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“Partnering” for Migration
*The ambiguous case of “Mobility Partnerships”
between the European Union and selected third
countries*

Rachel Nellen-Stucky

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List of Abbreviations

ACP-Countries	Africa-Caribbean-Pacific Countries
AFJS	Area of Freedom Justice and Security
AU	African Union
COM	Communication
DG	Directorate General
EC	European Commission
EDF	European Development Fund
ENP	European Neighbourhood Policy
EU	European Union
EUROPOL	European Law Enforcement Organisation
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders
GAERC	General Affairs and External Relations Council
GAM	Global Approach to Migration
HLWG	High Level Working Group on Migration and Asylum
JHA	Justice and Home Affairs
JLS	Justice, Liberty and Security
LAC	Latin America and Caribbean Countries
RECs	Regional Economic Communities
TEU	Treaty of the European Union
ToA	Treaty of Amsterdam

1 Introduction¹

Mobility Partnerships, one of the new pilot instruments within the EU's complex framework of migration and asylum policy, are seen by many as a model for a new cooperation approach that aims at ensuring the joint management of migratory flows in the interests of the receiving and the sending countries alike as well as in the interests of the migrants themselves. They purport to provide a comprehensive framework of dialogue that allows to combine initiatives and projects in three different action fields, responding to the different interests of each party concerned: a) irregular migration (border control, document security, readmission agreements, return projects, operational cooperation in combating irregular migration, etc.) b) regular migration (capacity building, information campaigns, labour migration etc.) and c) migration and development (mitigating brain drain, facilitating circular migration and reintegration, transfer of social security benefits, promoting the use of remittances for productive, development-related ends and foster diaspora activities). Since Summer 2008 two first Mobility Partnerships, one between the EU, some Member States and the Republic of Cape Verde and Moldova respectively, are being implemented.

Yet, mobility partnerships represent an ambiguous policy concept. On the one hand, with its promise to tackle migration in partnership between all parties affected, and to link migration management with related issues, such as development or security, its idea seem to indicate a major shift away from the hitherto predominant restrictive approach followed by the European Union: Firstly, portrayed as a dialogue they pretend to go beyond a one-sided focus on receiving states' priorities that have mainly consisted in externalizing controls and seeking third countries' cooperation in the readmission of irregular migrants (Guiraudon and Lahav 2006). Secondly, including an equally weighted part on development aspects in the underlying Joint Declarations, they seem to underline development aspects of migration, emphasizing the positive potential migration may have on the development of sending and receiving countries, if properly managed. And thirdly, they appear as broadening up the array of actors by taking on board implementing partners such as international organisations, community organisations and non-governmental or migrant organisations.

On the other hand, there is evidence to suggest that mobility partnerships do not really stand for a frontrunner of a truly equitable, comprehensive partnership-oriented approach to migration. For example, it is striking that its concept, presented broadly in a Communication which was issued by the Commission's Directorate General Justice, Liberty and Security (DG JLS) in May 2007 (COM 2007b), clearly makes the entering of potential third countries into such a partnership with the EU conditional on their cooperation regarding irregular migration and readmission. And it is even more surprising that this sine-qua-non is not reiterated nor in the Joint declarations nor in the accompanying press releases, whereas different press releases in the third countries concerned are more precise in that. At the launching of the mobility partnership the official website of the Moldovan government portrayed it as a new instrument, „meant to better manage migration flows, and *in particular to fight illegal migration ... (own emphasis)*“.² Some months ago, the official website of the Cape Verdian government on its part held the following:

Recorde-se que Cabo Verde vem desenvolvendo um dialogo profícuo com os Estados Membros em relação à questão da integração dos cabo-

¹ This paper is written in the context of the project “Migration Partnerships: A Step towards the Global Governance of International Migration?”, coordinated by Prof. Sandra Lavenex, University of Lucerne. Funding by the Swiss Network for International Studies in Geneva (SNIS), the Federal Office for Migration and the Federal Department of Foreign Affairs is gratefully acknowledged.

² Source: <http://www.moldova.md/en/newslist/1211/1/2775/> (Official Website Republic of Moldova)

verdianos nos diferentes países de acolhimento *mas* pretende continuar a assumir os seus compromissos no combate à imigração ilegal e defende a promoção da emigração pela via organizada e legal (*my emphasis*).³

Although the avenue of a dialogue was welcomed, these statements nonetheless differs from the Union's perspective by highlighting the indispensable link between the possibility to engage with the Union in partnership and the country's commitment to cooperate in the fight against irregular migration, making the latter the apparent predominant aim of the partnership. And even this fact is not fully unveiled in the official diplomatic language, the local newspapers do not hesitate to grasp it in its full sense.⁴

Research question

Without pointing here to further inconsistencies (what will be done in chapter 4 of this paper), this apparent discrepancy reveals that we deal here with a rather tense setting of cooperation, impeding probably a proper implementation of the new rhetorical hype for partnership. As a preliminary analysis, this paper aims at illuminating this inherent tension by exploring the way, how mobility partnerships have become prominent within the migration policy of the EU. Firstly, taking into account the historical background, it analysis how the notion of partnership in cooperation on migration is represented in the official discourse over the last decades, starting in the early 1990ies when the European Community begins to communitarize the migration and asylum policy under the Maastricht Treaty, and going until early Summer 2009 when the Commission presented the new Stockholm programme on the future development of an "Area of Freedom, Justice and Security", including the call for the conclusion of agreements "on the lines of the partnerships for mobility" (COM 2009a: 25). Secondly, it then seeks to embed the model of mobility partnerships into this discourse in order to understand how it had been influenced by the changing representations of migration cooperation. The overall analysis is driven by the underlying research question, if the promising, yet ambiguous outline of mobility partnerships really represent a major change in the ways how cooperation with third countries in the European Union has been conceptualised in political discourse and practice hitherto or if there is rather a silent continuation of „old“ patterns that guide this „new“ understanding of cooperation?

It is important to note that this paper primarily deals with the preliminary question of how mobility partnership have come to the political fore and does only marginally entail questions of how they are currently implemented, being this the second part of the project. In total, 61 official documents, ranging from Communications, Presidency Conclusions, Council documents as well as international declarations, speeches and other reference material were selected for this analysis. The bias to rely predominantly on EU documents is legitimated by the assumption that, in the case of mobility partnerships, we deal with a hegemonic discourse. That is to say, with a blatant asymmetry between the potential "partners", concerning on the one hand the continuity and the level of professionalism of the EU's internal discourse on migration issues as well as on the other hand the sheer quantity and diversity of constitutive documents that have been produced by this actor.

3 Press release: Grupo Local de Seguimento da Parceria para a Mobilidade reúne-se na Praia of 28 July 2008. http://www.governo.cv/index2.php?option=com_content&task=view&id=855&pop=1&page=0 (página oficial do governo de Cabo Verde)

4 See for example the article in "La Voz" (7 December 2007): "De acordo com fontes diplomáticas, a UE, em condições ainda por definir, irá oferecer a certas categorias profissionais de cidadãos destes países uma facilidade de acesso aos mercados de trabalho de certos Estados membros interessados, *em troca* dos esforços realizados por esses Estados para lutar contra a imigração ilegal. (...) *Conforme fontes da UE, Cabo Verde e a Moldávia foram escolhidos para o projecto visto serem pequenos Estados que são o ponto de partida e de trânsito da imigração clandestina.*" See (http://arquivo.vozdipovo-online.com/noticias/cabo_verde/ue_negoceia_projectos_de_imigracao_circular_com_cabo_verde/)

There is no comparable discourse setting in the targeted third countries. The instrument of mobility partnership was developed unilaterally, so that many third countries even do not know what it is. What exactly the impact of the existence of a hegemonic discourse may have on the form of cooperation a mobility partnership take, will have to be explored elsewhere. Here it only legitimates the fact that this paper heavily rely on official EU documents to gather the genesis of the concept of the mobility partnerships

Findings and thesis

In anticipating the findings we can set out the following thesis:

Mobility partnerships do not emerge as a Deus ex Macchina within an internationally driven hype of debates on partnership or on migration and development. Rather, the current migration policy discourse surrounding the notion of Mobility Partnerships carries the legacies of earlier political understandings of the form and contents of cooperation with third countries, which primarily focus on the question how the negative consequences of migration can be managed. Simultaneously, mobility partnerships apparently seek to reconcile this repressive understanding of cooperation, including its use of conditionality, with a broader framework of cooperation that links the three policy areas regular migration, irregular migration and migration and development. Thus, notwithstanding high scepticism about the stipulated approach to “genuine partnerships” is more than justified, mobility partnership represent also a new tool of cooperation that may open the door to the elaboration of more comprehensive arrangements in the international governance of migration, potentially allowing for the accommodations of sometimes antagonistic political interests.

2 Cooperation with third countries in the context of the European Union’s migration policy and politics

The concept of Mobility Partnership can be traced back to the beginning of the communitarization of migration and asylum policy under the Maastricht Treaty of 1991 – at least at the level of the political discourse. However, it is only since the end of 2005 that these ideas and the concept of mobility partnerships have really become prominent in the EU migration discourse. The concept emerged within the context of the move towards the Global Approach to Migration (GAM) and represents a conglomerate of different policy debates and practices. On the one hand, it was influenced by the international agenda and the discursive shift towards the migration-development nexus and mobility. On the other hand, these partnerships cannot be separated from the whole strategic approach that governs EU migration policy since the late 90s, emphasizing the combat of irregular migration. Thus, mobility partnerships have to be understood against the backdrop of this tension. The following overview of the way cooperation with third countries is embraced in the European Union puts the concept of mobility partnership in the context of the Union's major institutional changes as well as of its most important internal and external policy debates and activities in the field of migration.

2.1 European migration policy in the period of intergovernmentalism

With the important exception of the goal of free movement of persons, which was already included in the Rome Treaty (1957) and constitutes one of the four pillars of the EU's single market, the founding treaties did originally not provide for an EU competence in migration matters. The topic came on the agenda first at the intergovernmental level in the

context of the conclusion of the 1985 Schengen Agreement on the abolition of controls at the internal borders of the Union. Coupled with the increasing politicization of migration, the fears associated with the lifting of the Iron Curtain to the east, and rising numbers of asylum claims in influential member states, migration cooperation was thus conceived primarily as a security issue, as compensatory measure for the safeguarding of internal security after the lifting of the internal borders (Geddes 2007, Lavenex 2001).

In these early years of the evolving EU migration policy, the notion of cooperation in political discourse mainly referred to the development of common framework for policy integration. The early Communication on Immigration, issued by the European Commission in October 1991 notices “a major shift in the kind of traditional immigration”:

Migration flows are also affecting a wider area. Immigration no longer affects only the most industrialized northern Member States. Recent years, those southern countries traditionally supplying immigrants now receive them. (COM 1991: 6)

Nor longer was migration to be seen as an issue for the Northern countries in the Community only, nor was it any longer a short or a medium-term phenomenon. Rather and against the backdrop of the prospect of a single economic area with no internal frontiers, the issue of migration was pushed to the forefront of the political debate not only in the Member States but in the whole Community. The Commission notes:

Traditional national policies, generally comprising the supervision and management of immigration, no longer seem able to supply satisfactory solutions to the problems affecting almost all Member States and which are, accordingly, of a quite different nature. (...) Each country, with its own history, its own traditions and its own peculiar geographical situation, tends to take the line it thinks most appropriate. The problem is, though, that whatever one country does may affect the situation in the others. (COM 1991: 6)

The aim of this early as well as of future Communications on migration was therefore to stimulate discussion on the attitudes and practices of Member States facing similar problems and to look at the then new institutional framework (the Treaty on European Union (TEU) 1992⁵) within which the problem might be addressed. As reiterated in a second Communication on immigration in 1994, there was an increased recognition that “the issues involved need to be tackled on a cooperative basis” (COM 1994: Foreword). Hence, the aim of reinforced cooperation between the Member States became a predominant concern and it will continue to play an important role within the Community's endeavour to build up a common migration and asylum policy and to create a sense of solidarity allowing for a system of burden-sharing among the member states.

Notwithstanding this predominant preoccupation with the internal process the question of cooperation with third countries was addressed early on. Here two rather distinctive approaches can be discerned. The first involves a form of cooperation that essentially adheres to a rationale of control and security and seeks to transpose traditional tools of domestic or EU migration control. The logic here is to engage sending and transit countries in strengthening border controls, combating irregular entry, migrant smuggling

⁵ Whilst intergovernmentalism continued to prevail, it nevertheless contained small elements of supranationalism e.g. the possibility of qualified majority decisions on certain aspects of policy implementation and provisions for common policy as for example visa policy. See Nugent (2003: 62ff).

and trafficking or in capacity building of asylum systems and migration management. This exportation of migration control was especially pronounced in the EU accession process where future Member States were obliged to incorporate the Schengen acquis into their national legislation, implying the introduction of stricter border controls, immigration and asylum policies (Boswell 2003: 622).

This tendency was strengthened by different institutional changes. First, in 1992, the Treaty of Maastricht, creating the three pillars of the European Union, entered in force and formalized the institutional framework of cooperation by heading migration as a “matter of common interest” under the third pillar. Secondly, in the same year, the Single European Act of 1988 entered into force, abolishing restrictions on free movement of EC workers within the single market. And thirdly, three years later, in 1995, the Schengen agreement finally came into force, enforcing the perceived need for “flanking measures” to compensate the resulting loss of national control over borders. These measures now included not only enhanced cooperation between Member States in order to reduce irregular movement between them, but also cooperation with third countries aimed at limiting movement into the EU or “Schengenland” (Boswell 2003: 622).

In contrast, there is a second type of understanding of cooperation, that is reflected in several documents of the Commission, but did not generate concrete policy output. It can be defined as a “preventive” conception and focused on measures designed to change the factors which influence people’s decision to move. This was most apparent in the so called “global approach”, a three-pronged strategy that the Commission has proposed in 1991 and 1994 to the Council and the Parliament as an action guideline to respond to the new challenges of migration in a cooperative way. Besides taking action on controlling immigration and strengthening integration policies, it called for “taking action on migration pressure, particularly through co-operation with the main countries of would-be emigration to Europe” (COM 1994: 11). Migration pressure according to the European Commission was related “to all actual and potential migratory movements directed towards Europe” (ibid:18). This perception in turn was linked to the notion of “root causes”, referring to a variety of forms that were said to make people move:

Economic disparities will generally represent the most significant pressure. Other pressures derive from demographic and environmental factors. In other cases the pressures relate to the human rights or political situation in the country of origin as would be the case for persons, in need of international protection. (COM 1994:13)

Thus, the causes of migration originated primarily outside the Community. The belief was, that the enhancement of development in the countries of origin could reduce the migration flows to the Union, thus stabilising migration pressure in the long term. Or in short: better development for less migration. Against the background of this perception, the Communication on Immigration of 1994 argues that actions on migration pressure equals ensuring that immigration and asylum policies are fully integrated into the Union external policies, and poses the questions, how to mobilize them through more targeted use of development aid, trade, foreign direct investment or foreign policy instruments as well as proposals to promote so-called reception in the region, namely support for refugee protection in countries or regions of origin (ibid:3).

In sum, this second type of understanding conceptualizes cooperation with third countries as cooperation for development in the interest of the Union’s preoccupation to address

destabilising migration pressures in the long term. Last but not least, it is characteristic that cooperation with third countries and migration control measures were not explicitly linked together.

However, both aspects of the policy discourse were not promoted with the same verve. Whereas cooperation on external border controls and asylum soon generated concrete policy output, the question of cooperation with countries of origin of migrants in the fight against the root causes of migration was remained constricted to declaratory documents, such as Commission Communications and European Council Conclusions. As many have argued, this strong bias towards europeanizing control instruments was also due to the then institutional framework (Boswell 2003: 623). Based on strong intergovernmentalism, it offered the home and justice ministries that had found their capacity for migration restriction at domestic level curtailed, a new platform of transnational cooperation. This also meant that there was little scope for intervention by the European Commission or the European parliament.

2.2 First moves towards a comprehensive migration policy

A major change occurred with the 1997 Treaty of Amsterdam that provided the legal bases to build an Area of Freedom Justice and Security (AFSJ), by moving cooperation on immigration and asylum from the so called third pillar to the more supranational first pillar. This implied a more robust role for the European Commission, not just in proposing policy, but also in negotiating agreements with third countries on immigration and asylum issues. Additionally, the second half of 1998 had seen a debate within the Council of ministers on possible new strategies on migration, animated by the then Austrian presidency. In a strategy paper, it emphasised that the EU had a crucial role in the reduction of migratory pressures in the main countries of origin of immigrants (Boswell 2003: 624). Although proposals on prevention only did feature in the paper as a combination with established control instruments and were only deemed appropriate for the so called third circles of countries (the major sending countries), this led the way to a more comprehensive approach, helping to slightly de-marginalize the more preventive approach to migration that had been advocated by the Commission in earlier Communications.

Soon after, a new institution, the High-Level Working Group (HLWG) on Migration and Asylum was set up within the Council of Ministers to prepare so called “cross-pillar Actions Plans” for selected countries of origin and transit. Still, the consistent focus of the JHA Council on readmission agreements (now in the competence of the Commission), border control and measures to combat irregular migration was predominant. But, less expected, the HLWG as a clearly Council-based group also included measures to address the causes of migration (ibid).

Thereafter this initiative was taken over in many ways by the Presidency Conclusion at the Summit in Tampere 1999 where the European Council acknowledged the need for an external policy geared towards meeting JHA concerns, including the development of preventive approaches. Two important elements were highlighted: First, a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit, and second, a concept for partnership with third countries that was considered a key element for the success of such a policy (EU Presidency Conclusions 1999: §10-12). The issue of “legal migration” was included in this

framework, based on the acknowledgement of the need for approximation of national legislations on the conditions for admission and residence of third country nationals, and “the development, in close co-operation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration” (ibid).

Yet, ironically, it can be said that while the root causes approach reached its rhetorical peak at Tampere, it soon faded in the misty regions of long-term-cooperation. In the following year, the notion of partnership, invoked at Tampere, was attenuated by the proponents of a strong migration management, i.e. effective migration control. A sophisticated methodology for dealing with third countries was set up, including selection criteria for cooperation, a monitoring mechanism, and, last but not least, a geographic hierarchy to indicate the most interesting countries for a possible cooperation with the Union. The overall aim thus shifted away from the idea to build partnerships with third countries in the interest of its socio-economic development, to third countries’ integration into EU migration control efforts in order to secure the Union’s vision of an ASFJ. Conditionality, that is the incitement for cooperation through the promise of rewards and the threat of sanctions, is inherent to this. Whereas until Tampere and under a different institutional setting, we deal with a strong separation between external policy and internal policy in the framing of migration cooperation, the period after it will blur this distinction. The nexus between internal and external policy will become the constitutive pattern for EU migration cooperation, designing the external dimension of migration cooperation as one aspect in the overall strive for better immigration control.

2.3 The restrictive back-lash and the externalization agenda

First attempts by the Commission to establish a comprehensive migration approach had little success. A first directive proposal to harmonize rules for channels of legal immigration did not pass the reading stage in the Council of the European Union. At the same time, general focus in cooperation with third countries continued to be on border control measures, the fight against irregular migration and security of documents. The Commission was asked to publish a series of Communications that aimed at providing a common framework to address the problems arising from irregular migration.

In return policy, closer co-operation with third countries was seen as a *sine qua non* for the success of the proposed policy:

The effectiveness of Community action for return of illegal residents is therefore an essential aspect for the credibility of any policy for fighting illegal immigration. But for it to be fully effective, it must fit smoothly into a genuine management of migration issues, requiring [...] enhanced dialogue with third countries, which will increasingly be invited to be partners in dealing with migration. (COM 2002b: 4)

First of all, this co-operation was deemed to develop at administrative and operational level to obtain return travel documents for illegal residents who were not in possession of valid travel documents. In addition, the intensification of co-operation should ease the readmission process at the points of entry, often at airports, when arriving in the country of return. In formal terms it should involve conclusion of readmission agreements, the importance of which had been underlined by the European Council at the Summits of Laeken and Sevilla in 2001 and 2002 (ibid: 9).

In the area of border control the fight against illegal immigration networks and trafficking, besides terrorism, was regarded as “priority question” and as a new challenge to internal security of a European Union in the process of expansion (COM 2002a: 5). The European Union’s external borders were regarded as a place “where a common security identity is asserted” and where “a clearly stated vision and common policy” (ibid.) was required to minimize major political and strategic risks that could ultimately block the expression of a viable Union policy on Justice and Home Affairs. With regard to third countries, two key elements were important. Firstly, to obtain a structured and coordinated management of borders, supported by a budgetary framework to share the financial burden fairly, with the aim to have the possibility “of responding in unison to the external dimension of the policy on checks and surveillance at external borders: the Union’s capacity to state its own policy is put to the test in negotiations or discussions with third countries, or on the occasion of technical work in international organisations in fields directly or indirectly affecting border checks” (ibid: 5). Secondly, the need to develop infrastructures in candidate countries and third countries to strengthen their borders and their capacity to tackle illegal immigration, organized crime and terrorism (ibid: 3).

The Union’s priorities were soon translated into its activities towards its neighbours to the East, which were candidates for membership, e.g. through the PHARE⁶ project, to the South, e.g. through the 2001 JHA regional programme in the MEDA project towards Southern Mediterranean Countries; the CARDS Regional program towards the countries of the Western Balkans; or the former TACIS Regional Justice and Home Affairs Programme towards Eastern Europe and Central Asia (COM 2002a: 18-19). In addition to these regional instruments, specific financial instruments were designed to deal with external migration policy, such as the budget line B7-667 between 2001 and 2003 or the subsequent programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS). These programmes, which financed predominantly projects relating to irregular migration, border control and migration management, reflect the notion of conditionality mentioned above with their preference for “those third countries actively engaged in preparing or implementing a readmission agreement initialled, signed or concluded with the European Community” (EC Regulation 2004:1).

In other words, in this period, the EU developed a set of positive incentives and negative sanctions geared to put pressure on its neighbouring countries to the east and the south to cooperate on migration control, including the conclusion of readmission agreements.

Furthermore, there was a restrictive shift in external policy that was dominated by the question of readmission and conditionality. Thus, the Summit of Seville in Summer 2002 introduced the so-called ‘migration clause’, a clause on joint management of migration flows and on compulsory readmission in the event of irregular immigration. From then on, such a clause was included in any new cooperation, association or equivalent agreement which the European Union or the European Community concluded with a third country.

Previously to Seville, Spain and the United Kingdom had launched an initiative aimed at making development aid conditional on third countries cooperating on migration control. Although it faced strong opposition, the initiative’s approach was integrated into the Seville conclusions that called for a systematic assessment of relations with third countries that

⁶ The Programme of Community aid, the main financial instrument of the pre-accession strategy for the Central and Eastern European countries before enlargement.

do not cooperate in combating irregular immigration. The Council concluded that “insufficient cooperation by a country could hamper the establishment of closer relations between that country and the Union” (EU Presidency Conclusions 2002: §35). In 2003, the Council for General Affairs set out a so-called monitoring and evaluation mechanism that selected a series of third countries to be monitored on their existing national legislation aimed at preventing and combating illegal migration, their implementation efforts in migration management, border control and interception of illegal immigrants, as well as their cooperation on readmission. It was reiterated that “insufficient cooperation could impede closer relations with the Union” (GAERC Conclusions 2003: XV). Last but not least, it is worth noting that the first Community budget program AENEAS – as stated in the regulation – aimed “to stimulate third countries’ readiness to conclude readmission agreements, and to assist them in coping with the consequences of such agreements” (EC Regulation 2004: 1). Discourse: Sum

To sum up, it can be said that the priority of effective control of the external borders, the speeding up of the conclusion of readmission agreements and more effective action against illegal migration constituted the primary concern, thus perpetuating the security focus in the political discourse. The notions of “partnership” or “cooperation” with third countries were integrated into a basically unilateral approach that prioritized European interests, with the use of conditionality. This is most visible in the three European Council meetings that followed Tampere, Laeken (December 2001), Seville (June 2002) and Thessaloniki (June 2003). Or in other words: Although the EU aimed at developing a comprehensive approach to migration, including both control and preventive measures, the bias towards a control oriented policy of externalization was distinctive. One of the most apparent institutional indications for this tendency is the virtually absence of development actors in these debates after Amsterdam and Tampere. Hence, development cooperation is rhetorically still present, but it only appears as an ill-defined long term strategy, without concrete policy output.

2.4 The EU goes international

In 2005 and 2006, a number of important regional and international dynamics had profound impacts on the EU migration discourse: Firstly, the tragic incidents at the Spanish enclaves of Ceuta and Melilla, as well as at various Greek and the Canary Islands provoked an external shock, accentuated through the media, and showed clearly once again that a one-sided approach had reached its limits. Secondly, the growing international debate on migration politics and policy, that was promoted through various publications (e.g. the final report Global Commission on International Migration), multilateral initiatives (e.g. the Berne Initiative) and international fora (e.g. the UN High-Level Dialogue on International Migration and Development), helped to standardize a new understanding of migration: that supporting the development of a country would not only reduce migration flows, but also that the migration of individuals could be harnessed for the benefit of the sending country, the receiving country and the migrants themselves alike. It focused on questions about the migration-development-nexus and made the issue of labour migration a topic of raising interest. Thirdly, at the internal level, there was a widespread recognition that the European Union will soon be in demographic decline. In this context, the starting internationally driven debate on labour migration that primarily redefined migration as positively connoted mobility enabled the renewed internal debate

to turn attraction to the need for workers at all levels of the labour market. To the backdrop of this changing environment, the EU reacted with varied activities on different levels.

2.4.1 Actions on the internal level: Introduction of the *Global Approach to Migration*

As a reaction to the disturbing events at the EU's southern borders, Head of States and Ministers at the informal European Summit at Hampton Court in October 2005; called for closer cooperation with Africa in the area of migration and the push towards a so-called "Global Approach to Migration" as a "balanced, global and coherent approach, covering policies to combat illegal immigration, and, in cooperation with third countries, harnessing the benefits of legal migration" (EU Presidency Conclusions 2005). The immediate aim was to "strengthen ... dialogue and cooperation with all those countries on migration issues, including return management, in a spirit of partnership and having regard to the circumstances of each country concerned" (ibid: §8). Within this new policy concept various traditional and new tools were put forward by the European Commission, such as dialogue initiatives on migration (e.g. Rabat I und II conferences), information and exchange tools (migration profiles/migration platforms), readmission and visa facilitation agreements or finally the mobility partnerships as the flagships tool of the Global approach. Regarding its understanding of cooperation, at least two characteristics, distinguishing it from a purely control oriented one, can be attributed to it:

Firstly, migration becomes a matter of globalization and mobility. The purpose of the Hampton summit was "to try and set a clear direction on how Europe responds to the challenge of globalisation" (COM 2005:). Migration figured amongst other topics as the future of the economic and social policy of the Union. Later on, the preparatory Communication for the UN High Level Dialogue on Migration and Development in 2006 will characterize international migration as "one of many expressions of the trend towards increasing globalisation":

In recent years increasing attention has been paid to international migration, to its management and to its impact on economic and social development both in countries of origin of migrants and in their countries of residence - not least against the background of demographic change, ageing societies and skill shortages in the industrialised world, on the one hand, and strong population growth combined with often insufficient job creation potential, low career prospects and persistently high unemployment in the developing world. (COM 2006a: 1)

The Global Approach's understanding of migration as a „global phenomenon“ (COM 2005d: 1) was reiterated in the EU declaration on Globalisation issued two years later in 2007 (Annex to the EU Presidency Conclusions 2007) which again perceived migration as an issue whose challenges have to be met and whose benefits for both the EU and third countries have to be reaped (EU Globalisation Declaration 2007: 4). The conception of migration as a global matter also entails a new political role that Europe has to assume, namely to perform its role as an „important actor in the global debate on international migration“ (COM 2006a: 1).

Closely tight to the globalized view on migration is its conception as a pattern of mobility. Interestingly, the term mobility - coining the concept of "Mobility Partnerships" in 2007 – first emerged in the context of the Commission's ill-fated 2000 Communication on a

common immigration policy. Migration was presented as a form of transnationalism which encourages migrants to maintain and develop their links with their countries of origin. This implies ensuring that the legal framework does not cut migrants off from their country of origin e.g. that they have possibilities to visit without losing their status in their host country, and of moving on or going back as the situation develops in the country of origin and elsewhere in the world (COM 2000: 8). Yet it was not after 2005, promoted by the international dialogue on migration and development, that the term “mobility” gained momentum within EU documents, now referring to a positively connoted form of migration that takes moving of people for work purposes as a fundamental facet for economic and social development. Managing mobility, not only within the EU, but also in cooperation with third countries, thus becomes a central goal in the EU’s overall migration policy in order to create win-win-(win) situations.

Secondly, the most apparent and important element of the global approach is its claim to be comprehensive. At the informal meeting at Hampton Court the list of priority actions was deemed to address “both the security and development aspects of migration” (COM 2005c: 1). Yet, just one year later, probably realizing the limited innovation of the original 2005 proposals, the Commission suggested including two additional policy areas in the Global Approach, such as legal migration and integration measures. The claim was, that „in this way, partnership with third countries will address the full range of issues of interest and concern to all involved“ (COM 2006c: 2).

This claim has finally developed into a fixed concept of policy linkage that plays an important role for the EU’s external actions in relation to migration issues. Thus the Global Approach nowadays comprises three thematic cooperation areas which are deemed equally important and linked together to make it comprehensive or as stated the Council in 2008:

The Council reaffirms that the Global Approach remains wholly relevant and that the guidelines identified in its earlier conclusions remain valid, particularly as regards the three components of the Global Approach (...): good organisation of legal migration, the effective prevention of and fight against illegal immigration and the strengthening of the relationship between migration and development. (GAERC 2008: 2)

In fact, this template reflects the Union’s claim to comprehensiveness, officially embraced in the Tampere Conclusions, which now explicitly is conferred to “the external dimension of the European Union’s migration policy”. This innovation has two important policy implications: Firstly, it provides at the same time an instrument to govern the European Union’s dialogue on migration issues in a way that does no longer allow to separate the three cooperation areas from one another so that e.g. irregular migration cannot be addressed without taking into account development issues, and, what’s maybe more important: also vice versa. As will be shown in the next chapter, the concept of Mobility Partnerships, promoted by the EU as one of the most important tools of the Global Approach, is indicative of this linkage. Secondly, it offers the Union a common policy framework which makes it possible to improve the integration of migration issues into the European Union’s external relations and into its dialogue activities in a coordinated and arranged way. Interestingly, the Member States are asked as well, to use this reference framework for their bilateral relations with third countries.

2.4.2 Actions on the external level: Multilateralism and renewed strategic partnerships

The EU's reactions on the external and multilateral level are at least dual tracked: a) the Union's supports several multilateral dialogue initiatives such as the High Level Dialogue on migration and development or its follow-up meetings and b) it starts to rebuild its existing cooperation frameworks with groups of third countries by launching new partnership initiatives such as the EU Africa Partnership, the bi-regional strategic partnership with the LAC-countries, the Union for the Mediterranean as well as later on in 2009, the Eastern Partnership. At the same time, specific declaration or chapters on migration cooperation are inserted into these renewed cooperation frameworks. The latest forum, created to enhance cooperation in a focused geographic area, was a conference in May 2009, hosted by the Czech Presidency, that aimed at building migration partnerships with a number of third countries to the East and South east of the European Union.

At least, two characteristics mark these activities: First of all, as hinted at above, the three-ponged cooperation template of *the Global Approach was introduced as a benchmark* for the intended dialogue and fixed in the internationally or multilaterally agreed declarations on migration. In the bulk of relevant documents we find that at least the two main cooperation areas, security and development, are intrinsically linked. This is true not only for the strategic partnerships such as the one with Africa or the neighbourhood countries, but also for regional conferences as Rabat I and II as well as for multilateral fora such as the UN High level dialogue on migration and development.

At the Rabat I conference on migration and development which took place in Summer 2006 and brought together EU Member States with a number of African countries of origin and transit in North, West and Central Africa, in the aim of identifying joint action on migration along specific migratory routes, the signatories adopted a „comprehensive, balanced, pragmatic and operational approach“. They are

aware that the destinies of our countries are linked and that only the development of an effective, rapid and tangible solidarity *embodying both the imperatives of sustainable development and security* for all will be able to offer a lasting answer to the management of migratory flows“ as well as “conscious that the management of migratory flows cannot be achieved through control measures only, but also require a concerted action on the root causes of migration, in particular through the implementation of development projects in Africa” (*own emphasis*) (Rabat declaration:1)

It was agreed that the partnership will address the migratory phenomenon from all points of view deemed relevant by the partner countries, such as making better use of the potential of legal migration, enhancing migration management, controlling borders, promoting the synergies between migration and development and the fight against illegal migration, including readmission of illegal migrants, and trafficking in human beings. Signatories also committed that they were fully aware of their responsibilities for "Cooperation in terms of Development" and "Cooperation in managing migratory flows" (ibid: 3).

Finally, at Rabat II in November 2008, the final Declaration reemphasized the importance of this approach when the Signatories agreed on the wording that:

une coopération permanente, basée sur un partenariat global et multidimensionnel, doit être développée entre pays d'origine, de transit et de destination, *mais qu'elle ne sera efficace que si elle embrasse à la fois l'organisation de la migration légale, la lutte contre la migration irrégulière et la recherche de synergies entre migration et développement*" (Final Declaration: 2)

Furthermore, the EU Statement at the High Level Dialogue on Migration and Development made a connection between the principle of shared responsibility of countries of origin, transit and destination and the mechanism of a flexible cooperation framework:

Shared responsibility calls for enhanced cooperation between States to better manage migration, taking into account the interests and concerns of all countries involved. The Commission believes that such mechanisms offer a flexible, non-binding framework for identifying solutions to shared challenges, from fighting trafficking in human beings to improving the channelling of migrants' remittances and fostering 'brain gain' and 'brain circulation'. (COM 2006a: 4)

The incorporation of the Global Approach also is evident in the case of the EU's broader cooperation agreements. Thus, the Joint Africa-EU declaration on migration and development of November 2006 (Tripoli) agreed to address, "within the framework of partnership for development, the migration phenomenon and the opportunities and challenges posed by it in the following key areas for cooperation: migration and development, protection of refugees, illegal or irregular migration, regular migration" (European Union 2006: 5). The corresponding action plan then formed one of the priority actions concluded in the later EU-Africa Partnership on Migration, Mobility and Employment. There we find a wide range on action proposals, including the facilitation of mobility, better management of legal migration between Africa and the EU, addressing the root causes of migration and refugee flows, tackling irregular migratory flows, co-development projects, enhanced cooperation in all domains in the fight against illegal or irregular migration, including reaching agreements on the issues of return and readmission of illegal migrants to their country of origin, as foreseen by the Tripoli Declaration etc.⁷

Also one of the latest initiatives in this international context, the structured dialogue on migration between the EU and the countries of Latin America, reflects well this Global Approach pattern. In the joint press release it was stated the following:

In the framework of the Dialogue, Parties will exchange views in three main areas - *link between migration and development; regular migration and irregular migration* – within which they will touch upon various subjects, such as root causes of migration and its mutual benefits for countries of origin and destination; migration and the issue of human rights, including protection of migrants in accordance with international obligations; the fight against all form of discrimination, racism and xenophobia; legislative and administrative measures applicable to migrants in irregular situation as well as issues related to return on a dignified basis and voluntary return. In addition to that, the Parties will also

⁷ EU-Africa Partnership on Migration, Mobility and Employment, p. 1. See: http://ec.europa.eu/development/icenter/repository/EAS2007_action_plan_migration_en.pdf#zoom=100, s.1

discuss measures to combat trafficking in human beings and smuggling of migrants and the prevention of document fraud.⁸

The argument here is not to judge the validity of the Global Approach, but to point at the process how its elements turn out as a standard setter in the international dialogue on migration. In this context, it is important to note, that actors from southern countries critically pointed to the Union's control oriented approach to migration. For example, in the "African common position on migration and development" that was elaborated by the African Union previously to the Tripoli Conference, the proponents remained concerned

that the emphasis on addressing illegal or irregular migration has been only on security considerations rather than on broader development frameworks and on mainstreaming migration in development strategies (African Union 2006: 2)

Thus, the concept of a comprehensive framework can also be understood as a proposal to integrate the concerns of future partner countries into the EU agenda. At least, its success proved its right. Still, it is somehow striking to see how control-oriented expressions still find a predominant place within this approach. For example the "Declaration by the European Council on the Eastern Partnership" of 2008 states the following on the issue of migration:

The Eastern Partnership will promote mobility of citizens of partner countries through visa facilitation and readmission agreements. The EU, in line with the Global Approach to Migration, should also take gradual steps towards full visa liberalisation as a long term goal for individual partner countries and on a case by case basis *provided that conditions for well-managed and secure mobility are in place* (Declaration on Eastern Partnership, annexed to EU Presidency Conclusions 2009: 12) [Own emphasis]

Another example is the Tripoli Declaration on migration and development, agreed on by the EU and the African Union at their first Ministerial Conference on Migration and Development in 2006. Here, we find „weak“ wordings like the one that the „management of illegal or irregular migration should not compromise human rights“ (European Union 2006: 2) or the agreement that „illegal or irregular migration cannot be addressed by security considerations only but should be based on broader development frameworks and on mainstreaming migration in development strategies“ (ibid, own emphasis). In contrast to this soft speaking, the same declaration contains „strong“ expressions such as the following:

the prevention and control of illegal and irregular migration must be strengthened in a cooperative and comprehensive way and that all EU and African countries *have a duty* to cooperate fully (ibid). [Own emphasis]

A second characteristic is that *its political discourse abounds with rhetoric references to a „partnership approach“* such as shared responsibility or solidarity, thus echoing and sustaining the global debate on migration at the same time. One of the most illustrative statements is the preparatory Communication for the UN High Level Dialogue on

⁸ Joint Press Communiqué on the launch of the EU- LAC Structured Dialogue on Migration. See <http://www.eu2009.cz/en/news-and-documents/press-releases/joint-press-communicue-on-the-launch-of-the-eu-lac-structured-dialogue-on-migration-26644/>

Migration and Development where the European Commission called for „partnerships for a shared responsibility“:

The EU believes that managing migration is a shared responsibility of countries of origin, transit and destination. This is all the more important as the distinction between these three categories of countries becomes increasingly blurred. Shared responsibility calls for enhanced cooperation between States to better manage migration, taking into account the interests and concerns of all countries involved. (COM 2006a: 4)

At Tripoli the parties recognized in a joint declaration that migration is a „common challenge for Europe and Africa“. It was agreed that solutions

can best be found together and ... that meeting the concerns and interests of countries of origin, transit and destination alike, as well as the migrants themselves is an essential part of migration management. (European Union 2006: V)

This wording was then reiterated in the Declaration on the Africa-EU Partnership in 2007 which incorporated the Tripoli declaration into the special Partnership for Migration, Mobility and Employment. It can be headed as an inclusive approach which claims to let all parties involved on board and makes shared responsibility to a constitutive element.

In the same way, at the launching of a structured dialogue between the EU and the LAC-countries in 2009, when the representatives of both regions formally adopted the joint document “Basis for Structuring the EU-Latin American Dialogue on Migration”, they stated the following:

Based on the principle of shared responsibility, we will develop a comprehensive approach on international migration, including the orderly management of migratory flows, focusing on the mutual benefits for countries of origin and destination, and fostering the recognition and public awareness of the important economic, social, and cultural contribution of migrants to the host societies.⁹

Thus, we can witness the emergence of different rhetoric elements that stipulate a „partnership approach“. They mainly focus on „shared responsibility“ with a view to the belief that migration constitutes a „common challenge“ engendered by the dynamics of globalisation. It is also important to note that the responsibility for managing migration sometimes also includes non-state and private actors. In this context, documents rather use the expression of “migrants in a irregular situation” or they use the notion “illegal or irregular migration”.

Another interesting insight is that this rhetoric on partnership is emphasized in documents surrounding the Union’s activities in reviving existing cooperation frameworks with third countries for example in the new EU Africa Partnership. This strategy not only called for the reinforcement for the basic principles that should govern the EU-Africa relationship, most prominently equality, partnership and ownership (COM 2005g: 1), but at the same time was underlined by the implicit “making of partners”. Thus, “equality” refers to the belief that the birth of the African Union (AU) and the African Regional Economic

⁹ See Council of the European Union: Lima Declaration “Adressing our peoples priorities together” of 16 May 2008, Doc. 9534/08, §27.

Communities (RECs) on the one hand and the consolidation of European integration on the other “have created a new and more symmetrical institutional framework for relations between Europe and Africa, between the EU and the regional and continental institutions.” “Equality” in this sense does not only go with mutual recognition, mutual respect and the definition of mutual collective interests, but it also has implications for the notion of partnership:

The EU is not only a donor of development aid, but also a political and commercial partner. Its relations with Africa therefore not only encompass development issues, but also include broad, concrete and constructive political dialogue. [...] This partnership must also be based on mutual responsibility and accountability, which includes the mutual respect for human rights and fundamental freedoms. (Ibid: 3)

The other principle underpinning the renewed strategic partnership between the EU and Africa is ownership. It points to the belief that “the EU should consistently and collectively support Africa and country-owned strategies and policies” and that this will add a new dimension to the dialogue and cooperation with each country (COM 2005g: 3). These principles are not new, but their emphasis in the EU Strategy for Africa underscores the EU's determination to see these countries as “real partners”. This view, headed as “New realities”, was expressed in 2007, when the Commission published a new Communication setting out the guidelines for a renewed EU Africa Partnership. In relation to its partners, the Commission stated:

Africa is now at the heart of international politics, but what is genuinely new is that Africa – and the African Union (AU) in particular –is emerging, not as a development issue, but as a political actor in its own right. It is becoming increasingly clear that Africa matters – as a political voice, as an economic force and as a huge source of human, cultural, natural and scientific potential. “ (COM 2007f: 1)

Derived from this view on the future partner, the Commission concludes that the EU and Africa should be “therefore working together to strengthen their cooperation at the political level and lay the foundation for a long-term strategic partnership”. This new framework should also go beyond development cooperation, in the sense that “the agenda will be opened up to include all political matters of common concern and common interest”:

It will also better and more systematically seek to exploit the contributions that other policies, such as trade or research, can make to the partnership. At the same time, the nature of the relationship will go beyond the donor-recipient relationship of the past and reflect a *political partnership of equals*. (Ibid: 2) [Own emphasis]

In the case of EU and Latin America and the Caribbean we can witness a similar path, although it has not developed as deeply as the EU-Africa cooperation on migration. In its communication on the revival of this partnership the Commission portrayed the region as a „friend“ of Europe and as an actor whose „political weight on the international stage is growing.“ On the economic front, Europe is presented as a key trading partner for Latin American and common points of reference are made up in the cultural sphere. This understanding of partners leads the EU to the call for developing “effective sectoral

dialogues” with a view to contribute, amongst others, to the stability and prosperity of the region (ibid: 31) that later on led to the so called “Structured and comprehensive bi-regional dialogue on migration”.

The reason to describe these emphasized partnership elements here, namely that the EU started at the same time to embed specific partnerships for migration within these renewed arrangements, for example the Partnership on Migration, Mobility and Employment within the EU Africa Partnership, the special section on mobility and security within the Eastern Partnership or, as mentioned above, the new dialogue framework in the context of the new Strategic Partnership between the EU and the LAC countries. Hence, it could be said, that the EU put cooperation on migration under the heading of an enforced overall partnership discourse, thus underlying the partnership approach – at least on the rhetoric level.

3 The ambiguous case of EU mobility partnerships

3.1 The emergence of mobility partnerships

It was within this rich context of changing dynamics that the mobility partnerships definitely came to fore. In December 2006, the European Council, in its conclusions called the Commission to explore further in the coming year, „how legal migration opportunities can be incorporated into the Union's external policies in order to develop a balanced partnership with third countries adapted to specific EU Member States' labour market needs”, as well as the “means to facilitate circular and temporary migration” (EU Presidency Conclusions 2006: 8). Shortly after, in May 2007, the Commission replied with a Communication specifying the concept of mobility partnerships to improve the management of legal movements of people between the EU and third countries, while stressing that countries benefiting from these measures should ready to make significant efforts to fight illegal migration. After the Communication on the Mobility Partnerships had appeared things went fast: The Council for Justice and Home Affairs as well as the Council for General Affairs charged the Commission with the consultation of the Member States and other institutions about their country preferences. In the December conclusions the European Council welcomed the outcome of this consultation and reaffirmed the decision to open dialogue with a view to launching pilot mobility partnerships with Cape Verde and the Republic of Moldova. Half a year later, in summer 2008 the Commission as well as several member states signed the Joint declarations on mobility partnerships with both countries, and dialogue started with other countries that pronounced their willingness to engage with the EU in such a joint system of migration management.

3.2 Do mobility partnerships represent a shift towards a partnership oriented cooperation with third countries?

This last chapter would like to show how the varying understandings of cooperation, outlined before, have influenced the very nature of mobility partnerships. The main argument here is to say, that mobility partnerships – although adhering to a period coined by a strong partnership discourse and embracing some of its elements – still carry the legacy of traditional policy concepts that care more about security aspects of migration than about its positive potential.

The so far two mobility partnerships were signed in the form of joint declarations in June 2008 between the European Commission, several Member States and the two third countries respectively.¹⁰ It is now interesting to see, how the preceding Communication (COM: 2007b) on the mobility partnership concept and the following declarations differ. As outlined in the Communication, that came up with the basic concept in the context of the Global Approach to Migration, mobility partnerships are explicitly based on the principle of conditionality, i.e. only countries that fulfil certain conditions can be considered for such a partnership. Defined as the “overall framework for managing various forms of legal movement between the EU and third countries” they only will be agreed with countries “once certain conditions have been met, such as cooperation on illegal migration and effective mechanisms for readmission”(COM2007b:3). The Union thus explicitly expects third countries’ commitment to cooperate in the fight against irregular migration. In exchange, the Union’s list in the Communication does not contain „expected“ commitments, but only possible, discretionary ones (e.g. offering labour quotas, facilitation of remittances or economic and social reintegration of returning migrants etc.).

Moreover, this conditionality determines the selection process for the establishment of Mobility Partnerships. According to the GAERC (2008), the factors that influence the selection process include first of all the benefits for the reduction of illegal migration flows from the country concerned; plus the economic and social situation of the third country; appropriate migration profiles; existing cooperation frameworks; the willingness and capacity of both sides to become involved in the partnership in a constructive and active manner; the need to cover the diversity of migration routes. Thus, it is surely no coincidence that both countries selected play a crucial role as transit and/or source countries for irregular migrants coming primarily from West Africa respectively from the East. Moreover, the EU had already intensified cooperation with the concerned third countries in the area of fighting irregular migration before the signing of the Mobility Partnerships.¹¹ And just few months after it, in November 2008, the Commission recommended that the Council start negotiations for visa facilitation and for a readmission agreement with Cape Verde.

Thus, this understanding of cooperation clearly reflects some of the conditionality instruments which were so prominent in the migration policy debates between 1999 and 2005 (see above). At the same time; mobility partnerships mirror the apparent shift in discourse about migration after 2005 on by incorporating a positive conception of migration (as mobility), but first of all, by embedding the migration control rationale into a comprehensive understanding of migration management. At the ceremony of the signing of the Joint declarations, the Vice-President of the European Commission responsible for justice, freedom and security, Jacques Barrot, stated the following:

Through ... mobility partnerships, the European Union is taking practical steps to commit itself to managing migration in a coordinated and

¹⁰ Thus, for example, in the case of the Mobility Partnership with Cape Verde, Spain, Portugal, France and Luxemburg signed the agreement, while in the case of Moldova, 14 Member states have signed.

¹¹ Examples of this cooperation include projects such as the Seahorse Network, funded by AENEAS and including several West African countries as well as Cap Verde, or the EU Border Assistance Mission to Moldova and Ukraine (EUBAM). Lately, the Management Board of Frontex was given a mandate to start negotiations with Cape Verde as well as Moldova. In the latter case a working arrangement has now been signed. See <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2008-3811&language=SV>

responsible fashion, which should better equip both the Union and its partners to meet the challenges posed by migration and to take full advantage of the opportunities it offers.¹²

This quote summarizes nicely the main elements of the “new” understanding of migration identified above. Migration cooperation is addressed in a comprehensive manner with the aim to benefit all stakeholder involved. Besides a broad range of actors, including the diaspora and potentially being involved in the implementation, existing mobility partnerships contain three policy fields (irregular migration, legal migration, co-development¹³), thus standardizing the three-ponged dialogue template of the Global Approach for any negotiations.

Yet, it is interesting to see, that apart from a comprehensive policy linkage, strong partnership elements, as present in many multilaterally agreed declarations are hardly to find, neither in the joint declarations on Mobility Partnership nor in the foregoing Communication. Hence, the term „partner countries“ appears rarely in the outline of the concept (restricted to the part about possible projects) and not at all in the Joint declarations on the Mobility Partnerships. Other terms such as “shared responsibility”, “common interests” or “ownership” are not included in any of the documents. The only reference point is in the Joint declarations where the “the benefits and opportunities” are noted that “a well managed migration can bring to migrants and to the Signatories alike” (Council of the European Union 2008a/b: 2).

From this outline, we can conclude the following: On the one hand, Mobility Partnerships, as presented in the official discourse, aim to provide a platform for a political dialogue on cooperation on migration and development issues, based on a spirit of partnership. On the other hand, the understanding of partnership and cooperation that underpins Mobility Partnerships still includes decisive elements of a restrictive approach to migration, including the security bias and the conditionality approach. Thus, mobility partnerships do reflect the shift in the ways how cooperation with third countries in the European Union has it been conceptualised in the years after 2005, yet, at the same time, they still adhere – mainly on the level of policy mechanism– to the migration control rationale inherent in the policy concepts after Tampere.

This illustration may also explain why mobility partnerships generally meet high political support and serve as a model to represent the EU as a frontrunner in their cooperation with third countries: They allow a more partnership oriented approach without changing the “traditional” core principles of cooperation. True, the tragic events in Ceuta and Melilla, the difficulties encountered with a one-sided externalization policy focused on repressing undesired migration flows, and probably also the ideas exchange in global UN fora and else-where have prompted a significant reconsideration of the dominant approach. Yet, the comprehensive turn in the EU’s migration policy has only been possible through an accommodation of the hitherto dominant focus on migration control,

¹² See Press release „The European Union and the Republic of Moldova enter into a mobility partnership“ of 5 June 2008 (IP/08/893)

¹³ The Joint Declaration documents of both partnerships share the same basic structure, divided into three parts, a chapter on the implementation and an annex with a long list of specific proposals for action. Yet, the contents of the two document differ slightly: in the case of Cape Verde a special focus is on the implementation of a better framework for legal mobility, including the encouragement of circular labour migration, whereas in the case of Moldavia, projects on border control, security of documents and the fight against irregular migration dominate.

including the use of conditionality in external relations, with (still less well formulated) partnership-oriented elements such as channels for legal migration and opportunities for development. While established patterns of cooperation persist, the EU's international activity and its blurring discourse on partnership, that owns much to the similar discourse on partnership for development, helped to build mobility partnerships by referring to the Global Approach and its three-folded policy linkage, thus providing a favorable framework to meet the political demands of readmission and combat against illegal migration. The Commission's statement in 2008 which called for an intensification of readmission efforts by „placing the readmission policy more firmly within the Global Approach and its priorities and using the potential of mobility partnerships“ may be revealing in that (COM 2008c: 7).

The question arises, in which way this ambiguous setting of mobility partnerships may influence their practical implementation and what other factors may affect the output and foster or impede the establishment of a genuine dialogue. For example, they are based on the assumption that third countries are necessarily interested in partnering with the EU. Another key factor is, that the interests of the EU in the fight of irregular migration and border security seem to dominate the agenda.

Regarding the practical implementation of mobility partnerships, there are already a few hints reflecting this ambiguous setting. Striking is the strong security bias from the side of the EU. In fact, the first part of the Joint Declarations, concerning irregular migration takes priority over the other two (regular migration as well as migration and development), which is expressed for example in the dominant role given to Community security institutions like Frontex or Europol, or the fact that at the signing of the declaration – interestingly enough, this happened at the margin of a Justice and Home Affairs Council meeting – almost exclusively ministers in charge of Justice and Home Affairs were present. This bias towards security issues is also evident in the focus on control oriented projects which are more accurately formulated and under the joint lead of several Member states as well as the two security institutions, in contrast to projects in the area of development, which are mainly concentrated on maintaining or extending existing development projects and are mainly Member states driven, without powerful Community institutions.

However, this does not mean that Mobility Partnerships are necessarily in the sole interest of the EU and automatically disadvantage third countries. Rather, this new frame may also open new possibilities to them. Hence, the EU simply cannot take all these promises back that easily. Rather they form a new standard for dialogue that third countries may use as a vehicle to push their own interests. The project proposals in the Joint declarations show that Cape Verde and Moldova reached at least to insert specific elements of their own agenda be it increased economic integration or additional funding, the prospect of labour quotas, better use of remittances or better integration for their nationals residing in EU territory. Furthermore, ongoing negotiations with other third countries clearly show that such natured agreements are difficult to impose upon unwilling countries. In the case of Senegal for example, the negotiations, started in June

2008, appear to have discontinued at the time of writing as the results of the Senegalese dissatisfaction with what they were to receive in return for EU's terms.¹⁴

To this backdrop, mobility partnerships may be seen as a new tool of governance, but not primarily for migration but for a range of things. Hence, they rather constitute a new diplomatic or foreign softpower for dealing different interests between unequal partners, whereby the principally broader room to negotiate may distribute new power constellations. The question, how these specific power relations between the partners are constituted and how they are played out in the context of the negotiations and implementations of Mobility Partnerships will be the subject of the second stage of this research project.

¹⁴ Chou 2009: 10.

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