Master Thesis – European Governance

Shifting Strategies: Effective Solidarity

An analysis of how framing may effectuate change in negotiation strategies within the Council of the European Union on the matter of refugee relocation.

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This master thesis was written during an internship at the Security and Justice section of the Permanent Representation of the Kingdom of the Netherlands to the EU in Brussels.

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ABSTRACT

This thesis takes the proposal of effective solidarity as suggested by the Slovak Presidency in the second half of 2016 as a case to assess whether a frame may contribute to changes in negotiation strategies of member states within the Council of the European Union. Data was gathered through interviews with counsellors of seven member states and an extensive document analysis. Results were analysed to assess whether the frame of effective solidarity altered the positive-sum or zero-sum perception of refugee relocation; level of salience; scope and linkage of the issue; or perception of shared values, identified as the indicators of negotiation strategies, of the selected member states. Analysis shows that in the highly sensitive policy field of migration and asylum, different perceptions of how to challenge the new reality of high numbers of migrants and refugees remains difficult to tackle. Historical and cultural differences heavily influence member states' perception of this issue. Combining negotiation and framing theory, this thesis has found no significant changes in negotiation strategies. The changes that were identified in the indicators of the negotiation strategies are more likely to be caused by external factors.

Table of Contents

Abbreviations and definitions

CEAS	Common European Asylum System
Council	Council of the European Union
EP	European Parliament
EU	European Union
JHA	Justice and Home Affairs
MENA	Middle east and North Africa
TEU	Treaty of the European Union
TFEU	Treating on the Functioning of the European Union
QMV	Quality Majority Voting
Relocation	The transfer of a refugee or migrant from one EU member state to another EU member state.
Resettlement	The transfer of a refugee or migrant from a non-EU country to an EU member state.
Return	The process in which a refugee or migrant is denied a (temporary) residence permit in an EU member state and is returned to the respective country of origin.
Hotspot	Reception facilities in either EU member states or third countries where refugees and migrants are located while awaiting their refugee or migration application.

Chapter 1: Introduction

1.1 Negotiations and framing

"*A European solution is one where nobody is happy*", remarked a counsellor interviewed for the purpose of this thesis. The statement reflects the notion that European policy and politics revolve around a large number of interests and actors that make it hard to satisfy everyone, or maybe anyone. Ultimately, policy produced in Brussels is a compromise between the actors and interests involved. In negotiations such interests and actors are brought together in an effort to find a European solution. They may take place inside and between institutions and other actors, such as interest groups. For this thesis the focus is on the Council of the European Union (hereinafter the Council) where member states negotiate on a common position. Council negotiations have long been subject of analysis but remain subject of interest and analysis due to closed behind doors dynamics of the institution. Minutes are not published and no camera-footage similar to that published by the European Parliament (EP) is available. Studying the workings of the institution through qualitative research involving actors within the Council therefore contributes to a better understanding of the institution.

The main method of interaction between member states within the Council is negotiations. Within negotiation theory a common distinction is made between bargaining and problem-solving as strategies (Elgström & Jönsson, 2011; Scharpf; 1988; Hopmann, 1995). The former focusses on individual interests of actors and makes cooperative behaviour less likely, reducing chances of compromise. Problem-solving strategies however, focus on the common interest and seek to facilitate results that are beneficial to all actors involved. Actors exhibiting problem-solving strategies portray more cooperative behaviour and show a belief in common values (Elgström & Jönsson, 2011). Scharpf (1988) argues that problem solving solutions would require an "*orientation towards common goals, values and norms - which are difficult to create, and they are easily eroded in cases of ideological conflict, mutual distrust or disagreement over the fairness of distribution rules*" (1988; 265).

EU member states increasingly discuss matters that are highly sensitive in nature. Topics may touch upon sovereignty or historically and culturally determined policy fields that heavily differ between member states. Following Scharpf's logic above, this

would make problem-solving negotiation strategies unlikely, as negotiations on sensitive matters cooperative behaviour is more difficult to achieve. In some cases, such negotiations may result in policy deadlocks: actors are unwilling to move on their positions and the status-quo is maintained. With the EU increasingly discussing such sensitive matters, deadlocks are more likely. Thus, a better understanding of how such deadlocks may be broken is required. In that light, this thesis will study a sensitive policy field, notably EU asylum and migration policy.

Breaking policy deadlocks can be achieved by changes in negotiation strategies. Building on the distinction in strategies mentioned above, shifting from a bargaining strategy to a problem-solving strategy may increase the prospects of a compromise. The question then arises how negotiation strategies may be altered. While various ways could be thought of, this thesis studies how framing can contribute towards this goal. Framing pertains to a type of communication that can highlight different elements of the perceived reality (Entman, 1993). Through framing, interpretations and perceptions may be altered. This thesis attempts to analyse whether a frame can alter the interpretation or perception of EU member states in negotiations. Should a frame be found capable of doing so, negotiation strategies may be altered and the outcome of negotiations is affected. This thesis will take the proposal that goes by the name of "effective solidarity" to see how member states interpret, perceive and read different things in a single issue. The main research question of this thesis is:

> *"In what way can the frame of effective solidarity effectuate a shift in a negotiation strategy of EU member states in the Council of the European Union?"*

The effective solidarity proposal pertains to the instrument of relocation: the transfer of a refugee from one EU member state to another EU member state. The third section of this chapter provides further background to the case of effective solidarity. First, the following section will outline the various sub-questions that will be answered in this thesis for the purpose of answering the main research question above.

1.2 Structure and sub-questions

Negotiation strategies can be altered by various factors, for example the level of salience of an issue experienced in a member state or as noted above, common

values. In an effort to assess whether framing has altered a negotiation strategy, analysis should thus look at how the frame altered these particular indicators of negotiation strategies. The second chapter of this thesis attempts to identify the relevant indicators of negotiation strategies by answering the first sub-question: "*Which indicators influence the negotiation strategy of member states within the Council of the European Union?*".

Having established how a negotiation strategy of member states can be determined, it is then relevant to turn to the frame. The idea that framing plays a role in negotiations is not new. Scholars have noted how framing may shape negotiations based on the stage at which they occur, be it agenda-setting or policy formulation (Daviter, 2007). Due to structure, the EU provides for numerous access points for frames. Falk Daviter (2007) notes how party coercion or programmes that normally provide stability are not present in EU negotiations. Moreover, scholars have observed how the framing of complex issues may influence policy dynamics. Such dynamics affect the formulation of substantive interests and contribute to redefine actor alignment within such negotiations (Schmitter, 1992). Given the highly complex nature of the EU, and the number of actors and interests involved, it is pertinent to adequately delineate framing theory before applying it to the EU negotiation context. Therefore, the second chapter attempts to answer the question "*What elements of framing theory are relevant when analysing negotiation strategies?*".

The second chapter will then combine the theory on negotiation strategies and framing. The third section on operationalisation of the theory will address which elements are to be observed to adequately assess a potential change in negotiation strategies caused by the frame of effective solidarity.

The third chapter elaborates on the methodology applied in this thesis. First, it will outline which member states were chosen for the purpose of research. In an effort to reduce the number of actors analysed, the thesis distinguishes between three coalitions respectively: the frontline member states coalition, the destination countries coalition and the Central Eastern European coalition. Within these coalitions two to three member states have been chosen for the purpose of analysis. For the frontline-coalition Greece, Italy and Malta were selected. For the destination-coalition Germany and the Netherlands were selected. The CEE-coalition analysis will focus on Hungary

and Slovakia. This selection attempts to cater for the nuances within the coalitions respectively and circumvents potential sample bias. The second section of the methodology chapter will briefly argue why effective solidarity constitutes a frame. A third section in the methodology chapter will elaborate on the chosen methods of this thesis which applies a qualitative research approach. A document analysis of official English language government publications is used to establish negotiation strategies. This is combined with interviews with counsellor of the respective member states. Documents are gathered on two stock-taking events that were fundamental to the development of the relocation issue: the emergency relocation decisions in 2015 and the European Council in December 2016.

The fourth chapter will elaborate on the analysis of the data. For the purpose of size and readability a more extensive analysis per member state is found in annex IV and V respectively. A first section seeks to answer the following sub-question: "*Which negotiation strategy do member states approximate concerning the refugee relocation issue during the two chosen stock-taking events?*". In doing so, it will provide the negotiation positions of the selected member states on the two stock-taking events. Having determined the negotiation strategies, the second section of this chapter will assess whether changes have occurred in the negotiation strategies of the member states by answering the following sub-question: "*What changes have occurred in negotiation strategies during the analysed stock-taking event*?". Having established whether change has occurred in member states' negotiation strategies, a final section will attempt to explain change or stasis in these strategies by either frame and non-frame related factors. This final section seeks to answer the following sub-question: "*How can change or stasis in the negotiation strategies of member states be explained?*".

The fifth chapter will provide a conclusion to this thesis. In doing so it establishes whether the theory applied has proven adequate in explaining change in negotiation strategies through framing. Moreover, it will provide potential areas where further research may be relevant.

1.3 The case: effective solidarity

Solidarity has been a concept thoroughly linked with the European Union (EU). The concept can be identified in the preamble of the Treaty of the European Union (TEU)

and in important articles, such as article 2 of this treaty outlining the fundamental values of the Union. Furthermore, it can be found in other articles setting out the goal, code of conduct or way of achieving a goal in the EU. The primary example of this is article 88 of the Treaty on the Functioning of the European Union (TFEU), which mandates that policies and their implementation shall be governed by the principle of solidarity. Despite this broad application throughout the functioning of the EU and its legislation, the concept has become subject of critique in various policy domains. As mentioned before, the effective solidarity proposal pertains to relocation, and instrument in the field of asylum and migration. Particularly in this field the concept of solidarity is contested. As member states have diverging traditions when it comes to migration and asylum procedures.

Since the surge in refugee and migrant applications in the EU gradually began to take shape, particularly southern EU member states with external borders have called for solidarity in the migration and asylum policies. (Murphy, 2016). In 1999 the EU established the Common European Asylum System (CEAS) with the goal to harmonise standards of protection, ensure effective cooperation and increase solidarity and a sense of responsibility among member states and non-EU countries (European Commission, 2017a). The CEAS is currently under revision within the Council. In 2015, as numbers of arrivals continued to rise in Greece and Italy, an increasing number of member states called for relocation. However, in the current EU acquis relocation does not constitute a legal instrument. As a result, the matter of relocation came under discussion in the Council as an extraordinary instrument. In 2015 the Council of Justice and Home Affairs decided on the relocation of 160.000 people from Greece, Italy and Hungary to other member states, in spite of resistance of some other member states. Moreover, the European Commission proposed to establish a permanent relocation mechanism under the CEAS reform to deal with similar crisis situations in the future. This triggered the negotiations on relocation that in 2016 led to the introduction of effective solidarity.

Following the negotiations, it became apparent that changing legislation and putting the relocation scheme into practice would prove difficult. The migration and asylum policy field is considered highly sensitive and politicised. Member states hold different and strong views on the policies related to this field. Change is difficult to achieve due to diverging traditions and cultures, and in many aspects constitutes a political

deadlock. This became particularly apparent in the relocation efforts of the EU mentioned above. Member states in Central and Eastern Europe have by and large rejected the relocation of refugees to their territory, on the basis of *inter alia* cultural differences (Galanova, 2016; Broomfield, 2016). In their opinion, participation in such relocation mechanisms should be voluntary. Furthermore, the CEE-countries stress that the focus of the European migration system should be on the so called external dimension: border protection, agreements with third countries and return operations.

To break the stalemate on the permanent relocation mechanism, the Slovak Presidency of the Council in the second half of 2016 introduced the idea of 'flexible' or later, 'effective' solidarity. Under effective solidarity member states would be allowed, depending on the severity of the situation at hand, to show solidarity in different ways, such as border protection or providing experts (Nielsen, 2016). The effective solidarity proposal builds on the ambiguous notion of solidarity. The introduction of the frame forces negotiations to address what constitutes solidarity within the relocation debate and to what extent it should cater for the particularities of member states. Should the introduction of the effective solidarity frame then be able to alter these perceptions of views, a potential shift in negotiation strategies may occur. A similar dynamic can be identified in the concept of effective. The notion is ambiguous and allows actors to interpret the frame in different matters, whether intentional or not. It is not specified whether 'effective' refers to a desired state of effectiveness of the relocation instrument or rather points to the different ways of showing solidarity within the EU. However, this latter interpretation seems supported by the preceding 'flexible' solidarity, before the introduction of effective solidarity.

Ultimately, effective solidarity forces negotiation to address what is meant by the concept. Whether this is to obfuscate the meaning and introduce vagueness, or provide clarity and flexibility remains contested. Nonetheless, should the frame be able to alter negotiation strategies of member states by catering for the differing interpretations and perceptions, a potential solution to breaking policy deadlocks may be found. This in turn is highly significant for future negotiations on equally sensitive matters in the EU political context.

1.4 Relevance

As mentioned above, the EU policy increasingly touches upon highly sensitive matters. Other examples than the asylum and migrant field include eurozone-integration or stricter environmental standards versus economic and financial interests. Policy deadlocks and highly politicised negotiations are thus likely to increase in frequency. In assessing whether framing may alter negotiation strategies, one method of breaking potential deadlocks or affecting the outcome of negotiations is analysed. Whether framing affects negotiation strategies is thus relevant for research on equally divisive negotiations in the future. Given the sense that negotiations typically concern sensitive political subjects and ideological actors, insights in such dynamics will increase the understanding of highly complex (political) negotiations.

In light of developments on European constitutional matters, such as multi-speed integration, a better understanding of framing and interpreting ambiguous concepts in the EU context is particularly relevant. Moreover, such research would build on the lacking, but increasingly common studies which combine EU politics and negotiation theory (Dür, 2010). Most recent research that applies this combination has focussed on international relations. However, one could argue that negotiations in the EU no longer constitute international negotiations but rather approximate domestic policy debates due to the frequency of such negotiations and its institutionalised nature. Research that has analysed the effects of framing on EU negotiations have predominantly focussed on the negotiations that are typified by intergovernmental structures and veto's. Particularly in a contexts where other voting methods such as qualified majority voting (QMV) apply, effects of framing may be different and warrant further research. In this thesis, a highly sensitive policy field is studied, providing an interesting insight in Council negotiation dynamics affected by framing.

Chapter 2: Theory

In this chapter the theoretical framework of this thesis will be elaborated. In doing so, it will address some of the sub-questions that follow from the main research question and provide a framework for empirical analysis. This chapter consists of three sections.

The first section will provide a theoretical analysis of negotiation strategies. In doing so, it will highlight the differences between bargaining and problem-solving strategies. The section seeks to answer the following sub-question; "W*hich indicators influence the negotiation strategy of member states within the Council of the European Union?*"

The second section elaborates the theoretical background of the concept of framing and will explain the combined approach applied in this thesis. Following this approach, it will show how the related characteristics of this approach relate to negotiation strategies. The section seeks to answer the following related sub-question: "*What elements of framing theory are relevant when analysing negotiation strategies?*".

A third section combines both sets of theory by formulating indicators of analysis for the purpose of empirical research. Moreover, the section briefly addresses potential causes for change that may not be the result of the frame.

2.1 Negotiation strategies

This section will consider the theoretical foundations of negotiation strategies and will address the differences between bargaining and problem-solving strategies. It seeks to answer the sub-question: "W*hich indicators influence the negotiation strategy of member states within the Council of the European Union?*"

Negotiation strategies provide the starting point for the theoretical analysis since this thesis focusses on changes in such strategies. Straus (1978) argues that negotiations should be observed as an alternative to other means or modes of action, like coercion or manipulation. Consequently, negotiations should be observed as a means of interaction, embedded in social settings. This pertains to the actors involved, alternatives present and various other relevant factors that together constitute an interactive, process-oriented environment. Smeets' (2015; 3) definition follows this logic: Negotiations can be defined as *"a distinctive mode of joint decision making in*

which decisions come about, not by arbitration (by a judge or referee), nor by simple numerical aggregation (coalition building or voting), but by means of social interaction".

In a political context like the EU, this is particularly relevant due to the large amount of actors and interests involved. EU legislation is a mode of negotiation because coercion and manipulation are considered inappropriate for member state to member state relations. This logic is strengthened by the idea that to EU member states, there is no real credible exit option. Due to the 'locked-in' or 'embedded' nature of EU-membership a shadow of the future is always present. This provides member states with certainty that a loss in one negotiation may be compensated by a win in another negotiation (on another matter) (Smeets, 2015).

2.1.1 Bargaining or problem-solving

Within negotiation theory, a common distinction is made between bargaining strategies and problem-solving strategies (Elgström & Jönsson, 2000; Scharpf; 1988; Hopmann, 1995). The primary difference between these strategies lies in their respective focus on self-interest and common interest. A bargaining strategy involves actors operating on self-interest. Agreement between actors can only be achieved when the outcome rewards all actors more than non-agreement would facilitate. Furthermore, scholars have noted how failing to reach an agreement is considered a viable option within bargaining strategies, for the result of non-cooperation or no agreement may be preferable over compromise for some actors (Scharpf, 1988). Applying this logic to the EU context, Elgstrom & Johnsson (2000) argue that with bargaining strategies dominant, actors may prefer the status-quo, as policy change might prove costly and work to the detriment of existing merits. The fear of losing the benefits of the status quo encourages member states to focus on existing legislation. As such, lowest common denominator outcomes are prevalent, reflecting the position of the least ambitious member state and thus, the least ambitious or transformative policy outcome. Bargaining strategies are more likely to operate on the basis of reciprocity; tit-for-tat equally valued transactions between actors (Keohane, 1986). With bargaining strategies prevalent, policy deadlocks may be more common and compromise and solutions are less likely to be found.

Table 2.4: Characteristics of negotiation strategies		
Strategy	*Bargaining strategy*	*Problem-solving strategy*
Interest perspective	Self-interest of actor is leading.	Common interests are considered, conditioned self-interest
Agreement	Final outcome rewards all parties involved in relation to their non-cooperation standard and lowest common denominator solutions.	Joint 'value-creation' through either maximisation or mutual gains.
Underlying mechanism	Reciprocity.	Atmosphere of cooperation, burden sharing.
Value system	Differentiated.	(Partially) Shared.

Strategies more likely to achieve policy change are those that exhibit problem-solving characteristics (Scharpf, 1988). A problem-solving strategy is characterised by positive-sum solutions that attempt to benefit all participants involved by 'creating value': an increase in or new benefits to the negotiation actors (Elgström & Jönsson, 2000). Scholars have noted how in problem-solving strategies, actors search for creative and inventive solutions, strengthening the ability to create value. A problem-solving strategy does not necessarily imply the dismissal of individual interests; rather, it posits that such interests are conditioned by patterns, norms and institutions. In this light, institutions or organisations that facilitate negotiations contribute to an atmosphere of cooperation.

Scholars of negotiation theory have generally assumed that within international negotiations, bargaining strategies are prevalent (Hopmann, 1995). However, more recent research posits that both strategies co-exist within the EU. (Elgstrom & Jonsson, 2000). Reasons for this are multiple. Firstly, studies that found bargaining strategies to be prevalent in EU negotiations a, focused primarily on the grand bargain negotiations, which were dominated by national interests and vetoes (Moravcsik, 1997). However, new research indicates that in the day-to-day negotiations between member states, a more informal and socialised type of behaviour is a factor that influences negotiation behaviour (Smeets, 2015). Due to the more frequent and informal setting in which member state officials meet, confrontational behaviour becomes less pervasive. Secondly, due to the often complex and technical nature of issues at the EU level, discussions focus on finding an optimal solution to technical problems. This reduces the prevalence of single actor interests. Thirdly, some scholars

have argued that an atmosphere of burden sharing and finding solutions to common problems has developed within the EU and that its constituents have accepted that results flowing from EU-cooperation are not always in a single country's best interest (Wallace, 1990). Finally, bargaining strategies thrive in environments that are considered one-off deals. Considering the fact that EU member states are bound to cooperate and negotiate in the foreseeable future, deals can be struck under the presumption that those that do not gain from one deal, may do so in the future (McKibben, 2010). This logic is referred to as the 'shadow of future' (Smeets, 2015).

Ultimately, change in negotiation strategies, from a bargaining strategy to a problem-solving strategy or the other way around, affects the outcome of the negotiation process. Therefore, analysis of this change is relevant as this provides insight into how negotiation deadlocks may be broken. Operating on the premise that both strategies exist, the following section will outline which factors indicate either strategy, bargaining or problem-solving.

2.1.2 Indicators of negotiation strategies

The following subsection will outline the various factors identified that indicate a member state's negotiation strategy. Thus, when analysing strategies, change may (or may not) be explained by changes in these particular indicators which together constitute the negotiation strategy. The indicators identified will provide the starting point for the empirical analysis found in chapter 3.

Research has provided numerous indicators that may influence a negotiation strategy. For the purpose of this thesis four indicators have been identified that may influence the negotiation strategy of a member state (McKibben, 2010). The first is whether a member state perceives an issue as zero-sum or positive-sum. The second relates to the salience of a particular issue. A third indicator pertains to the scope and linkage of a particular issue and the final indicator refers to a system of shared values.

The first indicator is whether an issue is considered zero-sum or positive-sum. In zero-sum negotiations, interests of member states are opposed and a bargaining strategy is likely. With a zero-sum perception, actors consider that a gain of one actor will result in a loss for another. Thus, in negotiations one actor will attempt to avoid its losses or maximise its gains to the detriment of another actor, bolstering the presence of

behaviour associated with bargaining strategies. Furthermore, more redistributive issues are more likely to induce zero-sum negotiations. Contrarily, with positive-sum perceptions, interests are less conflicting and alignment among negotiating parties is more likely. A perception is prevalent that all actors involved may gain from finding a compromise or solution. Thus, with a positive-sum perception of negotiations, problem-solving strategies are more likely to be present. Scholars have noted that the number of issues, for example through issue-linkage, also plays a role in facilitating positive-sum perceptions because the scope to gain from a negotiation increases (Sebenius, 1983).

A second indicator is salience. McKibben (2010) notes that a higher salience increases chances of conflict within a negotiation because the involved interests are acutely sensitive. A negotiation strategy that exhibits bargaining-like behaviour is thus more likely to occur if a member state perceives the issue as one of high salience. The level of salience can be influenced by numerous factors such as state interests or prospective elections. A frame may alter the level of salience of a particular matter when it is able to either highlight or supress elements within the issue that affect the level of salience. This is not to say that the level of salience may not be altered by other, non-frame related matters, as will be elaborated in the methodology chapter.

The third indicator is the scope of the issue. The scope of an issue is heavily influenced by the linkage of one issue to other, associated issues, problems or events. For example when issue A is considered intertwined with issue B by one actor, it may stress the need to address issue B simultaneously. This affects the process and outcome of negotiations. Linkage is a relevant indicator as linked-issues may relate to the other determinants mentioned above, for example salience. Scholars have noted how the differences in state interests among linked-issues is important (Sebenius, 1983; Lewis, 2010). Where states place distinct levels of interest and importance on different linked-issues within a negotiation, the more feasible a reciprocity based exchange is. For example, issue A may be very important to one actor, whilst issue B is not. For a second actor this importance may be the opposite, enabling an exchange on issue A and B. This reciprocity then relates to the underlying mechanism of exchange. The exchange of linked matters may or may not occur on the basis of reciprocity: member states that feel that for every euro spend or effort made something should be received in return that equates the value of the expenditure.

The fourth and final indicator is a system of shared values (Bailer, 2010). In this light, if a member state perceives common values or ideologies among its partners, convergence towards a solution may be easier or foster coalitions that would reduce the amount of interests within a negotiation. Placing ideological similarities in a broader perspective, one has to take note of the suggestions that the EU constitutes a community of values, referring for example to its human rights record. A perception of commonality and shared values within a member state towards the EU or other member states may induce problem-solving strategies. Whilst an issue may not be necessarily salient or positive-sum for a member state, it may decide to take its fair share of the burden based on the internal belief that this is part and parcel of EU obligations or its value system, such as solidarity.

Having established the indicators of negotiation strategies, it is now pertinent to theoretically elaborate on the concept of framing and how it alters the indicators mentioned above. In doing so it may provide an explanation of changes in negotiation strategies and thus the outcome of such negotiations.

2.2 Framing

This section will address what a frame is and which particular elements are relevant for the case of this thesis. This section seeks to answer the following sub-question: "*What elements of framing theory are relevant when analysing negotiation strategies?*".

The concept of framing is strongly rooted in the social constructivist school. Straus (1978), for example, notes how communication creates and maintains social relations. Considering political negotiations as a type of communication, the social constructivist perspective becomes evident through the various interactive offers, interpretations and types of behaviour that define negotiations. Framing has been a notable subject of analysis in the last two decades of the 20th century and throughout various fields of study, including communication, sociology, and politics (Dewulf *et al*, 2009; Entman, 1993). Frames clarify and highlight the way actors 'make sense' of issues and interactions (Dewulf *et al*, 2004; Drake & Donohue, 1996). Individuals might accentuate different aspects within communication based on their needs. Actors use framing to signal preferences or importance of certain elements within a topic or issue (Drake & Donohue: 1996). Building on this idea, this thesis will use the seminal

definition provided by Robert M. Entman (1993). Under this definition, framing constitutes a way "*to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation*" (1993; 52). This broad scope and application of this definition is useful for analysing the multi-actor and political environment of the case examined in this thesis.

2.2.1 Ontological distinctions

A myriad of methods, focal points, and interpretations of framing has occurred over time (Putnam & Holmer, 1992). In an effort to provide clarity, Dewulf *et al* (2009) argue that an ontological distinction is to be made between two paradigms. Firstly, frames, as observed through the cognitive representation paradigm, augment the knowledge structures that individuals apply to communication and concepts. Cognitively construed frames help structure and explain reality and place it within the existing cognitive structure. Such structures in turn, generate expectations about information and consequently affect behaviour and communication. Tversky and Kahneman (1981) note how the frame of a decision-maker is only partially defined by the formulation of the problem as a gain or loss. The frame is also defined by the cognitively construed norms, habits, and personal characteristics of the decision-maker. A second paradigm perceives frames as interactional co-constructions, whereby parties negotiate and interact in an effort to construct meaning. Scholars from this tradition argue that confusion or ambiguity that arises from interactions creates the need for interpretation. This interpretation is then provided by framing and reframing. Frames point to a negotiated alignment among actors and highlight how in communication different aspects of the process defined.

In the first paradigm, the cognitive paradigm, meaning is the 'internal' result of memories and the cognitive structures mentioned above, reflecting the actors' belief system in relation to reality. Contrarily, in the interactional construction paradigm, meaning is the 'external' result of co-constructed interactions between actors and is perspective-based. Consequently, a frame can be redefined, reframed, or shift in its meaning. Within the interactional paradigm, frames are built from various accumulated elements during the ongoing process of negotiation. Frames function as communicative vehicles that define the ongoing negotiation process between actors.

This thesis will apply a combination of these paradigms when observing negotiation strategies and a potential shift therein. Whilst a combination seems to go against the logic of making distinctions, the approaches should not be considered mutually exclusive, but rather offer (complementary) lenses to observe frames (Dewulf *et al*, 2009). Furthermore, most research on framing is bottom-up, pertaining to how different actors apply different frames to a single event. In this thesis however, the approach is top-down and focus is on a single frame (effective solidarity), looking at how actors interpret the frame. Applying a combination of the two paradigms and types of frames is thus warranted. The combined approach of the two paradigms allows a more holistic analysis of the member states perceptions of refugee relocation.

Using a cognitive approach will shed light on how a member state makes sense of the problem and consequently provides insight in factors that might indicate behaviour that is associated with a particular negotiation strategy. However, applying merely a cognitive paradigm would provide insight in a state's specific internal interpretation of a frame, whilst in a negotiating context the interactive process and relationships between actors in the negotiations are an important factor too. This is even more relevant where the frame is aimed at providing a policy compromise, as is often the case in an EU political context. An interactional approach is therefore necessary to identify the relational elements and the way member states perceive themselves vis-à-vis others. This caters for the role and relationships between the member states, highlighting their respective interests and policy preferences. Regardless of such interests and preferences, EU solutions constitute compromises between the involved actors. Considering that compromises, albeit framed or not, are the result of extensive negotiations, studying a multitude of actors is in order. Actors' reactions to and interpretations of such a compromise provides insight in the ongoing dynamic, as opposed to results found when studying a single actor. Based on the above, for the analysis of the influence of the effective solidarity frame on negotiation strategies, a combination of the two paradigms is suitable.

2.2.2 Types of frames

Further delineating the concept of framing, another distinction can be made among the lines of *what* is being framed. Here, Dewulf *et al* (2009) distinguish between issue frames, identity and relational frames, and process frames. Firstly, issue frames relate

to the meaning that actors apply to objects, problems or issues in their domain. Secondly, identity and relational frames focus on the perspective and interpretation actors give to oneself and another involved in a domain. Finally, process frames pertain to the interaction of the actual process between actors. Placing this distinction against the ontological paradigms mentioned above, Dewulf provides the typology presented in table 2.1.

Table 2.1: Approaches to framing for conflict and negotiation research (Dewulf et al, 2009; 166)			
Nature of frame	*What is being framed (or type of frames)*		
	Issues	*Identities and relations*	*Process*
Frames as cognitive representations	1. How parties cognitively represent the substantive issues in the conflict situation	2. How parties cognitively represent self, others and relationships in the conflict situation	3. How parties cognitively represent the interaction process between them in the conflict situation
Framing as interactional co-construction	4. How parties interactively construct the meaning of issues in the conflict situation	5. How parties interactively construct the meaning of self, other and relationships in the conflict situation	6. How parties interactively construct the meaning of the ongoing interaction process between them in the conflict situation

In an EU context, and in relation to the case of effective solidarity that this thesis observes, all three types of frames are present. Firstly, issue frames shed light on static elements of a frame present within a member state. It addresses the nature and scope of the problem in relation to the actor. Effective solidarity ultimately is centred on a particular problem that requires a policy solution: the (emergency) relocation of refugees. In this light, refugee relocation constitutes a clear policy issue – albeit highly sensitive and large in scope – that most actors agree requires a European solution (Spahn et al, 2916; Traynor, 2015). A conflict concerning the scope is present as well, as indicated by member state discussions on a policy focus on either external border protection versus the need for a migration and asylum policy (Peter, 2015). Issue frames pertain to the scope and meaning of a particular problem and frames applied are expressions of the labels actors place on the problem before them respectively (Dewulf et al, 2009). Other scholars that have focused on issue framing have included

definitions that shed light on the links between various type of frames, highlighting the overlap between them. Putnam and Holmer, for example, define issue development as follows: "*a continual process of assessing and reassessing agenda items in light of attacking arguments, information exchanged, and interpretations that bargainers give to these activities*" (1992; 139). Such processes may ultimately lead to consensus and therefore, a policy solution.

Secondly, relational elements are present in the effective solidarity proposal too. Relational frames shed light on the expectation one member state has of another. Using this perspective, empirical research highlights to what extent a member state feels agency over the problem or feels that other member states should carry responsibility. As different interpretations and interests collide within the negotiation process, identity and relational aspects come apparent. For example, member states may find themselves aligning with frames present or dominant within like-minded actors in an effort to strengthen their position. Not only the application of the term solidarity is a reflection is this, earlier suggestions of policy solutions on the relocation issue such as the term 'flexible' (rather than effective) solidarity, or 'solidarity contributions' indicate a similar logic. Consequently, such interactional behaviour may influence the strategy of member states in negotiations. Linked with this issue is the focus of the social environment of relationships and identity. Particularly in the EU this 'conditioned environment' could be a factor influencing the way framing is perceived, given the numerous (in)formal interactions between member states and corresponding coalitions and groupings. Furthermore, relational and identity elements are present in the way member states perceive each other's position within the relocation debate. Examples may include victim-roles or non-cooperative roles. Drake & Donohue (1996) note how framing is to be observed as an ongoing process rather than static solution. In the European political space, the lacking party coercion or political programmes allow for a broad number of (diverging) perceptions (Daviter, 2007). However, such perceptions do take place in the situated context of (depending on the stage of negotiations) the more informal levels of the Working Parties and Expert Groups. Thus, the effects of the effective solidarity frame won't merely be the result of an internal representation of the refugee relocation problem, but incorporates expectations of peers at various Council levels.

Thirdly, observing framing through a more process based approach, Blount and Larrick (2000) highlight how exercising control over a frame elicits more demanding behaviour from negotiating actors. A process potentially at work in the effective solidarity proposal, as the Slovak or Maltese Presidencies over the Council can foster feelings of ownership over the frame in this regard. This logic would imply that the more 'ownership' an actor feels over a frame, the more demanding or bargaining-like their negotiation style would be. Moreover, the scholars note how frames may not only pertain to the outcome of a negotiation, but can be procedural of nature (Larrick & Blount, 1997). A procedural frame is focused on describing actions performed by actors during the process. Moreover, Dewulf *et al* (2004) stress that the frame configuration provides an factor of shifting dynamics in negotiations. Frame configuration refers to the dominance of a particular frame in negotiations. In this light, progress or stalemates in the negotiation reflect whether actors involved in the negotiation have accepted the frame applied to an issue by another actor, or adjust their own frame respectively (Drake & Donohue, 1996). Lastly, noting the high potential for linkage within the CEAS-reform process, actors may stress that compromises or solutions have to be found on other dossiers simultaneously with resolving the relocation issue.

2.3 Operationalisation

The following section will combine the two sets of theory above. As previously mentioned, this thesis seeks to establish whether framing can affect a shift within negotiation strategies. To that end, this thesis assumes that negotiation strategies may be altered when (the perception of) one of the four indicators is altered. In analysing such a change then, it is pertinent to note that changes to these perceptions may stem from either the frame or from externally driven factors.

2.3.1 Negotiation indicators in the effective solidarity case

Firstly, addressing frame related factors, one has to observe how a frame can alter either the positive-sum or zero-sum perception; salience; scope or linkage; or notion of shared values that pertain to the relocation issue. Below an outline will be provided how these indicators will be assessed. This outline does not serve as an exhaustive list but provides some guidelines how one may establish the perception, presence or

absence of an indicator. Providing an exhaustive list is not possible in this regard as actors talk or perceive matters differently and is thus difficult to quantify, underscoring the qualitative nature of this thesis.

To answer the main research question each of the four indicators will be assessed on two events; the emergency relocation decisions and the European Council of December 2016. Following the assessment of the indicators the negotiation strategies of the member states will be determined. The following chapter will then compare changes or stasis in these two negotiation strategies and attempt to explain a potential or shift of absence thereof. Here, data will be coded along the lines of the previously identified indicators.

Starting with the positive or zero-sum perception of the refugee relocation, one should take note of the fact that ultimately refugee relocation concerns a redistributive matter. The principle of solidarity is a reference to the redistributive element within the refugee relocation instrument among member states, considering it pertains to finding a compromise to share the financial, material but also societal burden that comes with refugee relocation. Effective means different things to different actors but in any case refers to the *way* solidarity should be carried out. Should this process contradict the interests of a particular member state, a zero-sum perception of the refugee relocation matter is likely present, thus increasing the chances of a bargaining strategy. If the frame of effective solidarity changes the perception a member state has of refugee relocation by either increasing the prospect of creating value for all member states involved or reducing the chance of a loss for this particular member state, a change in negotiation strategy might occur. Wording that focusses on or implies a fear of consequences is relevant for a zero-sum perception. Should a member state mention or imply a fear of negative consequences, it will clearly perceive itself as a 'loser' of refugee relocation in spite of positive results for another actor. Contrarily, should a member state clearly imply that resolving the refugee relocation problem will benefit all, a positive-sum perception seems appropriate. In sum, when identifying a positive- or zero-sum perception analysis should focus on whether gains are made for all member states involved or that a gain from one member state indicates a loss for another. Thus, when it comes to analysing a negotiation strategy, the following indicator is relevant:

1. **The extent to which a member state perceives the debate as zero-sum or positive sum.**

Linking this to framing theory, a zero-sum or positive-sum perception has predominantly bearing on issue related elements of the frame. The perception ultimately defines whether the issue and solution at hand portrays a gain or loss for the actor(s).

Secondly, addressing the indicator of salience in light of the frame of effective solidarity, both a reduction or increase of salience can be relevant. Salience is closely linked with the other indicators. For example, a frontline member state may experience high levels of salience on the matter of refugee relocation yet exhibit a problem-solving strategy because the member state in question may attach significance to finding a solution. However, high salience in a member state that is not willing to partake in the relocation efforts may further bolster their bargaining strategy. Thus, when observing the frame of effective solidarity both reductions and increases in salience are relevant and should be observed in light of the other indicators. A reduction in salience for example, may occur when a member state perceives effective to mean that the problem gets addressed in an manner that fits with the member state's interpretation of the notion of effective. An example of how an increase in salience may occur is when a member state perceives effective solidarity to involve policies or instruments that it considers part of a national competence. Member states that would be subject to a high level of salience for any reason may, use superlatives to make their point or describe themselves in a victimised situation. Implications may be made by the documents or in the interviews that without changing the particular situation severe consequences may follow. On the other hand, some member states may do the opposite and note that change may bring such consequences. Thus a second indicator of negotiation strategies can be determined as follows:

2. **The extent to which a member state considers the relocation of refugees a salient issue.**

Salience has particular bearing on identity and relational elements as well as process related elements of the frame. Salience can be affected by domestic factors, as well as be influenced by how other actors in the negotiations behave. Furthermore, should a member state feel it is neglected or holds a strong position within the negotiations

this may affect their view on the process and consequently affect how they conduct negotiations.

Addressing the third indicator of scope and issue linkage, it is relevant to assess to what extent member states link the effective solidarity proposal to other asylum related fields, for example the general revision of the CEAS. Moreover, the way a member state perceives the effective solidarity frame to allow for the inclusion or exclusion of other issues may affect their negotiation strategy. Negotiations are considered highly complex exercises of power and interests, even in a conditioned environment. Actors are stuck between the need to obtain the largest possible individual benefit, whilst having the need to show flexibility. As mentioned above, issue-linkage and scope allows actors to perceive the potential presence of collective value-creation associated with problem-solving strategies. Moreover, this directly pertains to the interactional dynamics on what the issue under negotiation entails, and what does not. Member states may interpret the use of 'effective' to mean that other issues are linkable to the effective solidarity proposal, such as border protection or return operations. In that light, member states that perceive the refugee relocation issue to be linked with other issues within the European policy fields, may be inclined to adopt a problem-solving strategy due to the potential ability to get something in return for their assistance and cooperation under this issue. Analysis focussed on how refugee relocation is described. A member state that observes a wide linkage is likely to mention the need for addressing other matters in conjunction with refugee relocation, for example border protection or assisting third countries. However, some member states may not see linkage whatsoever and either solely stress refugee relocation or do not mention refugee relocation at all. In terms of analysis, focus should be on the where the emphasis in this broad field of policy lies. This is particularly relevant given the fact that the broader CEAS is currently being reformed, of which a permanent relocation mechanism is envisioned to be part. The complete overhaul of the CEAS allows for wide linkage. In analysing a member state's negotiation strategy the following is to be analysed:

3. **The extent to which a member state feels that refugee relocation policy is linked to other (asylum or migration) issues.**

Turning to the types of framing, scope and linkage predominantly pertain to the issue related elements of a frame. Should the issue related elements of a frame be able to alter the scope or linkage of an issue, this may alter affect member states' negotiation strategies as now various elements may be exchanged or discussed.

This thesis has argued that problem-solving strategies require common goals, or at least induce conditioned self-interest. In this light, Scharpf (1988) argues that problem-solving solutions would require an "*orientation towards common goals, values and norms - which are difficult to create, and they are easily eroded in cases of ideological conflict, mutual distrust or disagreement over the fairness of distribution rules*" (1988; 265). These common values are difficult to identify in the debate surrounding European asylum legislation reforms, whilst presence of ideological conflict is apparent. These would arguably constitute grounds for a bargaining strategy in the negotiations on the refugee relocation efforts of the European Union. However, as mentioned, the notion of solidarity has been widely applied among various EU instruments and policies and could signal a common value among member states. In this light, the use of solidarity in the context of refugee relocation might indicate an attempt to encourage member states to adhere to this principle. Member states that perceive solidarity as a shared norm or value indirectly highlight their relationship towards other member states. Should solidarity be considered a common value, it is likely that such member states would be more appreciative of policies that attest to this value and thus be more appreciative and cooperative on the policy proposal before them. One could argue that this is in turn is caused by the role of the EU social environment in which the frame occurs. Specific words (for example the use of solidarity, responsibility, burden sharing) may be used to highlight the way a member states perceives of the refugee relocation. Member states may or may not mention that assisting Greece or other member states flows from an obligation under the treaties or other references to shared values. Such references indicate a belief or adherence to such values, whereas absence may mean the opposite. Thus, when analysing a member states negotiation strategy the following should be assessed:

4. **The extent to which a member state believes that the Council of the European Union operates based on a shared set of values.**

A belief in a system of shared values has, again, particular bearing on the identity and relational, and process related elements of a frame. For example, for some member states the notion of solidarity may imply a 'way of conducting business' and interaction. Particularly in a sensitive field like Justice and Home Affairs (JHA), stressing such manners could be interpreted as a nod to the necessity of compromising and future cooperation. Furthermore, the identity and relation elements of a frame are related to shared values too. Should a member state perceive EU values to be inspired by the national values or the other way around, it may be more likely exhibit behaviour associated with problem-solving strategies.

Having embedded the four indicators of a negotiation strategy in the refugee relocation and effective solidarity debate, it is pertinent to take note of other factors that might affect these indicators and thus bring change to a negotiation strategy.

2.3.2 External factors

As has become evident from above, the focus of this thesis is on whether framing can alter a negotiation strategy. However, changes or stasis in the indicators of strategies should – where necessary – be put in perspective. Particularly in a highly sensitive field as JHA where the indicators may be subject to non-frame related influences this is relevant. The factors mentioned below do not intend to serve as an exhaustive list. It attempts to identify the various elements that may be at play in an effort to avoid a bias of frame-induced change to negotiation strategies.

An important example of such a factor is the Council-presidency role, as three of the seven member states analysed in this thesis held the Council Presidency during the time of analysis. Presiding over the Council, the Presidency is responsible for finding a compromise among the member states before entering negotiations with the European Parliament. The Presidency allows for some steering in the policy debates and agenda, but more importantly expects a more comprisal attitude of the member state involved. A successful Presidency is one that is able to further progress in various policy fields thus demanding an attitude that caters for the sensitivities of other member states (Tallberg, 2003). Thus, for the purpose of this thesis it is relevant to take note of such potential compromise attitudes in (incoming) Presiding member states. The Presidency role may alter perceptions of the identified indicators.

Another relevant factor that may influence the indicators of negotiation strategies are related to the events surrounding the refugee relocation efforts. Particularly member states that are facing high arrivals, asylum applications or are subject to large scale secondary movements to other member states may alter the way a member state perceives a particular matter. Hungary for example, did not partake in the emergency relocation decisions in spite of being a beneficiary of the program, building fences on its southern borders instead when faced with large scale secondary movements.

Stefanie Bailer (2010) has noted that domestic constrains may influence negotiation strategies too. An important domestic constraint to take note of for this thesis are elections. In the researched time period, several of the analysed member states were subject to elections. Naturally, when it comes to a sensitive and divisive matter as migration or asylum (not to mention the surrounding crisis-atmosphere), elections may significantly increase *inter alia* the salience of a topic once it becomes a major issue in the elections. Other relevant domestic constrains may the fact that a government is made up of various parties forming a coalition, providing potential obstacles to presenting a coherent position. In the same vein, the ideological background of a government may or may not be aligned with important (coalition) member states and thus influence the position vis-à-vis the issue at hand.

Chapter 3: Methodology

The following chapter will outline the methodology of this thesis. It will justify the chosen relevant actors and factors, and by doing so seeks to provide a framework to structure the outcomes of the qualitative research. Furthermore, it will elaborate the chosen method.

The chapter consists of three sections. The first will address the selection of the member states targeted for interviews and document analysis. The second will address the framing nature of the effective solidarity proposal. The third section will elaborate the chosen methods.

3.1 Subjects of analysis

This section will explain the rationale behind sample selection. As has been noted above, within Justice and Home Affairs, policy debates are considered highly sensitive and include many competing ideologies and interests. Thus, a selective approach within the analysis would need to be justified accordingly. This section will first address the coalitions present in the refugee relocation debate and secondly elaborate the choice of member states from these respective coalitions.

3.1.1 Coalitions

Scholars have noted how increasingly coalitions have become significant within the Council decision making process (Elgstrom *et al,* 2001). Within the refugee relocation debate (or migrant and asylum policy at large) three groups of member states can be identified among which policy preference are not too divergent (Interview with Slovak Attaché, 2017). Within this thesis such groups will be referred to as coalitions. These states cooperate in an effort to push their interests vis-à-vis other coalitions or member states within the Council negotiations. The coalitions below are formulated without prejudice to other possible coalitions within different policy field and only address this particular case.

Firstly, a group of predominantly southern European states can be identified. This group of member states are often dubbed the 'frontline member states' due to their geographical location in Southern Europe. Considering the fact that a majority of the

refugees and migrants come from the Middle East and North Africa (MENA) region, EU member states such as Greece, Italy and to a lesser extent Spain, Malta, and Croatia are confronted with significantly higher numbers of refugee (applications) than other member states (Hiphold, 2015). Figure 3.1 shows the number of arrivals and applications in EU-member states respectively. The frontline status is further exacerbated through the first-entry principle under the Dublin-system, which mandates that refugee applications should be handled by the country of first arrival. Consequently, the frontline-coalition is a strong advocate of the solidarity principle and stresses the need for other member states to participate in the relocation efforts and contribute to the sharing of the burden. Generally speaking, the frontline-coalition has less generous welfare provisions than other EU member states. In this thesis this coalition will be referred to as the frontline-coalition.
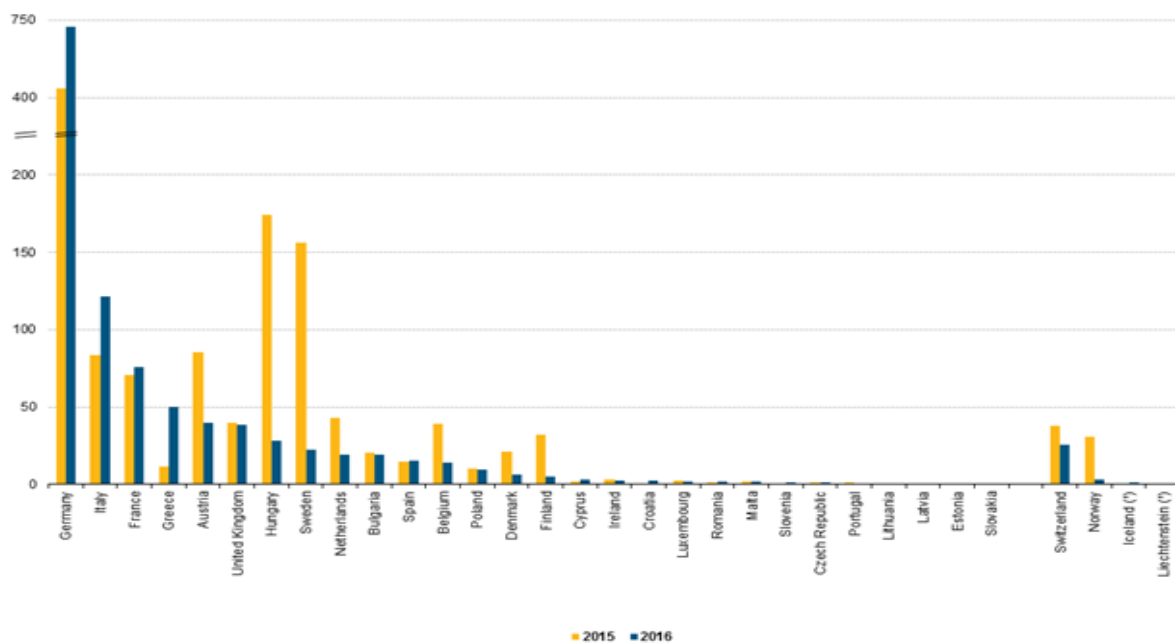
Figure 1: Number of asylum seeker in EU/EFTA per member state 2015/2016. Source: Eurostat (data code: migr_asyappctza)

A second group of member states can be identified in the North-Western geographical area of the European continent; these constitute the destination countries-coalition. Member states like Sweden, Germany, Austria and the Netherlands attract large numbers of potential refugees due to generous welfare provisions or perceived job opportunities. These member states stress the importance of responsibility towards the southern countries in terms of maintaining the appropriate procedures and

systems upon the arrival of a refugee. Considering that these countries have in the course of the unfolding migrant crisis relocated and accepted the majority of the incoming refugees, they stress the importance of all EU member states taking their fair share in terms of the relocation efforts. In this thesis this coalition will be referred to as the destination-coalition.

Thirdly, commonalities can be identified amongst the coalition of the Central and Eastern European (CEE) countries. With the exception of Hungary, countries such as the Czech Republic, Slovakia and Poland have not faced significant arrivals or applications. Moreover, the countries are generally opposed to relocation, resettlement or receiving refugees and migrants. Reasons for this are multiple. Firstly, the CEE countries point towards their largely homogenous societies and are consequently less willing to accept refugees or migrants with significant cultural differences. Secondly, these member states argue that their less developed economies and resulting more frugal welfare systems cannot sustain a high number of refugees. Linked to this, is a third argument. CEE countries posit that refugees that are accepted, tend to leave the their respective host country as soon as they can to travel further north to more wealthy member states. Furthermore, the CEE member states tend to argue that other instruments, such as external border control and return operations, the so called external dimension, are more suitable ways of showing solidarity than accepting refugees and migrants (Hiphold, 2015). This later argument flows from the more dominant belief in CEE countries that asylum and refugee policies are closely linked with national sovereignty (Lavenex, 2001). In this thesis this coalition will be referred to as the CEE-coalition.

3.1.2 Member states

Following the brief outline of member state coalitions within the refugee relocation debate, this section attempts to elaborate on the choice of two member states per coalition, which are the subjects of this research. Realising the nuances and potential differences within the coalitions mentioned above, the choice of member states in this research attempts to reflect such nuances. Furthermore, considering the fact that effective solidarity, or discussions concerning the relocation of refugees has continued up until the most recent Maltese presidency of the Council of the European Union, this latter country is taken into account too. The Presidency role within the Council allows

a member state to steer the agenda and is considered crucial in brokering a compromise between the differing positions.

I.   Frontline-coalition: Greece

The first selected member state from the frontline-coalition is Greece. Greece is significant because it sits at the core of the migration crisis. Due to its geographic location, the numerous islands it has and the fact that the country borders the non-Schengen and non-EU country Turkey, Greece has been at forefront in receiving refugees and migrants, as can be observed from table 3.1 above. Such numbers may constitute valid grounds for inter alia, high public and political salience, a factor identified in the theory part to be relevant in determining a negotiation strategy. Moreover, reports and statements on the dire situation on some Greek islands would further support such logic. Considering the high number of arrivals and applications in Greece, combined with lacklustre member states in helping Greece out would support the idea that Greece has something to gain from a European solution and therefore negotiations. For these reasons, Greece has been selected.

II.   Frontline-coalition: Spain

When thinking of another member state central to the migration crisis, Italy would come to mind as a viable candidate for analysis. However, as noted above, nuances within coalitions should be catered for. Given the fact that Italy bears some resemblance to characteristics identified in Greece (for example such as high arrivals), choosing Italy as the second member state as part of the frontline-coalition might result in sample bias. Therefore, another country would be more suitable for this research. Spain constitutes, given its sizable population and voting power within the Council, a viable candidate. Spain follows the other frontline member states on the refugee relocation issue. However, it is geographic location suggests that for Spain it is easier to protect its borders and is faced with less arrivals than due to its geographic distance from the Middle East. Moreover, due the proximity to Morocco and enclaves like Ceuta and Melilla, Spain may approach relocation differently than other frontline member states. The Spanish enclaves in Northern Africa are heavily fortified with fences and border control instruments, arguably providing for a different approach to migrant and asylum policies than others in its coalition. Thus, selecting Spain as the second

member state will shed light on other aspects than present in Greece that might influence their susceptibility to framing. For these reasons Spain has been selected.

III.   Frontline-coalition: Malta

A third member state that will be part of this research is Malta. One could argue that adding another country of the frontline member states' coalition might eschew the data; including Malta is necessary. Whilst the Slovak Presidency introduced the effective solidarity proposal, discussions on refugee relocation continued throughout the Maltese presidency in the first half of 2017. As mentioned in the introduction, effective solidarity was included in the European Council conclusions of December 2016, at the end of the Slovak Presidency. Whilst the notion was discussed among member states prior to this inclusion, to assess the effects of this particular policy frame on negotiation strategies, including the Maltese presidency is warranted. As successor to the Slovak Presidency, the Maltese were charged with working further on the concept and attempting to find a suitable compromise; their inclusion herein is thus necessary. Including Malta is relevant for other reasons too, as the country already has experience with older relocation efforts within an EU context. In 2010 and 2011 the country itself was confronted with a high influx of refugees. In these years there was no permanent or emergency relocation instrument present, but some EU member states contributed to a voluntary relocation scheme. Furthermore, with its position on the Mediterranean Sea the country plays a role in the sea-routes that refugees and migrants may take in their journey to Europe.

IV.   Destination-coalition: Germany

Another member state that played a very significant role in the refugee crisis is Germany. Germany played a central role in the crisis due to the fact that the country was considered a major destination for refugees. Moreover, the German authorities declared a *Willkommenskultur*, stressing that Germany was receptive for refugees *inter alia* on humanitarian grounds. In Germany too, issue salience is arguably high due to the high numbers of refugee applications and secondary movements. Germany is also relevant due to its significant role within the Council, supported by its population and economic power. Due to the higher number refugees it has taken in, it arguably would insist on other member states taking in their fair share too. The fair sharing of

this particular burden could be perceived as an act of solidarity among member states. At the same time, given the public sentiment and upcoming general elections, Germany has a strong incentive to stop the large influx 'at the gates'. For these reasons Germany has been selected.

V.   Destination-coalition: The Netherlands

A second member state selected in the destination-coalition is the Netherlands. Whilst the Netherlands is a destination country and has received large numbers of refugees, the volume does not compare to that of some other member states within this coalition, notably Germany, Sweden, or Austria (European Commission, 2017b). Furthermore, the Netherlands asylum provisions are considered more frugal reducing one of the factors that might contribute to the attractiveness for refugees. Thus, the Netherlands is a suitable candidate for the qualitative research as it votes similarly to other destination member states whilst exhibiting some important differences. Similarly to Germany, it is likely to stress notions like responsibility, as opposed to solidarity, and underscore the need for following procedures and rules accordingly. In the same vein, the country is likely to stress burden sharing by fellow member states that relatively speaking have accepted less refugees. For these reasons, the Netherlands has been selected.

VI.   CEE-coalition: Hungary

The first selected member state of the CEE-coalition is Hungary. Contrary to its northern neighbour Slovakia, Hungary has faced significant arrivals of refugees and secondary movements due to its geographic location on the Western Balkan Route. Until recently a primary route on journey that refugees and migrants to reach the EU. In the course of the migrant crisis, Hungary has faced significant backlash over its policies regarding refugees. The country has erected a fence along its southern border, adopted legislation making it illegal to cross the fence or leave the camps refugees have been temporarily placed in. The government of Hungary has argued that asylum and migrant policies are primarily a national competence and stresses, like other CEE-countries, the need for more effective policies at the external border. As a result, Hungary is not favourable of the concept of burden-sharing or solidarity as meant by some other member states in terms of refugee relocation; for Hungary,

solidarity can and should be exercised through other policy means. For these reasons, Hungary has been selected.

Slovakia is the second selected member state from the CEE-coalition. An important reason for this is the fact the country introduced the frame during its presidency over the Council. Arguably, it did so in the interest of other regional countries, with whom Slovakia cooperates in the Visegrad Group. Slovakia introduced the frame and can be assumed to hold some agency over the frame and is thus an appropriate country to analyse the intent and meaning of the proposal. Furthermore, given that Slovakia (similar to Hungary) brought a case to the European Court of Justice fighting the emergency relocation decisions, the issue can be considered salient for Slovakia's political class or the country at large. Slovakia is also relatively representative of the CEE-coalition with a homogenous society and relatively low welfare provisions. Publicly the country has called for effective external border protection and stressed it reluctance to accept refugees with a different cultural background. For these reasons, Slovakia has been selected.

Having outlined the member states subject of the qualitative research of this thesis, the following section will address the case of this thesis, the frame of effective solidarity. It will link the frame to the theory outlined in the previous chapter.

3.2 The frame: effective solidarity

The starting point for explaining why effective solidarity constitutes a frame is found in the abstract concept of solidarity. Neither primary, nor secondary legislation or EU jurisprudence provides a definition of solidarity. This induces EU institutions to maintain the rather abstract nature of the concept, which in turn allows actors to apply their own meanings and perceptions to solidarity since, as a principle, it is left undefined and un-operationalised in EU policymaking. In the recent euro crisis for example, southern EU member states consider debt restructuring a measure that can be considered an act of solidarity, whilst for northern member states such restructuring would prove detrimental to policy goals and economic management. They in turn consider the loans provided in return for reforms and austerity the limit of their solidarity in the current EU political context. A similar dynamic can be observed in the refugee

relocation debate. Generally speaking, 'older' member states of the EU consider taking a fair share as an act of solidarity. The need for this equal distribution is stressed more strongly in light of financial cohesion efforts by the EU, where CEE member states are on the 'receiving end' of the solidarity principle (Gotev, 2017). However, 'newer' EU member states, most notably the Visegrad countries, oppose refugee relocation efforts based on differences between their relatively homogeneous population and potential refugees. Such differences may point to the different cognitive perceptions of a frame. Consequently, they again stress different aspects in both problem and solution in regards to the issue of refugee relocation. The introduction of *flexible*, later known as *effective* solidarity, by the Slovak Presidency formalises these different interpretations of solidarity. Under this proposal, member states that are unwilling to share the burden, as implied under 'normal' solidarity through the to be established relocation instrument under CEAS would be allowed to contribute in other ways. Examples include material or personnel, development aid, or regional assistance (Nielsen, 2016). Hailed by the Slovak Presidency as a victory, effective solidarity has made it to European Council Conclusions in December 2016 and was not outright rejected by all member states or the European Commission (Zachová et al, 2017). The notion consequently carried on to be the name or frame under which refugee relocation is negotiated. Thus, negotiations on effective solidarity are linked to what member states read into the proposal in relation to which methods and instruments constitute an act of solidarity and to what extent solidarity reaches.

In sum, solidarity is employed as a frame due to its undefined nature. The abstractedness of the concept and the adoption of effective, formerly flexible, solidarity as a proposal allows EU institutions and member states to apply the label in various policy fields and enables them to interpret its meaning according to unilateral interests and interpretation. The "effective" label arguably cements this diversified interpretation in the instrument's title itself.

The following section will address the methodological approach to negotiation strategies and framing respectively.

3.3 Research methods

In the following section will address the qualitative research methods of this thesis. The first section will elaborate on the interview method of analysis. The second section will elaborate on the document analysis that serves to complement the interviews.

3.3.1 Interviews

This thesis will apply mainly qualitative methods for the purpose of analysis. Interviewing is considered the primary research method for qualitative research and will in this thesis form the primary tool of analysis. Alan Bryman (2008) notes how with the use of qualitative interviewing there is greater emphasis on the interviewee's point of view, rather than that of the researcher, thus providing necessary context to a given study. Furthermore, qualitative interviews allow for detailed and in-depth answers, highlighting the way the interviewee speaks about and perceives the issue being discussed, this contributes to the validity of data and provides rich and insightful findings. Considering that framing is closely related to one's perceptions of phenomena, the relevance of interviewing is underscored

In an effort to establish the negotiation strategies of member states, interviews were conducted with counsellors who of the Council Working Party on behalf of the respective member states. Working parties constitute a suitable level of research, arguably more so than high political office, as the in-depth knowledge and expertise of the subject lies with these councillors. These representatives are, more so than their political bosses, confronted with the realities of negotiation dynamics and structures present within the Council and they thus constitute an appropriate actor from which to gather data as it pertains to the topic at hand. Moreover, Council Working Party representatives arguably constitute an extension of the broader civil service machinery of the member state and can thus be considered a valid 'mouthpiece' of the various internal interests, discussions and ideologies that shape the internal framing process of the member state.

For the purpose of this thesis, the interview will consist of open-ended questions. Put within the qualitative interview tradition, interviews will follow a semi-structured approach. Here, key concepts and themes constitute a guideline around which the

interview is structured, whilst allowing for broad and in-depth answers and leaving open the option of follow-up questions (Bryman, 2008). Questions will focus on how member state representatives consider the scope, cause of, and solution to the refugee relocation issue. Building on this and following the identity and relational frame logic, questions are linked to how the representative perceives their role in relation to the problem or how he or she defines the role of other member states. Answers to the question shed light on the extent to which a member state perceives responsibility over both the issue and/or solution.

Recalling the use of the combined approach to framing, both cognitive and interactional elements need to be addressed when gathering data. Questions will put emphasis on the individual characteristics and perceptions of member states such as '*How did you experience this?*' or '*What was according to you the problem back then*?'. Important too is understanding how the interviewee perceives the concept of 'solidarity' and 'effective' and how these concepts work in relation to the effective solidarity proposal as a whole. Elements concerning scope, salience, positive or zero-sum nature seek to focus on what the member can do by itself, how it perceives the problem. Questions that attempt to touch more upon the interactional elements of framing should pertain to the collective interpretation of the proposal. Examples are how member states perceive their role and position *in relation* to their peers, what the process should look like and the extent to which a European solution is deemed desirable. In the interactional approach the relevance of the context becomes important too. Consequently, questions should also pertain to the extent to which member states perceive a shared value system, are willing to compromise, or see something to gain from the effective solidarity proposal.

Complemented with the secondary methods outlined below, data can be structured alongside the relevant indicators found under the operationalisation section of this chapter. Transcriptions and notes on the interviews conducted can be found in Annex I.

3.3.2 Document analysis

Another method pertaining to the analysis of member states' negotiation strategies includes a document analysis. For this purpose, statements published on official

government website will be used. For all seven selected member states in this research, reports and/or statements on events and policy have been published in English on the website of their government leader, foreign ministries, or ministries of interior or justice. In the case of Slovakia this process was found to be more difficult concerning one event and is therefore complemented with a transcription of Prime Minister Robert Fico's statements after the European Council of December 2016. Social science researchers have noted how using different research methods may serve as a method to avoid a certain bias derived from the results, or exclude other relevant variables (Bryman, 2008; Hancke, 2009). The government publications complement the interviews and provide formal and official insight to the informal and personal insight from the interviews. Analysis of this data is relevant for this thesis for two reasons. First, the communication and framing used by a member state in the public domain may be different from that used in closed settings. In the former situation, considerations of the general public or signals towards other negotiation actors may play a more significant role. Second, public statements may serve as an additional tool to assess the relational and identity frames as they refer more explicitly to expectations one member state has vis-à-vis others. Thus, such documents shed light on how the member state represents and positions itself relative to other member states.

The document analysis will focus on three important moments in a 22-month timeframe. The analysed articles cover a period from June 2015 till March 2017. All analysed articles can be found in Annex II and Annex III respectively. An overview of the analysis of these documents can be found in Annex IV and V.

Annex II focuses on the emergency relocation decisions in the Council of 2015. The decisions were taken on the legal basis of, article 78(3) of the TFEU, which allows the Council to adopt measures 'if one or more member states are being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries'. The use of this article was unprecedented and was adopted using QMV, going against the dominant culture of consensus present in the Council. The use of QMV exposed the very strong disagreement among member states regarding relocation at large, as is reflected by the documents in the annex. In July 2015 the first decision was taken to relocate 40.000 people from Italy and Greece. A second decision was taken in

September 2015 adding Hungary as beneficiary of the scheme. This event is a relevant starting point to assess member states initial negotiation strategy as the emergency and temporary nature of the decision gave rise to the suggestion that a more permanent instrument was required. The effective solidarity proposal sought to facilitate that in that need. Furthermore, the decisions lay bare the heavily politicised nature of this particular issue and the differences of opinion between member states. The total number of articles analysed in the context of this event was 27. The documents that were analysed for this event were published in the months June, (5), July (2), August (1), September (13), October (4) and November (4).

Annex III concerns the months surrounding the European Council of 15 December 2016. As mentioned before, it was this European Council that adopted conclusions containing the effective solidarity proposal for the first time. The concept of effective solidarity was discussed within the Council prior to December 2016, explaining the inclusion of articles published in the months prior to it. The analysis of these articles will attempt to show whether, in contrast to the initial relocation decisions in 2015 negotiation strategies of the selected member states has changed. The total number of articles analysed for this event is 23, including in 2016 the months July (2), September (2), October (4), November (4) and December (5) and in 2017 the months January (3) and March (1) respectively.

An extensive analysis of the documents and interviews can be found in Annexes IV and V.

Having outlined the methodology chapter of this thesis, the following chapter will provide an overview of the decision making process on the refugee relocation matter, followed by an outline of the results. Sections after that attempt to explain potential changes or stasis within the strategies respectively.

Chapter 4: Results

This chapter focuses on the various results that flow from interviews and document analysis. It will provide an analysis of the data gathered for the purpose of this research. Using the data from the government publications and interviews it attempts to assess the negotiation strategies of the selected member states of Greece, Spain, Malta, Slovakia, Hungary, Germany, and the Netherlands.

Before doing so, a first section will provide a brief contextual overview of the decision making process to put the two 'stock-taking' events into context.

The second section provides an overview of the analysis of the negotiation strategies found in Annex IV and V. This section seeks to answer the following sub question: "*Which negotiation strategy do member states approximate concerning the refugee relocation issue during the two chosen stock-taking events?*".

Having established the negotiation strategies, a third section will highlight the differences in indicators and negotiation strategies by answering the following sub-question: "*What changes have occurred in the negotiation strategies during the analysed stock-taking event?*".

A final and fourth section will discuss the results and how they relate to the frame of effective solidarity. In doing so, it seeks to answer the following sub-question: "*How can change or stasis in the negotiation strategies of member states be explained?*".

4.1 Decision making process

Prior to the refugee and migration crisis, refugee relocation was a very limited and voluntary instrument. It was used only a couple of times, for example in Malta in 2011. When in 2015 the EU, notably Greece and Italy, were confronted with an unprecedented influx in arrivals of migrants and refugees, calls for relocation became louder. The brunt of the responsibility of these arrivals fell upon the frontline member states following the first-entry principle of the Dublin regulation. As numbers rose in the years following 2015 however, a solution was needed. In May 2015 the European Commission presented the 'European Agenda on Migration' in which the emergency relocation decisions were put forward to provide immediate relief and announcing an

upcoming proposal for a permanent relocation mechanism. These announcements then triggered the negotiations on the issue.

In July 2015 the Justice and Home Affairs Council agreed by consensus to relocate 40,000 people from Greece and Italy to other member states on a voluntary basis. As numbers continued to increase, the Commission proposed in September 2015 to include another 120,000 people to the relocation scheme and to include Hungary as beneficiary of the relocation scheme. This time, the relocation was mandatory in nature. When the decision was adopted in Council using QMV-voting, Slovakia, Romania, the Czech Republic and Hungary voted against the decision, breaking with the dominant culture of consensus. To further emphasise their opposition to the plan, Slovakia and Hungary brought a case to the ECJ in December 2015 contesting the decisions, citing concerns over *inter alia* the legal base of the decisions and proportionality. Following a Visegrad Group (Czech Republic, Poland, Hungary and Slovakia) summit in early 2016, the countries noted their opposition to a permanent relocation mechanism (Visegrad Group, 2016). In its opposition to mandatory relocation the Hungarian government announced in 2016 to hold a referendum on the matter in which the government would campaign against the relocation decisions. In the referendum a majority voted against mandatory relocation, but the referendum was declared invalid due to a low turnout.

In January 2016 the Netherlands took over the Council Presidency from Luxembourg. During this period, a lot of emphasis was on 'stemming the flows', meaning reducing the amount of arrivals of refugees and migrants to the EU. The most notable milestone of those efforts was the EU-Turkey Statement in March 2016. Under this agreement, Syrian refugees that arrived from Turkey in Greece would be brought back to Turkish soil. In exchange, the EU would resettle a refugee in Turkish refugee camps to one of the member states. At that point in time, the progress on the earlier relocation efforts was strained. Under the EU-Turkey Statement, member states were able to fulfil their remaining obligations under the emergency relocation decisions to resettle a refugee from Turkey. As a result of the EU-Turkey Statement, influx in Greece was significantly reduced.

With the large number of arrivals stemmed, focus returned to general CEAS reform, including the permanent relocation mechanism. The emergency relocation decisions

proved to be highly sensitive and strengthened the opposition of CEE-countries. With the ascension of Slovakia to the Council Presidency in July 2016 the idea of more flexibility in terms of contributions and solidarity was called for. Stating that mandatory relocation as proposed by the Commission would not be implemented during his tenure, the Slovakian Prime Minister Robert Fico introduced effective solidarity (Barigazzi, 2016). Under the Slovakian proposal the circumstances of arrivals were categorised in three types from normal, deteriorating, and severe. In defining deteriorating or severe, the plan notes that under deteriorating circumstances, a 'tailored solidarity mechanism' kicks in. Under this mechanism other member states would be able to provide assistance through financial contributions, sharing reception facilities, relocation for the purpose of return or other means. In the case of severe circumstances, the European Council would steer 'additional supportive measures, on a voluntary basis'. A number of member states strongly opposed the effective solidarity proposal, indicating a policy deadlock . Nonetheless, the European Council Conclusions in December 2016 included the need for "*the effective application of the principles of responsibility and solidarity*" in relation to the internal dimension of EU refugee policy. In the press conference by Mr. Fico after the European Council he noted how middle ground was now established and that there is an understanding among member states that "*solidarity can be shown not only by accepting mandatory quota's.*" and stated that in that regard the Slovak Presidency had been successful.

In January 2017 Malta, which was opposed to the voluntary nature of relocation, took over the Council Presidency. The negotiations continued under the Maltese Presidency, but the country got rid of the notion that member states would be able to contribute in others ways. A form of initial flexibility or effectiveness was maintained. The Maltese changes to the proposal still used the 'tiered' system in describing arrival circumstances that would activate the mechanism. In addition, when circumstances would warrant this, a voluntary relocation mechanism would kick in. If, after a period of time, the voluntary scheme would prove unsatisfactory to alleviate pressure, a mandatory relocation system would kick in. However, the Maltese proposal didn't succeed in bringing the Council to a compromise and negotiations collapsed shortly before publication of this thesis, indicating a remaining policy deadlock. During a speech in the European Parliament in which Joseph Muscat, the Maltese Prime Minister, reflected on the matter he noted that: "*For all the good intentions which we*

all declare in signed declarations, when it boils down to real, effective solidarity, we as member states should all be ashamed of our record." (Muscat, 2017). In the period from the summer of 2015 until the time of publication of this thesis, no real progress has been made to include a relocation instrument in the reformed CEAS. That is not to say that no changes have occurred in negotiations strategies among the member states, potentially through the effective solidarity frame. The following sections will analyse whether such changes have occurred and to what extent the effective solidarity frame has contributed to that end. Whilst arguably still in a deadlock, changes in negotiation strategies may translate to a different policy direction or other outcomes, thus research is relevant despite the deadlock.

4.2 Results: negotiation strategies

Following the theoretical and empirical chapter, this section will attempt to establish the negotiation strategies applied by member states during the two chosen 'stock taking' events. In doing so, it seeks to answer the following sub-question: "*Which negotiation strategy do member states approximate concerning the refugee relocation issue during the two chosen stock-taking events?*" The section is structured along the lines of the two stock-taking events; the emergency relocation decisions in 2015 and the European Council in December 2016. Within each subsection then, a distinction is made between the three coalitions.

A more elaborated discussion of member states' negotiation strategies can be found in Annex IV for the emergency relocation decisions and in Annex V for the purpose of the European Council of December 2016.

4.2.1 Negotiation strategies: emergency relocation decisions

The following subsection provides an analysis of documents and interviews of the three coalitions and the selected member states in relation to the emergency relocation decisions in the summer of 2015. The results are summarised in tables 4.1, 4.2, and 4.3. As mentioned above, the emergency relocation decisions proved to be the 'kickstart' of negotiations on a permanent relocation mechanism as proposed by the European Commission. It is pertinent to note that during the time of the negotiation strategies, the refugee crisis was at its peak and the EU and member states were divided. These negotiations were conducted before the introduction of the effective

solidarity frame, which is the focus of the second event analysed for the purpose this thesis. A more elaborated assessment on the member states' negotiation strategies can be found in annex IV

I. Frontline-coalition member states

In relation to the Frontline-coalition, Malta's negotiation strategy approximates problem-solving very closely. Arguably due to its small size, Malta seeks to adopt co-operative behaviour to tackle problems. Moreover, in European solutions the country may find value-creation; they allow for solutions and access to resources that otherwise would not be possible or accessible for the country. The country is a firm believer that relocation and the European asylum system at large is advantageous for all member states should the need arise, as was the case in Greece and Italy in 2015. This suggests a strong positive-sum perception. Recalling its previous experience with relocation in 2011, the level of salience on the matter is high. Supported by the wide linkage and scope of refugee relocation, Malta operates a strong problem-solving negotiation strategy.

Analysis showed that Greece perceives refugee relocation as a zero-sum issue. The country is on the losing side of this particular bargain and would prefer a situation where all member states 'lose equally'. The issue is also highly salient within the country and following the analysis of articles and the interview, Greek authorities do realise the interlinkage between other migration and asylum related files but insist that relocation remains part of the set of instruments at large. Greece feels it has not enjoyed the level of solidarity from other member states, which it perceives as an important underlying value of the EU. Whilst a high level of salience might indicate a bargaining strategy, the solution to the cause of this high salience lies in the Greek perception at the European level. Thus, the high level of salience would increase Greece's strive and feeling of urgency for a European solution rather than supporting a bargaining-like strategy. A problem-solving strategy is further strengthened by Greece's belief that the EU is built on shared values. The negotiation strategy of Greece might show characteristics of a bargaining approach in the sense that the country feels strongly about the inclusion of refugee relocation as part of the EU instruments in combating the migrant crisis but is ultimately realistic in its wish for a compromise and solution.

Compared to the other two frontline member states, Spain's circumstances are different. However, this does not translate into a different negotiation strategy. Based on analysis of the indicators, the negotiation strategy of Spain during the emergency relocation decisions approximates that of the problem-solving strategy very closely. The country has a (holistic) positive-sum perception of relocation, experiences low salience, and perceives relocation to be part of a broad set of instruments. Moreover, the country clearly identifies a set of shared values among member states, of which solidarity is one. The country holds a rather constructive position when it comes to the relocation efforts, but does stress the status quo it holds with North African countries based on its bilateral cooperation.

In sum, all three frontline member states maintain a problem-solving strategy at the time of the emergency relocation decisions. Noteworthy is that all three member states maintain a strong belief in a set of shared values underlying the EU.

Table 4.1: Overview of member states negotiation strategies and indicators					
Country	Positive/Zero sum perception	Salience	Scope and linkage	Underlying value system	Negotiation Strategy
Greece	Zero-sum perception: There are no winners.	High salience	Widely linked but need for inclusion of relocation, No reciprocity.	Lack of acknowledgement of severity, strong belief in underlying value system.	Problem-solving strategy
Spain	Positive-sum, as part of holistic approach.	Low salience	Wide linkage, heavy emphasis on third country cooperation.	Acknowledges shared values of which solidarity ought to be part.	Problem-solving strategy
Malta	Positive-sum perception.	High salience	Wide interlinkage and scope, underscores an holistic and comprehensive approach.	Underlying value system present and enjoys advantages to increase its voice as a small nation through the EU. Cooperative attitude.	Problem-solving strategy

II.   *Destination-coalition member states*

Turning now to the Destination-Coalition, the German position on refugee relocation during the 2015 period exhibited a positive-sum perception, with medium to high issue salience, a wide interlinkage between various instruments, and a sense of underlying

values. Germany applies a degree of pragmatism to all the four indicators. For example, the positive-sum perception to the relocation decisions and negotiations seems to stem from a desire to go back to a properly functioning asylum system. In the same vein, a broad interlinkage is observed. Whilst Germany seems to adhere to the underlying value of solidarity, it does so in strict combination with promoting responsibilities. The level of salience on the relocation matter is considered medium to high, as Germany perceives the issue salient to the extent that is required to reinstate proper functioning of the migration and asylum system in the frontline member states. Thus, the negotiation strategy on the matter of refugee relocation can be summed up as *conditioned* problem-solving. The country exhibits strong problem-solving behaviour due its perception of the necessity for a solution, but is aware or its strong position and adamant on certain conditions, such as fulfilling responsibilities of other actors, to be met.

In the Dutch case, several factors can be identified that would indicate that the country's position approximates a bargaining strategy, such as the approximation of a reciprocity based linkage and the high level of salience in the country. However, in light of its pragmatic cooperation and incoming Council Presidency, the country seems willing to accept elements of solidarity when it comes to the relocation matter. In this process, the country maintains its strong position on related matters, stressing the responsibilities under the CEAS for other member states. Based on the above, the Dutch negotiation strategy is similar (but for different reasons) to that of Germany; conditioned problem-solving.

Similar to the frontline member states, both destination countries exhibit problem-solving strategies. However, for both member states this is closely associated with the desire to return to a functioning asylum system in which the EU and member states control the influx of refugees. Relocation is considered as an emergency tool which, should the asylum system function properly, not be necessary.

Table 4.2: Overview of member states negotiation strategies and indicators					
Country	Positive/Zero sum perception	Salience	Scope and linkage	Underlying value system	Negotiation Strategy
Germany	Positive-sum perception in an effort to get a functioning system again.	Medium to high salience, part of broader debate	Wide interlinkage between various instruments, of which relocation is one.	Some mention of shared values, but in combination with living up to responsibilities. Indication of clear rifts among member states.	Conditioned problem-solving strategy
The Netherlands	Positive perception, heavily conditioned.	High salience	Wide interlinkage between instruments, relocation approximates reciprocity.	Pragmatic cooperation that strikes a balance between solidarity and responsibility strengthened by incoming presidency.	Conditioned problem-solving strategy

III.   CEE-coalition member states

In relation to the CEE-Coalition, based on the document analysis and interview, Hungary's negotiation strategy is assessed to be bargaining in nature on the matter of relocation. The country perceives the matter to be zero-sum to the extent that it feels relocation works to the detriment of its interests. This becomes evident from the court case the country brought before the ECJ to contest the decisions and its strong rhetoric in opposing the instrument. Furthermore, the matter is highly salient in Hungary as becomes clear from statements that point to the negative consequences of relocation for Hungary such as family reunifications. Wording in the publications analysed apply (exaggerated) statistics. The country puts a very strong emphasis on border protection and is in this policy field often accusatory in its argumentation. For Hungary, relocation should not be considered a CEAS instrument. Moreover, the country does not make mentions to or indications of shared values underlying the EU.

The Slovakian negotiation strategy is identified as pragmatic bargaining: it's strategy clearly portrays behaviour associated with a bargaining strategy, but the country is open to negotiations on the matter as long it does not negatively affect Slovakia itself. Particularly the voluntary nature of the relocation mechanism should be noted in this regard. A zero-sum perception and low salience further support this logic. Slovakia does not identify potential gains in a relocation mechanism. Contrarily, it perceives relocation to work against its interests. Thus, if the relocation mechanism is voluntary

in nature, little change is in order for Slovakia and 'hard' opposition can be avoided. The level of salience can be considered low to medium as Slovakia is not faced with a high number of arrivals or secondary movements. However, the country is facing general elections within a seven month period, increasing salience. In terms of scope, the country prefers addressing the problems through the external dimension. Finally, Slovakia does not perceive an underlying set of shared values in the EU, citing *inter alia* irreconcilable differences and ideological disparities.

Table 4.3: Overview of member states negotiation strategies and indicators					
Country	**Positive/Zero sum perception**	**Salience**	**Scope and linkage**	**Underlying value system**	**Negotiation Strategy**
Hungary	Zero-sum perception.	High salience	Limited scope and linkage and no underlying reciprocity mechanism.	No indication of shared values, relational position approximates hostility. Diametrical different position on refugee relocation.	Bargaining strategy
Slovakia	Zero-sum perception.	Medium to low salience	Limited scope and linkage.	No indication of shared value system, clear minority position caused by a shift in other member states (unexpected) shift in position.	Pragmatic bargaining strategy

IV.   *General overview of negotiation strategies*

In summarising this section, analysis has found five member states adopt a problem-solving negotiation strategy. For the destination-coalition this negotiation strategy seems conditioned on the insistence of responsibility and proper adherence to agreements and processes. Greece, Spain, and Malta portray a particularly strong problem-solving strategy in 2015, albeit motivated by different reasons. Greece, for example, appears motivated by a need to find alleviation to the situation in the country. Malta however seems motivated by the principle of solidarity and a general cooperative attitude as a small, frontline member state. Spain portrays a constructive role in the broader negotiation process whilst stressing its particularities with North Africa. The analysis above shows that Slovakia and Hungary portray characteristics

that approximate a bargaining strategy. In the case of Hungary this is paired with highly politicised rhetoric, building an argument around sovereignty. Slovakia seems less affected by the situation and positions itself less cooperative, arguably due to upcoming elections in 2016.

In this regard, the CEE-coalition exhibits major differences on the indicators compared to the other member states in 2015. Whilst putting different nuances and emphasising different elements of the broader debate, the remaining five member states seem to negotiate with the presumption that a (solidarity based) solution is preferable.

4.2.2 Negotiation strategies: European Council December 2016

The following subsection outlines the results of the analysis surrounding the European Council in December 2016. In the months period to this summit, the term of effective solidarity was introduced. The European Council Conclusions afterwards noted the need for the "*effective application of the principles of solidarity and responsibility*". From a framing perspective, this is a clear indication of frame alignment among the member states. However, due to the ambiguous nature of both 'effective' and 'solidarity' this does not necessarily constitute a change in negotiation strategies or agreement on its meaning, as the analysis below will show. A more elaborated assessment on the member states negotiation strategy can be found in annex V.

I.   Frontline-coalition member states

In relation to the frontline-coalition, the negotiation strategy of Greece surrounding the European Council in December 2016 can be summarised as one of problem-solving. Notably, the level of salience remains high. Greece emphasises the fulfilment of commitments made under the 2015 emergency decisions, as opposed to the crucial need of crisis alleviation in the country. To Greece, meeting the emergency relocation obligations are related to the broader European cooperation and fundamental in nature. Greek scepticism towards its EU partners also becomes apparent in relation to other member states and their adherence to the EU shared values. In this light, the proposal of effective solidarity is argued to contradict existing EU values and agreements. However, the country is clear in its acknowledgement of disparities between particularly the CEE-coalition and others. Greece still perceives the relocation matter as zero-sum, where all member states must bear the burden to an equal extent.

That is not to say that the country doesn't perceive the need for a European solution, rather, the country portrays the matter as a reality that must be confronted.

The Spanish negotiation strategy surrounding the European Council of December 2016 approximates a problem-solving strategy. From the analysis of documents it is clear that whilst relocation is a necessary tool, the instrument has lost significance in the view of the Spanish authorities as other instruments such as border protection and hot-spots deserve focus. This leads to the assessment of a positive-sum perception of relocation as part of a comprehensive and holistic approach to the CEAS-reform. The country extensively reports on its progress in its earlier relocation commitments and rejects the idea that such efforts can be substituted by other means, as would be the case under effective solidarity. A gain in importance for the external dimension can be identified in a push for the Spanish bilateral model for third country cooperation. In Spain's view this model has provided for a stable situation in the country, contributing to its low level of salience.

Ultimately, the negotiation strategy of Malta can be assessed as one that approximates problem-solving. The country has clear positive-sum perceptions of refugee relocation and the migration debate at large. Furthermore, it is pragmatic in its approach for a solution on the relocation file, whilst stressing the importance to cater for the various differences within the Council. In that regard, Malta does take positive note of the intention of the Slovakian proposal of effective solidarity but insists that relocation cannot be substituted for other types of assistance and solidarity. As a small frontline member state Malta has a significant stake in an effective EU asylum and migration policy. The country would be unable to deal effectively with the large scale of the (future) migration problem on its own, thus its level of salience can be considered high.

Table 4.4: Overview of member states negotiation strategies and indicators					
Country	Positive/Zero sum perception	Salience	Scope and linkage	Underlying value system	Negotiation Strategy
Greece	Zero-sum perception.	High salience, shift to obligations.	Widely linked, stresses commitments made.	Clear indication of belief in shared values. Considers disparities among member states.	Problem-solving strategy
Spain	Positive-sum perception as part of holistic approach.	Low salience, controlled situation.	Wide linkage, particular emphasis on third country cooperation and resettlement.	Indication of present underlying values.	Problem-solving strategy.
Malta	Positive-sum perception	High salience, strengthened by Presidency role.	Wide linkage, relocation is crucial.	Sceptical on shared values, emphasises pragmatism.	Problem-solving strategy.

II.   Destination-coalition member states

In relation to the destination-coalition's strategies surrounding the European Council summit of December 2016, the German negotiation strategy exhibited problem-solving tendencies. The country puts less emphasis on the dire situation in some frontline member states and is more ambivalent about the positive-sum nature of the relocation issue. Furthermore, as the situation is deemed more under control, salience has dropped. However, whilst the general asylum situation is more under control, the relations within the Council are not. Analysis of the documents does not indicate a strong insistence or belief in an underlying set of values that should guide the way to a policy compromise. When it comes to scope and linkage, the German position is comprehensive, but maintains existing and future relocation efforts an essential element within the broader CEAS debate. Ultimately, it seems Germany wants to get on with the general reform process of the CEAS, of which relocation is a part but finds the policy entrenched in ideological differences. In that regard, the Greek government publication surrounding the EC in December 2016 summarised the German position adequately: "*Germany is trying to proffer a unifying frame and help bridge differences*".

The Dutch negotiation strategy surrounding the EC in December 2016 exhibits a problem-solving nature. The Dutch, who only recently handed over the Council Presidency to Slovakia, are seemingly aware of the particularities of negotiations in the Council. Despite this acknowledgement, the Dutch strongly argue for the need of relocation and reject the effective solidarity approach. In the face of Dutch general elections the relocation matter is considered highly salient and is an obstacle to further progress on CEAS reform. A solution on the matter would however, in light of future EU cooperation, be desirable and is perceived positively. Moreover, the Dutch do argue for strong third country cooperation, following the EU-Turkey Statement-model as brokered by the country in the capacity of Council President. The strategy is supported by a pragmatic but ideological belief in the existence of shared values in the EU.

Table 4.5: Overview of member states negotiation strategies and indicators					
Country	Positive/Zero sum perception	Salience	Scope and linkage	Underlying value system	Negotiation Strategy
Germany	Ambivalent	Low to medium salience.	Linkage with third country cooperation, but relocation remains crucial.	Sceptical towards underlying values in the asylum and migration field.	Problem-solving strategy
The Netherlands	Positive-sum.	High salience.	Wide linkage with a strong position on non-flexible relocation.	Existing shared values, but acknowledge differences in member states.	Problem-Solving Strategy.

III.   CEE-coalition member states

In relation to the CEE-coalition, Hungary's negotiation strategy surrounding the European Council in December 2016 is one of bargaining. The country strongly rejects any suggestion of relocation as part of an EU instrument under the CEAS. Hungary perceives relocation as zero-sum and feels that relocation would work to the detriment of its national interest and institutions. The matter is highly sensitive and salient in Hungary, as indicated by the recent referendum on the issue. The high level of salience is motivated by a deep desire to avoid relocation becoming a mandatory instrument within the migration and asylum system of the EU. Negotiations are complicated for Hungary, as limited scope and linkage on the issue is observed. For

Hungary one cannot speak of linkage because relocation is undesirable as an instrument. The country therefore puts emphasis on external border protection and perceives that solidarity should be measured through efforts in this area. Legal channels of beneficiaries of international protection are warranted, but only on third country soil. The above thus doesn't seem to be built on a perception of shared values among fellow member states. Rather, Hungary wields particular victim-related rhetoric in defending its position and puts itself in stark contrast with EU countries that do have a history or tradition with migration. It therefore exhibits a bargaining strategy.

Slovakia's negotiation strategy surrounding the European Council in December 2016 exhibits a pragmatic problem-solving nature: it leans on problem-solving elements but is motivated out of a necessity rather than conviction. The problem-solving nature of this strategy may seem surprising, but stems notably from the country's role as Council President. Whilst the country perceives the issue as zero-sum and, in light of past elections, has a rather low salience, it maintains a constructive and compromise-oriented approach. Slovakia does seem to acknowledge that relocation is key to further progress on the CEAS reforms. Considering that progress is generally considered a measure of success for Council Presidencies, the country moves reluctantly ahead on this issue. With its effective solidarity proposal, Slovakia attempts to cater for the CEE-coalition's opposition to mandatory relocation efforts as mandated by the Commission and some other member states. It is aware of sensitivities in the CEE-region and its own society. Moreover, the proposal allows said countries to put emphasis on those linked matters that they find fundamental to the broader migrant crisis and CEAS reform. Slovakia's negotiation strategy does not exhibit a commitment to shared values, as such references were absent in the document analysis. Rather, the country attempts to strike a balance between the different values it perceives within the Council.

Table 4.6: Overview of member states negotiation strategies and indicators					
Country	Positive/Zero sum perception	Salience	Scope and linkage	Underlying value system	Negotiation Strategy
Hungary	Zero-sum perception	High salience	No linkage, external border protection and migration centres.	No indication of shared values present.	Bargaining strategy
Slovakia	Zero-sum perception. Compromise oriented position.	High salience motivated by Presidency role.	Wide linkage; effective solidarity allows different ways of contributing.	No indication of shared values present. Compromise oriented approach in light of Presidency.	Pragmatic problem-solving strategy

IV.   *General overview of negotiation strategies*

In summarising the section above, analysis indicates that surrounding the introduction of the effective solidarity proposal, culminating in the European Council in December 2016 six out of seven member states approximate a problem-solving strategy. Indicators show that one member state, Hungary, presents behaviour that would be associated with a bargaining strategy. Most notably, this analysis shows that whilst most member states share a similar value system on this issue, Greece, Malta, Germany, the Netherlands, and Slovakia all make frequent note of the disparities between member states and difficulties in bridging these differences. To that end, the member states seem to have adopted a more pragmatic approach to the negotiations and thus refer more frequently to the need for a compromise and the necessity of moving ahead. Most notable examples of this behaviour are Malta, Germany, the Netherlands and Slovakia. Here, it is noticed that three of these four member states were going to hold or held the Council Presidency role and thus bolstered their efforts to find a compromise. In the same vein, due to the EU-Turkey Statement, issue salience now pertains to the need to make progress on the CEAS-reform rather than crisis resolution, as was the case in 2015. Moreover, one could argue that due to the reduced flows from Turkey, the scope and linkage shifted from the internal dimension towards the external dimension. Here, particularly Spain, Germany, and the Netherlands tout the necessity for third country cooperation based on the EU-Turkey Statement or bilateral agreements with the MENA region as exercised by Spain. However, nearly all frontline and destination-coalition member states underscore the

crucial nature of relocation as an instrument of CEAS should unexpected crisis situations similar to 2015 arise in the future. In contrast however, Hungary is diametrically opposed to the positions of the other member states. The country is vocal about its strong belief that solidarity should be exercised through other means instead of relocation. Analysis indicates that the country feels marginalised to some extent by other member states due to their lack of understanding of the Hungarian position.

Having outlined the assessment of the documents and interviews surrounding the European Council in December 2016, the following section will elaborate on the differences found in negotiation strategies in the two events that were analysed.

4.3 Comparison

The following section will provide an outline of stasis or change in negotiation strategies found, resulting from the analysis above. In doing so, it will place the negotiation strategies from the emergency relocation decisions in 2015 in contrast to those from the European Council in December 2016. This section seeks to answer the following sub-question: "*What changes have occurred in the negotiation strategies during the analysed stock-taking event*?". The section is structured similar to the analysis above, following the three different coalitions respectively.

I. Frontline-coalition member states

In comparing the negotiation strategies of Greece, no change is identified. The country maintained its problem-solving strategy throughout. Most notable was the change in the country's salience. Whilst the level remained high, this was for various reasons. Naturally, Greece experienced a high level of issue salience during the emergency relocations as it was the country that was bearing the brunt of the crisis. However, as the influx became manageable, for example through the brokered EU-Turkey Statement, the level of salience remained high as it pushed other member states to fulfil their obligations under agreements made in 2015. For Greece, the need for relocation remained crucial throughout the development of the observed timeframe. The proposal of effective solidarity did not change this; it even strengthened the country's belief that all member states should partake in the instrument. When it comes to a perception of shared values, Greece promotes the existence of and portrays adherence to such values, of which solidarity is considered most crucial. However,

during the emergency relocation decisions, the country felt a lack of acknowledgement of its dire situation, signalling that other member states did not share its level of commitment to said values. In 2016 this perception was no different, this time motivated by the lack of commitment from the CEE-coalition to find a compromise. Ultimately, Greece's problem-solving strategy is maintained out of its desire to find a solution for the crisis and CEAS-reform at large, of which relocation is considered a crucial element.

Turning to Spain, no change in negotiation strategy is identified. More importantly, no particular changes in the indicators of the negotiation strategy can be identified either. Both surrounding the emergency relocation decisions and the European Council; the country maintained a constructive position. Arguably, due to its geographic location and bilateral agreements with the MENA-region, the situation in the country is, in the words of the Spanish counsellor, "stable" and highlights the low level of salience on the matter of relocation. The country clearly sees EU-wide gains in relocation as part of a broader holistic and comprehensive approach to the CEAS. Particularly relevant here is the cooperation with third countries. Spain has a long tradition of agreements with third countries and puts its experience and knowledge to use in the EU policy debate. Throughout the analysed period Spain mentions its commitment to efforts made in relocation and to EU shared values, of which it considers solidarity to be a crucial element. Whilst some differences with fellow frontline member states can be observed, the country does reject the notion of flexibility in types of assistance when it comes to the effective solidarity proposal.

Finally, turning to Malta, both surrounding the emergency relocation decisions and the European Council in 2016 the country's exhibited a problem-solving strategy. As the EU's smallest member state, the country holds a positive-sum perception to EU solutions, to which refugee relocation is no exception. This latter perception is further strengthened by the country's previous experience with voluntary relocation efforts, which it deemed unsatisfactory. The country stresses the need for a wide scope to the broader CEAS-reform, including all necessary instruments. Relocation is considered crucial among these instruments. The most notable change in the analysed indicators can be found in the underlying value system. Whilst analysis clearly shows a belief in and adherence to shared values, most notably solidarity, the country portrays a more sceptical approach later on, analysis of the documents surrounding the EC in 2016

show. Arguably, confronted with the more 'entrenched' positions of various member states within the Council Malta applies a more pragmatic rather than ideological approach in the negotiations.

Table 4.7 outlines the frontline-coalition member states' positions on effective solidarity and lists the most notable change in the analysed indicators. The letter 'P' indicates the country held the Council Presidency at one point during the analysed period.

Table 4.7: Frontline-coalition: Change and position on effective solidarity		
member state	Most notable change in indicators	Position on effective solidarity
Greece	Salience: Shift from stressing the need for action, to fulfilment of commitments.	Rejects any notion of flexibility in type of assistance.
Spain	No particular changes.	Rejects any notion of flexibility in type of assistance.
Malta (P)	Underlying value system: From strong belief in shared values to a more pragmatic approach.	Rejects any notion of flexibility in type of assistance. Does realise particularities of CEE-coalition and holds on to 'tiered' approach.

II.   *Destination-coalition member states*

Analysis of German government publications and the interviews surrounding the two events show that Germany too, has maintained a problem-solving strategy. However, when observing the indicators of Germany's negotiation strategy, changes are present. First, assessing Germany's perception of refugee relocation as zero-sum or positive-sum, the country moved from a clear positive-sum perception of the matter to a more ambivalent stance. In 2015, the country supported relocation as part of a broader effort to return to a functioning European asylum and migration system. In 2016 however, the country still speaks of added value for EU member states in using European solutions over national ones, but is clearly struck by the diverging interests and, at times, hostile rhetoric. In light of the EU-Turkey Statement, the issue achieved a lower salience in 2016 as the situation was more under control. When it comes to linkage, the Turkey agreement is presented as a model for the way forward in the European asylum at large. However, whilst throughout the analysed stock-taking events a wide linkage is present, the irreplaceable necessity of relocation is maintained. Furthermore, the negotiation strategy of Germany seems to rest on an acknowledgement of the diverging interests within Council, which need to be bridged

in an effort to move forward. Ultimately, the country's negotiation position is one of pragmatism build on the notion that a compromise is required to move forward on the asylum and migration dossier. Despite differences in indicators, this approach remains constant throughout the analysed time period.

The analysis of the indicators during the two stock-taking events of the Netherlands again results in an unchanged negotiation strategy, which is maintained as one of problem-solving. However, prior to its Council Presidency a more conditioned approach to the relocation negotiations is evident than, compared to the strategy employed in the 2016 negotiations. In 2015 for example, the country stresses responsibility in conjunction with solidarity. In the same vein as Germany, the Netherlands aims to get the European asylum system functioning again and reduce the crisis environment. In the aftermath of the country's Presidency, the necessity for working in concert and accepting losses incurred in the face of no European cooperation are cited. The level of salience remains rather high for the Netherlands. This level of salience arguably pushed by both the incoming Dutch Presidency first, and later the general elections in early 2017. The need for a compromise on the relocation matter is considered essential throughout. In the face of the effective solidarity proposal, the Netherlands holds a negative opinion and considers relocation a crucial element in the broader CEAS reform. Whilst the Dutch cite the existence of shared values, in the period surrounding the introduction of effective solidarity a more pragmatic approach is adopted that reflects the diverging interests within the Council. One could argue that this results from the former Presidency role the country held, which would explain the reduced emphasis on conditioned solidarity, as opposed to 2015.

Table 4.8 outlines the frontline-coalition member states position on effective solidarity and lists the most notable change in the analysed indicators. The letter 'P' indicates the country held the Council Presidency at one point during the analysed period.

Table 4.8: Destination-coalition: Change and position on effective solidarity		
member state	Most notable change in indicators	Position on effective solidarity
Germany	Positive- or zero sum perception: Germany seems ambivalent about whether the relocation efforts contribute to all actors involved as opposed to its 2015 position.	Rejects notion of replacing relocation with other instruments. Realistic on diverging interests and sensitivities.
The Netherlands (P)	Positive-sum perception: Post-frame a less conditioned approach.	Rejects any notion of flexibility in type of assistance.

III.   CEE-coalition member states

In relation to the CEE-coalition, the analysis of Hungary shows no clear change in negotiation strategy. However, contrary to the other member states analysed so far, the country stuck with its bargaining strategy over the course of the two stock-taking events. In line with comments made by the Hungarian counsellor in the interview the indicators and nuances of the Hungarian negotiation strategy have stayed consistent too. The country perceives refugee relocation as a zero-sum matter. Hungary opposed the issue to such an extent that it fears a potential mandatory system will work contrary to its national interests and to the detriment of the broader European asylum system. Furthermore, the level of salience has remained consistently high due to the high amount of secondary movements through the country, Hungary's inclusion in the second relocation decisions, and the strong rhetoric employed during the referendum in 2016. The country fiercely opposes the relocation instrument in any shape or form. In that light, the country is open to the proposal of effective solidarity as it allows the country avoid partaking in relocation. Moreover, effective solidarity allows Hungary to put the emphasis where the country perceives it should be, on border protection. This latter element is the crux in the identified perception of scope for Hungary throughout the analysed period. Lastly, the country applies a hostile and victimised rhetoric in both the interview and government publications. Neither of these two sources make a significant reference to shared values within the EU. In summary, Hungary provides a clear example of a bargaining strategy in stasis in both stock-taking events.

Slovakia is the one country in which analysis indicated a change in its negotiation strategy. In 2015, the country approximated a bargaining strategy with a pragmatic approach to the broader negotiations, most notably stressing the voluntary nature of relocation. In 2016 however, the country seemed to portray a negotiation strategy that

exhibited elements of problem-solving. Some conditions to the problem-solving strategy are evident, most accurately reflected by the effective solidarity proposal: particularities of member states should be reflected in differences in policy approach. Nonetheless, fuelled by its compromise-oriented Council Presidency, Slovakia realises the need to progress on CEAS-reform of which relocation is now considered part and parcel by other member states. The effective solidarity proposal moved the scope and linkage of Slovakia from one that was assessed as limited to one that is wide: all matters that may be found to constitute solidarity should be considered valid contributions. Furthermore, whilst Slovakia is consistent in its lacking perception of shared values, its position shifted from one that focused on being an opposing minority to one that needs to bridge differences. Ultimately, most of the changes in the indicators seem to be pushed by the Presidency role of the country and not so much the domestic preference, as the domestic zero-sum perception indicates.

Table 4.9 outlines the frontline-coalition member states position on effective solidarity and lists the most notable change in the indicators. The letter 'P' indicates the country held the Council Presidency at one point during the analysed period.

Table 4.9: CEE-Coalition: Change and position on effective solidarity		
member state	Most notable change in indicators	Position on effective solidarity
Hungary	No particular changes.	Open to the proposal as a way to circumvent relocation contributions.
Slovakia (P)	Change in negotiation strategy from pragmatic bargaining to conditioned problem-solving. Indicator change in; scope and linkage and a general compromise-oriented approach.	Author of the proposal; positive attitude as *inter alia* a way to circumvent relocation contributions.

4.4 Explanations

This section attempts to explain potential stasis or change in the indicators and negotiation strategies by respectively putting these in the context of the theoretical notions of chapter 2. It will first asses frame-related factors and secondly address external factors. In doing so, it seeks to answer the following sub-question: "*How can change or stasis in the negotiation strategies of member states be explained?*".

4.4.1 Frame related factors

Having taken stock of the changes and stasis in the indicators and negotiation strategies, the following subsection will attempt to explain how such changes may or may not have occurred. First, this section will look at frame-related explanations. In doing so, it will use the theoretical notion of the three types of *what* is being framed to find such explanations.

I.   Issue-frame related factors

First addressing the theory on issue-frames, it is recalled how issue-frames focus on how actors cognitively represent substantive issues and how these actors interactively give meaning to issues in a conflict situation. To that end, the positive-sum or zero-sum perception, and extent of scope and linkage are relevant in the effective solidarity context. Thus, this subsection seeks to address whether the effective solidarity frame has altered the scope and linkage or positive-sum or zero-sum perception indicators in member states or not.

Whilst differences in their positive-sum or zero-sum perception are identified, the frontline member states maintain their either zero- or positive-sum perceptions. It can be argued that effective solidarity has not contributed to maintaining these perceptions, as all member states perceive relocation to be a part of the broader CEAS as becomes evident from the analysis of scope and linkage. For example, it is unlikely that Malta would have shifted from a positive-sum to a zero-sum perception without a change in the country's position on including relocation in the CEAS-instruments. Change in scope would thus have occurred with the introduction of effective solidarity, which is not the case. In the same vein, the need for relocation remains a central element in the perception of scope and linkage for all frontline member states. If anything, the member states concerned stress the necessity and irreplaceable nature of relocation but not to the extent that scope and linkage would be limited.

For the destination-coalition, changes did occur in their positive-sum perceptions. For Germany, the country became more sceptical of the positive-sum nature of relocation, whereas the Netherlands put less emphasis on the conditioned nature of this perception. For Germany, one could argue that effective solidarity constituted an entrenchment of national interests, thus making a positive-sum solution more difficult.

However, another explanation may be that due to the general policy deadlock, the country has become more sceptical and policy fatigue has occurred. The Netherlands' reduced emphasis on the necessity of responsibility in conjunction with solidarity to get back to a functioning asylum system may be explained by the adoption of a compromise-oriented approach in the aftermath of its Council Presidency, and seems unlikely to be motivated by the effective solidarity proposal. For both destination countries, a holistic approach is identified with additional emphasis on the necessity of relocation as one of the instruments. After the introduction of effective solidarity the countries seem to push for third country cooperation based on the EU-Turkey Statement. However, the necessity of relocation remained. The shift to third country cooperation thus seems more motivated out of the 'success' of the Turkey agreement, rather than a widening of scope made possible by effective solidarity.

One of the most consistent elements among the indicators of negotiation strategies of the CEE-coalition is the zero-sum perception that both Hungary and Slovakia maintain. The effective solidarity proposal has seemingly not altered this perception at all. Both countries do not perceive any merit in relocation and argue that the instrument works contrary to their interests. Arguably, in light of their role as Council President, Slovakia attempts, through the effective solidarity proposal, to portray an understanding of the other member state's positive-sum perception and insistence on relocation. This becomes evident from remarks in the interview where the Counsellor stressed different levels of acceptance and political feasibility in terms the various instruments under discussion, such as border protection or relocation. In terms of scope and linkage, the effective solidarity proposal is linked to the notions above in that it allows the broadest possible set of instruments to member states which they deem necessary. For Hungary, the scope and linkage does not seem altered by effective solidarity and the country maintains a strong emphasis on external border protection.

II.   *Identity and relational frame related factors*

The cognitive approach to identity and relational type of frames pertains to how actors cognitively represent self, others, and relationships in conflict situations, whilst an interactional approach addresses the co-constructed meaning behind such relationships and identity. Thus, translating this to the analysis, the level of salience and a perception of shared values are relevant.

For the frontline member states, no change in salience is found. The most logical explanation would be that for these countries their geographic position translates to a permanent risk of high arrivals and thus the recipient of potential relocation problems. The exception to this would Spain, which exhibits a consistently low level of salience due to a generally 'stable' situation. Turning to the shared values, Malta and Greece project more scepticism on the notion of shared values than before the introduction of effective solidarity. One could argue that as the notion of 'different kinds of solidarity' has gained ground through European Council Conclusions, their belief in such shared values has eroded. However, a similar change cannot be found in the Spanish situation.

In terms of the identity and relational nature of framing, a minor reduction in salience can be identified in Germany. This is derived from the reduced secondary movements in the Schengen area as well as fewer arrivals in the frontline member states. For the Netherlands, the level of salience remained high most notably due to a general election and the country's role as Presidency of the European Council. Effective solidarity has not made a difference to the level of salience; the need for other instruments aside from relocation was already considered as part of the holistic approach of the two countries in the CEAS-reform and tackling the refugee crisis. Both destination-coalition countries went from an insistence of the conjunctive nature of responsibility and solidarity to a rather sceptic perception of shared values in the EU. Arguably effective solidarity has contributed to this as it strongly embedded the CEE-coalition's opposition to solidarity through relocation.

As can be derived from below, the CEE-coalition holds a pessimistic opinion of the shared values of the EU. Put in a relational perspective, the two countries acknowledge their minority position in relation to the other two coalitions. For Hungary this induces a hostile approach, whereas with Slovakia it induces an approach focused on stressing different traditions, cultures, and interests to migration and asylum. Thus, for Slovakia, European solutions should reflect and leave scope for such differences. Ultimately, this is the central argument underlying effective solidarity. Slovakia seems willing to cater for such particularities through the effective solidarity proposal. Hungary's position however seems unaffected.

III.   Process frame related factors

Turning to process related types of framing, the cognitive representation and co-constructed meaning of the on-going process is particularly relevant. Consequently, changes in the perception of shared values and/or level of salience are relevant.

For the frontline-coalition, the erosion of shared values seems to translate to a more pragmatic approach for Malta. However, it is more likely that the compromise-oriented and pragmatic approach stems from their tenure as Council President. As stated above the stasis in the level of salience doesn't seem motivated by the effective solidarity frame.

Within the destination-coalition, for the Netherlands shared values remain a vehicle to convey the necessity of a compromise fuelled by their Presidency role. Observed from process-framing, effective solidarity has contributed to an acknowledgement that between diverging interests a compromise has to be found in an effort to push forward on CEAS-reform.

For the CEE-coalition, only a change in the level of salience can be found in Slovakia. Initially coming from a position where the country was hardly affected but showed resistance and signs of salience due to upcoming elections, under effective solidarity Slovakia portrays a higher level of salience. However, analysis would indicate that this change is motivated by the need to make progress on the CEAS-reform, a major measurement of success for the Presidency. Hungary remains consistently fierce in its opposition to relocation, in which effective solidarity does not change their negotiating stance. Notable here is the Hungarian referendum on obligatory quotas. In terms of shared values both countries there is no indication of a belief in shared values. The countries are aware of their minority opposition, which Hungary seems to address with a particular hostile kind of communication using accusations and victimisation. This particular behaviour seems consistent throughout the analysed stock-taking event.

IV.   Overview

In summary, most changes in the indicators seem to pertain to external factors, which will be elaborated on in the section below. However, two changes in the indicators are affected by the introduction of effective solidarity.

First is the entrenchment of diverging interests. Prior to the introduction of the frame the analysed member states would often reference the EU shared values, of which solidarity was mentioned most often. However, as became evident from the negligent efforts on relocation by some member states and from the ECJ case by Slovakia and Hungary, solidarity was interpreted differently by the member states. Whilst destination-coalition countries stressed the value of solidarity in conjunction with responsibility and an orderly process, they acknowledged the dire situation of some frontline member states and the need to alleviate them accordingly. For the CEE-coalition, the fault seemed to lie with negligent border protection and alleviation through relocation was perceived as exacerbating the problem. In their view, solidarity constitutes assistance through border protection not relocation. As the effective solidarity frame was introduced, these different perceptions to what solidarity meant became entrenched. For the CEE-coalition, most evidently Slovakia, effective solidarity was an acknowledgment of the region's particularities, which should be catered for in establishing a relocation instrument Once put in the Council Conclusions and 'locked' as the name for the relocation mechanism this perception was embedded in the Council. This seems reflected in the generally more compromise and 'bridge the divide' kind of rhetoric applied by most member states after the introduction of the frame, who now seem more sceptical on the existence of shared values or at least aware of major differences in interpretation.

A second but more ambiguous effect of the effective solidarity frame can be identified in a shift towards the external dimension. For example, third country cooperation seems to be given more emphasis across the board by various member states. For Hungary and Spain, albeit motivated by different reasons, third country cooperation was consistently an important part of the broader scope and linkage. However, countries like Malta, the Netherlands, and Germany seem to put more emphasis on deterring people from entering the EU and tackling root causes in the countries of origin. The effect of the frame here can be contested however, as the shift in orientation could be the result of other considerations. First, due to the EU-Turkey Statement, arrivals have reduced and so has the need for relocation. Second, member states feel that the negotiations on relocation are stuck to the extent that they prefer to focus on other dimensions of the crisis and CEAS-reform.

Having outlined the frame-related factors in stasis or change of the indicators, the following subsection addresses the external factors.

4.4.2 External factors

The results indicate a rejection of the theoretical notions set out in this thesis. Effective solidarity seems to have minimally altered the indicators that shape the negotiation strategies of member states. Consequently, this section attempts to briefly address non-frame related factors that may have affected the minor changes found.

A first external factor that may have influenced the indicators of the negotiation strategies is the Council presidency. The Netherlands, Slovakia, and Malta all held the role of the Council Presidency during the analysed stock-taking events. The negotiation strategies of the Netherlands and Malta remained one that exhibits a problem-solving nature, albeit with a more pragmatic approach to cater for differences within Council as the negotiations progressed. As was established in the theory chapter of this thesis, problem-solving strategies bear potential for compromise and build towards a common interest. Similar characteristics can be identified in the ones expected of and presented by countries holding the Presidency position during their tenure. For example, incoming presidencies are ought not to intervene in Working Parties in an effort to portray neutrality in light of their upcoming task of brokering compromises. As a result of its tenure as Council President, Slovakia went from a bargaining strategy to one that approximated problem-solving. In spite of its zero-sum perception and lacking reference to shared values, the country portrays a pragmatic compromise-oriented approach. In that light, the effective solidarity proposal should be observed as an attempt to strike a balance between the identified diverging positions of member states.

Another non-frame related factor of influence that affects salience are elections. Malta, the Netherlands, Spain, and Slovakia held general elections during the observed stock-taking event. From these countries only Slovakia saw an increase in salience, whereas the Malta and the Netherlands maintained a high level of salience and Spain remained consistent with a low level of salience. However, as mentioned above, the situation in Spain was "stable" and thus migrant relocation was not an election theme. This is supported by comments of the Spanish counsellor who noted that Spain preferred to deal with its North African neighbours on a bilateral basis due to the

precarious nature of such bilateral cooperation. The Netherlands and Malta however, stress the necessity of a solution to move the CEAS-reform more so than prior to the introduction of the frame. For Slovakia, an increase in salience was observed. However, this increase could also be explained by the country's incoming Presidency role as mentioned above In sum, the potential effect of elections cannot be conclusively ruled out.

A third external factor of influence is the reduction of arrivals in the frontline member states and consequential reduction in uncontrolled secondary movements. Particularly the EU-Turkey Statement in March 2016, brokered under the Dutch Presidency, has contributed to this end. Furthermore, several countries tout the agreement as a model for future third country cooperation on the dossier of migration and asylum. Under such a scheme, the EU attempts to provide legal channels of migration for asylum seekers and migrants. If working properly, it would render relocation a crisis-mechanism as unexpected high-influx of migrants and asylum seekers are prevented. Concerning the EU-Turkey Statement and analysed stock-taking events, one could argue that due to the reduction in arrivals in predominantly Greece, levels of salience may have been altered. Furthermore, it allowed member states to shift the focus away from crisis management to the CEAS-reform and associated instruments and policy proposals, for example the external dimension or resettlement.

Ultimately, the arguments above warrant further research in conjunctive workings of framing and the factors mentioned on negotiations.

Chapter 5: Conclusion and Discussion

This concluding chapter seeks to answer the main research question of this thesis: *"In what way can the frame of effective solidarity effectuate a shift in a negotiation strategy of EU member states in the Council of the European Union?"*. Furthermore, it will point to areas of further research in the field of negotiations and framing.

As has become evident from the results chapter, the frame of effective solidarity has not contributed to a significant shift in the negotiation strategies of member states in the Council of the European Union. Most notably, the effective solidarity frame as meant by the Slovakian Presidency has contributed to allowing member states to 'stick to their guns' when it comes the relocation issue. Both the term effective and solidarity widened the debate on what the terms mean respectively in the EU political context. Rather than resulting in alignment on the ambiguous concept of solidarity member states became more sceptical and less willing to compromise on the refugee relocation issue. For countries strongly opposed to the relocation mechanism as part of the CEAS reform the frame of effective solidarity allowed them to entrench the diverging perceptions on the notion of effective and solidarity respectively. The fact that this group of member states constitutes a minority within the Council has no bearing on the negotiation dynamics. Rather, effective solidarity seemed a validation of the historical and cultural determinants that lead to the different perceptions these countries hold in the migrant and asylum policy field. Either as a result of negotiations remaining stuck in this sensitive policy field, or due to the widening of the scope caused by the frame of effective solidarity, the locus of the debate on the CEAS reform has shifted to the external dimension and away from the internal dimension of which relocation is considered part.

A shift in negotiation strategies was observed in only one of the seven selected member states: Slovakia. As has been outlined above, the change in negotiation strategy of Slovakia is more likely to be caused by external factors rather than the introduction of the effective solidarity proposal, which originated from the country. In this particular case, framing does not seem to have contributed to changing negotiation strategies and therefore was unable to alter the outcome of the negotiations or break the political deadlock that surrounds the issue of relocation. Particularly the Council Presidency and domestic constraints such as elections were

identified as likely causes of change in (the indicators of) negotiation strategies. Thus, the theoretical framework of this thesis has proven inadequate to explain the change in negotiation strategies.

Still, the effect of framing on negotiations does warrant further research. First, it cannot be ruled out that the particular intent of this frame fundamentally contradicts the views and interpretations of a majority of member states. Allowing other ways of showing solidarity is a rather significant change to the issue being discussed and extents the scope and linkage of the issue tremendously. The effects of a more subtle frame may be different from that of effective solidarity. In that light, further research on how a 'wrong' frame may further exacerbate differences within the Council may be relevant. Secondly, the migration and asylum policy field is considered particularly sensitive and nationally determined as the European Commission does not enjoy the extent of instruments and power it holds in other fields such as the single market. Research on how framing may affect negotiations in policy fields that are less historically and culturally determined and less contested may provide different results. A potential relation with policy fields in which QMV-voting is more prevalent may be relevant in that regard too. Third, the effective solidarity proposal emerged in a crisis environment. Arrivals and applications of refugees and migrants, as well as secondary movements were at unprecedented levels that forced member states to (appear to) find solutions. As a crisis environment may significantly increase the public's and media attention, member states may be less willing to compromise. This would again be further strengthened by the politically sensitive nature of the JHA field.

This thesis has showed that external factors may affect negotiation strategies too. Further research in the role of the Presidency would appropriate. Data gathered for this thesis showed that member states that were expected to hold or held the Council Presidency role portrayed significantly more compromise oriented behaviour. Even in light of the heavily diverging interests and associated rhetoric on the effective solidarity proposal, The Netherlands, Slovakia and Malta attempted to bring member states together. Prior to the introduction of effective solidarity, an insistence on the shared values and EU cooperation was more prevalent than after, reflecting the more entrenched nature of differences mentioned above. Nonetheless, the Presidencies advocated (reluctantly) a pragmatic approach to the problem from all actors involved. In that light, research into how the Presidency's role pertains to either a shared value-

based approach on the one hand, or a pragmatic-approach on the other may be relevant.

Further research in the Presidency's role and framing may be relevant too, in light of the different directions the Maltese and Slovakian Presidencies took in relation to effective solidarity. While the Maltese presidency maintained the 'tiered' element in referring to different levels of urgency that would warrant the necessity of relocation, the original intent of the Slovakian proposal, allowing other ways of solidarity, has been ruled out. To that end, further research on to what extent a single frame may be given different content or meaning could be significant. As the Dutch counsellor noted in the interview, the effective solidarity frame brought insinuations with it that further complicated the negotiations. As such, one could argue that some matters may or may not be ruled out under the frame of effective solidarity, whereas they would be allowed under a different name.

Ultimately, migration and asylum policy remains a highly sensitive, if not volatile, policy field in the EU. The opening remark of this thesis that sound EU policy makes all actors unhappy seems to hold true for the migration and asylum field. In this policy field even more so than in others, as the prospects of an effective relocation policy that espouses solidarity and is satisfactory to all EU actors are bleak.

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