

Chapter 3

Mobility in Principle and Practice: Multilevel Adoption of Free Movement Norms in a European Cross-border Region

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3.1 Introduction

This chapter examines European Union (EU) norm adoption related to the free movement of people in European Cross-Border Regions (CBRs). Rather than focussing on the relationship between European Union (EU) norms and domestic national structures or international governance regimes, this chapter frames norm diffusion within the context of multi-level governance in Europe, particularly the micro-regional structures governing European border regions. Similarly, while much political and academic focus on European freedom of movement is placed on intergovernmental cooperation, many attempts to normalise mobility are occurring through more localised forms of regional integration (Gualini 2003). CBRs interact with both national and supranational actors in this process, creating a new arena for the study of free movement norm diffusion, adoption and resistance at multiple levels of governance.

This chapter first begins by framing ‘freedom of movement’ as it is related to EU norms, analysing it in economic, political and normative terms. It outlines how norms are conveyed by the EU as an integral component of regional integration and notions of European citizenship. A brief introduction of CBRs as an arena for the study of free movement norms links their development to wider European integration. The Øresund region is explored in further detail as a critical case study in this regard, with a focus on the factors that have made the region a prime site for the adoption of free movement norms.

Yet despite these ideal preconditions for the normalisation of free movement, cross-border mobility has occasionally arisen as a contested subject in the region. This chapter considers frictions over Third Country National (TCN) mobility as domestic divergence in Danish and Swedish immigration politics developed parallel to increased integration efforts over the last decade. It is posited that the politi-

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cal opportunities and costs of free movement norms are not evenly spread across Member States or between different levels of governance. The chapter concludes by considering key findings from the mixed adoption and contestation of free movement norms in a bi-national border region, including the deeper implications this signals for EU free movement efforts.

3.2 Freedom of Movement in the EU

Over the past half century, freedom of movement has been one of the most fundamental principles of European integration and a central aspiration in many of the EU's founding documents (Recchi and Favell 2009). The signing of the Treaty of Rome in 1957 established the European Economic Community (EEC), putting in place the legal, institutional and political structures for deeper integration and created targeted mobility rights for the working population. The Single European Act signed in 1986 later expanded on these provisions by envisioning an area without internal borders 'in which the free movement of goods, persons, services and capital is ensured' (Single European Act, 1987; Article 13).

This earlier legislation targeted the facilitation of economic movement for labour mobility, though as integration deepened these rights were gradually extended to all citizens of European Member States. The signing of the 1985 Schengen Agreement, and the subsequent Schengen Convention in 1990, allowed participating Member States to initiate the removal of borders to movement of other categories of persons such as students, pensioners and other economically non-active persons. The Treaty of Amsterdam, signed in 1997, further incorporated the Schengen agreements into EU law and also formally took account of TCNs by introducing a number of norms related to visas, asylum and immigration policies (Baldoni 2003). With the advent of Schengen and the Amsterdam Treaty, regional mobility rights moved beyond minimal economic membership to the collective participation of Europeans in deeper political and social connectivity (Maas 2007).

3.2.1 *Free Movement as a Derivative of EU Norms*

The principle of free movement underlying Schengen legislation can therefore be related to norms promoted across the EU with a view to not only the need to maximise regional economic functionality, but also to uphold the liberal principles underpinning European integration and cohesion policy. In 2011 European Commission President, José Manuel Barroso reiterated these sentiments declaring 'the full recognition by the European Council of the free movement of persons as a core principle of the European Union and as a fundamental right...' (Barroso 2011, p. 3). In this sense, regional mobility emerges as both a functional and normative concept. Cross-border mobility extends beyond material flows such as socio-economic exchange and economic interdependence into the flow of norms and ideas such as

shared beliefs in unity and liberal ideology. Scholars have linked freedom of movement to a number of liberal principles such as human rights and redistributive justice (Bauböck 2009), democracy and equality (Aradau and Huysmans 2009). Manners (2008) argues that these make up some of the substantive normative principles that the EU promotes as Normative Power Europe (NPE). Freedom of movement is a derivative of these as it is a means of acting out and normalising these deeper normative principles. Similarly, social constructivist scholars such as Checkel (1999) describe this as an on-going socialisation process by which actors internalise the values and norms of the European Community.

Given their centrality to the European project, EU free movement rights also comprise one of the few tangible elements of a common European citizenship (Recchi and Favell 2009). EU Directive 2004/58/EC states that ‘Union citizenship is the fundamental status of nationals of the Member States when they exercise their right of free movement’ (European Union 2004: preamble on line). An illustration of this internalisation of EU free movement norms is in the 2011 European Barometer survey which showed that almost half of responders mention intra-EU free movement rights as an element they associate most closely with European integration (Parkes and Schwarzer 2012).

Free movement has also been analysed as a functional political concept, with increased cross-border migration triggering the need for international cooperation, such as the establishment of regional political authorities to manage cross-border movement, serving to further legitimise European integration (Aradau et al. 2010). Through cross-border exchange, EU mobility is therefore a mechanism for promoting bottom-up regional integration and political architecture, both of which contribute to the playing down of national differences. This indicates a pattern of behaviour expected of Member States that they will progressively remove, not add, obstacles to cross-border mobility in the ‘spirit’ of free movement.

3.3 CBR: The ‘cement’ of European Integration

CBRs are particularly interesting in this regard as they are, by definition, a product of integration between two or more countries, with cross-border movement being a daily reality for many who live in the region. Local political efforts to remove cross-border obstacles are reflective of the emergence of multilevel governance, which has been a key interest of scholars in the context of European integration (Bache and Flinders 2005). The prominence of border regions has even led some observers to predict that future international competition in Europe may be more between regions and metropolitan areas rather than between nations (EURICUR 2007).

CBRs have developed across Europe as a result of initiatives that aim to transform the concept of the border from one of division to one of dynamic cross-border cooperation. Such regions emerged particularly during a boom in the 1990s as local actors, aided by EU support schemes, created transnational partnerships to build these traditionally peripheral spaces into promising locations for the creation of

functional, prosperous border regions (Perkmann 2003). In line with EU integration, the logic of CBR strategies is to soften arbitrary national borders and restructure regions along functional lines for economic growth, as opposed to the traditional Westphalian notion of borders as peripheral areas that look inward towards central national activity (Mostov 2007). For this reason CBRs have been described as the ‘cement of the European House’, alluding to their functional role as part of the process of European integration (AEBR 2008, Online).

3.3.1 Diffusion of Free Movement Norms to CBRs

The desire to promote new and alternative forms for cross-border cooperation has followed continental European integration processes with scholars pointing out the interdependencies between micro-regional and macro-regional (EU) processes of regionalisation (Blatter 2004). The diffusion of norms related to free movement have therefore been couched in the wider diffusion of norms and practices of the new Europe, illustrated by synergistic terms such as “Euregions” or “Euroregions” (Council of Europe, Online). Additionally, cross-border efforts have been directly incentivised and sustained by EU support schemes such as the European Regional Development Fund (INTERREG), which provides funding for cross-border integration projects that further European integration goals. This can be analysed as an example of formal, vertical idea diffusion such as that described by Börzel and Risse (2009), whereby formal top-down mechanisms such as EU Treaties, policy, case law, funding regulations and institutional arrangements are used to promote supranational EU norms to Member States. In this way, EU policies and directives set the framework for regionalisation processes so that CBRs serve as both a laboratory and illustration of how EU integration can be advanced (Lyck and Boye 2009). From a political integration perspective, Hall (2008) also notes how democratic governance efforts in CBRs represent a critical case study of prospects for wider EU political integration.

EU policies and ideas can also transform the behaviour, structures and identities of actors in qualitative terms through processes of socialisation and persuasion (Börzel and Risse 2009). This is linked to Blatter’s (2004, p. 535) notion of ‘consociation’ where the EU influences behaviour not only by formal, vertical mechanisms but by ‘symbolising ideas which shape identities and contain an encompassing ‘image’ of a cross-border political community.’ Following this notion, EU discourses and policies of free movement can serve to idealise cross-border mobility as a ‘common sense’ within new special visions of European integration, including cross-border regionalism. This is related to Castells’ (1996) hypothesis that the traditional notion of ‘space as a place’ is gradually being replaced by the concept of ‘spaces of flows.’ Related to CBRs, this means that the basis for political action is not territorial jurisdiction but function specific issues which require cross border cooperation (Mansfield and Solingen 2010). This demonstrates how pathways of diffusion, such as funding channels and policy frameworks, can have an influence on regional interests and institutional arrangements, shaping import norms.

3.4 The Øresund Region: The ‘Human Capital of Scandinavia’

These interdependent supranational and local interests in freedom of movement are evident in the cross-border Øresund region, which sets itself out as a leader in European integration and mobility efforts (Øresund Committee 2010a). Support from multiple levels of government, financial and political, all contributed to high hopes for the Øresund region as bridge construction started in 1995. The national governments of Denmark and Sweden supported the building of the Øresund Bridge, believing that the removal of this natural geographical boundary would enhance and broaden the potential for trade and bring economic benefits for the regional economies of Scania and Zealand (Danish and Swedish Governments 1999, pp. 10–11).

Since the opening of the Øresund Bridge between Denmark and Sweden in July 2000, efforts to integrate neighbouring municipalities across the sound have intensified at both national and regional levels. Boasting the slogan ‘The Human Capital of Scandinavia’, this metropolitan agglomeration has a combined population of 3.7 million inhabitants; a third of which live on the Danish side of the Sound. Estimates also show that around 20,000 people commute across the Øresund Bridge on a daily basis (Øresundsbro Consortium 2010). It is hoped that the Øresund region’s unique combination of a capital city (Copenhagen) with the knowledge intensive and manufacturing sectors of Scania will make the region competitive against other metropolitan regions in Europe.

The Øresund project cuts across two national jurisdiction systems, creating a space for new kinds of actors to manage cross-border interests (Löfgren 2008). The main body dedicated to managing cross-border integration is the Øresund Committee, a cross-border forum for voluntary political cooperation constituting municipal and local politicians from both countries described by the Organisation for Economic Co-operation and Development (OECD) (2003) as “governance without government.” The Committee is driven by a goal that by 2020 the Region will be a model for other European CBRs ‘with a common labour market—free from obstacles that complicate life for those living and working on different sides of the Sound’ (Øresund Committee 2010a, p. 8). The Committee is a prominent member of the transnational Association of European Border Regions (AEBR) lobby group, having twice been awarded its annual ‘Sail of Papenburg’ Cross-Border Award for outstanding programmes, strategies, projects and actions within the scope of cross-border cooperation.

3.4.1 *Freedom of Movement in the Øresund Region*

While the removal of remaining borders to mobility is a key focus of the Øresund Committee, the region has enjoyed a long standing foundation of Scandinavian free movement provisions, though these have not always moved in tandem with European free movement developments. Since 1954, Denmark and Sweden have enjoyed

formalised, passport-free travel due to their membership in the Nordic Passport Union, one of the regional precursors to the European Schengen area. The region also has a common Nordic labour market agreement and a shared social security convention (Nordic Council, online).

While the principles of Nordic and EU free movement arrangements were similar, the meeting of these Nordic and European free travel agreements initially created a dilemma due to the non-EU member status of Norway and Iceland. Schengen offered EU members Denmark, Sweden and Finland the opportunity to join a wider European community of mobility, but in doing so the survival of the Nordic Passport Union was threatened. However, in 1996, Schengen members signed a cooperation agreement with Norway and Iceland to give effect to their non-EU membership of Schengen, allowing the Nordic Passport Union to be preserved within the Schengen area (Maas 2005). In the same year the Amsterdam Treaty merged Schengen cooperation with the general legal and institutional framework of the EU and the Nordic countries signed an agreement with the EU on 18 May 1999 to join the Schengen acquis. Free movement in the Øresund region is therefore situated in a series of interwoven free movement provisions, both Nordic and European.

In addition to national economic and political investment from successive Danish and Swedish governments, the Øresund region has been supported by targeted supranational policies from both the EU and the Nordic Council, an inter-parliamentary forum for Nordic cooperation formed after World War II. The Nordic Council has been heavily involved in integration efforts, particularly those related to the promotion of free movement, adding to the dynamic multi-level governance behind the region. The Øresund region is viewed by the Council as a strong symbol of Nordic cooperation and a strategic gateway between Scandinavia and the European continent. The Nordic Council itself states that;

the Nordic goal of an open Region harmonises well with the European ideal. The ultimate objective in both cases is to make better use of the Nordic Region's and the EU's full potential by minimising the impact of borders as obstacles.' (Nordic Council, online)

The Øresund Committee receives financial support from the intergovernmental Nordic Council of Ministers, and collaborates in several key policy areas through a partnership programme for the regional sector. In 2007 the Nordic Council of Ministers also set up a 'Freedom of Movement Forum' which has worked closely with the Øresund Committee to identify and removing cross-border obstacles within the region through constructive dialogue with national political and administrative bodies.

Aided by this, the region is already one of the most economically integrated border regions in Europe and regional politicians envision that this will deepen further over time, 'making it the most competitive, attractive and effective region in Europe.' (Øresund Committee 2005, p. 23). The region has been identified as a 'Transnational Mobility Region' within the EU special policy discourse, emphasising the region's role within a bigger picture of seamless Nordic and European economic spaces (Jensen and Richardson 2004). It is thus described by its proponents as not only one of the biggest construction projects in the history of modern Europe, but

also one of Europe's biggest social experiments, alluding to the fact that the region represents a forerunner of intensive, multifaceted regional integration in Europe (Øresund Committee 2011).

Like the Nordic Council, the EU has invested strongly in the region since its inception through INTERREG—a programme of funding that aims to stimulate cooperation between regions at multiple levels in the EU. 139 cross-border projects were implemented in the Øresund under INTERREG II “Strand A” for cross-border cooperation (1994–1999) while INTERREG IIIA (2000–2006) had made over EUR 30.84 million available to the Øresund region, with the Danish and Swedish government contributing the same amount (INTERREG IIA 2005). The level of INTERREG commitment is also exemplified by the joint technical secretariat hosted in the Øresund region for the coordination of projects and funding. INTERREG V is currently operational, covering 2014–2020, with the Øresund funded under a joint Øresund-Kattegat-Skagerrak programme involving border regions Sweden, Denmark and Norway. In addition to INTERREG funding, Jerneck (1999) suggests that the doctrine of regionalisation purported by the EU also legitimised political aspirations in the Øresund region for cross-border cooperation and self-governance.

3.4.2 Recent Efforts to Enhance Freedom of Movement

A core priority of the Øresund Committee since the early 2000s has been ‘...to eliminate as many as possible of the legal and regulatory obstacles that exist, so that it will become simpler to work, study, live or invest on the other side of the water’ (Øresund Committee 2005, p. 23). Given the absence of formal territorial borders for movement in the region, much of the focus of the Øresund Committee has been on the removal of administrative barriers to work and welfare on both sides of the sound. Most of these issues became evident as the number of cross-border commuters increased, raising questions about contribution to, and redistribution of, national public funds and insurance schemes for mobile residents. The Nordic Freedom of Movement Forum and Øresund Committee published a joint report entitled, ‘33 barriers, developments and opportunities: the 2010 Øresund Model’ which outlines the key obstacles to a common labour market, social rights, and free movement for all residents in the Øresund region. Gradual progress is being made, with some key achievements including agreements between Danish and Swedish Governments to prevent double taxation and allow people to be employed in both countries at the same time (Øresund Committee 2010b).

Another interesting aspect of the Øresund project is the way in which culture and economy have been intertwined in region building. Paasi (2009) notes that notions of identity and citizenship have become major buzzwords within regional integration projects, similarly identified in the EU's cohesion policy as an important element for regional development. A regional identity is promoted by Øresund actors as a means of unifying the resident population, lowering mental barriers to transnational activity and promoting the Øresund region externally as an attractive

destination for skills and investment. The Øresund Consortium (2010) summing up 10 years of integration since the opening of the bridge notes:

Across the region, many people now regard themselves as Øresund citizens. But what does it mean to be an Øresund citizen? ...Perhaps we can find it in the commitment and dynamism that many people have invested in making their daily life function just as smoothly across national borders as it did before in the two parts of the region.

O'Dell (2003; 2011) uses the term 'regionauts' to describe this routinely mobile group of regional citizens who develop skills and experience on both sides of the border, through which 'politicians and planners hoped that a new sense of regional belonging and unification would arise' (O'Dell 2011, p. 14). Visions for deeper regional integration therefore include the emergence of a common Øresund citizenship—a normative notion expressed through identity markers related to free movement norms. To be mobile across borders and to embrace freedom of movement as a norm is, in effect, to act as an Øresund citizen and to perform the necessary acts of integration.

3.4.3 *Contestation of Free Movement Norms*

In noting all of the above, it is clear that the adoption of free movement norms in principle and practice is essential to the Øresund project, as well as being in the interest of supranational structures that have supported the region's development. Such analyses suggest that the Øresund region encompasses the ideal conditions for EU norm adoption, which is why this chapter frames the Øresund region as a critical case study for European integration at the micro-regional level. Nevertheless, freedom of movement has not progressed smoothly nor been adopted as an uncontested norm. Since the opening of the Øresund Bridge there have been a number of surprises in this regard. Øresund promoters quickly realised that commuter numbers remained low and the appearance of unexpected obstacles to cross-border movement continued to increase (Löfgren 2008).

The notion of the Øresund as a seamless transport corridor to Europe was recently challenged when it became the site of a short-lived (though highly publicised) reinstatement of Danish customs borders in 2011. The installation of permanent checkpoints and systematic border controls was criticised by the European Commission as a possible breach of the Schengen Agreement (Malmström 2011). While swiftly overturned by the incoming Social-Democratic led government, the custom border case caused concern in the EU Commission due to the fact that a long-standing EU 15 member like Denmark would unilaterally challenge EU's Schengen arrangement, rather than working to strengthen and reinforce it (Munkøe 2012). Concerns emerged from neighbouring Sweden and regional actors, particularly over the symbolism of these border controls and mixed messages on free movement in the Øresund region. Swedish MP Hans Wallmark asserted,

This is a very unacceptable development. While others are struggling for greater freedom of movement across our borders they are building walls in Denmark ... which goes in a

completely different direction than everything that the Nordic Council and the European Union stand for.... The idea of free movement in the Nordic countries and the EU is fundamental for co-operation. (Nordic Council 2011)

3.4.4 *National Immigration Politics*

The tightening of Danish immigration laws was another unforeseen development which caused tensions in the region around issues of mobility, migration and diversity. For a region where open clashes between national governments had been rare, the issue of immigration became one of the regular exceptions (Bucken-Knapp 2003). The Liberal-Conservative (L-C) Government that came into power in Denmark in 2001 made explicit promises to its voters that it would significantly change the premise of the country's immigration and migrant integration policies. At the start of 2002, the L-C coalition presented its 'New immigration politics' (*En Ny Udlændinge politik*) which included a radical shift in the country's approach to immigration and the introduction of new provisions that were some of the most restrictive in Europe (Goli and Rezaei 2007). Conversely, Rydgren (2010) describes how in Sweden, the lack of a credible anti-immigration party, and an agreed cross-party consensus not to mobilise on immigration issues, have largely limited anti-immigration policy and political discourse.

National approaches to border security, mobility, multiculturalism and transnational rights became a highly divisive issue between the two countries (Hedetoft et al. 2006). Anti-immigration political parties offered some of the most active rhetoric in this regard, mobilising voters around what Hellström and Hervik (2011) describe as core nativist messages that 'Sweden belongs to the Swedes and Denmark to the Danes'. This was expressed vividly by Danish People's Party (DPP) Leader Pia Kjærsgaard when she stated 'If the Swedish government wants to transform Sweden... into a Scandinavian Beirut with clan wars, killings and mass rapes, then let them do it. We can always put a barrier on the Øresund Bridge...' (Kjærsgaard 2002, online).

One of the prominent examples of contested immigration policy was brought about by divergent national spousal reunification policies for non-Europeans (Rubin 2005). Both Denmark and Sweden are obliged under the same EU Council Directive 2004/38/EC to allow EU/European Economic Area (EEA) Member State citizens the right to move and reside freely within Member States, along with their spouses and dependent children. However, Denmark has not signed up to EU Council Directive 2003/86/EC which asserts a right to family reunification for TCNs lawfully resident in an EU Member State. The greatest divergence between Denmark and Sweden thus related to rules regarding family reunification for TCNs, for which there is more scope for national discretion under EU law (Kofman and Meetoo 2008). From the early 2000's Denmark introduced some of the most restrictive requirements in Europe for prospective non-EU family migrants, largely influenced by the Government's support arrangement with the Danish People's Party. Of the more controversial policies enacted, the so-called '24 year rule' and 'attachment requirement' set

strict requirements whereby a minimum age of 24, national affinity, level of wealth, and living arrangements are required before Danish citizens or residents may bring non-EU spouses or partners into the country (Østergaard-Nielsen 2003).

The purpose of these changes was to reduce immigration numbers and to prevent forced marriages or marriages of convenience (Hagelund 2008). In regard to the former, the policy was effective as family reunification residence permits dropped in Denmark between 2001 and 2006 by over 70% (Danish Ministry of Refugee, Immigration and Integration Affairs 2010). One immediate effect of this divergence in family reunification laws was that mixed-marriage couples failing to get secure residence in Denmark moved instead to the more liberal neighbour state of Sweden. Danes with foreign spouses began moving to the southern Swedish city of Malmö at a rate of about 60 couples a month, continuing to work in Copenhagen by commuting across the Øresund Bridge, earning them the nickname of ‘love refugees’ (Rubin 2005, p. 319). This led to political debate and publicity around many Danish-TCN couples caught up in legal restrictions on spousal reunification.

The Swedish government was vocal in its misgivings about the new restrictive changes in Danish immigration policy and concerned about inadvertent migratory flows to Sweden as a result (Polakov-Suransky 2002). The Nordic Council Citizens’ Committee similarly met in 2005 to discuss any contradiction between the Danish government’s desire to promote freedom of movement and the tightening of the rules for family reunification (Nordic Council 2005). The sudden restrictions on spousal reunification in Denmark drew the attention of the European Commission which asserted that the rules contradicted EU Directives allowing EU citizens and their family members to move and reside freely within EU Member States (Rubin 2005). This created an interesting anomaly by which European rights to non-EU spousal reunification were essentially more generous than those afforded to Danish citizens under their own national legislation.

Even national citizens face some barriers to full cross-border rights in the Øresund region. Danes can only vote in national elections if they are normally resident in the country, so any living in Sweden and commuting to Denmark for work over the Øresund Bridge effectively lose one of their main political rights associated with citizenship. Denmark’s policy of unitary citizenship also means that Øresund residents can have either Danish or Swedish citizenship—not both (Howard 2005). Different national rules about immigration, residence and citizenship policies therefore raise complications for the normalisation of seamless regional mobility and where Øresund citizens can live, work and enjoy a range of rights on both sides of the Bridge.

While there has been some success in addressing national barriers to free movement of Danish and Swedish citizens, this has proven more difficult with regard to non-European nationals, ineligible for the same cross-border labour rights and who face particular barriers to exercising free movement (Schluter 2005). Despite recommendations from the Nordic Council (Hansen et al. 2010) and the Øresund Committee (2010b), a cooperative approach to TCN cross-border rights has not yet been politically possible, and tensions are particularly evident between Denmark and Sweden on this issue. Such examples highlight on-going political tensions surrounding the movement of TCNs and the complexity of free movement

principles when set in the context of wanted and unwanted forms of mobility. Just as the TCN spouses could be viewed as the unfortunate victims of tightened immigration policies, they are also members of an emerging group of mobile Øresund citizens, unintentionally embodying the kind of cross-border commuter citizenship envisaged by actors promoting cross-border integration. Examining integration in the Øresund, including adoption of free movement norms, therefore requires attention to national differences in official Danish and Swedish attitudes towards immigration policy (Bucken-Knapp 2003).

3.5 EU Free Movement Norm Adoption and Friction

When Øresund actors were building the bridge in the 1990s, it is unlikely they would have foreseen the unpredictable way in which their transnational visions would be challenged by the normative context of domestic immigration politics. Promoting freedom of movement has become an integral part of regional cohesion policy, yet the more border obstacles are overcome, the more they are reproduced along other lines (Gualini 2003). The presence of TCNs in the Øresund region challenges leaders to consider the reality of regional membership and participation, as the question of who does or does not deserve free movement in the region remains highly politicised.

This mirrors similar challenges in wider EU integration where efforts to enhance freedom of movement in Europe are challenged by those who resist the project of creating mobile European citizens, including, but not restricted to, populist national political parties. Such actors have provided a key source of resistance to free movement norms and EU integration more widely, particularly around the issue of TCN mobility (Maas 2005). More than half of the immigrants into EU Member States (approximately 1.6 million people in 2009) were TCNs (Eurostat 2011). In the absence of internal border controls in the Schengen area, any TCN admitted to one Schengen Member State has unmonitored access to travel to others, meaning that trust in each states' border and immigration controls is a necessary condition of the arrangement. TCN mobility remains a salient political issue however and Member States have struggled to form consensus on immigration policy harmonisation (Givens and Luedtke 2004). This has even led to recent EU discussion about the introduction of an Entry/Exit system as an electronic means to record whether TCNs have arrived or left the Schengen area (European Commission 2013). Conversely, other actors argue that TCNs are vital for Europe's economic future, with foreseeable labour market needs driving continued openness to immigration for economic growth (Münz et al. 2007).

One of the main areas of friction in Member States adopting EU free movement principles relates to the organisation of national citizenship, creating democratic inconsistencies between mobility and state-centred political rights. To consider issues of free movement norms in friction with national interests therefore prompts a deeper, normative reflection on the tensions between principles that underpin it.

Liberalism claims freedom of movement as an integral part of individual autonomy, while democracy also asserts national discretion over immigration control. TCNs and mobile EU citizens challenge existing concepts of democracy which entail political representation of a nationally-rooted population through domestic parliamentary elections and institutions (Isin 2008). The frictions arising from different levels of norm adoption raise an underlying paradox that European citizenship itself is marked by a tension between citizenship as derivative of the nation-state and citizenship that is activated by movement to another EU country (Bauböck 2007).

3.5.1 Key Findings

There are a number of key considerations that arise from the case study of free movement norm adoption in the Øresund region. The first is that norm export and import takes place in an interdependent relationship between norm-maker and norm-taker. The Øresund region, as a model CBR project, draws on EU norms of economic and political transnationalism (including freedom of movement) to legitimise the prioritisation of regional integration and new cross-border governance structures. Through financial, institutional and normative support, the EU has similarly demonstrated that it is investing in CBRs to deliver bottom up integration at the site of national borders. These material interests and institutions are an important condition in the diffusion of EU norms as regional political actors are predisposed to adopt and promote the positive benefits of cross-border integration and mobility. These include aims of achieving the Øresund region's 'cohesive, yet diverse labour market' (Øresund Committee 2010b, p. 6) through leading efforts to enhance freedom of movement.

Member States on the other hand are largely influenced by the tone of domestic political issues, as noted by patterns of Euro-scepticism and hostility to immigration. Scholars have long argued that the regulation of migration and cross-border movement constitutes the very 'state-ness of states', as immigration inevitably raises issues such as national security, population growth and composition, and national identity; all of which are areas that affect the role and legitimacy of the modern nation-state (Torpey 1998). Thus, it is argued that the political opportunities and costs of free movement norms are not evenly spread across different political actors, leading to differences in willingness to adopt or adapt to free movement norms at various levels of governance.

Secondly, this chapter has suggested the asymmetry of EU norm diffusion, particularly in the context of political debates on immigration. Norms are adopted for different kinds of people and purposes. Rather than stable and predictable flows of mobility, the Øresund region has shown examples of uneven and contest movements, in addition to mobility of contact and community. The ready adoption of free movement norms to promote the mobility of Øresund 'regionauts' is contrasted with other 'unwanted' forms of mobility, such as controversial movement of TCNs. Free movement norms are therefore unevenly adopted by some actors, interests and people more than others. In much rhetoric of the Øresund region, immigrants are

written out of the integration narrative, despite being both a highly populous and highly mobile group (O'Dell 2011). This disjuncture speaks to a deeper conceptual struggle between European norms of individual liberalism and the democratic right of Member States to assert sovereignty over immigration and border protection. As Parkes and Schwarzer (2011) note, adopting the 'spirit' of free movement is not, it seems, as deeply anchored in many EU Member States' societies as suprar-regional actors might have hoped.

A third element emphasises that the domestic circumstances of norm-takers condition the reception of norms. Despite regional actors positioning the Øresund as the epitome of European freedom of movement and integration, it is evident that region is not free from national political resistance. However this tension is not experienced evenly across Member States, as evidenced in the case of divergent national immigration laws, policies and principles in Denmark and Sweden. National approaches to immigration and mobility still matter and have a bearing on the extent to which Øresund actors can promote free movement principles beyond those acceptable by national political circumstances. This relates to Börzel and Risse's (2009) observation that the acceptance or rejection of EU ideas depends on whether underlying assumptions are compatible with long-established domestic norms and the identities that they define. Among national political actors there remain divisions, including groups that outwardly reject Schengen and its underlying norms of free movement. In this sense, the ability to successfully adopt free movement norms in the cross-border Øresund region is reliant not only on the sum of institutional structure and economic conditions for integration, but also on whether these norms resonate with the domestic structures. In the absence of this resonance, freedom of movement norms can face political contestation and social mobilization.

All three of these points highlight the complexity of free movement norms and how they are adopted and negotiated in CBRs as frictions with national settings continue to challenge the 'European' ideal of free movement. If we consider the implication that CBRs, no matter the transnational image they promote, are entrenched to an extent in national frameworks, then certain limitations to EU norm adoption become visible. It is in bringing to the fore the tensions that lie between processes of integration and practices of mobility that we can understand the political importance of this adoption or rejection of free movement norms, and the significance that this has for prospects of regional integration, whether at the supranational or micro-regional level.

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