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The Stockholm Programme: More than just a five-year itch?

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Popular intolerance of inward-looking institutional wrangling is growing. The EU's leaders are not dumb to this. They have been telling anyone who will listen: with the Lisbon Treaty finally ratified Europe-wide, they can finally get back to the serious business of governing. The serious business of governing, however, requires some serious politico-strategic thinking about how to use the Treaty's institutional blueprint to full effect. The Stockholm Programme, due to set out the political guidelines for home affairs cooperation for the next five years, provides the first major opportunity for the EU's leaders to articulate a politico-strategic agenda for the EU's new institutional architecture. But can European governments break the lethargy induced by eight years of institutional uncertainty, the enlargement of the EU to 27 states and successive awards of nul points *by many of those publics that have been formally consulted on European affairs?*

With ratification of the Lisbon Treaty complete, governments have not been shy about their readiness to put the EU's new institutional architecture to full use. The Union will finally be able to place a full stop after the question of institutional issues and "return to the serious business of governing". Governments may yet come to regret these words.

For one thing, uncertainty about the EU's institutional architecture has not been the sole, or even the main, reason for the focus on inward-looking, inter-institutional issues. More generally, there has been a marked loss of appetite for far-sighted—potentially divisive—political thinking especially following enlargement to 27 member states and the negative referendums in France, the Netherlands and Ireland. Political leaders must rise to the challenge of articulating their strategic thinking on the uses of Lisbon's institutional architecture.

For another, the new Treaty will not automatically simplify policymaking. Indeed, by increasing the clout of the European Parliament, setting out open-ended guidelines for the establishment of new foreign policy structures and recognising the European Council as an institution with a semi-permanent President, the Treaty actually looks set to sharpen existing tensions between the EU's institutions, at least in the short- to medium-term.

The current work on the formulation of the "Stockholm Programme" provides an opportunity to overcome the gulf between the expectations of over-optimistic publics and the mundane realities of policymaking in a Union of 27. Like its predecessors, the new Programme will set out the agenda for the full breadth of EU home affairs for the coming five years. But can the Programme, due to be adopted by the EU's highest political authority in December, achieve this?

The last decade of European home affairs cooperation has been characterised by a lack of critical thinking about how the programming process could best be set up for articulating and realising a politico-strategic agenda. This dearth of thinking poses a third hurdle to governments. Not only must they neutralise the inter-institutional tensions unleashed by the new Treaty and overcome their disinclination openly to engage in big thinking, they must do so by means of a potentially unsuitable political tool.

This paper runs through these three challenges. Although they pertain to the whole of justice and home affairs, the paper takes as an example labour immigration. Here important institutional changes have been made. Labour migration to the EU will now be dealt with under conditions of qualified majority voting between member governments, and the Union will gain a formal competence in integrating immigrants. The paper then assesses—in light of leaders' resolution to "return to business"—the proposed programme as it currently stands.

The strategic challenge: thinking big, publicly

Given the way the new Treaty and its shift in favour of greater supranationalism have been sold, anyone would think the Union had been in a permanent state of gridlock for the past decade. In fact, home affairs have proved a source of unparalleled legislative and operational dynamism despite the rigidly intergovernmentalist traits of decision-taking. The problem has been less the quantity than the quality of action: policy outcomes have seldom proved equal to the challenges facing the Union. One reason is clear. Those pushing for a greater EU role in this sensitive area have become increasingly shy about expounding the reasons for European policy. As a result, the thinking behind their political agenda has often been insufficiently elaborated upon. This leaves proposals unusually vulnerable to inter-institutional wrangling, to entrenched concerns about autonomy and sovereignty. If the Lisbon reforms are to be used to improve the quality of policymaking, this reticence must be changed.

The area of labour migration policy is a case in point. Those ambitious for EU action talk about the need for the member states to band together and engage in the global competition for labour. The "demographic crisis" and "skills shortage" have become shorthand explanations for the EU's need for foreign labour. Yet, in the wake of a series of negative referendums, and with latent euroscepticism in many member state governments, not to mention the sheer breadth of interests in an EU of 27, supporters of European intervention in this area are reluctant to articulate their case further. Rather than making a detailed public argument in favour of European labour migration policy, they resort simply to the kind of shorthand phrases that might be used had consensus been achieved following a long and explicit argument. In reality, no such consensus has been achieved. The need for foreign labour and indeed for EU intervention on the issue is more hotly contested than ever.

The global economic crisis has persuaded many member states that the best way to stabilize and reinvigorate national labour markets is to reduce migration flows to vulnerable sections of the economy. The long-term economic and demographic concerns that informed recent national efforts to attract migrant labour, and which underpin EU interventions such as the "Blue Card" initiative, have been replaced by more immediate political imperatives in favour of restriction. This comes at a time when the economic downturn is anyway reducing flows of migrant labour to the EU. Most indicators suggest that receiving countries in the EU are now undergoing a slowdown in labour migration and sending countries elsewhere are confronted with increasing re-migration thanks to the economic crisis.[1]

Judged in its relative relative absence, the thinking in favour of an active EU role towards labour immigration is understandably deemed woolly by sceptical interior and labour ministries: brandishing models showing the "greying" of the EU-27's work force, the proponents of liberalisation harp on about the shrinking proportion of sixteen year olds in the population—but since when did sixteen year olds

[1] Steffen Angenendt, *Labour Migration Management in Times of Crisis*, Transatlantic Academy Paper Series, 2009.

make up a core part of the workforce? And why the implicit assumption that workers become in some way infirm at the current pensionable age, even though they are increasingly likely to live for another twenty years? Besides, can we look upon migrants as mere demographic units, divorced from the complex social and cultural problems that accompany them? As for the identification of skills shortages, might these not actually be down to liberal migration policies and the way that foreign labour can expand demand for immigration? Moreover, even if the member states did require immigrant labour to overcome demographic and labour market problems, why should they turn to the EU? There is a table currently doing the rounds which vividly shows the differences between the labour markets of the 27. Don't the larger ones, such as the UK, have the capacity to attract labour on their own?

In short, the issue of the EU's role in labour migration is shaping up to be one of the defining political battles of the next five years of home affairs cooperation. The phoney war between the Commission and the member state governments has been simmering for years. Indeed, if it does not materialise as such this can be taken as a signal of the EU's failure to justify the institutional changes made to the treatment of legal migration. After all, these changes were effected with just such a policy agenda in mind.

The institutional challenge: overcoming Lisbon's pitfalls

The institutional changes made to EU home affairs policymaking count amongst the new Treaty's farthest reaching innovations. The current intergovernmental traits of policymaking will be decisively diluted. Yet, these changes will not per se remove existing inter-institutional tensions. Just the reverse in fact—the reforms imposed by the Treaty may actually lend themselves to political sclerosis, at least in the short- to medium-term. This poses a considerable challenge to the policy area's would-be programmers, especially given their constant chattering about the positive effects of Lisbon.

For one thing, the Treaty will neither resolve nor even bypass tensions between the member states. The Treaty formalises the European Council's role in setting the strategic guidelines for this area of policy. Small member states have often objected to the policy-planning role of the European Council, arguing that the European Commission—a body where parity between large and small member states is more robustly safeguarded—should take the lead. Lisbon's shift to qualified majority in Council on issues like police cooperation and labour migration will do little to smooth over such tensions. After all, governments tend to take decisions according to the consensus principle even when unanimity is no longer the rule. The major political fault-lines in asylum and immigration policy will thus persist between states increasingly concerned about questions of autonomy and resources—big member states vs. small; southern vs. eastern states; resource-rich vs. resource-poor states; 'land-locked' states vs. states on the external borders of the EU.

For another thing, the European Parliament's influence over issues of police and criminal law cooperation is boosted. Despite the pressure upon them to "behave responsibly", MEPs have identified home affairs as a rare area in which they can publicly defend their activism. The Lisbon reforms will boost parliamentary control even where the European Parliament already enjoys rights of co-decision. In the past MEPs have frequently engaged in 'issue-linkages', exploiting their clout over issues such as illegal immigration to influence home affairs matters where they have only limited powers. The Parliament's powers will now be increased across the board, and MEPs will no longer have to dilute their influence over asylum and illegal immigration in this way. Add to this potent mix a third factor—the powers afforded to national parliaments by the Treaty—and the spectre of "legislative-executive" tension so familiar at the national level could become further entrenched at the European. The major political fault-line between parliaments and Council, characterised as "security vs. rights", will probably deepen.

Lastly, the Treaty will give the Commission new clout in the policing of policy implementation in formerly intergovernmental areas of policymaking. This gives the Commission—a body whose ambition for policy is not matched by a confidence openly to guide it—a means to push forward European integration and to wrong-foot

recalcitrant national ministries. It is not clear how the Commission will proceed. Today, decisions have actually been facilitated by member states' expectation of never having to realise common commitments. Should the Commission take its new policing role seriously, therefore, decision-taking in Council would prove rather more laborious, as member states give more thought to the implications of their signatures. On the other hand, as the Commission has already discovered in those more supranational areas of home affairs cooperation, if it adopts a more 'conciliatory' line to policing implementation and proposes the re-negotiation of policies that have been poorly implemented, this can simply see old compromises unravel. Whatever the case, the major fault-line between Commission and Council will probably sharpen. We can expect further tension along the conflict-line "greater vs. less European regulation".

The challenge of programming: making the most of the tools

The EU will struggle to defuse such tensions using the available programming tool kit. As a deviation from the classical "Community method" of agenda-setting, the present programming process for Justice and Home Affairs was for a long time without a formal basis in primary law. Over the past decade, the process has thus been allowed to evolve in a manner which is at once undefined and arbitrary. If there has been a logic to the development of its constituent tools, this lies in those patterns of inter-institutional one-upmanship that have characterised the pre-Lisbon years.

The five-year time rhythm for programming was, for example, originally set in 1999 to coincide with a timetable for institutional development contained in the Amsterdam Treaty. The governments that formulated the first Programme were keen to set a political agenda that made full use of the five years after the entry into force of the Treaty. They were aware that these five years would mark a lull of relative national autonomy before the European Commission and Parliament were permitted to insert themselves more fully into decision-taking.

This now defunct logic is clearly out of step with the practicalities of the post-Lisbon challenge. The five-year rhythm of programming has not been actively synchronised with other European programming processes, despite the clear need to coordinate JHA with "neighbouring" policy areas such as finance policy (the EU's upcoming financial perspective) or socioeconomic policy (the Lisbon process post-2010). Nor is there evidence that this rhythm is attuned to or has been accommodated into national JHA planning processes. And, most importantly, nor is there any obvious reason to believe that five years is a suitable timeframe for agenda-setting in this broad, complex and multi-speed policy area or for anticipating upcoming problems in Justice and Home Affairs.

As regards the constituent tools of the programming process, there is likewise no set methodology. Over the years, "programming" has come to comprise: 1. an evaluation by the European Commission of the implementation of the outgoing Programme, 2. a successor political Programme adopted by the European Council and 3. a technical Action Plan setting out concrete data for the realisation of the political programme such as rudimentary policy proposals and timetables.

If the constituent tools have altered over the years, this can scarcely be taken as evidence of an effort to improve the effectiveness of programming. Here too, an introspective focus has displaced thoughts of effectiveness. Take, for example, the Swedish EU-Presidency's initial aspiration to drop the convention of an Action Plan. This appears at least partly motivated by a desire to ensure that the incoming Spanish EU-Presidency did not usurp the programming process. After all, in the run-up to the negotiations, it had been suggested that the meat of programming would occur on the Spanish watch, since clarity about the fate of Lisbon Treaty seemed likely only in 2010. The Swedes would have the prestige of lending their name to the

Stockholm Programme, but that document would not stretch much beyond the symbolic. The Action Plan, due to be drawn up under the Spanish aegis in early 2010, would simply be converted into a more substantial document than its predecessor of 2005.

The failure to identify suitable rhythms or set constituent tools conducive to the realisation of a politico-strategic agenda is symptomatic of the dearth of clarity about the purpose of programming. The question has faded from view: “what can a programme adopted by the European Council contribute to policymaking?” this lack of critical reflection has in turn left “programming” open to ends far removed from those of effective agenda-setting.

The Stockholm proposal evaluated: programming as inter-institutional mud-wrestling

The hurdles facing our would-be programmers are daunting. At a distance of five years, and without recourse to a more dynamic set of programming tools (e.g., a rolling action plan or annual programming tools for less strategic issues), EU leaders must somehow set out a realistic agenda: in their Stockholm Programme, they must first identify long-term strategic problems; they must then openly elaborate a politico-strategic methodology for their treatment; and finally they must underpin this with a horse-trading package which anticipates the entrenched interests of political actors.

The task may be daunting, but with the popular expectations concerning the EU’s post-Lisbon capacity for action, failure would be damaging indeed. And yet, measured by these absolute and largely self-induced standards, the proposal currently on the table is an almost unqualified flop. It admittedly makes a laudable, if incomplete, bid to set out five years worth of proposals in advance, but without elaborating either a convincing politico-strategic rationale or underpinning it with a meaningful inter-institutional compromise package.

The relative absence in the emerging Programme of one basic building block of any policy programme, namely analysis of upcoming problem suggests to some observers at least that the proposal’s bid for clairvoyance follows an unspoken logic of its own. That logic seems to be one of entrenched institutional interests, played out in a long and laborious drafting process of future groups, migration pacts, Commission evaluations and ‘non-papers’.

To say that the programming process has been reversed is an exaggeration, but not a gratuitous one. Ideally programmers would first identify strategic problems and goals, then set out a political stall to match, and finally defuse such clashes of inter-institutional interest as may disrupt its realisation. Instead, negotiators working on the Stockholm programme have made their prescriptions increasingly dependent upon these inter-institutional interests, citing in a second step relevant problems and sympathetic political arguments. In search of a unifying rationale for their musings, the best that the proposal’s authors have been able to come up with is the desire to meet the expectations of EU citizens and those for whom the EU bears responsibility.

In all this, one irony is to be savoured: far from dispensing with the Action Plan for home affairs, the Swedish look likely to ensure that the EU has two. For, in the absence of serious politico-strategic thinking, the Swedish proposal resembles much less the kind of political programme to be expected from the European Council than the technical Action Plan which is still due to follow it up. The relative absence of political and strategic thinking in the emerging Programme makes it little more than a disparate list of policy proposals. In an Action Plan this lacuna would be expected, since the thinking would have been elaborated upon elsewhere. In a Programme, it will prove a serious deficit.

The Swedes have not had it easy. Their intervention fell at the end of a programming process that has offered ample space for an inter-institutional wrangling—a tug-of war in which no actor wished to be identified as the clear winner. Already under the German and Portuguese Presidencies (2007), two so-called future groups

were set up to deal individually with the justice and the home affairs strands of policy. These groups gathered ministers from the current and upcoming EU-Presidencies. Following the publication of the future group reports in mid-2008, the baton was passed to the European Commission. In June 2009, the Commission published an evaluation of the implementation of the outgoing Hague Programme and adopted a proposal for the Stockholm Programme.

Only then did it fall to the Swedish Presidency to put together a substantial proposal ripe for adoption in December. The Swedes have done their best to manage the competing interests to which they have been subject. Throughout September, the government held closed bilateral meetings with state secretaries from other member states, whilst staging multilateral seminars on issues such as the relationship between migration and development policy. In so doing, the Swedes fostered discussion between member states on a limited number of points and under controlled circumstances, but have otherwise kept national governments apart so as to avoid troublesome coalition-building against their likely proposals. On 16th October, this layer of secrecy was broken, and the Swedes took the step of releasing their proposal to the public before negotiations in Council began. With this concession to transparency, the Swedes presumably hoped to fix the parameters of a compromise.

All this is a far cry from earlier programming experiences. A comparison between 1999's Tampere Programme, 2004's Hague Programme and the current proposals for the Stockholm Programme reveals considerable differences of style and ambition. It would, of course, be churlish to deny that these developments are at least partly a reaction to the changing nature of the policy area. The tabula rasa environment of 1999, when JHA cooperation began in earnest, lent itself better to a politically ambitious approach than the dense and complex environment of 2004 and 2009. These changes of style also reflect advances in policymaking rules, with the partial communitarisation of policymaking through the Amsterdam Treaty calling for a far-sighted approach in 1999, the pending decisions about the further communitarisation of policymaking in 2004 hemming the level of ambition in Hague, and in the case of the Stockholm Programme a lack of clarity until November 2009 about the future of the institutional environment. These different styles may even reflect a sensitivity to the changing types of policy challenges faced by the EU post 9/11, with a growing feeling that a repeat of Tampere's political ambitiousness would interfere with the effective treatment of pressing security challenges.

But above all, these changes of style and ambition are a reflection of a changing mode of formulating programmes. By identifying long-term problems and aims and setting out an accompanying political rationale, the Tampere Programme comes closest to the kind of 'ideal' programme set out above. It fell down when it came to anticipating inter-institutional tensions, as its subsequently patchy realisation indicates. And it is in no small part because of Tampere's failure to recognise institutional sensitivities that its mode of formulation has been abandoned. A decade after the Tampere's 'presidential' formulation, in which the heads of state and government were encouraged to think big, programming has increasingly become a mundane extension of everyday policymaking. The observation has since become increasingly common amongst policy-watchers: the politico-strategic has been replaced by self-involved manoeuvring over semantics and syntax.

Semantic tactics

This inter-institutional manoeuvring over individual phrases is clear throughout the evolution of the Stockholm proposal. Take, for example, the paragraphs on migration. The Commission sprinkled its June proposal with pro-integrationist wording. Given the potential unleashed by Lisbon's institutional changes, that wording would have been readily defensible had

the Commission only made its thinking explicit. Instead it took an altogether more oblique approach, harking back to the Hague Programme where indefinite wording on issues such as the returns directive allowed it subsequently to claim a mandate for far-reaching measures.

To a degree, the Commission's approach has been successful. In their recent joint conference in Brussels on the proposed Stockholm Programme (16th-17th November), the European Parliament and national legislatures sidelined migration issues in their agenda, perhaps deeming them uninteresting or long "pre-programmed" by 2008's Migration Pact. With its studiedly dull wording, the Commission had largely spared its migration proposals critical parliamentary scrutiny at this stage. Faced with forging agreement in the Justice and Home Affairs Council, however, the Swedish Presidency has proved an altogether cannier operator than many in the Parliament. Alive to the semantic nuances of the Commission proposal, the Swedish government has asserted more sovereignty-conscious wording. The Commission's failure to articulate a rationale for measures has only facilitated this revisionism.

Integration of immigrants: the Commission proposal had called for a dull-sounding EU codex which would principally codify and consolidate existing EU laws affecting integration. The Commission also proposed a joint coordination mechanism which would identify best practice in national integration policies, break down barriers in education and create common indicators for integration.

These measures were not so modest as they sounded. The Commission slyly tied its proposals to the realisation of an ambitious political goal which has slipped from view of late, namely extending to resident immigrants the same rights as EU-citizens. In other words, the codex would not have concentrated principally on "codifying and consolidating" existing laws but rather have developed them considerably. Read between the lines, this was a clear bid to boost European action in this area.

With a slight reordering of the Commission draft, the Swedish proposal pulls the rug from under the Commission. Certainly, the official Swedish proposal is more ambitious than the Commission's draft as regards the goal of affording immigrants the same rights as EU citizens. It sets 2014 as a deadline for its realisation. However, by slightly reordering the relevant paragraph, the proposal presents the EU Codex much more as a first step in this process rather than its principal vehicle. As such its role really would be largely confined to the codification and consolidation of existing laws. This leaves far more space for national solutions. And, whilst the Swedish proposal encourages the member states to work towards common practices and indicators, another slight change in the wording means the role of the proposed joint coordination mechanism would be downgraded. Again, scope is opened for national solutions.

Labour migration: the Commission proposal of mid-2009 put forward three major measures. Firstly, the creation of a European admission system for labour migrants; secondly, an assessment of the skills shortages expected in Europe until 2020; thirdly, a "European platform for dialogue" which is to bring together employers and unions to discuss necessary changes to migration law.

The first of these proposals was overtly ambitious, since in the past the member states have resisted the creation of a single European framework on admissions. The other two proposals were subtler in their desired effect, which was to soften member state governments' current reluctance to create European policies to admit migrants. Through a technocratic assessment of skills shortages in a long-term perspective, the Commission hoped that the immediate political pressures on European governments against admitting labour migration would be viewed in a new light. And with a European dialogue platform, the Commission presumably aspired to empower new, liberal voices outside national governments to speak in favour of EU action.

The Swedish proposal unceremoniously disembowels these suggestions. It removes mention of both the study on Europe's labour needs and of the platform for dialogue. The mention of a European admission system is more slyly neutralised. It is replaced by mention of European admission *systems*—the plural better allowing for the coexistence of national and European frameworks, and ruling out the replacement of national frameworks through a European one.

Asylum policy: in its proposal, the Commission had made a clear call for the enshrining in EU law of the mutual recognition of asylum grants by member states; the Swedish proposal simply suggests that the EU should "consider" a relevant mechanism. The Commission proposal made explicit mention of mechanisms for the internal resettlement of asylum-seekers in the EU in pursuit of greater solidarity; the Swedish proposal refers obliquely to a need to create tools which allow the member states to share responsibility for asylum claimants. The Commission proposal had mentioned the creation of humanitarian visas and the joint external processing of asylum-seekers; the Swedish proposal simply refers to the problems that such measures would be designed to mitigate, e.g., mixed migration flows, but stops short of advocating the measures themselves. The Commission proposal talked of finding solutions for those individuals who do not gain protection but cannot be removed from the EU; the Swedish proposal does not mention them.

If these changes to the Commission proposals on immigrant integration, legal immigration and asylum policy resulted from the contribution of the Swedish Presidency, we can reasonably expect a similar semantic battle between the member states themselves when the Swedish proposal is discussed by the Justice and Home Affairs Council. Set interests between the member states will be played out on the question of the mutual recognition of asylum grants (land-locked/external), the geographical focus of the external dimension (eastern/southern), the powers of Frontex and the European asylum support office (large/small) as well as the financing of integration policy and the sharing of data on countries of origin (resource rich/poor).

What political vision for the Stockholm Programme?

Under the Lisbon system, any number of actors will have the formal clout to intervene decisively in this unsatisfactory situation. The Commission may still have to share its right of initiative over some areas of home affairs with national governments but it receives a sufficient boost from the Treaty to release it somewhat from the oppressive duty of anticipating those areas where recalcitrant national ministries are prepared to act and it gains greater freedom to guide policy. The European Council and its semi-permanent president gain a more formal role in agenda-setting.

In reality, these bodies are likely to be too concerned with themselves and one another to concentrate on reinvigorating home affairs cooperation. The onus may instead fall to a plucky agenda-setting grouping which has previously failed to achieve its potential and which will actually lose in formal weighting post-Lisbon. The "trio-Presidency" gathers the three incoming presiding governments of the Council of Ministers in 18-month intervals.

At a time when the influence of the member-state presidency in the Council system will formally diminish, the circumstances even for a dynamic trio are scarcely propitious. Yet, the incoming three governments—Spain, Belgium and Hungary—have considerable advantages. Between them, they incorporate the major international fault-lines in immigration and asylum policy—big member states vs. small; southern vs. eastern states; resource-rich vs. resource-poor states; 'land-locked' states vs. states on the external borders of the EU.

Their incorporation of these political conflict-lines leaves the trio well placed to resolve points of tension in the Stockholm Programme. However, they can only go about setting up some kind of workable agreement on these disparate issues if

they identify a common rationale for European justice and home affairs cooperation under their aegis. And this is perhaps the more intractable issue: how can they imbue the prescriptions in the Stockholm Programme with a political rationale?

Three competing political strands have over the past twenty years been visible in European home affairs. In the 1980s, cooperation was driven by a liberal vision—the notion of a border-free Europe. The (partial) realisation of this agenda still counts as one of the defining achievements of European integration. A rights-based agenda, on the other hand, characterized the cosmopolitanism of the Tampere Programme, where the interests of immigrants, asylum-seekers and third countries were afforded unexpected prominence. A more security-centric agenda was apparent in the emphasis placed on law and order by the Hague Programme, crystallising under the banner "a Europe that protects".

Over the years, these political strands have become less explicit in programming. Policy ideas contained in the programmes can only be ascribed to a particular line of thinking by the practiced policy watcher. Aside from the grounds set out above, one further reason why programmers have increasingly shied away from giving their programmes an explicit political rationale is because of the sheer thematic breadth of the programming endeavour. There is a pressure to give the whole policy area a coherent political direction, even as developments in one sub-policy lend themselves to one approach and developments in another are amenable to different treatment. Taking up the agenda-setting process after the Programme has been adopted, however, the trio can peel off policy areas and deal with them individually. They do not need to lend home affairs in its entirety a uniform political persuasion. Should the trio accept the challenge of making full use of the Lisbon Treaty's institutional changes in legal migration, it is the liberal agenda of the 1980s which would probably most chime with efforts to attract labour migration to the EU.

Many elements conducive to such an agenda are already contained in the proposal for the Stockholm Programme, albeit without the backing of a clear rationale or compromise package. Most obviously, there is mention of the principle of free movement. This was the original liberal goal of European cooperation in home affairs. The Swedish proposal, however, focuses principally on the possible abuse of the principle and the eventual necessity of restrictions. The principle of free movement could usefully be reaffirmed, not least vis-à-vis acceding member states. Since the accession of Spain in 1986, member states have been in the habit of closing off their labour markets to the citizens of new members. As such, they have lost out on a prime source of labour in reaction to often overblown fears about the size and character of migration flows. From the liberal perspective, the goal of free movement could also be strengthened for third-country-nationals as a means of attracting certain kinds of labour to the EU. In the form of the so-called Blue Card, this is an aspiration which the Union has pursued and foundered upon in the past.

The trend in favour of the evaluation and review of existing measures, as reflected in the Swedish proposal, also lends itself to a liberalising agenda. In a liberal policy agenda, these reviews would be used to take a critical eye to intrusive EU interventions in society and the economy—sanctions against employers who hire illegal immigrants, for example, or checks on immigrants' access to the health system. To the liberal mind, interventions aimed at controlling migration are frequently counterproductive, simply pushing migrants outside the ambit of state influence. By the same token, the Stockholm proposal's sympathy for non-state actors to become involved in policymaking could, in the interests of greater liberalism, usefully be strengthened. This could see the resurrection of the Commission's idea for a discussion platform in which employers and unions come together to give impulses to migration regulation.

An openness towards alternatives to traditional border checks and controls is also a key element in a liberal approach to migration control. Member states have long sought to deal in a more palliative manner with migration flows beyond the border. They have concentrated their efforts on countries of transit and origin. And they have focused on migrants' positions in their own economies and societies. It is surprising, then, that the notion of a "comprehensive" approach to migration has lost in importance as negotiations on the Stockholm Programme have progressed. A

liberal trio could usefully present ideas for comprehensively coordinating the Union’s disparate new powers in migration regulation, from the strengthened role in social integration to the EU’s new foreign policy structures.

In all this, there are principles at stake weightier than effective migration management. For the first time in the history of European integration, the Union’s capacity to express its political goals has become vital.

At its inception, integration was very much a consensus business. With the memory of war still fresh, there was relatively little need to reiterate the goals of a political project founded on the twin notions of peace and prosperity. As new states joined this project and the range of EU affairs broadened, however, opposition to parts or all of the Union’s undertakings has grown. Not only are EU policies criticised on the traditional left-right axis, a more novel axis concerned with national sovereignty and autonomy has emerged. Dismayed by this hostility, policymakers have retreated tortoise-like into their shells. In today’s system of diffuse responsibility, in which decisions are shared between up to 27 states and politicians find themselves locked into commitments taken long ago by their political forebears, policymakers can sooner disassociate themselves from EU action than stand by it. Unwilling to defend their political goals, they have displayed an increasingly defensive mentality—policymaking on the run. This demands undignified athleticism from a tortoise. It is a race he cannot win.

It is imperative that political leaders break out of this lethargy should they wish to maintain the EU as a political system. Political leaders do not simply have to create a European system which enjoys the necessary popular legitimacy to survive. They must also put that system to full use. And to do so, they must conceive of European cooperation and integration as a chance. In perhaps no other area of its sprawling activity does the EU have the possibility to set the tone of the 2010s as in home affairs. By identifying strategic problems, and a coherent set of measures sufficiently palatable to all interested parties, the trio has the potential to turn the building blocks of the Stockholm Programme into a meaningful political and strategic settlement. More than this, they can set a precedent for policymaking under Lisbon.