



European Council

Addressing EU external migration
policies and political blackmail from
non-EU states

Index

EUROPEAN COUNCIL INTRODUCTION.....	3
DEFINITION AND KEY TERMS (GLOSSARY).....	5
BACKGROUND INFORMATION.....	7
CASE STUDY.....	9
INTERNATIONAL LEGAL FRAMEWORK.....	11
POSSIBLE RESOLUTION POINTS.....	13
BIBLIOGRAPHY.....	14

European Council Introduction

Europe's leaders recognize that migration is not only a humanitarian and social challenge but also a tool for personal interest. In recent years, some neighboring governments have attempted to pressure the EU by "instrumentalising" or "blackmailing" it with migrant flows. Third countries sometimes use migrants as bargaining chips to obtain political or financial advantages from the EU. At the same time, the EU must abide by its values and legal obligations like the right to seek asylum and avoid punishing migrants. The EU's Fundamental Rights Agency (FRA) emphasizes that people should be penalized for being "used as a political instrument", and that EU responses must target the states or smugglers, not the migrants, and must respect core rights like non-refoulement.

High-profile cases illustrate many of these challenges, for example:

- **Turkey (2020):** After a clash in Syria, Turkish authorities opened their border with Greece, allowing thousands of migrants to mass at the frontier. EU diplomats called this an attempt by President Erdogan to "Blackmail" the bloc for more aid.
- **Spain-Morocco (2021):** In May 2021, roughly 8000 migrants stormed the Spanish enclave of Ceuta from Morocco amid a diplomatic spat. This surge came immediately after Spain admitted a Polisario Front leader from medical treatment, and has been seen as Morocco applying pressure on Spain via migrants.
- **Belarus-EU (2021):** In late 2021, Belarus's regime intentionally lured migrants from the Middle East and funneled them to its borders with Poland, Lithuania and Latvia. The goal was to force the EU to lift sanctions and recognize Lukashenko's government. This was widely described as "political blackmail": migrants were "instrumentalized as a power leverage to nudge the EU into making concessions".
- **Libya-EU (2021):** Armed groups in Libya detained thousands of migrants and openly tried to extort money or recognition from the EU. Survivors report captors saying "We don't need your miserable

money...Our target is the European Union”, using migrants as pawns to extract EU aid.

- **Russia-Finland (2023):** In late 2023, Finland saw an abrupt rise in migrants (mainly from the Middle East) at its border with Russia. Many analysts view this as a deliberate move by Russian authorities to pressure Finland over EU sanctions, in a pattern similar to the Belarus case.

All of these incidents triggered debates at the European Council and the European Commission about how to respond. The EU must balance the following two goals: protecting its borders and citizens while also honouring its commitment to asylum and international law. The Council has stressed that Europe must not allow the coercive migration tactics, and that the EU will instead target the smuggling networks and state actors responsible. In short, the EU’s external migrations strategy is now focused on breaking the “business model of traffickers” (including by addressing migrations *instrumentalisation*) and on stepping up partnership with origin and transit countries to manage flows in a lawful, cooperative way.

Definition and Key Terms (Glossary)

External Dimensions (of EU migration policy): The EU's efforts and agreements with non-EU countries to manage migration and asylum. This includes dialogues and partnerships with origin/transit states to address causes of migration, provide legal pathways, combat smuggling, and arrange returns of migrants. The 2023 EU Pact on Migration emphasizes that migration should be a “core issue” in relations with partner countries, with mutually beneficial cooperation on irregular flows, border control, and readmission.

Instrumentalisation of Migration (Migration Instrumentalisation/ Migration Blackmail): The practice of a state (Country A) leveraging migrant flows to pressure another state (Country B) into concessions unrelated to migration. In EU terms, it occurs when migrants or refugees are used “as a tool for political pressure” that endangers core state functions. In common language it's often called “political blackmail”, for example analysts describe Lukashenko's migrant crisis as “political blackmail” against the EU. This term highlights that the goal is not the migrants welfare, but forcing political change in the target.

Third Country: Any country that is not a member of the EU. In migration policy, the EU distinguishes between: (a) countries of origin (where migrants come from), (b) transit countries (where migrants pass through), and (c) destination countries (such as EU states). Many external migration policies focus on origin/transit third countries in North Africa, the Middle East, and the Balkans.

Return and Readmission: The process of sending irregular migrants back to their home or transit countries. The EU pursues readmission agreements with third countries to ensure they take back their nationals. This is a key part of

external migration policy: in exchange for aid or visas, the EU asks partners to readmit migrants who have no rights to stay in the EU.

Asylum (and Refugees): Asylum seekers are people who apply for protection in an EU country because they fear persecution or serious harm at home. If their claim is accepted, they become refugees under international law. EU external policy must respect the right to seek asylum. Under the EU's Charter of Fundamental Rights, certain rights are absolute, for instance, the ban on returning someone to persecution (non-refoulement) cannot be limited even during a migration crisis. Any EU measures (such as border procedures) must still honor these core protections.

Schengen Borders Code: The EU law governing crossing of the EU's external borders (the borders of Schengen). Recent reforms allow member states in a suspected instrumentalisation scenario to restrict border openings and slow asylum registration, but only under strict conditions. The new EU "Crisis Regulation" and revised Border Code, adopted 2024, formally define "instrumentalisation" and set out special procedures for such cases.

Background Information

The EU's external migration policy has gotten much better in recent years. The 2015-2016 migration crisis, when over a million people crossed into Europe, showed how vulnerable the EU is if neighbors decide to change their opinions. Since then, EU governments have built partnerships with key origin and transit states. These partnerships cover all aspects of migration; preventing dangerous departures, fighting smuggling and trafficking, cooperation and readmission of migrants, and creating legal channels for refugees. For instance, the EU has invested in Africa and the Middle East. In theory, this external approach is meant to be mutually beneficial: the EU secures controls or returns, while partners receive development aid and investment.

However, some states have used migration politics as a tool for negotiation. In practice, this means issue-linkage: migrants on the move are tied to political demands. A concise way to understand it is through “coercive migration diplomacy”: a state threatens to alter migration flows into another country unless its demands (political or economic) are met. For decades there have been hints of this “as international studies note), but it has become much more visible in recent years, drawing EU-wide attention.

The EU has tried various responses. In December 2021, after the Belarus crisis, the European Commission proposed a package of new rules specifically for industrialized migration. This included amending the Schengen Borders Code and introducing an “Instrumentalisation Regulation”. The idea was to let affected countries slow down processing (ex: more time to register asylum claims) and, if justified, apply simplified border procedures for migrants considered to be part of a coercion attempt. In parallel, EU states and the Commission discussed a “toolbox” of measures, for example, restricting visas or transport linked from culprit countries, or even sanctioning states that blackmail the EU. These proposals aim to give EU countries legal ways to resist coercion without illegally pushing back refugees.

At the same time, EU leaders emphasize that migrants rights remain sacred. The FRA warns that even in instrumentalisation scenarios, core rights cannot be

breached: no one can be returned to danger (“non-refoulement” must hold). EU countries must still treat migrants humanely and allow legitimate asylum claims. Instead of punishing people on the move, the FRA urges the EU to “punish the actors responsible”, meaning the political leaders or smugglers behind the schemes. For example, this could involve sanctions on a country found to be deliberately sending migrants, or legal actions against smugglers transporting migrants to border areas.

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On the diplomatic front, the European Council has underlined the need for a united response. June 2023 conclusions noted the EU’s commitment to dismantle the business model of smugglers of people. The Council also stressed tackling the root causes (conflict, poverty, instability) to prevent such crises. In practical terms, the EU continues funding migration management and development aid with conditions attached. For instance, the famous 2016 EU, Turkey deal illustrates this dynamic: the EU agreed to give Turkey €6 billion to host Syrian refugees and strengthen its border controls. Critics called this an outsourcing of migration control, but supporters argued it was necessary to avoid another uncontrolled influx.

In parallel, the EU continues its usual external efforts: legal migration pathways (like resettlement and work visas) and tackling causes of migration (through development aid and conflict prevention). European officials also publicize the problem of instrumentalisation to discourage third countries from trying it. Importantly, EU officials often stress that concession should not mean rewarding bad behavior.

Case Study: The 2021 Belarus to EU Border Crisis

In August of 2021, the government of Belarus sponsored a large influx of migrants. This led to a large number of individuals from places like Iraq, Syria and Yemen ending up stranded on the border between Belarus and EU countries, mainly Poland and Lithuania. These people had flown into Minsk with tourist or transit visas and then they were taken to border areas and left there. Many were families, kids, or other vulnerable people. Between August and December of 2021, tens of thousands of unauthorized border crossings were recorded. These people were left in horrible conditions struggling to survive, at least 20 migrants died in the following winter due to the harsh weather and abuse from border authorities.

Although Belarus denied involvement it is thought that the actions taken by Belarus were in retaliation to the deterioration of Belarus-EU relations after the 2020 elections in Belarus. Alexander Lukashenko, the president of Belarus denied the accusations but in July of 2021 he threatened to “flood” the EU with “drugs and migrants.” Additionally, accounts show that Belarusian authorities and state controlled travel agencies started advertising tours to Belarus and promoting false opportunities of easy entry into the EU. Many individuals who arrived in Belarus were given instructions about how and where to cross the EU border. Migrants said that Belarus provided them with wire cutters and axes to cut through border barriers.

Those who did not manage to cross were often forced to stay on the border by the Belarusian authorities, who were accused of assaulting and abusing the migrants who failed to get across. Belarus has repeatedly refused Polish convoys carrying humanitarian aid for the migrants. All of this forced the EU to take quick action. Poland, Lithuania, and Latvia each declared states of emergency and announced that they wanted to construct border walls. The EU sent supporting officers and patrol cars to Lithuania. The EU also

widened sanctions on Belarus and targeted the airlines and travel agencies being used to bring people to Belarus. This made it harder for large organized flows of people to keep going to Belarus.

Many people and human rights groups raised alarm. They said that migrants were still people first. And how some of the EU's responses, like blocking access to asylum registration risked breaking international obligations and basic standards of human rights. This tension between the security of the EU and the moral obligation to help people made the EU realise that it needed clearer rules for situations where a third country creates migration pressure. This crisis pushed EU lawmakers to change the Schengen Borders Code so member states would have clearer procedures for what to do when migrations are being used as a pressure tactic. This crisis was able to show how migration can be weaponized by states that want to cause trouble without using conventional means of force.

International Legal Framework

1951 refugee convention and 1967 protocol (UNHCR)

- The 1951 refugee convention and its 1967 protocol are the basis for modern refugee laws. The laws determine who counts as a refugee and what rights they get, but the most important rule that came with this convention was the concept of non-refoulment. That means that no country is allowed to send someone back to a place where they could face harm. This rule applies no matter what. This law places human safety above political interest or convenience. The UNHCR is important to ensuring that all countries follow these rules.

European Convention on Human Rights (ECHR)

- The European Convention on Human Rights is another legal framework that protects individuals. It bans any form torture or cruelty under article 3. Same as the previous one it applies no matter who the person is or the circumstance. The ECHR has decided many times that collective pushbacks at borders and denying individuals the opportunity to apply for asylum is a clear violation of these protections. Additionally, it prevents countries from using harsh border tactics that ignore individuals rights. The ECHR keeps a limit in place.

EU Charter of Fundamental Rights

- Within the EU, the Charter of Fundamental Rights adds more laws that member states are forced to follow. It ensures the right to seek asylum and clearly bans collective expulsions. This means that every case has to be reviewed one by one.

Updated Schengen Borders Code

- The updated Schengen Borders code was revised after 2021. It officially defines something called “instrumentalisation of migration” meaning when a non EU country tries to create or worsen a migration flow to pressure the EU politically. The reforms allow member states to respond with temporary border measures to counteract the instrumentalisation. And there's still also monitoring to ensure that basic rights aren't ignored. This was seen in the Belarus case study.

Possible Resolution Points

1. Create a clear response for instrumentalisation. The EU should keep the legal definition in the Schengen but reform it. This ensures that there is more clarity so that member states are not improvising or arguing amongst themselves about the regulations.
2. Expand safe and legal routes for immigrants. Give more humanitarian visas, and have EU-run processing hubs in safe partner countries. If individuals can apply for asylum without risking their lives it removes one more bargaining chip that thief states can attempt to exploit.
3. Strengthen border monitoring and accountability, independent monitors at EU external borders. Frontex operations must have clearer accountability and more civilian oversight. Respecting human rights at the border should not be optional.
4. A fair relocation mechanism inside the EU to redistribute responsibility fairly. The EU needs a system in place that will reduce the amount of political splits that outside actors can exploit.
5. Use sanctions smartly and transparently to pressure countries into not using instrumentalisation as a tool. These measures must be targeted and legal. They should also be tied to a clear list of actions to ensure that they cant be exploited.

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