

Paving the way to resettlement from 2003 to 2017

**A tripartite analysis on the normative justifications of
the EU resettlement framework**

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The goal is to analyze the normative justifications of the EU resettlement framework, whether the framework responded for its part to the 2015 refugee crisis and how the normative justifications converge with the theoretical framework of humanitarianism, international refugee regime and institutionalism. The convergence of forced migration and refugee studies with international relations is examined to acquire a better conceptualization of the studied phenomenon.

The study is limited to the European Union (EU) between 2003 and 2017 and the EU resettlement framework is the subject of analysis. 2003 marks the beginning for the planning of the framework and 2017 marks the time limit set by the European Commission for its completion. The methodological approach used to analyze the normative justifications of the EU resettlement framework is the tripartite analysis of principles (Manners 2002, 2015) as it permits to section the analysis in the principles at work, the actions taken and the impact of the actions taken. The methodology was operationalized as an interpretative and qualitative content analysis as normative variables were depicted and clustered under a set of core norms.

The main findings are that the framework is an initiative with strong normative justifications that correlate with theories of humanitarianism, international refugee regime and institutionalism. The framework responded in part to the 2015 refugee crisis by resettling 26,112 refugees by April 2017. Still, the paradox between national sovereignty and international interests remain, which results in different levels of commitment between EU Member States regarding resettlement pace and political will.

Keywords: European Union, European Commission, resettlement, refugee, EU resettlement framework, refugee crisis

Abbreviations

COM	Communication released by the European Commission
CEAS	Common European Asylum System
EMN	European Migration Network
ERN	European Resettlement Network
EU	European Union
UN	United Nations
UNHCR	UN Refugee Agency

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1. Introduction

The refugee crisis experienced in the European Union (EU) in 2015 was mostly due to the ongoing Syrian Civil War that erupted in 2011. For a certain time, the EU thought it was safe from a massive refugee influx to its territory, as it was not thought that the Syrian Civil War would last this many years. Indeed, at the beginning of the Syrian Civil War in 2011, the EU did not anticipate (Boswell 2016, 11) the possibility of encountering a refugee crisis that would be asserted as being the most severe refugee crisis the EU has faced since the Second World War. The refugee crisis can be argued to have emerged already in 2014 and being full-blown by 2015. Now in 2017, peaks of influx have diminished, but in turn the refugee movements have now become more or less steadily continuous. The pressure caused by the number of refugees and spontaneous asylum seekers tested the stability of EU's foundational values and principles (Carrera et al. 2016, 1).

Since the peak of the refugee crisis in 2015, migration issues have been at the center of EU agenda and will most likely remain at the center for some time ahead (Carrera et al. 2016, 1). The EU was disrupted to its liberal and normative institutional core as it tried to find lasting solutions rather quickly by proposing a range of measures, which would tackle the refugee crisis and prepare the EU to better handle similar crises in the future. These measures were accompanied by many extraordinary summits and conferences, such as the extraordinary summit held in Valletta in 2015 during which participant states agreed on a political declaration (European Council 2015) regarding the challenges of migration and particularly the refugee crisis, where Member States' heads of government discussed and evaluated the measures to be taken in response of the full-blown refugee crisis. One of the proposed measures was the implementation of the EU resettlement scheme (later *framework*), which was put in practice in 2015, after the European Commission released a recommendation on a European resettlement scheme (C(2015)3560 final) that pledged for the resettlement of an estimated 20,000 refugees to EU Member States by the end of 2017.

This study begins with the thought of *paving the way to resettlement*. This thought derives from the presumption that decision-making and policy-making processes have been

relatively slow (Schulz & König 2000, 653) and in this study especially regarding resettlement initiatives up until the 2015 refugee crisis. The 2015 refugee crisis perturbed the EU decision-making processes and the policy sector of migration and refugee affairs. It brought the EU to the severe reality of the humanitarian crisis and this forced the EU to take necessary action and not leave the response solely on national level. One of these common responses was to increase resettlement efforts among Member States. The meaningfulness of this study is to focus on the normative justifications for the implementation of the EU resettlement framework. It can be argued that the fundamental justification for the resettlement framework derived from the peak of the refugee crisis in 2015. This left the EU with no other choice than to implement all its common measures and initiatives that could help alleviate the refugee influx and demonstrate solidarity towards refugees and third countries that have already provided refuge to most of the world's refugees (UNHCR staff 2017).

Based on the above-mentioned context, this study can be perceived as having a meaningful starting point, as the refugee crisis and EU's responses need to be further studied and evaluated to obtain a better understanding of the phenomenon and of EU's strength to respond to such a humanitarian crisis. As will be examined later in the analytical framework, the EU resettlement framework in the context of the 2015 refugee crisis is a multidimensional and multitheoretical subject of analysis. This study takes part in this multitheoretical discussion from an international relations' standpoint and combines the theoretical bases from forced migration and refugee studies and international relations. The study undertakes its analytical results for the multidisciplinary audience with the objective of trying to participate in mending the conversational gap that hinders a comprehensive understanding and multidisciplinary approach to the complex entity of the EU resettlement framework.

The study begins by presenting the contextualization of the study. Indeed, as was elaborated above in the premises for the study, the topic is believed to have a meaningful input in examining the normative justifications for the EU resettlement framework. This belief is based on the literature proposed by Manners (2002, 2006, 2015) according to whom the EU has the potential to be profiled as a normative power within the scope of international relations. The presumption behind this study is that the EU indeed has the most potential to exercise normative power over military power and that a strong normative power, which can be categorized as soft power, can be just as powerful of an

institution than those with military power, categorized as hard power. This categorization derives from Nye's division of powers (Nye 2009, 5–8).

The study also argues that based on the norms and values that founded the EU, exercising normative power is the moral thing to do, as establishing military power could hamper the value-based institution and its credibility as a humanitarian actor and a normative and liberal institution that emphasizes corresponding values in all its initiatives. Assessing that exercising normative power is the right thing to do for the EU means that the study believes that the EU operates from moral duty and institutional logic of appropriateness (Peters 1999, 29). The EU resettlement framework was chosen as the subject of analysis onto which the theoretical and methodological tools examined below are then implemented as tools for analysis. The EU resettlement framework was chosen as the subject of analysis, because the study believes it is a good example of how the EU used normative justifications to achieve this concrete measure that was implemented in partial response to the 2015 refugee crisis.

The study is divided in seven chapters including their sub-chapters. The first chapter is composed of the premises and the justifications for the meaningfulness of the study. The second chapter elaborates further on the contextualization of the study by elaborating on the EU as an institutional humanitarian actor, the context of the 2015 refugee crisis and by assessing the concept of resettlement. Resettlement is a concept at the core of this study and it needs to be distinguished apart from relocation, as they do not imply the same policy measures. The third chapter enables the study to have a thorough analytical framework to frame the analysis. The third chapter presents first how refugees and the EU have been included and studied in relation to one another in the fields of international relations and forced migration and refugee studies. This theoretical convergence enables a comprehensive conceptualization of these entities, as they can be complex to analyze if an interdisciplinary approach is not considered.

The chapter then proceeds by examining the theories of international refugee regime, humanitarianism and institutionalism. These theories provide a theoretical matrix to analyze the normative justifications of the EU resettlement framework. Furthermore, within the theory of institutionalism the study follows the specific sub-theories of normative and liberal institutionalism. This specification was needed to obtain the

theoretical and methodological tools to study the EU as an institutional and normative actor within the scope of humanitarianism and the international refugee regime.

The fourth chapter provides the study its methodological framework and presents the material chosen for the analysis. Firstly, the chapter presents the justifications for choosing the methodology and the material. The tripartite analysis (Manners 2015, 226–227) was chosen as the methodology. This methodology enables to study the normative justifications of the EU resettlement framework and evaluate the normative power of principles that the EU has through this framework and the impact the measures have within the theoretical scope of international refugee regime, humanitarianism and institutionalism.

The chapter then continues by presenting the tripartite analysis of principles studied by Ian Manners (Ibid). This study believes that Manners' methodological approach provides an adequate way to study the EU and the EU resettlement framework as it provides a methodological instrument to exercise a qualitative content analysis on the chosen material. Sinkkonen proposes that a qualitative approach to analyze content is more effective as it is in relation to the interpretative nature of norms as variables (Sinkkonen 2015, 121). This study follows the above understanding when justifying the methodology. Finally, the study presents the material that was gathered to conduct the analysis. The material gathered for analysis consists only of official EU documents, such as recommendations, proposals, communications, treaties and official follow-up reports, which are almost all published by the European Commission.

The fifth chapter consists of analyzing and putting into practice the analytical framework and methodology elaborated in the two precedent chapters. The analysis is logically divided in three parts according to the tripartite analysis approach, which consists of an analysis divided in three phases. The first phase of the analysis will examine the principles at work towards building the EU resettlement framework. The second phase will examine the actions taken based on the before-mentioned principles, which translates into examining the establishment of the EU resettlement framework. The third and last part of the analysis consists of examining the impact of the actions taken, which translates into examining the results of the EU resettlement framework from the beginning of its implementation to the eleventh follow-up report released in April 2017. The study then

concludes the results obtained from the analysis and reflects the results to the analytical framework in the conclusion.

2. The contextualization of the study

2.1. The EU as an institutional humanitarian actor

The EU built its humanitarian policy on the core norms of the institution laid down in foundational treaties and rules, such as the Copenhagen criteria¹ and the European Convention on Human Rights². The Copenhagen criteria is a useful base for this study, as it establishes the values needed to be accepted as a member of the EU. These values are in turn implemented in all policy sectors and initiatives of the EU, such as in the EU resettlement framework. The core values established in the Copenhagen criteria are the rule of law, democracy and human rights. Hence, everything the EU pursues should always be aligned with these core principles. The European Convention on Human Rights needs to be applied to all human beings on EU territory, including refugees and when implementing the EU resettlement framework.

The core norms of the EU are derived from the nature of the EU, which is both a liberal and a normative international institution. Or moreover, it is an institution that is more than international but less than a state. Based on the treaty and criteria mentioned above, it can be deduced that the EU has humanitarian convictions and responsibilities, as will be elaborated further in this study in the analytical framework. According to Versluys, EU's humanitarian aid is a way of exercising soft power, which means that the EU intervenes through humanitarian initiatives in third countries that are either in conflict or facing a disaster. EU's main sub-institution coordinating humanitarian activities is the European Commission Office for Humanitarian Aid, which was founded in 1992, which marked the beginning of a more structured approach to participate in humanitarian activities on an international scope. (Versluys 2009, 91.)

Indeed, EU's initiatives in humanitarian policy represent symbolic politics in opposition to traditional military power, to which the EU cannot apostrophize. EU's attempts to ground its role as a humanitarian actor can also be conceptualized as a way to move the EU towards a stronger political and legal integration. Humanitarian actions are a

¹ Laid down in 1993 (European Neighborhood Policy and Enlargement Negotiations 2017)

² Laid down in 1950 (European Court of Human Rights and Council of Europe 1950)

favorable way towards this goal, since the effects are usually noticed in a more rapid time span than traditional development aid. (Ibid.) In 1996, the Council regulation concerning humanitarian aid (The Council of the European Union 1996) established a legal basis for humanitarian initiatives. This regulation roots the EU as a humanitarian actor within the international humanitarian scope of actors. The regulation on humanitarian aid does not directly state the implementation of resettlement activities, which could be due to resettlement's confluence as a policy measure falling between initiatives and principles of EU's migration policy and humanitarian policy. Because of this confluence in EU policy, this study incorporates theoretical approaches and context fields from humanitarianism, international refugee regime and institutionalism. According to Sjursen, the EU can follow a foreign policy based either on a values or on rights (Sjursen 2006, 86). This study argues that in terms of refugee policy, the EU can follow both alternatives, as both values and rights are strongly interlinked and cannot be separated.

In order to understand to what phenomenon the EU resettlement framework is responding, the study now moves on to elaborate on the 2015 refugee crisis and how it resulted in the implementation of this framework.

2.2. The 2015 refugee crisis

In this study, a refugee crisis is conceptualized as a situation where the influx of persons with the right for international protection, identified as refugees, to one geographical area is more significant than the integration pace to Member States and where the resources to receive and integrate refugees are falling short. Most often refugee displacement is derived from a humanitarian crisis that is caused by persecution, war, natural disaster or overall instability in the country of origin or residence. Refugee displacement caused by a humanitarian crisis is often originating from a more specific geographical area, such as in 2015 from Syria and its' neighboring countries, which results in extreme pressure for the international society to respond to the needs of refugees. It is important to mention that refugee movements and crises in third countries are for the most part contained in neighboring countries. If a refugee crisis expands further from its originating area, this implies that the crisis has become very severe and needs an international response.

In the context of this study, the concept of refugee crisis refers to the 2015 refugee crisis faced by the EU. According to a publication released in 2016 by the European Commission titled the EU and the Refugee Crisis, the EU experienced in 2015 the most

extensive migratory flow since the Second World War. Indeed, more than 1 million persons arrived either as spontaneous asylum seekers, refugees or as regular migrants. Most of these people fled the Syrian Civil War or other conflicts in the Middle East, North Africa or sub-Saharan Africa. (European Commission 2016f.)

In response to the refugee crisis, the EU implemented a range of measures to manage the migratory flows and at the same time provide humanitarian assistance for those in need, both within and outside the EU (European Commission 2016e). In order to manage and share the burden, the EU proposed a relocation scheme (COM(2015)286 final), which means the transmission of a person with asylum permit from one Member State to another. Relocation measures were presented and implemented in response to the unfair burden that was carried by Member States bordering the Mediterranean sea, from where most of the spontaneous influx arrived in EU territory.

In parallel, the EU proposed an EU resettlement scheme (C(2015)3560 final) to strengthen EU's duty to provide and protect while ensuring its humanitarian tradition. The goal of the resettlement initiative is to show solidarity among Member States and towards third countries and other international actors affected by the crisis. Further, the aim was to strengthen and unify EU's common refugee policy. This study focuses solely on the EU resettlement scheme (later *framework*), but it is important to assess that this framework is only a part of a larger entity of measures that were proposed and implemented in response to the 2015 refugee crisis.

2.3. What is resettlement?

Resettlement is defined within the context of the EU according to the definition proposed by UNHCR. This is due to the close cooperation between the two international institutions on resettlement policies and practices. According to UNHCR, resettlement implies the pre-selection of persons identified as refugees, their transfer from a country in which they have already applied for a permanent authorization to reside as refugee to a third country that has granted permanent residence before arrival. The status of refugee protects selected persons against refoulement and ensures that the resettled refugee and his or her family members have access to the same citizen rights as other national residents. Resettlement can ultimately lead to acquire citizenship through naturalization. (UNHCR 2011, 3–4.) Troeller follows on the definition proposed by UNHCR by assessing the same defining factors, among which is the imperative need for international protection

(Troeller 2002, 85–87). The definition of resettlement comprehends the term of refugee, which is explained later in the analytical framework. Indeed, there cannot be a concept of resettlement without the concept of refugee.

European Migration Network (EMN) defines resettlement the same way as UNHCR but more specifically within the context of the EU. In EU context and specifically for the purposes of this study, resettlement means the transfer of a person with third-country nationality or a person defined as stateless from first country of residence to an EU Member State based on recommendations and operational assistance provided by UNHCR (Migration and Home Affairs - European Commission 2017). Resettlement refers thus to the transferring of a refugee from a country outside of the EU to an EU Member State.

According to the European Resettlement Network (ERN) resettlement is an instrument to protect refugees facing persecution in their country of origin. Resettlement is perceived as one of the three durable solutions for refugees along with local integration and voluntary repatriation. Resettlement is comprehended as a way of expressing solidarity with developing countries that already host the majority of world's refugees. (Resettlement.eu, n.d.) Member States cooperate on resettlement since Member States are working towards setting mutual resettlement priorities and developing instruments for funding through the European Asylum Support Office and the European Resettlement Network and encourage resettlement initiatives. Resettlement is a central part of the external dimension of EU asylum and refugee policy and it is a strong instrument to show solidarity with third countries. (Ibid.)

Quota of resettled refugees

This study defines the quota of resettled refugees freely as the amount of people that are allocated to be resettled in a certain EU Member State. This practical implementation is done on a national policy level, but recommendations are received on international level through resettlement propositions provided by UNHCR. UNHCR's refugee quota recommendations and criteria of selection are not legally binding and can be modified from the original recommendation to fit national policy preferences. A refugee quota consists of both numeral and geographical allocations, so the Member State decides ultimately itself how many refugees and from where it is willing to accept based on its reception capacities and political will. The quota can consist also of a sub-quota for

emergency-cases, where the criteria for admission entails that the life of the refugee must be in direct and immediate threat. In this study, the quota or pledge for refugees, refers though mainly to the EU-level quota of 22,504 persons to be allocated on the basis of the EU resettlement framework. The study now moves on to examine the analytical framework enabling the analysis on the EU resettlement framework.

3. Analytical framework

3.1. Research questions and definitions of concepts

In this part of the study the goal is to provide the research a thorough theoretical base, an analytical framework. This analytical framework will provide the research tools to process the material. The analytical framework includes the examination and definition of relevant terms and concepts in the context of this study since the terminology relating to resettlement is quite complex. After this, the chapter will elaborate on the relevant theories that were chosen to support the study of this multidimensional topic and analyze their possibilities and challenges in regards of the material, methodology and the research questions.

Choosing the relevant theoretical combination for this study was challenging since the subject of analysis needs a multitheoretical approach to be theoretically conceptualized. This challenge and need for a multitheoretical view is mainly due to little inclusion of forced migration and refugee studies within the field of international relations. Further, theoretical tools provided only by international relations may not be comprehensive enough to tackle refugee issues. Rather, to enable a more robust theoretical base, it was necessary to divide the theoretical tools needed according to the sub-institution composed of the EU resettlement framework within its larger institution composed of the EU, the actors within the EU resettlement framework and ultimately the macro-level context of humanitarianism and international refugee regime.

Therefore, this study benefits from the theoretical tools proposed by forced migration and refugee studies and the field of international relations. To study normative resettlement principles, initiatives and activities in their larger connection to the EU as an institutional humanitarian actor, forced migration studies provides the theory and scope of international refugee regime and humanitarianism to suit the focus of this study. In turn, to study the EU as an intrinsically liberal and normative institution with the subject of

analysis of the EU resettlement framework, institutionalism and the sub-divisions to normative and liberal institutionalism are adequate.

The research questions are guiding the integrality of the study and they include all the components needed to guide the policy field of resettlement within the context of the European Union (EU) and within the study field of international relations. The research questions are the following:

1. What are the normative justifications for the implementation of the EU resettlement framework?
2. Does the EU resettlement framework respond for its part to the alleviation of the 2015 refugee crisis?

The aim of these research questions is to keep the focus on the EU and its resettlement framework, but it is still important to take into consideration the relevant international and institutional actors beyond the EU that are relevant to EU resettlement initiatives, such as the UNHCR, which will be examined further in the definitions. The focus is on the institutional aspect of the EU, so the questions are referring to the EU firstly as an international institution, an institution that has political, economic, legislative and humanitarian standards of operation when tackling issues relating to forced migration, and here through resettlement measures. The study recognizes that the EU is more than an international institution, but less than a state. In lack of a better concept, the EU is referred here as an international institution. The research leans on a normative approach, where the EU is understood as an actor with normative power within the international refugee regime.

The EU resettlement framework is a concept that includes a varied terminology linked to the fields of forced migration and refugee studies and international relations, which is why it is very important to define the exact terminology relevant to this study.

Forced migration

Forced migration is an underlining concept for resettlement and refugee. Only when states started to evolve as nation-states arose the need for the categorization of “other” in relation to the citizen. This led to the need of a scope of international protection when falling off the conceptual limits of citizen. Forced migration in short refers to unwilling

movement from a country to another. In the context of this study, forced migration is defined as the larger context that justifies the need for the EU resettlement framework.

Forced migration can be a complex concept to define, since forcibly migrating can be triggered by numerous reasons and is thus always related to a larger phenomenon. Forced migration is not just a descriptive term, it is also an evaluative one because it involves moral judgements about the legitimacy of the movement in question. (Gibney 2014, 49). This understanding is relevant for this study, since the focus is on the normative justifications of the resettlement framework, which are closely linked to the legitimacy of forced migratory movement as well. Here, that movement is narrowed to refugees in need of international protection. Forced migration is an inherent base of this study because the concept indicates a failure of the system of nation-states, which is in turn a relevant entity within the field of international relations (Betts 2014, 61). The study perceives this causality as a justification for the need of an international response to forced migration issues. Forced migration is triggered by many different causes. Causes for refugee movements are amplified by conflict, state failure and poor economic prospects. Within the context of this study, forced migration is a concept referring first and foremost to the 2015 refugee crisis, which will be elaborated later in this chapter.

Refugee

The 1951 UN Refugee Convention defines a refugee as a person having a genuine risk of facing persecution. Reasons for this threat may vary from religious convictions, race, nationality, political or societal activities. A refugee is physically outside of his or her country of origin, because the country of origin is no longer able to offer national protection, or a refugee may not have the nationality of the country of residence and is thus unable to stay due to risks of persecution. (UN Refugee Convention 1951). When this kind of situation occurs, a person has the right to seek international protection and the status of refugee.

Shacknove argues that refugees should be assessed as a classification for persons who cannot acquire national protection to ensure basic needs (Shacknove 1985, 274–276). In this situation, there is no other choice but to seek international protection to ensure basic human needs. Shacknove's definition should be taken into account because it emphasizes how being a refugee is a consequence of the failure of the political connection, or social contract, between the person in need of protection and the state, which is the most

important factor legitimizing state's rule over the individual in the first place. This failed relationship leads to a responsibility for the international society to host the person in need of protection as a refugee in order to ensure the basic needs and human living conditions. (Gibney 2014, 50.)

Shacknove's definition can be challenged in regards of the so-called traditional conceptualization of a refugee, because Shacknove stipulates that a person is entitled to refugee status if his or her basic needs are not protected within the limits of the nation-state. In the traditional understanding of refugee, individual rights are violated which leads to the right to obtain the status of refugee when a person is subject to persecution. Both definitions are somewhat accurate, but the differences entail that the status and prerequisites of refugee are ambiguous. (Ibid.) Indeed, Hakovirta argues that it is very challenging to have a conclusive definition for the concept of refugee, since there are a lot of conceptual and interpretative variations that prevail (Hakovirta 1991, 10). According to Betts, refugees are conceptualized as visible human rights violations. Indeed, refugees are fundamentally a human rights issue since they are linked to individual's basic living conditions and basic human needs, but refugees are also an international relations issue due to the strong link to the concepts of nation-state and international society. A refugee can be understood as symbolizing the failure or deterioration of the linkage between citizen, state and territory which is the responsibility of the state-system. Consequently, the failure of this linkage and the failure of the nation-state to protect its citizen results in the need to turn to international protection through the status of refugee. (Betts 2014, 60–61.)

To conclude with a definition of refugee that would best fit the context of this study, a refugee here is conceptualized within the larger context of forced migration, which is explained in the beginning of this chapter. In the context of resettlement within the EU, a refugee is a person that has been chosen in advance within a refugee quota to be resettled to a Member State. A resettled refugee is thus a person that has been granted the status of refugee before arriving to the EU and is resettled from his or her country of origin or residence to a third state, a Member State within the EU.

Refugee crisis

This study conceptualizes a refugee crisis freely as a situation where the influx of refugees to one geographical area is bigger than the integration pace, where the possibilities to

receive refugees are falling short. Most often refugee displacement is understood as a crisis that is caused by persecution, war, natural disaster and overall unrest in the country of origin. Most often this crisis includes a movement of refugees coming from a certain, more specific geographical area which results in extreme pressure for the international society to respond to the needs of refugees. In the context of this study, the concept of refugee crisis refers only to the 2015 refugee crisis faced by the EU.

Third country

Within the context of the EU, the term of third country is used in treaties to design a country that is not a member of the European Union. The meaning is based on the understanding of having two countries as treaty-parties and the third, as a country outside of that treaty. This term can be ambiguous, since it is often confused with third-world country, which is inaccurate. (Eurofound n.d.) In this study, third country is a relevant term when assessing the country of origin of resettled refugees, which is always a country outside the EU. In the context of the 2015 refugee crisis, a third country refers mostly to countries located in North Africa, the Middle East or the Horn of Africa.

Common European Asylum System (CEAS)

Resettlement in the context of this study is part of the Common European Asylum System (CEAS) proposals to implement a resettlement framework with a burden-sharing mechanism among all Member States. This framework has been introduced in communications and recommendations issued by the European Commission. In May 2015, the European Commission proposed a long term strategy as the European Agenda on Migration, which lays the foundations for the Commission's work to address both the immediate and the long-term challenges of managing migratory movements and setting out the need for a common approach to grant protection for people entitled to international protection. (European Commission 2015b.) The European Agenda on Migration will be examined later as it is part of the material used for the analysis.

In April 2016, the European Commission released a communication on the reform process of the Common European Asylum System (CEAS) (European Commission 2016b) and alongside the establishment of a structured resettlement system that unifies resettlement policy on EU-level and provides a common approach to safe and legal entering to the EU for persons in need of international protection. Following this communication, the European Commission presented a first ensemble of reforms on 4th

May 2016. This ensemble included proposals for the establishment of a sustainable and fair asylum system including the EU resettlement framework. (European Commission 2016e.) Resettlement as a part of the CEAS package is a way to grant permanent asylum and residence to persons fleeing persecution in their own country and offer a lasting solution to a lasting problem. Granting asylum is an international obligation acknowledged in the 1951 Geneva Convention on the Protection of Refugees.

In the EU, which can be perceived as an area with open borders and freedom of movement among its members, Member States share the same fundamental values and therefore need a common approach to guarantee the standards of protection for refugees. Procedures have to be fair and effective among all Member States. This is exactly what is aimed through the reforms of the CEAS. Indeed, Member States have a common responsibility to receive resettled refugees and spontaneous asylum seekers, anyone entitled to international protection. For this purpose, Member States should ensure that every individual is treated fairly and without discrimination. (European Commission 2016b.) Balzacq and Carrera argue that asylum is a human rights issue, which entails that every EU initiative should ensure the fundamental principles encompassing the core norm of human rights (Balzacq & Carrera 2005, 41).

In order to understand the influence of the CEAS package in relevance to the 2015 refugee crisis, it is important to assess the main developments initiating progress of the CEAS package that dates all the way back to 1999, when the EU first started to work on the Common European asylum system and improve the current legislative framework. Between 1999 and 2005, several legislative measures harmonizing common standards of asylum were adopted. During those years, it was also found important to increase financial contributions by creating the European Refugee Fund. In 2001, the Temporary Protection Directive enabled a common EU response to a mass influx of displaced persons unable to return to their country of origin. (Migration and Home Affairs, European Commission 2017.) After the completion of the first phase, a period of contemplation was needed to determine how the CEAS should develop further. A Green Paper issued in 2007 marked the basis for vast public discussion. The basis for the European Commission's Policy Plan on Asylum was then laid down and presented in June 2008.

As stated in the Policy Plan, there are three pillars for the basis of development for the CEAS. The first one is to harmonize standards of protection by aligning Member States'

asylum legislations. The second is to acquire effective practical cooperation and the third pillar is to increase the sense of solidarity and responsibility among Member States and outwards to third countries. (Ibid.) Thielemann presents three ways the EU can share the burden posed by asylum measures. The first option is physical burden-sharing, which entails sharing people, the second option is harmonizing the asylum legislation, which entails sharing policies and the final option is financial burden-sharing, which entails sharing money on asylum issues. (Thielemann 2008, 4). It is clear that by enhancing the CEAS the EU is pursuing the second option of sharing policy through the harmonization of legislation.

New rules to strengthen and streamline asylum procedures and standards are presented through directives and regulations. They are recommended to be implemented by all Member States. The revised Asylum Procedures Directive was proposed in order to facilitate and accelerate the asylum application processes. The revised Reception Conditions Directive's goal is to ensure the minimum standards for reception conditions in all Member States and that the basic rights of persons seeking protection are respected. Detention is clarified as being a measure of last resort. To clarify the criteria for granting international protection, the Qualification Directive was revised. This directive aims at the strengthening of the qualification process and to clarify asylum decisions. This directive also improves the rights and integration measures for persons receiving international protection. (Migration and Home Affairs, European Commission 2017.)

The Dublin Regulation was revised to enhance the protection of asylum seekers during the process of establishing the Member State responsible for processing the application. The revised Dublin Regulation includes a system which aims at detecting problems of asylum procedures and practices in order to avoid procedural crises. The EURODAC Regulation was revised in order to allow access to the fingerprint database solely for law enforcement and under strict conditions, such as the prevention or detection of severe crimes such as murder or terrorism. (Ibid.)

This CEAS reforms are important in relation to this study focusing on the EU resettlement scheme, because they have an impact on the resettlement procedures as well. Though these reforms target mostly spontaneous asylum seeking processes and not just persons that have been granted the status of refugee beforehand through the resettlement process. Thielemann emphasizes that through the reforming of the CEAS, the EU seeks to reduce the risk of secondary movements due to the diversity of rules among Member States

(Thielemann 2008, 5). This could be understood as a will to contain asylum seekers' movements in a way that would still ensure the responsibility of the EU and the right of the asylum seeker and refugee.

UNHCR

UNHCR takes part in the macro-level decision-making within the EU refugee policy through negotiations with the EU, which is why it is an important actor for the implementation of the EU resettlement framework. The Office of the United Nations High Commissioner for Refugees (UNHCR) was created by the UN General Assembly in December 1950 with the specific mandate of ensuring the international protection of refugees and to find a lasting solution alleviating the distress of refugees. According to Loescher, UNHCR was initially created as a temporary organization with the responsibility of addressing the needs of refugees in Europe who had been displaced by the Second World War. Over time the geographical focus was extended beyond Europe and it has now become a robust international organization with global operations and policy concerns. (Loescher 2014, 215.)

The political and institutional contexts of UNHCR's work have constantly evolved resulting in many significant policy changes for the organization. UNHCR is now the UN refugee agency and the UN High Commissioner for Refugees works as the spokesperson for the world's displaced persons. The office has a clear mandate established already in 1950. The core mandate focuses on two main areas. Firstly, the agency was created to work with states to ensure refugees' access to protection and second, UNHCR's mandate consists also of ensuring access to durable solutions either through reintegration to the country of origin or through permanent integration within a new country. (Ibid.) Here the study focuses on the latter solution, where permanent residence is offered through the EU resettlement framework.

UNHCR has also become the macro-level organization within the international refugee regime. Indeed, it could be argued that UNHCR is the hegemony of the international refugee regime. At the core of this hegemony and regime is the 1951 Convention concerning the status of refugee which provides a definition for the qualifications of refugee status and it laid down the rights to which all refugees are entitled. The 1951 Convention also identifies UNHCR as having the highest responsibility for its implementation. UNHCR has the responsibility to monitor and support states'

compliance with the norms and rules that form the basis of the international refugee regime. (Ibid.) Joly argues that the 1951 Convention was not meant to include all of the world's refugees after 1951 and that UNHCR's mandate was particularly guided by the interests of the United States, which resulted in a limitation of the scope of action (Joly 1996, 7).

Hakovirta follows Joly's assumption that UNHCR is under recurring tension between its humanitarian obligations and the political impact of its work (Hakovirta 1991, 81). Still, Joly agrees that the 1951 Convention became the highest instrument dealing with refugees. The scope of the mandate of the 1951 Convention has since expanded to become universal (Hakovirta 1991, 81). This universality should then be understood by states as the organization needs all the international support to be able to work effectively. This entails that states should have confidence in the organization's abilities and commitment to act on its foundational principles. (Hakovirta 1991, 82.)

From the 1960s on the UNHCR expanded from its original focus on Europe to become an international organization. UNHCR released its focus on refugees fleeing communist regimes in Eastern and Central Europe and became more involved in refugee situations in southern parts of the world, where developing countries were emerging as the next problematic area regarding refugee movements. UNHCR's mandate is to not only promote the implementation of refugee norms, but to also monitor compliance to international standards. The organization is assigned to supervise the implementation of refugee conventions. This gives the possibility for the UNHCR to make observations on a state's behavior under refugee law and to challenge state policies when they are placing refugees in dangerous circumstances. For example in recent years, UNHCR has provided legal advice on issues ranging from the access to protection and the detention of asylum seekers before regional and international courts such as the EU Court of Justice and the European Court of Human Rights among others. (Loescher 2014, 215.)

Loescher argues finally that UNHCR is unable to pursue its mandate independently of donors and host states. It is dependent on voluntary donations to be able to pursue its mandate and it relies on refugee-hosting states to be able to put its programs into practice. The interests and priorities of donors and hosting states have consequently acquired a significant role in the work and the strategical evolution of the organization. (Loescher 2014, 215.) Hakovirta follows by presenting a solution for allocating scarce monetary resources. This solution would entail that resources would be allocated based on the

severity of circumstances. This can be understood as only a partial solution for the possible bias. Indeed, Hakovirta agrees with Joly and Loescher on the fact that other actors may contribute to the shift of focus of the organization, hence interests of the United States and other Western states. (Hakovirta 1991, 84.) The funding issues turn the focus to other international organizations that could possibly assist the UNHCR in its work, such as the EU.

3.2. The convergence of the discipline of forced migration and refugee studies and the field of international relations

Studying resettlement itself is a multidisciplinary and multitheoretical task and often a very complex phenomenon (Brettell & Hollifield 2015, xi). Brettell and Hollifield state that migration, and here especially resettlement, is a phenomenon that should be studied across and between disciplines, as each discipline brings its own complementary perspectives and theories to the conceptualization of resettlement. Studying resettlement within the context of the European Union adds more complexity to the task, but at the same time it limits the study to a certain institution and territory. Before elaborating on the theories used to analyze the material, it is relevant to assess how refugees and resettlement have previously been studied within the field of international relations. Firstly, it is important to assess the input of forced migration studies to the field of international relations and how the convergence of the two fields must be considered in the analytical framework of this study.

Forced migration is by nature very political and international. Weiner states that migratory movements have always affected international relations. (Weiner 1985, 441). Brettell and Hollifield elaborate that the field of political science focuses mainly on the interests shaping public policy on migration. Further, political science tends to focus on the impact of migration on institutions and citizenship. (Brettell & Hollifield 2015, xi.) Indeed, refugees have more often been studied within the historical aspect of international relations and thus have remained relatively unhandled within the mainstream of international relations theories. Betts and Loescher elaborate that there has been pioneer work attempting to unify the fields of international relations and forced migration and refugee studies, which does suggest that incorporating forced migration and refugee studies with the field of international relations may have tremendous relevance for both academic fields. (Betts & Loescher 2011, 3.) Brettell and Hollifield agree that there has

been relatively low theoretical cooperation between disciplines (Brettell & Hollifield 2015, xi) on refugee and migration issues, which entails that the convergence between the two disciplines should be further promoted.

According to Betts and Loescher, forced migration and refugee studies include issues and phenomena that are relevant to international relations, such as international cooperation, human rights issues, globalization, the multidimensionality of regimes, the role of non-governmental organizations in international society, regionalism, security issues and relations crossing the North-South section of the globe. Indeed, if forced migration and refugee studies would be a more inherent part of mainstream research in international relations, the confluence could result in a potentially sweeping theoretical contribution to the discipline of international relations. (Betts & Loescher 2011, 3.)

On the other hand, the discipline of forced migration and refugee studies has unfrequently visited the theoretical tools offered by the field of international relations to widen its analysis. Instead, force migration and refugee studies have mostly turned to the theoretical tools provided by the fields of anthropology, sociology, geography and law to analyze the causal relations inducing human displacement. According to Betts and Loescher, the disciplinary cooperation between forced migration and refugee studies and international relations can be apprehended on three different levels. The first level being the causes of forced migration, the second level being the consequences of forced migration and the third level being the responses to forced migration. All of these different levels of analysis are necessary in order to emphasize the empirical and theoretical relationship between forced migration and refugee studies and international relations. (Betts & Loescher 2011, 12.)

A very intriguing remark presented by Betts and Loescher is that forced migration and refugee studies has generally employed a bottom-up perspective, in which displaced persons are at the core of the analysis (Ibid). This entails that there is a need for a subsequent top-down approach, which enables to understand the macro-level structures influencing international actors' responses to forced migration and refugee issues. Brettell & Hollifield agree that there is a broad division between disciplines to study either from a top-down or bottom-up perspective, without necessarily combining the two approaches. The discipline of political science has a tradition of theorizing migration through questions in relation to control or governance, using macro-level analysis and favoring institutionalist and rationalist theories. (Brettell & Hollifield 2015, 2–4.)

This integrated perspective of both top-down and bottom-up perspectives is very important because in most cases it is the choices made by states and other political actors that induce the decisive outcome for displaced persons at micro-level. As a result, the confluence of theoretical tools between forced migration and refugee studies and international relations fill the gap between the two fields when studying refugees within the context of international society and here from the perspective of the EU. (Betts & Loescher 2011, 3–4.) In political science and international relations, studying refugees is oftentimes linked to the state as a variable.

According to Betts and Loescher, a common international relations approach to the concept of the state-system is normative, which means that the state-system is perceived as an entity which is responsible for ensuring the basic needs of its citizens. Regarding this understanding, refugees have a historically interdependent relationship to the development and transformation of the international system. Even though refuge has always been sought and provided by for example city-states and religious associations throughout history, the building blocks of the refugee regime originated from the formulation and strengthening of the modern state-system. It is thus reasonable to conclude that the institutionalization of refugee protection is aligned with the development of the international society and national differences in states' responses to refugees often imply a wider change in the state-system. (Betts & Loescher 2011, 6.)

It is interesting to note that protecting refugees was a central element of European state-building. The establishment of each European state's Alien Acts gave the state the power to decide on the entry to its territory. According to Haddad, the British Alien Acts of 1793, 1796 and 1844 may have constituted the foundations of the institutionalized nation-state in Europe, where the state became the highest decision-making entity to determine people's relationship to territory and ultimately, the right or rejection for people to enter it. (Haddad 2008, 55.) Power over state territory was a core element for the creation of a nation-state. The means and power to offer territorial protection within the borders of the nation-state constituted the definition of citizen and the opposing foreign, other. (Betts & Loescher 2011, 7.)

According to Keely, refugees are indeed rooted in the emergence of the nation-state. The model of nation-state is not inherently a sustainable one, because the justifications of a nation belonging to one territory is more ideal than factual. There are multinational nation-states within the international society that have the same functions as a nation-

state built around the territorial justifications of only one nation. The differences between the reality of states as they appear and their idealization should be debated. The tensions in the model of the nation-state produce three ways for resulting in refugee movements. The first one being the multinational reality which is in conflict with the justification of the nation-state, the second being possible ideological disagreements and ultimately the failure of the state. These tensions make the nation-state unstable and thus is in a higher risk of producing refugees. (Keely 1996, 1052.)

Understanding this enables a comprehensive approach to assess the possibilities to respond to refugee issues on an international level. In all, forced migration and refugee studies provide relevant insight as it studies the same phenomena as international relations, such as the effects of globalization and the relation of forced displacement to the components of international relations. The main differences between the two is that political science or international relations studies phenomena of forced migration from a state-centered perspective, while forced migration and refugee studies approach international relations phenomena from a human movement perspective.

3.3. International refugee regime

According to Betts and Loescher, the building blocks of the modern refugee regime were laid after the Second World War when it was imperative to find solutions for persons that were displaced in Europe by the War. The international refugee regime that resulted after the War was more institutionalized and formal and it formed a multilateral basis for cooperation on an international level that was more organized than its inter-war antecedent. (Betts & Loescher 2011, 8.) Barnett argues that the Second World War marked the entering into a new period for the international refugee regime, as the international community noticed that the refugee problem was not a temporary one (Barnett 2002, 243–245). This new refugee regime was based on two elements that constituted the core of the regime. This core included an international treaty and an international organization. Indeed, the 1951 Convention on the Status of Refugees laid down the international definition of refugee and it laid down their fundamental rights. The UNHCR had the formal mandate to supervise the practices of international refugee protection. (Betts & Loescher 2011, 8.)

It is generally agreed that UNHCR is the main international organization managing refugee issues globally. Hence, the UNHCR can be perceived as a hegemony within the international refugee regime. Since the constitution of the UNHCR, it has been in charge to find lasting solutions for refugees, most often through voluntary repatriation, integration and resettlement. These alternative solutions were emulating the goal of the refugee regime to rehabilitate the refugee to a sovereign authority able to protect when the state of origin has failed to do so. If the refugee is not able to return to its country of origin, the next best solution is admitting citizenship in a new country. (Martin 2010, 22.) A refugee regime was thought to be the answer to strengthen cooperation and contribution of all states to face the humanitarian and political issue of refugeehood (Betts & Loescher 2011, 8–9). Still, challenges within the international refugee regime remain.

The geographical scope of the refugee regime was first limited to Europe, because of the displacement induced by the Second World War. According to Betts and Loescher, the UNHCR received a lot of critique because of the clear territorial limitations. UNHCR was therefore also criticized for its short-sightedness, because a refugee should receive international protection regardless of national borders that may be at the political interest of the organization. (Benz & Hasenclever 2011, 188–189.) In 1960's after the emancipation of colonies along with the widening of the international community the scope of the refugee regime and UNHCR's position expanded to be truly worldwide.

The reasons for refugee flows were the same in the 1960's than during the formation of nation-states in after-war Europe. The similar reason was the establishment of a new post-colonial nation-state. The deterioration of European colonial rule and the fragmentation of new and independent states resulted in massive refugee flows throughout developing countries leading to the need for an international refugee regime. (Ibid.) These massive refugee movements put individual states at great pressure in trying to find the best protection practices on national level. More and more resources of the UNHCR were then allocated on care and maintenance for refugees living in refugee camps. (Martin 2010, 22.)

Haddad argues in terms of the relationship between state and refugee, that the refugee and the international society are concepts depending on each other to justify each others' existence. The conceptualization of the two is in constant change, depending on the normative course for the development of each. The refugee is at the same time and insider

of the international society, but an outsider of the state. (Haddad 2008, 47.) Haddad perceives that as the nation-state evolved, the refugee emerged. Indeed, the nation-state was an ideological construction, which means that the refugee was an ideological, imaginative construction as well. This argument relies on the belief that nations are idealized and abstract composites that have been legitimized through the emergence of the nation-state. (Haddad 2008, 54.)

The refugee has participated in reinforcing and legitimating the sovereign state system by establishing the notion of *insider* and *outsider* and creating a third notion of *other*, the refugee. Therefore, according to Betts and Loescher, refugees can be perceived as a result of a severe problem or failure in the state-system, to which the refugee regime was then created to correct. (Betts & Loescher 2011, 15.) Keely agrees that if a state is not able to provide its citizens normal protection and forces them to flee, it can be concluded that a severe failure of the state-system has emerged (Keely 1996, 1057). Refugees are thus a risk inherently present in the system of states (Keely 1996, 1058). In opposition to Betts and Loescher's argument, Haddad argues that refugees are not a consequence of a dissolution within the system of separate states, but rather an imminent element of the international society. In result, when political borders construct separate states and thus the division between insider and outsider, there will always be refugees as the outsider. (Haddad 2008, 7.)

On the other hand, this relationship between the insider and outsider of a state strengthens the social construction of the nation-state (Betts & Loescher 2011, 15) and at the same time it strengthens the construction of the international community. The individual is conceptually a citizen of a state and thus the state has a responsibility over the citizen and the individual. If the citizen falls from the relationship between state and citizen, the individual then becomes an individual of the international and falls to the hands of the international community. (Haddad 2008, 3.)

The identity of a refugee is in constant change. Conditions producing refugees vary in time and place. Indeed, as states are constantly either established, preserved, aggressed and reconstituted, so is the refugee. (Haddad 2008, 25–26.) The refugee relies on autonomy and sovereignty of the state and autonomy and sovereignty of the state leans on the refugee, which results in the constant conceptual and contextual variation. Interestingly, the approach on international society to study the refugee emphasizes a

normative international system, but it provides a limited perspective on how these norms shape the identities of actors and actions within the international system. (Haddad 2008, 14.)

Keely states that nation-states are inherently ideological and that this does not automatically imply that they will endure (Keely 1996, 1052). Therefore, it is imperative to study the relation between the tensions present in the nation-state and the possibilities to engender refugee flows, to which the international society then responds. Warner conceptualizes that with the decline of the nation-state, the refugee is evolving into an embarrassing symbol for the international state system since the refugee is fracturing the old triad of the state, nation and territory. It can though be argued, that the refugee is not an actor causing a disjunction in the international condition, rather the refugee is a victim or consequence of the very tensions creating and maintaining this tripartite coalition. (Warner 1999, 255.) It is interesting to note that according to Haddad, forced migration is engendered by the same components that caused the refugee flows during the period in between the First and Second World Wars. Refugee flows are now engendered mostly by the deterioration of states, the establishment of new ones and persecution. Although refugee flows can also be engendered by causes relating to natural disasters or phenomena as global warming. These components causing refugee flows lead often to violent internal conflicts, such as civil wars or genocides. Still to this day, the main cause for engendering refugees can be argued to be war, and more precisely civil war. (Haddad 2008, 162.)

Refugee policy is a multidimensional mix of political, ethical and humanitarian variables. When analyzing national refugee policies, a continuous pressure between humanitarian principles and political interests shaping the management of state territory can be observed. The focus of this study is on the EU and Haddad argues that EU Member States have had to confront the asylum crisis in policy-making. The EU has been challenged with the need to balance between lowering the number of refugees, show effective refugee flow management all while following humanitarian principles and human rights. (Haddad 2008, 173.) Keely argues that the response of the international refugee regime to refugee issues is not solely relying on humanitarian principles. The political core of the international refugee regime to protect refugees still lies on the will to protect states and the international system from states that are deteriorating and producing refugee flows. Hence, the international refugee regime will always try to respond to the threat caused by

the failure of a single state to produce refugee flows with the ultimate goal of containing refugees in the area of origin, repatriation and maintaining status quo. (Keely 1996, 1057–1058.)

The policy debate on refugee policy and adequate responses may be even more challenging within the EU. The above mentioned confrontation of interests can be identified as two paradoxes in two dimensions. The first one is the paradox of state sovereignty and supranational level governance. The second paradox is security, both national and within EU, and human rights and the responsibility to protect. The constrictions between humanitarianism and politics, which essentially mean the tension between pluralism and solidarism, mean that the evolution of EU refugee policy has stemmed from the political will of Member States to first and foremost secure their own territorial borders and thus defend sovereignty. Therefore, EU refugee policy evolved firstly with a rather low implementation or impact of humanitarian norms and principles, low political will to shift national policy-making on the related issues to the EU and low consensus and cooperation among Member States. (Haddad 2008, 173–174.) Benhabib agrees with Haddad on the argument that migration between nation-states bring about the fundamental confrontation that lies at the heart of liberal democracies. This confrontation is not easy to solve. Ever since the focus on migration shifted to its external aspect in policy-making, the EU has extended its policy-making on refugee policy beyond the limits of the EU. (Benhabib 2004, 2.)

Studying refugees as part of the international society can be divided in three analytical levels. The first level being causes, the second consequences and the third being responses to refugees. According to Betts and Loescher, the response to refugees is very political, as it involves the process of decision-making between the rights of citizens and the rights of non-citizens, here refugees. Whether states decide to offer protection and contribute to a sustainable solution regarding refugees is most often determined by political factors. Therefore, it is important to understand the preconditions and principles determining under what terms states and other actors within the international community respond to refugee issues. This in turn helps to understand how is it possible to alleviate human rights violations and ensure basic human rights for those facing forced displacement. (Betts & Loescher 2011, 18.) Still, there are many disagreements regarding the ways that should be taken to respond to refugees. Sachs argues that political disagreements over the issue are increasing, while the international refugee regime has continued to evolve without

robust principles and standards. Indeed, the public debate over the 2015 refugee crisis showed that establishing global principles is crucial to establish a truly international refugee regime. (Sachs 2016, 451.)

When states allocate resources towards refugee issues, states are choosing to shift the allocation of resources away from citizens, as states do not have unlimited resources to be spent on both citizens and refugees. States may take different initiatives, such as allocating financial donations to humanitarian organizations. Allocating financial resources is a process that is often carefully considered in relation to state's political interests. Donations are thus rarely representing only altruistic and humanitarian well-thought beforehand and therefore are seldom representing only altruistic and humanitarian purposes. For this reason, it is important to understand the political motives behind the allocation of state's resources towards refugees. (Betts and Loescher 2011, 18.)

When assessing the theoretical scope, international refugee regime and institutionalism help to understand the work of UNHCR in relation to the implementation of the EU resettlement framework. According to Betts and Loescher, international refugee regime has elements that should interest scholars of international relations. For example, while states have legal duty to support refugees within their own territory, states do not have a legal obligation to support refugees outside their territory. This means that supporting refugees on a global level has been done so far on optional grounds. (Ibid.) Acting solely on optional grounds can be challenging in all aspects from political interests, resources and burden-sharing, which is why in response to the 2015 refugee crisis, the EU proposed to establish an EU resettlement framework to increase solidarity between Member States and with third countries. Still, a problem of balance in the management of the international refugee regime remains.

Indeed, the international refugee regime has been characterized by an asymmetry of power between states locating in the north part of the globe and states locating in the southern part. UNHCR has tried to mend this asymmetry. Betts and Loescher argue that there is an opportunity to turn to normative analysis to study how state's response towards refugees should look like. This normative approach could help decision-makers in finding common solutions. This can be done by firstly examining the premises and obligations states have towards refugees. (Betts & Loescher 2011, 18–20.) Examining the principles could also help to conceptualize why the international refugee regime can be seen as

experiencing many challenges. The international refugee regime is rapidly becoming more powerless in front of the modern refugee crises and it is not powerful enough to solve the root causes or the consequences of forced displacement. Resettling states feel that the burden is becoming too great on economic, political and social levels. Indeed, developing states are in increased difficulties because most often these states are the ones to welcome refugees first. On the other hand, developed states are becoming more cautious to finance international humanitarian organizations or to actively resettle or admit asylum. (Loescher 1996, 129.)

Loescher argues that any humanitarian consensus seems to have vanished, since the same kind of international cooperation that helped resolve the postwar refugee problem in Europe and alleviate refugee crises in Africa, Asia, and Latin America during the 1960s and 1970s is more difficult to obtain. Many observers feel that the international refugee regime, and in particular the hegemony presented by the UNHCR, is not doing enough to resolve the deteriorating situation. Still, it is important to understand that in reality, even with the supervision of UNHCR, states make the difference. (Loescher 1996, 129.) Indeed, the international refugee regime was established in favor of the interests of governments to facilitate the coordination and the sharing of the refugee burden. It is important to know that even when refugee policies are increasingly restrictive worldwide, the interwar period is an example of governmental flexibility that is much needed nowadays. (Loescher 1996, 130.) Especially in response to the 2015 refugee crisis, where national level policies failed to respond to an international level problem.

When the refugee regime was created through the enlargement of the UNHCR, especially western head of governments agreed to create an international refugee regime that would help refugees and host countries as well as encourage stability both on regional and international levels. This need for stability and protection of refugees is still present and even more important in the light of the 2015 refugee crisis, but individual governments have had only limited success in managing the increasingly difficult refugee situation. Loescher emphasizes that it is now recognized on a general level that the complex cooperative efforts required to deal with the global refugee problem require a strengthened international refugee regime. (Loescher 1996, 152.)

Loescher argues that refugees compose a complex international issue, as their situations require both fast and sustainable solutions. Refugees are essentially a political issue and the international community will have to face the political preconditions that lead to

forced displacement. Still, several policy actions need to be taken immediately to improve the management of refugee problems and to prevent further deterioration in the international protection of refugees. In particular, it is necessary to improve asylum procedures in Western countries, to create mechanisms that respond to different migration pressures and to provide support for developing countries that offer refuge first. (Loescher 1996, 152.) This in turn can be done by strengthening cooperation between EU Member States and through the implementation of the EU resettlement framework. Indeed, Loescher agrees that asylum systems in the most need of rearrangement are in Europe, where there is an increasing public debate over the treatment and processing of asylum applicants. The refugee issue needs to be tackled on EU level not only because the influx and need for international protection is increasing, but more importantly, according to Loescher, because of the movement to create a unified Europe. The free movement of population across state borders within the EU is vital to the realization of a unified Europe. Still, eliminating internal borders means strengthening external ones, which has significant implications for refugees and refugee policy. (Loescher 1996, 160–162.)

The EU has cooperated in asylum matters through harmonizing initiatives of asylum and refugee policy. The EU has released many instruments such as joint programs, resolutions and conclusions which may not all be legally binding, but they provide important evidence of the normative premises leading to asylum legislation on EU level. (Warner 1999, 169.) Lavenex argues that the Europeanization of refugee politics has been driven between paradoxes such as state sovereignty and supranational governance and the tension between internal security and human rights (Lavenex 2001, 852). The UNHCR participates in these harmonization attempts through dialogue with the EU institutions and Member States. Because of the different institutional natures between the UNHCR and EU, it is possible that results of harmonizing refugee and asylum policies may vary from the standards of UNHCR. This leads to the questioning of the authority of the UNHCR as the highest institution responsible for refugee issues, since it is not formally implemented in the EU refugee policy harmonization process. (Warner 1999, 169.)

This is where resettlement can be a convenient response to the paradox, since it is the opposite of spontaneous asylum seeking and states do not need to tackle border-issues, lack of reception resources nor security related issues as it is a very restricted but efficient way to provide help for those entitled to international protection, have been admitted refugee status and are eligible for resettlement. Loescher agrees that accelerating, harmonizing and professionalizing the existing procedures would help in the long run to

ease the human and financial costs caused by forced migration. Strengthening and reorganizing the existing procedures would also give more political credibility for the EU on national, European and international levels. (Loescher 1996, 160–162.)

3.4. Humanitarianism

Humanitarianism is a theoretical scope that helps understanding the relations between refugees, resettlement and the European Union. It is also helpful in assessing the theoretical connection between the international refugee regime and the international humanitarian order as well as how this convergence emerge in the EU resettlement framework. Humanitarianism has its foundational elements in morality and normativity, which are then implemented through universal human rights. Nickel argues that instruments of human rights, such as the Universal Declaration of Human Rights³ is problematic since it does not define accurately enough the actors responsible for the implementation and oversight of human rights. This vagueness is especially challenging when assessing the duty to protect and the duty to provide. (Nickel 1993, 77.)

Kant followed the comprehensive view of law and right with duty. Kant followed ultimately duty as being the fundamental notion and argued that true politics cannot go forward without first assessing the morality behind initiatives. According to Kant's moral theory, there cannot be political decisions made only through prudential interests. Kant believes that as culture has continued to evolve, mankind has become more aware of the injustice egocentricity causes and of the fact that mankind belongs to a species with moral aspirations. Mankind is not rooted in evil and each person is bestowed with moral preconditions. (Sullivan 1989, 252.) Kant argues that the only way to ensure cooperation and find lasting peace is through the organization of nations, such as through the EU, and by agreeing to legitimize international institutions to arbitrate international disagreements using common international laws established on moral principles and norms. Kant proposes that nations may act like individual human beings and resist leaving part of their power to an international institution, even if it was for their benefit. Kant argues that nations may have to go through war and only through exhaustion and with the fear of more destruction will they give up some of their power to an international institution, such as the EU. (Sullivan 1989, 257.)

³ 1948

Therefore, to have a successful refugee policy and an effective resettlement framework among Member States, the paradox between national sovereignty and international cooperation should be mended and the EU should build a shared and supportive frame (Lavenex 2001, 852) for the implementation of policy measures. Lavenex points out that the level of harmonization in refugee policy between Member States depends on institutional renovation, the ability for the EU to establish a community of values and the extent to which normative frameworks such as the UN Declaration of Human Rights is used as a benchmark for political and legislative actors. (Ibid.) Indeed, according to Hyndman, international responses to forced migration have become increasingly politicized with the tendency to only contain or manage migratory movements. Hyndman argues further that donor states have demanded UN organizations to help refugees in their country of origin or a country nearby. This tendency is due to the national power divisions, which produce favored politics of refugee containment away from nation-state borders. (Hyndman 2000, 2.)

According to Barnett, there has been a centuries old international humanitarian order that focuses on preserving and protecting human life and thus the basic needs for a decent human life. Barnett elaborates that this international humanitarian order includes an comprehensive set of norms, informal institutions, laws and discourses that enable the legitimization of different interventions with the goal of protecting the most vulnerable, such as refugees. This international humanitarian order includes conventions and treaties established to consolidate and ensure human rights. This order includes different slogans and actors, such as states, international organizations and nongovernmental organizations. The discourse that supports the instruments and actors include a lot of compassion, care and responsibility towards others. (Barnett 2014, 243.) This discourse can be understood as deriving from the moral aspirations that was presented above recalling Kant's moral theory.

Humanitarianism is also defined through different principles, such as the belief in universal equality according to human rights, impartiality, which entails the insistence on helping anyone that needs international protection, neutrality which is a principle that supervises that there are no intentional beneficiaries beyond alleviating suffering and global good. Independence ensures that the action is not connected to parties who have a stake in the political outcome. (Ibid.) This final argument can be problematic when

assessing the EU as a legitimate humanitarian actor since it is a political and economic international institution. The most important thing is to recognize that within humanitarianism, there are actors that fit perfectly the above-mentioned principles and those that, because of their nature, may not fit all the principles but can be just as strong of a humanitarian actor.

Barnett argues that humanitarianism means the attempt to alleviate the suffering of people at territorial distance. There are two kinds of sub-humanitarianisms that have dominated the modern history of humanitarianism. The first sub-category is emergency humanitarianism, which focuses on providing immediate relief for those risking persecution. This category follows the core principles of neutrality, independence and impartiality and it stays away from politics. (Barnett 2014, 243.) Barnett presents that the International Committee of the Red Cross and Doctors without Borders fit the above-mentioned definition and categorization, since their focus is largely in providing the imminent needs and to ensure emergency relief. Barnett adds that these non-governmental organizations have the ability to do so by strictly following the principles that were mentioned above. If these organizations are perceived as being allied with a rival or even expressing a bias, these organizations would have tremendous difficulties in following their activities and convictions. It thus can be argued that the principles guiding their actions form a sanctuary-like framework.

The second sub-category is alchemical humanitarianism, which focuses both on the symptoms and the root causes of the humanitarian crisis. (Ibid.) Hyndman argues that there is no purely altruistic humanitarianism. Having completely apolitical humanitarianism is quite challenging, since forced migration always involves some political factor, whether it be related to elements such as the failure of the state or other factors under political decision-making such as environmental challenges or conflicts. According to Hyndman, humanitarianism is mending the paradox between national interests and the duty to protect and provide established by human rights. Hyndman emphasizes that the rising need for humanitarianism is in correlation with the decreasing provision of asylum and development assistance. (Hyndman 2000, 3–4.)

Alchemical humanitarianism thus differs from the first-mentioned emergency humanitarianism in three ways. Firstly, this kind of humanitarianism is interested in both reducing immediate suffering and tackling the root causes of suffering. Alchemical actors

go to the root causes and make sure that the basic needs are ensured in the long run. This means that alchemical humanitarian actors are less likely to follow the guiding principles mentioned in regards of emergency humanitarianism. This means that alchemical actors are less devoted to principles of neutrality and independence, since they perceive that in certain circumstances these principles do not help the victims of genocide, ethnic cleansing and crimes against humanity. (Barnett 2014, 243.) Hyndman continues by assessing that the ethics of humanitarian actions are currently being questioned in public discussion because of the clear lack of strong standards of procedures, norms and values. This is partly due to the rapid expansion of UNHCR's scope and organizational size, but cooperation between international actors has not increased proportionally. (Hyndman 2000, 5.)

Alchemical actors' main interest is to remove the causes of suffering which means recommendations on interventions that reorganize power. Politics can be beneficial for humanitarianism, if the main goal of humanitarian activity is for the global common good. According to Barnett, emergency and alchemical humanitarianism differ in how they perceive and determine who, how and when to help. Consequently, these two humanitarian alternatives have different views regarding refugees. Both are concerned by forced displacement, but alchemical actors are more open to more options for helping both during and after the crisis. This makes alchemical humanitarianism more likely to include a political agenda. (Barnett 2014, 243.)

3.5. Institutionalism

3.5.1. Liberal institutionalism

It can be argued that at the core of political science is the study of actors within a given framework. Actors and the framework are theorized based on different conceptions of what constitutes an actor and what constitutes a framework. Institutionalism stands for the core framework made of institutions. Institutions are thus the framework in which actors, such as states, interact with one another. Through this relationship institutions become an actor as well. Institutionalism recognizes the importance of law in forming, legitimizing and maintaining an institutional structure. (Peters 2005, 1–7.)

Indeed, the study conceptualizes legislation as an instrument to implement the preceding and guiding principles and norms. March and Olsen examine political actors as having

institutional duties that are not just revolving around self-interest (March and Olsen 1989, 159). Politics are constructed on norms, values, beliefs and ideas that are then interpreted through policy-making that channel different interpretations and find a common ground for all political actors. These are then generated through institutional-level policies. Liberal institutionalism enables us to understand the interactive relation the EU has regarding refugees and its refugee policy within the scope of the international refugee regime, since liberal institutionalism entails that globalization is a factual event.

As will be elaborated later through the examination of normative institutionalism, laws form the most efficient base for the EU to cooperate towards mutual goals, which are based on shared values, norms, beliefs and ideas. These pre-legislative norms still form a very important part of the normalization process (normative justifications), which is then diffused into legislative measures. Indeed, this study focuses on the norms, values, principles, beliefs and ideas that precede legislation. Legislative measures are presented as a product of policy-making, but is not at the center of this analysis. The impact of law should be still recognized here as one of the grounding pillars of the EU as a liberal institution and as an international humanitarian actor.

According to Peters, old institutionalism has a dominant understanding that structures matter and that structures modify behavior. New institutionalism understands that institutions (macro-systems) include smaller institutions, component institutions, such as legislatures or bureaucracies. (Peters 1999, 2005, 9.) Thus it can be understood here that the EU resettlement framework is a component institution within the EU institution. This is because the resettlement framework is based on strong bureaucratic and political processes and is constituted on EU law. The resettlement framework is an institution within a bigger one that helps to convert divergent views on refugee policy and how to respond to refugee crises into one coherent institutional response.

This understanding enables us to look at both the EU and the resettlement framework as liberal, normative institutions and see whether these institutions comply with the conceptualization of international refugee regime and humanitarianism on the subject and response to refugee issues. Peters argues that old institutionalism tends to focus only on whole institutions which leads to having vague generalizations and loose theory constructions. Comparing how a sub-institution is constituted and how it modifies the behavior of its actors to the macro-level institution including these actors and the sub-

institution mends the absence of a more comparative approach. Indeed, Peters argues that comparison is the fundamental source for theory development in political science. (Peters 1999, 9.) This is why this study conceptualizes the EU as a macro-level institution within which a smaller micro-level institution of resettlement is being constructed.

Institutionalism fits the subject of this study since the EU fits all the elements to be qualified as an institution. Peters elaborates that an institution has to be a part of society and or polity and that the structure can be either formal (such as legislative and bureaucratic) or informal (such as networks or shared norms). (Peters 1999, 9.) The EU fits both definitions as it is a very formal institution with its legal framework and policy-making processes and binding through norms, values and beliefs. The EU fits also the definition of a stable institution, since it was formed in 1951 and has since expanded from six to 28 Member States. The third defining feature of an institution according to Peters is that it must affect behavior on an individual level. Here, that is done through policy-making and legislature. Lastly, there should be a sense of shared values and meaning among the Member States of the institution. The EU has its foundations on common values and norms, so the EU fits the definition of institution presented by Peters. (Ibid.)

Li and Reidy argue that to ensure the duration and stability of an institution, the liberalization and democratization is inevitable (Li & Reidy 2009, 87). Social order is always based on institutionalism (Li & Reidy 2009, 88) and thus the harmonization of refugee policy within the EU is far-reaching as it would strengthen the EU as an institution. On the contrary, if the EU would decide to keep debating between national interests without assessing its own international principles and policies when faced with a refugee crisis, the whole institution is at risk of losing its normative justification.

Liberal institutionalism is a theoretical tool that enables the assessment of the European Union as a humanitarian actor through its institutional nature. Indeed, here the presumption is that the EU is a liberal institution with a certain agenda and foundations in liberal values and norms. To study whether the EU can successfully implement resettlement activities and here through EU resettlement framework within its institutional nature, this theory helps us to do that. Evaluating the EU resettlement framework and its results enables to understand in turn how is the institutional cooperation between Member States and ultimately the strength of these values and norms

that are shared or not shared and how this affects resettlement activities and refugee policy.

According to Ruggie, international behavior is institutionalized in order to have a consistent pattern of behavior between states, increase predictability and provide a base for cooperation through institutions (Ruggie 2002, 54). The EU resettlement framework is a way to coordinate behavior between EU Member States towards a commonly agreed goal of resettling over 20,000 persons by the end of 2017. The EU resettlement framework is ultimately one way of expressing the institutional nature of the EU and strengthen that nature through the implementation of the framework. On the other hand, the possible shortcomings of the framework can indicate a lack of shared common norms and a lack of political will to find a common solution to the refugee crisis. This could be explained by the paradoxes in EU policy-making proposed by Haddad and elaborated in the previous section according to what state sovereignty is colliding with supranational interests and that security interests (both national and EU-level) collide with human rights and the responsibility to protect.

Rawls argues that we must frame the institutions of basic structure so that uncontrollable conflicts are unlikely to arise. We should accept the need for clear and simple principles that is generally understood without great interpretational differences. This thought can be challenging, as most norms are depending on the larger context, which leads to different interpretations. A political conception is a guiding framework for public discussion and debate which helps us reach political agreement on at least the constitutional fundamentals. (Rawls 2005, 156.) Tolerance, reasonableness and sense of fairness can be conceptualized as being so-called great virtues. When these virtues are incorporated in institutional structures, they become an important political capital, which must be reaffirmed and reformed often. (Rawls 2005, 157.) Even though political liberalism seeks a common ground, it may still demonstrate a superiority of certain forms of morality and encourage certain virtues as great virtues. Rawls' criteria for a liberal constitution, here allocated to examine the EU, fits the study scope and the conception of the EU as a liberal institution with foundational liberal values, such as those mentioned above. Indeed, the EU has been shaped around those liberal virtues and must act according to them or its political capital will deteriorate and so will its normative institutional power, which would result in the failure of the EU resettlement framework among other initiatives.

Old institutionalism has its roots in normative thinking and since both this study and the presumption of the subject of analysis of this study are perceived from a normative approach, this understanding is followed by proposing to incorporate normative institutionalism along liberal institutionalism.

3.5.2. Normative institutionalism

The reason why normative political theory needs to be considered in this study alongside liberal institutionalism is to enable the evaluation of the EU resettlement framework within the EU and the global refugee regime. According to Manners, the European Union's foreign policy has traditionally been described through different interest levels, such as national, supranational and transnational interests rather than being identified and justified through normative political theory. Manners follows on the argument made by Bonino⁴ in 1998 according to what such differentiation between descriptive interests and normative ethics is unsustainable in EU foreign policy. This is an important justification for this study, where the harmonization of refugee policy through the EU resettlement framework is argued as important for the normative justification of the EU as a whole. (Manners 2011b, 47.)

According to Peters, participation in a normative institution is based on the commitment to the goals and legitimacy of this institution (Peters 2005, 27). Furthermore, a normative institution tends to have a logic of appropriateness, where members of this institution will more likely evaluate how actions conform to common rules, norms and ideas of the institution. (Peters 2005, 29.) A normative institution includes both a logic of appropriateness as well as enforcement methods which are built in the structures of the institution. This logic of appropriateness is generated through values, norms and beliefs as a moral base for the institution. March and Olsen claim that politics is organized by a logic of appropriateness, which is then interpreted and implemented by institutions. The political community is based on a shared set of norms and a shared understanding of the common good. These premises form the institutional logic of appropriateness, which formulates the principles of action and thus policies. (March and Olsen 1989, 159–161.)

⁴ Emma Bonino, former European Commissioner for Health and Consumer Protection from 1995-1999

Manners argues that the EU is a normative power (Manners 2011a, 226–247). Indeed, the EU is a liberal, normative institution that uses norms as a source of force because of the lack of a common military. It can be argued that when norms are established and complied on, normative power can be just as powerful as military-induced power. This is the reason why the EU should put an emphasis on its possibilities to enhance its so-called soft power through strong normative justifications for all its initiatives and actions.

To study the normative justifications of the EU resettlement framework, a theoretical normative approach is needed. The normativity of the EU is based on its foundational norms, values, beliefs, ideas, law and bureaucracy. All these help the EU as a liberal institution to follow a normative course of action in policymaking. According to Frost, ethical standings of institutions are to be studied before assessing their normativity (Frost 1996, 3). Here, in the case of the EU, these ethical standings help evaluating how well the EU resettlement framework complies with these normative institutional foundations. Frost argues that normativity is rooted in the conception of morality. Thus, morality is at the core of normative behavior and here at the core of institutional behavior. Frost problematizes morality as to choose the ends to be pursued and to decide what means could legitimately be used in the pursuit of those ends. This is a problematization that is especially important for those in position of policy-making and decision-making in the EU, such as in refugee policy especially in case of a refugee crisis. (Frost 1996, 11–12.)

Frost proposes a set of normative issues and questions that shed more light on the problematic relation between refugee issues, the international society and normative justifications. These questions are relevant to this study as they summarize the guiding thoughts behind refugee issues. Frost asks: *"How should refugees from one state be treated by other states? Who is responsible for them? Should they be allowed to choose a new home state or are they obligated eventually to return to their state of origin? And what human rights are there and how ought they to be protected? Ought states to protect them? If a state fails to protect such rights, ought other states to intervene? Should there be international institutions to secure of these rights? If so, what are states and individuals justified in doing in order to bring about the establishment of such alternative institutions?"* (Frost, 1996, 76–77.) These questions are in part examined in this study through the scope of EU resettlement framework and its normative justifications. Indeed, normativity implies morality and morality implies human rights. Thus the study follows Frost's problematization of human rights and refugees.

Having assessed the analytical framework through an analysis of definitions and concepts and by studying the theoretical framework the study now moves on to examine the adequate methodology and the chosen material onto which the analytical framework will be put into practice.

4. Methodology and material

In this chapter the aim is to look at the research methods that were selected for this study. Milner argues that refugee studies have for a long time been concerned with the factors determining refugee policies, but still there is little understanding on the process that leads to these policies at the international level and the elements that determine the implementation of these policies at the local level. There is a relatively low amount of literature on the implications that affect policy-making on global level and how these policies impact the lives of the refugees. (Milner 2014, 478.)

4.1. Choosing the methodology and the material

Milner elaborates that the evolution of the international refugee regime has been studied regarding its origins and politics but there is little engagement on the process and variables determining these policies. This results in an important divergence in literature focusing on refugee matters. (Ibid.) Rosamond argues that studying the EU is defined by both its territorial focus and its explicit object of study (the EU and its institutional antecedents). Rosamond also sums that EU studies is potentially a multidisciplinary and also a multi-subfield engagement. This entails that scholars from different disciplines should incorporate each other's insights and that EU studies should and could be a platform for significant cooperation between scholars from different disciplines. (Rosamond 2015, 23–24.) This study proposes to focus on the normative justifications behind the EU resettlement framework as it enables to focus on the institutional nature of the EU and thus fits the scope of the study. Examining the normative justifications enables to assess the determining normative factors that affect the process of policymaking and the implications these policies have on refugees.

The material was chosen based on the research questions and the goal of the study, which is to examine the normative justifications of the EU resettlement framework in its larger

context of EU refugee policy and within the international refugee regime. The methods to choose the material were based on different factors, such as the relevance to the topic, the contextual frame of the EU and the time frame of fourteen years (from 2003 to 2017). The chosen methodological approach for the subject of analysis to enable the examination of normative justifications is presented by Ian Manners as the tripartite analysis of principles (Manners 2015, 226–227). The data was chosen based on relevancy and added value to the study and the research questions. The material was mostly found freely either through libraries of the University of Turku and Helsinki or Internet, since the European Commission and other actors relevant to the study publish most of their official documents for general use.

4.2. Tripartite analysis of principles based on normative power

Manners begins to assess the background for the methodology by asking the following guiding questions: *“How does the presence of an international institution, the EU, shape the norms and normality, policies and politics of its political environment? In terms of influence, this means asking the question of how does the EU shape its political environment, what is the form of power or influence that the EU exercises? In terms of subjects, the question is who does the EU shape in its political environment, member-states and their societies, non-member states and their societies or non-states and transnational civil societies?”* (Manners 2015, 221.)

Manners points out that researching the EU’s influence on its political environment presents a number of analytical challenges. Firstly, the EU is an entity of hybrid polity reflecting the contrasting demands of national, supranational and transnational actors and processes. Secondly, the EU is not just one actor and must be disaggregated into competing sub-institutions, councils, directorates, states and parties. Thirdly, the EU is not the only actor in the European and global political and transnational scope. Finally, the EU is itself constituted through its actions and the structures it contributes to, it is neither pre-political nor apolitical. Manners stresses that for researching the EU in global politics and how it shapes the norms and normality, politics and policies of global political environment, most approaches are forced to take some shortcuts in their analysis, usually for lack of time or funding. Hence, it is commonplace to focus on short-time horizons, to rely on observational data or to focus on only one aspect of the EU in global politics.

(Manners 2015, 221.) Here the study will rely mostly on observational data that focuses solely on the EU resettlement framework because of the limitations in time and scope.

Manners presents normative power as a way to conceptualize and analyze the EU in global politics. This approach is combining the understandings between the relation of human action and institution. This approach analyzes EU's use of normative justifications in global politics. The approach is analytically open to mixed or multi-method analysis but as discussed next, favors the method of longitudinal interpretation. (Manners 2015, 224.) Normative justifications are used by the EU to promote for example UN conventions and the institutionalization of a relationship to a third party. An example of the use of normative justifications in the promotion of international principles are found in the cases of children's rights and poverty reduction. Sinkkonen presents that studying norms is realizable and meaningful since actors often justify their actions in comparison to normative standards (Sinkkonen 2015, 118). The study believes in the meaningfulness of studying the normative justifications of the EU resettlement framework, as it can shed light on the capacity of the EU to exercise soft power and how it generates actions and initiatives (such as resettlement) based on that power. Manners argues that normative power research takes the analytical focus on the trinity of power, in particular normative justification, then applies a tripartite analysis of principles, actions and impact. (Manners 2015, 226.)

As the EU resettlement framework presents the subject of analysis, the units of analysis are constituted of norms and principles. The analysis of this study is conducted following the methodological tool of tripartite analysis of principles, actions and impact. This methodological tool enables to depict the variables through a content analysis with a qualitative approach (Sinkkonen 2015, 121). These variables are constituted of norms and normative measures that are then used to justify the development of the EU resettlement framework. This study follows Sinkkonen's argument on the benefits of a qualitative approach, as it expands the scope of analysis with the thoughts of how and where instead of focusing only on the incidence of variables. This study follows thus an interpretative approach of norms as variables, as they are most often subject to interpretation depending on the context in which they occur. (Sinkkonen 2015, 121.)

Here, the 2015 refugee crisis and the EU serve as contextual reference points. The goal of using the tripartite analysis is to obtain an analysis that has successfully depicted the

norms as variables and conclude by assessing how the EU resettlement framework is normative justified in relation to the theoretical framework presented above. Indeed, by examining the convergence of forced migration and refugee studies and international relations the study is now able to conduct the tripartite analysis in a more comprehensive manner. This entails that the study is able to depict the interpretative norms and normative measures between the relation of refugee, state and international order. Correspondingly, with the theoretical approaches provided by humanitarianism, international refugee regime and institutionalism, the analysis can depict interpretative norms and normative measures of the EU resettlement framework and mirror them to the principles and norms present in each theoretical approach. Ultimately this enables a vaster gathering of variables, as different norms, measures and principles can be then clustered (Sinkkonen 2015, 121) under core and minor norms (Manners 2011, 242).

The first part of a tripartite analysis of principles is to examine the principles at work in the understanding of normative justification. Principles in the EU and its relations with the rest of the world are often based on the principles of the UN Charter and The Universal Declaration of Human Rights. In practical terms, such principles can be differentiated into the prime principle of sustainable peace, core principles of freedom, democracy, human rights and rule of law, as well as general norms on equality, social solidarity, sustainable development and good governance. The analytical challenge is to explain how these principles result in EU policies. In parallel, there is the challenge of understanding the way in which such principles constitute the EU as an actor, and thus the way their promotion is an extension of EU polity. (Manners 2015, 227.)

The second part of the tripartite analysis of principles is to examine the actions an actor takes in the promotion of its principles. The use of normative justification in the promotion of principles involves persuasion, argumentation, shaming and rewarding. EU actions in the promotion of principles cover a wide range of practices and policies, encouraging a more holistic or comprehensive approach to the many challenges of global politics. The focus at this stage of analysis is to explain how these actions may cause an impact in target sectors and onto other actors. At the same time, understanding how such actions constitute both the EU as an actor and other actors in the target sectors is analytically important. (Ibid.)

The third part of the tripartite analysis of principles is to examine the impact of actions taken in the promotion of principles. As discussed above outcomes of normative justification in the promotion of principles could involve socialization, partnership or ownership. Socialization means being part of a process of engagement, debate and understanding. Partnership may involve the institutionalization or relationships created by the participating parties whether multilateral, international or transnational. Ownership might involve practices of ownership as a result of partner involvement. The emphasis at this third stage of analysis also involves explaining how any such impact may cause a rethink of the principles being promoted. In contrast, understanding how the responses of other actors and partners impacted by the EU may reconstitute the EU as a global actor is critical here. The normative power analysis uses often interpretative means of understanding data. (Manners 2015, 227–229.)

Using the above framework of methodology, the variables are depicted from the subject of analysis consisting of resettlement policy at EU level and more precisely, of the EU resettlement framework implemented as a partial response to the 2015 refugee crisis. This subject of analysis is understood as being a normative sub-institution within its wider international institution, the EU. The analysis focuses on the sector of refugee policy of the EU and how it responds to the international refugee challenges along with other international actors, such as the UNHCR.

The tripartite approach is used as a methodological structure in which the EU resettlement framework is placed in order to study its normative justifications, the actions taken based on them and the impact of the actions and how it reflects the principles intended by the framework. This way the study can conduct an interpretative content analysis following indicators such as norms, values, ideas, beliefs, law and other justifications of resettlement policy to find ultimately the justifications for the implementation of the EU resettlement framework. The methodology chosen helps to assess how the EU positions itself as an institutional humanitarian actor according to the analytical framework of humanitarianism and how it positions itself as a normative institution with its refugee policy in the international refugee regime. This ultimately will enable us to evaluate the level of normative power the EU is expressing through the implementation of the EU resettlement framework.

The topic is multidisciplinary and needs a multitheoretical approach to be comprehensively studied. This means that the methodology in its part needs to fit this multidisciplinary approach to enable a way for conclusively study the normative justifications of resettlement activities through the EU resettlement framework. The tripartite analysis of justification is believed to fit best the integrality of this study. Still, there are many challenges because of limitations in time and material. The material will be tackled with the above elaborated theoretical and methodological approach, where the aim is to divide the material of the EU resettlement framework with the tripartite normative analysis presented by Manners against the theoretical understandings of the EU as an institutional actor of resettlement activities provided by the analytical framework of global refugee regime, humanitarianism and institutionalism. These tools will enable the best processing of the material and enable comprehensive results to the research questions.

According to Manners, the normative basis of the EU has developed over the past 50 years through a series of declarations, treaties, policies, criteria and conditions. Manners makes the difference between five core norms, which comprise the body of union laws and policies (conceptualized as *acquis communautaire* and *acquis politique*). The first norm is peace, which is found in key symbolic declarations. The second norm is liberty. The third, fourth and fifth norms are democracy, rule of law and respect for human rights and fundamental freedoms. These are all expressed in the founding principles of the EU. In addition to these norms, it is also possible to suggest four minor norms within the constitution and practices of the EU. The first norm is the notion of social solidarity. The second minor norm is anti-discrimination and the protection of minorities. The third minor norm is that of sustainable development. The fourth minor norm is the principle of good governance. (Manners 2011, 242.)

These norms are then diffused, which leads to the conceptualization of normative power. Indeed, these norms alone do not constitute the EU as a normative power. It depends on the means these norms are used for and the way they are diffused. In this study, as the focus is on the EU resettlement framework, the diffusion of norms is mostly effectuated through informational and procedural diffusions of norms. Informational diffusion is the result of the range of strategic communications, such as new policy initiatives by the EU and declaratory communications, such as initiatives from the Commission. Procedural diffusion involves the institutionalization of a relationship between the EU and a third

party, established through a common agreement. (Manners 2011, 242–244.) The material is processed with the goal of finding indirect and direct references to norms and principles that justify the implementation of the EU resettlement framework. These norms are then identified as either procedural or informational diffusions in regards of the EU resettlement framework's implementation.

4.3. Material

In this section, the study goes through the material that was selected for this study. In order to be able to respond to the research questions in a more comprehensive manner using the methodological tools examined above, the material was to be divided with a timeframe of three parts in order to have a thorough contextualization and understanding of the developed EU resettlement framework. The material is divided into three parts according to the normative tripartite analysis. This means that the material is further divided in three parts according to time and contextualization. The first phase of the analysis will use material that is preceding the actual EU resettlement framework ranging from 2003 to 2014. The second phase of the tripartite analysis will focus on documents released between 2015 and 2016, which includes the actual EU resettlement framework recommendations during the 2015 refugee crisis. The third part of the tripartite analysis will focus on material from 2016 to 2017, which includes follow-up reports published by the European Commission on the effects of the implemented EU resettlement framework which will last until the end of 2017.

The Commission issued a communication to the Council and the European Parliament in March 2003 on the common asylum policy and the Agenda for protection (COM(2003)152 final). This communication is included in this study, as it assesses the background for the later implementation of the EU resettlement framework. The communication consists of four chapters and 23 pages. All chapters convey the normative justifications behind the EU's initiatives on refugee and asylum policies. In June 2003, the Commission issued another communication to the Council and the European Parliament calling for a more accessible, equitable and managed asylum systems (COM2003)315 final). This communication follows on the previous communication as it presents the background, objectives and practices that need to be implemented in order to acquire a more harmonized asylum system among member states.

Resettlement activities among Member States have been evaluated in the EU as a possibility to be developed in a fully engaging framework already before the 2015 refugee crisis. In 2004, the European Commission issued a *study on the feasibility of setting up resettlement schemes in EU Member States or at EU level, against the background of the common European asylum system and the goal of a common asylum procedure*. This study is part of the material for the analysis, since it is a broad and accurate evaluation relevant to the forthcoming proposals of the EU resettlement framework and thus is useful to broaden the examination of normative justifications. The study consists of 293 pages and is divided into two essential parts, resettlement today (2004) and resettlement tomorrow. The first part consists of a study on the development of resettlement within the EU against the role of the UNHCR as the hegemony of the international refugee regime and as the institution responsible for issuing UN-level recommendations for resettlement to the EU and its Member States. In the second part, the study assesses the prospects of resettlement in the near future by examining the legal and political feasibility of resettlement to the common asylum system. Finally, the study proposes six different examples for a EU resettlement program and the financial aspect needed for successful resettlement. This study is enlightening since it shows how resettlement has been on the agenda of EU policy-making for a while. Thus a common resettlement framework was seriously considered only when refugee flows escalated to a full-blown refugee crisis in the EU.

In May 2015, the Commission issued a recommendation on a European resettlement scheme (C(2015)3560 final). This recommendation presented the need for common resettlement efforts among all Member States and the immediate need to resettle 20,000 people over a two-year timeframe, from 2015 to 2017 as a partial response to the 2015 refugee crisis. The recommendation includes 14 resettlement measures to be taken regarding the gravity of the refugee crisis and 13 accurate measures regarding the specific EU resettlement framework. The document consists of measures to be taken, but to be able to study the normative justifications for this initiative the study looks for further data from previous official documents presenting the context of the EU resettlement framework as well as following official documents and finally, the follow-up reports on the implementation of the EU resettlement scheme.

The Commission proposal on the EU resettlement scheme was forwarded to the European Parliament and the Council to be debated on. Indeed, the *proposal for a regulation of the*

European parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (COM(2016) 468 final) was given on July 2016 right in the midst of the refugee crisis. The proposal includes 35 pages, of which the first 16 pages consist of a comprehensive contextualization and justification for the resettlement scheme. The remaining 19 pages consist of the actual proposal for a regulation of the European parliament and the council. On page 23, the proposal moves on to propose the regulation consisting of 19 legal articles for the implementation of the resettlement framework.

The document on the proposal on an EU resettlement scheme was founded on the European Agenda on Migration (COM(2015)240 final), released by the European Commission in May 2015 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. This agenda consists of 22 pages and four chapters all addressing migratory challenges the EU was facing. The first chapter is an introduction to the context, migratory movements and a self-critique on the response of the EU as well as a call for common migration policy. The agenda calls for efforts of all actors and presents the normative justifications for these policy measures.

The second chapter calls for immediate action, where emphasis is put on the control of external borders by saving people coming by sea and targeting criminal smuggling networks, relocating refugees among Member States and resettling refugees between Member States. The third chapter proposes four pillars to manage migration better. First is the reduction of incentives for irregular migration. The second part is managing borders by saving lives and securing external borders. The third part is to develop a strong common asylum policy based on the duty of Europe to protect. Lastly, the development of a new policy on legal migration is needed. The fourth chapter looks forward by admitting that the European cooperation needs to be developed in such a way that it is effective and sustainable in the long run. At the end, the agenda includes descriptions of the relocation and resettlement schemes.

Finally, follow-up reports on the EU resettlement framework are part of the material used for the analysis and fit the third phase of the tripartite analysis, which is to examine the impact of the actions taken and ultimately the correlation with the normative justifications. There are currently eleven follow-up reports that have been released since 2016. The first report was released March 2016 and the eleventh report was released in

April 2017. These follow-up reports consist of an evaluation of both relocation and resettlement efforts, but in this study the focus is solely on resettlement so relocation is left outside the study since they are different programs with different measures and normative justifications. The analysis will also elaborate only on the first, the tenth and the eleventh follow-up reports. This is due to the similarities of the follow-up reports between the first and the last one, which is why presenting and evaluating all of them would not add value to the analysis.

5. Tripartite analysis of normative justifications

The analysis is built on the tools provided by the theoretical structure and adequate methodology evaluated earlier. This analytical framework is then put in use onto the chosen material, which was presented and justified above. The analysis is divided in three parts. The first part of the analysis examines the normative building blocks towards the EU resettlement framework. This entails a timeframe from 2003 to 2014, from the beginning of the construction and conceptualization of the resettlement framework to the year just before the refugee crisis in 2015.

As was elaborated in the methodology, the operational tools of analysis consist of conducting an interpretative content analysis of the chosen EU documents. The aim of this first part is to have a thorough view on the normative justifications onto which the EU resettlement framework was built. Further, to assess how these normative justifications correlate from one phase to the other and examine the development of the normative justifications, and if they have followed through as presented in the first place or if there has been normative changes and challenges in the development of the EU resettlement framework. The analysis will be reflected to the theoretical framework provided by the international refugee regime, humanitarianism and institutionalism (liberal and normative). Finally, the analysis will provide answers to research questions guiding the integrality of this study.

A descriptive table presenting the framework for the analysis:

Methodology	The first phase of the tripartite analysis: principles at work	The second phase of the tripartite analysis: the actions taken	The third phase of the tripartite analysis: the impact of actions taken
Material	EU	EU	EU
Timeframe	2003–2014	2015–2016	2016–2017
Amount of material	3	4	3
International refugee regime	Correlation of the normative justifications with international refugee regime		
Humanitarianism (Alchemical)	Correlation of the normative justifications with humanitarianism		
Institutionalism (Liberal and normative)	Correlation of the normative justifications with liberal and normative institutionalism		

5.1. The first phase of the tripartite analysis: principles at work, building the EU resettlement framework

In the first part of the normative power analysis the aim is to examine the principles at work constituting the normative justifications. By using the tripartite analysis, the study depicts the normative justifications that fit the categorization of core and minor norms elaborated earlier in the methodology.

The communication from the European Commission to the Council and the European Parliament on the common asylum policy and the agenda for protection (COM(2003)152) is an official EU communication regarding the background for EU resettlement activities and later of what will become the EU resettlement framework. The communication presents the background for the agenda for protection as well as proposing durable solutions and assessing the priorities for the European Union regarding asylum policy, which includes resettlement measures. The document emphasizes the threat that illegal trafficking is posing to the institution of asylum and more generally for EU's humanitarian tradition and it demands a structural response to this issue. (COM(2003)152, 3.) This can be interpreted as a normative reassertion of core norms of the EU such as the rule of law, human rights and minor norms such as social solidarity, good governance and anti-discrimination (Manners 2002, 241). The EU is assessing with this statement that illegal trafficking is against the normative principles of the EU as it seeks to be profiled as an institutional liberal, normative, humanitarian actor. This is

reinforced by using the term humanitarian tradition, which entails that the EU perceives itself as a humanitarian actor within the international refugee regime.

Indeed, as was mentioned in the analytical framework, the international humanitarian order includes conventions and treaties established to consolidate and ensure human rights. Based on this and the assumption that the EU should increase its efforts, the document proposes a procedural diffusion (Manners 2002, 242) of normative justifications by proposing the regulation of access to EU by establishing protected entry schemes and resettlement programs. The priorities are guiding the procedural diffusion and can be interpreted as extensions of core norms such as rule of law, human rights and peace and minor norms such as social solidarity, anti-discrimination and good governance. This again links the normative principles to the development of the EU resettlement framework, which is believed to in part respond to the presented challenges while respecting EU's humanitarian tradition.

The document assesses the EU as having significant tools with which to improve its responses to the new challenges and to implement the Agenda for Protection in which the Commission identifies three major priorities: access to protection, durable solutions and responsibility-sharing with third countries. The EU ought to be a key actor for the Agenda's long-term success. (COM(2003)152, 4.) This statement means that the EU perceives itself as having the means to do the necessary changes to reinforce its refugee and asylum policies and activities, which in turn entails that possible challenges to obtain these policies may lie in other factors, such as the lack of political will among Member States.

The Agenda for Protection is defined as enabling a better development of protection and management of migratory flows and durable solutions. This multilateral instrument stands on two pillars. The first one is a declaration by state parties which reasserts the central role played by the Convention in the international protection system. The second establishes an action program covering six goals divided into several objectives. (COM(2003)152, 4.) The goals relevant to resettlement are: strengthening the implementation of the 1951 Convention and 1967 Protocol, protecting refugees in broad migratory movements, sharing burdens and responsibilities and building capacities to receive and integrate refugees with special concern for women and children. The document stresses the importance of respect for human rights and the integration or

reintegration of refugees (COM(2003)152), 5). These goals are building the normative justifications towards the EU resettlement framework and they comply to the core norms of peace, rule of law, human rights and the minor norms of social solidarity, anti-discrimination, sustainable development and good governance (Manners 2015, 227).

The communication argues that the European common asylum system can only be improved by integrating overall issues and by strengthening the multilateral protection system. (COM(2003)152), 6.) Surely, as was observed in the analytical framework, Li & Reidy argued that harmonizing EU policy would lead to a strengthened EU and thus an improved CEAS. The communication is clearly stating that it regards the norm of social solidarity as a building block for its policy-making processes. The Commission is convinced that the success of the Agenda for Protection depends EU's willpower to enhance on common asylum policy and the results it generates. This entails that burden and responsibility should be shared beyond financial and physical elements (COM(2003)152), 6). It is thus important that the EU develops genuine partnership with third countries and relevant international organizations. Relevantly, the communication states that protected entry schemes in the EU for persons in need of international protection could be developed in parallel to strengthen social solidarity. Respect for EU's international obligations and those of Member States should also underlie such initiatives.

The Commission recognized that the Agenda for Protection needs to be incorporated in all relevant entities' policy and legislative agenda, including Member States' national policy-making processes. The Commission proposes priority themes for the EU. The first priority theme is access to protection, which means that there should be suitable ways to grant international protection to meet all protection needs. Other priority themes include the improvement of procedures in respect towards refugees. The last theme being reinforcing institutional capacities in cooperation and solidarity and responses to large-scale influx and offer a better response to the security of women and children as refugees. (COM(2003)152), 6.)

The Commission recognizes that the establishment of the Common European Asylum System requires legislative instruments. One of the objectives of the main legislative instrument is to narrow divergences of interpretation in the implementation of the convention's rules on recognition of refugee status. This entails that the EU emphasizes the core norm of rule of law as an instrument to implement its policy measures. Indeed,

as was presented in the analytical framework, legislative measures are presented as a product of policy-making and a way to bind the principles and norms and obtain a procedural diffusion of normative justifications. The communication conceptualizes resettlement as one of the three durable solutions alongside voluntary return and integration (COM(2003)152), 10). According to the communication, the Agenda for Protection calls for a more strategic use of resettlement to meet objectives of better protection measures and acquire durable solutions for refugees, greater solidarity in the reception of refugees and better legal organization of entry to territory. It is mentioned that the Commission contemplates resettlement as one of the instruments of the common asylum policy and procedures. There are already some Member States that resettle, but only through national resettlement plans and quotas, as a common resettlement scheme is only being debated on EU-level.

In all, we can see that the communication COM2003/152 is highly normative and presents initiatives strongly linked to normative justifications, since all statements that guide to a certain practice are based on principles and norms, which ultimately form the normative base of the EU. These are the principles at work, the ones that are forming the normative justifications for concrete measures and policy-making through the development of the EU resettlement framework.

After the communication from the European Commission to the Council and the European Parliament on the common asylum policy and the agenda for protection, the Commission issued a communication to the Council and the European Parliament titled *Towards more accessible, equitable and managed asylum systems* (COM(2003)315 final). This communication was issued in June 2003 and is to be read in conjunction with the above-elaborated communication released in March 2003, since they cover the same issues and follow on each other's' conclusions. This communication assesses the background, objectives and practices to implement a more accessible, equitable and managed asylum system within the EU. The communication bases its fundamental legal framework to the 1951 Geneva refugee convention and the 1967 New York protocol, both representing strong normative justifications for actions of UNHCR.

The global policy framework needs to be based on the agenda for refugee protection, which is issued by UNHCR. The communication states that state responsibility is a key concept, but international cooperation is needed to share and coordinate commitments

(COM(2003)315 final, 7). This approach is aligned with the core norms of rule of law, human rights, democracy and minor norms of social solidarity, good governance and anti-discrimination. This entails that the communication is putting an emphasis on the normative justifications which will reinforce the principles of the EU resettlement framework.

The communication states that comprehensive and durable solutions comprise multilateral commitments to expand resettlement as a protection tool, a durable solution as well as an instrument to share the burden with countries of first asylum (COM(2003)315 final, 8). This is a direct statement of principles on resettlement. The communication states that an EU-based mechanism based on UNHCR propositions is worth the consideration, since such a model could restore the credibility of asylum system and discourage its misuse (COM(2003)315 final, 9). This in turn reinforces EU's view on UNHCR as an international institution that coordinates refugee policies on an international level. It can be argued that EU works closely with UNHCR and that the EU strives to implement UNHCR's recommendations within its principles and normative justifications for refugee policy and the EU resettlement framework.

The communication examines the basic premises of any approach to the international protection regime and states that new approaches should be underpinned following the premise of fully respecting international legal obligations of Member States, in particular the inclusive application of the 1951 Refugee Convention, the non-refoulement principle⁵ and the European Convention on human rights and fundamental freedoms. (COM(2003)315 final, 11.) The communication states that the EU should continue to respect international humanitarian obligations and combat illegal immigration at the same time. Further, it states that any new has to incorporate burden-sharing both within the EU and host third countries rather than shifting the burden solely to third countries. Any new initiative should be structured on partnership with countries of origin, of transit, first asylum and final integration. (COM(2003)315 final, 12.) Also, any new EU-level or Member States' initiative to refine the asylum system should be aligned with UNHCR's agenda for protection and conventions. (COM(2003)315 final, 12).

⁵ Protection against return to country of origin, where there is a possibility to face persecution

The communication examines resettlement activities in order to assess the policy approaches needed to pursue the orderly and managed arrival of persons in need of international protection in the EU from the region of origin. It is stated that EU Member States can participate in the UNHCR steered comprehensive plan of action, which allows for a number of refugees to be resettled in the EU as part of the solution proposed by the UNHCR for dealing with a specific caseload in a protracted refugee situation. This can be assured through a resettlement scheme. In this scheme several levels of EU harmonization can be identified as well as levels of discretion left to member states in that regard. (COM(2003)315 final, 14.)

The communication states that the ideal model for the EU from the perspective of the international refugee regime, the increased prominence of resettlement as both a tool of protection and a durable solution, and to promote solidarity between the EU member states and countries of first asylum, as well as among member states and between them and the traditional resettlement countries beyond, would be one in which all or almost all of the chronological steps in the resettlement process are set at EU level. However, the necessary political will to convert immediately to those models may not exist across the (then) fifteen Member States. (COM(2003)315 final, 14.) This can be traced back to the paradox between national interests and the duty to protect, which hampers the political will on EU level.

The communication states that pressure on host countries could also be eased by setting up resettlement schemes across EU. For the strategic use of resettlement, Member States should consider the possibilities to broaden partnership with third countries. (COM(2003)315 final, 19.) As the communication from the European Commission to the Council and the European Parliament on the common asylum policy and the agenda for protection, this communication has a very normative output that includes clear normative justifications for the proposed initiatives. These justifications are questioned by admitting a possible lack of political will among Member States to cooperate and deepen political integration.

The study on the feasibility of setting up resettlement schemes in EU member states or at EU level, against the background of the common European asylum system and the goal of a common asylum procedure was released in 2004, after the above-mentioned communications and partly based on them. The study starts as projecting resettlement as

one of the three durable solutions among return and local integration. (European Commission, Directorate-General for Justice and Home Affairs 2004, 2.) Resettlement offers humanitarian protection and may be a complementary element in an overall refugee protection framework. The study presents the main questions for EU policy-makers, which entails the base of traditional starting points, where the political will among EU Member States to engage in resettlement was related to humanitarianism (European Commission, Directorate-General for Justice and Home Affairs 2004, 3).

The study presents the possible motives to start a resettlement program. These motives are generally humanitarian, such as the duty to protect, quest for durable solutions and solidarity with other states. The general basis for resettlement should be flexible with a policy but not necessarily a legal framework for the relationship between EU and UNHCR. As such, a directive on resettlement may be seen as the most appropriate legal instrument at EU level for a decision on both principle and programmatic details. (European Commission, Directorate-General for Justice and Home Affairs 2004, 5–6.)

The study assesses the background of a resettlement program to the desire of managing refugee flows based on the historical experiences of the humanitarian evacuation program for Kosovars. It is said that the potential for resettlement has been on the mind of policy-makers ever since. (European Commission, Directorate-General for Justice and Home Affairs 2004, 17.) The study also mentions the resettlement programs after the Second World War that were applied as durable solutions for the victims of the war (European Commission, Directorate-General for Justice and Home Affairs 2004, 25). The study presents the possibility of using resettlement in a strategical way for durable protection. The study also mentions that resettlement schemes can help manage irregular migratory movements. (European Commission, Directorate-General for Justice and Home Affairs 2004, 37.)

Still, the study concludes that resettlement is not a policy for managing asylum, though both resettlement and asylum are elements in the successful management of refugee protection. Resettlement should be implemented as a separate strategical instrument alongside asylum procedures to offer durable solutions to humanitarian crises. Both asylum and resettlement as two separate programs may form complementary elements in an overall refugee protection system. (European Commission, Directorate-General for Justice and Home Affairs 2004, 119.) This argumentation entails that resettlement

measures cannot manage spontaneous asylum seeking. It is though unclear what is meant by asylum on behalf of the study as it could mean asylum seekers, asylum resources, asylum procedures.

Resettlement allocates the refugees to be resettled very carefully, which means that it is the opposite of spontaneous asylum seeking. Indeed, it should be admitted that by reinforcing resettlement measures, it still does not reduce spontaneous asylum seeking. Spontaneous asylum seeking can only be managed by tackling root causes that result in asylum seekers and orderly and normatively sustainable asylum procedures. In conclusion, an asylum seeker and a resettled refugee are products of the same issues, but they are addressed with different policies. Here the focus is solely on resettled refugees.

The first part of the analysis examined the background and building of norms, the principles at work (Manners 2015, 227). These principles and norms are then put into practice in the formulation of the EU resettlement framework, which was put into practice as a partial response to the refugee crisis in 2015. This framework was already offered its normative justifications through informational diffusion and examined as one of the durable solutions to manage refugees and migratory movements.

5.2. The second part of the tripartite analysis: the actions taken, establishing the EU resettlement framework

The second part of the analysis examines the relevant material between 2015–2017 and employs the second phase of the tripartite analysis, according to what the measures are now taken based on the principles analyzed during the first part of the analysis.

The European Agenda on Migration (COM2015 240 final) addresses the integrality of migratory movements, including the principles for the practices and the needs for a common asylum and refugee policy. The agenda puts an emphasis on the severity of the refugee crisis and concludes that the response of the EU was immediate but insufficient. The agenda emphasizes that it is urgent to fulfill EU's duty to protect. The EU should use its global role and its means to address the root causes of forced migration. This statement is aligned with the conception of humanitarianism, according to which humanitarian actors have the duty to protect and the duty to provide. Further, to state that the EU should address the root causes of forced migration reinforces the categorization of the EU as an

alchemical humanitarian actor. The communication states that EU should continue to receive refugees in an orderly way. The EU should integrate its international commitments and values while securing its borders. This refers to the paradox that was examined in the analytical framework which entails that the EU still wants to find at this stage a middle ground between humanitarian aspirations and national interests.

The agenda calls for a core set of measures and consistent policy goals. The EU needs to restore confidence in the ability to assemble efforts to meet the international and ethical obligations and to increase cooperation. This requires efforts of all actors and internal and external policies. (COM2015 240 final, 2.) The communication is thus emphasizing the need for further integration regarding policy measures.

The agenda presents that the EU has a duty to help displaced people. This is verbalized as a joint responsibility towards the international community in cooperation with UNHCR. Indeed, UNHCR endorsed a target of 20,000 resettlement places for the EU per year by 2020. There are significant differences of participation rates between Member States in resettlement activities, which calls for a common policy approach to balance the differences in participation. (COM2015 240 final, 4.) This endorsement is a starting point for the actual EU resettlement framework. The pledge will evolve from 20,000 to 22,504 and the timeframe will be narrowed to two years, from 2015 to 2017.

The Commission Recommendation on an European Resettlement Scheme (C2015 3560 final) was released following the Agenda on Migration and as a response to the increase needs to manage the ongoing refugee crisis. The recommendation presents the concrete measures to be taken based on the principles of action provided by the previous communications and documents, which lay down the normative justifications for resettlement action. The recommendation emphasizes the duty of the EU to act on the refugee crisis, recalling the seriousness of the situation, especially in the Mediterranean. (C2015 3560 final, 2.) The document stresses EU's determination to gather efforts to prevent further deaths at sea and to tackle root causes of the humanitarian emergency that the refugee crisis is posing. Based on this, the European Council is committed to set up a project on resettlement on voluntary basis across the EU, offering places to persons identified as refugees. (C2015 3560 final, 2.) This can be interpreted as a concrete action that was taken based on the ground work that was observed in the first part of the tripartite analysis. Thus it follows Manners' conceptualization of having three distinguishable

waypoints for the normative justifications (Manners 2015, 227) of the EU resettlement framework.

The recommendation recalled that the European Parliament called upon the Member States to make further contributions in existing resettlement programs and stressed the need to ensure safe and legal access to the EU. The document states the significant imbalance between Member States regarding commitment to resettlement measures. Only fifteen Member States and three associated states have a resettlement program, three Member States and one associated state have resettled sporadically, while others do not engage in resettlement activities at all. In 2014, the number of asylum applicants reached a peak of 626 000, while only 6380 third country nationals in need of international protection were resettled to the EU. The Justice and Home Affairs Council acknowledged that all Member States should give their contribution to resettlement in a fair and balanced manner. (C2015 3560 final, 2.)

The document refers to the European Agenda on Migration as a set of measures tailored to respond to the human tragedy in the whole of the Mediterranean. The need for resettlement efforts is stated as a way to avoid displaced persons from resorting to criminal ways in search for protection. Based on this statement, the document assesses Commission's recommendation proposing an EU resettlement scheme to offer 20 000 places on the basis of a distribution key. The distribution key allocates a quota for each participating Member State based on population (40%), GDP (40%), the average amount of spontaneous asylum applicants and the number of resettled refugees per one million inhabitants between 2010–2014 (10%) and the unemployment rate (10%). (C2015 3560 final, 3.)

The inclusion of a distribution key is a way to justify solidarity and burden-sharing among Member States and to confirm that the EU wants to mend the paradox that humanitarian aspirations and national interests are posing. Still, the distribution key can be argued to be an efficient way of negotiating the implementation of the resettlement framework, since many Member States may be reluctant to participate out of fear of taking more responsibility and refugees than other Member States without a strong justification. The recommendation states Member States are responsible for hosting refugees by following the relevant EU and other international rules. This corresponds to the call made by

UNHCR who urged European countries to make larger commitments to receive refugees through sustainable resettlement schemes. (C2015 3560 final, 3.)

The content of the resettlement scheme is straightforwardly detailed in fourteen measures. The measures include allocations categorized by geography, population and timeframe. The pledge is to resettle 20 000 refugees in need of international protection within two years from the date of the adoption of the recommendation. Sub-quotas per Member State should be allocated following the distribution key, which ensures a balanced and sustainable resettlement pace among Member States. Associated states are also welcome to participate in the scheme. The program targets specific regions for the selection of refugees. These areas are North Africa, the Middle East, the Horn of Africa and focusing in particular on the countries where the regional development and protection programs are already implemented. (C2015 3560 final, 4.)

While Member States are responsible for the national admission, UNHCR is responsible for the allocation of candidates from priority regions through personalized proposals for resettlement to Member States and the participating associated states. After admission, the refugee should enjoy complete refugee rights. (C2015 3560 final, 5.) Resettlement candidates are to be informed on rights and obligations under resettlement process and national asylum law before transfer.

The following year, in 2016, the European Commission released a communication (COM(2016)197 final) to the European Parliament and the Council titled *Towards a reform of the common European asylum system and enhancing legal avenues to Europe*. In this communication, the Commission states that migration remains a defining issue for the EU. It states how Member States will continue to meet their legal and moral commitments towards refugees. (COM(2016)197 final, 2.) This statement is a very normative justification for the EU resettlement framework as it reassesses strongly how migration is and will continue to be an important issue that needs common approaches as well as reinforcing EU's standing point as having strong aspirations to be an alchemical humanitarian actor with an institutional logic of appropriateness based in principles.

The communication put an emphasis on the measures that were put in place in the European Agenda on Migration, how these measures need to be reinforced with the goal of a reformed and balanced European asylum system. This is mentioned as being of great

importance in order to regain control of refugee influx. At the same time, reforming the existing framework is necessary to ensure humane and efficient asylum policy. The communication elaborates on the significant structural weaknesses and shortcomings in the conceptualization and implementation of European asylum and migration policy, which the 2015 refugee crisis exposed. The EU needs to implement tools for successful management of migration flows aligned with the approaches of the European Agenda on Migration. (COM(2016)197 final, 2.) The willingness presented by the recommendation to tackle migration issues, such as the 2015 refugee crisis both in the short and long run entails that the EU is willing to find such policy measures that support future possible refugee flow pressures. Interestingly, the recommendation states that the refugee crisis exposed the structural weaknesses in the EU asylum and migration policy (including refugee policy and resettlement measures). This can be explained by the lack of political will and weak normative justifications for the measures needed.

The overall goal includes the redistribution of the burden that some Member States are carrying more than their resources enables and to have a fairer system providing safe and legal paths for refugees. In order to achieve this goal, the system must be comprehensive with the conformity to principles of responsibility and solidarity. (COM(2016)197 final, 2.) This assessment changes the normative justifications towards a more comprehensive approach, where the need to reform asylum and refugee policy is emphasized as a way to ensure sustainable management of migratory flows.

The communication emphasizes that reducing irregular refugee flows and protecting external borders simultaneously can only succeed if the refugee crisis is conceptualized in a broad perspective. This means that the EU needs to enhance legal paths to the EU, improve existing legal instruments, strengthen CEAS and continue to tackle root causes of forced migration. (COM(2016)197 final, 5.) The EU included the protection of borders and the will to reduce irregular flows as part of the justifications for policy reforms. It is unclear whether the recommendation tries to mend the paradox of securing national interests and pursue humanitarian vocations or if this goal is stated as such for encouraging Member States to participate in the reform and implemented measures.

The EU must learn from the refugee crisis and address its institutional weaknesses that are slowing the response to such a crisis. Actions are needed to an asylum system and response that is human, fair and efficient in the long run. (COM(2016)197 final, 3.) Smart

migration management needs solid policy-making processes and long lasting results. Migration management should ensure the protection of refugees and enhance legal paths to the EU that are both sustainable and transparent. Following the 2030 Agenda (sustainable development goals), the EU recognizes the multidimensional reality of migration requiring a coherent and comprehensive response. The EU stresses the need for the international community to raise efforts regarding the responsibility to protect and not just within the EU, as the responsibility to protect is currently shared in an uneven manner at global level. (COM(2016)197 final, 14.) This statement fits the broader context of the EU as a global humanitarian actor within the global refugee regime.

When presenting resettlement as a way to move towards a more managed approach to refugee protection in the EU the communication states that Member States have now at this stage agreed to resettle 22,504 refugees with the help of the UNHCR, from regions in the Middle East, Northern Africa and the Horn of Africa. (COM(2016)197 final, 14.) Building on these existing initiative, such as the resettlement framework, the Commission will set out a proposal framing the EU's policy on resettlement, which would provide a common approach to safe and legal paths for refugees to arrive to the EU. EU-level initiatives could be general in scope, aimed at enhancing resettlement initiatives globally, or to help resettlement from a particular third country or region with linkage to certain conditions on effective cooperation in migration management (reducing irregular refugee flows). Such a mechanism could be adopted on the basis of UNHCR's global resettlement targets. (COM(2016)197 final, 15.)

EU policy on resettlement should have as objective to ensure that the EU takes on its fair share of the global responsibility to provide protection to refugees. This responsibility is shared among the international community and it will be adequately addressed with determination to act. In that context, the EU needs to increase its support and participation for international initiatives addressing global migration and refugee challenges, such as UNHCR global resettlement programs. For this, the EU needs a structured and common system for evaluating resettlement efforts systemically.

This enables the EU to lead by example and diffuse solidarity as normative power within the international community. (COM(2016)197 final, 15.) In conclusion, the communication included a statement from European Commission's President Jean-Claude Juncker, according to whom the EU needs to manage migration better in all

aspects. The need for solidarity in regards of the humanitarian imperative is more than ever valid. The Commission is therefore fully committed to achieving the important objective of achieving a sustainable, human, integrative, legal and efficient migration policy. (COM(2016)197 final, 20.)

Following the recommendation and the communication, the Commission issued on July 2016 a *proposal* (COM2016 468 final) *for a regulation of the European Parliament and of the Council establishing a union resettlement framework and amending regulation no 516/2014 of the European parliament and the council*. The proposal includes a contextualization and the statement that the union is working towards a sustainable and balanced migration policy. The EU should work to address both the immediate and the long-term challenges of refugee and migration issues. (COM2016 468 final, 2.)

This statement entails that the EU should further strengthen its integrative policy measures to accomplish the goal of implementing the EU resettlement framework. The holistic approach to migration and refugee policy indicates that the EU wants to bring all aspects into consideration and include different actors in the policy-making process. Resettlement is stated as one of the ways that can be offered to refugees in need of international protection to allow them to enter the EU legally and safely and receive protection for as long as needed.

It is also a tool to show solidarity on international level and share the responsibility with Member States and third countries. Resettlement initiatives are part of the larger objective to ensure protection of refugees while at the same time reducing irregular refugee flows and the use of dangerous routes which prevents smuggling business from flourishing. (COM2016 468 final, 2.)

The UNHCR estimated that the number of people in need of resettlement will surpass 1.19 million worldwide, while only approximately 80,000 persons were resettled in 2015. UNHCR has indeed urged the EU to increase efforts. The Commission aims to create a more structured, harmonized and permanent framework for resettlement. Such a framework is needed to guide future resettlement efforts as the current approach lacks robustness and comprehensiveness. This hampers EU's capacity to achieve its policy objectives. (COM2016 468 final, 2.)

Building on existing resettlement initiatives in the EU framework, the legislative proposal aims to establish a resettlement framework with the objective of facilitating resettlement policy and provide a balanced procedure. A common framework would reduce divergences among national practices and put the EU in a stronger position to achieve its policy objectives on international level. Indeed, the EU should be able to speak for all its Member States and acquire a single pledge for the participation in global resettlement initiatives. This could convince other international actors of EU's convictions. (COM2016 468 final, 3.)

This legislative proposal is a procedural diffusion of EU's commitment to its normative justifications regarding refugee issues. The proposal (COM2016 468 final, 5) is consistent with the comprehensive long-term policy on better migration management as set out by the commission in the European Agenda on Migration. Common standards of procedures and common criteria of eligibility reduce divergences among the national resettlement practices and procedures. (COM2016 468 final, 19.) In order to ensure common conditions for the implementation of the EU resettlement framework, an annual resettlement plan could be fixed with a total quota, the details for participation, geographical allocations and quotas per Member States. (COM2016 468 final, 20.) The Council should aim to adopt the proposal within two months. Furthermore, the UNHCR should continue to play a key role in resettlement efforts conducted under the union resettlement framework. (COM2016 468 final, 20-21.)

In article 3 on the union resettlement framework, a union resettlement framework is hereby established. This framework lays down rules on resettlement measures for of third-country nationals and stateless persons to the territory of Member States and it contributes in reducing irregular flows. (COM2016 468 final, 24.) In article 7 the annual resettlement plan is said to include to total quota of resettled refugees, the details of participation for Member States, their contributions of the total quota and geographical priorities. (COM2016 468 final, 27.) In article 8, the Commission states the resettlement scheme should be adopted within the annual resettlement plan. This scheme should then include the detailed justifications of the allocations, arrangements needed on local and practical levels, a description of proposed refugees and the timeframe for the scheme. (COM2016 468 final, 28.) The proposal includes also a statement regarding the evaluation and reviewing of the plan and scheme, which will be examined in the next and final part of the tripartite analysis, since it corresponds to the impact of actions taken by

looking at the follow-up reports of the implemented resettlement framework, from 2016 to 2017.

5.3. The third part of the tripartite analysis: the impact of actions taken, impact of the EU resettlement framework

In the third and last part of the analysis the aim is to look at the impact of the actions that were taken based on the principles which built the resettlement framework in the first and second phases of the analysis. Here the aim is to elaborate the results of the EU resettlement framework in relation to the normative justifications and finally analyze how the resettlement framework and its normative justifications fit the wider context of the EU as a humanitarian institutional actor within the context of global refugee regime.

In the first follow-up report on relocation and resettlement presented as a communication from the Commission to the European parliament, the European council and the Council (COM2016 165 final) released in March 2016, the communication states that the Commission recommended an EU resettlement scheme in 2015 of 20,000 resettlement places to address the global migratory crisis and show solidarity with third countries affected by the crisis. Still, as the flows continue in 2016, only 4,555 refugees have been resettled. The unsatisfactory implementation of this scheme is due to a variety of factors, including the reluctance of Member States to resettle as people continued to arrive in an irregular way. (COM2016 165 final, 2.)

The UNHCR emphasized the need to accelerate resettlement contributions. The first assessment of the progress and implementation made in terms of the EU resettlement framework shows more challenges than actual results. Indeed, as was presented in the first report, the poor implementation is due to different factors, the lack of political will being the most important factor. Even when the EU has been building the possibility of a resettlement scheme for more than 10 years, Member States are still reluctant to participate despite the refugee crisis. Or it can be argued that the refugee crisis struck in a way that the first reaction of Member States is to halt all measures that would possibly reduce state sovereignty and to first debate on the adequate response on national level before cooperating on EU level. UNHCR's initiative to call for an acceleration of measures entail that UNHCR has a significant role overseeing the progress of the resettlement framework from a global view. (COM2016 165 final, 2.)

Following the Commission recommendation (C(2015)3560 final) released in June 2015 on a European resettlement scheme, 27 Member States together with associated states agreed to a plan to resettle 22,504 refugees from third countries within two years. While some Member States engaged in resettlement programs for many years through the help of UNHCR, this is a first common effort on resettlement on EU-level. For many Member States this is the first initiative on resettlement activities. Based on the information received by Member States, 4,555 refugees were resettled through the scheme by March 2016 to Austria, Belgium, Czech republic, France, Ireland, Italy, the Netherlands, the UK and associated states of Norway, Liechtenstein and Switzerland. (COM2016 165 final, 16-17.) A majority of states participating in the scheme indicated that their resettlement efforts are primarily directed to Syrians in Jordan, Lebanon and Turkey. All persons have to be referred to the participating states by the UNHCR, which therefore plays a key role in the process. There is a strong cooperation with UNHCR, which is seen as an indispensable partner in the process. (COM2016 165 final, 17.)

The Member States' commitments under the resettlement scheme of 20 July 2015 are based on voluntary pledges. This scheme doesn't alone create a clear resettlement framework with common rules and procedures. The framework is relatively loosely coordinated and therefore lacks of oversight and fragmented information and makes it difficult for the commission to monitor the functioning of the scheme. Indeed, there are substantial divergences among the member states programs' and practices. The duration of the selection procedure is relatively long and some member states had to delay the implementation of the resettlement plans due to an increase in the number of spontaneous arrivals of migrants and asylum seekers. (COM2016 165 final, 17–18.)

There are challenges regarding the practices of resettlement, such as reception capacities, lack of human resources and the challenge of capacity building in the field of resettlement for new resettling countries. Indeed, after the scheme, 10 member states' are expected to resettle for the first time by the end of 2017. This means that there are challenges regarding the capacity of establishing resettlement procedures. To address this issue, member states should make use of bilateral visits to respective resettlement programs and engage in practical cooperation. It is important that the resettlement pledges are honored, despite possible changes in circumstances for member states particularly affected. In this

context, it is important to regularly monitor and report on the progress made. (COM2016 165 final, 18–19.)

To increase resettlement efforts and cooperation among Member States, the UNHCR High-level meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees in Geneva in March 2016 is the first opportunity for the EU and its Member States to increase their participation and support for international initiatives which aim at addressing refugee challenges and press for increased pledging. The Commission decided to bring forward an EU resettlement proposal to frame EU's policy on resettlement. This proposal will balance and coordinate resettlement approaches, which will enable to evaluate resettlement efforts among Member States more systematically and to respond to its share of the responsibility to offer international protection. Member States still need, at this stage, to provide resettlement places to 17,949 refugees, which means that Member States need to strengthen their efforts in order to meet the resettlement goals by the end of 2017. (COM2016 165 final, 20–21.)

According to the tenth report released in March 2017, the resettlement scheme is recognized as being one of the key initiatives responding to the refugee crisis and reflecting the principles of responsibility and solidarity in practice. The report recognizes the resettlement scheme as a measure that is needed in order to reduce, in a sustainable manner, the flows of irregular migration and as an important component of the wider strategy to regain control of the refugee flows. Solidarity is reassessed as imperative in order to have fair responsibility sharing among Member States. Indeed, the report emphasizes that the Commission's measures and proposals are based on this principle and they cannot be separated from each other. It has been decided by heads of state government that all elements of the EU's comprehensive migration policy have to be implemented. (COM(2017) 202 final, 2.)

Migratory flows have decreased in 2016 and significant progress has been achieved on resettlement as more than half of the quota of 22,504 has been fulfilled. As of February 2017, 14,422 persons have been resettled to 21 member States (Belgium, the Czech Republic, Denmark, Germany, Estonia, France, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, the Netherlands, Norway, Austria, Portugal, Spain, Finland, Sweden, Switzerland and the United Kingdom). There are Member States that have already fulfilled their pledges (Estonia, Ireland, the Netherlands, Finland, Sweden and the

UK, Iceland, Liechtenstein, Switzerland). In contrast, those Member States that have yet to fulfill their pledges are relatively far from reaching the pledge by the end of 2017 (Bulgaria, Cyprus, Greece, Croatia, Malta, Poland, Romania, Slovakia, Slovenia, Czech Republic, Denmark and Portugal). These states have been encouraged to prioritize resettlement activities and their commitment under the EU resettlement framework. (COM(2017) 202 final, 6–7.)

The eleventh report (COM(2017) 212 final) is the latest publication. The third part of the analysis consists thus of follow-up reports until April 2017. The study will later observe the possible outcome of the EU resettlement framework, which has to be completed by the end of 2017. According to the eleventh report, most of resettlement efforts have been allocated to Syrians in Jordan, Lebanon and Turkey. According to the report resettlement efforts have increased as a significant increase of all pledges has occurred. Indeed, the number has now exceeded the original pledge from 24,504 to 26,112 resettlement places. This is mostly due to Germany's decision to increase its resettlement efforts as a sign of solidarity towards refugees. Austria and Romania are preparing their first resettlement efforts. Still, there are some Member States (Bulgaria, Cyprus, Greece, Croatia, Malta, Poland, Romania, Slovakia and Slovenia) that have not resettled yet under the ongoing EU resettlement framework and those that are lacking further behind with very little or no participation (the Czech Republic, Denmark, Portugal). (COM(2017) 212 final, 10–12.)

6. Final observations

In this chapter, the aim is to observe the results of the analysis against the research questions and the analytical framework. The chapter will observe the results from the analysis according to each phase, from the first part of the tripartite analysis to the third and final part of the analysis. Finally, the study will conclude by assessing other possible paths to continue the study on this topic and the achievements and the challenges of the study.

The first phase of the tripartite analysis consisted of examining the principles at work, which enables the conceptualization and understanding of normative justifications. Principles guiding the EU and its relations to the rest of the world, here towards third countries and the international refugee regime, oftentimes are guided by principles presented in the UN Charter, the Universal Declaration of Human Rights, the European

Council on Human rights (Manners 2015, 226) and the study would add also the Copenhagen Criteria, as it proposes a clear trinity of principles that the EU and its Member States must adopt to become a Member State. The analysis was operated as an interpretative content analysis by following an interpretative referencing of depicted norms (Sinkkonen 2015, 121) under a cluster of norms (Manners 2015, 227; 2011, 242) from the chosen data consisting of official documents released by the European Commission with the timeframe of 2002 to 2014.

The aim of this first part of the analysis was to have a thorough view on the normative justifications on what the EU resettlement framework was built. The study assessed the core norms onto which the analysis can be mirrored and clustered and observe whether these principles converge. The core norms as presented by Manners (Manners 2015, 227) are sustainable peace, freedom, democracy, human rights and rule of law and the general provisions on equality, sustainable development, social solidarity and good governance. As Manners pointed out, the challenge remains in being able to point out to what extent these principles enable the formulation of EU policies that promote them in return. Further, there is a challenge of comprehending to what extent these principles are constituting the EU as an actor, here as a liberal, normative, institutional humanitarian actor through resettlement, and how the promotion of these principles becomes an extension of EU policy-making. (Manners 2015, 227.)

By using the tripartite analysis, the study allocated the observed normative justifications to the categorization of core and minor norms. This division was examined in the methodology of this study to assess how this approach enables the capability to tackle the data. The material used for this first part consisted of two communications from the European Commission (COM(2003)152) and (COM(2003)315) and a study conducted by the Directorate-General for Justice and Home Affairs released in 2004. These two communications were chosen for this part since they precede the refugee crisis and have included resettlement as an initiative to be considered, but without the same urge to be concretized as will be noticed in the later part of the analysis.

The communication from the European Commission to the Council and the European Parliament on the common asylum policy and the agenda for protection (COM(2003)152) proposed durable solutions and asserted the priorities for the EU on asylum and refugee matters, which includes the measure of resettlement to be considered. The communication

began by proclaiming the threat that illegal trafficking is posing to the EU institution on asylum and to EU's humanitarian tradition. Indeed, the communication encouraged for a more structured response to combat illegal trafficking.

The EU proposes a procedural diffusion (Manners 2015, 226) of normative justifications by proposing to regulate access of third country citizens to the EU by establishing protected schemes of arrival and resettlement programs. Here, the concept of resettlement program was included as part of assessing EU's humanitarian tradition in the light of combatting illegal trafficking. This observation leads the study to estimate that the EU attempts to pursue humanitarian convictions and thus identifies itself as an alchemical humanitarian actor (Barnett 2014, 243). Being and alchemical humanitarian actor enables the EU to pursue at the same time its humanitarian tradition and its political interests all while remaining connected to the core principles and values, which are imperative for the legitimization of EU policy.

The first part of the analysis refers to the Agenda of Protection, which is a document released by the UNHCR regarding the responsibility to protect and provide in terms of refugees and forced migration. The communication presented by the European Commission included the agenda in its statement that the EU ought to be a relevant and strong actor for the long-term implementation of the agenda. (COM(2003)152 final, 4.) This again reinforces what was observed above, that the EU perceives itself as an institution with humanitarian traditions and humanitarian obligations within the international refugee regime. The communication continues by examining the agenda for protection further. For the meaningfulness of this study, it was considered more relevant to examine only what the communication stated on the agenda to keep the perspective on the EU and not go further in analyzing the Agenda for Protection released by the UNHCR. Again, while assessing how the Agenda for Protection should be merged with the initiatives and principles of the EU, the communication presented three major priorities for the Commission. These priorities were access to protection, durable solutions and better sharing of responsibility with third countries.

Indeed, the Commission recognized that this agenda for protection has to be incorporated in all relevant participant's and entity's policy and legislative agenda, especially those of Member States. The communication stresses the important themes for the EU which are access to protection, the improvement of procedures and respect of refugees and their

protection in the management of hybrid migratory flows. The last theme presented as important was to reinforce the institutional capacities in cooperation and solidarity especially when faced with a large-scale influx and provide special care to ensure the security of children and women refugees.

A proposal to be implemented as a durable solution is resettlement. The communication relies on the statement from the Agenda for protection that affirmed the strategic use of resettlement to meet the multidimensional objectives the EU has as an alchemical humanitarian actor. The communication considers the furthering of resettlement measures as one of the common asylum policy and procedure. The study can conclude that this communication provided strong normative principles at work (Manners 2015, 226), which form the base for the further examination on the possibility of deepening resettlement initiatives on EU level. The Commission identified the EU as an international actor with humanitarian convictions and responsibilities, which leads to the conceptualization of the EU as an alchemical humanitarian actor.

Following the above communication, the European Commission released a communication to the Council and the European Parliament titled towards a more accessible, equitable and managed asylum systems (COM(2003)315 final). This communication covers the same matters as the previously evaluated communication (COM(2003)152) and it follows on the same conclusions. Indeed, this communication follows by stating the importance of finding durable solutions, among which the Commission recognizes resettlement. Resettlement is assessed as an instrument to provide international protection and to share the burden with countries providing first asylum. (COM(2003)152, 8.) Further, the communication states that implementing resettlement initiatives could contribute to restoring the credibility and integrity of asylum system and discourage the misuses of this system (COM(2003)152, 9).

The communication states that any new approach needs to be built on genuine cooperation with the aim of sharing the burden between the EU and third countries. True partnership should be built through the whole process, from the countries of origin, transit, first asylum and resettling destination. This entails that the EU wants to pursue a procedural diffusion (Manners 2011, 244) of the principles at work and ultimately to achieve a partnership as an outcome of normative justifications (Manners 2015, 227).

The communication emphasized the cooperation with UNHCR in matters of resettlement and presents the will for further partnership by participating in a steered comprehensive plan of action, which includes recommendations for caseloads for resettlement. As was assessed in the analysis, the communication states how the chronological steps in the resettlement process could be implemented on EU level, which entails how the EU wants to have more responsibility in resettlement procedures. This is due to the will of harmonizing resettlement policies among Member States under one coordinating institution, the EU. In all, this communication deepened the possibility of establishing a resettlement initiative among Member States and was aligned with the principles, values and goals presented in the precedent communication as well as with the context of EU's core norms of rule of law, democracy and human rights presented in the Copenhagen criteria among others.

The study on the feasibility of setting up resettlement schemes in EU Member States or at EU level, against the background of the common European asylum system and the goal of a common asylum procedure provides insight on the principles at work. This study was released after and based on the two communications examined above, in 2004. The study retracts the statements made in the communications, according to what resettlement is one of the three durable solutions to help refugees and manage refugee flows alongside return and local integration. The study interestingly presented how resettlement measures are to be implemented only if the political will among EU's sub-institutions, such as the Commission, the Council and the Parliament, are in favor for the initiative. Indeed, the study based its argument on EU's humanitarian tradition. The study presented a directive as the legislative instrument that could be used for the implementation of a common resettlement policy. A directive on resettlement could be most appropriate, if the goal is to encourage Member States to voluntarily take part in resettlement. This approach can be argued as rational and prudent, since it takes in consideration the fact that Member States want to secure their state sovereignty before accepting to participate in a new policy initiative. The study emphasizes the role of UNHCR in coordinating resettlement activities from a global perspective, which links EU's efforts to the global refugee regime.

The second part of the analysis examined the actions and actors that were taken based on the principles (Manners 2015, 227) explored in the first part of the analysis. Indeed, the use of normative justification for the promotion of principles implicate persuasion, argumentation, rewarding and shaming. (Manners 2015, 227.) The focus of this second

part of the analysis is to explain and examine the actions taken and how they can have an impact on the sector of resettlement and refugee policy. The material used for this part of the analysis consisted of the European Agenda on Migration (COM15 240 final), the actual recommendation for a resettlement scheme (the concept of framework is used later, as the resettlement scheme continued) (C2015 3560 final), a communication from the Commission to the European Parliament and the Council on reforming the asylum system and enhancing legal entry to the EU, a proposal for a regulation of the European Parliament and of the Council establishing a resettlement framework (COM2016 468 final). This material was chosen based on their relevance to the second part of the analysis and are examined in a chronological order within the timeframe of 2015–2017, to acquire an understanding of the normative justifications and their impact over time. The analysis was done similarly than in the first part and throughout the analysis, as an interpretative content analysis.

The European Agenda on Migration ought to be one of the key publications that helped formulate the EU's goal in terms of responding to the refugee crisis through resettlement. Certainly, the agenda covers the integrality of migratory movements and puts an emphasis on the severity of the refugee crisis. The agenda stated that the EU responded immediately but insufficiently to the crisis, which entails a need for reform and deepening of policy measures among Member States. The agenda reinforces EU's humanitarian tradition, where it should continue to endorse its international commitments and values and at the same time secure its borders. This statement can induce challenges for further implementation of the resettlement framework within the larger scope of migration and refugee policy, since securing national interests and enlarging international ones can result in a dichotomy and thus vague initiatives.

The agenda presents a concrete quota of resettled persons, which would consist of 20,000 resettlement places divided among Member States. This quota was recommended from the UNHCR, which entails that the EU and UNHCR are in close cooperation, which in turn reinforces EU's efforts as part of the global refugee regime, which can be argued to be dominated by the hegemony of the UNHCR as the macro-level humanitarian power. The agenda presents a timeframe for the completion of the quota from 2015 to the end of 2017. In all, the Agenda on Migration builds the solid normative groundwork in the midst of the 2015 refugee crisis onto which the Commission recommendation on an European Resettlement Scheme (C2015 3560 final) is then proposed.

The Commission recommendation on an European Resettlement Scheme is according to this study the prime example of the actions taken based on the normative justifications examined through the first and second part of the analysis. Certainly, the recommendation embodies all the normative elements, from the foundational values present in the Copenhagen criteria, the EU and UN Human rights Declarations and the core and minor norms of the EU. It is the epitome of the analysis this far, since it represents the concrete measures that were initiated based on the elements examined in the first part of the analysis. The recommendation presents fourteen concrete measures and steps for the implementation of the resettlement scheme, from the EU quota (both EU and for each Member State) recommended by the UNHRC, the geographical allocations from where refugees should be resettled and the responsibility of each Member State to comply and fulfill its resettlement commitments.

The European Commission released the following year, in 2016, a communication on the reforming of the asylum system and the enhancement of legal ways of entry. This communication stated that migration issues arrived on the EU policy agenda to stay. It also emphasized on behalf of all Member States how the EU will continue to agree on the importance of cooperation to meet the legal and moral commitments towards refugees. This statement reinforces the institutional nature of the EU as having a logic of appropriateness as was argued in the analytical framework. The communication addresses critique towards the asylum policy as not being efficient enough to tackle concretely the refugee crisis.

This deficiency was shamed and thus this normative measure correlates with the methodological approach of analyzing the actions taken in the promotion of the principles (Manners 2015, 227) that were laid down in the first part of the analysis. The communication calls for a comprehensive approach in response to the refugee crisis and the political deficiency of migration and refugee policies. On resettlement, the communication addresses that Member States have agreed on a quota of 22,504 refugees. This means that the quota increased from the first recommendation of 20,000 by 504 resettlement places. To reinforce the normative power of the communication, an informational diffusion (Manners 2011, 244) of principles is made with the inclusion of a statement presented by the President of the European Commission, Jean-Claude Juncker, according to which the EU needs to manage migration more efficiently in all its

aspects. The EU has to act on humanitarian imperative and the need for solidarity. Commission's President, Jean-Claude Juncker concludes the statement by reinforcing Commission's commitment to achieve the important objective of an integrated, sustainable and holistic EU migration policy. (COM(2016)197 final, 20.)

The proposal for a regulation of the European Parliament and of the Council establishing a union resettlement framework (COM(2016) 468 final) emphasizes resettlement measures through the willingness to establish a legal instrument to secure the resettlement framework. The conversion of principles into a legislative instrument entails that the EU is willing to implement the values and principles that are preached. Indeed, the communication established clear timely steps of a two-month deadline for the Council to process this initiative and adopt it. The proposal concludes by stressing the importance of following the measures implemented through regular follow-up reports.

The third and final part of the normative tripartite analysis examines the impact of the actions that were taken based on promotion of principles (Manners 2015, 227). The outcome of normative justification may resolve in socialization, partnership or ownership. In this study, these outcomes are present and elaborated here. For this part of the analysis, the material consisted on follow-up reports issued by the Commission on a regular basis. This far, eleven reports were published and observed for this study, but to ensure the relevance and meaningfulness of the study only the first, the tenth and the eleventh reports are examined further, because other reports were quite similar to one another apart from the different numerical progress to fulfill the quota of 22,504 resettled refugees. The reports include a follow-up both on relocation and resettlement, but to clarify, this study focuses only on resettlement efforts.

The first report mirrors the efforts to the recommendations made in 2015 of resettling 20,000 persons. This far, March 2016, only 4,555 refugees were resettled. This is shamed by stating the total number is unsatisfactory. The UNHCR has followed on its role as the hegemony of the global refugee regime by calling the EU to accelerate the resettlement initiatives. The impact of the actions started as posing more challenges for the implementation of the measures than actual positive results. The efforts on resettlement began on a voluntary basis, as a resettlement scheme, but with the resulting challenges the Commission decided to bring the scheme forward and add a legislative instrument to it, a regulation. This meant that the resettlement scheme evolved into the resettlement

framework. The report concluded by invoking the responsibility of Member States to resettle the rest of the quota of 17,949 refugees by the end of 2017.

The tenth report conceptualized its results by assessing the decrease of migratory flows in 2016, which has somewhat alleviated the pressures that the Member States were facing. This far, Member States increased their efforts with having more than half of the 22,504 resettlement places fulfilled. Indeed, by February 2017, 14,422 persons have been resettled to 21 Member States. There are still eight Member States that need to increase their efforts and fulfill their part of the quota. The eleventh report states that most of the resettlement efforts have now been accelerated and increased. Indeed, the official quota of 24,504 increased to 26,112 resettlement places, which is mostly due to Germany's decision to increase its resettlement efforts. Still, there are Member States that have yet to resettle or that have slowed down their efforts.

It can be thus assessed that the normative justifications throughout the tripartite analysis correlated with the aims of the EU of establishing a EU resettlement framework. The tripartite analysis found that the norms depicted from the data followed on the core and minor norms presented (Manners 2015, 227; 2011, 242). The normative justifications were then diffused through procedural or informational diffusion, depending on the needs of the Commission to either follow with the implementation of initiatives or their informational dispersion. The norms formulated the basis for the EU resettlement framework and acted as reference points when evaluating the efforts of Member States. Indeed, the Commission and UNHCR used persuasion, argumentation, shaming and rewarding (Manners 2015, 227) as means for coordinating the implementation.

The follow-up reports showed that the normative justifications provided enough of a base to persuade Member States to participate in the EU resettlement framework and commit to both the EU quota and national quota (based on the distribution key). Still, the follow-up reports showed that some Member States were not able to fulfill their quota in the pace required and some were fully reluctant to participate in the framework. This shows that while the EU can be successful by using normative justifications in its initiatives, the paradox of sovereignty over all policy sectors and the willingness to transfer some decision-making power to the EU prevails.

It can even be depicted that Member States reluctant to comply to the resettlement commitments were clustering in eastern parts of the EU. This entails that a procedural diffusion of contagion among neighboring Member States may have occurred that explains the reluctance of Hungary, Romania, Slovakia, Slovenia, Bulgaria and the Czech Republic to take part. On the other hand, Member States in the northern parts of the EU, such as Finland, Sweden, Iceland, Estonia, Ireland and the UK had already fulfilled their quota commitments by April 2017, which shows a strong political will to participate in resettlement efforts. Indeed, it can be concluded that the main reason between differences in resettlement results between Member States is derived from the tensions between national and international interests, but they still managed to provide robust normative justifications for the implementation of the EU resettlement framework in relation to EU's way of exercising soft power.

7. Conclusion

The study began with thought *paving the way to resettlement*. Indeed, this study has attempted to provide an examination of the normative justifications paving the way for the EU resettlement framework. The thought of having to *pave* the way derived from the presumption that the EU's decision and policymaking processes have not been as efficient as they should have. The 2015 refugee crisis showed this lack of common procedure and common will. Until the refugee crisis in 2015, the EU had been helping third countries through humanitarian actions in alleviating refugee crises far from its own borders. But this time the refugee crisis broke out at the shores of the Mediterranean and the borders of EU territory. This crisis resulted in an accelerated rate of policy implementation regarding migratory issues. The CEAS was set to be reformed in April 2016. The CEAS reforms brought along the implementation of the EU resettlement scheme (later *framework*). This scheme is a separate program, but it is presented alongside the CEAS, as it responds for its part to migratory issues.

The study's subject of analysis was the EU resettlement framework. The research questions aimed to tackle the normative justifications of the EU resettlement framework and evaluate whether the EU resettlement framework can be perceived as having responded to the 2015 refugee crisis for its part. To conceptualize the EU resettlement framework within an accurate analytical framework, the convergence between forced migration studies and international relations were examined. Humanitarianism was

proposed as a way to conceptualize the EU resettlement framework within the scope of alchemical humanitarianism. Liberal and normative institutionalism enabled to find the conceptual relationship of the EU and the EU resettlement framework. With this analytical framework, the methodology of tripartite analysis of principles (Manners 2015, 226) was presented. After careful consideration, the study assessed that this methodology would fit the integrality of the study. Indeed, the tripartite analysis enabled the analysis on the EU resettlement framework that in turn responded to the research questions.

In short, it was deduced that the EU resettlement framework has been implemented based on strong normative principles and justifications. These principles are rooted in the institutional nature of the EU and they follow every initiative regarding resettlement, which entails that the framework had to be implemented in relation to the core principles, norms, values, ideas and beliefs that founded the EU. When reflecting the results of the analysis to the analytical framework, the study observes that the normative justifications follow on the norms and principles that are inherent across global refugee regime, humanitarianism and institutionalism.

Indeed, reflecting to the global refugee regime, the EU resettlement framework laid down its foundations on the 1951 Convention on the Status of Refugees, it admitted the hegemony of the UNHCR as granting recommendations for resettlement and coordinating the initiatives on a macro-level, attempted to adopt a policy measure that followed on the paradox of combining internal security and human rights presented by Lavenex, but admitting the importance of integrating common resettlement measures on EU-level. Regarding humanitarianism, the EU resettlement framework laid down its foundations according to the UN Declaration on Human Rights and it complied to the categorization of alchemical humanitarianism. Reflecting on liberal institutionalism, the EU resettlement framework complied to the categorization of a sub-institution within a macro-level institution (EU) and to the liberal criteria of an institution. Reflecting on normative institutionalism, the EU resettlement framework complies to the normative criteria of an institution and the logic of appropriateness or moral duty of a normative institution.

The EU resettlement framework was carefully analyzed through the tripartite analysis of principles (Manners 2015, 226). The results showed that the EU resettlement framework increased in normative justifications during the context of the 2015 refugee crisis, as the

EU accelerated its initiatives to respond to the crisis. The EU resettlement framework evolved from an abstract level of consideration in 2004, to a voluntary resettlement scheme in 2015, and ultimately to an EU resettlement framework that was legitimized with a legislative proposal. To respond to the research questions presented at the beginning of the study, the EU resettlement framework presented normative justifications correlating fully to the division of core and minor norms (Manners 2015, 227; 2011, 242), which results in a perception of the EU resettlement framework as a being built solely on normative justifications, their informational and procedural diffusion (Manners 2011, 244) and ultimately achieving the outcomes of both socialization and partnership (Manners 2015, 227). The EU resettlement framework does for its part respond to the refugee crisis as it has already resettled more than 20,000 persons in need of international protection. The framework also shows solidarity towards refugees and third countries and is a way of sharing the burden among member states and among member states and third countries.

To conclude, the study derives that studying the EU resettlement framework was a challenging but fruitful project, which resulted in the depiction of the normative justifications behind the framework against the multidimensional analytical framework. In all, the study of the EU resettlement framework could be pursued further through a comparative case study between two member states participating in the framework and assessing national differences between the two states. Further, the EU resettlement framework could be studied and criticized against the theory of humanitarianism by arguing whether this type of alchemical humanitarianism is just a way to slip national interests disguised in universal humanitarian aspirations.

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