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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

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### Empfohlene Zitierung / Suggested Citation:

Laube, L. (2021). Diplomatic Side-Effects of the EU's Externalization of Border Control and the Emerging Role of "Transit States" in Migration Diplomacy. *Historical Social Research*, 46(3), 78-105. <https://doi.org/10.12759/hsr.46.2021.3.78-105>

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# Diplomatic Side-Effects of the EU's Externalization of Border Control and the Emerging Role of "Transit States" in Migration Diplomacy

Lena Laube \*

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**Abstract:** »Diplomatische Nebeneffekte der Externalisierung der EU-Grenzpolitik und die wachsende Bedeutung von ‚Transitstaaten‘ in der Migrationsdiplomatie«. The externalization of border control has been a central feature of the European Union's (EU) bordering strategy over the last three decades. However, in recent years there have been several challenges and contestations of this strategy. The short but notable breakdown of external border control during the 2015 Syrian refugee crisis raised awareness that the EU relies heavily on cooperation with countries in the wider region. Moreover, recent negotiations by the EU with these third countries over cooperative migration management have involved considerable concessions and have been marked by new types of responses from the countries concerned. To make sense of these new dynamics in international cooperation on border control, the current paper combines the concept of "migration diplomacy" (İçduygu and Üstübcü 2014; Adamson and Tsourapas 2019a) with recent sociological accounts of the side-effects of globalization and modernization (Beck 2016; Lessenich 2016). In the logic of externalization, destination countries outsource border controls to other countries that are expected to function as "gatekeepers" (Wallace 1996). This political strategy has ultimately (though inadvertently) strengthened the position of so-called "transit states" in engaging in migration diplomacy vis-à-vis EU member states, thus resulting in a new phase of contested externalization.

**Keywords:** Externalization, border control, European Union, international cooperation, migration diplomacy, transit migration states, negotiation.

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Acknowledgements: I would like to thank Fabian Gülzau, Kristina Korte, and Steffen Mau for their impressive effort to put together such a coherent special issue, although the authors were not able to meet in person throughout the whole process due to the pandemic. Moreover, I am grateful to the participants of the online workshop held in preparation for this special issue in November 2020, Gerasimos Tsourapas, and the anonymous reviewers for their helpful comments on an earlier draft of this paper.

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## 1. The Externalization of Border Control and its Diplomatic Implications

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The externalization of border control has been as a central feature in the transformation of state borders since the 1990s. The shifting of borders away from their traditional location at the territorial edges of the country has reinvented access controls in a world in motion. The aim is to selectively allow wanted flows and at the same time prevent unwanted flows into a specific national territory (Mau et al. 2012; Ryan and Mitsilegas 2010). Destination countries that perceive immigration as a political problem and threat, and thus securitize migration and refugee inflows, frequently choose to relocate border controls to the countries of origin and transit, or to extraterritorial places near the border. In doing so, they aim to externalize the costs of migration control and assign the role of “gatekeepers” to other countries in their wider periphery (Wallace 1996; Lavenex 2006). This strategy is part of a general approach by many wealthy countries in the Global North to defend the unequally distributed gains from centuries of industrialization, modernization, and colonialism (Lessenich 2016). External border control consists of a variety of instruments and locations. All the instruments are similar in that they enable the relocation of the encounter between people seeking to cross the border and the actors that seek to enforce border controls (Mann 2016; Laube 2013). This conceptualization has proven helpful since it captures the functioning of the border as well as the roles of the actors involved without determining where this encounter takes place.

Since the 1990s, the European Union (EU) has adopted the externalization of border and migration control with special emphasis on the outsourcing and delegation of control tasks to third countries (Lavenex and Uçarer 2004; Laube and Müller 2016). This strategy has been implemented by introducing a safe-country rule and establishing readmission agreements as well as by providing financial help for capacity building in border control, the detention of migrants and refugees, or for asylum systems. This strategy requires inter-governmental cooperation and is most feasible if destination countries are surrounded by other nations that are capable of conducting effective mobility controls at their borders, and that have some form of refugee protection in place. As can be seen from the European Neighbourhood Policy (ENP), in the event that neighboring countries lack these characteristics, destination countries seek to install the capacity for control by offering national governments donor support to develop particular border and refugee policies (Reslow 2012; Bruns, Happ, and Zirchner 2016; Adam et al. 2020). Control efforts, as well as responsibilities, are delegated, and thus the cooperativeness and compliance of the third parties must be ensured by means of diplomacy.

Most studies on the EU's external border and migration policy have emphasized the advantages that externalization creates for EU member states (Lavenex and Stucky 2011; Boswell 2003). However, to take the countries that aim at shifting control as the conceptual starting point tends to overestimate their role in the policy-making process. Less attention has been paid to the severe political implications this bordering strategy has for the countries of origin and transit on the one hand and for the international relations that are supposed to stabilize this cooperative strategy on the other. Recent studies on the EU's external border and migration policy have accordingly begun to focus on its effects. They have started to look at the impact of this bordering strategy on individual mobility, migration routes, and migrants' rights, as well as at the legal responses to shifting borders (Marouf 2019; Shachar 2020; Costello and Mann 2020). In addition, an emerging strand of literature analyzes the effects of the EU's external policies on third countries (Karadag 2019; Stock, Üstübici, and Schultz 2019), as well as the relational dimension inherent to instruments of externalization (Laube 2019; Trauner and Wolff 2014; İçduygu and Üstübici 2014). These studies bring to light that externalization is no longer running as smoothly as previous studies drawing on the concept of EU conditionality had suggested (Schimmelfennig and Sedelmeier 2004).

The current paper discusses recent developments that indicate a change in the political constellations within which international cooperation over border and migration management is being negotiated (section 3). First, the EU has recently participated in a number of deals and cooperation agreements that imply significant concessions and undermine the notion that the EU is still able to simply dictate its conditions for bilateral agreements. Though the EU's strategy of externalization experienced a far-reaching collapse during the 2015 Syrian refugee crisis, also labeled as a European migration governance crisis, the EU maintained this policy and encouraged further cooperation with third countries (section 3.1). Moreover, representatives of the EU have found themselves susceptible to blackmail by third country policy actors during processes of negotiation (section 3.2).

After the EU had successfully established "a thick network of cooperative arrangements between them and with sending and transit countries of migration around the world" (Zaiotti 2016, 6), their policy approach to external border control became increasingly contested by responses from precisely these networks. The current paper addresses the question of why we witness more and more contestations of the EU externalizing border control. To this end, the EU, with its various institutions and member states, will mostly be considered as a unitary actor, nonetheless recognizing that there are significant internal conflicts on issues of migration, asylum, and border policies that have been rightly addressed in the work of other scholars (e.g., see Korte 2020; Kaufmann 2021). To understand the new dynamics in the inter-state relations that are supposed to stabilize external border control practices, we

need to give up the idea that externalization can be understood by focusing on the rationales and intentions of the EU alone (section 2.1). We need to de-center the study of border governance (El Qadim 2017a) by adopting a theoretical stance that equally investigates the strategic actions of all the countries involved in negotiating cooperative means of border control. Therefore, the paper pays special attention to the actors that are supposed to take over the burden of managing migration, namely so-called “transit states” on migratory routes to the EU. In doing so, we will critically assess the EU policy label of transit states, which envisions third countries (temporarily) hosting large numbers of (irregular) migrants and refugees who travel through their territories on their journey to Europe (Düvell and Vollmer 2009). These states are generally assumed to have the ability to put more restrictive migration and border policies in place (Missbach and Phillipps 2020, 21). Moreover, we consider changes in the inter-state relations with regard to migration management as reactions to externalization and reflect on them as part of a broader current development depicted by sociological theorists as the “externalization society” or the “age of side-effects” (section 2.2). The key argument in the concluding part (section 4) is that the externalization of border controls opens up a new space for migration diplomacy, especially for countries identified as transit states. The study of external migration policies accordingly needs to consider the new changing constellations and the emerging role of transit states vis-à-vis otherwise more powerful states.

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## 2. Theorizing the Implications of External Border Control

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The political strategy behind the externalization of border control aims at intergovernmental cooperation in order to regulate mobility and migration even before people are able to approach or cross a border in the first place. Following from that, this strategy has wide-ranging implications for the relations between the countries involved, for migrants, and for refugees as well as for the power constellations in the global inter-state system.

### 2.1 Diplomatic Side-Effects

The paradigm of migration diplomacy has recently emerged to help frame the working of cooperative migration control between destination countries and countries of origin and transit. It addresses the international politics of global migration and mobility (Adamson and Tsourapas 2019b; İçduygu and Üstübcü 2014; Laube 2019) and builds on insights from international relations and EU studies as well as international political sociology.

International relations scholars have emphasized that in a globalized world, international migration and mobility increasingly affect bilateral relations, just as migrants and refugees become objects of international politics. The prominent study *Weapons of mass migration*, by Kelly M. Greenhill (2010), forms a starting point for the historical analysis of migration issues being used as a foreign policy tool. Greenhill identifies 64 cases of coercive engineered migration that have occurred since 1951. She describes the political instrumentalization of migration or refugee movements by conflicting parties as a means to support national interests. She finds that in most cases, authoritarian regimes have threatened democratic states with letting “mass migration” take place, or even forcing it, in order to encourage political conflict on the domestic front. Liberal democracies are seen as vulnerable to such conflicts since they are torn between national interests and international legal obligations – i.e., dealing with anti-immigrant sentiments on the one hand and protecting refugees on the other. While Greenhill offers an inspiring approach to the study of international politics of migration, she has also been rightly criticized for reducing migrants to objects of governmental activity and international relations (Lohmann, Harnisch, and Genc 2018).

By contrast, EU studies start their investigations from the perspective of EU member states, thus giving a central position to the intention to externalize migration management. Following from that, in much of the literature it is often assumed that EU member states formulate the conditions under which migration cooperation will take place, while third countries appear as passive receivers of demands (Faist 2019, 2). The term “EU conditionality” points to the fact that the EU, with all its bargaining power as a regional block, has used a combination of threats and incentives to involve third countries in the implementation of its border and security interests (Lavenex and Schimmelfennig 2009). By focusing on processes of policy diffusion and policy transfer through conditionality (Schimmelfennig and Sedelmeier 2004), scholars have paid less attention to the contestation that can arise from cooperation with third countries. However, recent studies have examined the politics of negotiating cooperative means in migration policy, as in the case of cooperation between the EU and Morocco (Carrera et al. 2016; Wolff 2014), several EU mobility partnerships (Brouillette 2018), or negotiations over visa liberalization and readmission agreements between the EU and third countries such as Turkey, Morocco, and Moldova (Laube 2019; El Qadim 2017b; Trauner and Kruse 2008). This research brings to the fore that all the state actors involved strategically engage in pursuing their own national interests.<sup>1</sup> At least temporarily,

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<sup>1</sup> Recently, Adams et al. (2020) have suggested speaking of “intermestic” policy-making in regard to West African states, when their policy preferences in migration governance stem from domestic as well as international factors. Taken seriously, this would also be true for European states, since they increasingly have to take into account not only interests claimed by fellow EU

both sides seem willing to let negotiations fail if they cannot secure a satisfactory outcome. This has been powerfully demonstrated by the case of the avoidance of a readmission agreement by Morocco after 10 years of negotiations, which would have allowed for forced returns of irregular migrants, including the “readmission of non-nationals said to have merely ‘transited’ through Moroccan territory before arriving in Europe” (El Qadim 2014). Therefore, we can assume a reversed conditionality, when third countries also formulate the conditions under which they are willing to enter into collaboration with the EU.

International political sociology emphasizes that the reinvention of borders, through relocation, digitization, and internationalization, helps affluent countries in the Global North regain control over the regulation of global mobility by enhancing the selectivity of borders (Mau et al. 2012; Brouwer 2008). Scholars have complemented the important but somewhat limited focus on state-state relations in International Relations and EU studies by also taking into account migrants’ agency (Lohmann, Harnisch, and Genc 2018). They do so by recognizing whether a state is either a destination or sending country, since this characteristic results from the migratory movements of people across borders and is therefore not necessarily stable over time (Adamson and Tsourapas 2019b). Alternatively, the impact of external migration management on migrants and refugees becomes central to research endeavors concerning the responses to migration policies from the Global South (Faist 2019; Stock, Üstübcici, and Schultz 2019).

Moreover, sociologists have introduced concepts of gifts, exchanges, and reciprocity to the analysis of negotiations over cooperative migration governance, including readmission agreements, visa waiver agreements, and police cooperation. In order to decenter externalization studies, these approaches stress the relational dimension of the policy process and the political dynamics of newly created constellations (Lohmann, Harnisch, and Genc 2018; Tsourapas 2017; Laube 2017). Moreover, with a view to EU integration and the creation of EU external borders, it has been argued that successful cooperation on sensitive issues such as national sovereignty, internal security, and human rights builds on trust, institutionalized procedures, and shared values (Mitsilegas 2006; Anderson and Apap 2002). These insights need to be applied to the examination of cooperation between the EU and third countries to enable us to better assess mutually beneficial arrangements that result from recent negotiations.

The concept of migration diplomacy recognizes the importance of migration and border-related issues for inter-state relations in general and thus takes the “importance of cross border population mobility for states’ diplomatic strategies” seriously (Adamson and Tsourapas 2019a, 1). The approach

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member states, but also by third countries to compromise on cooperative migration control measures.

draws on the work of James F. Hollifield on the emergence of the migration state, for which the “regulation of international migration is as important as providing for the security of the state and the economic well-being of the citizenry” (Hollifield 2006, 885). It analyses the “use of diplomatic tools, processes, and procedures to manage cross-border population mobility, including both the strategic use of migration flows as a means to obtain other aims and the use of diplomatic methods to achieve goals related to migration” (Tsourapas 2017, 2368). The concept “refers to the analysis of changing border and asylum policies as an indirect form of foreign policy” (İçduygu and Üstübcü 2014, 44). Tsourapas (2017) distinguishes between cooperative migration diplomacy (for example the inter-state negotiation of mutually beneficial arrangements) and coercive migration diplomacy, if it includes violence, threats, or domination.

Helene Thiolett first introduced the term “migration diplomacy” in her work on Arab integration by means of migration taking place in the area (Thiolett 2011). She focuses on a political context characterized by informal structures and de facto population movements. This demonstrates the openness of the concept to all forms of transnational relations concerning migration issues. These can include informal statements by politicians in order to threaten the government of another country, in a similar way to entering into a bilateral contract on cooperative migration management. Moreover, it acknowledges that policy-making in the field of migration<sup>2</sup> is affected not only by domestic interests, but also by intergovernmental dynamics and pressures from all types of actors, including international organizations, migrants, and refugees. By building on the concept of migration diplomacy, the current paper is able to provide a new interpretation of the effects of externalized border control on inter-state relations by focusing on the roles of destination and transit countries and how they are interdependent.

## 2.2 Global Side-Effects

On a more general level, the strategy of delegating border controls to other countries appears as only part of a comprehensive attempt of countries in the Global North to externalize some of the problems and costs of these highly industrialized societies. These are societies that have managed to accumulate an enormous amount of wealth, technology, social security, and thus life chances during the last centuries of modernization and globalization. In his book on the “externalization society,” Stephan Lessenich (2016) describes Western states as systematically trying to secure their standard of living by

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<sup>2</sup> However, migration is not the only meaningful population movement worth looking at in international relations. Reaching agreement over the admission of tourists, commuting employees, and seasonal workers has proven a delicate diplomatic issue during the COVID-19 pandemic, even between neighboring countries within the Schengen area.



depriving others of their prosperity: the costs of their capitalist economies are supposed to be externalized to more peripheral regions of the world and to poorer countries. However, in a globalized society, it has become ever more difficult to keep externalized costs external. Western societies are increasingly confronted with feedback effects of their own actions. With the externalization of migration controls, it is apparent how these countries have tried to secure the unequal distribution of goods across world regions by proactively denying access to their country for many foreign citizens. They seek to prevent people from crossing borders, thus immobilizing them in their home region. The costs of this huge control effort are externalized to other countries, e.g., in the wider European periphery. From this perspective, new contestations of the externalization of border and migration control from these countries originate in the interdependencies that have been created and can also be seen as feedback effects. Lessenich focuses on global inequalities and how externalization processes are based on asymmetric relations in the global inter-state system and on unequal forms of exchange (Lessenich 2016, 77). Thus, his approach adds a further argument to the notion that we need to look at international relations of exchange and cooperation, and the accompanying negotiations over the regulation of international mobility.

Moreover, several current developments have compelled social theorists to claim that we no longer live in a world in which it is mainly the goods of modernization and globalization that have to be distributed or redistributed, but increasingly also the losses from modernization (Beck 2015; Lessenich 2016; Faist 2019). These developments include the effects of demographic change in most world regions, the decline of regional powers and (re)emergence of others, and the rapid onset of climate change consequences and exploitative land use. Global risks, such as rising sea levels and pandemics, point to the fact that humanity as a whole is at stake and that only international cooperation will help to mitigate the consequences of such crises and will place policy-makers in a position to solve social, economic, and environmental problems.

Here, forced migration and the voluntary cross-border mobility of individuals play an important, albeit twofold, role. On the one hand, people increasingly flee their homeland because their livelihood is significantly endangered by the side-effects of changing climatic conditions and conflicts over natural resources. On the other hand, the economic development of many African and Asian countries and the public orientation toward Western societies also has a mobilizing effect since more and more people are able to cross borders in order to seek better life chances elsewhere. Today, major migratory movements have begun to both change the global constellation under which externalization takes place and to change what is at stake in migration diplomacy. At European borders, it is no longer only a question of regulating access for potential migrants and refugees and the defense of “Fortress Europe” as an

affluent region. Instead, international migration management increasingly concerns how to manage and redistribute the losses of globalization. In this regard, it is not only questions of granting or denying freedom of movement to certain groups of national citizens, but also the making of international agreements on return and deportation policies that have increasing significance in migration diplomacy.

Drawing on post-colonial studies and the criticism of Eurocentric thinking, a further strand of literature highlights the necessity to take into account changing political dynamics, especially between the European and African continents. Recent approaches to development policy emphasize the need to promote international cooperation, focusing on economically, socially, and environmentally sustainable development in the interests of the global common good (Hornidge and Hackenesch 2021). Scholars claim that politicians and researchers should restrain from paternalistic approaches, especially with regard to European-African cooperation, which remains characterized by an old-fashioned perspective on development policy that situates problems in Africa and solutions in Europe. The call is for a shift in the perspective on cooperation toward a transformative, sustainable model on equal terms that acknowledges partners from third countries as peers (Liebing and Freitag 2021). It is argued that “shared interests and mutual dependencies are the strategic foundation for transformative, partnership-focused cooperation with Africa” (Hornidge and Hackenesch 2021, 1). While cooperation on equal terms appears as a new normative claim in these writings on development policy, in the realm of the international politics of migration governance, the need for a shift in perspective seems to spring from new types of responses from the partnering countries in the Global South (Stock, Üstübcici, and Schultz 2019).

The insight that global challenges can only be solved together has led EU policy-makers to initiate partnerships with third countries on inter-governmental migration management (Cassarino 2009; Reslow and Vink 2015). As will be shown, this approach has increased in importance since the 2015 migration governance crisis. Instead of focusing on the disadvantages the aforementioned interdependencies might bring about for European countries, formerly assured of their imperial power within global politics, Ulrich Beck proposes a perspective that marks an important shift of emphasis from “the negative side effects of goods” to “the positive side effects of bads” (Beck 2015, 75). This reminds us to also consider unplanned positive effects with regard to the potential new role of actors in the dynamic field of international migration governance, resulting in a more balanced cooperation.

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### 3. Contestations of the EU's External Border Policy

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The current paper follows the notion that the European way of shifting borders has come under pressure due to new dynamics in inter-state relations. These are intended to stabilize externalization but are also affected by the bordering strategy (Faist 2019). As argued above, the EU's external border policies have created new dependencies on the "gatekeepers" and add new dynamics to the international relations between destination, transit, and origin countries (Zaiotti 2016). Despite the EU's bargaining power to persuade third countries to cooperate on migration management in the first place, they are subsequently confronted with new contestations and have to ensure and control the compliance of countries of origin and transit in the long term. The following sections discuss current developments that point to the fact that by engaging in the externalization of their borders, the EU and its member states have contributed to creating the role of transit states in international migration management and are ultimately confronted with new responses from cooperating parties that adopt this role in their own best interest. Two major intergovernmental dynamics begin to question the strategy of externalization by opening up space for migration diplomacy both by cooperative and by coercive means. Drawing on the distinction between cooperative and coercive modes of inter-state bargaining over migration issues (Tsourapas 2017), section 3.1 traces important changes within cooperative international migration management while section 3.2 focuses on the deployment of coercive migration diplomacy by countries identified as transit states.

#### 3.1 Cooperative Migration Management Becomes Increasingly Urgent and More and More Costly

Over the last ten years, political scientists, mainly studying African-European diplomacy on migration as well as the EU cooperation with Turkey, have pointed to the fact that cooperative migration management as part of the EU's externalization strategy is accompanied by negotiations over incentives and relevant compensating measures (Cassarino 2010; Reslow and Vink 2015; Norman 2020; Geddes and Maru 2020). These negotiations have increasingly involved significant concessions on both sides, and some negotiations have even failed after protracted intergovernmental talks (Wolff 2014; İçduygu and Üstübcü 2014; El Qadim 2014). Through such negotiations on cooperative migration management, EU member states – either on a bilateral or a multilateral basis – often seek to conduct readmission agreements concerning both the citizens of that transit state as well as non-nationals having traveled through that state, thus, facilitating forced return and deportation. Moreover, they seek to strengthen institutional capacities to manage migration in

neighboring countries (including refugee protection) and, in general, prevent irregular migration flows to the EU.<sup>3</sup>

By contrast, third countries hope to obtain the liberalization of the EU's visa policies, the opening of legal migration channels for their citizens, financial help for processing asylum claims and integrating refugees, and social protection schemes for their diaspora. They also aim to gain incentives for remittances and investment in their home country and the prevention of brain drain, including specific return policies (Government of Moldova 2009; European Commission 2015; Cassarino 2018; Carrera et al. 2016; Hagemann 2013). Moreover, it is common for agreements on cooperation in the field of migration and border management to also include other areas of issues, such as security and business cooperation, the deepening of diplomatic relations, financial or development aid, cultural matters, and, last but not least, EU membership prospects (as was the case with the EU-Turkey agreement in 2016; Neuberger 2017). This approach of "issue linkage" points to the fact that EU claims to improve border protection are often compensated for by far-reaching concessions in other policy areas (Tsourapas 2017).

As we have shown elsewhere with regard to negotiations over visa liberalization, third countries choose different strategies in dealing with the EU and its interest in externalizing migration control (Laube 2019). Although many different countries – such as Moldova, Morocco, and Turkey – have entered into negotiations on visa facilitation with the EU over the last 15 years, they have shown varying attitudes towards the EU's requirements to sign readmission agreements and to have more involvement in the prevention of irregular migration to EU member states. In such negotiations, the EU uses visa policy as a foreign policy tool. Although visa-free travel to the Schengen area has been appealing to all three aforementioned third countries' governments and citizens, to date only Moldova has reached an agreement with the EU. By contrast, Morocco and Turkey have been shown as strong bargainers. To date, the EU has not reached a settlement with Morocco on further cooperation and the opening of legal mobility channels (Wolff 2014). Looking at the Moroccan case, Ayselin Yildiz notes, "a country might not accept the reward of visa facilitation that is conditional on signing the readmission agreement if it finds the cost of dealing with returned irregular migrants higher than the facilitation provided for its own citizens to travel in the EU" (2016, 24). In comparison to this, Turkey concluded the EU-Turkey-Statement in 2016, which stipulates major financial support and renewed accession talks, as well as visa liberalization for Turkish citizens. However, the incentive of visa facilitation

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<sup>3</sup> The delegation of migration and border control to third parties is a highly controversial issue with regard to questions of social and political responsibility. Doubts that new instruments of cooperative migration control are not legally tenable have been frequently expressed (Gammeltoft-Hansen and Hathaway 2015; Costello and Mann 2020; Stock, Üstübcü, and Schultz 2019).

is dependent on an extensive list of expectations, which have now become highly unlikely to be met by the Turkish government for several reasons. Nevertheless, Turkey has engaged in readmitting refugees from the Greek islands and has contributed to stemming the inflow of irregular migrants (Redaktionsnetzwerk Deutschland 2021). In 2021, Mevlüt Çavuşoğlu, Turkish minister of the Exterior, criticized the EU for their lacking commitment to the EU-Turkey deal from 2016. He argued that while Turkey had helped reduce the number of incoming refugees and irregular migrants in the Aegean by 92%, the EU had not kept its promises to liberalize visa procedures for Turkish citizens and to modernize the customs union (Zeit Online 2021). Although the possible EU accession of Turkey has long constituted a key aspect in negotiations, current demands refer more to economic and mobility policies. Compared with Moldova, Morocco and especially Turkey are currently crucial to the EU's attempt to externalize border control, based on their geographical location on major migratory routes to Europe. Among other reasons, the fact that "domestic elites believe that their state is geopolitically important vis-à-vis the target states" (Tsourapas 2019, 465) explains the more self-assured attitude of these countries. The dependency on cooperation may also silence critics from within the EU on undemocratic conditions and human rights violations in these countries and ultimately help stabilize their respective political regimes (on Turkey, see Atac et al. 2017). With the ascription and acceptance of the role of gatekeepers, these countries become an essential part of the EU border regime and attempt to force the EU to pay a high price.

Whenever the EU manages to enter a cooperation with third countries on migration management, the problem arises that partners may change with a change of government. The EU is lacking any guarantees with regard to how the new partners in their neighborhood will maintain a preexisting cooperation agreement. Moreover, some partners have been unreliable during the process when their power has been challenged domestically. One example is the cooperation between Italy and Libya on search and rescue operations in the central Mediterranean. Since the setup of a Joint Rescue Coordination Centre in Libya in 2018, authorities across the Mediterranean have cooperated on rescue missions, for example by forwarding distress calls to their partners. The Maritime Rescue Coordination Centre (MRCC) in Rome supports the Libyan coast guard in conducting rescues as well as intercepting migrants and refugees and bringing them back to Libya. However, the EU institutions and the Italian administration are fully aware that this cooperation could rapidly change due to the ongoing political dynamics in Libya (Farahat and Markard 2020, 42).<sup>4</sup> This refers to the underappreciated fact that control

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<sup>4</sup> Moreover, they continue this volatile cooperation, even though the Libyan course of action has been criticized as severely violating human rights due to people not being taken to places of

does not only have to be delegated once, but any new agents of border control need to be observed, controlled, and kept happy in the long run.

A significant attack on the political strategy of externalization in the European context was the 2015 migration governance crisis. EU member states suddenly found themselves forced to (re)impose different restrictive measures of border control. However, they abided by their externalization strategy, which rendered the involvement of third countries in border and migration management even more urgent.

In 2015, for a short period of time, all the otherwise effective relocated control mechanisms – from visa procedures to controls by countries in the European neighborhood – were overrun by the march of thousands of mostly Syrian refugees toward the physical borders of Western European countries. After years of war and displacement from Syria and the dramatic worsening of the situation in host countries, many refugees set out to enter the European Union and countries on their way stopped hindering them. As Gammeltoft-Hansen and Hathaway argue, this was partly due to the politics of “cooperative deterrence” (2015, 235) by the EU. The “politics of non-entrée, comprising efforts to keep refugees away from their territories but without formally resiling from treaty obligations” (Gammeltoft-Hansen and Hathaway 2015, 235), has led to a concentration of migrants and refugees, mostly from Syria, Afghanistan, and Iraq, in the countries neighboring the EU. When the situation in Jordan became more and more hopeless in 2015 due to humanitarian aid cuts by the UN world food program, it resulted in major migratory movements. At this time, the situation took a drastic turn, but the crisis nevertheless emphasized that for a long time the aim of keeping migrants and refugees in their home region by supporting their host countries financially and technically had been achieved. Following this unprecedented influx, even the Dublin system – at one time the cornerstone of externalization within in the EU – was temporarily suspended. Arguing that external border controls were no longer working and consequently there was a “big influx of persons seeking international protection,” many EU countries, such as Germany, Austria, Slovakia, Hungary, and later Sweden and Denmark (European Union 2020) reintroduced internal border controls.<sup>5</sup> After the short opening of borders in late 2015, when some European countries were “waving through” people, these countries have, since 2016, turned to stepping up national border control, expressing serious doubts about the usefulness and reliability of external border controls. They repeatedly extended the controls at the internal

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safety as the 1979 SAR Convention claims and, moreover, the right to leave any country, including one's own, being violated (Farahat and Markard 2020).

<sup>5</sup> The Schengen Border Code provides member states with the option to temporarily reintroduce border controls, but the “scope and duration of any temporary reintroduction of such measures should be restricted to the bare minimum needed to respond to a serious threat to public policy or internal security” (European Union 2016).

Schengen borders, until ultimately the COVID-19 pandemic hit Europe and provided them with a further argument for the renaissance of national borders (Vollmer and Düvell 2021; Eigmüller 2021). Taken together, these incidents have been the most challenging to the EU's mobility and migration governance, as it has appeared incapable of reacting in a timely and effective manner. Consequently, the return to internal border controls and the (re)emergence of fortified borders have contributed to the dissolution of externalization as the dominant bordering strategy in Europe (see Korte 2021, in this special issue). Moreover, the implementation of external controls needs to adapt to the new conditions under which mobility is currently occurring (Shachar 2020), especially during times of lockdown and international travel bans in the pandemic (see Zaiotti and Abdulhamid 2021; Shachar and Mahmood 2021, both in this special issue).

Nevertheless, the EU commission has continued to advocate the externalization of migration management and the partnership approach was renewed<sup>6</sup> both by the EU (for example, “the EU-Turkey-Deal” in 2016 and “the New Pact on Migration and Asylum” in 2020) and the United Nations (“the UN Global Compact for Safe, Orderly and Regular Migration” in 2016, and “the New York Declaration for Refugees and Migrants” in 2016). Taking the recent EU Pact on Migration and Asylum as an example, this document declares the aim to conclude more bilateral (or EU-level) agreements with countries of transit and origin, to offer in exchange opportunities for legal immigration, to build further border control capacities, and to integrate migration and development policies in order to promote co-development actions and improve partnerships and dialogues with Africa, Latin America, the Caribbean, and Asia (European Commission 2020b). Apparently, the EU still hopes to consolidate the EU border regime by continuing the externalization of migration control, while the member states regain the options for national border protection.

As a response to the migration governance crisis, the EU has developed a number of initiatives and new projects aimed at the reduction of migrant and refugee arrivals. In this process, the EU has invented new tools, mostly through soft law (Reviglio 2019). It has also emphasized a further dimension of the externalization of migration management: the fight against the root causes of migration and flight related to development, trade, human rights, humanitarian assistance, and foreign and security policy (Yildiz 2016, 14). In addition to people already on the move, the “root causes approach” mainly addresses the living and working conditions of the local population in typical

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<sup>6</sup> Generally, this partnership discourse had already been established in the early 2000s (Lavenex and Stucky 2011), shaping a large number of international and supranational agreements, such as the “Global approach to migration and mobility” (GAAM, December 2005, EU Council), the “European Pact on immigration and asylum” (September 2008), and the “EU-Horn of Africa Migration Route Initiative” (November 2014, the Declaration of the Ministerial Conference of the Khartoum Process).

countries of origin in order to discourage emigration. EU scholars have argued that the focus on external border control has predominated the root causes approach in practical terms (Lavenex 2006), although both have been present in the EU policy discourse for the last 20 years (Boswell 2003). With this new shift, the EU has established further ground for claims for economic support and investment, and this has contributed to further redesigning inter-state relations (Zardo 2020) and has left partner countries to the EU with increased leverage in negotiations. This can be seen in the following cases.

In 2016, the EU Commission announced a new Migration Partnership Framework (MPF) for reinforced cooperation with third countries. The aim of this policy tool is stated as follows:

The EU will seek tailor made partnerships with key third countries of origin and transit using all policies and instruments at the EU's disposal to achieve concrete results. Building on the European Agenda on Migration, the priorities are saving lives at sea, increasing returns, enabling migrants and refugees to stay closer to home and, in the long term, helping third countries' development in order to address root causes of irregular migration. Member State contributions in these partnerships – diplomatic, technical and financial – will be of fundamental importance in delivering results. (European Commission 2016)

Due to its focus on keeping people out and sending them back, the EU's engagement with African partners has been criticized since it "epitomises the most disturbing trends in EU migration policy" (Castillejo 2017), in particular due to its incentive-based approach. In the same way as the MPF, the EU Emergency Trust Fund for Africa (EUTF) was established in 2015 to mobilize resources and enable rapid responses to changing circumstances and priorities (Zardo 2020). It was intended to lay new ground for development cooperation with African partners and is worth 5 billion euros, coming from the EU and its member states (European Commission 2020a). However, the small extent to which "African partners have been involved in the trust fund – from its conception to its governance and implementation" has been pointed out, "arguing that the EUTF is far removed from aid effectiveness principles of ownership, partnership or alignment, and hence risks overlooking local priorities, knowledge and buy-in" (Castillejo 2016, 14). As we can see, the consideration and participation of third countries in the development of external policy tools by the EU has become a key criterion for assessing policies. With the reinforced combination of migration control and development aid in order to tackle the root causes of (forced) migration, the policies' fit to local requirements has gained importance. By using aid as leverage for migration control, the EU submits to a somewhat different logic of matching and effectiveness, characteristic of the evaluation of development policies. Consequently, not only bilateral agreements but also the EU's own policy instruments, such as the EUTF, are judged on the question of whether they take the interests and needs of partner countries seriously enough.



Three further initiatives by the EU or single EU member states address specific countries that are hosts to a very large refugee population: Turkey, Libya, and Jordan. The EU-Turkey Statement (2016), the Jordan Compact (2016), and the Memorandum of Understanding between Italy and Libya (2017) have resulted in some form of political deal for third countries willing to admit, integrate, or take back refugees from other countries currently torn by civil war, famines, and the like. All the countries have been given significant financial support and technical assistance, either by EU funding, through international aid, or by investments from single EU member states. Tsourapas critically points to the risk “that encouraging overburdened states to treat forcibly displaced persons as sources of economic rent leads to refugee commodification” (Tsourapas 2019, 477). The focus in Jordan was on the inclusion of refugees through integration into the labor market. Jordan received generous assistance from the EU, specifically 2 billion US dollars between 2016 and 2018 (Grawert 2019).<sup>7</sup> In Turkey, the readmission of irregular migrants from the Greek islands who had previously travelled through Turkey took center stage. The EU offered 6 billion euros and transferred 4.1 billion euros in the first five years of the agreement, although Turkey wants to renegotiate the terms of the agreement in 2021 (Redaktionsnetzwerk Deutschland 2021). With regard to Libya, support for Libyan border forces was most important in order to help them prevent migrants and refugees from crossing the Mediterranean Sea. The Italian government is said to have invested 150 million euros, with the same amount also coming from the EU (Straub 2020). The bilateral political deal with Libya has been criticized for its soft law character, since it does not have binding legal efficacy and “circumvents the control of the parliament at European and national level” (Reviglio 2019, 3).

These new cooperative migration management tools obviously share a focus on states identified as transit countries for migrants and refugees and have, thus, further contributed to creating the political role of a transit state. In the logic of externalization, the arrival of refugees and migrants in countries like Turkey and Libya – but also in Tunisia, Morocco, Egypt, or in the Western Balkans – is imagined as a stepping-stone on the way to the European Union. However, the concept of transit migration, and thus transit countries, is highly controversial in social sciences due to the unclear prospects for further movement (Missbach and Phillipps 2020). For example, ethnographic studies on African migrants in Europe have contributed to questioning the

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<sup>7</sup> The Jordan Compact was the result of an international donors’ conference in London in February 2016. Strictly speaking, it is not an EU policy, but involves other powerful third countries as well as the World Bank. However, the EU representatives took over major responsibility for some specific incentives offered to the Jordanian economy, such as a facilitated access to European markets for companies employing Syrian refugees within a Special Economic Zone (Lenner and Turner 2018, 2).

“linearity of so-called transit migration, as the in-between phase between departure and arrival” (Schapendonk 2017, 208). Ahmet İçduygu defines transit migration movement as being where “migrants come to a country of destination with the intention of going and staying in another country” (İçduygu 2005, 1). This points to the fact that the so-called transit state is at the same time a country of destination, while it is unclear if the displacement is of a short-term nature and whether migrants will instead return or move on. The current scholarly discussion about the concept of transit states evolved around the Turkish case (Isleyen 2018), but has lately been expanded to other regions as well (Álvarez Velasco 2020; Frowd 2019). In her study on the implications of the EU’s externalization of migration management to Turkey, Yildiz argues that “the reality of Turkey being a transit country” (Yildiz 2016, 138) has been a new conceptualization by EU officials in the last decade.

Although reasonable criticism had been made of the analytical value of concepts of “transit migration” and “transit states,” the EU operates with these concepts in their policy-making since they fit into the logic of externalization. The policy discourse on cooperation with transit countries has accelerated since the migration governance crisis (European Commission 2016). The role of a “country of transit” has been assigned to a number of those mentioned above, which has – as an unplanned side effect – implications for the diplomatic relations between them and the EU. These countries are considered to be relatively stable and reliable in terms of governmental power and to be “different from the country of origin, through which a migrant passes in order to enter a country of destination” (European Commission 2011). This image identifies these countries as ones the EU can – but also has to – rely on when seeking suitable partners for the externalization of migration management. Following on from that, we observe that third countries increasingly adopt this role by presenting themselves as transit states by enhancing the international visibility of their migrant and refugee populations, and that they leverage that position against the EU.

### 3.2 Coercive Migration Diplomacy by “Transit States” vis-à-vis the EU

To understand the diplomatic side effects of the externalization of migration control, it is insufficient to look only at the state level. The current state approach of seeking to externalize borders and cooperatively manage migration only materialized because hundreds of thousands of migrants and refugees engage in the struggle over admission and political inclusion in the countries of the Global North every year. Externalization studies have argued that liberal states try to circumvent domestic and legal conflicts arising from immigration by shifting their border controls to prevent refugees and unwanted migrants from entering (Guiraudon 2001). Thus, by refusing to cooperate in the first place, by non-compliance with existing agreements, or even by

threatening to send people to their border lines, so-called transit countries are able to put the strategy of externalization at risk.

In this regard, the narratives that politicians and bureaucrats from third countries identified as transit states have used to threaten EU member states are worth studying. Such behavior can increasingly be observed since 2010 in countries like Libya, Tunisia, and Turkey. The former Libyan leader Muammar Gaddafi stated during a visit to Rome in 2010 that the EU should pay Libya at least 5 billion euros a year to stop irregular African migration and to “avoid a black Europe” (BBC News 2010). With the then Italian Prime Minister Berlusconi standing right next to him, he went on to say that “there are millions of Africans who want to come in” (BBC News 2010). At that time, Libya had started to cooperate with Italian authorities by taking back migrants intercepted at sea who had started from the Libyan coasts, thereby contributing to decreasing the number of people illegally entering Italy.

After concluding the EU-Turkey agreement, which promised among other things the restart of accession negotiations in exchange for cooperation in a refugee policy, the European Parliament still voted against continuing the accession process in November 2016. President Erdoğan heavily criticized that move as an infringement of the deal. Moreover, by pointing to migrants and their children drowning off the coast of Greece and Italy, he Europe of not “treat[ing] humanity honestly” and stated that it was instead Turkey that had taken in 3 to 3.5 million refugees. Referring to the 50,000 refugees staying near the Kapikule border with Bulgaria, he warned that “if you go too far, the border gates will be opened” (Erdoğan 2016). In that way, Erdoğan instrumentalized migration and refugees to secure political goals in other policy fields. Similarly, Erdoğan and Yildirim (the Turkish Minister of the Exterior) repeatedly threatened that they would let migrants and refugees move, knowing that the EU was eager to prevent a situation similar to that in 2015 when hundreds of thousands of Syrian refugees entered the EU. Accordingly, they employed “Turkey’s position as a transit state for Syrian refugees as leverage against the European Union” (Tsourapas 2017, 2367).

The statements from political actors in these countries, which all neighbor the EU, strongly resemble one another.<sup>8</sup> Though these are extreme statements in a plethora of communications between countries over migration issues of mutual concern, several aspects of them are notable. They all make

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<sup>8</sup> However, it is not just a matter of verbal threats directed at EU member states. In May 2021, about 6,000 migrants illegally crossed the border between Morocco and Ceuta, among them 1500 minors. Newspapers reported that the Moroccan authorities had reduced the otherwise heavy militarization of the coastline and, thus, enabled migrants to attempt to enter the Spanish enclave in North Africa. President Sánchez indicated a link between the sudden relaxation of border controls and current diplomatic tensions between the two countries, since Madrid had allowed Brahim Ghali, an independence leader of the Polisario Front, to be hospitalised in Spain (Kassam 2021). This incident was interpreted as a further attempt to blackmail EU member states by using irregular migrants as political leverage (Popp 2021).

use of the rhetoric of anti-immigrant debate, lately increasingly initiated by right-wing populists, to fuel fears in EU countries of an uncontrolled inflow of politically unwanted migrants and refugees as a security threat. Furthermore, these remarks identify the respective governments as the gatekeepers for Europe and their countries as catch basins for migrants and refugees who in fact seek to move on. These two aspects characterize the role of these countries as transit migration states in a system of international cooperation in migration governance. Though they were effectively appointed to this position by the migratory movements of non-citizens on the one hand, and potential destination countries externalizing their borders on the other hand, these countries' representatives particularly emphasize this role. The last and most powerful assumption is that the EU will continue to pursue the strategy of externalization that came along with the reduction of internal border controls in the Schengen area in the 1990s. The insight is that the EU's external migration policy relies on the compliance of transit countries in the long run, which encourages their self-confident behavior. In this regard, Faist argues that these states "have learned to adapt to externalization policies and try to extract benefits for themselves" (2019, 4).

The aforementioned political actors have all alluded to the fact that their countries are transit states, since it is precisely this role that is able to strengthen their position to engage in migration diplomacy. Although the definition of a transit migration state is somewhat inconclusive, the international perception and self-perception that a state hosts large numbers of migrants and refugees who would, if possible, move on is essential to this role (Tsourapas 2019) and is therefore evoked in the aforementioned incidents. In the same vein, Frowd (2019) shares the view that the term "transit migration state" is a political label stemming from international migration governance. In his study on Niger, he argues that in addition to displaying statistical evidence on migratory routes, the labels also imply that these countries' "leaders are more inclined to cooperate with external partners" and that "these states are often more likely to explicitly identify as transit countries due to the symbolic and financial benefits this brings" (Frowd 2019, 2). Though we agree with the observation that the EU uses the term transit state as a label, we wish to stress that referring to the creation and adoption of a role (Aggestam 2006) captures the reciprocal influence within this process even better, as it points to the mutual expectations that have emerged between countries of destination and countries of transit.

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#### 4. New Dynamics in Inter-State Relations and Increased Instability in External Control Policies

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The externalization of border and migration control is generally, correctly, held to be a successful and smart way of selectively regulating international mobility and avoiding legal responsibility for refugees (Gammeltoft-Hansen and Hathaway 2015; Laube 2013); however, it has been notably challenged over the last few years. Several major political developments and crises have occurred, but there is surprisingly little recognition that they fundamentally bring into question the externalization of border controls. By contrast, the current paper has followed the notion that the European way of shifting borders has come under pressure due to new dependencies from third countries that have added new dynamics to the international relations between destination, transit, and origin countries.

As already discussed, the political costs of cooperative migration management show in significant concessions by the EU to demands from third countries before they are willing to enter into agreements on readmission or the expansion of their own border and asylum policies. Moreover, when third countries allow negotiations to fail (Wolff 2014), this highlights the limits of intergovernmental cooperation in terms of “EU conditionality.” Ever since the 2015 migration governance crisis, the EU has been confronted with third countries utilizing their new leverage by increasingly attaching reversed conditions to their cooperation (Laube 2019). Even if transit countries are willing to cooperate, they are by far “not simply passive receivers of externalization measures” (Faist 2019, 2). This observation points to the fact that we need to advance our understanding of transit states. Though the role of a transit state as a “perceived gateway to a ‘developed’ country” (Missbach and Philipps 2020, 25) has essentially been created by EU policy makers seeking to externalize border control, it has by now become a role that third countries can adopt, refuse, or use for their own end. Several politicians from such transit countries have demonstrated that through their dependence on cooperative means of migration management, the EU member states have exposed themselves to the danger of being threatened or even blackmailed. Since not only EU member states focus on the strategy of externalizing border control, it seems very promising to further study and compare its diplomatic implications for countries such as Australia or the US as they negotiate cooperative migration management with countries identified as transit states.

Such contestations of the externalization strategy result from the currently changing constellation of the international governance of migration. As we have argued, the externalization of border controls itself has opened up a new space for migration diplomacy, especially for countries identified as transit states. In line with the ideas of Lessenich (2016) and Beck (2016), these new

dynamics reflect unplanned side effects of exploiting the unequal power distribution in the global inter-state system. However, the looming shifts in countries' ability to leverage their position might contribute to cooperation that is more reciprocal and fair in the future. To understand and detect new dynamics in the inter-state relations that are supposed to stabilize external border control practices, we need to give up the idea that externalization can be understood by focusing on the rationales and intentions of the EU alone. The paradigm of migration diplomacy enables to decenter the study of border governance. In this way, the current paper provides a new interpretation of the effects of externalized border control on inter-state relations by focusing on the creation and adoption of the roles of destination and transit countries and how these roles are interdependent.

Carefully studying the international cooperation with transit countries identified as crucial to the EU border regime is a promising field of research, since it is core to the question of whether the externalization of border and migration control has reached its limits. In this spirit, further research needs to look more closely into all the forms of political costs of the externalization strategy in the regulation of global mobility. Moreover, whenever studying external migration policies, the reactions, political strategies, and problem-solving capacity of cooperating partners have to be taken into account. Instead of looking at the benefits transit states can extract from potential destination countries, further research could also turn to the role of economic benefits that refugee-hosting states can obtain from international organizations like the UNHCR (Tsourapas 2019). In addition, scholars should put more emphasis on the role of migrants and refugees in the policy-making process by recognizing that it is their mobility that co-produces the categories of destination, transit, and sending countries. If migration routes shift to other places or the perceived migration pressure eases, the basis for bilateral agreements on cooperative migration governance will change too, or may even be lost. Lastly, the COVID-19 pandemic, with its major impact on international mobility and the comprehensive return to controls at physical borders, even in the Schengen area, indicates new contestations of the politics of externalization.

Though still advocating international cooperation, ever since the 2015 migration governance crisis the EU has entered a "phase of contested externalization," and evidence has emerged that European countries have already realized they can no longer only rely on the effectiveness of external border controls. The fortification of physical barriers at the EU's external borders and elsewhere (see Gülzau and Mau 2021; Korte 2021, both in this special issue), as well as the increasing reestablishment of controls at the internal borders of the Schengen area (Casella Colombeau 2020), point to a re-nationalization of borders that runs contrary to the tendency of further shifting borders and delegating control to third countries.

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doi: [10.12759/hsr.46.2021.3.7-22](https://doi.org/10.12759/hsr.46.2021.3.7-22)

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doi: [10.12759/hsr.46.2021.3.23-48](https://doi.org/10.12759/hsr.46.2021.3.23-48)

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doi: [10.12759/hsr.46.2021.3.49-77](https://doi.org/10.12759/hsr.46.2021.3.49-77)

Lena Laube

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doi: [10.12759/hsr.46.2021.3.78-105](https://doi.org/10.12759/hsr.46.2021.3.78-105)

Ruben Zaiotti &amp; Nafisa A. Abdulhamid

Inside Out and Outside In: COVID-19 and the Reconfiguration of Europe’s External Border Controls.

doi: [10.12759/hsr.46.2021.3.106-123](https://doi.org/10.12759/hsr.46.2021.3.106-123)

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The Body as the Border: A New Era.

doi: [10.12759/hsr.46.2021.3.124-150](https://doi.org/10.12759/hsr.46.2021.3.124-150)

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doi: [10.12759/hsr.46.2021.3.178-207](https://doi.org/10.12759/hsr.46.2021.3.178-207)

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doi: [10.12759/hsr.46.2021.3.208-244](https://doi.org/10.12759/hsr.46.2021.3.208-244)

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Online Appendix to: A Border Regime in the Making? The Case of the Contact Line in Ukraine.

HSR Transition 34.

doi: [10.12759/hsr.trans.34.v01.2021](https://doi.org/10.12759/hsr.trans.34.v01.2021)



# Historical Social Research

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*Lena Laube:*

Diplomatic Side-Effects of the EU's Externalization of Border Control and the Emerging Role of "Transit States" in Migration Diplomacy.

doi: 10.12759/hsr.46.2021.3.78-105.

Published in:

*Historical Social Research* 46 (2021) 3

Cite as:

Lena Laube. 2021.

Diplomatic Side-Effects of the EU's Externalization of Border Control and the Emerging Role of "Transit States" in Migration Diplomacy. *Historical Social Research* 46 (3): 78-105. doi: 10.12759/hsr.46.2021.3.78-105.