.<sup>242</sup> British media during the war highlighted the public anger throughout Europe toward asylum-seekers and the corresponding rise in popularity of the conservative parties that pushed for restrictive asylum policies. However, as with the quantitative results, the qualitative results do not suggest that these public sentiments translated into major changes at the polls as a direct result of the Bosnian refugees.

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<sup>242</sup> Marshall, A., 14 September 1992.

To examine the impact of elections in these countries during the Bosnian war, I combine an assessment of the parties' manifestos and election speeches between Maastricht and Amsterdam (1992-1997) with the media content analysis to determine whether government stances on asylum policy changed just before or just after elections, and whether public opinion was sufficiently charged about the issue prior to the election to suggest that the outcome of the vote was linked with the Bosnian refugees. If I do find a link between the Bosnian refugees and a party's success at the polls, I use the data to assess whether the change in power led to a change in policy position at Amsterdam.

My research first focuses on France, Luxembourg, and Portugal, whose governments increased their support between Maastricht and Amsterdam for the refugee portions of EU treaties, as well as Greece and Ireland, whose endorsement dropped. Each of these countries changed Prime Ministers during the Bosnian war, and all except Luxembourg experienced a major party shift during those elections. All except Ireland held parliamentary elections during the Bosnian war, with the status of majority party changing hands.

I also am interested in those states in which the government changed hands, even if the state did not shift its support for an EU-level asylum policy at Amsterdam. Of particular interest is France, which did not take in many Bosnian refugees but did experience the near-complete ouster during the Bosnian war of its leading parliamentary party, the Socialists—and then changed its position on asylum policy at Amsterdam. Italy also underwent notable change at the beginning of the Bosnian war; the Italian Communist Party, which in the 1989 elections garnered nearly 27% of the seats in

parliament, did not cross the ten percent threshold in 1992, but the Democratic Party of the Left raked in 18% of the vote despite not having crossed the threshold in 1989. In the Netherlands, the small Democrats 66—a progressive, pro-European, radically liberal party—jumped into parliament in 1994 with 16% of seats, just as the Dutch, whose numbers of Bosnian refugees skyrocketed that year, were in the throes of the Bosnian refugee crisis.<sup>243</sup> These are the countries I examine after the group mentioned above. Following them, I assess the rest of the EU Member States.

Although Austria, Sweden, and Finland did not join the European Union until January 1995, I include them in this assessment because of their participation in the Amsterdam debates and because of the significant number of Bosnian refugees that Austria and Sweden accepted. European press throughout the Bosnian war included frequent references to Austria, Bosnia's geographic neighbor, because of the large number of refugees it accepted in comparison with EU Member States. Sweden also was already home to a large Bosnian community when the war began, which led numerous Bosnian refugees to the Swedish border.

An examination of parties' policy positions and manifestos during the Bosnian war shows that major parties from across the Left-Right spectrum and across the European Union emphasized the need to protect underprivileged minorities in their manifestos during and immediately after the Bosnian war. The only two exceptions were Belgium and Denmark, in which no more than ten percent of party manifestos mentioned

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<sup>243</sup> The Netherlands had taken 5,751 Bosnian asylum applications between 1992 and 1994, and in 1994 alone the Dutch received 8,635 new applications. (Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>)

these minorities. A few parties—particularly the Northern Alliance in Italy—seemed to step up their references to these minorities between elections, possibly to secure more votes. These manifestos highlight the salience of underprivileged minorities—including refugees—for these parties during the Bosnian war. However, the salience did not appear to increase during the war over previous years, as the percentages remained constant within political parties. So it would appear that in general, the Bosnian refugees alone did not spark either a change in partisan platforms or the success of those parties at the polls.

Regarding the question of whether a change in support for an EU-level asylum policy between Maastricht and Amsterdam resulted from an increase in power of pro-European parties in those countries, the results imply that political partisanship may have played a role but probably did not act alone. In France, the pro-European composition of parliament increased between Maastricht and Amsterdam—according to Ray’s scale—but the Prime Ministers elected in 1993 and 1995 led political parties with a slightly lower pro-EU ranking than the party in power during Maastricht. Luxembourg and Portugal showed almost no difference in scale after its elections. Of those whose support for an EU-level asylum policy dropped between Maastricht and Amsterdam, Greek pro-EU inclinations fell as expected, as did those in the Irish Parliament.

#### *France*

Press reports suggest that the 1993 French elections—which ushered in a Gaullist coalition to power—were driven in part by immigration concerns, noting that the new government implemented a more restrictive immigration and asylum policy than the

previous government had endorsed. Police under the new system had greater power to deport foreigners, asylum-seekers had fewer opportunities for long-term residency, and naturalization became more difficult.<sup>244</sup> In one of his first speeches to the nation, new Prime Minister Edouard Balladur pledged to toughen asylum policies while respecting human rights.<sup>245</sup> Although the opposition Socialist Party and various human rights groups in France contended that this policy would result in greater discrimination against non-European foreigners, polls showed that Balladur's proposal had wide public support.<sup>246</sup>

Following the 1997 elections, however—in which immigration was again a key election issue—the pendulum swung the other way, with the Socialists living up to their election promises to revisit and somewhat relax the immigration laws of the previous administration.<sup>247</sup> New Prime Minister Lionel Jospin touched on xenophobia as well, proclaiming before Parliament just after his election, “Nothing is more alien to France than xenophobia and racism. France must define a firm, dignified immigration policy without renouncing its values or compromising its social balance.” At about the same time, the French government—which Leonard Ray's data note was significantly more pro-European than the previous administration—and its voters strongly supported the asylum portions of the Amsterdam Treaty. These debates did not mention the Bosnian refugees specifically, though, and the Bosnians composed less than one percent of asylum applications lodged in France between Maastricht and Amsterdam. I therefore conclude

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<sup>244</sup> Hegen, D., 2001.

<sup>245</sup> Taylor, P., 8 April 1993.

<sup>246</sup> Riding, A., 12 June 1993.

<sup>247</sup> Hainsworth, P., 1 January 1998; Whitney, C., 20 June 1997; Ganley, E., 19 June 1997; Hegen, D., 2001.



that, although asylum was a highly salient issue, partisanship in France linked to the Bosnian refugee crisis did not play a large role in galvanizing the French government to change at Amsterdam.<sup>248</sup>

### *Luxembourg*

Elections in Luxembourg during the Bosnian war were far less contentious than in France, at least with respect to asylum and immigration. Highly popular Prime Minister Jacques Santer stepped down in 1995 to become head of the European Commission, and the subsequent election in Luxembourg ushered in another member of Santer's Christian Social People's Party. Santer throughout his tenure as Prime Minister championed immigration, and he publicly stated that as Commission President he would favor a uniform immigration and asylum policy within the European Union.<sup>249</sup> His public did not always welcome immigrants as warmly as Santer did, but his country's support for an EU-level policy increased during the Bosnian war, probably because the country remained pro-European and tied the asylum policy issue closely to European integration.

### *Portugal*

The Portuguese government prior to the 1995 elections made clear its commitment to helping the Bosnian people as a part of Europe.<sup>250</sup> Antonio Guterres, who became Prime Minister that year, went on to become the UN High Commissioner for Refugees in 2005 after a career marked by refugee advocacy and a role in negotiating Portugal's accession to the European Community. Guterres's personal enthusiasm for the

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<sup>248</sup> Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>.

<sup>249</sup> Santer, J., 1998; Luukkanen, A., April 2003.

<sup>250</sup> J. M. Durão Barroso, Portuguese Foreign Affairs Minister, interview given to *Publico*, 9 January 1994. In Vasconcelos, A., 2000.

issue probably contributed to Portugal's increase in support during the Bosnian war for including asylum-related items in EU treaties. However, according to Eurobarometer, support within the Portuguese public for a common EU asylum policy dropped slightly in the interim, which probably indicates that the public supported Guterres for reasons other than his staunch pro-immigration stance. Indeed, press reports suggest that the public respected Guterres for his and his party's predominant campaign promise to bring Portugal closer to Europe, particularly European monetary union, and to reduce the domestic budget deficit.<sup>251</sup> As Portugal took in very few Bosnian refugees, this issue probably did not figure heavily into Portuguese elections.<sup>252</sup>

### *Greece*

According to Leonard Ray's data, Greece voted in a slightly less pro-European government in 1993 than in the previous election. Shortly before the 1993 election, the government rounded up and expelled some 50,000 illegal Albanian migrants, which—coupled with its highly stringent procedures for claiming asylum—demonstrated the government's unwelcoming stance toward refugees (as well as its antipathy toward Tirana).<sup>253</sup> Speeches by Prime Minister Andreas Papandreou underscored hesitation to opening Greece's borders to migrants, instead emphasizing the need to expel illegal immigrants and make the legitimate ones legal. However, these speeches couched the refugee issue mainly in terms of bilateral relations with neighbors Turkey and Albania.<sup>254</sup>

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<sup>251</sup> Waddington, R., 31 May 1996; Financial Times, 22 October 1996.

<sup>252</sup> From 1992 to 1995, Portugal only received 27 asylum applications from Bosnians. (Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>)

<sup>253</sup> U.S. Department of State, 1995.

<sup>254</sup> BBC Monitoring Service, 13 September 1994; Reuters News, 15 January 1995.

As Greece received almost no asylum applications from Bosnia during the war, the refugee crisis did not appear to have an impact on the Greek government's stance on asylum policy. Athens did support the refugee elements of the Amsterdam Treaty, though with less vigor than that with which it had supported the Maastricht Treaty.

### *Ireland*

Ireland also received a paltry number of asylum applications from Bosnia, but its support for the asylum portions of EU treaties declined—though it did continue to back such provisions—during the Bosnian war. Although a Prime Minister took office in 1994 from the Fine Gael party, which Ray's data suggest was slightly more pro-EU than competitor Fianna Fáil at that time, Fianna Fáil retained a narrow majority in Parliament throughout the Bosnian war. Immigration and asylum did not appear to be highly contentious issues during these elections, with the exception of a small, vocal minority aiming to “return Ireland to the Irish.”<sup>255</sup> An isolated incident surfaced in the final days of the 1997 election campaign, in which the public accused its Prime Minister and chief immigration officials of failing to take adequate measures against asylum seekers. This issue, however, did not appear to turn the results of the election, in which Fianna Fáil again captured a parliamentary majority.<sup>256</sup>

Irish parliamentary debates underscore the difficulty in pushing through legislation on asylum—even during times of “focusing events”—due to partisan clashes. When Fianna Fáil took over the government from Fine Gael in 1992, subsequent

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<sup>255</sup> The Independent, 31 May 1997.

<sup>256</sup> Moore, J., 1 June 1997.

parliamentary debates made clear that certain provisions on asylum that Fine Gael—which continued to serve as a junior coalition partner—proposed were not considered outright, even if both parties agreed to the basic tenets of the legislation. This impasse occurred simply because Fine Gael had not allowed other, unrelated legislation to pass when Fianna Fáil had served in opposition. These debates highlighted that asylum policy was an issue close to the heart of both parties, yet political stalemates precluded action on either side, even though very small numbers of refugees arrived in Ireland each year.<sup>257</sup>

### *Italy*

Immigration and asylum figured heavily into local politics in Italy, with mayors threatening to deport illegal immigrants themselves if laws were not tightened at the national level.<sup>258</sup> The rise of the small, virulently anti-immigrant and anti-EU National Alliance organization—which took 17% of the parliamentary seats in 1994—indicates that antipathy toward immigrants was at or near the forefront of many voters' minds at the polls.<sup>259</sup> National Alliance pushed its anti-immigration message in most of its speeches, and the Bosnian war brought immigration items to the parliamentary agenda that their authors recognized needed to be strict enough to pass muster with the Northern Alliance.<sup>260</sup> Italy remained opposed to an EU-level immigration and asylum policy at Amsterdam.

### *The Netherlands*

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<sup>257</sup> Dáil Éireann, 11 May 1993.

<sup>258</sup> Simonian, H., 24 June 1993; Holmes, P., 14 March 1994.

<sup>259</sup> According to Ray's data, National Alliance's pro-EU rating was 1.88 in 1992 and 2.25 in 1994. Its coalition partners, the Democratic Party of the Left and the Northern League, both ranked at or around 6.00.

<sup>260</sup> Viviano, F., 15 December 1994; Haller, V., 4 December 1994.

Press articles strongly suggest that immigration and asylum debates were at the center of Dutch parliamentary elections in 1994, which one press article characterized as a referendum on the future of the welfare state.<sup>261</sup> The asylum controversy sparked discord between the two parties—Christian Democratic Appeal (CDA) and Labour—in the incumbent ruling coalition, with Labour proposing that refugees classified as “economic” be awarded asylum, and CDA—backed by the Liberals—claiming that this proposal was unrealistic and would overburden the country’s already thinly-stretched refugee resources.<sup>262</sup> People acknowledged that asylum-seekers were draining revenues in the Netherlands and responded favorably to Labour’s inclinations to tighten asylum laws.<sup>263</sup> These debates seemed to fit into a larger framework of welfare discussions in the country, as one of the first speeches to Parliament by Prime Minister Wim Kok—the Labour party leader who won the 1994 election, ending nearly eight decades of CDA dominance—included demands to make immigration controls more stringent, limit minimum wage and eliminate welfare benefits for illegal residents, cut public spending, and strengthen European integration.<sup>264</sup>

Although neither Kok nor his predecessor, Ruud Lubbers, made specific references to Bosnian refugees in their election speeches, the number of asylum-seekers from Bosnia jumped more than ten times between the beginning of the war and the 1994 Dutch election, and comprised more than 16% of asylum applications in the Netherlands (that figure jumps to 26% when factoring in all other refugees from southeastern

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<sup>261</sup> Sunday Gazette-Mail, 1 May 1994.

<sup>262</sup> Gillot, S., 29 April 1994.

<sup>263</sup> Sunday Gazette-Mail, 1 May 1994.

<sup>264</sup> Reuters News, 18 August 1994; Agence France-Presse, 31 August 1994.

Europe).<sup>265</sup> However, despite the role—albeit small—the Bosnian war may have played in helping a new government rise to power, the pro-European nature of that government did not change; the Netherlands supported an EU-level asylum policy at Amsterdam as strongly as it did at Maastricht.

### *Germany*

The Bosnian refugee crisis was probably more salient in Germany than in any other EU Member State. Germany pushed hard both at Maastricht and Amsterdam—and throughout the interim—for an EU-level asylum policy, including a “burden-sharing” arrangement. The influx of refugees from Bosnia into Germany—almost coterminous with the fall of the Berlin Wall—sparked an intense and vitriolic debate in the German parliament, in which parliamentarians on both sides of the asylum debate felt overwhelmed by the number of asylum-seekers flooding Germany yet could not reach a consensus on whether to loosen or tighten existing asylum laws.<sup>266</sup>

The debate was particularly strong between the two main parliamentary parties. During the Bosnian war, then-Chancellor Helmut Kohl—who faced substantial internal pressure to push for “burden-sharing” within the Community as Germany accepted hundreds of thousands of Bosnian refugees—tried to convince the Social Democratic Party (SPD) opposition to change the German constitution to make asylum policy more restrictive, but the Social Democrats insisted that Germany must remain a country of refuge for the world’s oppressed and agreed to change the constitution only if Kohl first

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<sup>265</sup> Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>

<sup>266</sup> Steiner, N., 2000.

secured Community support for a “burden-sharing” arrangement.<sup>267</sup> The SPD eventually relented, though, following widespread abuse of asylum procedures, and admitted that asylum hopefuls from countries in which political persecution is unproven should not be granted entry.<sup>268</sup> With the two main parties united on the Bosnian asylum issue, it probably was not the deciding factor in the success of the SPD in the 1994 parliamentary elections. Kohl continued to push for an EU-level “burden-sharing” arrangement, and Germany’s support for an EU-level policy remained high at Amsterdam.

Based on my media content analysis, it appears that the conservative parties in Germany—which took a staunch stance against immigration—became increasingly popular during the Bosnian war due in part to the lack of “burden-sharing” assistance from the European Union and the government’s inability to afford medium- to long-term care for the Bosnian refugees.<sup>269</sup> One 1992 press article claimed that “the rightist surge at the ballot box [prior to the 1994 elections] has been matched by growing violence against immigrants, asylum-seekers and ethnic minorities” from Eastern Europe, including Yugoslavia. The European media—and, later, German politicians themselves—criticized the refugees, asserting that they merely “sought to take advantage” of Germany’s relatively lax asylum laws.<sup>270</sup> British press suggested that the rise of the conservative parties in Germany underscored the public’s desire to implement stricter rules on asylum and immigration, and accusations of German racism pervaded throughout European press, especially because many attacks occurred in the former East Germany at the hands

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<sup>267</sup> Murray, I., & LeBor, A., 30 July 1992.

<sup>268</sup> Gow, D., 24 August 1992.

<sup>269</sup> Frank, P., 22 March 1993.

<sup>270</sup> Taylor, P., 1992; James, S., 19 April 1992.

of neo-Nazi groups. Even the SPD conceded that its insistence upon open borders for refugees was hurting those it had intended to help.<sup>271</sup> Contending with the refugees appeared an impossible task for Germany without EU help. The Bosnian war, therefore, appeared to help bring about a more conservative approach to refugees within Germany but did not change—in fact, it reinforced—Germany’s already-strong support for an EU-level asylum policy.

### *United Kingdom*

Asylum and immigration debates were also politically charged in the United Kingdom throughout the Bosnian war, although they did not appear to shake the composition of the government, which remained constant during the war. The British public appeared more concerned about European integration in general—which became a key theme in the 1997 parliamentary elections, after which the minority Labour Party upset the dominant Conservatives—than an EU-level asylum policy. The Conservative and Labour manifestos in 1997 included only passing—and nearly identical—references to asylum (the notion that it should not be abused), and only the Conservative manifesto mentioned Bosnia (as an example of the British ability to contribute to world peace), which suggests that although the issue appeared at the forefront of politicians’ minds while at the negotiating table in Maastricht and Amsterdam, it did not help get them elected.<sup>272</sup>

### *Denmark*

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<sup>271</sup> The Times, 26 August 1992; Marshall, A., 14 September 1992.

<sup>272</sup> The Times, 3 April 1997; Labour Party Manifesto, 1997.



During the 1994 elections, then-Prime Minister Poul Nyrup Rasmussen blamed public disenchantment with Denmark's liberal asylum policies—which primarily benefited Bosnians—for his party's considerable dip in the polls.<sup>273</sup> However, Denmark's stance on allowing the EU to take over asylum policy did not change much during the Bosnian war. At Maastricht, Denmark reacted so strongly against an EU-level asylum policy that it agreed to ratify the treaty only if it could opt out of a common asylum policy. However, the Danes appeared to object to integration as a whole, not just asylum; Copenhagen also opted out of economic monetary union, a joint defense structure, and cross-border policing.<sup>274</sup> Press reports, speeches, and polls suggest that politicians and the public continued to resist European integration as a whole, rather than solely an EU-level asylum policy, during the Bosnian war.<sup>275</sup>

Denmark's traditionally liberal immigration policies came under attack at local and regional elections at the end of 1997, with the virulently anti-immigration Danish People's Party (DPP) emerging in government for the first time and forcing Rasmussen to appoint a new Interior Minister who pledged to tighten immigration procedures.<sup>276</sup> During that timeframe, Danish neo-Nazis began patrolling the Danish-German border for illegal immigrants, mostly Bosnians.<sup>277</sup> This election upset followed several moves in Parliament—which the center-left coalition supported and the right-wing opposition opposed—to assist Bosnian refugees within Denmark, and the right-wing parties played

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<sup>273</sup> Foyen, L., 5 September 1993. Rasmussen's party still captured a comfortable majority in the subsequent elections.

<sup>274</sup> Austin, T., 28 November 1997.

<sup>275</sup> Reuters News, 22 June 1997; Reuters News, 28 November 1997.

<sup>276</sup> Agence France-Presse, 18 November 1997; Austin, T., 19 November 1997.

<sup>277</sup> Olsen, J., 17 November 1997.

upon the subsequent perception that the refugees were straining Danish resources and sparking immigrant violence.<sup>278</sup> So the Bosnian refugees may have helped tip the Danish political scales in favor of anti-immigrant parties, but the change in political composition did not change Denmark's stance at Amsterdam; although they grudgingly approved the Amsterdam Treaty in 1998, the Danish still did not favor a unified asylum policy.<sup>279</sup>

### *Belgium*

In Belgium, asylum and immigration did not appear to be major election issues during the Bosnian war, and Belgium strongly supported a common EU asylum policy at both Maastricht and Amsterdam. Belgium's only major election during the Bosnian war took place at the parliamentary level in 1995, and the centrist Christian Democrats slightly increased their majority. As was the case in a few other EU countries, anti-immigrant parties enjoyed a slight increase in support.<sup>280</sup> However, the heightened anti-immigrant sentiment in the 1991 election far outpaced that of the 1995 election, which suggests that the Bosnian refugees did not sufficiently galvanize voters to demand a change in their government composition.<sup>281</sup>

### *Spain*

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<sup>278</sup> Reuters News, 12 January 1995; Austin, T., 19 November 1997; Financial Times, 19 September 1994. Between 1992 and 1995, Denmark received 14,231 asylum applications from Bosnians, the third-highest number in the European Community (behind Germany and the Netherlands). (Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>)

<sup>279</sup> Olsen, J., 29 May 1998.

<sup>280</sup> Financial Times, 23 May 1995; Tucker, E., 22 May 1995.

<sup>281</sup> Dynes, M., 22 May 1995.

Election debates surrounding immigration and asylum were even less prevalent in Spain than in Belgium during the Bosnian war.<sup>282</sup> Spain received relatively few Bosnian asylum-seekers and did not appear to experience the waves of anti-immigrant or anti-refugee violence that some of its neighbors faced.<sup>283</sup> Press articles and manifestos suggest that the Spanish elections in 1996 focused primarily on curtailing the activities of the Basque separatist group ETA and battling unemployment and corruption, rather than immigration and asylum or even European integration.<sup>284</sup> A news article from Madrid labeled European integration as the issue about which the main parties differed least; both parties broadly favored the European Union and planned to align the country's foreign policies accordingly. Immigration and asylum did not appear on that list of issues.<sup>285</sup> Unsurprisingly, therefore, Spain's position on an EU-level asylum policy began strong at the beginning of the Bosnian war and did not change at Amsterdam.

### *Austria*

Austria was a significant refugee destination for Bosnians, who held the attention of politicians and the public throughout the war.<sup>286</sup> Austrian Chancellor Franz Vranitzky—who maintained his position throughout the war—publicly supported opening Austria's borders to refugees and attacked his right-wing rival's proposals to

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<sup>282</sup> Mortimer, E., 16 April 1992.

<sup>283</sup> Spain received 1,092 Bosnian asylum applications during the war. This was the fifth-largest number of the EU Twelve but comprised only one-tenth of the number of applicants that each of the top three EU countries received. (Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>)

<sup>284</sup> Mrozinsky, M., 16 February 1996; Campredon, F., 4 January 1996; Ober, T., 13 January 1996; Casteran, C., 14 January 1996.

<sup>285</sup> Hayley, J., 23 February 1996.

<sup>286</sup> Austria received 4,234 Bosnian asylum applications during the war, a figure larger than that of all but three EU Member States. (Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>)

curb immigration as “incompetent and petty.”<sup>287</sup> Vranitzky regularly met with leaders of neighboring countries to discuss devising a common approach to Bosnia and criticized other Western European countries at the beginning of the war for failing to “accept that there is an extraordinary [refugee] situation in Bosnia.”<sup>288</sup>

Although the Bosnian refugee crisis did not appear to be a major factor in Austrian elections, asylum issues in general figured prominently, with extreme-Right parties playing on public xenophobia and winning elections on slogans of “no to more foreigners” and “end abuse of asylum status,” as well as anti-EU expansion platforms.<sup>289</sup> Just before the 1994 general election, letter bombs were sent to numerous targets linked with foreigners and refugees in a wave of protest.<sup>290</sup> This occurred as the incumbent government came under fire due to the flood of immigrants, particularly from Yugoslavia, and extreme Right parties used anti-immigration platforms in an attempt to threaten to oust the centrist coalition.<sup>291</sup>

The Bosnian war itself also threatened the coalition ahead of the 1994 elections, as the ruling parties were divided over whether to send troops there under NATO command or to remain neutral.<sup>292</sup> The far-right Freedom Party pushed for Austria to join NATO immediately, using the Bosnian war as evidence that Austria could not afford to leave its security as Bosnia’s neighbor in the hands of the United Nations.<sup>293</sup> However,

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<sup>287</sup> Drees, C., 18 June 1996.

<sup>288</sup> BBC Monitoring Service, 26 April 1994; Rodger, I., 8 October 1992.

<sup>289</sup> Agence France-Presse, 26 October 1999; Boyes, R., 4 October 1999; Soderlind, R., 29 September 1999.

<sup>290</sup> Pagani, S., 8 October 1994.

<sup>291</sup> International Country Risk Guide, 1 June 1993.

<sup>292</sup> Pagani, S., 12 November 1995.

<sup>293</sup> Reuters News, 28 November 1994.

the coalition stood; although the Freedom Party won nearly a quarter of the vote in the 1994 elections, it did not secure a place in the governing coalition. Therefore, although the Bosnian war mobilized the Austrian electorate and political leaders, it did not appear to have changed the structure of the ruling coalition.

### *Sweden*

Bosnia was a major political issue in Sweden, particularly when former Swedish Prime Minister Carl Bildt took on the role of EU peace envoy to Bosnia at the end of the war. Sarajevo maintained periodic dialogue with Stockholm as a result.<sup>294</sup> Sweden also—due to a pre-existing Bosnian community living there—took in a significant number of Bosnian refugees during the war.<sup>295</sup> Immigration as a whole was a decisive issue for Swedish voters in the 1991 elections, when the right-wing, anti-immigration New Democracy Party came to power due in large part to concerns about Sweden's generous immigration policy, but the party lost the 1994 election.<sup>296</sup> As was the case in Austria, Sweden's governing coalition did not change in the only election it held during the Bosnian war, so the Bosnian refugees did not affect the balance of power in the Swedish parliament.

A small, grassroots political effort in Sweden highlighted voter interest in Bosnia. A new political party, which formed as the Bosnian war was drawing to a close, sought to run in Sweden's European Parliament elections the following September. Calling itself

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<sup>294</sup> Reuters News, 17 August 1995; Agence France-Presse, 7 June 1995.

<sup>295</sup> Sweden received 28,818 Bosnian refugee applications, behind only Germany when compared with the EU Twelve. (Migration Information Source, <http://www.migrationinformation.org/GlobalData/countrydata/data.cfm>)

<sup>296</sup> Reuters News, 19 September 1994.

“Sarajevo List,” the party focused on ending the Bosnian war and restoring a multi-ethnic state there. It garnered the support of numerous notable figures in Sweden, including Swedish actress Bibi Anderson.<sup>297</sup> Sarajevo List obtained 1% of the votes in that election but failed to win a seat in the European Parliament.

### *Finland*

Finland received only a handful of asylum applications from Bosnia during the war, in keeping with a generally small number of migrants. Finland held only one general election during the war, and the governing coalition did not change. A review of international press indicates that Finland’s key election issues did not include immigration, but rather focused on economic concerns such as the state budget and the unemployment rate.<sup>298</sup> My research shows no indication that the Bosnian war played any role in the Finnish election.

### Conclusion

As my hypothesis proposed, this chapter suggests that the relationship between public opinion and political partisanship during the Bosnian war played a small role in changing the overall stance on an EU-level asylum policy in France, the Netherlands, and Germany. In each of these countries, the Bosnian refugee crisis was a very politically-charged issue—Germany and the Netherlands took more refugees than any other EU Member State—and mobilized voters at the polls. However, only in France did the governing coalition change during the Bosnian war, and that change did not appear to be

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<sup>297</sup> Agence France-Presse, 22 May 1995.

<sup>298</sup> Reuters News, 30 March 1995; Agence France-Presse, 30 March 1995.

entirely tied to the Bosnian refugees. Also, support for an EU-level asylum policy did not change in Germany or the Netherlands between Maastricht and Amsterdam. The Bosnian war appears to have had an even more limited impact on partisan success and subsequent behavior in the other EU countries, as all major parties generally agreed on these policies and on European integration. The quantitative results support this conclusion; the inverse relationship between public support for immigration and asylum and the pro-EU inclinations of parliament suggest that the voters had other EU integration issues on their minds when they went to the polls.

It would appear, then, that public opinion and political leaders' responses to the crisis—rather than partisan ideologies or election strategies—played a more direct role in shaping these states' policies from within. Downs's theory seems accurate in this case, as the centrist parties tended to converge on the merits of bringing asylum to the EU level. The more contentious debate surrounded the desired restrictiveness of asylum policy, which did not appear to play into discussions about ceding authority on asylum to the European Union.

These results show no indication that the internal ideology of any political party in the European Union changed significantly as a result of the Bosnian war, at least between Maastricht and Amsterdam. It is therefore difficult to pinpoint from this study whether parties turned to support the European Union because of frustration with their own governments' ability to handle the asylum crisis. Only in Germany did parties make this argument, and the Bosnian war only appeared to reinforce—rather than change—this opinion among the major parties.

The qualitative portion of this chapter was not able to test whether a government that is elected on the basis of a highly-salient issue could sufficiently mobilize to create near-term change in government policy, as the leading party did not change immediately before Amsterdam in any government that was elected based on asylum policy. France—the only country to which this question could be applied—held its elections in 1993, which left plenty of time for the new coalition to cement its support for an EU-level asylum policy. The quantitative results, however, did indicate a connection between an increase in pro-EU parties in parliament and an increase in state support for an EU-level asylum policy. This result may simply reflect events in France (the sample size of twelve makes such an outlier a distinct possibility), and it certainly opens the door for future research on similar topics of equal salience in the European Union. This chapter does lead to conclusive results that the Bosnian war did not change political composition in the parliament or individual partisan support for an EU-level policy, which itself effectively answers the overall research questions for this portion of the study.

The study thus far suggests that, while important, public opinion and political partisanship did not sufficiently galvanize changes in state policy as a result of the Bosnian war. Asylum policy within the European Union between Maastricht and Amsterdam appears to have developed mostly within the context of non-state and inter-state factors, such as NGOs and intergovernmental organizations, the EU institutions, and global norms, with domestic policy and public opinion helping set the agenda for these institutions. I examine these factors in the following two chapters and the conclusion.



## CHAPTER 4

### NGOs and Intergovernmental Organizations

Post-Cold War literature suggests that the era of non-state and inter-state actors has begun to supplant traditional notions of state sovereignty, with non-governmental and intergovernmental organizations playing an increasingly prominent role in the shaping of state and international policy, including policy on human rights and refugees.<sup>299</sup> Often organized or inspired by an increasingly mobile and connected public, non-governmental organizations (NGOs) and intergovernmental organizations bring new issues to the agendas of governments or other organizations, help frame the terms of the debate, and attempt—often successfully—to influence the behavior of decisionmakers.<sup>300</sup> These groups also contribute to the evolution of *global governance*, a system whereby entities address cross-border issues in the absence of a supranational authority. This chapter tests the hypothesis that an increase in lobbying among refugee- and Balkans-related NGOs and intergovernmental organizations in an EU Member State during the Bosnian war led to higher support within that state for an EU-level asylum policy between the Maastricht and Amsterdam Treaties.

Previous chapters support the notion that traditional intra-state factors have not been the linchpin of post-Cold War asylum policy in Europe. The preceding two

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<sup>299</sup> Keck, M., & Sikkink, K., 1998.

<sup>300</sup> Matthews, J., 1997; Keck, M., & Sikkink, K., 1998.

chapters suggest that public opinion and political partisanship—classic tools of influence on state policymaking—did not figure heavily in most EU Member States’ decisions regarding an EU-level policy during the Bosnian war. This chapter suggests that NGOs and intergovernmental organizations helped mobilize constituencies within and across state lines to support or oppose a Member State’s endorsement of an EU-level asylum policy.

This chapter explores the theories behind the proliferation of these organizations in the post-Cold War era—focusing particularly on notions of global governance, global civil society, and moral cosmopolitanism—and how those theories apply to the role of these organizations in European integration and asylum policy. The chapter then offers quantitative and qualitative assessments of the refugee- and Balkans-related NGOs and intergovernmental organizations in the European Union during the Bosnian war, asking whether a rise in the number of these organizations, their lobbying efforts, or both contributed to an increase in state support for an EU-level asylum policy at that time. The study concludes that NGOs and intergovernmental organizations, through lobbying at state and international levels, helped foster the increase in support in numerous states for an EU-level asylum policy, and that the Bosnian war motivated some of these groups. These findings support the notion that although the state is still a powerful actor in the international system, it is increasingly subject to inter-state and non-governmental sources of influence and accountability.

### Literature Review

Since the end of the Cold War, discussions of the “fall of the state” and the rise of non-state and inter-state actors as policy drivers, particularly in Europe, have become increasingly prevalent in scholarly literature.<sup>301</sup> The concepts of “global civil society”—globalization from below—and “global governance”—a minimum framework of principles, rules, and laws that NGOs, intergovernmental organizations, and national governments use to manage transnational issues—suggest a key role for these actors. These actors—often built around economic, cultural, and social relations—challenge traditional notions of the nation-state system.<sup>302</sup> Although the state remains the primary implementer of national policies, non-state and inter-state actors increasingly help shape those policies.<sup>303</sup>

#### *Global Governance and a New International Order*

Scholarly literature overwhelmingly supports the notion that policy change in the international system is no longer solely a product of state-to-state relations; NGOs and advocacy networks increasingly trigger such change.<sup>304</sup> Post-Cold War scholars have argued that NGOs and intergovernmental organizations play a key role in the development of a system of *global governance*, in which both state and non-state entities attempt to address transnational political and social issues in an efficient and cooperative

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<sup>301</sup> Matthews, J., 1997.

<sup>302</sup> London School of Economics, Centre for the Study of Global Governance, <http://www.lse.ac.uk/Depts/global/2research.htm>. Sydney Tarrow defines globalization as the “increasing volume and speed of flows of capital and goods, information and ideas, people and forces that connect actors between countries.” (Tarrow, S., 2005.) This study adopts Tarrow’s definition.

<sup>303</sup> Lipschutz, R., 1992.

<sup>304</sup> Gallarotti, G., 1991; Keck, M., & Sikkink, K., 1998.

manner that transcends the capabilities of states alone.<sup>305</sup> Many scholars agree that this global system challenges—though does not eliminate—traditional state sovereignty by creating cross-border, non-state networks.<sup>306</sup>

Among the fundamental tenets of this emerging system of global governance is *cosmopolitanism*, which international affairs and philosophy scholar Thomas Pogge defines as “a concrete political ideal of a global order under which all persons have equivalent legal rights and duties, that is, are fellow citizens of a universal republic.”<sup>307</sup> Cosmopolitanists suggest that decisions on what actions to take should be based on an impartial regard for each individual who would be affected by those decisions.<sup>308</sup> David Held claims that cosmopolitanism has emerged, mostly in the United States and Western Europe, as a result of changes in global politics from the Westphalian system of state sovereignty to one in which power is shared, contested, and negotiated between state governments and transnational organizations.<sup>309</sup> This new “liberal international sovereignty” increasingly holds states accountable to international norms of human rights, economics, and law through intergovernmental organizations and supranational bodies such as the European Union and the United Nations.<sup>310</sup> Cosmopolitanism does not suggest the demise of the nation-state; it simply envisages a world in which “stateness” is but one identity among many: local, national, and transnational, with overlapping realms

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<sup>305</sup> Gordenker, L., & Weiss, T., 1995b; Thomas, C., 2001.

<sup>306</sup> Murphy, C., 2000.

<sup>307</sup> Pogge, T., 1992; Archibugi, D., 2004; Held, D., 2003.

<sup>308</sup> Beitz, C., 1994.

<sup>309</sup> Held, D., 2003; Held, D., 2004.

<sup>310</sup> Held, D., 2004.

of protection for individuals.<sup>311</sup> Sociologist Sidney Tarrow suggests that *rooted cosmopolitanism*, multiple roots and branches grounded in plural loyalties, best describes post-Cold War politics. Individuals and groups, he claims, are not detached from their societies but are better able to combine the resources of those societies into transnational networks.<sup>312</sup>

By opening borders of communication, then, globalization paves the way for both state-level and intergovernmental organizations to expand their networks and sources and targets of influence outside the nation-state, to other states, groups, and organizations such as the European Union. Global governance does not conceptualize a world entirely bereft of nation-state identities, borders, and activisms, but rather one in which the nation-state is but one important decisionmaker held accountable by state-level and intergovernmental organizations.

#### *NGOs and Intergovernmental Organizations as Agents of the New International Order*

One product of the expansion of global governance and civil society is the proliferation of NGOs and the strengthening of intergovernmental organizations, which have not only helped to spread the notion of global governance, but to shape it as well.<sup>313</sup> NGOs and intergovernmental organizations have grown partly in response to the cosmopolitan notion of serving humanity as a whole, beyond the borders of the nation-state. The influence of such organizations as the International Criminal Court suggests

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<sup>311</sup> Tarrow, S., 2005; Held, D., 1995; Held, D., 2004.

<sup>312</sup> Tarrow, S., 2005.

<sup>313</sup> Gordenker, L., & Weiss, T., 1995b; Teegen, H., Doh, J., & Vachani, S., 2004.

that cosmopolitanism is not simply a moral theory but firmly ingrained in world politics.<sup>314</sup>

In addition to helping define the rights and responsibilities of members of a global society, NGOs and intergovernmental organizations provide a vehicle for even the most isolated groups to realize those rights. As contemporary globalization has expanded, scholars have noted the corresponding worldwide diminution of public trust in state governments to address such issues as social injustice and economic inequality. The “global civil society,” which encourages individual empowerment, paves the way for the proliferation and strengthening of NGOs and other organizations.<sup>315</sup> Many groups and individuals attempt to tackle pertinent issues separately from the government—or, sometimes, working in concert with it—through networks both within and outside national boundaries. These networks typically take the form of social movements and NGOs, particularly in the human rights domain.<sup>316</sup>

Among non-state actors, scholars typically focus on NGOs as key elements of global governance.<sup>317</sup> NGOs often bill themselves as the “conscience of government,” aiding civil society as intermediaries between the unorganized masses and the state.<sup>318</sup> Indeed, NGOs often organize at the behest of a portion of the public, rather than a government, so they theoretically comprise and serve a different set of people than the government would otherwise be able or willing to assist extensively, given limited

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<sup>314</sup> Cali, B., 2006; Held, D., 2003.

<sup>315</sup> Teegen, H., Doh, J., & Vachani, S., 2004.

<sup>316</sup> Courville, S., & Piper, N., 2004; Tzvetkova, M., 2002; Livernash, R., 1992; Wallace, T., 1997; Fisher, W., 1997.

<sup>317</sup> Murphy, C., 2000; Teegen, H., Doh, J., & Vachani, S., 2004; Gordenker, L., & Weiss, T., 1995b.

<sup>318</sup> MacDonald, L., 1994; Tzvetkova, M., 2002.

resources.<sup>319</sup> Many NGOs form around a specific, marginalized “target group” outside the realm of traditional government protection, equipping this group with greater networks, resources, and influence.<sup>320</sup> Scholars note that NGOs also focus on governments, as they are able to “blow the whistle” on government-sanctioned human rights violations or assess the impact a proposed government action may have on either the target population or the donor population.<sup>321</sup> Armed with these capabilities, NGOs often operate in areas and issues governments cannot or will not address.<sup>322</sup> The target populations therefore often perceive them as more efficient than governments because they operate on smaller budgets and optimize available resources.<sup>323</sup>

Intergovernmental organizations, according to many scholars, are also an important factor in policymaking at the national and international levels, as they usually have more access than NGOs to the target population and governments by virtue of intergovernmental organizations’ often greater finances and sources of information.<sup>324</sup> The most prominent intergovernmental organizations are generally well-organized and established, with a permanent staff, headquarters, and concrete rules governing decision-making, as well as government backing.<sup>325</sup> Intergovernmental organizations can transcend state allegiances and act as autonomous actors in global politics.

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<sup>319</sup> Horta, K., 2002.

<sup>320</sup> Allsebrook, A., 1996; Courville, S., & Piper, N., 2004.

<sup>321</sup> Horta, K., 2002; Simmons, P., 1998; Rogers, R., 1992.

<sup>322</sup> Tzvetkova, M., 2002; Stirrat, R., & Henkel, H., 1997; Green, A., & Matthias, A., 1995; Salamon, L., 1994.

<sup>323</sup> Sundberg, J., 1998; Pearce, J., 1993.

<sup>324</sup> Gordenker, L., & Weiss, T., 1995a.

<sup>325</sup> Shanks, C., Jacobson, H., & Kaplan, J., 1996.

Intergovernmental organizations can create actors, specify the responsibilities of those actors, and define the work those actors should do.<sup>326</sup>

NGOs and intergovernmental organizations often work together. The most visible framework for collaborative networking is the United Nations, one of the key contributors to the spread of “liberal international sovereignty.”<sup>327</sup> The United Nations includes in its official Charter a provision for the Economic and Social Council (ECOSOC) to “make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.” ECOSOC grants NGOs status in one of three categories: “category 1,” those with broad interests and geographic reach and the most substantial agenda-setting power within ECOSOC; “category 2,” more-specialized groups; and “category 3,” groups that may make occasional contributions.<sup>328</sup> This devolution of responsibility from states to the United Nations, which then delegates to NGOs, is a key example of enhanced global governance.<sup>329</sup>

Transnational communities are not limited to NGOs and intergovernmental organizations, but also include private corporations, trade or labor unions, micro-enterprises, and urban or rural popular movements, among many others.<sup>330</sup> Coalitions among NGOs, political parties, churches, and other organizations—using such umbrella terms as “council,” “committee,” “league,” “alliance,” or “union”—often act as

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<sup>326</sup> Barnett, M., & Finnemore, M., 1999.

<sup>327</sup> Archibugi, D., 1995.

<sup>328</sup> Gordonker, L., & Weiss, T., 1995b.

<sup>329</sup> Smith, E., & Weiss, T., 1997.

<sup>330</sup> MacDonald, L., 1994; Barnett, M., & Finnemore, M., 1999.



autonomous organizations.<sup>331</sup> These organizations often interact—and sometimes clash—with NGOs and intergovernmental organizations.<sup>332</sup> Scholarly literature suggests that the interaction among these groups is as important as the communication between groups and governments.

The increase in prevalence and influence of NGOs, intergovernmental organizations, and transnational networks among them—particularly those that represent a disgruntled populace that has lost trust in its government—suggests that these organizations are becoming more active in agenda-setting. These roles are not mutually exclusive nor easily delineated, though, and governments are still the key decisionmakers in the international arena.<sup>333</sup> However, NGOs, intergovernmental organizations, and other transnational organizations are increasingly empowered, as underscored by their constant efforts to widen their networks and to promote themselves and their cause, efforts that have become increasingly strategic and focused over the last 30 years thanks in large part to media coverage.<sup>334</sup> Theories of global governance, then, would suggest that these groups wield a significant amount of influence on state policy positions, particularly on issues affecting the rights of the individual.

#### *Criticisms and Limitations of Transnational Organizations*

Although NGOs, intergovernmental organizations, and other organizations have been lauded as an efficient means of addressing transnational issues, these organizations

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<sup>331</sup> Ritchie, C., 1995; Fisher, W., 1997; Postma, W., 1994; Simmons, P., 1998; Wessels, B., 1999; Holyoke, T., 2003.

<sup>332</sup> Lipschutz, R., 2004.

<sup>333</sup> Van Klinken, M., 1998.

<sup>334</sup> Anderson, I., 2000; Nelson, P., 2000; Wells, R., 2001; Ritchie, C., 1995; Chapman, J., & Fisher, T., 2000; Holyoke, T., 2003; Simmons, P., 1998.

face many limitations, particularly as enduring notions of state sovereignty clash with those of globalization.<sup>335</sup> The performance and impact of these groups therefore are widely disputed in both scholarly literature and international politics.<sup>336</sup> Many NGOs, for example, rely on state governments for financial assistance and therefore are accountable to those governments, which often are reluctant to relinquish agenda-setting power to NGOs.<sup>337</sup> Moreover, scholars note that NGOs' small scale and broad, often unattainable goals tend to render more failures than successes, at least in the short term, and NGOs therefore often contend with hostility from host governments as well as the home governments that hold the pocketbook.<sup>338</sup>

Some scholars blame NGO ineffectiveness on organizational incompetence or malfeasance, with NGOs addressing symptoms—rather than causes—of problems, concealing organizational failures, attempting to take on an issue beyond their means, trying to distort global public opinion by deliberately propagating false information, or even siphoning off government funds for their own enrichment and ignoring the needs of the target population.<sup>339</sup> Others attribute NGOs' difficulties to financial problems, lack of access to information, competition for scarce resources, overdependence on government funding and therefore limitations on relationships with other governments or NGOs, or

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<sup>335</sup> Gordenker, L., & Weiss, T., 1995a; Edwards, M., & Hulme, D., 1992; Mayhew, S., Douthwaite, M., & Hammer, M., 2006; Stein, E., 2001; Lipschutz, R., 1992; Weiler, J., 2002.

<sup>336</sup> Sundberg, J., 1998; Livernash, R., 1992.

<sup>337</sup> Fowler, A., 1996. NGOs often receive funding from three sources: gifts from the general public, grants from the state financed through general taxation, and self-financing with money generated through investment or enterprise. (Fowler, A., 1992).

<sup>338</sup> Livernash, R., 1992; Avina, J., 1993.

<sup>339</sup> Wallace, T., 1997; Teegen, H., Doh, J., & Vachani, S., 2004; Hammami, R., 2000.

extreme sensitivity to the media or public polling.<sup>340</sup> These institutional woes also can supplant organizational goals.<sup>341</sup>

NGOs are not the only objects of literary and political scrutiny. While the influential role of intergovernmental organizations in decision-making is rarely in dispute, some scholars assess that they simply serve as a mouthpiece of an elite group of national officials who run the organizations with little transparency or public accountability.<sup>342</sup> As intergovernmental organizations are largely composed of and supported by states, they can be viewed as transnational vehicles for only the most powerful of their state members.<sup>343</sup> Moreover, some scholars argue that intergovernmental organizations do not always provide benefits to their target population; international relations scholar Craig Murphy suggests that the World Bank, the International Monetary Fund, and the World Trade Organization—three key vehicles of global governance—have actually increased the population of the world's poor through their promotion of unfettered economic globalization. Murphy contends that aid organizations, through years of support for a dependent population, can even contribute to violence—such as the genocide in Rwanda—as one assisted group becomes too powerful.<sup>344</sup>

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<sup>340</sup> Edwards, M., & Hulme, D., 1992; Mayhew, S., Douthwaite, M., & Hammer, M., 2006; Teegen, H., Doh, J., & Vachani, S., 2004.

<sup>341</sup> Cooley, A., & Ron, J., 2002; Barnett, M., & Finnemore, M., 1999; Tembo, F., 2003; Walkup, M., 1997; Charlton, R., & May, R., 1995; Donini, A., 1995; Edwards, M., & Hulme, D., 1996.

<sup>342</sup> Stein, E., 2001.

<sup>343</sup> Murphy, C., 2000.

<sup>344</sup> Murphy, C., 2000.

One can conclude from scholarly literature that NGOs and intergovernmental organizations, through international lobbying and mobilization, contribute to the evolution of global governance and global civil society, and they help focus relevant actors on concepts of cosmopolitanism, upholding the individual—rather than the nation-state—as the focal point for policies on human rights and other fundamental freedoms. They serve as an essential tool for both state governments and individuals, helping expand the means of all actors in the system of global governance to reach populations in need. These organizations are not, however, bereft of institutional and resource constraints, corruption, and battles with state governments for primacy on a particular issue or with a particular target group. These conflicts and developments within the institutional-governmental network suggest that these fundamental societal shifts remain a work in progress.

#### *Impact of Transnational Groups on European Integration*

The European Union is arguably one of the most visible examples of the shift toward global governance, as it embodies the construction of new forms of political power.<sup>345</sup> The European Union brings governments together in a network of collective decision-making and is also an international network granting European individuals and organizations greater access to other European states. Its very structure opens the door for these organizations—and the European Union itself—to ensure greater accountability for states and protection of individuals. It therefore seems fitting that a plethora of new

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<sup>345</sup> Kaldor, M., 1995.

NGOs addressing integration has sprung up since the European Union's inception, and that state-level organizations now lobby Brussels as well as Member State governments.

As the political and public landscape changed in the European Union during the Bosnian war, so did the prevalence and influence of NGOs, intergovernmental organizations, and other organizations. Private corporations; sectoral, national, and transnational associations; public interest groups; and regional and local governments participated directly in EU institutions during that time, creating unprecedented links between European political actors and their constituents in the Member States. Some scholars argue that this increasing supranationalism intensified political pressure on EU elites to pay attention to the will of the public, manifest through these organizations.<sup>346</sup>

Amid shifts in the international system came increasingly strong and complex relationships between EU state governments and NGOs.<sup>347</sup> The public and NGOs perceived that supranational political actors were increasingly capable—though still less so than national actors—of managing public desires and demands, which opened the door for NGOs to lobby at the European level as well as the national level, opening up avenues for influence beyond state borders. As such, scholarly literature lauds these groups as indicators of progress on European integration.<sup>348</sup> These organizations have had an impact on European integration at the state level as well. NGOs and other groups help promulgate new ideas about European identity and political order, but some scholars note

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<sup>346</sup> Hooghe, L., & Marks, G., 1999.

<sup>347</sup> Newman, M., 1996.

<sup>348</sup> Wessels, B., 1999.

that these norms only hold firm in those states in which they resonate with pre-existing public and political ideals.<sup>349</sup>

NGO interests tend to be diffuse, and they have been able to reach a wide array of interests vis-à-vis European integration, including gender equality, anti-racism, and refugees. The Community itself during the Bosnian war repeatedly emphasized the need to work with NGOs and intergovernmental organizations to achieve its goals.<sup>350</sup> These groups therefore were on the radar of EU integration proponents throughout the Bosnian refugee crisis, ensuring them an adequate stage for lobbying for or against the communitarization of asylum policy.

#### *Impact of Transnational Groups on Refugee Issues*

A fundamental tenet of cosmopolitanism is the right of each person to basic standards of humanity and justice, regardless of national affiliation. According to many scholars, international human rights declarations and organizations addressing human rights victims have increased international accountability for human rights violations.<sup>351</sup> Refugees, as an indisputable group of victims of gross human rights breaches, fall into this category, as indicated by the spread of transnational organizations—and activity of national-level organizations—addressing the displaced. Scholarly literature suggests that most NGOs do indeed push for respect for the individual, rather than the group, as

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<sup>349</sup> Marcussen, M., Risse, T., Engelmann-Martin, D., Knopf, Hans, & Roscher, K., 1999.

<sup>350</sup> Newman, M., 1996.

<sup>351</sup> Beitz, C., 1994.

indicated by their urging governments to help refugees integrate into society, beginning at the “point of arrival” rather than after their asylum applications have been accepted.<sup>352</sup>

The end of the Cold War coincided with a resurgence of ethnic, communal, and religious clashes throughout the world, which the media brought to global attention to an unprecedented extent.<sup>353</sup> The increased number of refugees during that time provided the public *prima facie* evidence of widespread human rights violations. Refugee and broader human rights issues soared within the international agenda, driven in large part by outraged publics. Many within the publics and transnational organizational community vociferously called for proactive international responses to potential or current humanitarian crises, challenging traditional ideas of state sovereignty and security.<sup>354</sup>

In response to these demands for international action on refugees, many governments and organizations turned to the UN High Commissioner for Refugees (UNHCR). With a mandate of assisting refugee groups and helping prevent future refugee outflows, UNHCR pushed for “soft intervention” through political engagement, humanitarian aid, and human rights monitoring.<sup>355</sup> As refugees became less of a political tool among Cold War foes, many countries’ emphasis shifted to protection and individual refugee evaluation, which expanded UNHCR’s responsibilities from simple damage control to voluntary repatriation and preventive protection.<sup>356</sup> The wars in the former Yugoslavia tested UNHCR’s new mandate, and many scholars believe that it took on the

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<sup>352</sup> Griffiths, D., Sigona, N., & Zetter, R., 2005.

<sup>353</sup> Malkki, L., 1996.

<sup>354</sup> Dowty, A., & Loescher, G., 1996; Posen, B., 1996; Taran, P., 2000; Lipschutz, R., 1992; Duffield, M., 1997; Mayhew, S., Douthwaite, M., & Hammer, M., 2006.

<sup>355</sup> Dowty, A., & Loescher, G., 1996.

<sup>356</sup> Chimni, B., 1993.

role effectively because it helped assist both refugees outside of Bosnia and victims on Bosnian soil.<sup>357</sup> However, critics assess that while UNHCR was a strong clearing house for information on country conditions, legal developments, and other information not readily available to the public, UNHCR's mandate had become so large that its resources were overstretched and that it risked bureaucratic ineptitude to the point of losing sight of its true mission.<sup>358</sup> UNHCR, then, may have met with diminishing success in its lobbying efforts in Europe with respect to refugees, particularly toward the end of the war, when the refugee numbers had reached unprecedented levels.

Scholars assess that NGOs also play a role in shaping state refugee policies, including through the promulgation of global norms. Scholars have argued that, in an increasingly globalized and interdependent society, European states are motivated to accept refugees partly because of heightened pressure from NGOs in addition to intergovernmental organizations such as UNHCR.<sup>359</sup> NGOs also are among the first actors to respond to refugee crises, so many of them have a broad range of expertise on the status of a refugee crisis in the country of origin and the available means of protection.<sup>360</sup> Outside the countries in crisis, these groups lobby their governments for more effective refugee policies and work to establish refugee services within countries of asylum.<sup>361</sup> Although states maintain the authority to confer rights on individuals through

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<sup>357</sup> Weiss, T., & Pasic, A., 1997.

<sup>358</sup> Anonymous, 1997.

<sup>359</sup> Salehyan, I., 2001.

<sup>360</sup> Dowty, A., & Loescher, G., 1996; Keely, C., 1996.

<sup>361</sup> Hardy, C., & Phillips, N., 1998.



asylum and citizenship, NGOs and intergovernmental organizations as key purveyors of global governance help protect the rights of the refugee population.<sup>362</sup>

Based on the literature, I suggest that NGOs and intergovernmental organizations figured heavily in EU Member State support for an EU-level asylum policy during the Bosnian war, due in large part to their role in global governance. I suggest that these organizations lobbied governments for a policy they felt would best benefit the refugees, using norms and public support as leverage. EU Member States—and the European Union itself—most likely paid attention to these groups, upon which they relied for expertise and whose membership was influential. If true, this chapter would support the notion that European decision-making is no longer solely a state effort, but shared with increasingly numerous and powerful non-state and inter-state actors.

#### Hypothesis and Methodology

This study suggests that an increase in lobbying among refugee- and Balkans-related NGOs and intergovernmental organizations in an EU Member State during the Bosnian war corresponded with higher support within that state for an EU-level asylum policy between the Maastricht and Amsterdam Treaties. This hypothesis suggests that NGOs and intergovernmental organizations urged Member State governments and the European Union for such a policy to address the refugees' needs more effectively.

For the quantitative analysis, I use three independent variables to measure NGOs and intergovernmental organizations by tallying the number of groups registered in each EU Member State in 1992 and again in 1995. These numbers come from the Yearbook

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<sup>362</sup> Cali, B., 2006.

of International Organizations, which contains a comprehensive list of organizations registered in each EU state. I include an organization in these variables if it contains the word “refugee” or “asylum” in either the group name or mission statement. The first variable includes all refugee-related NGOs, and the second only the intergovernmental organizations. My third variable combines the two. This third variable also includes the small number of organizations related to the Balkans, regardless of whether these organizations specifically mention refugees in their Yearbook description, because refugees were a highly salient issue in the Balkans at the time, and including these groups allows me to better grasp the effect of those NGOs addressing Bosnia. I do not use a separate variable for Balkans-related organizations because that number is very small. My independent variables for the regression analysis indicate the change in the number of these organizations between 1992 and 1995.

As in the previous two chapters, I begin with basic crosstabulations between the dependent variable—change in state support for an EU-level asylum policy between Maastricht and Amsterdam—and each of the independent variables. I again use both chi-square and Cramer’s V tests to calculate the significance of each crosstabulation. I follow the crosstabulations with a series of simple, ordinary least squares (OLS) regressions that tests each independent variable—one or two at a time—against the dependent variable.

For the qualitative analysis, I examined 276 reports, publications, and press releases from the organizations listed in the Yearbook. I followed up with 31 organizations through an e-mail survey and/or personal interviews. The reach of these 31

organizations spanned all EU Member States, and the list also included organizations that came into existence both before and after the Bosnian war. I selected them in part based on their geographic location, as I wanted to ensure that all Member States were covered, as well as the accessibility of contact information for the organization. I successfully reached ten organizations, which, taken together, lobbied in all 15 Member States and the EU institutions. I began by asking three open-ended questions:

- 1) Did your organization support or oppose an EU-level approach to asylum for the Bosnian refugees during the 1992-95 Bosnian war? Why did your organization take that position? Did that position change during the Bosnian war?
- 2) To what extent did your organization lobby the European Union to take your suggested approach? Which individuals and institutions (e.g. the European Parliament or Council) did your organization contact, and what were their responses? Did your organization lobby individual Member States as well - if so, which ones?
- 3) Does your organization believe that the European Union's asylum policy during the Bosnian war served the best interests of the Bosnian refugees? Why or why not?

Based on the responses I received from those three questions, I asked follow-on questions specific to the organization's lobbying efforts. All officials with whom I spoke also offered thoughts and vignettes outside the scope of my questions, which also were helpful in my research.

I also include references from the sources I use for the other chapters—media reports, EU documents, manifestos from the prominent political parties in EU states during the Bosnian war, and transcripts of parliamentary deliberations and presidential speeches—to the influence of NGOs and intergovernmental organizations on state support for an EU-level asylum policy.

### Quantitative Results

The quantitative results support the hypothesis that a change in the number of NGOs and intergovernmental organizations corresponded with a change in Member State support for an EU-level asylum policy. The primary independent variable in this chapter—change in the total number of refugee- and Balkans-related NGOs and intergovernmental organizations—generates the strongest significance with the dependent variable of any explanatory variable in any of the chapters.

As was the case in each other chapter, the chi-square and Cramer's V values are high in the crosstabulation. The crosstabulation between treaty support and the total number of organizations generates a chi-square value of 10.93 and a Cramer's V value of 0.65, and the crosstabulation between treaty support and the number of NGOs alone yields a chi-square of 14.02 and a Cramer's V value of 0.76. These chi-square values exceed the critical value (10.827) for a 0.001 probability level given one degree of freedom, leading me to reject the null hypothesis that the two variables are not related. However, as noted in chapter 2, small sample sizes can lead to inflation of the goodness-of-fit models, so I also run regression analyses.

I first regress the number of refugee-related NGOs against the dependent variable, but I cannot run a regression on the number of refugee-related intergovernmental organizations alone because each state in the study increased its intergovernmental organization presence by 1 between Maastricht and Amsterdam, eliminating variation in that variable. I do, however, regress the number of total NGOs and intergovernmental organizations to assess whether factoring in intergovernmental organizations changes the results or significance of the NGO variable. The regression results confirm those in the crosstabulation exercise. Both the NGO variable and the total organizations variable generate significant results. The *t*-test values suggest that these regressions are significant at the 10% and 5% levels, respectively.

Interestingly, though, the regressions indicate that a higher number of NGOs and total organizations actually corresponds with a *decrease* in state support for a centralized asylum policy. I initially assessed that this result might have been a product of the amalgamation of both domestic and intergovernmental organizations in the independent variable, possibly because of a clash in their lobbying messages. To discern a possible separate effect of domestic organizations, I isolate them from international NGOs and intergovernmental organizations in a new independent variable. The coefficient for this variable is also negative and not significant, indicating that the difference between domestic and transnational groups does not cause the negative coefficient in the initial regression.

The coefficient for the number of NGOs alone is -0.15, suggesting that an increase of one refugee-related NGO between 1992 and 1995 leads to a decrease in

support of 0.15 (on a scale of 0 to 2) within that country for an EU-level asylum policy. This coefficient drops to -0.16 when controlling for the number of Bosnian refugees and increases to -0.14 when controlling for the pro-EU inclinations of the top party in parliament; these results are significant at 10% and 15%, respectively. When controlling for state GDP, the NGO coefficient drops to -0.18, significant at the 5% level. The coefficient for the aggregate variable is similar but slightly higher: -0.17.

Several theories could explain these negative coefficients. One plausible explanation is that the organizations lobbied against an EU-level asylum policy, particularly in those Member States in which refugee organizations were most prevalent. Alternatively, the lobby for an EU-level asylum policy may not yet have been sufficiently organized by the end of the Bosnian war, and the impact of these organizations was perhaps stronger during the Amsterdam negotiations rather than beforehand. I could also conclude that while NGOs had a greater impact on state support for an EU-level asylum policy than did any other isolated variable, a combination of other variables trumped NGO efforts to change state positions. Fourthly, because it was impossible to measure changes in intergovernmental organizations—due to the fact that the number of intergovernmental organizations remained constant before and after the Bosnian war—intergovernmental organizations may have had a different impact than NGOs. Finally, it is possible that the NGOs' lobbying efforts—not just their numbers—contributed to their success. Further explanation of these results necessitates a qualitative assessment of these groups' lobbying efforts and the timing of their success.

Table 7 lists the initial regression and crosstabulation findings for the NGO and intergovernmental organization independent variables, as well as the separate variable for domestic organizations.

**Table 7:** Impact of NGOs and Intergovernmental Organizations on State Support for EU-Level Asylum Policy

Variable	<i>OLS</i>		<i>Crosstabulations</i>	
	Coefficient	S.E.	Chi-Square	Cramer's V
Number of NGOs	-0.16**	0.08	14.02	0.76
Total Organizations	-0.17***	0.06	10.93	0.67
Domestic Organizations	-0.08	0.14	3.92	0.40

\*Significant at 15% level  
\*\*Significant at 10% level  
\*\*\*Significant at 5% level

In order to isolate the effect of NGOs from that of other independent variables—and to determine whether holding these variables constant leads to a change in the significance level or direction of the coefficients—I regress the NGO variable and total organizations variable against treaty support again, this time holding each of the other explanatory variables constant. With one exception—the regression of NGOs against treaty support, holding unemployment constant—each regression remains significant, and no regression changes the direction of the coefficients; all remain negative. These

findings confirm the strong, independent impact of these organizations on the dependent variable. Table 8 lists these coefficients.

**Table 8:** Effects of NGOs and Intergovernmental Organizations on Treaty Support, Holding Other Variables Constant

Variable Held Constant	<i>NGOs</i>		<i>Total Organizations</i>	
	NGO Coefficient	S.E.	Organizations Coefficient	S.E.
Number of Bosnian refugees	-0.16**	0.08	-0.17***	0.07
Number of Total Refugees	-0.16**	0.08	-0.17***	0.07
Net Migration Rate	-0.11**	0.06	-0.11**	0.05
Unemployment	-0.14	0.10	-0.16***	0.07
State GDP	-0.18***	0.06	-0.15***	0.06
Public Opinion – Asylum	-0.15**	0.08	-0.17***	0.07
Public Opinion – Immigration	-0.15**	0.08	-0.16***	0.07
Pro-EU Parliament – Leading Party	-0.14**	0.08	-0.15**	0.07
Pro-EU Parliament – Total	-0.16**	0.08	-0.17***	0.06
Xenophobia – Nationality	-0.17***	0.07	-0.15***	0.06
Xenophobia – Religion	-0.16**	0.08	-0.17***	0.07

\*Significant at 15% level

\*\*Significant at 10% level

\*\*\*Significant at 5% level



I also run regressions using the total number of organizations as a dependent variable, hoping to capture the effects that led to the proliferation of these organizations during the Bosnian war and, in turn, to greater state support for an EU-level asylum policy. No result is significant, and coefficients are infinitesimal except for the regressions using public opinion on immigration and nationality-based xenophobia as independent variables. Both generate a high standard of error, though, and are not significant, leading me to fail to reject the null hypothesis that these variables have no relationship with the number of organizations. Table 9 lists these regression results. Because including control variables in these regressions does not make them significant, I do not list those results here.

**Table 9:** Effects of Other Factors on Total Number of Organizations

Variable	Coefficient	S.E.
Number of Bosnian refugees	0.00	0.00
Number of Total Refugees	1.38e-06	4.65e-06
Net Migration Rate	0.38	0.30
Unemployment	-0.36	0.32
State GDP	-4.17e-04	8.49e-04
Public Opinion – Asylum	0.55	10.30
Public Opinion – Immigration	-4.00	12.96
Pro-EU Parliament – Leading Party	-1.67	1.64

Pro-EU Parliament – Total	0.23	1.46
Xenophobia – Nationality	6.33	10.80
Xenophobia – Religion	0.86	8.50
*Significant at 15% level		
**Significant at 10% level		
***Significant at 5% level		

These results support the hypothesis that a relationship exists between the number of NGOs and intergovernmental organizations and the change in state support for an EU-level asylum policy. However, a qualitative assessment is necessary to shed light on the negative regression coefficients—indicating an inverse relationship—and the lack of significant relationships between organizations and any other independent variables. The qualitative section looks at the content of the organizational lobbies and unquantifiable details about their impact on Member States.

#### Qualitative Assessment

Consistent with the literature, my qualitative findings suggest that NGOs and intergovernmental organizations did have an impact on support in some states for an EU-level asylum policy between Maastricht and Amsterdam, and that the Bosnian refugee crisis galvanized these organizations to action. The majority of NGO and intergovernmental organization impact was in states with reserved support for an EU-level policy at Maastricht; these organizations helped boost such support at Amsterdam. NGOs and intergovernmental organizations were less effective in countries like Germany

and the United Kingdom, which had well-entrenched positions before Amsterdam. The most effective NGOs on this issue across the European Union were longstanding domestic groups, as transnational groups did not focus heavily on the merits of an EU-level asylum policy until after the Bosnian war.

Most organizations favored an EU-level asylum policy (with a few exceptions in Belgium and Spain, where support for such a policy did not change between treaties). According to their reports, these groups urged their governments to support a harmonized asylum policy, or at least acknowledged that one was inevitable.<sup>363</sup> This finding would appear to rule out the suggestion that the negative regression results were the product of widespread organizational lobbying against an EU-level asylum policy.

As noted in previous chapters, the three EU Member States that increased their support for an EU-level asylum policy between Maastricht and Amsterdam were France, Luxembourg, and Portugal. Support dropped (but remained positive) in Greece and Ireland. I therefore focus most heavily on those five countries, looking at the national-level NGOs based in each country but also the transnational NGOs and intergovernmental organizations that sought support from these governments. I then examine the remaining Member States, including Austria, Sweden, and Finland. I begin, though, with a look at the most influential organizations, particularly UNHCR, for an assessment of their impact in all Member States.

### *UNHCR*

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<sup>363</sup> Batho, S., 1997; Association for Democracy in the Balkans, Winter 1999; Jenkins, L., & Linton, L., 23 November 1995.

Reports from nearly all NGOs, EU documents, and interviews highlight UNHCR's key role as an EU and Member State interlocutor during and after the Bosnian war.<sup>364</sup> The media noted UNHCR's combined efforts with other organizations, as well as with individual Member States, to provide aid to refugees within Bosnia.<sup>365</sup> However, for most of the Bosnian war, UNHCR was not the lead organization in lobbying for an EU-level asylum policy; these requests came primarily from NGOs. UNHCR at the beginning of the war pleaded with EC Member States to open their doors to asylum seekers, but at that time it did not insist that it do so at the EC level.<sup>366</sup> UNHCR turned its attention toward an EC-level policy as the European Union by the end of the war began to move toward a more central—and restrictive—asylum policy.<sup>367</sup>

UNHCR's concern for an EU-level policy did not evolve solely from criticisms of existing policies, but also from diminished influence with Member States. UNHCR—as well as the other major intergovernmental organizations and NGOs addressing the Bosnian refugee crisis—had broad European public support throughout the war. However, overstretched governments—even Germany, which throughout the Bosnian war was very receptive to the refugees—eventually balked at UNHCR requests to accept more of the Bosnian displaced.<sup>368</sup> With diminished success lobbying individual Member States, UNHCR toward the end of the war changed its tactic and began to lobby Brussels

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<sup>364</sup> Bunyan, T., 1997; First Activity Report from CIREA, 1993.

<sup>365</sup> Agence France-Presse, 7 May 1992.

<sup>366</sup> Traynor, I., 19 May 1992; Pagani, S., 12 August 1992; Agence France-Presse, 31 July 1995.

<sup>367</sup> Agence France-Presse, 24 November 1995.

<sup>368</sup> Reuters News, 12 May 1992; Meares, R., 12 May 1992; Agence France-Presse, 28 July 1992; Gourlay, C., 12 August 1992; Knight, J., 4 November 1994. Eventually the Red Cross pulled out its five representatives from Bosnia in May 1992 after one was killed in a mortar barrage on an aid convoy, and UNHCR suspended operations in Bosnia later that month after Serbian militants seized a major UN relief convoy. (Kovacic, J., 20 May 1992; The Independent, 23 May 1992.)

directly to open European borders to Bosnian refugees. UNHCR kept pushing individual states, though; post-war reports acknowledged the role of the Yugoslav refugees in defining some EU Member States' asylum policies and cementing the need for a "burden-sharing" approach and a comprehensive EU solution.<sup>369</sup>

The fact that Member State support for a centralized asylum policy increased even as Member States wavered at individual UNHCR requests could indicate that UNHCR's key influence on Member States with respect to "burden-sharing"—especially at the end of the war—was filtered through the EU institutions, and that NGOs had a much stronger impact on Member State positions on this issue. Moreover, UNHCR's efforts cannot explain the surprising quantitative results because its presence in each Member State was constant throughout the war, and it therefore had no impact on the independent variables. Therefore I also examine the other relevant NGOs and intergovernmental organizations registered in the Yearbook and their impact in each EU state.

#### *Other Prominent Organizations*

An examination of NGO reports and outside accounts of their activities confirms their important role in lobbying for an EU-level asylum policy. As civil society scholars would suggest, these groups appealed to the public, EU institutions, and Member States by pushing humanitarian norms and galvanizing existing public sentiment. However, more organizations did not necessarily equate to better lobbying; these reports indicate that a handful of particularly organized and effective groups—which had existed before the Bosnian war and therefore are not reflected in the independent variables, which

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<sup>369</sup> UNHCR Press Releases, 1992-2000.

measure only change—carried most of the weight. This finding could explain the negative quantitative result, as the organizations variable only measures change in the number of NGOs, not lobbying efforts.

Most NGO insistence on an EU asylum policy during the 1990s seemed to focus on the Bosnian war. More than any other refugee crisis, they touted Bosnian refugee numbers throughout the European Union to compare the responsiveness of Member States to asylum-seekers. NGOs used these numbers to lobby their governments for less stringent policies, usually highlighting Germany's open borders as an example. These organizations either appealed to the humanitarian need to make the refugee process more efficient, or emphasized that the Bosnian political and economic landscape was not prepared for returnees and that the European Union as a unit should prepare a long-term solution.

The most active and influential organizations in each country tended to be domestic groups, as transnational groups generally did not champion a common policy until the mid-1990s, too late to have a discernible impact at Amsterdam.<sup>370</sup> One of the most notable exceptions was the Red Cross, which was among the pioneers in calling for an EU-level asylum policy.<sup>371</sup> Amnesty International also urged throughout the Bosnian war for an EU-level policy that was open to Bosnian refugees and respected international law, and both the European Union and its Member States included it in discussions of the

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<sup>370</sup> Niemann, A., 2005.

<sup>371</sup> CCME Press Releases, 1992-1995; Reuters News, 20 May 1992; Straits Times, 21 May 1992; Bernstein, N., 31 August 1992; Agence France-Presse, 1 September 1992; LeBor, A., & Binyon, M., 26 October 1992; Agence France-Presse, 27 October 1992; Agence France-Presse, 9 November 1992; Agence France-Presse, 11 November 1992.

merits of a centralized policy.<sup>372</sup> Pax Christi International lobbied Member States to work toward a common approach to refugees and keep them as close to the countries of origin as possible.<sup>373</sup>

Another NGO—the European Council on Refugees and Exiles (ECRE), a network of 76 NGOs in Europe—encouraged the European Union and Member States to adopt a “responsibility-sharing” approach and uphold the highest protection standards. The ECRE NGOs passionately lobbied all Member States and the EU institutions, concerned that the “restrictive trends in European asylum policy would have a negative impact on attitudes towards refugees from the region.” They “used every opportunity through direct links with the EU parliament and through UNHCR to insist upon maintaining the highest possible protection standards for these persons.” An ECRE representative told me that ECRE worked hard to remind all states of their obligations under international law. ECRE also helped coin the term “responsibility sharing” to supplant “burden sharing.” The representative assessed that the organizations’ arduous efforts kept the refugees and the plea for a common asylum policy on Member States’ radar and provided them detailed justification for such a policy.<sup>374</sup>

Some groups organized by refugees themselves also occasionally lobbied for an EU policy; these underresourced and informal groups often became frustrated because they believed the Community made its decisions on the harmonization of refugee policies

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<sup>372</sup> Mackler, P., 27 November 1992; Ford, R., 1 December 1992; Walker, T., 1 June 1993; Crawshaw, S., 26 November 1994; Agence Europe, 16 September 1995; European Report, 26 November 1997.

<sup>373</sup> E-mail Interview with Pax Christi Official, 20 February 2008.

<sup>374</sup> E-mail Interview with ECRE Official, 13 February 2008; European Council on Refugees and Exiles, March 1996; European Council on Refugees and Exiles, 1 March 1997; European Council on Refugees and Exiles, March 1997; Agence Europe, 25 October 1995.

in secret without an opportunity for refugees to weigh in.<sup>375</sup> However, these groups tended to focus mainly on short-term assistance to refugees—such as reception issues and initial support upon entry into the country of asylum—rather than EU harmonization of asylum policy.<sup>376</sup> Moreover, even if Brussels policy had topped their agenda, their success probably would have been limited, as the lack of resources and formal transnational linkages of many of these refugee groups often prevented them from effectively conveying their messages to state governments. Numerous small NGOs throughout the war worked with Bosnian refugees to plead for UNHCR and EU support and for fair EU asylum policies, but it appears that the formal NGOs and intergovernmental organizations generally were more influential on this issue than the refugee groups.<sup>377</sup>

Evidence of the lobbying of these groups is widespread. However, my findings also indicate that governments—especially those with escalating numbers of Bosnian asylum-seekers—sought out NGOs and intergovernmental organizations for their input on the merits of an EU-level policy, largely due to lack of expertise within the governments and lack of public mobilization.

### *France*

The French government worked very closely with NGOs during the 1990s, both to administer its assistance program for asylum-seekers and to strengthen its position on an EU-level asylum policy. NGOs and the French government generally agreed

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<sup>375</sup> Marshall, A., 18 July 1992.

<sup>376</sup> Martenson, H., 2004; Thompson, M., 13 November 1992.

<sup>377</sup> International Catholic Migration Commission, 1999.



throughout the 1990s that the French asylum assistance program was not sufficiently robust to address the volume of asylum-seekers, and they assessed that an EU-level asylum policy would more efficiently help the refugees. The media and public were largely apathetic; only the NGOs—and a few celebrities—worked with the government to press for this issue. The most prominent NGO addressing asylum issues in France was France Terre d’Asile, which was responsible for coordinating reception centers and overseeing organizations working there.<sup>378</sup> France Terre d’Asile by the end of the 1990s had become overstretched and—in concert with more than 40 other French organizations—demanded better financial resources and treatment for asylum-seekers.<sup>379</sup> France concluded by the Amsterdam negotiations that it could not manage refugees on its own and supported an EU-level policy.

### *Luxembourg*

NGOs and intergovernmental organizations in Luxembourg—particularly the Red Cross and Caritas—had many responsibilities vis-à-vis refugees. The government regularly called on these organizations to help compensate for the small size of the administration and the lack of specialists within the government on asylum matters. Besides providing direct assistance to refugees, the government expected NGOs to help provide the refugees a voice with the government. Even as Luxembourg’s asylum numbers swelled in the 1990s, however, the public was ambivalent toward these refugees, so the Luxembourg government turned to NGOs for advice.<sup>380</sup> NGOs were not

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<sup>378</sup> European Community, 2001.

<sup>379</sup> UNHCR, 2000; FEANTSA, 2002.

<sup>380</sup> European Community, 2001; ASTI, 2004; Kollwelter, S., 2005.

consulted as strongly in Luxembourg as in France on the idea of an EU-level asylum policy, though; the EU institutions played a much stronger role in Luxembourg (as discussed in the next chapter).<sup>381</sup>

### *Portugal*

The effects of NGOs in Portugal were not driven by changes in their number; according to the Yearbook, the number of refugee- and Balkan-related NGOs did not change in Portugal during the Bosnian war. However, the existing organizations developed and refined their lobbying efforts, establishing the trust of their government and appearing to weigh into decisions on support for an EU-level policy. The Portuguese Refugee Council by the end of the Bosnian war had gained prominence among Portuguese organizations—including recognition as a “partner” with official government agencies and direct provision in Portuguese law to provide legal and social assistance to refugees—and was invited to participate in numerous debates with the government. It held a conference in 1996—amid the Amsterdam negotiations—on the merits of harmonizing asylum policy at the EU level during those negotiations, and several government ministers participated. Several ministers consulted the Portuguese Refugee Council throughout 1996 for advice as Portugal served on the EU Ad Hoc Group on Immigration.<sup>382</sup> As in Luxembourg, NGOs did affect the Portuguese government’s decision to more enthusiastically support an EU-level policy at Amsterdam, but the EU institutions played a stronger role in Portugal also.<sup>383</sup>

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<sup>381</sup> Personal Interview with Caritas Luxembourg Official, June 2008.

<sup>382</sup> ECRE Country Report, Portugal, 1996; European Community, 2001.

<sup>383</sup> Niemann, A., 2005.

## *Greece*

NGOs in Greece also pushed for a common asylum policy, so Greece's drop in support at Amsterdam for a common asylum policy probably was not the result of NGO pressure. Moreover, the public debate on immigration was relatively new at the time of the Bosnian war; NGOs previously had not worked extensively on that issue.<sup>384</sup> The Greek Council for Refugees—the prominent domestic refugee organization in Greece—did help sponsor conferences during and after the Bosnian war on the merits of closer EU integration on asylum policy.<sup>385</sup> The Greek government provided a substantial amount of funding for specific NGO programs addressing refugees, but there is no evidence it included these NGOs in official deliberations or responded directly to their lobbying.<sup>386</sup>

## *Ireland*

The Irish government regularly consulted its NGOs on most matters pertaining to refugees, even when NGOs had little formal authority in the asylum process. Since Ireland joined the United Nations in 1956, its civil society has driven its asylum policy, applying pressure for refugees' acceptance and securing support for repatriation.<sup>387</sup> Following each major decision by the Irish government with respect to refugees during the Bosnian war, the Irish Refugee Council submitted a press release responding to that decision—often in collaboration with other NGOs—urging the government to avoid strict asylum policies.<sup>388</sup> The Irish parliament responded to its organizations, invoking reports

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<sup>384</sup> Niessen, J., Schibel, Y., & Magoni, R., 2003.

<sup>385</sup> UNHCR, 1991.

<sup>386</sup> European Community, 2001.

<sup>387</sup> Wyndham-Smith, T., 1992; European Community, 2001.

<sup>388</sup> Irish Refugee Council, 2000-2007.

and opinions of intergovernmental organizations in debates about refugee protection, particularly in comparing Ireland's procedures and needs with those elsewhere in the Community.<sup>389</sup> Organizations in Ireland generally favored a common asylum policy, so while they may have been partly responsible for Ireland's continued support at Amsterdam, other factors probably drove the decline in support.

### *Italy*

In Italy, NGOs helped keep interest high and almost exclusively managed social services for the asylum-seekers. The Italian government also regularly turned to intergovernmental organizations, including UNHCR and the Council of Europe, for expertise and advice on its asylum policies.<sup>390</sup> These organizations—although not strongly centrally coordinated—helped keep Italian support for an EU-level policy high between Maastricht and Amsterdam.

### *The Netherlands*

The Netherlands is generally friendly toward immigrants and refugees, and the Dutch government strongly supported an EU-level asylum policy at both Maastricht and Amsterdam. The vast majority of NGOs promoted refugees' rights, resonating with a sympathetic public even after the influx of Bosnian refugees. NGOs, then, enabled existing public sentiment, rather than molding it. NGOs also were not as heavily involved in the refugee reception process in the Netherlands as in other EU Member States; only the Dutch Refugee Council worked with the government to offer information

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<sup>389</sup> Dáil Éireann, 5 May 1993; Dáil Éireann, 11 May 1993; Agence France-Presse, 13 June 1997.

<sup>390</sup> European Community, 2001.

and assistance to asylum-seekers, bringing together other NGOs within the country to lobby for an EU-level asylum policy.<sup>391</sup> Other organizations helped galvanize the public, though; the Interchurch Peace Council and Pax Christi—the two largest religious peace organizations in the country—held working groups and public meetings, participated in demonstrations on behalf of Balkan refugees, and urged the Netherlands, Belgium, and other EU states to match Germany’s high numbers of refugee receptions.<sup>392</sup>

### *Germany*

The German government was the forerunner among Member States in pushing for an EU-level asylum policy at both Maastricht and Amsterdam, and, as noted in previous chapters, Germany was an outlier in that its public was sufficiently galvanized around the Bosnian refugees to have an impact on Germany’s position on this issue. The influence of NGOs and intergovernmental organizations with respect to Germany was less a mobilization of the government than a tool of leverage for Germany with other Member States; the German government repeatedly cited Amnesty International reports on the harmonization of asylum policies at the EU level amid pleas for support within the European Union.<sup>393</sup>

### *United Kingdom*

As noted in previous chapters, the United Kingdom—whose support for an EU-level asylum policy was almost non-existent at both Maastricht and Amsterdam—is also an outlier among Member States. Contrary to most NGOs in other European countries,

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<sup>391</sup> European Community, 2001; E-mail Interview with Dutch Refugee Council Official, 13 February 2008.

<sup>392</sup> Netherlands Institute for War Documentation, 2002; Pax Christi, September 1992.

<sup>393</sup> Agence Europe, 1 September 1992.

British NGOs did not seem to take an interest in an EU-level asylum policy. Even those that lobbied for fewer restrictions at the domestic level did not push for the European Union to handle asylum. The (British) Refugee Council—a domestic organization—was the main NGO representing refugee interests in the United Kingdom and, along with other NGOs, routinely criticized the British asylum process as overly restrictive but did not push for an EU-level policy.<sup>394</sup> International NGOs—including the (international) Refugee Council and the Joint Council for the Welfare of Immigrants—did push the British government to support “burden-sharing,” but to no avail.<sup>395</sup>

#### *Denmark*

Support for an EU-level asylum policy also was low in Denmark at both Maastricht and Amsterdam, and domestic NGOs did not seem to protest that position. The Danish Refugee Council administered the repatriation process, so it was directly included in government policy on asylum, and it did not publicly speak out in favor of a harmonized policy.<sup>396</sup> Amnesty International criticized working conditions of refugees in Denmark but did not levy overt pressure on Copenhagen to support an EU-level policy.<sup>397</sup>

#### *Belgium*

Belgium supported an EU-level asylum policy at both Maastricht and Amsterdam. Interestingly, though, Belgian NGOs criticized Brussels for supporting an EU-level policy because, while Brussels had one of the most generous asylum systems in Europe,

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<sup>394</sup> European Community, 2001; European Parliament, 2000.

<sup>395</sup> Mills, H., 12 August 1992.

<sup>396</sup> Danish Immigration Service, 29 April 2008; European Parliament, 2000.

<sup>397</sup> Agence France-Presse, 8 September 1993.

any EU-level policy would diminish that generosity.<sup>398</sup> The Belgian government prevailed in that battle, though, and it led the charge at Amsterdam for a common policy.

### *Spain*

Support for an EU-level policy on asylum was also high in Spain for both treaties. As in Belgium, Spanish NGOs criticized an EU-led “Fortress Europe,” but NGOs had very little formal influence in Spain.<sup>399</sup> As their message conflicted with their government’s position at Amsterdam, Spanish NGOs probably did not figure heavily in this government policy decision.

### *Austria*

Austria supported a common EU asylum policy at Amsterdam. NGOs in Austria tended to fill gaps left by the government, financially supporting those refugees not under federal care. As such, these NGOs in the 1990s pushed heavily for a more comprehensive program to relieve some of the burden on the NGOs. Caritas was the leader among those NGOs, as it carried most of the responsibility for providing assistance to asylum-seekers.<sup>400</sup> NGOs, then, may have played a role in Austria’s decision to support an EU-level asylum policy at Amsterdam.

### *Sweden*

Sweden also supported an EU-level policy at Amsterdam, but unlike most other Member States, Sweden during the 1990s took an almost exclusively state-centered approach to refugees, with no formal role for NGOs in the asylum process. The Swedish

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<sup>398</sup> Luedtke, A., 2007.

<sup>399</sup> Tonnerre, C., 2007.

<sup>400</sup> European Community, 2001.

Red Cross had a role in repatriation projects, but the government did not formally include these groups in policy deliberations.<sup>401</sup> NGO lobbying therefore did not figure heavily into the Swedish position at Amsterdam.

### *Finland*

Finland supported a common EU asylum policy at Amsterdam. The Finnish government does provide a formal role for NGOs in the refugee reception process.<sup>402</sup> Finnish NGOs—primarily the Refugee Advice Centre—during the Bosnian war regularly voiced their discontent with domestic policy toward migrants, and the government consulted these groups periodically on EU asylum and immigration issues. These groups appear to have helped keep Finnish government support high for an EU-level policy at Amsterdam.<sup>403</sup>

These results are consistent with the hypothesis that organizational lobbying contributed to an increase in support from some Member States for an EU-level asylum policy as a result of the Bosnian war. Their influence was not the product of an increasing number of these organizations, but rather an increase in lobbying of those organizations already in existence. The next chapter explores in greater depth the relationships between these organizations and the European Commission, Parliament, and Council, as well as the independent efforts of these institutions to devise—or prevent—a common EU asylum policy.

### Conclusion

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<sup>401</sup> European Community, 2001.

<sup>402</sup> European Community, 2001; European Parliament, 2000.

<sup>403</sup> European Union, 2003.



This chapter explored the impact of one group of non-state and inter-state actors—refugee-related NGOs and intergovernmental organizations—on Member State support for a common EU asylum policy between the Maastricht and Amsterdam Treaties. Because of the conclusions of the previous two chapters that two of the traditional sources of influence on state policy were relatively ineffective in this regard, this chapter is particularly important, as it adds to the body of literature demonstrating the rising influence of transnational organizations on state and international policy, as well as the evolution of global governance and a global civil society. Similar results from the next chapter on the EU institutions would strengthen these arguments and speak volumes for the formation of similar European policies in the future.

The quantitative results in this chapter were initially puzzling, as the scholarly literature does not support the notion that a body of organizations that actively favor a policy would have an inverse relationship with that policy outcome. However, the qualitative results, which confirm some of the themes in the literature, suggest that an organizational impact cannot be easily quantified. The key drivers of organizational lobbying in this case were those longstanding groups with an existing constituency and resources; newer organizations in the same field would not have had time to have a real impact in the short time between Maastricht and Amsterdam. Documentation of the responses of Member State governments and the European Union supports this notion, as the only organizations they explicitly mentioned were those that were well-established.

The impact of NGOs and intergovernmental organizations on Member State support for an EU-level asylum policy during the Bosnian war was not widespread. It

was concentrated in only a few Member States and shared influence with other non-state or inter-state actors, including the European institutions (discussed in the next chapter). However, the influence of these groups is noticeable in each Member State whose support for an EU-level policy increased between Maastricht and Amsterdam. The governments entrusted these groups as advisers on asylum policy and heeded their demands for greater efficiency, acknowledging that the European Union could handle the Bosnian asylum crisis better than individual Member States. These groups therefore played a small role in the broader picture of European integration as well.

These groups' influence was not absolute, however. In some countries, the governments worked against the agenda of the NGOs (perhaps contributing to the negative regression result). This chapter focuses primarily on the NGOs' impact on the *increase* in support for the asylum portions of the Amsterdam Treaty, not the decrease, so I do not delve deeply into those states here. However, they underscore the fact that NGOs play but one small—yet, on average, ascending—role in the formation of state policy positions.

UNHCR's role is worth noting. The fact that it did not begin to lobby for an EU-level policy until the Bosnian war was nearly over—and yet the European Union made progress, albeit incremental, toward a common policy—underscores the importance of the other prominent organizations that address refugee issues. It also points to the independence of these groups from UNHCR on this issue; although the United Nations frequently works with NGOs, as indicated in the literature, NGOs carry policy influence on their own also.

In the next chapter, I turn to the EU institutions, discussing the literature on their role in the decision-making process and their sources of influence, assessing EU documentation and interviews with EU officials, and offering further thoughts on the role of supranational actors in policymaking. That discussion sets the stage for an assessment in the final chapter of the key findings in this study and suggested areas for future research.

## CHAPTER 5

### European Commission, Parliament, and Council

The institutions of the European Union are increasingly prominent players in both international and state policies, including those related to asylum. State governments are the primary decision-making authorities, but the EU institutions—particularly the Commission, Parliament, and Council of Ministers (or Council)—both provide a clearing house for the interaction of state governments and wield their own influence.<sup>404</sup> Each institution has a history and identity that differs from that of any individual Member State, which allows for different perspectives in the policymaking process. Also, as the Member States increasingly turn to the European Union, the EU institutions gain credibility, providing an avenue for regional governance.<sup>405</sup>

This chapter explores the role of each of the three primary EU institutions in galvanizing Member State support for an EU-level asylum policy between the Maastricht and Amsterdam Treaties, testing the hypothesis that the European Commission and Council in particular helped mobilize Member State support for an EU-level asylum

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<sup>404</sup> The Council of Ministers, commonly known simply as the Council, is not to be confused with the European Council, which is generally referred to as the Council of the European Union. Only the Council of Ministers is an EU institution. The Council of the European Union consists of each country's top political leaders—heads of state or government—and the Commission president, aided by their foreign ministers and a Commission vice president. The Council of European Union, unlike the Council of Ministers, meets not to adopt legal texts but to find a solution to otherwise unresolvable issues at the highest political level. Both the Council of Ministers and the Council of the European Union are chaired by a Member State on a rotating basis; every six months, a different state assumes leadership of both entities. (Dinan, D., 1999)

<sup>405</sup> Weiler, J., 2002.

policy. This hypothesis suggests that the Commission helped broker negotiations with Member States, with an eye toward communitarizing asylum policy so as to solidify its own power and increase its formal influence on this issue. The study proposes that the Council served as a clearing house for Member State discussion, with individual Member States holding greater influence while in the Council Presidency. This hypothesis further suggests that the Parliament—because of the institutional benefits it would gain from moving asylum policy to the first pillar—was perhaps the most vocal and internally unified proponent of an EU-level asylum policy, but that it held very little sway with Member States, partly because of indifference from the national public and legislatures. This chapter seeks to complete the analysis of the previous chapters, assessing the other major source of influence on Member States' views on a common asylum policy, with particular interest in the implications for post-Cold War global and regional governance.

### Literature Review

The EU institutions grew as states invested in them, but as they evolved under Maastricht, they also began to empower themselves. Institutional theory suggests that states create institutions like the European Union to solve transnational problems such as environmental degradation, transborder crime, and refugees because states perceive they will benefit from a high degree of cooperation through those institutions.<sup>406</sup> Scholars suggest, therefore, that the European Union does not replicate a state but rather embodies

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<sup>406</sup> Wallander, C., 2000; Dehousse, R., 1997; Weiler, J., 2002. Powell and DiMaggio (1991) define an (at that time) emerging concept – the “new institutionalism” – in organizational theory and sociology, which rejects rational-actor models of classical economics. Institutionalism instead uses supranational units of analysis to explain social and organizational phenomena – a “top-down” approach to assessing state or organizational behavior.

a mix of multi-level institutions and state- and non-state actors, suggesting a complex addition to the notion of global governance that differs from the non-state and inter-state actors discussed in the previous chapter.<sup>407</sup> Numerous EU actions that counter the position of some Member State governments underscore that EU institutions are not simply puppets of their home governments but have their own ideologies, partisan interests, and sources of external influence that can drive both supranational policy and their own role in decision-making.<sup>408</sup>

EU authority and credibility escalated in the 1990s, particularly after the European Community became the European Union following implementation of the Maastricht Treaty in 1993. Member State interest in the EU institutions also rose throughout the 1990s; heads of state and government played an increasingly important role in EU affairs, and each Member State's permanent representative (Permrep) in Brussels became more active, adding clarifications and comments to Commission draft reports and conveying the outcome of Council meetings—which were rarely disclosed to the public—to interested officials in the capitals. The increased presence of national officials from Justice and Home Affairs ministries—which included oversight of asylum policy—during and after the Bosnian war highlighted the importance of these issues to Member States as the European Union extended its competency in these fields.<sup>409</sup> As Member States gained interest in the European Union, the nascent EU institutions struggled to define themselves and their role in the EU decision-making process, which

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<sup>407</sup> Hix, S., 1996; Hix, S., 1998; Hurrell, A., & Menon, A., 1996; Hix, S., 1999b.

<sup>408</sup> Hooghe, L., & Marks, G., 1999; Hix, S., 2001; Pollack, M., 1997.

<sup>409</sup> Hayes-Renshaw, F., & Wallace, H., 2006; Dinan, D., 1999.

sometimes led to clashes with Member States. This gulf was just beginning to widen when the Bosnian refugees fled across EU borders.<sup>410</sup>

At the signing of the Maastricht Treaty, the European Union inherited from the Community a well-developed governance structure, with a policy presence in nearly every issue area in European politics, although it shared competence on most of these issues with its Member States.<sup>411</sup> However, scholars note that the European Union in its infancy struggled with institutional handicaps that sometimes precluded effective decision-making. During the Bosnian war, the institutional requirements to pass legislation—such as the qualified majority voting (QMV) rule for Council approval of Commission proposals, the Council’s unanimity rule for approval of amendments to Commission proposals, and the Parliament’s veto in the absence of Council unanimity—hindered rapid action on numerous issues.<sup>412</sup> Moreover, the extensive contestation of Maastricht—in terms of both content and legitimacy—within some Member States suggests that the European Union by the time of the Bosnian war had not achieved the goal of satisfying policy customers and endowing EU institutions with political authority. Maastricht had few legitimation mechanisms, relying heavily on Member States to confer legitimacy by endorsing particular policies.<sup>413</sup> This chapter therefore hypothesizes that the Bosnian refugee crisis presented one of the earliest tests of the legitimacy of these newly-defined EU institutions, as well as Member States’ perception of the efficacy of the asylum aspect of European policy.

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<sup>410</sup> Scharpf, F., 1994.

<sup>411</sup> Pollack, M., 2000; Bulmer, S., 1993.

<sup>412</sup> Crombez, C., 1996; Scharpf, F., 1994.

<sup>413</sup> Wallace, H., 1996b.

Each EU institution developed differently, both overall and in each area of competence. Under Maastricht, the Council held the most power on asylum policy, as asylum was housed under the third—intergovernmental—pillar, thereby giving the Commission very little power. The Commission, though, gained power under Amsterdam, when asylum was moved to the first—Community—pillar. The Parliament carried very little weight under each treaty or with Member States, but it did strongly support a common asylum policy.

#### *European Commission*

The Commission—by treaty, the initiator of EU policies and the sole bearer of the right to propose EU legislation—is arguably the most powerful and public player in the European Union.<sup>414</sup> Commissioners are appointed by state governments to act in the interests of the Union, and scholars argue that the Commission epitomizes the supranationalism of the EU system.<sup>415</sup> Because the Commission has a monopoly on bringing forth proposals in the first pillar, it can push issues of its interest to the top of the EU agenda.<sup>416</sup> Because of its power, much of the scholarly focus on EU activities tends to center on the Commission.<sup>417</sup>

Literature on the Commission just after Maastricht suggests that it had a substantial amount of agenda-setting power on first-pillar issues, even to the point at which certain issues it endorsed moved forward even when some Member State

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<sup>414</sup> Mazey, S., & Richardson, J., 1997.

<sup>415</sup> Dinan, D., 1999.

<sup>416</sup> Crombez, C., 1996; Mazey, S., & Richardson, J., 1997; Pollack, M., 1997.

<sup>417</sup> Toonen, T., 1992.



governments opposed them.<sup>418</sup> However, under Maastricht, the Commission did not have a right of initiative—which would have empowered it to make proposals on the matters contained in the Treaty—in the Justice and Home Affairs (third pillar) realm; only the Member States did.<sup>419</sup> The Commission therefore could not simply circumvent Member States on refugee and asylum policy; it needed to use informal leverage with both Member State governments and the other EU institutions, particularly the Council, which consisted of and therefore answered directly to the Member States.<sup>420</sup>

Nor could the Member States ignore the Commission, though, partly because of its relationship with non-state and inter-state actors. Because of its powers within the European Union, the Commission is generally the first point of contact for NGOs and other interest groups. The number of lobbyists and consultants focused on the European Union increased greatly in the 1990s as a result of the Commission's augmented agenda-setting powers under the 1987 Single European Act (SEA) and 1993 Maastricht Treaty, and of the greater scope of EU policymaking. These groups helped to “frame” policy issues for the Member State publics and helped place items of national interest on the EU agenda.<sup>421</sup> The Commission still relies heavily on transnational organizations and experts when forming policy.<sup>422</sup>

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<sup>418</sup> Cram, L., 1994; Dehousse, R., 1997.

<sup>419</sup> Den Boer, M., 1996.

<sup>420</sup> Aghion, P., Tirole, J., 1997.

<sup>421</sup> Mazey, S., & Richardson, J., 1997; Grande, E., 1996. Rein and Schon define framing as “a perspective from which an amorphous, ill-defined situation can be made sense of and acted upon.” (Rein, H., and Schon, D., 1991, in Mazey, S., & Richardson, J., 1997.)

<sup>422</sup> Smith, M., 2001; Grande, E., 1996; Mazey, S., & Richardson, J., 1997; Crouch, C., & Menon, A., 1997.

I suggest, then, that the Commission would have negotiated with Member States to support an EU-level asylum policy, pushing for communitarization but lacking real power, as asylum fell under the third pillar. Any influence by the Commission, therefore, would be informal, with the Council wielding more direct power.

### *Council of Ministers*

The Council of Ministers—composed of ministers from national governments and a European Commissioner—was created to ensure the presence of a national, in addition to the supranational, voice in EU decisions. Representatives of each Member State participate in meetings at all levels of the Council, where they present their state's position. Each country has Permreps in Brussels and direct contact between key government departments and the Council, and the Council also maintains indirect contacts with state-level parliaments, interest groups, and sub-national governments.<sup>423</sup> If the Maastricht Treaty intended the Commission to be the means of generating solutions to problems, it dubbed the Council the means by which the Member States identify and articulate those problems. The strength of the Council has helped provide assurances to Member States skeptical of the Commission's increased powers under Maastricht.<sup>424</sup>

However, scholars note that notwithstanding its strength, the Council suffers from a myriad of institutional impediments to speedy decision-making. Because the Council's voting formula calls for only QMV in most instances—thereby eliminating the power of the veto—it has been lauded as an example of successful EU integration.<sup>425</sup> Heightened

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<sup>423</sup> Hayes-Renshaw, F., & Wallace, H., 2006.

<sup>424</sup> Wallace, H., 1996b; Dinan, D., 2006.

<sup>425</sup> Beyers, J., & Dierickx, G., 1998.

recourse to QMV, however, also leads interested parties to attempt even more rigorously to influence the fate of proposals in the Council as early as possible in the decision-making process. This is a difficult task, though, because of the degree of secrecy often present in the Council. Council ministers often are reluctant to disclose details on the compromises they make during deliberations.<sup>426</sup> International relations scholar Helen Wallace describes the Council as “both a European institution and the prisoner of the Member States.” It is vulnerable to competition between Member States as well as with the Commission.<sup>427</sup> The Council, moreover, often represents only parts of governments and therefore cannot always be viewed as the voice of the Member States.<sup>428</sup>

Under Maastricht, the Council was the main decision-making body for the Justice and Home Affairs pillar. The Parliament had limited opportunities to comment on such work, and the Commission had a greatly reduced role when compared to the “first pillar.”<sup>429</sup> The Council, then, might have been the most prominent advocate vis-à-vis asylum policy, by virtue of its composition of ministers from all Member States and its agenda-setting powers under Maastricht, but also with its ability to act as a clearing house for Member States by providing a venue for discussion on the merits of harmonizing policies. The Council’s power as an institution, coupled with the fact that it consists only of a portion of each Member State government, suggests that the Council had ample room to develop an institutional identity of its own. Therefore the Council as an

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<sup>426</sup> Hayes-Renshaw, F., & Wallace, H., 2006.

<sup>427</sup> Wallace, H., 1996a; Dinan, D., 1999.

<sup>428</sup> Hayes-Renshaw, F., & Wallace, H., 2006.

<sup>429</sup> Wallace, H., 1996a.

institution—as well as individual Member State representatives within it—might have pushed for a particular stance on an EU-level asylum policy.

### *European Parliament*

The Bosnian war came at a time when the European Parliament—historically lacking in political clout and institutional power in comparison with the Commission and Council—was beginning to enjoy an increase in powers, which Member State governments granted it in an effort to legitimize EU decision-making. Under Maastricht, agenda-setting power rested with the Council, but the Parliament was better able to assert itself more directly in EU decision-making processes due to its increased budgetary and legislative powers under Maastricht.<sup>430</sup> The Parliament held very little formal influence over national administrations, though; its power centered exclusively on the Commission.<sup>431</sup>

Some scholars assess that the Parliament is not entirely beholden to state interests, simply because the public does not pay much attention to elections for European Parliamentarians, and actions of the Parliament therefore do not necessarily reflect the will of the people.<sup>432</sup> Others suggest that voters use European Parliament elections as “second-order” elections to express domestic concerns.<sup>433</sup> State-level parliamentarians also have little interest in the European Parliament, thanks in part to the introduction of direct elections for European Parliamentarians in 1979, which diminished the role of

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<sup>430</sup> Dinan, D., 1999; Tsebelis, G., & Garrett, G., 2000; Wallace, H., 1996a; Tsebelis, G., 1994. After the implementation of the Amsterdam Treaty, the Parliament became a coequal legislator with the Council. (Tsebelis, G., & Garrett, G., 2000.)

<sup>431</sup> Dehousse, R., 1997.

<sup>432</sup> Kreppel, A., & Tsebelis, G., 1999.

<sup>433</sup> Taggart, P., 1998.

state-level parliaments in EC decision-making, as they no longer nominated European Parliamentarians themselves as they had with the Parliament's forerunner, the European Assembly.<sup>434</sup>

Several scholars posit that the Parliament suffers from a lack of credibility not only from its constituent states, but from other EU institutions. Some suggest that the Parliament's struggle to be taken seriously within the European Union may tend to unite its disparate political interests; these interests tend to converge around the notion of greater powers for the Parliament. The Parliament's influence was unquestionably evolving before and during the Bosnian war, due in large part to its own lobbying for greater powers within the European Union. The SEA and Maastricht Treaty gave the Parliament considerable legislative powers, and the Parliament pushed for—and received—additional powers during the initial years following the ratification of the Maastricht Treaty.<sup>435</sup>

The Parliament's power over individual policy issues was minimal during the Bosnian war. Pushing for communitarization of the Justice and Home Affairs pillar provided the most hope for the Parliament to firmly establish its role among EU institutions. This pillar allowed for funding from either national budgets or the Commission budget, and with national funding having been ruled out, budgetary responsibilities fell to the Commission, which meant that the Parliament would have financial oversight. The Parliament knew, however, that greater powers did not

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<sup>434</sup> Hayes-Renshaw, F., & Wallace, H., 2006.

<sup>435</sup> Konig, T., & Hug, S., 2000; Dankert, P., 1997; Hayes-Renshaw, F., & Wallace, H., 2006.

necessarily translate into greater public (and therefore state-level) support for the Parliament unless those powers related to issues—such as asylum policy or policies toward Yugoslavia—about which the populace cared. Existing public expectations about EU competence on these issues also were at stake if the Parliament could not deliver. It was therefore in the Parliament’s best interest to lobby for communitarization of those issues at the 1996 Intergovernmental Conference.<sup>436</sup> Moreover, interest groups regularly lobbied the Parliament as its powers increased, which could further have swayed the Parliament’s efforts to push for a communitarized policy.<sup>437</sup>

I suggest that the Parliament—in light of increased international attention to refugees during the Bosnian war—would push for communitarization of asylum policy, but that the Council and the Commission would hold greater weight within Member States. This chapter, therefore, focuses primarily on the Council and Commission, touching lightly on the Parliament.

### *Council Presidency*

A growing body of literature suggests that the state holding the six-month rotating Presidency of the Council of Ministers affects EU policy scope independently of any of the other EU institutions. The state in the Presidency chairs all meetings of the Council itself and those of the supporting committees of civil servants. The Presidency also has the ability to influence the EU agenda through initiative, facilitating agreement on contentious issues, and brokering discussions between EU institutions according to the

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<sup>436</sup> Dankert, P., 1997.

<sup>437</sup> Wessels, B., 1999.

legislative requirements of the treaties.<sup>438</sup> EU scholar Desmond Dinan suggests three reasons for the importance of which state holds the Presidency: first, each state takes a slightly different approach to even the most routine EU business; second, states have specific preferences for certain EU policies or programs; third, states vary in terms of their size, resources, diplomatic traditions, familiarity with the EU system, degree of commitment to European integration, and domestic political circumstances, which factor into the state's response to challenges facing the Presidency.<sup>439</sup> Some scholars suggest that the Presidency helps overcome some of the collective action problems of expanded EU membership by trying to reach a consensus within the Council of Ministers in advance of a vote on a divisive issue.<sup>440</sup> Other scholars note that the ability of a state to behave as an independent actor within the Presidency helps protect some of the state sovereignty that is lost as states invest more power in the EU institutions.<sup>441</sup>

States holding the Presidency meet regularly within their six-month tenure with each EC counterpart on a multilateral or bilateral basis, suggesting that they have the ability and inclination to push an item of interest directly with other EU Member States. Presidencies have proven effective on such key issues as engendering support for the Single European Act.<sup>442</sup> Similarly, scholars note the detrimental role of the 1992 Presidency of the British government, which was staunchly opposed to an EU-level immigration policy, to progress on such a policy, as the British Presidency lobbied

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<sup>438</sup> Bulmer, S., 1996; Hix, S., 2002a.

<sup>439</sup> Dinan, D., 1999.

<sup>440</sup> De Witte, B., 2002.

<sup>441</sup> Frug, G., 2002.

<sup>442</sup> Moravcsik, A., 1999.

against it.<sup>443</sup> Yet the British successfully restored momentum to the issue of banning comparative advertising during the same Presidency, as this was an issue of great interest to the United Kingdom.<sup>444</sup>

I suggest that states who held the Presidency during or after the Bosnian war held sway with Member States on asylum policy inasmuch as it was an issue of interest in the state occupying the Presidency. These states would push other states to support or oppose such a policy and would raise the attention of asylum policy within the other EU institutions. Progress toward an EU-level asylum policy would therefore increase or stagnate depending on the position of the state in the Presidency.

### Hypothesis and Methodology

This chapter tests the hypothesis that the European Commission and Council helped mobilize Member State support for an EU-level asylum policy, the Commission by using bilateral and multilateral negotiations to push Member States for a common policy, and the Council by serving as both a clearing house for Member State ideas and a source of institutional pressure on individual Member States. Because of the institutional benefits of moving asylum policy to the first pillar, this study suggests that the Parliament was the most vocal and internally unified proponent of an EU-level asylum policy, but that it held very little sway with Member States because of indifference from the public and state-level legislatures.

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<sup>443</sup> Ugur, M., 1995.

<sup>444</sup> Spink, P., & Petty, R., 1998.



As EU institutional powers would be impossible to quantify, I do not include them in my quantitative analysis. I do, however, employ an extensive array of EU materials for my qualitative study. Additionally, I include materials from previous chapters as they related to the EU institutions. The crux of my research for this chapter comes from personal interviews with EU officials who addressed asylum policy or the Balkans during the Bosnian war or currently. Most are senior officials who are well-acquainted with the development of these policies since the war. These officials—based in Brussels and in Washington—requested anonymity in this study, so I refer to them only by their institutional affiliation.

### Qualitative Analysis

#### *European Commission*

My findings confirm the suggestions in the literature that the Commission during the Bosnian war—even before it received “first pillar” authority under Amsterdam—helped foster support for a common EU asylum policy. Several Commission officials told me that governments and groups throughout the 1990s turned to the Commission for solutions to transnational problems—including refugees—that states themselves could not fix.<sup>445</sup>

One Commission official mentioned that Sweden, the Netherlands, Germany, Austria, Belgium, France, Italy, and Luxembourg clamored within the European Union during the Bosnian war for a common asylum policy, as these states were most heavily affected by the Bosnian refugees. The Commission—through the Council, as asylum was

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<sup>445</sup> Personal Interviews with Commission Officials, June 2008.

a third-pillar issue—held discussions with all Member States on the merits of harmonizing asylum policy and implementing a “burden-sharing” arrangement. The Commission reminded Member States of their obligations through the treaties that the Member States themselves drafted and ratified, thereby acting as an intermediary and encouraging an EU-level policy without wielding any implementation power. Indeed, the Commission periodically found that it had touched a sensitive nerve with Member States, as it was asking these states to change their domestic laws and a closely-held element of their sovereignty.<sup>446</sup>

France, Luxembourg, and Portugal supported an EU-level policy more strongly at Amsterdam than at Maastricht. While France is a major EU player with significant influence, Luxembourg and Portugal are relatively small EU states. Small states, according to a Commission official, relied more heavily on the Commission than large states in the 1990s.<sup>447</sup> A spokesman for the ruling party in Luxembourg in 1996 stated that:

The development [of the asylum question] on the international and European levels points to the direction of a harmonization of asylum procedures and we will concentrate all our efforts on this development, and will try to put forward our position during the establishment of European and international asylum policy. However, we cannot, as one of the

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<sup>446</sup> Personal Interview with Commission Official, June 2008.

<sup>447</sup> Personal Interview with Commission Official, June 2008.

smallest countries in the world, allow ourselves to go it alone and fence ourselves off from the policies of our European neighbours.<sup>448</sup>

Indeed, a number of sources indicate that exogenous factors drove these two small states—Luxembourg and Portugal—toward greater integration on asylum policy. The Commission served as one of the most important exogenous factors.<sup>449</sup> The large increase in migrants—including those from Bosnia—into these countries provided an impetus for this pressure.<sup>450</sup>

When the Bosnian war began, the Commission first focused on monetary aid to help war victims within Bosnia and on refugee repatriation, rather than a common asylum policy.<sup>451</sup> However, following the persuasive efforts of the Council, the German government, NGOs and intergovernmental organizations, and new Commission President Jacques Santer, who had championed immigration for eleven years as Prime Minister of Luxembourg—as well as the realization of Bosnia’s likely long-term unpreparedness for returnees—the Commission began urging in earnest for a common asylum policy after the war. The Commission’s work culminated in its support for the transfer of asylum

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<sup>448</sup> Nickels, H., 2007.

<sup>449</sup> Niemann, A., 2005; Personal Interview with Commission Official, June 2008.

<sup>450</sup> Niemann, A., 2005.

<sup>451</sup> The Independent, 3 July 1992; Simmons, M., 30 July 1992; Binyon, M., 17 October 1992; Beecroft, A., Personal Interview with Author, 2008; Bulletin of the European Communities, November 1995, 1.4.35; Bulletin of the European Communities, July-August 1997, 1.4.105; Bulletin of the European Communities, July-August 1992, 1.4.18; Bulletin of the European Communities, October 1992, 1.4.23; Bulletin of the European Communities, July-August 1995, 1.4.61; Bulletin of the European Communities, September 1995, 1.4.31; Bulletin of the European Communities, November 1995, 1.4.37; Bulletin of the European Communities, January-February 1996, 1.2.17; Bulletin of the European Communities, July-August 1996, 1.4.78. Not that this was a small feat; the European Union financed roughly 22% of the UNHCR budget at the beginning of the Bosnian war and 40% by the end of the war, constituting the largest single donation to the organization. (Bulletin of the European Communities, November 1992, 1.4.64; European Foreign Policy Bulletin, 19 January 1994.)

policy to the “first (Community) pillar” at Amsterdam.<sup>452</sup> The Commission at the 1996 Intergovernmental Conference presented balanced and well-researched proposals, which helped convince uncertain Member States that it could be entrusted with more powers in the field of asylum. The Commission also levied pressure through existing Community arrangements, such as the increasingly popular Schengen agreement, to push for a common asylum policy. It came to the Intergovernmental Conference with a decisive position on asylum policy, which helped compensate for its lack of agenda-setting power on third-pillar issues. It used its knowledge of the national perspectives and legislations of all Member States to provide a holistic approach that individual Member States did not have.<sup>453</sup>

UNHCR’s role as interlocutor with both Commission and Member States highlighted the complex web of influence among these three actors. Experts from UNHCR and other organizations helped assess the feasibility of harmonizing refugee policies and to determine Bosnia’s capability to accept returnees.<sup>454</sup> UNHCR was the primary interlocutor with the Commission; the High Commissioner throughout the Bosnian war visited the Commission to request more funding, discuss ways to improve coordination, and thank the Commission for its support.<sup>455</sup> As discussed in the previous chapter, UNHCR did not publicly push for an EU-level policy until the end of the

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<sup>452</sup> Beecroft, A., Personal Interview with Author, 2008; Jackson, T., 11 August 1992; Bulletin of the European Communities, November 1995, 1.5.1; Marshall, A., 18 January 1995; Official Journal, 26 September 1996; Bulletin of the European Union, 1995.

<sup>453</sup> Niemann, A., 2005.

<sup>454</sup> Agence Europe, 4 May 1992; Agence Europe, 7 December 1992; Agence Europe, 15 February 1993; Agence Europe, 18 September 1995; Lord, D., 28 November 1992; Agence Europe, 20 June 1992; Agence Europe, 5 August 1992.

<sup>455</sup> Bulletin of the European Communities, November 1992, 1.4.64; Bulletin of the European Communities, November 1993, 1.5.6.

Bosnian war, and its timing may have been a factor in the development of the Commission's support for this policy. In its official communications, the Commission frequently referred to the need to consult and cooperate with UNHCR; it mentioned no other organization by name. No communication specifically tied UNHCR with "burden-sharing" or a common asylum policy, though, so UNHCR appears to be only one of several important sources of influence on this policy.

As discussed in the previous chapter, other organizations lobbied both Member States and EU institutions for a harmonized asylum policy. Several Commission officials in discussions with me referred to the European Union's relationship with the European Council on Refugees and Exiles, which pushed for a common policy with as high standards as possible for refugee rights. The European Council on Refugees and Exiles and the International Organization for Migration were the most influential organizations with both Member States and EU institutions, according to these officials, which highlights the multifaceted nature of global and regional governance, underscored by the number of essential lobbying targets.<sup>456</sup>

The Commission had a strong, reciprocal relationship with UNHCR and the Council during the Bosnian refugee crisis. Although it lacked formal power on asylum policy, it helped bring the merits of a common policy to the negotiating table with all Member States, using the Council as interlocutor. UNHCR's lobbying, as well as the Commission's own institutional interests, helped solidify the Commission's position

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<sup>456</sup> Personal Interviews with Commission Officials, June 2008.

during the Bosnian war and encouraged the Commission to push for communitarization in its negotiations with Member States.

#### Council of Ministers

My research indicates that the Council held even more influence than the Commission on Member State support for an EU-level asylum policy at Amsterdam. The Council at that time exercised this influence as an institution itself, but more strongly as a clearing house for discussion among Member States on this issue, which suggests that while the EU institutions did provide a new tool for regional governance, the Member States retained primary authority.<sup>457</sup>

The Council throughout the Bosnian war urged both Member States and the Commission for an EU-level asylum policy that included a “burden-sharing” arrangement. The Council regularly referred to the Bosnian refugees in official communications on this issue and frequently proposed detailed suggestions for courses of action.<sup>458</sup> It focused heavily on minimum guarantees for asylum procedures—with special safeguards for women and children—and a fair, efficient, and regularly monitored evaluation and appeals method in line with the Geneva Convention and New York

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<sup>457</sup> Interview with EU Special Representative Official, June 2008.

<sup>458</sup> Bulletin of the European Communities, June 1992, 1.5.3; Bulletin of the European Communities, November 1992, 1.3.25; Bulletin of the European Communities, December 1993, 1.8; Bulletin of the European Communities, March 1995, 1.5.1; Bulletin of the European Communities, March 1995, 1.5.2; Bulletin of the European Communities, November 1995, 1.5.5; Bulletin of the European Communities, July-August 1997, 1.5.3; Bulletin of the European Communities, October 1995, 1.4.78; Bulletin of the European Communities, October 1995, 2.2.1; Bulletin of the European Communities, January-February 1996, 1.4.102; Bulletin of the European Communities, January-February 1996, 1.4.108; Bulletin of the European Communities, March 1996, 1.4.55; Bulletin of the European Communities, April 1996, 1.4.64; Bulletin of the European Communities, July-August 1996, 1.4.92; European Political Cooperation Bulletin, 10 March 1993.

Protocol.<sup>459</sup> Key to this policy, according to the Council, was the implementation of the Dublin Convention, for which it consistently lobbied all Member States that had not yet signed or ratified it.<sup>460</sup>

However, the Council balked at pushing its agenda with individual Member States too hard. When queried by the Parliament at the beginning of the Bosnian war on what the Council had done to call on Member States to open their borders to Yugoslav refugees, the Council replied that according to UNHCR, offers of temporary protection exceeded demand and that UNHCR would ask for more protection if needed.<sup>461</sup> The Council proclaimed after another Parliamentary query that its current aid and temporary protection regimes were sufficient to help the Bosnian refugees and that no further measures were necessary.<sup>462</sup> As the Council is composed of the Member States, it faced greater pressure than the Parliament from states for which an EU-level asylum policy was a high priority. However, the Council also enjoyed more power than the Parliament on Justice and Home Affairs, which diminished the Council's institutional need for immediate results on bringing this issue under Community competence.

The Member States communicated with each other through the Council as well, appealing more to pragmatic than ideological concerns. Germany in particular used the Council to push for "burden-sharing," tabling proposals in the Council for Member States

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<sup>459</sup> Bulletin of the European Communities, March 1995, 1.5.1; Bulletin of the European Communities, June 1995, 1.5.4; Bulletin of the European Communities, May 1997, 1.5.4; Bulletin of the European Communities, May 1997, 1.5.5; Bulletin of the European Communities, June 1997, 1.5.3.

<sup>460</sup> Bulletin of the European Communities, June 1992, 1.5.12; Bulletin of the European Communities, May 1997, 1.5.3.

<sup>461</sup> European Political Cooperation Bulletin, 23 March 1993.

<sup>462</sup> European Political Cooperation Bulletin, 30 November 1993.

to equitably distribute the refugees from the former Yugoslavia.<sup>463</sup> In fact, Germany—one of the largest and most influential Member States—singlehandedly pushed during the Luxembourg European Council in 1991 for asylum to be included in the third pillar of Maastricht, convincing other Member States that such a policy served their best interests because of the opening of the Eastern bloc.<sup>464</sup> The 1996 Intergovernmental Conference provided the ideal forum for intergovernmental communication on this issue; France and Luxembourg—whose support for a common asylum policy increased between Maastricht and Amsterdam—were among the most vociferous advocates of such a policy at the Intergovernmental Conference.<sup>465</sup>

The Council—and the Member States therein—at Council meetings and the Intergovernmental Conference discussed transnational issues of increasing interest to Member States, such as the need to protect external borders as the Schengen Agreement took effect and the increased prevalence of bogus asylum applications.<sup>466</sup> Member States with external borders were more influential than others on issues of migration, according to a Commission official.<sup>467</sup> Support from some Member States for an EU-level asylum policy increased also because of the realization that their recognition rate was much higher than in other Member States, which threatened to make those states more attractive for future refugee inflows, particularly from the neighboring Balkans.<sup>468</sup> One example is France, which originally assessed that it could manage the Yugoslav refugees

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<sup>463</sup> Torres, A., 29 November 1993.

<sup>464</sup> Alp, C., 2005.

<sup>465</sup> Agence Europe, 23 November 1996; European Parliament, 1996.

<sup>466</sup> Personal Interview with Commission Official, June 2008; Wihtol de Wenden, C., 1994.

<sup>467</sup> Personal Interview with Commission Official, June 2008.

<sup>468</sup> Personal Interview with Commission Official, June 2008.



on its own and turned to the European Union.<sup>469</sup> France's recognition rate of 29 percent at the beginning of the Bosnian war was among the highest in the European Union.<sup>470</sup>

The Council, working closely with the Commission, played a key role in garnering support for an EU-level asylum policy within Member States. The increase in Member State support for entrusting the European Union with asylum policy suggests that this avenue for intergovernmentalism paved the way for a new form of regional governance. Through this forum for intergovernmental dialogue, Member States assessed that a common policy would serve their best interests, and the Bosnian war brought an immediate impetus for this dialogue.

#### States in the Presidency

In order to better assess the influence of Member States on other Member States through the both the Council of Ministers and the European Council—as the same Member State holds the Presidency of both entities simultaneously—I examine the differences between the Council Presidencies during the Bosnian war with respect to asylum policy. I look at the Presidencies to determine whether some Member States were more influential than others, and how they used the Council to lobby other Member States. Information for this portion of the chapter is the most limited, as the Council rarely publicizes its internal deliberations, but interviews with Council officials and the official record of each semi-annual European Council summit provide a sound basis for analysis.

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<sup>469</sup> Personal Interview with Commission Official, June 2008.

<sup>470</sup> Wihtol de Wenden, C., 1994.

*Portugal: January-June 1992*

Lisbon held the Presidency at the beginning of the Bosnian war, just after the Maastricht negotiations, at which Portugal supported an EU-level asylum policy but not as strongly as it did later at Amsterdam. Portugal mainly focused on immediate aid to Bosnian war victims but welcomed a Community approach to doing so. The Presidency in May 1992 stated: “The problem of the refugees fleeing [Bosnia] was a cause of particular concern, and the Ministers stated their government's intention to support the aid programme drawn up by UNHCR. The Community and its Member States' participation in this programme should be via the Community budget, together with voluntary contributions by individual countries.”<sup>471</sup> Over the course of the Lisbon Presidency, the Portuguese Interior Minister held a series of deliberations among EU immigration ministers, during which they exchanged ideas on ways to assist homeless Bosnians.<sup>472</sup> However, they did not focus on a common asylum policy at that time.

*United Kingdom: July-December 1992*

The British Presidency was far less inclined than its predecessor to push for Community competence in its approach to the Bosnian refugee crisis. While Lisbon brandished the Community flag with its interlocutors, British representatives referred solely to the commitment of “Member States”—rather than the European Community—to assist the refugees.<sup>473</sup> Berlin sharply criticized London for adopting a “self-interested” approach to the EC Presidency, including its reluctance to take the lead on admitting

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<sup>471</sup> Agence Europe, 26 May 1992.

<sup>472</sup> Bulletin of the European Communities, June 1992. 1.5.13.

<sup>473</sup> Agence Europe, 18 July 1992.

more Bosnian refugees into the Community or providing aid to the region to match that which Germany had provided.<sup>474</sup> London flatly refused to accept Germany's suggestion of a quota system.<sup>475</sup> The six-month series of immigration meetings during the British Presidency focused more heavily on approving recommendations on deporting illegal nationals and devising a list of non-EC countries with no danger of persecution to which refugees could be sent.<sup>476</sup> Very little progress was made on a joint policy during the British Presidency.

*Denmark: January-June 1993*

Denmark—which did not support an EU-level asylum policy at either Maastricht or Amsterdam—used its Presidency to attempt to craft a new transnational body to discuss policies on asylum, human rights, and aid to less-developed countries. It did not propose “burden-sharing” but acknowledged that it may be on the horizon.<sup>477</sup> During its six-month immigration meetings, its European Council adopted a resolution on guidelines for the admission of at-risk groups from Yugoslavia, approved a resolution on harmonizing policies relating to family reunification, and noted the Member States’ resolve to ratify the Dublin Convention as soon as possible.<sup>478</sup> This meeting noted a marked difference from the British chairmanship, not as much in its efforts to harmonize policy but in the direction that harmonization should take; whereas the British Presidency focused more heavily on restricting policy, the Danish sought greater leniency.

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<sup>474</sup> Gow, D., 22 July 1992; Agence Europe, 23 July 1992.

<sup>475</sup> Agence France-Presse, 29 July 1992.

<sup>476</sup> Bulletin of the European Communities, December 1992, 1.5.12.

<sup>477</sup> Carvel, J., 6 May 1993.

<sup>478</sup> Bulletin of the European Communities, June 1993, 1.4.18.

*Belgium: July-December 1993*

Asylum policy did not dominate the landscape of the Belgian Presidency, but like the Portuguese, the Belgians emphasized the need for a common policy, in concert with their strong support at both Maastricht and Amsterdam. In July 1993, in a debate open to the press on the intentions of the Belgian Presidency, the implementation of the Maastricht Treaty—with particular attention to the Justice and Home Affairs pillar—was the first item on the list.<sup>479</sup>

*Greece: January-June 1994*

The Greek Presidency followed in the footsteps of its Belgian predecessor in its support for an EU-level asylum policy, and it took a keen interest in the Bosnian refugees on account of Bosnia's proximity to Greece. Although very little mention was made of harmonization, Athens just before it assumed the Presidency pledged to do “what was asked of it in [the Justice and Home Affairs] area by the Brussels European Council.” This included rapid ratification of the Dublin Convention and encouraging joint action on the application of the Geneva Convention's definition of a refugee and the establishment of minimum guarantees applicable to the procedure for examining asylum applications within the European Union.<sup>480</sup> In February 1994, Stelios Papathemelis, President of the Internal Affairs Council, told the European Parliament's Committee on Civil Liberties and Internal Affairs that the European Union would need to develop a common approach

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<sup>479</sup> Agence Europe, 21 July 1993.

<sup>480</sup> Agence Europe, 30 December 1993.

to the Bosnian refugees, pointing out that Greece at that time housed 500,000 refugees from the former Yugoslavia.<sup>481</sup>

*Germany: July-December 1994*

Not surprisingly, Germany made the harmonization of asylum policy one of the top priorities for its Presidency. The Essen European Council thanked Member States for their willingness to temporarily admit a large number of Bosnian war refugees and called upon the next European Council to study refugee problems in order to conclude a future “burden-sharing” arrangement.<sup>482</sup> It welcomed progress on the December 1993 action plan on asylum policy, particularly the suggested harmonization of formal asylum law and visa policies.<sup>483</sup>

*France: January-June 1995*

At the Cannes summit at the conclusion of France’s Presidency, the European Council welcomed the conclusion of the convention on simplified extradition procedures and noted substantial progress—especially with respect to visas—in ensuring freedom of movement throughout the European Union. It called on all states which had not yet ratified Dublin to do so as soon as possible.<sup>484</sup> However, the French Presidency did not focus on asylum policy harmonization at this summit. The Council of Ministers, under French leadership, did list as a priority for the 1996 Intergovernmental Conference an

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<sup>481</sup> Agence Europe, 18 February 1994.

<sup>482</sup> Bulletin of the European Communities, December 1994, I.30.

<sup>483</sup> Bulletin of the European Communities, December 1994, I.25.

<sup>484</sup> Bulletin of the European Communities, June 1995, I.22.

improved response to modern demands with respect to Justice and Home Affairs, though.<sup>485</sup>

*Spain: July-December 1995*

The Madrid European Council in December 1995 extensively addressed Justice and Home Affairs issues, including asylum policy.<sup>486</sup> Under Madrid, the European Council approved a “burden-sharing” suggestion with respect to the admission of displaced persons, in concert with its strong support for such a policy at both Maastricht and Amsterdam. The European Council noted a common position aimed at harmonizing the definition of the term *refugee* and called for the completion of the Dublin ratification process.<sup>487</sup>

*Italy: January-June 1996*

In an addendum to its progress report to the European Council in June 1996, Italy placed asylum policy at the top of a long list of “matters of common interest” which should be brought within the Community sphere, but harmonization was not mentioned during Italy’s Council summit in June 1996.<sup>488</sup>

*Ireland: July-December 1996*

At the beginning of the Irish Presidency, the Irish government pledged to seek increased collaboration between Member States on—*inter alia*—asylum and immigration policy.<sup>489</sup> The Irish Presidency helped worked toward compromise on asylum policy, but

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<sup>485</sup> Bulletin of the European Communities, June 1995, I.28.

<sup>486</sup> European Parliament, 1996.

<sup>487</sup> Bulletin of the European Communities, December 1995, I.20.

<sup>488</sup> Council Document CONF 3860/1/96, 17 June 1996.

<sup>489</sup> Agence Europe, 18 July 1996.

it did not actively advocate such a policy.<sup>490</sup> Based on the Italian and Irish Presidencies, those Member States that more strongly supported an EU-level asylum policy came to the Intergovernmental Conference with that position in hand; the Intergovernmental Conference Presidencies did not change their minds.

### European Parliament

The Parliament from the outset of the Bosnian war lobbied intensively within the Community for harmonization of asylum policy, and it consistently published specific proposals.<sup>491</sup> The Parliament was a pioneer in suggesting a “burden-sharing” arrangement, proposing that the Community direct each Member State to take in refugees in proportion to its capacity. The Parliament also repeatedly called for more open EU borders for the Bosnian refugees.<sup>492</sup> Moreover, the Parliament throughout the Bosnian war cited the Bosnian refugees as a reason for greater EU cohesion on refugee issues.<sup>493</sup> The Parliament often emphasized that the Community had an obligation to ensure peace and stability on its continent and that the Community should ensure that all refugees were

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<sup>490</sup> Niemann, A., 2005.

<sup>491</sup> Bulletin of the European Communities, November 1992, 1.3.25; Bulletin of the European Communities, September 1995, 1.5.2; Bulletin of the European Communities, January-February 1993, 1.3.25; Bulletin of the European Communities, June 1993, 1.3.22; Bulletin of the European Communities, July-August 1993, 1.3.118; Bulletin of the European Communities, January-February 1994, 1.4.2; Agence Europe, 14 September 1995; Bulletin of the European Communities, March 1994, 1.3.112; Bulletin of the European Communities, April 1995, 1.4.74; Bulletin of the European Communities, September 1995, 1.4.41; Bulletin of the European Communities, October 1995, 1.4.80; Bulletin of the European Communities, December 1995, 1.4.72; Bulletin of the European Communities, January-February 1996, 1.4.111; Bulletin of the European Communities, June 1997, 1.2.7; Official Journal, Debates of the European Parliament, 13 July 1993; Bulletin of the European Communities, July-August 1993, 1.2.17; European Foreign Policy Bulletin, 26 October 1994; Bulletin of the European Communities, December 1994, 1.4.2; Bulletin of the European Communities, January-February 1997, 1.4.1; Official Journal, 18 November 1996.

<sup>492</sup> Bulletin of the European Communities, November 1992, 1.4.33; Bulletin of the European Communities, October 1993, 1.3.97; Bulletin of the European Communities, March 1994, 1.3.53.

<sup>493</sup> Agence Europe, 24 June 1992; Agence France-Presse, 14 May 1992; Bulletin of the European Communities, December 1992, 1.4.92.

adequately sheltered and protected on EC soil.<sup>494</sup> However, the Parliament vociferously opposed forced returns or excessively rapid encouragement of repatriation. Shortly after the Bosnian war ended, the Parliament warned that such an approach could destabilize the tenuous peace in Bosnia, and it called on all European governments to develop a careful returns policy.<sup>495</sup>

However, the Parliament did not appear to be a significantly influential player. As with the Commission, the Parliament focused the vast majority of its efforts on the other EU institutions. Occasionally the Parliament called on Member States to accept more refugees—especially from Bosnia—but because the Parliament’s key goal was basic EU structural change, it may have assessed that pushing its views through the Commission and Council would be more effective.

### Conclusion

All four portions of this study have highlighted that some EU states increasingly supported a common EU asylum policy as they realized it would be in their best interest to entrust matters of such importance and delicacy to an evolving system of regional governance. Support for a common policy escalated in France, Luxembourg, and Portugal during the Bosnian war not because their publics or political parties pushed them toward the European Union, but because NGOs, intergovernmental organizations, and EU institutions—as well as other Member States through those institutions—convinced those governments that an EU-level approach would be more efficient than

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<sup>494</sup> Agence Europe, 24 June 1992; Agence France-Presse, 26 June 1992.

<sup>495</sup> Bulletin of the European Communities, January-February 1996, 1.4.100; Bulletin of the European Communities, January-February 1996, 1.4.106; Bulletin of the European Communities, March 1996, 1.2.5; Bulletin of the European Communities, April 1996, 1.4.71; Agence Europe, 8 October 1996.



their own state-level policies. The Bosnian refugee crisis—more salient for the transnational community than for the domestic communities in countries that did not receive many refugees—brought this dialogue to the fore in transnational communication.

These deliberations, communications, and actions by each EU institution underscore their nascent institutional identities, their evolving relationships with each other and with the Member States in the context of each EU treaty, and some of the hurdles to effective policymaking even when a unified position exists. It is particularly striking that none of the three institutions appeared to have been debilitated by internal partisan struggles or even Member State objections to a proposed position. In my view, this finding supports the suggestion in the literature that the EU institutions—and the European Union as a whole—behave more as autonomous entities than a unified state. This puts them in a position to form isolated, supranational policy and to influence Member States on matters in which only the states have jurisdiction.

Because of its importance in EU decision-making, the Commission was saddled with a myriad of responsibilities, especially after a new treaty entered into force and moved more issue areas into Community competence. The Bosnian war—particularly through the Member States—put asylum policy on the radar for the Commission with enough time to decide on a position before the 1996 Intergovernmental Conference and bring this issue under Community competence at Amsterdam.

The Parliament was the most isolated EU institution. The literature indicates that elections for European Parliamentarians do not bear out major consequence or capture

much attention within Member States. Also, deliberations or publications on asylum policy from within the Parliament—however public they may have been—generated very little attention in the European press during the Bosnian war. Although the Parliament had a clear, consolidated position bereft of partisan struggles, it was not as influential as the Commission and Council with the Member States or the other EU institutions.

The strongest source of influence with individual Member States on asylum policy was the Council. The Council's position of influence over Justice and Home Affairs issues under Maastricht, coupled with its composition of ministers from the Member States, gave it the ability to drive policy change. The fact that it devised a consolidated position on the refugee issue suggests that it used this power without significant bureaucratic struggles. The Maastricht Treaty required that the Council rely on the Commission for any change in EU policy, especially if it required a treaty change, but the Commission probably would not have brought about this change on its own so quickly without the influence of the Council.

The nature of the Council Presidencies underscores both the influence of Member States through the Council and the institutional identity of the Council apart from the Member States. Of the Presidencies during the Bosnian war, only the United Kingdom balked at a common asylum policy. As expected, tangible progress was made primarily under the Presidencies that firmly supported a common policy. Previous chapters demonstrated that the United Kingdom seems to be an outlier in that it opposed such a policy far more vociferously than did any other Member State at that time. Even those Council Presidencies that did not support a common policy generally spoke out in favor

of bringing asylum under the Community sphere. These findings highlight the Council's institutional identity and role as a clearing house for discussion on EU-level policies.

Each institution—particularly the Parliament and Council—repeatedly made clear links between the Bosnian war and the need for an EU asylum policy, which demonstrates the role of the Bosnian war in bringing asylum policy onto the EU agenda at Amsterdam. The efforts of the EU institutions and NGOs and intergovernmental organizations indicate that progress toward what they believed would be a more efficient policy came about more quickly because of the role they played. The EU response to the Bosnian refugee crisis, therefore, has significant implications for discussions of other areas of EU policy. I do not imply that EU asylum policy is either perfect or complete, but this study suggests that non-state and inter-state actors can move supranational policies forward more quickly than can states. Also, these policies can progress as a result of a single incident or crisis.

The interaction between NGOs and intergovernmental organizations and the EU institutions is worth discussing. As I noted in the last chapter, UNHCR's lobbying for an EU-level policy came well after that of many other NGOs and intergovernmental organizations, yet the policy still progressed. As I noted also in the previous chapter, numerous state-level NGOs lobbied all three EU institutions. However, institutional correspondence and publications mentioned only UNHCR in discussions of the need to cooperate with non-state and inter-state actors and as a justification for greater refugee aid. The previous chapter indicated that NGOs were very successful in lobbying Member State governments, so I conclude from these two chapters that NGOs' primary influence

on this issue resided with the Member States. While NGOs may have contributed to policy positions within EU institutions, UNHCR was by far the most influential organization in Brussels.

Based on these four chapters, I conclude that NGOs, intergovernmental organizations, and the Council of Ministers were the most influential figures in shaping Member State positions on an EU-level asylum policy during the Bosnian war. Their communication with the Member States—and the urging by UNHCR, the Council, and the German government for Commission support for such a policy—directly led to progress in this area. These efforts were closely tied to the Bosnian refugee crisis, which gave these organizations sufficient momentum to galvanize action at Amsterdam.

In the final chapter, I offer my concluding thoughts on each chapter's findings, as well as some of the less measurable yet equally important contributors—such as norms and values, as reflected in efforts—to progress toward an EU-level asylum policy after the Bosnian war. The concluding chapter places all chapters in context of the constructivist theories proposed in the first chapter and the concepts of global and regional governance and global civil society outlined in Chapter 4. It also deconstructs my results to assess the conditions under which certain hypotheses held true and others did not. It then proposes implications of my findings for the development of EU asylum policy in the future and offers suggestions for future research.

## CHAPTER 6

### Conclusion

This concluding chapter assesses the accomplishment of the two broad goals of the study: to contribute to academic literature on the impact of the Bosnian war on EU asylum policy, and to evaluate the credence of post-Cold War themes on transnational sources of policy change. It also brings together a common theme from each chapter: the evolution and propagation of global and European norms. Finally, it discusses the implications of the findings from each chapter for future EU asylum policy, particularly with respect to the Balkans, and proposes areas for future research.

This study was successful in delineating the link between the Bosnian war and the progress of an EU-level asylum policy. Because of the increase in support from three Member States—as well as the addition to the European Union of Austria, Sweden, and Finland, all of which supported an EU-level policy—the 1996 Intergovernmental Conference resulted in the shift of asylum policy from the intergovernmental “third pillar” to the supranational “first pillar,” paving the way for eventual harmonization of such a policy. The Bosnian refugee crisis contributed to that increase in Member State support. Moreover, the means by which the Bosnian refugees fostered policy change affirmed themes in the literature that suggest a strong role for non-state and inter-state

actors, particularly—as the constructivist theory posited in the introduction—in states in which domestic interests are not sufficiently organized or the issue is not highly salient.

### Chapter Conclusions

I evaluated four hypotheses in this study on sources of post-Cold War policy influence and change, combining quantitative and qualitative methods—coupled with original data and interviews—for a holistic approach. On the surface my data appear to discount two hypotheses and substantiate the other two. However, a country-by-country examination of the 12 (sometimes 15) states in my dataset suggests that certain conditions within a country led to a stronger role for certain factors, suggesting that none of the hypotheses can be entirely dismissed.

Below are my four hypotheses:

H1: An increase in public support within a Member State for centralized immigration and asylum policies following the Bosnian war corresponded with an increase in support from that Member State's government for a centralized asylum policy.

H2: States governed by political parties that supported European integration endorsed an EU-level asylum policy, and those led by parties that were skeptical of EU policy integration did not support an EU asylum policy. The Bosnian refugee crisis helped the pro-European parties rise to power in those countries with a large number of Bosnian refugees.

H3: A higher number of transnational, refugee-related NGOs in an EU Member State following the Bosnian war corresponded with higher support within that state for a

centralized asylum policy, as the NGOs raised awareness of the cross-border effects of the refugee crisis. For the same reason, the lobbying efforts of intergovernmental organizations focusing on refugees in the aftermath of the Bosnian war led those Member States in which those groups were more prevalent to support more strongly a centralized EU asylum policy.

H4: The European Commission and Council helped mobilize Member State support for an EU-level asylum policy, the Commission by urging Member States to support communitarization and the Council by serving as a clearing house for Member State ideas. Because of the institutional benefits of moving asylum policy to the first pillar, the Parliament was the most vocal and internally unified proponent of an EU-level asylum policy, but it held little sway with Member States, in part because of indifference from the national public and legislatures.

My findings suggest that overall, public opinion and political partisanship—standard Cold War-era sources of policy influence—did not bear out substantial change in state support for an EU-level asylum policy as a direct result of the Bosnian war. NGOs, intergovernmental organizations, and EU institutions, on the other hand, wielded significant influence. These results suggest that transnational actors are beginning to supplant traditional nation-state policy agents.

While this may be true, it appears that on issues of high salience for the public, the populace itself retains the most influence on state policy. Germany and the United Kingdom are key examples. These countries were outliers in the public opinion chapter; while the publics in most other EU Member States were ambivalent toward bringing EU

policy to Brussels, the populations in Germany and the United Kingdom heavily favored and opposed, respectively, such a move. Because it was an issue of high salience, it was not heavily politicized, so partisanship still did not have a discernible impact. However, public opinion certainly appeared to have a more direct effect on Germany's and the United Kingdom's policy decisions than the transnational actors included in this study. Press articles give direct evidence of the governments in these countries responding to public outcry on particular cases with respect to the Bosnian refugees, and the NGOs in both countries seemed to push less vigorously for a common policy than did the public. Although Germany and the United Kingdom did not change their positions on an EU-level policy between Maastricht and Amsterdam, the public helped maintain their policy positions.

In those countries that did change their positions, transnational actors wielded the most influence, lobbying Member State governments directly to find a more efficient and humane approach to the Bosnian refugees. As purveyors of global and European norms, NGOs and intergovernmental organizations appealed to the "human" side of the refugee crisis, arguing more for protecting refugees than the responsibility to alleviate the burden on fellow EU Member States. However, the impact of these actors was not identical; it appears that both NGOs and the EU institutions helped shape policy in France, while the EU institutions were more influential in Portugal and Luxembourg. Many NGOs and intergovernmental organizations—including UNHCR—began to push for an EU-level policy too late to have a discernible impact before or at the 1996 Intergovernmental Conference.



## *Xenophobia*

My research confirmed my initial assessment that xenophobia tied to the Bosnian refugees did not bear a discernible influence on the change in state support for an EU-level asylum policy. I created two xenophobia variables—one based on nationality and the other on religion—both derived from the Eurobarometer surveys from which I crafted my public opinion variables. Regressions of each of these variables against the dependent variable yielded statistically insignificant results, both when control variables were included and when they were not. Additionally, no press article or interview tied xenophobia to state support for or opposition to an EU-level asylum policy.

Xenophobia certainly did play a role in the shaping of domestic policies, however, and Member States grappled with a way to bring the fight against xenophobia to the EU level. Ethnic groups—via the NGO Migrants Forum, which represented ethnic minorities in all EU Member States—pushed for EU authority over a 1994 Franco-German proposal to establish a committee to coordinate information sharing between governments on xenophobia and a precise definition of what constitutes a racist act. The groups represented in the Migrants Forum were concerned that individual EU governments would stifle progress against racism and xenophobia unless the European Commission were allowed to play a prominent role—indicating the trust these citizens at that time placed in the Commission.<sup>496</sup> Although not tied directly to refugees, this event underscores NGO advocacy efforts—begun by grassroots movements—to bring items of transnational concern to the EU level.

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<sup>496</sup> Lambert, S., 17 June 1994.

Press reports repeatedly tied xenophobia to domestic policies toward the Bosnian refugees. Numerous articles cited xenophobia as a reason that many EU countries—including Britain—refused to take in more Bosnian refugees.<sup>497</sup> European press noted that European governments balked at accepting Bosnian refugees for fear of stoking racism in their own countries, a burgeoning problem amid swelling numbers of immigrants. The European Community Migrants Forum pressured European governments to “keep their racists under control” and open their borders.<sup>498</sup> These examples demonstrate that while xenophobia may not have borne an impact on the particular question of this study, it was certainly on the minds of Member State governments as they crafted their policy positions on issues related to asylum policy.

### *Immigration Rates*

The net immigration rate yielded a statistically significant result when regressed against the dependent variable, regardless of whether control variables were included. Including the immigration rate in regressions of the other variables in the study, however, did not change the significance of those variables. These findings suggest that immigration was a highly salient issue during the Bosnian war and had an independent impact on state support for an EU-level asylum policy. However, because it did not interfere in the results of those variables tied only to refugees or to Bosnians, I still conclude that refugees also had an impact apart from immigrants. Additionally, many NGOs I surveyed—who lobbied for an EU-level asylum policy—only addressed the

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<sup>497</sup> O'Shaughnessy, H., 13 August 1995.

<sup>498</sup> Marshall, A., 18 July 1992.

needs of refugees, not of all migrants. Moreover, while the European Union often tied together discussions of asylum and immigration, discussions about the Bosnian refugees were held separately from discussions of immigration, leading me to conclude that these issues were sufficiently distinct as not to interfere with each other in this study.

With the understanding that non-state and inter-state actors had a significant impact on policy positions, I turn to a discussion of the motivations behind that impact. State governments turn to non-state and inter-state actors for efficiency reasons, as explained in the EU institutions chapter, but many scholars suggest that global and regional norms are lending credibility and authority to NGOs and intergovernmental organizations and paving the way for global and regional governance. Refugees figure into these norms, particularly in the framework of cosmopolitanism, as discussed in the chapter on NGOs and intergovernmental organizations. It stands to reason that the Bosnian war and refugees contributed to the shift in norms within Member States and Europe as a whole.

#### Global and European Norms

My findings throughout the study indicate that part of the reason non-state and inter-state actors are increasingly influential—and part of the reason Member States increasingly support an EU-level asylum policy—is the changing nature of norms on refugees and global and regional governance. The Bosnian war, which presented Europe with the worst refugee crisis since World War II just as the ink was drying on the

Maastricht Treaty, abruptly brought both issues to the forefront of European minds.<sup>499</sup> The uncertain responses of many Member States—and the European Union as a whole—to the Bosnian refugee crisis reflected the lack of precedent for such an incident as well as uncertainty about the appropriate balance of conflicting priorities. When conclusive arguments could not be found, European decisionmakers seemed to fall back on emerging norms.

Certainly, norms helped shape European asylum policy well before the Bosnian war. The 1948 Universal Declaration of Human Rights states that “everyone has the right to seek and enjoy in other countries asylum from persecution,” which has protected many refugees from deportation by European states. States objected to the original text of the Declaration—which granted refugees the right to seek *and to be granted* asylum—on the grounds that such an obligation infringed on sovereignty, which reflected a conflicting yet equally important global norm.<sup>500</sup> Such objections underscored emerging choices to delegate and pool sovereignty within Europe, as witnessed by the clashes at Maastricht between federalist Germany and France and antifederalist Denmark and Britain.<sup>501</sup> The view of one’s homeland as a “country of asylum” also helped drive liberal asylum policies for decades in states like Germany; conversely, Germany, Sweden, the United Kingdom, and France all used their reputations as states traditionally friendly to refugees to excuse the implementation of harsher restrictions in the 1990s.<sup>502</sup>

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<sup>499</sup> Steiner, N., 2000.

<sup>500</sup> Steiner, N., 2000.

<sup>501</sup> Moravcsik, A., 1998.

<sup>502</sup> Schuster, L., 2000.

Scholars note that granting asylum to refugees during the Cold War served primarily as a political tool, used to criticize explicitly another state's treatment of its citizens and whisk great minds away from the enemy, with humanitarian assistance a fringe benefit.<sup>503</sup> By the Bosnian war, however, the distinction between friend and foe had virtually disappeared in many cases, which forced states to evaluate cases based on their individual need for protection.<sup>504</sup> From a political standpoint, refugees had lost their geopolitical and ideological value.<sup>505</sup> Scholars generally agree that national interests, morality, and norms are now the key components of asylum policy.<sup>506</sup>

European asylum policy debates after the Cold War tended to weigh humanitarian concerns with questions of national security. Moral obligations toward refugees at times contradicted moral obligations toward citizens, which sparked public pressure in one direction or the other.<sup>507</sup> Several European press articles during the Bosnian war likened the plight of the refugees from the former Yugoslavia to that of their own countrymen from centuries past, suggesting an easy identification with those on the same continent with similar ethnic and religious backgrounds.

At the same time, the concept of the "global civil society" has developed a sense of collective identity around the world. The truly pan-European, and even global, discourse on the Bosnian refugee crisis and, by extension, the universality of human rights lend merit to David Held's perception of a "global politics ... the extension of

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<sup>503</sup> Steiner, N., 2000; Skran, C., 1995.

<sup>504</sup> Steiner, N., 2000.

<sup>505</sup> Chimni, B., 1993.

<sup>506</sup> Steiner, N., 2000.

<sup>507</sup> Steiner, N., 2000.

political power and political activity across the boundaries of the modern nation-state.” Held suggests that globalization does not portend the elimination of traditional politics but rather its continuation by other means.<sup>508</sup> The strengthening of European Union institutions and the propagation of human rights norms by NGOs and intergovernmental organizations suggest that the Bosnian refugee crisis lends some credence to Held’s concept of cosmopolitanism in the post-Cold War era.

With this development in globalization has come a growing consciousness about the way members of a global society should behave, a concept many scholars refer to as moral cosmopolitanism. Political scientist Ronnie Lipschutz attributes human rights movements—as well as similar organized efforts around environmental issues, social problems, and diseases—to this phenomenon.<sup>509</sup> Caring for refugees—as *prima facie* examples of gross human rights violations—fits neatly into the concept of moral cosmopolitanism. Evidence of this norm is widespread in press reports and editorials during the Bosnian war, which consistently referred to the humanitarian side of refugee protection and the need for the European Union to assist the refugees, an example of public support for emerging concepts of global and regional governance.

Indeed, global norms seemed to galvanize publics even more heavily than governments. European Commission officials told me that in debates on the merits of an EU-level asylum policy, Member States occasionally invoked humanitarian concerns but more often argued from a more pragmatic angle.<sup>510</sup> Domestically, some scholars have

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<sup>508</sup> Held, D., McGrew, A., Goldblatt, D., & Perraton, J., 1999; Lynch, M., 2000.

<sup>509</sup> Lipschutz, R., 1992.

<sup>510</sup> Personal Interviews with Commission Officials, June 2008.

found that while governments try to evaluate asylum applications on individual merit, their publics increasingly view asylum-seekers not as specific persons but as humanity in general—universal man, universal woman, universal child, and together, universal family. Some scholars argue that this public view has evolved too far; the displaced have been placed into a universal “refugee” category, and the lack of attention to their specific circumstances tends to silence them.<sup>511</sup>

### *European Norms*

In addition to the norms discussed above, the concept of European integration—amid the idea of regional governance—drove policy changes in Europe during the Bosnian war. The fact that the Bosnian refugees generated a significant amount of discussion on EU-level policies—whether about asylum policy or assistance to the Bosnian displaced—suggests that the Bosnian war facilitated not only the policies themselves but broader discourse on supranationalism in Europe, and the balance between state sovereignty and European-level governance. The Bosnian war was so jarring that it figured heavily not only in Justice and Home Affairs discussions but in European Council summits throughout the war.<sup>512</sup>

Numerous scholars suggest that an escalating pro-European ideology played a key role in the progress of EU-level asylum policies at the time of the Bosnian war.<sup>513</sup> The Bosnian war occurred during a time in which most of Europe was coming down from a period of hyperactive “Europhoria,” of which the Single European Act and the Maastricht

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<sup>511</sup> Malkki, L., 1996.

<sup>512</sup> European Council Minutes, 1992-1997.

<sup>513</sup> Moravcsik, A., 1998.

Treaty were the linchpins. These landmark agreements coincided with ambitious plans for a common foreign and security policy and economic and monetary union. However, even just after the signing of the Maastricht Treaty, the integration model had begun to come under fire as it spread into policy areas that touched sensitive nerves within the Member States.<sup>514</sup> Indeed, the “Eurosclerosis” of the early 1980s suggests that integration sentiments may be cyclical, and that progress toward a common asylum policy waxed and waned along with European integration sentiments.

Many scholars acknowledge a role for norms in the process of European integration because of its construction of the ideal society. International law scholar J. H. H. Weiler suggests that European integration tapped into three primary, ancient themes of European idealism: Christianity, social responsibility, and the Enlightenment. It gave a new lease on life to ideals for which there were no acceptable substitutes at that time, and it allowed Europeans to reaffirm their identity on familiar land and help mend the intra-European societal rifts World War II caused. Europe needed not reinvent its ideals, but rather shift the political structure and means to realize them. Europe, according to Weiler, could redefine itself as a Christian and socially responsible community, and therefore a worthy successor to the Enlightenment.<sup>515</sup> Caring for refugees—whether that meant assistance or asylum—would fit into this reconstituted, cosmopolitan view of social responsibility. Indeed, many of the reports I used in my study contained references

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<sup>514</sup> Wallace, H., 1996b.

<sup>515</sup> Weiler, J., 2002.



to basic European ideals, particularly lasting peace, unity, equality, freedom, solidarity, and economic and social security, as reasons to care for the Bosnian refugees.<sup>516</sup>

Few would argue that the European Union has achieved all of these ideals. Indeed, it can be argued that the European Union is not yet even a true community, in that it does not demand the cessation of all or even most Member State competencies or try to trump the national identity of its citizens. In fact, much of EU policy is forged as a result of that very tension between Member States and the EU institutions.<sup>517</sup> EU law scholar Gordon Smith referred to the European Union during the Bosnian war as the “home of the nation-state,” each country protective of its sovereignty and loath to accept any encroachment thereupon. He also noted the impact of the “undoing of the nation-state” on Western Europe, which centers on political and economic integration, which—according to his view—is delayed primarily by the lack of a common loyalty to the new form of governance.<sup>518</sup> Although some scholars suggest that integration strengthens state sovereignty, many European citizens themselves believe otherwise.<sup>519</sup> The European Union continues to struggle to find its identity with respect to the rest of the world, a common theme in European integration literature.<sup>520</sup>

As far as the more pragmatic reasons for Member States to support European integration—policy effectiveness and credibility—the literature suggests that Member

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<sup>516</sup> Borchardt, K., August 1990.

<sup>517</sup> Weiler, J., 2002.

<sup>518</sup> Smith, G., 1994.

<sup>519</sup> Hooghe, L., & Marks, G., 1999.

<sup>520</sup> Wallace, H., 1996a.

States were at best ambivalent during the Bosnian war.<sup>521</sup> Member States appeared to support integrationist policies that made sense with existing EU-wide policies, but they were hesitant to support EU policy innovation. Self-interests—whether organized, transnational interests or state-based interests—tended to drive the train on EU policy.<sup>522</sup> Moreover, European integration took time to settle into the minds of the European public; a May-June 1995 survey showed that citizens in all Member States more closely identified with their city, region, or state than with the European Union or Europe as a whole.<sup>523</sup> The hesitancy of some Member States at integrating asylum policies during the Bosnian war, therefore, was not derived from the lack of state or public interest in collective responsibility for the displaced, nor from a shift in focus away from liberal universalist views of protection, but from the uncertainty at that time about the European Union itself. Progress toward a harmonized policy since the Bosnian war suggests that as the European Union has gained credibility, this concern has begun to dwindle.

The Bosnian war and refugee crisis also forced Europe to redefine its approach to collective security and assistance, as European states and institutions caught widespread criticism for their failure to stop the war or stem the refugee flows. These failures boosted the bargaining position of those who favored a larger EU policy investment, particularly toward Eastern Europe.<sup>524</sup> Response to this European angst could be seen in the rapid development of the common defense field, as NATO and the Western European

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<sup>521</sup> Wallace, H., 1996a.

<sup>522</sup> Wallace, H., 1996a.

<sup>523</sup> Inforeglo News, March 1996.

<sup>524</sup> Sedelmeier, U., & Wallace, H., 1996a.

Union were forced to find innovative responses to the Yugoslav conflicts.<sup>525</sup> British press opined in 1993 that “The European Community is under a special moral obligation to Bosnian refugees because of its hand-wringing failure to save them from war.”<sup>526</sup>

It is clear, then, that the Bosnian war helped propel the European Union toward integration on asylum and other policy areas by evoking emerging norms of regional governance and human rights. The Bosnian refugees put a poignant face on NGO lobbying, and the developing concept of moral cosmopolitanism forced the European Union to examine the merits of a common asylum policy immediately. Although this policy is still far from complete, the Bosnian refugee crisis helped set it in motion through unique, post-Cold War tools of influence.

#### Implications for Future EU Asylum Policy

This study’s conclusions that norms and non-state and inter-state actors played a key role in the nascent EU asylum policy during the Bosnian war suggest that asylum policy in the future will take an increasingly integrationist direction, based on the precepts of moral cosmopolitanism and respect for human rights. This is not to say that the European Union—especially as its membership grows—will operate flawlessly or with the complete endorsement of all Member States. However, as the influence of NGOs and intergovernmental organizations becomes more commonplace and the EU institutions further develop their identities, even the most influential of states will be

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<sup>525</sup> Forster, A., & Wallace, W., 1996. The Western European Union is a European defense and security organization—now partially dormant—established in 1954. The Western European Union is based on the 1948 Treaty of Brussels, a mutual intergovernmental self-defense treaty signed by the United Kingdom, France, Belgium, Luxembourg, and the Netherlands. The Western European Union also includes Germany and Italy.

<sup>526</sup> The Independent, 22 April 1993.

encouraged from multiple angles to support a common approach to transnational problems.

*EU Asylum Policy Since the Bosnian War*

EU policy has continued to evolve slowly since Amsterdam toward a harmonized approach to refugees. NGO reports also indicate that EU asylum policy even today is driven in part by responses to the Bosnian war, although EU officials told me that current discussions on asylum policy refer more frequently to Kosovo than to Bosnia.<sup>527</sup> As mentioned above, however, the Bosnian refugee crisis set these policies in motion, even if it is not regularly invoked in debates on asylum policy.

The Commission took advantage right away of its right of initiative under Amsterdam on asylum policy, which is now a first-pillar issue. In 1998, the European Commission submitted numerous proposals for Joint Actions on the temporary protection of displaced persons, the integration of refugees into the European Union, and “burden-sharing.”<sup>528</sup> The Commission in December 1999 adopted a European refugee fund to support and encourage Member States to receive refugees; the fund covers reception, integration, and voluntary repatriation measures, divided across Member States by the number of refugees accommodated.<sup>529</sup> EU officials told me that this fund is among the

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<sup>527</sup> Swedish Institute for European Policy Studies, January 2008; Personal Interviews with EU Officials, June 2006.

<sup>528</sup> European Council on Refugees and Exiles, 1 September 1998; Bulletin of the European Communities, December 1998, 1.4.4; Bulletin of the European Communities, December 1998, 1.2.25.

<sup>529</sup> Bulletin of the European Communities, December 1999, 1.5.8.

most effective facets of EU asylum policy.<sup>530</sup> With respect to the Bosnian refugees, the Commission focused heavily on repatriation, promising aid to help refugees return.<sup>531</sup>

The Parliament—reflecting the increase in powers it received under Amsterdam—continued to urge that the Commission and Council include it on Justice and Home Affairs deliberations but expressed satisfaction at the end of 1997 at having been informed and consulted on Justice and Home Affairs priorities (though it would again express disappointment at the lack of inclusion a year later), repeating its call for the Commission to fully use its right of initiative on this issue.<sup>532</sup> The Parliament relentlessly pushed for greater cooperation on asylum policy and Community regulation of that cooperation, asking the Council and Commission for concrete goals and actions.<sup>533</sup> It called for voluntary repatriation in conformity with human dignity and in cooperation with UNHCR and other relevant intergovernmental organizations, a proportional “burden-sharing” arrangement, and a temporary protection program to be invoked only in emergencies involving sudden, mass flight to the European Union.<sup>534</sup>

The Council also continued to push for “burden-sharing” and greater cooperation on asylum.<sup>535</sup> One concrete move the European Union made in the direction of a harmonized asylum policy was the creation of the European Data Archive Collection

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<sup>530</sup> Personal Interviews with EU Officials, June 2006.

<sup>531</sup> Bulletin of the European Communities, December 1997, 1.3.80; Bulletin of the European Communities, March 1998, 1.3.76.

<sup>532</sup> Bulletin of the European Communities, December 1997, 1.4.3; Bulletin of the European Communities, January-February 1999, 1.5.1.

<sup>533</sup> Bulletin of the European Communities, October 1998, 1.4.2; Bulletin of the European Communities, October 1998, 1.4.3; Bulletin of the European Communities, February 1999, 1.5.7.

<sup>534</sup> Bulletin of the European Communities, November 1998, 1.4.3; Bulletin of the European Communities, November 1998, 1.4.4.

<sup>535</sup> Bulletin of the European Communities, December 1997, 1.4.2.

(EURODAC), a computerized system to compare fingerprints of asylum applications in order to ensure that an asylum-seeker did not lodge an application in more than one Member State. In January 1998, the Council drafted—and Parliament endorsed, subject to a provision that the Commission, rather than Member States, manage it and that data on accepted asylum-seekers be removed from the system within one month—a convention on establishing EURODAC.<sup>536</sup> The Council and Parliament each—and together—continued to deliberate EURODAC, and the Commission set out in May 1999 to establish this centralized system in order to facilitate the implementation of the Dublin Convention.<sup>537</sup> Also in 1998, the Council proposed the establishment of a European image archiving system to exchange information between Member States on genuine and false documents.<sup>538</sup>

At a special Justice and Home Affairs meeting on 15 and 16 October 1999 in Tampere, Finland, the European Council agreed to progress toward a common EU asylum system based on the Geneva Convention. The European Council agreed that this approach should include a clear designation of the state responsible for examining an asylum application, common standards for fair and efficient asylum procedures, and common minimum conditions of reception. It emphasized the importance of consulting UNHCR and other relevant intergovernmental organizations and stated that over the long term, EU rules should lead to common asylum procedures and a uniform status for those

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<sup>536</sup> Bulletin of the European Communities, January-February 1998.

<sup>537</sup> Bulletin of the European Communities, May 1998, 1.4.1; Bulletin of the European Communities, December 1998, 1.4.6; Bulletin of the European Communities, March 1999, 1.5.2; Bulletin of the European Communities, May 1999, 1.4.5; Bulletin of the European Communities, November 1999, 1.6.4; Bulletin of the European Communities, December 1999, 1.5.5.

<sup>538</sup> Bulletin of the European Communities, December 1998, 1.4.8.

granted asylum throughout the European Union.<sup>539</sup> The Tampere Conclusions mandated that that system include common minimum conditions of reception of asylum seekers. The European Council outlined these minimum conditions in a Directive on 27 January 2003.<sup>540</sup>

The most significant steps toward an EU-level asylum policy occurred as a result of the Tampere European Council. In addition to the Dublin Convention—which came into effect in 1997—the Member States over the next seven years adopted the Reception Conditions Directive, which guarantees minimum standards for housing, education, and health for asylum-seekers; the Qualification Directive, which establishes common criteria for determining refugee status and a harmonized system of subsidiary protection for those who fall outside the Geneva Convention but still need protection; and the Asylum Procedures Directive, which ensures that all first-instance procedures are handled equally throughout the European Union.<sup>541</sup>

Member States adopted the Hague Program on 5 November 2004. This program envisions a common asylum procedure and uniform status for those granted asylum or subsidiary protection, with a view to adoption by 2010. It includes the establishment of a European Support Office to oversee cooperation on asylum between Member States. The proposal for this program primarily referred to practical reasons for harmonizing asylum policy, such as saving money, but it also invoked humanitarian concerns, particularly the need for global protection. The Hague Program also calls for extensive cooperation with

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<sup>539</sup> Bulletin of the European Communities, October 1999, I.4; Bulletin of the European Communities, October 1999, I.1.

<sup>540</sup> Official Journal of the European Union, 27 January 2003.

<sup>541</sup> European Commission Website, February 2006.

UNHCR on repatriation and resettlement. Finally, the European Commission adopted on 17 February 2006 a Communication on Strengthened Practical Cooperation on asylum, outlining a work program for Member States with a view toward eventually adopting an entirely harmonized asylum system in the European Union.<sup>542</sup>

As the EU institutions have brought more Member States on board with a common asylum policy, NGOs and intergovernmental organizations have continued their quest for such a policy as well. Reports and interviews suggest that their influence has increased and that they are key instruments in the shaping of asylum policy.

#### *NGOs and Intergovernmental Organizations*

The European Union appears to have concluded that NGOs and intergovernmental organizations—as well as other countries receiving refugees—could help advance their goal of protecting refugees in their region of origin, rather than in the European Union, as NGO reports have increasingly supported such a notion.<sup>543</sup> NGOs and intergovernmental organizations frequently cite the Bosnian war as a reason for pushing the implementation of a harmonized asylum policy, urging the European Union to move forward as quickly as possible.<sup>544</sup> NGO reports indicate that these organizations continue to work with the EU institutions, including EU officials in conferences and assessing EU policies in NGO publications.<sup>545</sup> These NGOs also continue to lobby their home governments and those of other EU Member States to implement a “burden-

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<sup>542</sup> European Commission Website, February 2006.

<sup>543</sup> International Association for the Study of Forced Migration, Fall 2004.

<sup>544</sup> European Council on Refugees and Exiles, 1 September 1998.

<sup>545</sup> International Association for the Study of Forced Migration, Fall 2004; European Migration Network, July 2004.



sharing” arrangement in the European Union, to grant temporary protection status to refugees fleeing war, and to continue funneling aid into the Balkans and NGOs assisting the refugees.<sup>546</sup>

EU statements since Amsterdam have repeatedly emphasized the need to work in collaboration with UNHCR and other refugee-oriented NGOs.<sup>547</sup> Indeed, a declaration annexed to the Amsterdam Treaty states that “consultation shall be established with the United Nations High Commissioner for Refugees and other relevant international organisations on matters relating to asylum policy.”<sup>548</sup> NGOs also continue to work with each other on refugee issues—including specific projects for Bosnian refugees—through conferences and joint projects.<sup>549</sup>

Although most European NGOs encourage a common asylum policy, not all NGOs are sanguine about the direction of that policy. An Oxfam report from 2005 labeled EU asylum policy harmonization efforts disappointing, arguing that political factors have resulted in “lowest common denominator” approaches to refugee protection, even with the policy communitarization under Amsterdam. According to Oxfam, the EU standards regarding refugees are lower than the minimum standards that had previously existed in many Member States. Oxfam suggests that the main reason for closer integration on asylum has been Member States’ desire to keep as many asylum-seekers

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<sup>546</sup> Pax Christi, 1 May 1999.

<sup>547</sup> International Association for the Study of Forced Migration, Fall 2004.

<sup>548</sup> Oxfam, 2005.

<sup>549</sup> International Association of Refugee Law Judges, 2003; International Association of Refugee Law Judges, 2004.

off of their soil as possible, and the belief that the European Union—with its increasing control over borders—is the best mechanism to achieve that goal.<sup>550</sup>

UNHCR continues to evaluate EU decisions in the interest of individual refugees. It argued, for example, that the “Dublin II” Regulation was flawed because it presupposed a harmonized EU asylum policy, which did not exist and therefore created gaps that could cause hardship for individual refugees. UNHCR also published statistics to back up its assessments.<sup>551</sup> EU reports and debates make regular references to close cooperation with UNHCR, and EU officials have lauded UNHCR’s expertise as filling a critical knowledge gap in the EU institutions.<sup>552</sup>

This study took a step forward in discerning post-Cold War policymaking tools in Europe in one small policy area. Certainly, there are many avenues for further exploration, which other scholars of EU or asylum policy might consider.

#### Areas for Future Research

Scholars seeking to build on this study and focus on EU policymaking as a whole would do well to consider a policy that encompasses more time. The Bosnian war occurred between two discrete EU developments—the Maastricht and Amsterdam Treaties—which only coincidentally bookended the Bosnian war and therefore provided an easily measurable benchmark. However, as these chapters have demonstrated, policies do not develop overnight, even when issues of high public and political salience are in question. This study focused less on the development of the policy itself than the

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<sup>550</sup> Oxfam, 2005.

<sup>551</sup> UNHCR, 20 April 2006.

<sup>552</sup> Personal Interviews with EU Officials, June 2008.

progress or erosion of state support for such a policy, and it does provide indicative findings about the rapid work of NGOs, intergovernmental organizations, and EU institutions that a longer-scope study would have provided. However, a scholar of EU policies might benefit from a wider timeframe of study, both for the benefit of watching the policy unfold over time and because the expansion of EU membership over the years grants future scholars a larger sample size and therefore more leeway in quantitative analyses.

This study also attempted not to assign a value judgment to the development of an EU-level asylum policy or the form that policy takes. The intention of this study was solely to discern the factors that shape post-Cold War policy in Europe and the way the Bosnian war galvanized those factors. Certainly there would be significant value in assessing whether those policies have actually helped more refugees as asylum policy has become more harmonized.

### Final Thoughts

This study emerged from years of research on the causes of the refugee crises in the Balkans, regional responses to them, and problems with repatriation and asylum. That research clearly indicated the European Union as a key element in the global response to the Bosnian refugees, as the majority of those refugees—besides those who fled to neighboring countries in the Balkans—escaped to the European Union during or immediately after the war. Additionally, the Bosnian war occurred at a formative time for the European Union, and it seemed fitting to tie those two concepts together, using the Bosnians to highlight the developing ways European states craft policies.

I had access to a vast amount of information for this study, particularly EU and NGO officials and archived EU documentation. Each element of research data was in some way invaluable to the development of my work. At times even the smallest of articles or comments in an interview led me to explore a new dimension in a chapter. This is the type of research topic that can lead an author in innumerable directions, and one of my biggest challenges was keeping to just one of those fascinating avenues.

I hope that this study inspires further interest and research on the development of the European Union, the path toward a common asylum policy, and the Bosnian war. All three issues—intricately woven in this study but each worthy of its own dissertation—are relevant to any number of research questions on policy formation and crisis response in the post-Cold War era. I hope that this study in some small way has contributed to the vast and fascinating body of literature on all of these topics.

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