

Bounded Rationality in European Policymaking Processes

The Development of European Legislation to Address Future Responses to the Instrumentalization of Migration

With the recent adoption of the Pact on Migration and Asylum, the European Union concluded its negotiations on reforming its migration management and common asylum system. One of the core files is the Crisis and *Force Majeure* Regulation, which contains elements that are meant to regulate the response to future instances of the instrumentalization of migration against the European Union. These elements find their origin in the Instrumentalization Regulation proposal from December 2021. This proposal was developed in response to the attempt by Belarus to put the European Union under pressure by directing migratory movements towards the European Union's external borders. This research investigates the role played by Simon's (1990) concept of bounded rationality on the policy process of the Instrumentalization Regulation proposal and parts of the Crisis and *Force Majeure* Regulation. Based on semi-structured interviews with think tank researchers, (representatives of) Members of the European Parliament, the European Commission, and the Council of the European Union, the research found that bounded rationality has played a role in policy actors' awareness of the instrumentalization of migration as well as during the agenda-setting and policy formulation phases of the policy process.

Keywords: instrumentalization of migration; policy process; bounded rationality

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Abbreviations

| Abbreviation | Meaning |
|-------------------|--|
| CFMR | Crisis and <i>Force Majeure</i> Regulation |
| Commission | European Commission |
| Council | Council of the European Union |
| DG HOME | European Commission's Directorate-General for Migration and Home Affairs |
| EEAS | European External Action Service |
| EPRS | European Parliamentary Research Service |
| EU | European Union |
| IPCR | Council of the European Union's Integrated Political Crisis Response Mechanism |
| IR | Instrumentalization Regulation |
| NGO | Non-governmental organization |
| MEP | Member of the European Parliament |
| Parliament | European Parliament |
| PR | Permanent Representation to the European Union |
| SIA | Substitute impact assessment |

Introduction

On 14 May 2024, the Pact on Migration and Asylum was adopted by the Council of the European Union (hereafter the Council). Although this Pact was first proposed in September 2020, its adoption took nearly four years. The final file to be agreed upon was the Crisis and *Force Majeure* Regulation (CFMR) (DG HOME 2024).¹ Some of the controversy surrounding the CFMR are elements related to the instrumentalization of migration, which found their origins in the proposed Instrumentalization Regulation (IR).² The European Commission (hereafter the Commission) defined the instrumentalization of migration as a situation

“[...] where a third country instigates irregular migratory flows into the Union by actively encouraging or facilitating the movement of third country nationals to the external borders, onto or from within its territory and then onwards to those external borders, where such actions are indicative of an intention of a third country to destabilise the Union or a Member State, where the nature of such actions is liable to put at risk essential State functions, including its territorial integrity, the maintenance of law and order or the safeguard of its national security.”

In this research, Simon’s (1990) concept of bounded rationality is applied to the policy process of the IR proposal to produce an understanding of bounded rationality in migration policy development. It answers the question: ‘What was the role of bounded rationality in the agenda-setting and policy formulation phases of the development of European legislation to address the instrumentalization of migration against the European Union?’

The Commission’s definition of the instrumentalization of migration is similar to strategic engineered migration, a concept which Greenhill (2008, p. 7-8) defined as migratory movements that are deliberately induced or manipulated by state or non-state actors with certain political or military objectives. The four forms of strategic engineered migration are

¹ Regulation 2024/1359. *Regulation (EU) of the European Parliament and the Council of the European Union of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147*. [Regulation - EU - 2024/1359 - EN - EUR-Lex \(europa.eu\)](#).

² European Commission. (2021, December 14). *Proposal for a Regulation of the European Parliament and of the Council addressing situations of instrumentalisation in the field of migration and asylum (COM/2021/890 final)*. 2021/0427 (COD). [EUR-Lex - 52021PC0890 - EN - EUR-Lex \(europa.eu\)](#).

dispossessive, exportive, militarized, and coercive engineered migrations. In her later book *Weapons of Mass Migration* (2010), Greenhill focuses on coercive engineered migrations as one of the four types of strategic engineered migration. According to Greenhill (2010, p. 17), there have been at least four attempts to engage in coercive engineered migration against the EU in the 2000s (two by Belarus and two by Libya). Thus, it may come as no surprise that academics have accepted and built upon the concept coercive engineered migrations in recent years, with a particular focus on Europe (e.g., Gökalp-Aras 2019; Bekić 2022; Kuźelewska & Piekutowska 2023). However, during an interview Greenhill classified the attempt by the Belarussian regime to strategically engineer migration against the EU in 2021 as an example of exportive engineered migration (Blake-Martin 2023). Exportive engineered migrations are those migratory movements induced or manipulated by state or non-state actors “either to fortify a domestic political position [...] or to discomfit or destabilize foreign government(s)” (Greenhill 2008, p. 7-8). However, others have argued that the Belarussian attempt additionally contained coercive elements, making it a combination of exportive and coercive engineered migration. For example, Bekić (2022, p. 160) argued that objectives of the Belarussian regime were to coerce the EU into relinquishing support for anti-Lukashenko protests and to end sanctions against Belarus.

Regardless of the form of strategic engineered migration that Belarus engaged in, the situation led the Commission to propose the IR in December 2021. From its publication onwards, the IR proposal attracted criticism from NGOs (e.g., ECRE 2022; Amnesty International 2022), academia (e.g., Forti 2023), and think tank researchers (e.g., Rasche 2022; Šimonák 2023). As such, it leads to questions regarding the origins and arguments underlying the proposal. Furthermore, the fact that Greenhill (2008, p. 12-13) identified >100 attempts to strategically engineer migration between 1951-2008, prompts the question of timing. Therefore, this research investigates the development of the IR proposal and its subsequent merging with the CFMR whilst relying on Greenhill’s (2008) concept of strategic engineered migration and Simon’s (1990) concept of bounded rationality. Simon (1990) considered humans’ rationality in decision-making to be bounded by human cognitive capabilities such as having a limited attention span and a short-term memory as well as the environment.

Ultimately, the research argues that policy actors’ rationality is bounded by human cognitive limitations, in particular their limited attention span, organizational loyalty, and their preference for analyzing prepared solutions rather than deliberating for new ones. Other

factors such as humans' short-term memory, the tendency to apply heuristic methods in deliberating for solutions, and institutional friction are found to be of lesser importance.

This research contributes to existing research on policymaking processes and strategic engineered migration. In particular, it contributes to an understanding of policy actors' access to and selection of information from the policy environment, an under-researched area of policymaking processes (Peters & Thynne 2022). Furthermore, recent legislative actions by Finland to deal with allegedly instrumentalized migrants from Russia increase the relevance of this research, as the Finnish measures are perceived to go beyond the CFMR (Liboreiro 2024) – which will enter into force on July 1, 2026. Additionally, the research contributes to migration studies by investigating the relationship between strategic engineered migration and the instrumentalization of migration. Finally, it contributes to migration research by highlighting the controversy of migration policy at the EU level, with a particular focus on instrumentalization as an important aspect of the Pact on Migration and Asylum. The increased attention to strategically engineered or 'instrumentalized' migration is unsurprising considering that Greenhill (2010, p. 264) found that "migration-related fears can prove even stronger and more influential than concerns about the proliferation of weapons of mass destruction."

Theoretical Framework

Strategic Engineered Migrations

Greenhill (2008, p. 8) identified four types of strategic engineered migration: dispossessive, exportive, militarized, and coercive. The distinction between those forms is based mainly on the intended outcomes of the strategic engineered migration, however, the categories are not mutually exclusive because overlapping motivations and objectives can be in play (Greenhill 2008, p. 13). Greenhill (2008, p. 8) defines *dispossessive engineered migrations* as being aimed at “the appropriation of the territory or property” of the targeted actor or the elimination of the targeted actor. Therefore, this category is often associated with ethnic cleansing. Secondly, *exportive engineered migrations* are aimed at strengthening a certain political position domestically or to challenge foreign governments. Thirdly, *coercive engineered migrations* are aimed at inducing certain concessions from the target actor. Finally, *militarized engineered migrations* are aimed either at obtaining military advantage against the enemy or to strengthen one’s own military position.

In her later work *Weapons of Mass Migration*, Greenhill (2010) further elaborates upon the theory on coercive engineered migrations. Interestingly, there is a wide variety of actors involved in coercive engineered migrations (Greenhill 2010, p. 16-17). Challenging actors may include insurgents, activists, ethnic groups, and NGOs, target actors can be states, alliances or associations of states, ethnic groups, and international institutions, and the migrant group that is used to challenge the target actor may be defined by (a mix of) ethnicity, nationality, tribe, legal status, and religion. Considering Greenhill’s (2008) earlier definition of strategic engineered migration, this wide variety of challenging and target actors as well as the migrant group may also apply to dispossessive, exportive, and militarized engineered migrations.

Greenhill (2008, p. 17-18) describes strategic engineered migrations as “a relatively cost-effective policy tool” for target actors, particularly when compared to conventional policy options. Not only because there is no need for military intervention, but also because it may be economically beneficial. For example, the challenging actor may benefit from bribes, appropriate the belongings of the displaced population, and/or might receive remunerations. In relation to coercive engineered migrations, Greenhill (2010, p. 13, 32) proved that it is indeed a successful policy tool: in 73% of the 56 attempts that Greenhill identified in the period between 1951-2010, the challenger succeeded at least partially in obtaining its

objectives. At the same time, however, Greenhill (2010, p. 36-37) showed that attempts to strategically engineer migration are not without risks. For instance, coercive engineered migration crises may become larger than intended and the challenging actor may even lose control, transforming the migrants from “smart bombs” into “unguided missiles”.

Furthermore, the challenging actor may encounter a target actor which recognizes that conceding to the challenging actor’s demands is of little use because certain conditions caused by the migration crisis are hard to undo. Finally, the target actor may decide to resist the coercion and undertake actions against the challenging actor.

In resisting the coercion, target actors have at least three options to respond (Greenhill 2010, p. 58-59). Firstly, they can choose to externalize or shift the responsibility of the consequences of the migration crisis onto other actors, meaning that other actors will host or even assimilate the migrants. Secondly, target actors may manage to (partially) reconcile the mutually incompatible interests of the population, for example through shifting opinions and perceptions or using side-payments. As such, the negative consequences of the migration crisis are reduced and the gains for the challenging actor limited. In the best scenario, the population even unifies rather than polarizes because of the migration crisis. Finally, target actors may (threaten to) launch military action to forestall or completely disrupt the outflow of migrants from their place of origin.

The Making of Public Policy

Throughout the mid-20th century, Lasswell developed a new vision on policymaking processes: the stages model of the policy process (Dunn 2018, p. 117). Lasswell’s (1971) stages model comprised seven sequential decisional functions in policymaking processes: intelligence, promotion, prescription, invocation, application, termination, and appraisal. While it is not the purpose to delve into a debate of Lasswell’s work, it should be noted that the stages model has attracted criticism. Dunn (2018, p. 119) and Howlett & Ramesh (2009, p. 11) collected criticisms by multiple authors, which can be summarized by stating that (1) the stages model lacks causal explanations; (2) that its terminology is vague; (3) that it assumes policymaking processes to be linear; and (4) that it is focused on governmental actors and legislative processes. Despite the criticisms, the stages model was considered useful and has been adapted by different authors, to eventually become known as the policy process model (Howlett & Ramesh 2009, p. 11; Dunn 2018, p. 118).

The policy process model explains policymaking as an iterative socio-political process that runs from the articulation of problems to the implementation of policies to address them (Howlett & Ramesh 2009, p. 3). Any policy process consists of five distinct phases: agenda-setting, policy formulation, legitimation, implementation, and evaluation (Howlett & Ramesh 2009, p. 12; Cairney 2012, p. 33). For the purpose of this research, only the first two phases are of importance. This will allow the research to determine the impact of actors, organizational structures, and dominant ideas more clearly (Howlett & Ramesh 2009, p. 3).

In the agenda-setting phase, issues come to the attention of policy actors and the problem is defined (Howlett & Ramesh 2009, p. 12; Cairney 2012, p. 33). During this phase, any type of policy actor can be involved, and as such, the agenda can be set either via members of the organization or externally via political mobilization (Howlett & Ramesh 2009, p. 12; Cobb & Elder 1972 in Jones 2001, p. 145-146). The driving force behind collective attentiveness to the problem is media attention (Jones 2001, p. 146). During this phase, all interested actors may recognize a window of opportunity to present their problem definition to the policy actors, which may cause an overabundance of information (Peters & Thynne 2022). Policy actors have to select relevant sources to prevent the oversupply of information from confusing the problem definition (Peters & Thynne 2022; Jones 2001, p. 76-77).

In the policy formulation phase, objectives are defined and alternative solutions are developed (Howlett & Ramesh 2009, p. 12; Cairney 2012, p. 33). Only the policy subsystem is involved, i.e., the policy actors with “sufficient knowledge” that allows them to participate in formulation of alternative solutions (Howlett & Ramesh 2009, p. 12; Jones 2001, p. 146). Usually, the supply of information in this phase is limited and costly (Peters & Thynne 2022).

Bounded Rationality in Policy-Making

A concept that will be combined with the policy process theory that has been developed based on Lasswell’s stages model, is the concept of bounded rationality. This concept has been developed by Simon, a student of Lasswell. Breaking away from mainstream economic theory, Simon (1990, p. 7; Jones 2001, p. 60) argued that whilst humans intend to be rational, their behavior is bound by the environment and by human cognitive capabilities. Simon (1997, p. 3-4, 84) considered human behavior to be rational if the individual opts for actions that are aimed towards previously established objectives – regardless of whether actions are conscious and deliberate. By introducing bounded rationality, Simon identified human short-term memory, information processing, cognitive friction, organizational loyalty, and the

tendency to apply heuristics as limiting cognitive capabilities. Furthermore, the formulation of objectives and organizational procedures may work as limiting factors imposed by the individual's environment.

Short term-memory hinders humans in selecting information from the environment and weighting the importance of this information, as well as in the retrieval of solutions from the long-term memory (Jones 2001, p. 81-82). Access to and the processing of information is essential to rationally determine and compare all the consequences of all potential solutions (Simon 1997, p. 78). Similar to individuals, administrative organizations normally process information in parallel, meaning that they address multiple issues at the same time (Peters & Thynne 2022). However, in crisis situations, administrative organizations tend to strategically allocate their resources to the most salient issue: they shift to serial processing (Peters & Thynne 2022). Another problem that may occur is that of cognitive friction, which is the tendency of humans to either neglect new information altogether or to overestimate it. Cognitive friction is exacerbated by both the limited human attention span and the fact that attention is a zero-sum resource (Peters & Thynne 2022). Transferred to administrative organization, cognitive friction is referred to as institutional friction (Peters & Thynne 2022). Furthermore, Simon (1997, p. 74-75) considered problem-solving to be rational if potential solutions are weighed in terms of the objectives that they serve. However, the hierarchy of goals is rarely structured or “perfectly organized or integrated in any actual behavior” (Simon 1997, p.5). Objectives are often obscure and incompletely formulated, particularly in organizations (Simon 1997, p. 74). For example, objectives within and across different departments may run in parallel or be in conflict with each other (Simon 1997, p. 5, 74). Therefore, decision-making will always be bounded in terms of its rationality. Additionally, decisions may also be influenced by emotions (Jones 2001, p. 74, 82) and organizational loyalty (Simon 1997, p. 10). Both work as compensatory mechanisms for human short-term memory in directing attention, influencing search strategies, selecting information, and setting priorities (Jones 2001, p. 74, 82; Simon 1997, p. 11). However, emotions and organizational loyalty may also lead to interbureau competition, i.e., rivalry between different departments of the organization, because individuals may identify themselves stronger with their bureau than the organization (Simon 1997, p. 11). However, on the other hand, cooperation within administrative organizations may help policy actors overcome their imperfect knowledge (Simon 1997, p. 81).

Considering the aforementioned factors limiting rationality, it follows that human cognitive limitations affect both the agenda-setting and the policy formulation phases of the policy process. During the agenda-setting phase, humans can allocate attention to one issue at the time and the problem definition will become dependent on which attributes of the problem are prioritized (Jones 2001, p. 65-66; Peters & Thynne 2022). Furthermore, during the policy formulation phase, humans face the preparation-deliberation trade-off. Opting for the prepared solutions will cost less time, but it is likely that the prepared solution is inappropriate for solving the problem, whereas searching and deliberating for new solutions is more time-consuming but may lead to a more adequate solution (Jones 2001, p. 58-59; Peters & Thynne 2022). Especially when problem definitions are vague, humans tend to prefer prepared solutions (Jones 2001, p. 66). Moreover, new communication networks have facilitated the increased flow of information in all directions through the organization, complicating the organization of relevant information (Simon 1997, p. 11, 28). When deciding to search and deliberate for new solutions, Simon (1990, p. 8-11) theorized that there are several mechanisms to search for solutions, including recognition processes based on stored knowledge, heuristic methods, and serial patterns recognition. Humans use heuristic search because they recognize that it is rarely “fully rational to collect full information” (Jones 2001, p. 71). This tendency to use heuristic search is exacerbated within organizations, as organizational rules, procedures, and other internal processes determine which information is processed and in what ways, thereby limiting the potential solutions that the organization can generate (Peters & Thynne 2022). Satisficing is an example of an heuristic method, which Simon (1957, p. 270-271 in Jones 2001, p. 61) described as a goal-oriented mechanism for searching solutions that permit satisfaction of some predefined aspirational levels. If it turns out that there is no prepared solution for the problem, only then humans start to search for new solutions (Jones 2001, p. 61). Ultimately, Simon (1997, p. 5) considered every decision to be a matter of compromise because every decision taken is only the best solution available under the given circumstances.

Bounded rationality theory received notable criticism, especially from economists. For example, Foss (2003, p. 158-161) argued that the concept has no clear definition, that it lacks specific fundamental assumptions, and that it is “essentially empty in an explanatory sense”. Therefore, Foss contends that bounded rationality is only invoked to persuade others of scientific developments in economics rather than being used in economic models. Similarly, Langlois (1990, p. 691) argued that Simon’s understanding of rationality confused

individuals' inclination to act in their best interest and their knowledge and ability to do so. Consequently, Simon is criticized for neglecting the logic of individuals' situation by prioritizing individuals' tendencies to adhere to certain rules of thumb (Langlois 1990, p. 692). However, considering that this research is not an economic study, it does not seem appropriate to apply countermeasures to remedy these arguments.

Expectations

Combining existing literature on strategic engineered migration, the policy process, and bounded rationality directs the research to an unexplored territory at the intersection of migration studies and public administration. The foregoing discussion of the separate strands of literature allows for the formulation of expectations with regard to bounded rationality in the development of EU policy to address the instrumentalization of migration.

1. Policy actors coming from different backgrounds (e.g., EU institutions and academia) are expected to define the instrumentalization of migration differently. Additionally, they may use different terms for the same phenomenon (e.g., instrumentalization of migration and strategic engineered migration). Furthermore, policy actors are expected to adhere to definitions provided by their institution or department.
2. Short-term memory leads policy actors to be most familiar with recent examples of the instrumentalization of migration and/or examples most salient in their work environment and/or the media. Thus, policy actors are expected to be most familiar with Belarus' attempt to instrumentalize migration against Latvia, Lithuania, and Poland in 2021.
3. Policy actors are expected to have become aware of examples of the instrumentalization of migration through their work environment or the media. Individuals in EU institutions are expected to have been approached by stakeholders that are directly affected by the instrumentalization of migration.
4. The supply of information is expected to be overabundant during the agenda-setting phase, which may confuse the problem definition. During the policy formulation phase, information is expected to be limited and costly, potentially leading to cognitive and/or institutional friction. Policy actors are expected to select and use information according to personal or organizational preferences in evaluating prepared policy options and to formulate new policy options. Finally, it is expected that policy actors prefer to evaluate prepared policy options rather than deliberating for new ones.

Research Design

Research Question

The main research question of this research is: ‘What was the role of bounded rationality in the agenda-setting and policy formulation phases of the development of European legislation to address the instrumentalization of migration against the European Union?’

This question will be answered by breaking it down into four sub-questions:

1. How do policy actors define the instrumentalization of migration?
2. Which examples of the instrumentalization of migration are policy actors familiar with?
3. How have policy actors become aware of the examples of the instrumentalization of migration that they are familiar with?
4. How has the supply, selection, and processing of information related to the instrumentalization of migration supported policy actors in formulating and evaluating policy options?

Sub-questions 1, 2, and 3 relate to the agenda-setting phase of the policy process, whereas the fourth sub-question investigates the role of bounded rationality during the policy formulation phase.

Operationalization

Strategic engineered migration

| | |
|----------|--|
| Control | The flow of migrants into the target actor’s territory was (largely) controlled by the challenging actor, measured by testimonies as well as the timing, size, and destinations of the migrants (Greenhill 2010, p. 20-21). |
| Strategy | The flow of the migrants into the target actor’s territory was intentional and strategic, measured by the challenging actor’s statements as well as the timing, size, and destinations of the migrants (Greenhill 2010, p. 20-21). |

Policy Process

| | |
|----------------|---|
| Agenda-setting | Problems come to the attention of policy actors; virtually all policy actors can be involved; information is overabundant; policy actors have to decide which issues deserve the most attention; the ultimate problem definition is established (Jones 2001, p. 66, 76-77, 145-146; Howlett & Ramesh 2009, p. 12; Cairney 2012, p. 33; Peters & Thynne 2022). |
|----------------|---|

| | |
|--------------------|--|
| Policy formulation | The setting of objectives; the occurrence of the preparation-deliberation trade-off; the formulation of different policy options; comparison of the consequences of different policy options; selecting the ultimate policy option; only the policy subsystem is involved; information is limited and costly (Jones 2001, p. 58-59, 68-71; Howlett & Ramesh 2009, p. 12; Cairney 2012, p. 33; Peters & Thynne 2022). |
|--------------------|--|

Bounded rationality in administrative decision-making

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|--|--|
| Short-term memory (Jones 2001, p. 61, 81-82) | Humans' short-term memory force them to apply heuristic methods to select information from the policy environment, weight the importance of information, and to retrieve solutions from their long-term memory. Furthermore, it forces them to process information and operate on goals centrally rather than simultaneously. |
| Dividing attention (Simon 1997, p. 90; Jones 2001, p. 82, 134; Peters & Thynne 2022) | Individuals normally process information centrally, meaning that they allocate resources – including attention – to a single issue at the time. This equally applies to administrative organizations, which process information serially. However, administrative organizations can mitigate this constraint partially through a hierarchy authority which allows for parallel information processing. Nevertheless, in facing unexpected issues, organizations may decide to resort to serial processing. |
| Hierarchy of objectives (Simon 1997, p. 4-5, 73-75) | The better organizational objectives are defined and organized, the more rational the decision-making process. Multiple objectives within different departments may run in parallel but they are not in conflict with each other. |
| Advice and information (Simon 1997, p. 12-13, 78-79, 85; Jones 2001, p. 76-77) | Advice and information “flow in all directions through the organization” and are essential to determine the consequences of policy options and to limit the number of policy options according to public values. However, an overabundance of information may confuse rather than refine the problem definition. |
| Institutional friction (Peters & Thynne 2022) | Organizations tend to neglect new information because of their limited attention span and an oversupply of information. Once a new issue is being recognized, organizations tend to overestimate information. |
| Organizational loyalty (Simon 1997, p. 10-11) | Originating in identification with the organization, organizational loyalty may lead members of an organization to evaluate policy options in terms of the consequences for their own organization. However, it may also lead to inter-departmental competition if members of the organization identify themselves more with their |

| | |
|---|--|
| | department than with the organization. |
| Preparation-deliberation trade-off (Peters & Thynne 2022; Jones 2001, p. 58-59) | The dilemma of policy actors between the allocation of resources to analyzing prepared solutions and searching and deliberating for new solutions. |

Methodological Approach

The aim of the research is to explain the role of bounded rationality in the development of EU legislation in relation to the instrumentalization of migration. Therefore, the research makes use of a deductive approach by using empirical observations to find factors that explain this mechanism (Babbie 2016, p. 24).

The research takes a post-positivist approach because it assumes that researchers cannot observe the world objectively and applies a behavioralist perspective by conducting semi-structured qualitative interviews with different types of policy actors (Howlett & Ramesh 2009, p. 8, 62). It will therefore make use of individuals' ideas and self-reports, which will affect the conclusion of this research.

Data & Sampling

Data has been gathered through semi-structured interviews with policy actors. This form of data collection was selected to allow for information richness, i.e., for detail, depth and complexity (Babbie 2016, p. 407). The participants were selected on the basis of purposive sampling (Babbie 2016, p. 186). Participants needed to be policy actors that have contributed to the agenda-setting and/or policy formulation phase of the IR proposal and/or the CFMR. Considering feasibility, it was decided to limit the scope of the research to individuals working in EU institutions, academics, and think tank researchers. Individuals working in EU institutions were assumed to provide insights in the identification and definition of the problem and the formulation of policy options, whereas academics and think tank researchers were expected to be involved in bringing the problem to the attention of individuals working in EU institutions, defining the problem, and criticizing policy options.

Interview requests were sent to more than 40 potential participants, including to the offices of the Commission's Directorate Generals for Migration and Home Affairs (DG HOME) and Neighborhood and Enlargement, the High Representative for Foreign Affairs and Security Policy (which chairs the Foreign Affairs Council), and several Members of the European

Parliament (MEPs) that were either part of the working group on the IR proposal or had opinionated on it in debates or media outlets. Eventually, interviews were arranged with individuals from all offices contacted, with the exception of DG HOME. Although an interview was scheduled, the participant did not show up and did not respond to follow-up correspondence. This is an unfortunate limitation of the research, as DG HOME was the main initiator and coordinator of the IR proposal and the CFMR. Several MEPs rejected the request because of time constraints due to the European elections. Additionally, interview requests were sent to academics and think tank researchers that had published papers or opinion letters on the IR proposal and/or instrumentalization elements in the CFMR.

Eventually, interviews were conducted with ten pseudonymized individuals listed below. For a more detailed description, see *Appendix A*. The interview guide can be found in *Appendix B*.

1. Think tank researcher A
2. Think tank researcher B/former member of the Council
3. Academic researcher
4. MEP
5. Greens MEP advisor
6. S&D MEP advisor
7. European Parliament (EP) staff member
8. Commission representative
9. European External Action Service (EEAS) representative
10. Permanent Representation (PR) representative

The mixture of interviewees from different institutions and in different positions allowed for reliability through data triangulation. However, reliability could be further improved by expanding the number of interviews with individuals working in the same institutions to single out personal convictions and biases. The reliance on interviewees' self-reports to investigate for indicators of bounded rationality is another important limitation of the research. However, the aforementioned data triangulation supports remedying this limitation. The interviews may reveal converging or diverging reports on the same policy process, which will allow the research to understand the role of bounded rationality better. The validity of the data was ensured by the semi-structured nature of the interviews. The interview questions were revised several times to provide responses that were suitable to answer the research question.

Methods

The *Operationalization* section served as the foundation for a set of 13 provisional codes (see Table 1). The provisional codes are meant to harmonize the data analysis with the established theoretical framework and to prevent code proliferation (Saldaña 2016, p. 75, 78, 165). The limited timeframe is the main reason that the number of provisional codes is at the lower bound of Miles et al.'s (2014, in Saldaña 2016, p. 168) recommendation to start with a list of approximately 12 to 60 provisional codes. Nonetheless, the researcher remained open to revising, adapting, and deleting codes as well as adding emerging codes throughout the process (Saldaña 2016, p. 168). Eventually, 17 codes were used throughout the analysis (see *Appendix C* for the definitive codebook).

| Code | Description | Concept |
|---------|------------------------------------|--|
| 1. STM | Short-term memory | Bounded rationality |
| 2. ATT | Attention span | |
| 3. HOB | Hierarchy of objectives | |
| 4. ADI | Advice and information | |
| 5. INF | Institutional friction | |
| 6. HES | Heuristic methods | |
| 7. ORL | Organizational loyalty | |
| 8. PDT | Preparation-deliberation trade-off | |
| 9. CON | Control | Strategic engineered migration |
| 10. STR | Strategy | |
| 11. IDC | Identity of the coercer | Examples of the instrumentalization of migration |
| 12. IDT | Identity of the target | |
| 13. IDM | Identity of the migrant group | |

Table 1 Provisional codes

The researcher applied several methods to add tags to the codes:

- For the concept 'Strategic engineered migration,' process and in-vivo coding was used. For the provisional codes CON and STR, process tags were added to permit comparisons on the basis of conceptual action (Saldaña 2016, p. 111). For the emerging codes TER and

CHA, in-vivo tags were added to allow for more in-depth comparison of the interviewees descriptions (Saldaña 2016, p. 105).

- For the concept 'Examples of the instrumentalization of migration,' descriptive tags were added to allow for the grouping of codes addressing similar topics (Saldaña 2016, p. 102).
- For the concept 'Bounded rationality,' provisional process tags were used for the codes ATT, ADI, PDT, and MEA to prevent code proliferation and to allow for comparisons on the basis of conceptual action (Saldaña 2016, p. 78, 111).

Whilst the coding methods are decided upon on beforehand, the researcher maintained coding flexibility throughout the coding process to ensure coding compatibility (Saldaña 2016, p. 75-76).

Limitations

Conducting semi-structured interviews with different types of policy actors has at least three limitations. Firstly, the access to potential interviewees may be difficult. Secondly, it can be very time-consuming. This limitation can partially be addressed by conducting the interviews online and using software tools for transcribing the audio recordings. Thirdly, the researcher needs to be aware that policy actors may not always want to explain the choices they made or may publicly state another reason than the actual reason for a certain choice (Howlett & Ramesh 2009, p. 7). In addition to these limitations, data coding is vulnerable to subjectivity and personal biases and the use of provisional codes generates the risk that the researcher's preconceptions may distort the fact-finding observations (De Haas et al. 2014, p. 11; Saldaña 2016, p. 169-170). These limitations are addressed by basing the provisional codes on a solid theoretical framework.

Ethical Considerations

Prior to the interviews, participants received a consent form that included the identity and the contact details of the researcher, the contact details of the data protection officer of Erasmus University Rotterdam, the purpose of the research, the legal basis for processing the data, and a notification of the participants' rights, i.e., the right to access their data, to rectify, erase, or restrict the processing of their data, to withdraw consent at any time, and to lodge a complaint with a supervisory authority. Participants were given the opportunity to consider signing and ask questions.

To prevent the re-identification of the collected data, the participants' directly and indirectly identifiable variables have been pseudonymized (LCRDM 2019, p. 8). The collected data is stored in two files: one key file that contains the data necessary for identification and another file with the pseudonymized data (LCRDM 2091, p. 8). The two files are stored separately from each other in a secured digital environment with restricted access (LCRDM 2019, p. 8-9; El Emam & Arbuckle 2018, p. 5). The researcher has exclusive access to the data, however, it can be shown to the participants and to the researcher's supervisor upon request. The pseudonymized data has been processed by using the software tool ATLAS.ti.

Empirical Findings & Analysis

Agenda-Setting Phase: Attention and Problem Definition

In response to attempts by Belarus to instrumentalize migration against the EU, the Commission in December 2021 proposed the IR (EP 2024a). In accordance with the ordinary legislative procedure, the Council and the Parliament have the right to reject it or to make amendments (Chari & Kritzinger 2006, p. 21-27). As such, the IR proposal has been discussed in the Council by the Member States' Ministers of Foreign Affairs and by the Parliament's Committee on Civil Liberties, Justice and Home Affairs. Polish MEP Patryk Jaki from the ECR group was appointed rapporteur on the IR proposal (EP 2024a).

Additionally, external actors such as NGOs specialized in migration and/or humanitarian assistance, academics, and think tanks are engaged in the agenda-setting phase. For example, the European Council on Refugees and Exiles has published opinions on the IR, whereas the Clingendael Institute and Hybrid CoE have produced reports on the topic. The expectation is that all policy actors have the ability to generate attention for the topic and to influence the problem definition. Therefore, policy actors' attention to the issue and their definition of the instrumentalization of migration is investigated to assess the role of bounded rationality during the agenda-setting phase.

The interviews revealed that only four interviewees have become familiar with examples of the instrumentalization of migration through the media. Think tank researcher A and the Greens MEP advisor mentioned media outlets as important sources of information and the S&D MEP advisor named their use of X. Furthermore, the EEAS representative mentioned the EEAS' media monitoring mechanism as an early warning system for the instrumentalization of migration. As this limited use of media suggests, the analysis identified eight other ways in which the interviewees have become aware of examples of the instrumentalization of migration. Remarkably, the way in which the interviewees working in EU institutions have become aware of examples seems to be dependent on their position (see Table 2). Furthermore, reconsidering the results on media attention and including the other interviewees shows another distinction: whereas some of the encounters with examples of the instrumentalization of migration are institutionalized, others are not (see Table 3). Therefore, some of the ways can be considered inevitable, whereas others are not institutional and therefore unpredictable.

| Commission | Council | Parliament |
|--------------------------|---|--------------------------|
| Coordination meetings | Ministerial meetings | Parliamentary mechanisms |
| Reports from delegations | Through other Member States | Through other MEPs |
| | Through the Integrated Political Crisis Response Mechanism (IPCR) | Through NGOs |

Table 2 Categorization of AWA codes according to interviewees' positions

| Institutionalized | Not institutionalized |
|----------------------------|--|
| Coordination meetings | Through other Member States |
| Media monitoring mechanism | Through other MEPs |
| Reports from delegations | Through NGOs |
| Ministerial meetings | Following journalists on X |
| Through the IPCR | Following (inter)national news outlets |
| Parliamentary mechanisms | |

Table 3 Categorization of AWA codes according to institutionalization

Next, the interviewees were asked to identify situations that they considered examples of the instrumentalization of migration. This led to the identification of 9 unique challenging actors, 8 target actors, and 3 groups of instrumentalized migrants. Combining them led to the creation of 10 unique examples of the instrumentalization of migration (see Table 4). A remarkable observation is that the group of instrumentalized migrants has been identified by the interviewees in only three instances. In the first example, both the Commission representative and the PR counsellor mentioned the Iraqi nationality of the migrants, whereas the S&D MEP advisor could not remember the origins of the instrumentalized migrants:

"[...] people were flown into Minsk from all kinds of countries – I don't remember where they came from – but there were all kinds of flight routes, and then they were just kind of dropped at the border and pushed across." – S&D MEP advisor³

This quote clearly illustrates the limitation of human short-term memory. Furthermore, the internally displaced Ukrainians and Syrian refugees were identified by a single interviewee. Thus, there seems to be a systematic neglect of the instrumentalized migrants on the side of the interviewees. Whether this disproportionate focus is the result of humans' limited attention

³ See Appendix D for the quote in its original language.

span or a deliberate neglect of the fate of instrumentalized migrants remains unclear from this research.

| No. | Challenging actor | Target actor | Instrumentalized migrants |
|-----|----------------------------|---|-------------------------------------|
| 1 | Belarus (10) | Latvia, Lithuania, and Poland (7), the EU (1) | Iraqi migrants (2) |
| 2 | Turkey (7) | Greece (6), the EU (3) | Unidentified |
| 3 | Russia (4) | Finland (4) | Unidentified |
| 4 | Morocco (3) | Spain (1) | Unidentified |
| 5 | Turkey (2) | Cyprus (2) | Unidentified |
| 6 | Libyan militias (2) | Mediterranean Member States (1) | Unidentified |
| 7 | Ukraine (1) | The EU (1) | Internally displaced Ukrainians (1) |
| 8 | Egypt and Tunisia (1) | Unidentified | Unidentified |
| 9 | North Africa/NGOs (1) | Mediterranean Member States (1) | Unidentified |
| 10 | The World Food Program (1) | Donors to the World Food Program (1) | Syrian refugees (1) |

Table 4 Combinations of examples of challenging actors, target actors, and instrumentalized migrants mentioned by interviewees

Numbers between brackets indicate the number of interviewees that mentioned the particular example

A second observation from Table 4 is that there is a stronger focus on state actors perpetrating the instrumentalization of migration than non-state actors (respectively 7 versus 3 examples). Furthermore, examples 3 and 5 were mentioned relatively frequently albeit that there does not seem to be academic attention for them. Finally, the examples in Table 4 present different types of strategic engineered migration. In a recent interview, Greenhill (Blake-Martin 2023) classified example 1 as exportive engineered migration and examples 2 and 4 as coercive engineered migrations. Interestingly, there was disagreement among the interviewees about whether example 4 actually is an example of the instrumentalization of migration. The Greens MEP advisor rejected the case because the Moroccan authorities were not actively pushing people across the border, whereas the MEP mentioned the lack of a coercive element. The EEAS representative acknowledged that the example can be considered “not much different from what happens elsewhere”, but reiterated the formal standpoint of the EEAS that this is not an example of the instrumentalization of migration. This adherence to the official standpoint seems a decision inspired by loyalty towards the EEAS. In short, the mixture of

types of strategic engineered migration as well as the disagreement on the fourth example demonstrate that the problem definition has remained vague for the interviewees.

Given that the definition of the instrumentalization of migration – seemingly based on exportive engineered migration – has been confused with coercive engineered migration, the interviewees’ definitions of the instrumentalization of migration were compared to definitions of exportive and coercive engineered migration (see Table 5). Codes for the level of the challenging actors’ control (CON) and the strategic intention of the act (STR) were used to unpack the interviewees’ definitions of the instrumentalization of migration. The distinction between the two types becomes clear through the strategic intentions of the challenging actor.

| Exportive engineered migration | Coercive engineered migration |
|--|---|
| Migratory movements induced or manipulated by state or non-state actors “either to fortify a domestic political position [...] or to discomfit or destabilize foreign government(s)” | Migratory movements induced or manipulated by state or non-state actors “to induce (or prevent) changes in political behavior and/or to extract side-payments from the target(s)” |

Table 5 Definitions of exportive and coercive engineered migrations

Source: Greenhill 2008, p. 7-8

The interviews made evident that all interviewees used words to describe the instrumentalization of migration that signal a certain level of control over the migratory movement on the side of the challenging actor, such as ‘engineering’, ‘fueling’, ‘facilitating’, ‘dropping’, ‘pushing’, and ‘using’. Other words that were somewhat less indicative of active control, such as ‘supporting’ and ‘promoting’, were used less frequently. Assessing the strategic element in the interviewees’ definition of the instrumentalization of migration led to the creation of 18 unique codes which were categorized according to the definitions of exportive and coercive engineered migrations (see Table 6).

| Exportive engineered migration | Mentioned by | Coercive engineered migration | Mentioned by |
|---|---|--|---|
| Destabilizing the EU or Member States | EEAS and Commission representatives, academic researcher, PR counsellor | Exerting coercive pressure | Think tank researcher B/former member of the Council |
| Seeking diplomatic, foreign policy or geopolitical gains | Think tank researcher A | Demanding from the EU to invest more in the EU-Turkey Agreement | MEP |
| Antagonizing recipient societies | Think tank researcher B/former member of the Council | Incentivizing cooperation | MEP (2 times) |
| Burdening European societies politically and economically | Think tank researcher B/former member of the Council | Putting pressure on the EU to obtain certain concessions | S&D MEP advisor |
| Serving a specific political purpose | EEAS representative | Using money from the Facility for Refugees in Turkey more easily | Commission representative |
| Challenging a Member State's reception capacity | EEAS representative | Making the EU live up to its promises with regard to the EU-Turkey Agreement | Commission representative |
| Harming the EU's interests | Greens MEP advisor | Showing Turkey's power over the EU in migration matters | Commission representative |
| Making profit | Academic researcher | Obtaining compensation for managing migration flows | Academic researcher |
| Putting pressure on the EU | MEP | | |
| Responding to political acts by the EU | Commission representative | | |

Table 6 Categorization of STR codes according to definitions of exportive and coercive engineered migrations

As can be observed from Table 6, 10 strategic intentions indicative of exportive engineered migration have been mentioned by 8 different interviewees, whereas 8 strategic intentions indicative of coercive engineered migration have been mentioned by 5 different interviewees.

However, think tank researcher B/former member of the Council, the MEP, the Commission representative, and the academic researcher mentioned both types of strategic intentions, thus confusing or not distinguishing between the two types of strategic engineered migration. On the other hand, the EEAS representative, PR counsellor, and Greens MEP advisor only mentioned strategic intentions related to exportive engineered migrations, whereas the S&D MEP advisor was the only interviewee to exclusively mention a strategic intention classified as indicating coercive engineered migration. Interestingly, while one of the interviewees explicitly mentioned the coercive element in their definition of the instrumentalization of migration, another interviewee clearly showed their awareness of the distinction between exportive and coercive strategic intentions:

“I would define it as engineering or directing migration flows as a means of coercive pressure on another subject.” – think tank research B/former member of the Council

“So when it comes to the Ceuta and Melilla case, when it comes to EU-Turkey, the aim was not to destroy the relation to the EU and thus putting pressure on it. But the aim was to put pressure on the EU in order to incentivize the cooperation. [...] And in that sense, as we’ve seen it in the Baltics and in Poland, the aim was not to kind of incentivize in a negative way a better cooperation, but to completely destroy the cooperation and put pressure on it.” – MEP

Similar to the examples of the instrumentalization of migration, the variety of strategic intentions mentioned by the interviewees suggests that the problem definition has been vague. Therefore, it is unremarkable that there is only one code for strategic intentions that has been used more than once: ‘Destabilizing the EU or Member States.’ This phrase closely resembles the definition of the instrumentalization of migration in the IR proposal and the CFMR. It may thus have inspired the interviewees or even have triggered organizational loyalty, in particular because three out of the four interviewees that mentioned this strategic intention are employed in EU institutions.

The confused problem definition became even more profound in relation to potential challenging actors. On the initial question to define the phenomenon of the instrumentalization of migration, the interviewees (except for think tank researcher B/former member of the Council) identified a particular type of challenging actor (see Table 7). Categorizing them into state actors and state and/or non-state actors shows that only two

interviewees – the EEAS representative and think tank researcher A – included non-state actors in their initial definition.

| State actors | State and/or non-state actors |
|---|-------------------------------|
| “a leader outside the EU, often with autocratic features” | “non-state or state actor” |
| “a third country or state actor” | “state and non-state actors” |
| “a third country” | |
| “other countries outside the EU” | |
| “state actors” | |
| “the hostile state” | |
| “unfriendly regimes, neighboring countries” | |

Table 7 CHA codes from the initial question to define the instrumentalization of migration

However, throughout the conversations, all interviewees acknowledged that non-state actors have the potential to engage in the instrumentalization of migration. This recognition seems to support the idea that there actually was consensus among the policy actors about the problem definition. Nevertheless, looking back at the examples of the instrumentalization of migration given by the interviewees (see Table 4), it can be observed that only three non-state actors (Libyan militias, the World Food Program, and North African countries/NGOs) have been mentioned by four different interviewees as examples of actors perpetrating the instrumentalization of migration. Furthermore, the fact that only two of the interviewees mentioned both state and non-state actors in the first instance reinforces the idea that the interviewees are mainly focused on state actors as potential perpetrators of the instrumentalization of migration against the EU.

Finally, the code TER was added to the codebook to collect information on the interviewees’ terminology on the instrumentalization of migration. During the interviews, it became clear that whilst most interviewees accepted the term ‘instrumentalization of migration’, the S&D and Greens MEP advisors, the EP staff member, and the academic researcher criticized the term because of the consequences that the Commission’s proposal attached to it. They stated that the definition regards humans as weapons, with the consequence of potentially using lethal force against them. In response, the MEP explained that the Greens rejected the term because they did not want to have legislation on the instrumentalization of migration. Besides that, the academic researcher remarkably considered the terms ‘weaponization’ and ‘instrumentalization’ synonymous, as they equally present migrants as tools to destabilize a target actor. Finally, the S&D MEP advisor and the EP staff member noticed the novelty of the term ‘instrumentalization of migration’. The Commission representative explained that the

term was coined in the summer of 2021 and that it had been given preference over the ‘weaponization of migration’, since this was considered too “military aggressive”. The representative confirmed that the term did not exist before, even though the Commission had identified similar migration-related phenomena. The fact that other interviewees did not notice this disconnection can be considered indicative of humans’ cognitive limitation of retrieving information from the long-term memory.

Taken together, this sub-section has shown that bounded rationality played a role in the agenda-setting phase mainly through humans’ limited attention span, short-term memory, and organizational loyalty. The limited attention span meant that interviewees could not take into consideration each potential case of the instrumentalization of migration, whereas the short-term memory seemingly led to an overemphasis on examples that are the most recent. Organizational loyalty led the interviewees to stick to predefined definitions and examples. Taking these elements together, the problem definition of the instrumentalization of migration became confused, leading to disagreements over terminology and examples.

Policy Formulation Phase

In September 2020, the Commission proposed the CFMR as part of the Pact on Asylum and Migration (DG HOME 2024). Since then, it was negotiated according to the ordinary legislative procedure, involving the Council and the Parliament. The objective was to set specific rules for Member States facing an exceptional influx of migrants whilst allowing them to temporarily derogate from standard asylum procedures (EP 2024b). Initially, the CFMR did not include the instrumentalization of migration as a situation of crisis. However, the Council decided to include the instrumentalization of migration in the CFMR in June 2023 (EP 2024b). Therefore, the Parliament’s working group on the IR proposal saw its work being transferred to the working group on the CFMR. Meanwhile, the CFMR was under continuous scrutiny by external policy actors (e.g., ECRE 2021; Amnesty International 2023). During this stage, policy process theory predicts that the supply of information is limited and costly and that only policy actors with sufficient expertise have the ability to formulate policy options. In combination with bounded rationality theory, it is therefore expected that the policy actors overestimate the value of the information that they have access to. Furthermore, policy actors are expected to prefer to focus on the IR proposal and later on the CFMR rather than searching for alternative policy options themselves.

Obtaining and Using Information and Advice

In relation to access to information, it is remarkable that the publicly available papers written by the think tank researchers and academic researcher received barely any media attention and only limited attention from other policy actors. None of them had received a media request and only two of them discussed their findings with policy actors. Additionally, the academic researcher noted that in a previous occupation, their think tank had refrained from publishing their work because the topic was considered too sensitive at the time. Thus, there seemed to be a lack of attention on the side of policy actors in EU institutions to consider external information. However, considering internal information, the Commission representative stressed at four different occasions during the interview that the IR proposal had been produced on the request of Member States that were targeted by Belarus since the summer of 2021.

“If my memory doesn't fail me, I think for example Lithuania had sent a letter to the Commission explaining their challenge and maybe proposing also some possible solutions that would help them.” – Commission representative

This recurrent emphasis on the request of certain Member States and the swift legislative action by the Commission indicates an overestimation of the information received internally about the capacity of the Member States concerned to manage the situation. Additionally, it suggests a preference for internal over external information.

On the other hand, the Greens and S&D MEP advisors and the EP staff member pointed towards occasions on which they voiced their opposition to moving from the IR proposal to the CFMR, with their opinions being undervalued.

“We then said as Parliament [to the Council], ‘Yes, but then you are going to merge two dossiers and that is procedurally not wise, and we should certainly not want that.’ And they said, ‘No, that is not merging. We have taken parts out, which is something completely different.’” – Greens MEP advisor⁴

The Commission representative supported this observation by the Greens MEP advisor. Interestingly, the MEP agreed with the Council that the move towards the CFMR cannot be considered as a merge because the idea behind the CFMR (i.e., allowing derogations from standard asylum procedures in crisis situations) was not new and the instrumentalization of

⁴ See *Appendix D* for the quote in its original language.

migration had only been added as a crisis situation. The PR counsellor recalled opposition coming from both the Parliament and the Commission in relation to this matter, but noted that the pressure to conclude on the Pact and the desire of several Member States to include instrumentalization in the CFMR were the decisive factors for the merging of the two files.

Another reoccurring theme was the failure of the Commission to accompany the IR proposal with an impact assessment. The four Parliament-affiliated interviewees critically argued that the Commission had failed to live up to its own commitments to better law-making principles.

“But one of the things we found problematic was that the Commission had proposed this without having done an impact assessment [...] even though according to the better law-making regulations, that is actually the standard procedure, that you check whether a law is really necessary and the right way to solve a problem before you propose it.” – Greens MEP advisor⁵

The PR counsellor and the Greens MEP advisor suggested that the Commission may have chosen to not produce an impact assessment to allow for a quick start of the negotiations in order to maintain the issue’s visibility. If true, this suggests that the Commission is aware of policy actors’ limited attention span. Nonetheless, the Parliament’s working group on the file requested a substitute impacted assessment (SIA) from the European Parliamentary Research Service (EPRS). All Parliament-affiliated interviewees were familiar with the SIA that was published in October 2023⁶ and considered it a valuable source of information – even though the EP staff member noticed that “it was 100% disregarded” considering that the negotiations continued while the SIA heavily criticized the IR proposal. Furthermore, whilst the PR counsellor confirmed their familiarity with the SIA, they admitted that the Council had not considered the SIA, cautiously explaining that it was not meant for the Council. Here again, it seems that policy actors prefer internal over external information.

⁵ See *Appendix D* for the quote in its original language.

⁶ Carrera, S., Colombi, D., Campesi, G., Gori, M., Bianchini, D., Lorenter, R. J., Risoli, M. C., Barbero, I., Bezlov, T., Biekša, L., Campesi, G., Geraki Trimi, A., Górczyńska, M., Karageorgiou, E., Rusev, A., Salte, I., & Szuleka, M. (2023, October). *Proposal for a regulation addressing situations of instrumentalisation in the field of migration and asylum: Substitute impact assessment*. European Parliamentary Research Service. [Proposal for a regulation addressing situations of instrumentalisation in the field of migration and asylum – CEPS](#).

Analyzing Prepared and Formulating Alternative Policy Options

The following sub-section will look into the IR proposal as the prepared policy option and potential alternative policy options to manage future instances of the instrumentalization of migration against the EU.

Before all else, the PR counsellor remembered that the Council was caught by surprise when the Commission proposed the IR because it had not expected the Commission to transform the Council's decision on emergency measures for Latvia, Lithuania, and Poland⁷ into legislation. On the contrary, think tank researcher A recalled being informed about the EEAS developing a toolbox for managing future instances of the instrumentalization of migration against the EU. Nonetheless, upon publication, the IR proposal almost immediately attracted criticism. A criticism that was shared by the think tank researchers and academic researcher was about its exclusive focus on state actors as potential challenging actor. Considering that the IR proposal was a direct response to the situation at the border with Belarus, the exclusive focus on state actors might have been the result of the Commission's limited attention span. One of the interviewees said about this particular focus:

“It's really like a tailored [regulation], it should be called like Belarus Regulation, because that's what it is.” – think tank researcher A

Other criticisms that the proposal attracted was that it will neither solve problems related to the instrumentalization of migration nor prevent such situations. For example, think tank researcher B/former member of the Council argued that in situations of the instrumentalization of migration, Member States will not follow EU legislation because of political egos and national security interests. From a different perspective, the EP staff member argued that “it's not clear how reducing rights of vulnerable people should be effective in any way to stop whatever is happening”. In response, the Commission representative argued that these commentators are missing the bigger picture by overlooking operational measures complementing the IR proposal.

“Yeah, I've heard this, you know, ‘It will not solve anything.’ Well, no! It's meant to solve like a small, very, very small part, and then the EU has done all the other

⁷ European Commission. (2021, December 1). *Proposal for a Council Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland (Com/2021/752 final)*. 2021/0401 (CNS). [EUR-Lex - 52021PC0752 - EN - EUR-Lex \(europa.eu\)](#).

things. And I think it's very important to look at the whole response." –

Commission representative

The opinion that any legislation with regard to the instrumentalization of migration should be read in a wider context was shared by the MEP. Furthermore, the EP staff member criticized the IR proposal for its incompatibility with EU law, thereby referring to the SIA. The PR counsellor confirmed having noticed different standpoints within the Council in relation to this point. Finally, the PR counsellor and the former member of the Council considered the Council to generally oppose adopting EU legislation on the instrumentalization of migration.

Whilst the Commission representative stated that it remained the Commission's objective to have a clear definition, several interviewees pointed towards attempts by certain MEPs and the Council to expand the definition of the instrumentalization of migration in the IR proposal. The first alternative policy option was therefore to include non-state actors in the scope of the proposed legislation (see Table 8). However, it was received with varying opinions. For example, the former member of the Council stated that including non-state actors is necessary to effectively address the instrumentalization of migration because the boundary between state and non-state actors can be blurry. The Commission representative explained that whilst the Commission over time agreed to include non-state actors, it maintained its objective to have a clear definition. Therefore, a recital was added to explain the exclusion of NGOs providing humanitarian assistance from the definition. However, the S&D and Greens MEP advisors stressed that they were not satisfied with this solution because recitals are not considered hard legislation. The S&D MEP advisor mentioned that they were contacted by NGOs concerned about the increasing prospect of criminalization, a fear that was supported by the academic researcher. Responding to this issue, the MEP proposed a code of conduct to be agreed upon between the EU and NGOs to set a boundary between "malicious" and "right" NGOs. Furthermore, replying to the argument that the definition leaves room for interpretation, the MEP stated:

"I mean, after four years of negotiating, either you haven't read the text or you didn't participate in the discussion. But just telling after four years of discussing and negotiating, that no one knew what's in the Pact... It's a bit awkward, I would say." –

MEP

Despite the expansion of the scope of the definition, parts of the Council as well as the academic researcher found that there was too much overlap between the IR and other tools that are part of the Pact. As such, the second alternative policy option was to move elements of the IR proposal to the CFMR. This move generated both positive notes and negative comments. From a procedural standpoint, the S&D and Greens MEP advisors and the EP staff member heavily criticized this action, as it put elements of the IR proposal in the mandate of the Parliament’s working group on the CFMR whereas the rapporteurs on the IR had not adopted a position yet. The MEP and the PR counsellor recognized the Parliament’s hesitance to accept the merging of the two files, but stressed that the merging ultimately succeeded because of the will of certain policy actors to have a response to the instrumentalization of migration as part of a broader migration management toolbox as well as solidarity among the members of the Council.

| Policy option | Agree | Disagree | Position unclear |
|---|---|---|---|
| Including non-state actors in the definition | Think tank researcher B/former member of the Council, MEP, EEAS representative, PR counsellor | Greens MEP advisor, EP staff member *Think tank researchers A and C, S&D MEP advisor | Commission representative |
| Moving elements from the IR proposal to the CFMR | Academic researcher, MEP, PR counsellor | Greens and S&D MEP advisors, EP staff member | Think tank researcher A, think tank researcher B/former member of the Council, EEAS representative, Commission representative |
| Not adopting dedicated legislation | Think tank researcher B/former member of the Council, Greens MEP advisor | | Think tank researchers A and C, MEP, S&D MEP advisor, EP staff member, Commission representative, EEAS representative, PR counsellor |
| Improving the migration management system | Greens MEP advisor | | Think tank researchers A, B and C, MEP, S&D MEP advisor, EP staff member, Commission representative, EEAS representative, PR counsellor |

Table 8 Support for alternative policy options

** Willing to agree on the condition that NGOs are excluded*

A third alternative policy option was to not adopt any EU legislation on the matter. However, the arguments underlying this policy option varied widely. Firstly, the former member of the Council argued that it is better to rely on political agreement than dedicated EU legislation. Referring to their experiences with the situation at the Greek-Turkish border in 2020, they argued that political agreement “contributed decisively to the situation on the ground being turned around”, forming a prime example of how members of the Council can cooperate and institutions can work without administrative and legal action. The former member of the Council additionally referred to the EU’s response to the Eurozone crisis, for which no EU legislation was present and the situation was solved by an “ongoing political bargaining process”. From a completely different point of view, the Greens MEP advisor argued against EU legislation on the instrumentalization of migration to prevent the use of the concept itself. Furthermore, the MEP speculated that the ECR rapporteur did not want to proceed with the IR proposal because “his reasoning probably was to try not to have fixed safeguards for the access to asylum procedures.”

The final alternative policy option was brought up by the Greens MEP advisor. Instead of having dedicated EU legislation, they proposed to improve the EU’s migration management system to reduce its vulnerability to attempts to instrumentalize migration. This would require the EU to refrain from closing migration management agreements with third countries and to improve diplomatic relations with neighboring countries.

Additionally, three interviewees did not recall any alternative policy options being discussed. The S&D MEP advisor mentioned that their office was preoccupied with handling the situation itself rather than developing policy options, thereby referring to the ad hoc working logic of the Parliament. Furthermore, the Greens MEP advisor and EP staff member explained that the rapporteur group on the IR proposal had not asked the EPRS to look for alternative policy options for the sake of time, the fear for even more harsh policy options, and the preference for existing tools over new legislation. Furthermore, the MEP stressed that proposing alternative policy options is not in the mandate of the EPRS.

Taken together, this subsection revealed that policy actors in EU institutions generally prefer internal information over external information. Furthermore, it identified a situation of institutional friction when the Commission decided to propose legislation on the instrumentalization of migration. Moreover, the request of the SIA showed that policy actors highly value specified information in evaluating policy options. Finally, considering that the proposed alternative policy options are not particularly elaborate and/or known by other

policy actors, the analysis found that there is a general preference for evaluating a prepared policy option over deliberating and searching for new ones.

Conclusions and Discussion

The research sought to answer the question: ‘What was the role of bounded rationality in the agenda-setting and policy formulation phases of the development of European legislation to address the instrumentalization of migration against the European Union?’

In relation to the agenda-setting phase of the policy process, the research looked at the attention of policy actors to and the problem definition of the instrumentalization of migration (sub-questions 1, 2, and 3). The research found that media attention to the instrumentalization of migration is perceived to be limited and therefore only few policy actors become aware of potential cases of the instrumentalization of migration via the media. An explanation for this limited media attention is that only one topic at the time can occupy the public’s attention. It became clear that policy actors are more likely to become aware of examples of the instrumentalization of migration through work-related ways. The specific way in which a situation catches the policy actor’s attention depends on the policy actor’s position. Furthermore, there seems to be a balance between ways which are institutionalized and therefore inevitable and ways that are not institutionalized and therefore unforeseeable.

With regard to situations that policy actors considered examples of the instrumentalization against the EU, several conclusions can be drawn. Firstly, the only example that all policy actors were familiar with is the case of Belarus against Latvia, Lithuania, and Poland and the EU as a whole in 2021. This familiarity may be derived from human’s short-term memory and limited attention span considering that this is one of the most recent examples that has made headlines in the media (e.g., see Barigazzi 2021). The remaining examples were less frequently mentioned or even disputed. The research revealed that there may be three explanations for this disorganized picture: (1) humans’ short-term memory, (2) organizational loyalty, and (3) a confused problem definition. Firstly, humans’ difficulty in retrieving information from the long-term memory may have limited the policy actors in mentioning examples that are further back in history. Secondly, one of the policy actors explicitly stated that they only wanted to cite those examples that are labeled as such by their department. Interestingly, this finding goes against Howlett & Ramesh’s (2009, p. 7) warning that policy actors may not always want to explain the choices they made or may publicly state another reason than the actual reason for a certain choice. Thirdly, the mixture of forms of strategic engineered migrations mentioned by the policy actors signals that they did not have a shared understanding of the problem and/or the policies under discussion. It became clear that

although the IR proposal and CFMR's definition of the instrumentalization of migration closely resembles Greenhill's (2008, p. 7-8) definition of exportive engineered migration, this was not undeniably understood by all policy actors. Whereas some policy actors implicitly focused on either exportive or coercive engineered migrations, others simply confused the two forms. Furthermore, organizational loyalty seems to have led some of the policy actors to adhere to the definition of the IR proposal and the CFMR. Additionally, there was disagreement among the policy actors about the use of the term 'instrumentalization of migration'. Moreover, whilst there seemed to be consensus about the inclusion of both state and non-state actors in the definition, policy actors clearly focused on state actors in mentioning examples of the instrumentalization of migration. This is indicative of central information processing, i.e., the policy actors' tendency to focus on a single potential scenario at the same time.

In relation to the policy formulation phase, the research considered policy actors' approach towards the preparation-deliberation trade-off, with a particular focus on the role of advice and information (sub-question 4). It has been established that there was limited attention to research papers about the instrumentalization of migration – both from the media and policy actors, indicating humans' limited attention span. Nonetheless, policy actors received information internally and considered this type of information to be important. For example, the controversy about the impact assessment was mentioned frequently. Furthermore, it became clear that all policy actors initially opted for analyzing the prepared solution, i.e., the IR proposal. In this process, the SIA played an important role. Only after the evaluation of the IR proposal, some of the policy actors started to deliberate for alternative policy options. In doing so, policy actors relied on personal beliefs and experiences, practical reasons, and political convictions rather than information supplied by other policy actors such as think tank researchers, academics, or NGOs. The number of alternative policy options formulated and their level of detail remained limited, indicating a preference for analyzing a prepared policy option rather than deliberating for new ones. Furthermore, the merging of the IR proposal and the CFMR similarly indicates a preference for using existing measures to address a new situation.

In summary, the answer to the research question is that bounded rationality played a role in the agenda-setting and policy formulation stages of the IR proposal and the CFMR. However, it should be noted that not every indicator of bounded rationality played an equally important role. It has been found that humans' limited attention span and policy actors' position within

an organization affect their awareness of policy issues. Together with organizational loyalty, these human cognitive limitations similarly play a role in recognizing an issue and led to a confused problem definition. Furthermore, during the policy formulation phase, policy actors preferred internal information over external information and were affected by humans' limited attention span. Moreover, policy actors preferred to analyze prepared solutions rather than deliberate for new ones. Therefore, the research concludes that policy actors are bound by their cognitive limitations, in particular by their limited attention span, organizational loyalty, and their preference for analyzing prepared solutions rather than deliberating for new ones. The cognitive limitation of short-term memory, the tendency to use heuristic methods in deliberating for solutions, and institutional friction played smaller roles. Thus, the research affirms Simon's theory on bounded rationality. However, since it is particularly difficult to analyze processes that take place in the human mind, the conclusions should not be taken as absolute facts. For example, establishing the influence of short-term memory can be particularly difficult because policymaking processes form an uncontrolled test environment that requires participants to report not only what they know, but also what they do not know. Therefore, there should be caution in generalizing the findings of this research to other contexts. For that reason, it is recommended to devote equal attention to the each of the indicators of bounded rationality in future research. Furthermore, the research confirms that while the policy process is a useful model for studying public policy development, it is important to be aware that policy development is often an unstructured and iterative process. For example, the model cannot explain why the Commission did not propose legislation on the instrumentalization of migration, despite having identified earlier episodes, nor the shift from the IR proposal to the CFMR. Thus, longstanding critiques towards Laswell's stages model still apply to the current policy process model.

Finally, the research has contributed to migration studies by showing that there is no common understanding of the instrumentalization of migration and that it is not considered to coincide with Greenhill's exportive engineered migration – although the definition in the IR proposal and the CFMR would suggest that it does. When the CFMR comes into effect in July 2026, a fruitful direction for future research would be to examine the classification of situations according to the Commission's definition. This could include speaking to more Commission representatives – particularly from DG HOME, which unfortunately was not part of this research. Such an extension of this research would allow migration researchers and practitioners to better understand the scope of the instrumentalization elements in the CFMR

and allow for its effective implementation and evaluation, which in turn ensures the protection of migrants' rights.

Recommendations

This research has shown that policy actors' rationality in developing legislation to respond to future instances of the instrumentalization of migration against the EU has been bounded by human cognitive limitations such as a limited attention span, organizational loyalty, and short-term memory and that policy actors prefer prepared solutions over the deliberation for new ones. On the basis of this research, several actions can be undertaken by the Commission, the Council, and the Parliament to limit the bounded rationality of their employees:

1. Documenting information systematically and securely

Information can be lost for different reasons, including the leave of members of the organization, overturn of staff, or technical failures. By documenting all incoming information (both internal and external) systematically and performing adequate and regular backups, EU institutions can prevent the loss of information and decrease the effect of humans' short-term memory. By documenting information and adding descriptive memos to stored files, policy actors' difficulty in retrieving information from the long-term memory is accommodated because they can more easily trace back information. This recommendation applies to individuals working in the three EU institutions at all different levels.

2. Limiting the supply of information to policy actors to prevent information overload

Frontline EU officials should function as information filters for policy actors in EU institutions – for both internal and external information. By limiting the supply of information, policy actors in EU institutions can continue to process information centrally. Centralized information processing allows them to respond to each piece of information separately, accommodating humans' short-term memory and limited attention span. Limiting the supply of information prevents the problem definition from becoming confused. In turn, a clear problem definition leads to better specified policy options.

3. Conducting an impact assessment for formally proposed policy options

By conducting an impact assessment for each formally proposed policy option, the Commission reduces the time needed to develop legislation by answering basic questions from the Council and Parliament on proportionality, subsidiarity, compliance with law, and financial impact. Therefore, impact assessments allow for well-informed discussions and create a level playing field in terms of knowledge. SIAs requested by the Parliament may be

useful in the absence of an impact assessment, however, they are less useful because they are available only later in the process and may not be considered by the Council.

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Appendix A: Pseudonymized Description of the Interviewees

Think tank researcher A

The interviewee is a fellow at European think tank focusing on foreign and security policy. They are specialized in migration and asylum with a geographical focus on the Middle East and North Africa.

Think tank researcher B/former member of the Council

The interviewee holds a PhD in International Relations and has written several migration-related papers for different think tanks. Over the past years, the interviewee has held several high-ranking positions in the Ministry of Foreign Affairs of an Eastern European Member State and was part of the Member State's PR to the EU. In their past occupations, the interviewee attended Council meetings which were related to migration issues.

Academic researcher

The interviewee holds a PhD in International and European Law and has been employed as a consultant for a European think tank focusing on foreign and security policy. In their different positions, the interviewee has written several papers, both academic and non-academic, on the instrumentalization of migration.

MEP

The interviewee was part of the Parliament's working group on the IR proposal.

Greens MEP advisor

The interviewee is an advisor to a MEP that belongs to the Greens/EFA group. They are specialized in migration, asylum, and the rule of law.

S&D MEP advisor

The interviewee is an advisor to a MEP that belongs to the S&D group. They are specialized in migration and the rule of law.

EP staff member

The interviewee is a staff member of the Parliament and is specialized in migration, asylum, and freedom of movement.

Commission representative

The interviewee is a policy coordinator in the Secretariat General of the Commission. They are specialized in migration and security.

EEAS representative

The interviewee is a migration specialist for the European External Action Service (EEAS).

PR counsellor

The interviewee is part of the PR of one of the Member States to the EU. They are specialized on the topics migration and asylum and has therefore been involved in the Council negotiations on the Pact.

Appendix B: Interview Guide

Interview Guide for Individuals Working in EU Institutions

1. What is your role/position? How long have you been in this role/position?
2. What has been your role in the development of the Instrumentalization Regulation (or the Crisis Regulation)? Can you briefly walk me through the timeline of your work?
3. How would you define the instrumentalization of migration?
4. What do you consider recent attempts of the instrumentalization of migration against the EU?
5. Why do you consider [example X]⁸ (not) to be an example of the instrumentalization of migration?
6. How do you know about the example(s) that you mentioned?
7. What were the objectives of the Instrumentalization Regulation?
8. Were there any other ideas or proposals for handling future instances of the instrumentalization of migration against the EU/EU Member States? What did you think about the alternative ideas or proposals you just mentioned?
9. How did it come that the Instrumentalization Regulation was eventually merged with the Crisis Regulation?
10. Is there anything that you would like to add or is there anything that you would like to ask me about this study?

Interview Guide for Academic and Think Tank Researchers

1. Can you tell me about your position/role when you wrote the article about the Instrumentalization Regulation?
2. Can you briefly walk me through the timeline of your work?
3. What was the reason that you wrote this paper? So your research was (not) requested by [X]⁹?
4. In writing this paper, where did you get your information from?
5. How would you define the instrumentalization of migration?

⁸ Based on academic literature and think tank publications, the following examples were posed to the interviewees: Belarus against Latvia, Lithuania and Poland in 2021; Turkey against Greece in 2020; Morocco against Spain in 2021; Russia through Ukraine against the EU since 2014; and Libyan militias against the EU since 2011.

⁹ If applicable, the think tank institute that published the think tank researcher's paper.

6. In your work, you mention [example(s) X] as an example of the instrumentalization of migration. Are there any other events that you consider recent attempts of the instrumentalization of migration against the EU?
7. Why do you consider [example X]¹⁰ (not) to be an example of the instrumentalization of migration?
8. What types of reactions did you get on your paper from the media?
9. What types of reactions did you get on your paper from national and/or European policymakers?
10. Is there anything that you would like to add or is there anything that you would like to ask me about this study?

¹⁰ See footnote 8.

Appendix C: Codebook

Code Definitions

On the basis of the *Operationalization* section, 13 provisional codes have been established in advance. During the analysis, 4 emerging codes have been added: MEA, TER, CHA, and AWA (in cursive).

Whilst the definitions of the codes were determined on beforehand, tags were added to some of the codes during the process. These tags were either predefined or added during the analysis. The tags that were added during the analysis were either exact words of the interviewee or descriptions of their words. As such, both in-vivo and descriptive tags were created. The definitive codes can be found in the *Definitive Codebook* section below.

| Concept | Code | Definition | Tags |
|--------------------------------------|--------------------------------|---|--------------|
| Coercive engineered migration | Control (CON) | The interviewee mentions that the challenging actor has a significant level of control over the migratory movement, meaning that the phenomenon is not driven by exogenous causes. | Process tags |
| | Strategy (STR) | The interviewee mentions that the challenging actor intentionally creates or facilitates migratory movements, meaning that the phenomenon is not driven by non-strategic motivations such as anger or a desire for revenge. | Process tags |
| | <i>Terminology (TER)</i> | <i>The term used by the interviewee to describe the phenomenon of coercive engineered migration.</i> | In-vivo tags |
| | <i>Challenging actor (CHA)</i> | <i>The type of actor that the interviewee asserts to be a (potential) perpetrator of coercive engineered migrations.</i> | In-vivo tags |

| Concept | Code | Definition | Tags |
|----------------------------|--|---|---|
| Bounded rationality | Short-term memory (STM) | The interviewee has trouble with recalling certain pieces of information or retrieving information from the long-term memory, applies heuristics methods, or indicates to process information and operate on goals centrally. | N.a. |
| | Attention span (ATT) | The interviewee indicates to process information or operate centrally or peripherally. | Paying attention to an issue or a piece of information. Paying attention to multiple issues or pieces of information. Not paying attention to an issue or a piece of information. |
| | Hierarchy of objectives (HOB) | The interviewee formulates or prioritizes objectives. | N.a. |
| | Advice and information (ADI) | The interviewee accesses, requests, receives or provides information from other policy actors. | Accessing information. Requesting information. Receiving information. Providing information. |
| | Institutional friction (INF) | The interviewee weights the importance of information. | N.a. |
| | Heuristic methods (HES) | The interviewee applies heuristics methods such as satisficing, means-ends analysis, reasoning by analogy, trial and error, and social cueing. | N.a. |
| | Organizational loyalty (ORL) | The interviewee identifies themselves with their own organization or the department. | N.a. |
| | Preparation-deliberation trade-off (PDT) | The interviewee has opted to either analyze the prepared policy option (i.e., the IR proposal) or to search and deliberate for a new policy option. | Analyzing the prepared policy option. Searching and deliberating for a new policy option. |
| | <i>Media attention (MEA)</i> | <i>The interviewee reports that their work has attracted media attention.</i> | <i>Attracting media attention.</i> <i>Not attracting media attention.</i> |

| Concept | Code | Definition | Tags |
|---|-------------------------------------|--|-------------------------|
| Examples of the instrumentalization of migration | Identity of the coercer (IDC) | The actor that is mentioned by the interviewee as generating or manipulating migratory movements for coercive objectives towards the target actor. | Descriptive tags |
| | Identity of the target (IDT) | The actor that is mentioned by the interviewee as being targeted by the migratory movements generated or manipulated for coercive objectives by the challenging actor. | Descriptive tags |
| | Identity of the migrant group (IDM) | The collective identity of migrants that is mentioned by the interviewee as being stimulated, facilitated or forced to move in certain directions for coercive objectives. | Descriptive tags |
| | <i>Awareness of the case (AWA)</i> | <i>The way in which the interviewee reports to have become familiar with an example that it considers to be a case of the instrumentalization of migration.</i> | <i>Descriptive tags</i> |

Definitive Codes

| Code | Tag | Applied | No. of interviews |
|------------|--|---------|-------------------|
| CON | 1. Engineering migration flows | 1 | 1 |
| | 2. Organizing migration | 2 | 2 |
| | 3. Fueling migration flows | 1 | 1 |
| | 4. Directing migration flows | 1 | 1 |
| | 5. Supporting people to come to an EU external border | 1 | 1 |
| | 6. Facilitating the movement of people to an EU external border | 1 | 1 |
| | 7. Dropping people at the EU external border | 1 | 1 |
| | 8. Flying in migrants | 1 | 1 |
| | 9. Pushing people to an EU external border | 1 | 1 |
| | 10. Using migrants | 5 | 5 |
| | 11. Using war and food security | 1 | 1 |
| | 12. Using the movements of people across borders | 1 | 1 |
| | 13. Facilitating the crossing of an EU external border | 1 | 1 |
| | 14. Promoting the crossing of an EU external border | 1 | 1 |
| | 15. Pushing people over an external border | 2 | 2 |
| STR | 1. Seeking diplomatic, foreign policy or geopolitical gains | 1 | 1 |
| | 2. Antagonizing recipient societies | 1 | 1 |
| | 3. Burdening European societies politically and economically | 1 | 1 |
| | 4. Destabilizing the EU or Member States | 4 | 4 |
| | 5. Challenging a Member State's reception capacity | 1 | 1 |
| | 6. Harming the EU's interests | 1 | 1 |
| | 7. Making profit | 1 | 1 |
| | 8. Putting pressure on the EU | 1 | 1 |
| | 9. Exerting coercive pressure | 1 | 1 |
| | 10. Serving a specific political purpose | 1 | 1 |
| | 11. Responding to political acts by the EU | 1 | 1 |
| | 12. Using money from the Facility for Refugees in Turkey more easily | 1 | 1 |
| | 13. Making the EU live up to its promises with regard to the EU-Turkey Agreement | 1 | 1 |
| | 14. Showing Turkey's power over the EU in migration matters | 1 | 1 |
| | 15. Obtaining compensation for managing migration flows | 1 | 1 |
| | 16. Demanding from the EU to invest more in the EU-Turkey Agreement | 1 | 1 |
| | 17. Putting pressure on the EU to obtain certain concessions | 1 | 1 |
| | 18. Incentivizing cooperation | 2 | 1 |
| TER | 1. "instrumentalization" | 116 | 10 |
| | 2. "migration instrumentalization" | 20 | 2 |
| | 3. "instrumentalization of migration" | 17 | 4 |
| | 4. "IM" | 10 | 1 |
| | 5. "instrumentalizing" | 2 | 2 |
| | 6. "migration was instrumentalized" | 1 | 1 |
| | 7. "instrumentalization of migrants" | 1 | 1 |
| | 8. "migration will be weaponized" | 1 | 1 |
| | 9. "using migrants as weapons" | 1 | 1 |
| | 10. "using them as a source of profit" | 1 | 1 |
| | 11. "using them as a sort of instrument of destabilization" | 1 | 1 |
| | 12. "migrants can be instrumentalized" | 1 | 1 |
| | 13. "instrumentalization migration" | 1 | 1 |

| | | | |
|------------|---|----|---|
| | 14. “instrumentalize” | 2 | 1 |
| | 15. “migrants as instrument” | 1 | 1 |
| CHA | 1. “a leader outside of the EU, often with autocratic features” | 1 | 1 |
| | 2. “a malicious NGO” | 1 | 1 |
| | 3. “a state actor or a non-state actor” | 1 | 1 |
| | 4. “a third country or state actor” | 1 | 1 |
| | 5. “a third country” | 1 | 1 |
| | 6. “actors who do still have a close connection to state actors” | 1 | 1 |
| | 7. “an organized crime group” | 1 | 1 |
| | 8. “autonomous regions within Ukraine that are not officially recognized parts of Russia” | 1 | 1 |
| | 9. “civil society organizations” | 1 | 1 |
| | 10. “Hezbollah” | 1 | 1 |
| | 11. “hostile non-state actors” | 3 | 1 |
| | 12. “human smugglers” | 1 | 1 |
| | 13. “humanitarian actors” | 1 | 1 |
| | 14. “humanitarian assistance” | 4 | 2 |
| | 15. “humanitarian organizations” | 1 | 1 |
| | 16. “military actors that are not state-controlled” | 1 | 1 |
| | 17. “NGOs providing aid and support to migrants” | 1 | 1 |
| | 18. “NGOs rescuing people at sea” | 1 | 1 |
| | 19. “NGOs” | 1 | 1 |
| | 20. “non-state actor” | 2 | 2 |
| | 21. “non-state actors and state actors” | 1 | 1 |
| | 22. “non-state actors” | 5 | 3 |
| | 23. “non-state or state actor” | 1 | 1 |
| | 24. “other countries outside the EU” | 1 | 1 |
| | 25. “others that might be very closely associated with what state actors want to achieve” | 1 | 1 |
| | 26. “paramilitary groups like the Wagner group” | 1 | 1 |
| | 27. “pro-Russian groups” | 1 | 1 |
| | 28. “regional or so-called authorities in eastern Ukraine” | 1 | 1 |
| | 29. “Russian non-state actors” | 1 | 1 |
| | 30. “search and rescue NGOs” | 4 | 2 |
| | 31. “smugglers and traffickers” | 1 | 1 |
| | 32. “state actor or non-state actor” | 1 | 1 |
| | 33. “state actor” | 3 | 2 |
| | 34. “state actors and non-state actors” | 1 | 1 |
| | 35. “state actors” | 10 | 4 |
| | 36. “state and non-state actors” | 4 | 2 |
| | 37. “state-affiliated actors” | 2 | 1 |
| | 38. “states” | 1 | 1 |
| | 39. “the hostile state” | 1 | 1 |
| | 40. “third countries” | 2 | 2 |
| | 41. “unfriendly regimes that are neighboring the EU” | 1 | 1 |
| | 42. “unfriendly regimes, neighboring countries” | 1 | 1 |
| IDC | 1. Belarus | 16 | 8 |
| | 2. Morocco | 3 | 2 |
| | 3. Ukraine | 1 | 1 |
| | 4. Turkey | 14 | 7 |
| | 5. Russia | 4 | 4 |
| | 6. Libyan militias | 4 | 1 |
| | 7. World Food Program | 1 | 1 |

| | | | |
|------------|--|----|----|
| | 8. Egypt and Tunisia | 1 | 1 |
| | 9. North Africa | 1 | 1 |
| IDT | 1. Latvia, Lithuania and Poland | 12 | 4 |
| | 2. The EU | 8 | 4 |
| | 3. Spain | 4 | 1 |
| | 4. Greece | 11 | 6 |
| | 5. Cyprus | 4 | 2 |
| | 6. Donors to the World Food Program | 1 | 1 |
| | 7. Finland | 4 | 4 |
| | 8. Mediterranean Member States | 3 | 2 |
| IDM | 1. Syrian refugees | 2 | 2 |
| | 2. Internally displaced Ukrainians | 1 | 1 |
| | 3. Iraqi migrants | 3 | 2 |
| AWA | 1. Ministerial meetings at EU level | 1 | 1 |
| | 2. Coordination meetings at the EU level led by the Commission | 1 | 1 |
| | 3. Being mentioned as the primary example | 1 | 1 |
| | 4. Parliamentary mechanisms | 2 | 2 |
| | 5. Through other MEPs | 2 | 2 |
| | 6. Through the Integrated Political Crisis Response mechanism of the Council | 1 | 1 |
| | 7. Member States bringing up issues in the Council | 1 | 1 |
| | 8. Following journalists on X | 1 | 1 |
| | 9. Following national and international news outlets | 2 | 2 |
| | 10. Receiving information from NGOs | 1 | 1 |
| | 11. Media monitoring | 1 | 1 |
| | 12. Reports from delegations | 1 | 1 |
| STM | Not applicable | 18 | 7 |
| ATT | 1. Paying attention to an issue or piece of information | 18 | 7 |
| | 2. Paying attention to multiple issues or pieces of information | 14 | 8 |
| | 3. Not paying attention to an issue or a piece of information | 7 | 4 |
| HOB | Not applicable | 23 | 9 |
| ADI | 1. Requesting information | 11 | 6 |
| | 2. Receiving information | 30 | 9 |
| | 3. Providing information | 18 | 5 |
| INF | Not applicable | 9 | 5 |
| HES | Not applicable | 4 | 3 |
| ORL | Not applicable | 7 | 3 |
| PDT | 1. Analyzing a prepared policy option | 38 | 10 |
| | 2. Deliberating for a new policy option | 23 | 6 |
| MEA | 1. Attracting media attention | 6 | 5 |
| | 2. Not attracting media attention | 5 | 5 |

Appendix D: Quotes in Original Language

| Page no. | Translated quote (English) | Original quote (Dutch) |
|----------|---|--|
| 18 | <i>“[...] people were flown into Minsk from all kinds of countries – I don't remember where they came from – but there were all kinds of flight routes, and then they were just kind of dropped at the border and pushed across.” – S&D MEP advisor</i> | “[...] mensen [werden] ingevlogen naar Minsk vanuit allerlei landen – ik weet even niet meer waar ze vandaan kwamen –, maar er waren allerlei vluchtroutes, en dan en dan werden ze gewoon soort van gedropt bij de grens en daaroverheen geduwd.” – S&D MEP advisor |
| 25 | <i>“We then said as Parliament [to the Council], ‘Yes, but then you are going to merge two dossiers and that is procedurally not wise, and we should certainly not want that.’ And they said, ‘No, that is not merging. We have taken parts out, which is something completely different.’” – Greens MEP advisor</i> | “Wij hebben toen gezegd als Parlement [tegen de Raad], ‘Ja maar, dan ga je twee dossiers ineen schuiven en dat is procedureel niet handig, en dat moeten we vooral niet willen.’ En zij hebben gezegd, ‘Nee, dat is geen ineen schuiven. We hebben delen eruit gehaald, dat is iets heel anders.’” – Greens MEP advisor |
| 26 | <i>“But one of the things we found problematic was that the Commission had proposed this without having done an impact assessment [...] even though according to the better law-making regulations, that is actually the standard procedure, that you check whether a law is really necessary and the right way to solve a problem before you propose it.” – Greens MEP advisor</i> | “Maar een van de dingen wat we kwalijk vonden, was dat de Commissie dit had voorgesteld zonder dat ze een impact assessment hadden gedaan [...] terwijl dat volgens de better law making verordeningen eigenlijk wel standaard de bedoeling is, dat je kijkt of dat een wet wel echt noodzakelijk is en de juiste manier is om een probleem op te lossen voordat je het voorstelt.” – Greens MEP advisor |