

Extension of Mobility Partnerships with Euro-Mediterranean Partners

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In the wake of the historic events that spread from Tunisia to Egypt, Libya and the Middle East within a matter of weeks, it seemed that there might be an opportunity for a new impetus in the EU's migration management policy in the Mediterranean. A few weeks after the Jasmine Revolution, the EU outlined proposals for a "Dialogue for Migration, Mobility and Security" with Morocco, Tunisia and Egypt, and possibly also with Libya. These new proposals included the negotiation of Mobility Partnerships (MPs). The EU's proposals are welcome when seen within the wider context of the generally restrictive migration policies (in terms of both narrative and practice) that have had a particularly negative impact on the Mediterranean Basin, a region that has traditionally been home to exchange and mobility.

However, moves towards a mutually beneficial approach to mobility appear less significant upon closer examination. The implementation of MPs, and their relevance for Southern Mediterranean countries, is not the only issue at hand. The negotiation of MPs with Euro-Mediterranean countries is likely to fall short of its promises; they come at a time when profound questions are being raised about the Union's political will to implement inclusive and genuinely mutually beneficial migration policies on the one hand, and the intensification of the securitisation and externalisation of border controls to non-EU countries on the other.

Making Circular Migration Attractive

Purpose Served

The concept of Mobility Partnerships appeared for the first time in the European Union's 2007 *Communi-*

nication on circular migration and mobility partnerships between the European Union and third countries. MPs were presented as a new tool to promote legal migration, mainly targeting economic migration. Other short-term migrants, such as tourists or family members visiting relatives, were posited as potential beneficiaries. MPs were presented as capacity-building partnerships and included: border management and border security, job-matching services and visa facilitation for third-country nationals whose skills match the demands of the EU's labour market, information on the risks of irregular migration, and support to remittance schemes for the diaspora.

MPs are signed by the EU but implemented only with interested EU Member States. The nature of the co-operation varies depending on the country's needs and on which EU Member States participate. To date, MPs have been signed with Georgia, Moldova, Cape Verde and Armenia. Such partnerships appear to be a consensual solution between two driving forces in the EU: a neo-liberal understanding whereby migration is meant to address labour shortages and demographic challenges (EU 2020 Strategy), and neo-nationalist voices flagging the threat of irregular migration and cross-border crime (Feldman, 2011).

MPs are allegedly "mutually beneficial" to the three parties involved:

- To EU Member States (tailored mobility based on their needs) and the EU (regulated migration and improved border management, as well as development in neighbouring countries thereby limiting the push factors that lead to migration to Europe);
- To the partner countries (enhanced mobility for their citizens, expected positive economic feedback with more highly skilled nationals and remittances, and more secure borders); and
- To the migrants (visa facilitation, economic prospects in the EU, and participation in the development of one's country).

The Bargaining Power of the EU

Conditionality is a Major Component of MPs

“The implementation [of MPs] will be conditional upon a genuine commitment from the third-countries concerned to readmit irregular migrants who are not entitled to stay in the territory of the Member States and take effective action aimed at preventing irregular migration, establishing integrated border management, document security and to fight organised crime, including trafficking in human beings and smuggling of migrants” (European Commission, Communication, 2011:248 final).

The EU negotiates MPs on behalf of interested Member States, but their implementation depends on the conclusion of bilateral agreements between the Member States and the partner country

Aware of the limits of a purely conditional strategy, the EU has developed incentives (mobility facilitation) and presented the attached conditions as part of a win/win/win approach: by bringing to the fore the “human dimension of migration and development policies,” the security agenda of the MPs gains legitimacy and support. Migration policy has been integrated as an element of the EU’s external policy: “maximising the development impact of migration and mobility” is now an operational priority (European Commission, GAMM, 2011). Circular migration and the temporary or permanent return of the diaspora, rather than an attempt to take advantage of disposable migration, are presented as ways to “mitigate brain drain.” “One-stop-shop” information centres in third countries warning against the risks of irregular migration, cooperation with Frontex and the securitisation of borders officially aim to save lives and fight against transnational and cross-border criminality.

Limits to Mobility Partnerships

MPs suffer from several weaknesses. First, they are not legally binding, and no monitoring mechanism is put in place to ensure their proper implementation in line with the set objectives. This lack of commitment

from the EU exemplifies the power balance at play in MPs, to the disadvantage of the partner countries (Restlow, 2011). Should third countries cease to abide by the EU’s wishes in terms of border security and migration management, the conditionality clause would apply and visa facilitations would be suspended. In contrast, should participating Member States not commit to the agreement, the only pressure left for partner countries would be to put an end to border management, a decision with which the EU may be able to cope (e.g. using Frontex and the Returns Directive) but whose ultimate consequence would be a severely negative impact on migrants. A further element of this power imbalance relates to the implementation of MPs: the EU negotiates MPs on behalf of interested Member States, but their implementation depends on the conclusion of bilateral agreements between the Member States and the partner country.

A second weakness relates to the total emphasis on the link between migration and development. Indeed, should migrants be seen merely as entrepreneurs? Permanent migration or family reunion is hardly mentioned in official MP documents. Moreover, looking at the partnerships that have already been implemented with some countries, visa facilitation applies to short-term labour migration, making it difficult for migrants to access long-term residence in the EU. But what certainty is there that when migrants return after only a short stay in Europe they will succeed as entrepreneurs in their countries of origin? What about the individual’s readiness or willingness to return to his or her country of origin? What about the capacity of said country of origin to capitalise on, or “absorb,” its returning nationals (Héraud, 2009)? All these questions are left undressed.

Mobility Partnerships in the Mediterranean

The Post-2011 Context: Security Above All

The EU’s celebration of its neighbours’ fight for democracy put the Union in a delicate situation. On the one hand, the EU had a moral duty to open up to those whose freedoms had been denied so long that was concomitant with its ongoing desire to attract skilled migrants. On the other, the constant concern regarding irregular migration intensified with the arrival of migrants from Tunisia and Libya last year, re-

opening the debate on free movement in the Schengen area for third-country nationals and on the “porosity” of the EU’s external borders. Combated by all possible technological and legal means, irregular migration is definitely the focal point of EU migration policy in the Mediterranean.

In this respect, an MP with Morocco will probably finally lead to the signing of a readmission agreement with the EU. Since the early 2000s, and particularly once its cooperation with the EU was awarded “advanced status” in 2008, the kingdom has managed to resist pressures to sign a readmission agreement. The negotiation of readmission agreements may not yet be on the MP agenda for the other countries of the region, but cooperation with Frontex and the potential conclusion of Working Arrangements with Northern African countries, as announced in the Agency’s 2012 Work Programme, certainly are. Working Arrangements especially facilitate the return of irregular migrants, particularly when they are intercepted at sea or sent back during joint return flights. In this context, it should be recalled that relations with third countries are crucial for the EU to achieve an efficient and comprehensive border management system. The upcoming launch of EUROSUR (the European Border Surveillance System), in which Frontex will play an important role, is supposed to improve the EU’s capacity to react to “threats” and undesirable elements (or persons) at its external border. In particular, EUROSUR will permit the creation of “pre-frontier intelligence pictures,” which will supposedly provide the capacity to identify before they reach the EU border, track and ultimately intercept suspected or proven “targets” before or when they reach EU territory. The ability to track “targets” beyond the EU’s borders will depend heavily on the cooperation of third countries. Besides, as the EU is intending to increase the use of biometrics to “ensure secure mobility” (via “smart border” mechanisms), regular migrants entering the EU will probably be registered in the upcoming Registered Travellers Programme. The EU is thereby extending its capacity to control mobility far beyond its jurisdiction, gathering up personal data from ever more countries in the world.

What Added Value for Euro-Mediterranean Partners?

Are MPs a way to bring new impetus to a near lifeless Barcelona Process? The aims of the third edi-

tion of the Euromed Migration project are remarkably similar to those of the second. It will “seek to promote legal migration channels, workers’ mobility, as well as synergies between migration and development. It will also support the fight against illegal migration and the strengthening of the border management capacity.” Will a bilateral and “differentiated” approach be more successful? This is far from certain, given the lack of added value provided by MPs to third countries.

The partnership’s advantages are limited to certain countries, while readmission agreements would apply to the EU as a whole. Moreover, there is hardly any prospect for visa liberalisation

First, many bilateral agreements, most of them guaranteeing the portability of social and economic rights, already exist between Southern Mediterranean countries and the EU Member States that are major destinations for their nationals. The bilateral agreement between Spain and Morocco on circular migration, the Integrated Management Information System co-funded by the IOM, Egypt and Italy, the bilateral agreement between Greece and Egypt on seasonal labour migration, Tunisia’s bilateral agreements with Italy on readmission and seasonal work, and Tunisia’s bilateral agreements with France on the joint management of migration are examples.

Second, the fragmented approach whereby the implementation of MPs opens the door only to circulation in some Member States is debatable: the partnership’s advantages are limited to certain countries, while readmission agreements would apply to the EU as a whole. Moreover, there is hardly any prospect for visa liberalisation. Visa facilitation, whereby mobility remains conditional upon visa issuance, is favoured by the EU, especially in the context of the instability in the Southern Mediterranean (Restow, 2011:17)

Third, due to the economic crisis faced by the EU and the upsurge in nationalist rhetoric and policy that seeks to strictly limit the ability of third-country nationals to enter the EU, it is not clear that the EU’s incentives will be enough. In contrast, the EU is like-

THE EUROPEAN COMMISSION'S RESPONSE TO THE MIGRATION AND MOBILITY CHALLENGES OF THE ARAB SPRING

On 24 May 2011, the European Commission issued a **Dialogue for migration, mobility and security with the Southern Mediterranean countries**. This communication, along with the initiatives proposed by the Commission towards a more structured and comprehensive approach to the challenges and opportunities of migration, proposed to address the new challenges – imposed by the Arab revolts- in the area of migration and mobility, through the implementation of a **Dialogue for migration, mobility, and security** between the European Union and the Southern Mediterranean countries. This dialogue would be in line with the objectives of the EU's Global Approach to Migration and the EU Neighbourhood Policy and was inspired by the Communication on migration released by the Commission on 4 May 2011.

Since the very beginning of the Arab Spring the EU implemented different programmes and partnerships in order to evacuate and assist the people in need in Libya and in neighbouring countries on the one hand, but also to respond to the Southern countries' call for democracy on the other. In addition, different missions were put in place aimed at helping countries such as Italy, to face the massive arrival of migrants and asylum seekers from Tunisia and Libya. Besides these measures, the Commission considers that there is a need for the European Union to develop a structured and sustainable plan aimed at enhancing solidarity between the Member States, as well as a need for the implementation of measures for the development of capacities focused on the management of migration and asylum seeker flows in the Mediterranean. In the short and medium term, these measures should continue to provide funds for humanitarian, financial and technical assistance to EU Member States through the strengthening of the competences of FRONTEX. Moreover, additional resources should be provided in order to support

the Member States facing emergency situations, as well as the implementation of a regional programme aimed at enhancing the possibility to assist and resettle asylum seekers and refugees in the Southern Mediterranean region. In addition, a set of longer-term measures has also been developed to fight the root causes of migration through cooperation with Southern Mediterranean countries in order to improve economic and social development. This cooperation should also be aimed at ensuring a regular process for migration from Southern countries, as well as promoting a mutual understanding between the European Union and third countries. The **Dialogue on migration, mobility and security** "will support and encourage reforms aimed at improving security [...] and an enhanced mobility to the European Union for the citizens of the partner countries, through the tailored and bilateral implementation of Mobility Partnerships between partner countries and EU Member States. This communication illustrates the focus of the EU institutions and Member States on securing the external borders of the Union, as well as on the continuous fight against irregular migration. While the communication announces a dialogue between the EU and Southern Mediterranean countries, the bulk of the measures announced concerns the allocation of budgets and missions aimed at reinforcing external border controls.

For further information:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0292:FIN:EN:PDF>

http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v11.pdf

http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v9.pdf

ly to push hard for the border management and security elements. These contextual aspects are reinforced by the EU's ongoing tendency to provide less financing for labour migration than for other aspects of its migration policies. This has been confirmed by a former official from the DG Home Affairs of the European Commission: "In 2007–2010, the Thematic Programme on Migration and Asylum spent relatively less on labour migration (17%) than on irregular migration (31%) and migration and development (28%). While the EU has reserved more development funds for the period 2008–2013 for migration in various National and Regional Indicative Programmes, it is not likely that there will be a significant increase in funding for labour migration" (Tamas, 2012:5).

Finally, the looming temporary migration scheme that the implementation of MPs is intended to achieve will not necessarily be beneficial to third-country nationals or to the partner country. Given the signifi-

cant absence of commitment on the European side of the partnerships to promote integration and the inability of the EU at large to agree on inclusive migration policies, the social and human aspects of migration for the countries of destination are left unaddressed. As regards the obligation for migrants to return, and the fantasy developed around the idea of the entrepreneurial spirit automatically leading to development, it seems to be common sense that the conditions for economically and socially sustainable return do not entirely depend on returnees, but rather, to a far greater degree, on structural issues in the country of origin (Feldman, 2011). If it were to seriously try and tackle the "root causes of migration," the Global Approach to Migration and Mobility would address the structural grounds of obstacles to development (e.g. unequal terms of exchange between the EU and its southern neighbours), and the MPs would be complemented by a genuinely coherent development policy.

“Docility Partnerships”: Regulating and Limiting Mobility

Facilitating regular channels of migration to the EU is not in itself a bad idea. The absence of mobility has generated much frustration in Northern African countries, often leading to the tragic loss of lives of those who are denied regular entry and try their luck irregularly. As is often the case, the EU has chosen to impose its agenda rather than favouring equitable and mutually beneficial solutions. The MPs are a further example of a strategy to increase controls on mobility and limit migration. The EU’s proposal is not even legally binding, which seems at odds with the necessity to build trust, identified as one of the aims of the Migration and Mobility Dialogues (European Commission, GAMM, 2011:5).

MPs may be considered a handy tool, a second-best, at a time when free movement for third-country nationals in the Schengen area is being increasingly questioned and the issuance of work permits to third-country nationals is becoming more and more restrictive. However, not only do they not bring any added value for Euro-Mediterranean countries, they further make them complicit in the EU’s obsessive border control policy, including the forced return of their citizens.

MPs provide an example of the difficulty the EU has with addressing migration in internal policies: the emphasis on neighbouring countries dealing with irregular migration contrasts with the complete blackout on the EU’s own responsibility in contributing to the irregular status of many third-country nationals by imposing restrictive and time-limited visas: about half of the irregular migrants in Europe are estimated by the Commission to be overstayers (Kraler & Rogoz, 2011:8). Finally, the MPs sadly illustrate the Union’s incapacity to defend free movement in the Schengen area: rather than standing firm on one of the core pillars of its establishment, the EU has chosen to circumvent this profound crisis by furthering bilateral mobility partnerships with specific Member States instead of defending the jeopardised access to free movement for all in the EU.

Regrettably, Southern Mediterranean governments are on their way to accepting this state of affairs, as they have done in previous years. They share responsibility for the disposable migration schemes that are proposed. As to the nationals of the EU’s southern neighbours, it remains to be seen how the limitation on movement will be perceived by those whose “core human aspiration [...] to shape their own lives, economically and politically” was emphasised by Catherine Ashton, High Representative for Foreign Affairs and Security Policy.

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