Since Jacques Poos’ infamous over-optimistic statement at the beginning of the Yugoslav War in 1991 that “the hour of Europe” (meaning what would have soon become the European Union) had arrived, the EU has faced several challenges showing that the hour of an effective, coherent and cohesive Union has still not arrived. More recently, the three events that more than anything else have weakened the EU’s credibility as an international actor have been the UK referendum of 2016 which eventually led to the country’s withdrawal from the EU in 2020, the economic crisis of 2008ff and the so-called migrant crisis of 2015ff.\(^1\) The EU’s

\(^1\)As we draft these conclusions the COVID_19 pandemic is not over and it is too early to say if this is the fourth challenge is worth adding to the list, but it looks like this is the case.
European and international credibility has been severely affected by the poor internal solidarity and internal divisions manifested in these three circumstances (Fabbrini 2015; Wolf and Ossewaarde 2018; Caporaso 2018; Scipioni 2018). While this is not a new phenomenon for a hybrid polity like the EU, which retains a broad, intergovernmental character, the European reaction to the migrant crisis and more in general the EU’s difficulties since then in putting in place a truly collective mechanism to manage the migration challenge, coherent with its own values, has been even more detrimental to the credibility of the EU as an international actor.2

The response of the EU Migration System of Governance (EUMSG) (see Lucarelli 2021) has been characterized not only by a renewed lack of internal solidarity among Member States, unable to agree to take on shared responsibilities, but also by collective reactions which have led to three main outcomes with consequences that cast a shadow on the EU’s long-term self-representation as a principled actor: “paralysis”, “bordering” and “externalization”. The process that has led to these results has been effectively explored as “the securitization of Schengen” (Ceccorulli 2019), that is, an attempt by EU institutions to save Schengen from increasingly frequent and uncoordinated suspension by Member States in late 2015 to stop secondary movements towards their countries. What has been less studied is the context—political, historical and institutional—within which Member States’ responses were conceived. This book aims to fill this gap by exploring the norms and practices regarding migration of a sample of countries in the EU Migration System of Governance.

By looking at norms, however—and this is the second and probably most original contribution of the book—we aim to explore not only the legal setting but also—and even more so—the normative debate in the selected countries with respect to a “just” migration policy. The book, therefore, underscores migration governance as a complex effort to identify and give weight to different justice claims depending on who is perceived to be the recipient of rights (the EU, the national community, human beings, the subjective individual) and on related moral responsibilities there attached.

2 Cf. among others, Chaban and Magdalena (2014), Chaban et al. (2019, 2020).
In this conclusion, we will first identify the three main “outcomes” of the EUMSG since the so-called migration crisis. We will then point out some of the core elements of “substantive” governance that have led to the described outputs, at the same time assessing their normative implications in terms of justice. Finally, based on our analysis of the performance, norms and justice claims at play in the EUMSG, we evaluate their implications for the EU’s international actorness.

**The Outcomes: Paralysis, Bordering and Externalization**

The analysis of the EUMSGs’s performance points to three main outcomes, each with its own specific problems, but all due to the peculiar governance of migration in the EU: paralysis, bordering and externalization.

The slowness and reluctance of the EUMSG’s response to the pressure of rising migration flows are perhaps long-term features of the system, testified to by the solo management of search and rescue operations in the Mediterranean Sea undertaken by Italy in 2013, with the Mare Nostrum operation (Ceccorulli 2021b). Obstacles to activating an EU response have continued and “exploded” during the pickup of the subsequent so-called migration crisis of 2015–2016 and afterwards. When concerns about irregular migrants crossing national borders began to be shared among Member States, the issue started to be politicized in national political systems and instrumentalized by populist forces. This led to uncoordinated suspensions of Schengen which still could endanger the EU. At this point, the EU was at the same time pushed to adopt measures that could ensure its ability to control its external borders, and paralysed in its ability to develop collective norms. The victims of the EU’s paralysis have been the reform of the asylum system and the Dublin Regulation, but also the Union’s participation in the UN Global Compact for Safe, Orderly and Regular Migration (Ceccorulli 2021a). In all these cases, the EU’s paralysis has negatively affected the EU’s potential as a norm setter and has impeded the adoption of norms which could facilitate fairer management of migration flows at the regional and global level.

The second outcome of the EUMSG’s response to migratory pressure was what can be labelled as “bordering”. Bordering has entailed the
enhanced control, patrolling and securitization of Member States’ physical borders and, as shown by the European Commission’s response (to “save Schengen”), of the external borders of the EU. Probably never before had the EU’s internal and external borders been perceived in a harder way, as during and after the migration crisis. The construction of fences, the deployment of the EU Border and Coast Guard on the external borders, and the patrolling of the Mediterranean sea by EU operations have conveyed the message of a fortress Europe struggling to obstruct irregular crossing so as to preserve the internal free movement of European citizens.

Bordering practices have occurred also at the cognitive level of the borders which separate culturally-defined national communities. Despite the different national traditions of migration policy, in all the Member States analysed in this book, there has been a process of rhetorical and practical attention to the protection of national borders. In some cases (e.g. France), this has been implemented mainly with practices aimed at controlling the frontiers with countries deemed unable to control their external borders (e.g. Italy) and legitimized as a practical need. In other cases, these practices have been supported by a nationalistic narrative claiming the need to protect the cultural homogeneity of the country (e.g. Hungary). In all cases, however, the effect on the perception of the relevance of borders as boundaries of rights and duties has been enhanced. Moreover, borders have eventually come to coincide with frontiers of solidarity, although with reduced interstate solidarity also within the EUMSG.

Finally, we have witnessed “external bordering” and “internal bordering”. External bordering has been the outcome of the EUMSG’s support for enhanced border control in third countries such as Turkey, as a result of the EU-Turkey statement, or Libya, as a result of the Italy-Libya agreement. “Internal bordering” has resulted from the creation of a multiplicity of centres and hotspots in Member States, and the semi-isolation of areas such as Lampedusa in Italy, Lesbos in Greece or the area of Calais called “the jungle” in France. The “logistic rationale” that has led to the definition of such new internal, more or less solid borders, has also had significant implications for the definition of new “borders of rights” as we will see below.

Finally, the EUMSG’s response to migratory pressure has led to increased externalization of migration management. The external dimension of migration policy is not a new issue and it is a necessary component
of any migration policy, but the form it has taken is particularly problematic. In fact, by delegating to third countries the task of simply stopping migration flows to Europe (as in the case of the 2016 statement with Turkey or the 2017 agreement with Libya), the EUMSG (both EU Member States and institutions) has delegated the responsibility to protect potentially vulnerable migrants, enabling significant violations of human rights. Certainly, in terms of EU migration policies, the creation of an “external dimension” based on (the search for) the active cooperation of countries of origin and transit is far from new, since it was already envisaged in the EU Global Approach to Migration in 2005 and in its revised version in 2011—the Global Approach to Migration and Mobility. Moreover, the practice of establishing bilateral agreements with third countries to externalize some aspects of migration control is a phenomenon that had already been adopted by many Member States—France and Italy for example—in the past (e.g. the 2008 Treaty of Bengasi between Italy and Libya). However, this recognition should not lead us to underestimate the practical and normative relevance of the “externalization” shift. Externalization as inaugurated by the EU-Turkey Statement of 2016 and the Italy-Libya agreement of 2017, the logic of which was later replicated in several other instruments and agreements both by Member States and by the EU (e.g. Migration Partnership and the EU Emergency Trust Fund for Africa), has resulted in the delegation of responsibility for migration control with relevant implications for the functioning of the EUMSG and the respect for the fundamental rights of migrants, as we will see below.

**Substantial and Normative Challenges to the EUMSG**

The three outcomes highlighted above—paralysis, bordering and externalization—are per se important elements that characterize the EUMSG’s response to the migration crisis, and that most likely will continue to affect EU migration policies for the years to come. We claim here that the three outcomes are a result of the EUMSG’s peculiar governance mode, which links national prerogatives and competences on migration with policies at the EU level; moreover, these outcomes and processes will have relevant repercussions for the significant achievements of the European integration process, such as the free movement of people—in the context of the single market, but even more so in the context of the Schengen area. It is a well-known fact that the uncoordinated suspension
of Schengen by several EU countries in response to migratory pressure pushed the EU Commission to enhance control of the EU’s external borders, support the creation of the hotspots and enhance agreements with third countries (Ceccorulli 2019). What has been less explored is the national context within which the individual national responses were formulated and how they fed back into the overall functioning of the EUMSG. For this reason, we have decided to unpack the EUMSG into some of its national components.

The analysis of the EU level and the sample of EU Member States here considered—Greece, France, Italy, Germany, Hungary, the UK and Norway—highlights both common traits and significant differences in terms of substantive responses and justice implications. In the individual chapters of the book, the historical and institutional roots of migration policies in the individual countries have been analysed, underlining how each country’s history (as a colonial power, for instance), or a particular culturally grounded understanding of national identity and citizenship (more or less related to ancestry), has impacted national legislation and the politics of migration. These national differences, which come close to what could be labelled different “migration cultures”, represent obstacles to a smoothly functioning EUMSG when significant migratory flows are directed to EU/rope rather than to individual countries. In this conclusion, we want to analyse the responses of the sample countries to migration pressures since 2015 in the context of the EUMSG. We equally aim to underscore the normative dimension of their responses and the justice claims that have been prioritized.

As we have seen in the introduction to the volume, any political decision is a de facto compromise between different justice claims, differing depending on who is perceived to be the recipient of rights (the EU, the national community, human beings and/or the subjective individual) and on related moral responsibilities there attached. Accordingly, we have addressed this largely unexplored facet in the analysis of the EUMSG by looking at the EU and Member States’ migration policies from the perspective of justice. More specifically, starting from the threefold concepts of global political justice proposed in the introduction of the book—justice as non-domination (an act is just if it does not entail arbitrary domination among states), justice as impartiality (an act is just if it respects the fundamental universal rights of individuals) and justice as mutual recognition (an act is just if takes into due consideration the subjectivity of each)—we elaborated an analytical framework
connecting these broad perspectives on justice with specific ethical positions in relation to migration, thus identifying the main claims for justice that legitimize decisions within the EUMSG.

We can classify the Member States in the EUMSG in three analytically distinct (though partially overlapping) groups: leaders, frontliners and peripheral states. The leaders are those states that have contributed more than others to defining “the new normal” in the policies of the EUMSG, and thus had more weight than others in the overall normative direction of the system. At the same time, they represent privileged observation points or laboratories where migration concepts and practices become visible earlier. The frontliners are those states that have been more directly and significantly affected by irregular arrivals, but had less leverage on the EUMSG’s positions. Peripheral states are those that are (or were during the “migrant crisis”) at the edge of the EUMSG because they are not full members of the EU rings of integration (being out of Schengen or the single market). The decisions taken by states in each group have had an impact not only on the EUMSG’s substantive governance (or lack of it), but have also and more importantly affected the justice claims that have been prioritized.

**The Leaders: “Setting the New Normal”**

The so-called leaders have a specific weight in the ultimate equilibrium emerging from within the EUMSG between different policies and conceptions of justice. More than others, they contribute to defining “the new normal”.

The case of France, in this view, is particularly interesting, since its demographic, economic and political weight makes it a key actor in a policy area where “what is perceived among politicians as ‘the European norm’ consists not only of formal EU laws, but also and even primarily of what is common practice among EU Member States” (Block and Bonjour 2013: 217, Grappi 2021). Indeed, while France describes its migration policies as driven/constrained by the European dimension, at the same time it has been able to advance its national priorities within the EUMSG, thus influencing a pragmatic response driven by an operational rationale that Giorgio Grappi in his chapter has called logistification. Inspired by a logistical rationale in the management of migration, the concept of logistification as used to describe the French approach to migration and asylum helps to capture the ongoing shift
towards a limited and narrow conception of justice that is already affecting migrants’ rights, interstate relations and the EU, well beyond French borders. The adoption of the logic of logistics implies a minimalist understanding of what is just in terms of migration policies, resulting in growing discretionary power in granting migrants’ access to rights and protection that ultimately reflects their subordination to the needs of the labour market. Far from being the exception, France’s logistification has been and is an approach that has also been adopted by other European countries. During the 2015–2016 “crisis”, a logistical approach, based on the attempt to organize migrants’ movements and distribute arrivals in an orderly way, inspired the EU-led creation of hotspots and centres in frontline countries where the EU provided logistical support. This “new normality” has sometimes produced the unintended result of multiplying the sites of crisis and has occurred at the cost of due attention to migrants’ human rights and specific subjective rights (e.g. impacting asylum procedures). Hence, these policies have been implemented at the cost of an understanding of justice as impartiality and mutual recognition.

Similarly, an analysis of any system of governance in Europe would be incomplete without taking into consideration Germany’s material and normative contribution. In the specific dimension of migration, this assumption seems even more corroborated. Under the guidance of Chancellor Angela Merkel, the country has indeed played a role that Antonio Zotti (2021b) describes as “unambitious leadership”, but which nonetheless has significantly oriented both the substantive and normative evolution of the EUMSG in recent years. This was first seen in 2015 with the adoption of the “open door policy” towards Syrian refugees escaping from the conflict. Albeit unilateral, short-lived and even accused of being a hegemonic attempt and an expression of “moral imperialism”, that decision marked the European debate on migration, at least initially, in a direction more open to conceptions of justice as impartiality and mutual recognition. Second, in an apparent paradox, a few months later, Germany took the lead in negotiations with Turkey that resulted in the “statement” of March 2016, thus contributing to driving the EUMSG towards the externalization mode. Though the external dimension of the EU’s management of migration has been in place for some years, the turn towards “externalization” that followed the so-called migration crisis shifted the burdens of protection (of migrants) and control (of migration flows) to third and neighbouring countries. This actually amounted to a substantial change in the EU’s ethical posture, whereby its role shifted
from that of “norm externalization” to that of creating “normative externalities”. The first, traditionally associated with the idea of the EU as a normative power (Manners 2002), was anchored to a notion of “externalization” as the process through which non-EU actors were made to adhere to norms and practices similar to those in effect in the EU, or to behave in a way that generally satisfies or conforms to its policies (Lavenex 2004; Boswell 2003). Instead, the EU-Turkey statement shows the failure to balance pragmatic goals—“handling the emergency”—with questions of coherence with the fundamental principles and values informing EU policies: from the point of view of justice, while conceptions of non-domination seem to be enhanced for the EU, Member States and Turkey, this comes at the expense of impartiality and mutual recognition.

**The Frontliners: Where Dilemmas of Justice Are Most Critical**

The normative evolution of the EUMSG takes on a different meaning when observed from the perspective of the “frontline states”, that is Members States whose national borders partially coincide with those of the EU, and that have been on the front line in actually managing the surges in migration flows. Greece is a case in point, demonstrating how the interactions between the EUMSG and the peculiarities of the domestic context can result in laws, policies and practices that are deeply contradictory in terms of justice. On the one hand, the Europeanization of Greek asylum and migration policies, and especially the transposition of the Common European Asylum System (CEAS), resulted in a legal framework that strengthened fair and impartial procedures, allowing for individual experiences and vulnerabilities to be considered—in line with the logics of justice as both impartiality and mutual recognition. Yet, notes Lena Karamanidou (2021), mainly for domestic reasons, asylum and migration policies in Greece have been consistently at odds with these conceptualizations of justice and in practice have resulted in persistent violations of human and asylum rights and CEAS standards. In this context, the migration crisis exacerbated the contradiction between providing refugee protection and Westphalian imperatives of protecting the borders of the European Union against migration, to the point that the EU’s role is sometimes perceived as a form of “domination”. Greece represents a significant case within the EUMSG since it illustrates that “both the logics of justice and violations are reinforced through the
interaction between domestic dynamics and EU policies” (Karamanidou 2021).

Italy is in many ways a similar case, characterized by a paradoxical continuous state of “emergency” in its overall governance of migration, from regulating legal access to and presence in the country, to readiness to cope with massive and unexpected arrivals on its shores, to the ability to offer proper reception and integration to the migrant population. In particular, argues Michela Ceccorulli (2021b), “the reception system is the Achilles heel of Italy’s asylum policy”, a weakness that motivates frequent recourse to an (often politically motivated) “emergency rhetoric” in times of massive arrivals, but also impinges on the actual treatment of asylum seekers and refugees—a role that the Dublin Regulation assigns to countries of first entry. As in the case of Greece, in Italy the limits and flaws of the EU system of governance are felt the most, due to their reverberation with domestic weakness, loopholes and perpetual delays, well captured by the concepts of “pressapochismo” (not addressing the issue with due concern) (Einaudi 2007) and the consequent “tyranny of the emergency” that has characterized Italy’s approach to migration. Even more than Greece, perhaps, Italy has been the vivid example of the ethical dilemmas faced by frontier states: confronted with a lack of solidarity within the EUMSG, Italy has resorted to “exceptional measures” and debatable practices in terms of justice—agreements with controversial regimes, such as Libya and Sudan, the return of migrants, the criminalization of NGOs’ role and the “closure” of Italian ports for rescued migrants. All these policies have contributed to borderization and externalization practices. From the normative point of view, what emerges is a catch-22 situation in which “the country cannot win” because it inevitably falls prey to many accusations, including not respecting human rights, the asylum law or, on the contrary, of favouring irregular immigration, such as in the case of Operation Mare Nostrum (Sciortino 2017, Ceccorulli 2021b). But the migrants are not winning either—since their rights and subjectivities are less and less respected.

To some extent, Hungary can be considered another example of a frontier state in which the tensions and contradictions that mark the different conceptions of justice within the EUMSG have been exploited by the current government to advance a nationalistic and illiberal project that overtly questions the EU system and its values. Migration has been at the centre of this process, and within the Visegrad Group (V4 - Poland, Slovakia, Hungary and Czech Republic), Hungary has been the most
vocal in rejecting what it terms as acts of “domination” by the European Union and other Member States towards east European countries.

Hungary’s oft-criticized policies and practices—building fences, obstructing refugees’ access to its territory, repressive state practices concerning the treatment of refugees, refusing relocations—are the practical manifestations of this process (Melegh et al. 2020). In particular, Melegh et al. (2020) show that Hungary has oscillated between three different approaches with respect to the EUMSG: constrained compliance, positional insecurity and a redefined national position. Constrained compliance refers to the practice of satisfying (western) universalist claims of global justice only from a formal point of view in terms of respect for human rights and asylum procedures. Positional insecurity refers to a kind of “middle-sibling syndrome” rooted in claims of EU interference and calling for the EU to recognize Hungary’s justice claims, while at the same time practising domination towards other “weaker” states such as Serbia. By aiming to redefine national positions, then, Hungary has implemented active measures aimed at strengthening the country’s relative position in global competition, attaining non-territorial national expansion by providing citizenship to non-resident populations which could claim historical-ethnic ties to the country—a policy involving breaches of impartiality and practices of dominance. The overall result amounts to a radicalization process, whereby the principle of “Westphalian fundamentalism” that places the preservation of national sovereignty above everything else is advanced against international law and the EU, rejecting any alternative vision of justice, or mechanisms of international coordination, as a threat and undue interference. Although this case is somehow unique within the EUMSG in terms of amplitude and radicalness of the contestation, it also reveals some of the inherent tensions of the system as a result of the asymmetric interplay between smaller Member States and major European powers with different goals, positions on EU integration and migratory backgrounds.

**Peripheral States: Centripetal and Centrifugal Normativity**

Norway and the UK were countries at the margins of the EUMSG, the first because although it is a member of the Schengen area it is not a full member of the EU, and Britain because it was a member of the EU but not of the Schengen area and because since June 2016 it has been engaged in a process of separation from the EU that has led the
country out of the Union since January 2020. These countries are also peripheral from a geographical point of view in terms of the main migration routes. However, their relationship with the prevailing norms of the EUMSG is divergent, with Norway willingly adopting rules, standards and procedures informing EU approaches to migration and asylum, and thus implicitly absorbing their ethical content and, as a consequence, enlarging their strength and reach—without contributing to shape it. The UK instead presents a centrifugal attitude towards these norms and rules, making the goal of taking back national “full control” of migration the cornerstone of the Brexit process.

Not an EU member, Norway is nonetheless part of the European Economic Area (EEA) and adheres to a host of other agreements and accessions to EU policies, including in the area of migration. As an EEA member, Norway is bound by specific provisions for labour and economic migration within this area, due to the rights attached to free movement and non-discrimination based on nationality. Moreover, Norway is part of the Schengen system of passport-free travel in Europe as well as the Dublin system of asylum applications.

In Norway, the migration crisis has had effects and dynamics similar to other EU Member States, but on a smaller scale. Between 2014 and 2016, the country registered an increase in the number of refugees and asylum seekers—from 11,480 asylum applications in 2014 to 31,145 in 2016. This development led to the “overburdening” of the migration apparatus, and “extraordinary measures” had to be taken to register and accommodate the increased number of refugees. In addition, part of the government’s response was to temporarily suspend the free border regime of the Schengen agreement by reinstating border controls—after similar decisions by the Danish and Swedish governments, hence highlighting the strong interconnectedness and transnational character of migration issues in contemporary Norway.

In terms of justice, the definition of economic migrants in Norway, through the “EEA connection”, is conceptualized by Espen Olsen (2021) as “quasi-cosmopolitan” in its extension of rights to non-citizens with EU citizenship or nationality in an EEA country. Still, this approach is at best “bounded” adherence to an idea of impartiality, as it falls short of universality in a true cosmopolitan sense—there is no “universal” right to economic immigration to Norway. Overall, the role of Norway within the EUMSG could be defined as a form of centripetal normativity. Norway’s willingness to adopt EU rules without being an EU Member State has
the ultimate effect of reinforcing the system, reproducing its practices, adopting its concepts and thus reaffirming its normative equilibria.

The Norwegian case is particularly interesting because it provides a deeper understanding of the EUMSG by highlighting the complexity of this multi-level, multi-actor, multi-layered system in which EU membership, migration policies and migrants’ rights are often non-completely overlapping areas. At the same time, it draws attention to the issue of migration within Europe—an element that is often overlooked in the analysis of the migration crisis, but that nonetheless has been fundamental in defining some traits of the European migration regime and is absolutely key in the case of the UK (Zotti 2021a).

The UK’s participation in the EUMSG, due to Brexit, might look even more “peripheral” than what it was in the past. Nonetheless, an analysis of the country’s substantive and normative role within the EUMSG is worth looking at, especially considering that the retrieval of full control of borders and immigration policy was one of the main points of the “Leave” campaign. Since its outset, the UK has played a sui generis role in the European integration project, as evidenced by the opt-outs it obtained in EU policy-making domains as important as Economic and Monetary Union (EMU) and Justice and Home Affairs (JHA). Although not a member of the Schengen border-free area, the UK has been affected by its existence—particularly evident in the establishment of so-called juxtaposed border controls in France—and has participated in the policing and security aspects of Schengen. While the UK largely abstained from using the instruments the EU has sought to use to facilitate legal immigration, or those adopted to tackle irregular immigration, it did participate in the “first phase” of asylum directives, has opted into the Dublin III Regulation and has also adopted the recast EURODAC Regulation.

The UK’s response to the migration crisis has been shaped by the policies that have characterized the evolution of the country’s approach to migration in the last decades and in particular by two goals: (i) reducing the inflow of foreign people through the “net migration cap”—i.e. the difference between the number of foreign nationals who move to the UK for a year or more and those who leave for the same period; and (ii) the creation of a “hostile environment” for unauthorized immigrants, asylum seekers included. A vocal opposer of search and rescue operations in the Mediterranean, considered a “pull factor”, the British government did create a specific instrument—the Syrian Vulnerable Persons Scheme—which, while successful in terms of the degree of integration achieved,
has been criticized for affecting an extremely limited number of people relative to Britain’s demographic size. No other country has received so few asylum seekers compared to their population. Significantly, the British humanitarian effort has been presented to the British public as a more effective alternative to the EU plans for a quota system for resettlement, which the UK opted out of.

Moreover, as noted by Antonio Zotti (2021a), the moral argument underlying Brexit appears to be in line with a notion of justice as non-domination, given the emphasis on people’s self-determination, state sovereignty and the democratic process. On the other hand, the new Australian-style points-based immigration system announced by Boris Johnson seems to rest as much on economic rationale as on a principle of Westphalian sovereignty, which predicates freedom from arbitrary interference coming from other states, and sets stringent conditions to entry and stay.

**Summing Up**

Paralysis, bordering and externalization are three modes of action enhanced by and during the latest “migration crisis” which will have long-term consequences for the management of migration in Europe in terms of practices and normative legitimation thereof. The roots of these outputs are to be found in the intergovernmental character of the EUMSG, combined with EU institutions’ concern about safeguarding the achievements of the integration process—most of all Schengen, threatened by uncoordinated suspensions. Not only do the countries in the EUMSG have different historically-shaped migration cultures, but they have also had differing roles in the EUMSG during the 2015–2016 “migrant crisis”. Leaders have been less affected (due also to their reception capacities, as in the case of Germany) than frontliners, but at the same time have been able to reinforce the legitimacy of models of management such as logistification and externalization, which are becoming the new norm in the functioning of the EUMSG. Frontliners are the countries which struggled the most with the intrinsic tension between controlling migration and guaranteeing due respect for human rights and specific needs. They have become the sites where bordering (internal and external bordering) has been attempted as an EU policy. However, there are differences between them that should be pointed out: while Italy and Greece have had little leverage in policies implemented by the EUMSG (only a small part of their request for redistribution of the “burden” was
received), Hungary’s positional insecurity and the consequent suspension of Schengen, creation of fences and accusations of domination by the EU somehow impacted the Commission’s response as provided in the Back to Schengen strategy: the self-protective attitude, inspired by a logic of non-domination, was extended at the EU level.

Of the peripheral states, the UK was undoubtedly the most vocal. This was not only a result of explicit criticism of some practices initially adopted by other Member States (search and rescue), with the implicit, ethical support of the EU, but also as a breakaway country which has put internal EU mobility at the centre of the concerns of the UK population in favour of Brexit.

All in all, the internal dynamics of the EUMSG have led to moments of paralysis and to the practices of bordering and externalization which have prioritized concern for the justice claims of national and European citizens with respect to those of the other stakeholders—migrants and their countries in particular. The highest cost has been paid in terms of human rights (impartiality) and the recognition of specific needs (mutual recognition).

**The EUMSG: The End of the EU as a Distinctive International Power?**

Two images have frequently been used over the past twenty years to define the EU’s distinctive identity: “post-Westphalian polity” (e.g. Sperling 2009) and “normative power” (Manners 2002; Cf. Lucarelli and Manners 2006). The former refers to the fact that in the EU there has been a pooling and sharing of sovereignty that has transformed the Member States of the EU, and that the EU itself, as a polity, is also characterized by shared sovereignty. Moreover, it highlights the fact that in the EU the meaning of the borders that delineate the perimeters of the polity and of its Member States has changed. We can add that in the EU, the addition of an EU layer of citizenship has reduced the relevance of the Member States borders as borders of rights and duties, and has given to the EU’s external borders a more tangible juridical significance. We can also notice that the integration process has also come to define the borders of a transformed identity, which has added a layer of belonging (the European one) to the national one. Finally, the relevance of the borders of the polity as boundaries of rights and duties was reduced by a cosmopolitan approach
to rights which made respect for human rights (for all individuals and not only for its own citizens) a masterpiece of its foundations.

The second image, widely debated in the literature, has been used to describe the EU’s ability and aspiration to shape international norms and become itself a norm setter by means of example for others. The support of cosmopolitan values and norms such as those relative to human rights is one manifestation of the EU as a normative power; other manifestations have ranged from the EU’s active support for norms transformation in third countries (through democratic conditionality), to the EU’s role in setting global norms and representing a model imitated beyond its borders.

Both images convey the idea of a distinguished international actor, able to transform the understanding and practice of sovereignty, redefining the relationship between rights and borders and able and willing to play a relevant role as a global norm setter. Such a post-Westphalian power would be inspired by an understanding of justice capable of constraining the practice of justice in terms of mere non-domination, in favour of a cosmopolitan view of global justice (what we call justice as impartiality) and giving priority to respect for human rights regardless of a person’s nationality. Moreover, the EUMSG’s advanced system of protecting the rights of migrants with specific needs (under the form of subsidiary protection and, in some countries, of humanitarian protection) would also point to the ability to integrate into the system the recognition of individual subjectivities (as in justice as mutual recognition).

However, the image of the EU as a post-Westphalian normative power has dramatically crashed on the cliffs of Europe’s geographic borders, in the hotspots in Italy and Greece, in the Calais jungle, on the barbed wire fences at Member States’ borders, in the waters of the Mediterranean Sea and in the ink of the statement with Turkey. Both the EU’s alleged distinctiveness and the Union’s peculiar relations with borders and norms have been challenged by the performance of the EUMSG in recent years, a performance which has led to paralysis in the EU’s ability to act swiftly, to the hardening of borders as barriers and separators of spheres of rights, and to the delegation of responsibility to third countries.

So, if on the one side the EUMSG has been enhanced by the creation and adoption of new instruments that have been developed to cope with the 2015ff challenges (European Border and Coast Guard, hotspot system), at the same time recent experience has shown how an intergovernmental system of governance like the European one ends up
hostage to intra- and international dynamics whose final effect is to “Westphalianize” the EU as far as border control and prioritization of domestic constituencies are concerned.

At the same time, the EU’s borders have come to represent less and less the borders of a European identity. National debates on migration as portrayed in some of the chapters have occurred on national grounds and have oscillated between calls for the protection of the prerogatives of national citizens and the cosmopolitan respect for human rights, with some calls for enhanced European solidarity among EU Member States (e.g. Italy and Greece). In some cases (e.g. Hungary), national identity has been securitized with the claim that migration represents a cultural threat to national identities, while little attention has been paid to European identity in the political debate.

Moreover, the actual policies put in place by the EU and its Member States have come close to enabling full-fledged violations of human rights and have made it impossible for the EU to play a role in defining global norms for migration and asylum as in the UN’s Global Compacts. All this has severely diminished the likelihood of the EU as a normative power and probably the credibility of the EU as a principled power at large.

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