European Union Migration Strategy towards West Africa: the Origin and Outlook of 'Mobility Partnerships' with Cape Verde and Senegal

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Abstract

West African countries have recently emerged as key players in the formation of a common European Union migration policy. As important source and transit countries for some of the current migratory flows into Western Europe, the EU and its member states have engaged their assistance, or are in the process of initiating the cooperation, in returning unauthorised migrants to their countries or regions of origin. This paper examines these developments within the framework of 'mobility partnerships' between the Union and two West African countries: Cape Verde and Senegal. The aim of these 'mobility partnerships' is to facilitate circular migration whereby nationals of the signatory states are encouraged to use authorised routes as entry for studying, professional or technical training and employment. I will show that the decision by the member states to enter into these 'mobility partnerships' was driven by the convergence of two interlinking concerns: EU's internal security and stability in West Africa; these concerns were then channelled into the broadly-defined task of 'migration management'. The paper illustrates that, however, the convergence in goals did not result in the adoption of a single approach for addressing these concerns. Rather, it will be shown that European migration strategy towards Cape Verde and Senegal is defined by two competing components – 'repressive' and 'progressive' – that instrumentalise very different policy tools (i.e. security and development). Whilst currently the repressive instruments are utilised, I will argue that the 'mobility partnerships' possess the potential to increase the leverage EU could exercise *vis-à-vis* third countries and, thus, adds value to its existing foreign policy toolbox.

Introduction

The rapid ascension of West African countries to the top of European Union (EU) migration agenda is a recent phenomenon. Indeed, we can trace the emergence of heightened political interest among European political actors for closer cooperation with these countries to the early 2000s within the context of the 'High-Level Dialogue on International Migration and Development' (Chou 2006; Lavenex and Kunz 2008). Organised by the United Nations (UN), the High-Level Dialogue took place in September 2006 with official delegations from over 130 countries exchanging views concerning whether and how best to address the nexus between migration and development (Martin et al. 2007). The general consensus among the participants was that, whilst the discussion was fruitful, 'moving beyond talk to mutual action was premature' (Martin et al. 2007: 7). This was not, however, the consensus shared among a group of European countries: since June 2008 the EU has entered into 'mobility partnership' with Cape Verde and negotiations have been underway with Senegal (Council Document 2008). The aim of these 'mobility partnerships' is to facilitate 'circular migration', which is broadly defined as 'a form of migration that is managed in a way allowing some degree of legal [or authorised] mobility back and forth between [the EU and some third countries]' (European Commission 2007a). This paper identifies the origin and discusses the outlook of EU 'mobility partnerships' with Cape Verde and Senegal. Three questions will be answered: What is the European migration strategy towards Cape Verde and Senegal? How and why was this EU approach given preference? What does the engagement with these two West African states within the European migration framework reveal to us about the effectiveness of the policy tools that the Union has at its disposal?

The main argument advanced in this paper is that these current 'mobility partnerships' must be understood as the result of European migration officials exercising a first-mover advantage in a policy field where several ministries – foreign and development ministries – also possess competence. The explicit decision by and the success of the European migration ministers to capture the development discourse (characterised by technical and financial assistance) have determined the co-existence of two distinctive components, which I termed 'repressive' and 'progressive', inherent within the so-called 'partnership' between the EU and some sending and transit third countries. I argue that the European institutional arrangement concerning the 'external dimension' for transforming the EU into an area of freedom, security and justice (AFSJ) has been instrumental in their success: By introducing the 'migration-development

nexus' as an overarching framework within which European relationship with developing countries should (also) be addressed and then activating their ownership of the 'migration' component, interior officials were able to situate policy elaboration within an institutional setting – High Level Working Group on Asylum and Immigration (HLWG) – where their legislative dominance has already been established. By showing how the migration ministers operationalised the 'migration-development nexus' into their approach that aims to strengthen the EU's external borders and safeguard the internal area, whilst facilitating 'stability' in the 'threat-sending' countries through development assistance, the analysis identifies the role that policy entrepreneurs promoting particular ideas play in complex political processes such as European integration.

The account concerning the genesis and contours of EU migration strategy towards West Africa supports the 'garbage can' model of political decision-making postulated by Cohen, March and Olsen (1972), elaborated by Kingdon (1995) and applied by Guiraudon (2003) to explain the 'timing, form and content' of the European immigration policy domain. The EU policy- and decision-making processes concerning the 'migration-development nexus' exhibit characteristics of 'organized anarchy': *problematic preferences* among the political actors involved in regulating these diverse policy areas, *unclear technology* concerning the policy instruments most appropriate for EU action in West Africa, and *fluid participation* in the set of political actors engaged in determining EU's problem-solving capacity in these fields and the energy and time they devote to these endeavours (Cohen et al. 1972). Cohen et al. (1972: 16) argue that 'The garbage can process is one in which problems, solutions, and participants move from one choice opportunity to another in such a way that the nature of the choice, the time it takes, and the problems it solves all depend on a relatively complicated intermeshing of elements'. The aim of this paper is to untangle this complexity intrinsic in the dynamics that have driven the EU and its member states to conclude and initiate 'mobility partnerships' with two West African countries. Whilst the analysis provided in the following sections have theory-building implications, this paper is explicitly empirically-based.

To develop the argument, the paper will proceed as follows. In the first section, I outline the ideational parameters from which 'mobility partnerships' emerged. Three concepts will be discussed: 'migration-development nexus', 'free movement of persons' and 'EU's internal and external security'. The discussion shows how the strategy that the Union and its member states proclaimed to embrace in the current 'mobility partnerships' – i.e. the 'comprehensive'

or 'global' approach – reflects all three ideational elements without giving obvious preference to any. This section concludes by showing that, however, the policy instrument now used in the 'mobility partnership' between the Union and Cape Verde favours maintaining EU's security by ensuring that the 'threats' associated with unauthorised migration originating from and through West Africa will remain there. To provide an explanation of how and why the current 'mobility partnership' gives primacy to EU's security concerns, the next section turns to the agents who have been tasked with the implementation of the 'global' approach and the institutional framework within which these preparatory activities occur. By tracing when the 'migration-development nexus' entered into the EU discourse of regulating external migration (in the lead-up to the 1999 Tampere European summit), I show how the national migration ministers successfully incorporated the development agenda as support for their proposed undertakings at a time when tremendous political impetus was given to the AFSJ. Put simply, the 'window of political opportunity' was opened and the EU migration officials were present at the scene and pushed forth their policy agenda. In the final section, I examine what the analysis concerning the EU migration strategy towards Cape Verde and Senegal tell us about the utility and futility of European (foreign) policy instruments.

European Integration and the 'Development-Migration-Security Nexus'

This section discusses how external migration regulation became the policy sector where the different EU objectives concerning internal security, controlling the inflow of third country nationals and development in impoverished countries could be simultaneously achieved. It will be shown that this process has resulted in the formation of a 'development-migration-security' nexus in current EU discourse and practice. To do so, I first identify the ideational context from which the argument advanced by the EU migration ministers in favour of cross-sectoral policy cooperation derives its assumptions by unpacking three concepts: 'migration-development nexus', 'free movement of persons' and 'EU's internal and external security'. Next, I show how the so-called 'comprehensive' approach that the EU proclaimed to have embraced in its migration strategy towards West Africa embodies the ideational elements of all three concepts. The emphasis will be placed on the ambiguity inherent within them and the contention surrounding their application. Together with the next section, which focuses on the institutional setting that contributes to their success, the discussion shows how policy entrepreneurs are significant in situations where the policy problems and solutions are

contentious by providing the requisite legislative roadmap that would promote a particular combination of ends and means above others.

The connection between migration and economic development in migrant-sending countries gained prominence in public policy circles after the publication of the 1990 Ascencio Report (1990: Chapter 3). The Report stressed two conclusions: first, 'Development, if sustained, can eventually reduce emigration pressures' and, second, migration also affects development but the 'relationship is quite ambiguous' (Ascencio 1990: 35). By highlighting the ambiguity intrinsic in the relationship between migration and development, the Ascencio Report alerted the donor states to the notion that the 'solution' that have long eluded them has always been located at the nexus and, to identify it, they simply needed to investigate the various resulting implications to isolate the most suitable approach. According to Nyberg-Sørensen et al. (2002a: 10), who coined the term 'migration-development nexus', the Ascencio Report was responsible for shifting the paradigm concerning how international migration is seen among donor countries: it is no longer perceived as the result of 'failed development' in sending countries but instead as an 'instrument for development'. Attention quickly turned to how this can be done in practice by examining the 'three R's' of the 'migration-development link' (Nyberg-Sørensen et al. 2002a: 11): recruitment, remittances and return.

Recruitment refers to the stage when the would-be migrants are encouraged by facilitators or driven to leave their countries of origin by systemic factors such as poverty, poor governance and the lack of employment opportunities. Remittances are the money transferred to the home countries and the recipients, often family members, use them to sustain or improve their daily lives. Remittances remain the subject of intense political interest concerning the development potential of which migrants possess because of their direct effects on local development. The World Bank estimated that remittances to developing countries in 2008 may reach US $283 billion (Ratha et al. 2008: 1), which represents a steady increase from previous years despite the current worldwide economic downturn: US $265 billion (2007) (ibid), US $207 billion (2006) (The World Bank 2008: 126), and US $167 billion (2005) (Martin et al. 2007: 25). The common refrain made in favour of harnessing the development potential of remittances asserts that they surpass foreign development aid from donor countries or equal the actual foreign direct investment in the developing countries (House of Commons 2004: Chapter 4; Lavenex and Kunz 2008: 441-442; Nyberg-Sørensen et al. 2002a: 24). Return completes the

migration cycle at which the migrant 'have saved capital and acquired skills abroad that can be productively invested in the sending country' (Nyberg-Sørensen et al. 2002a: 12).

Whilst significant advances have been made in identifying the causal relationship between migration and economic development (see Gundel 2002; Jazayery 2002; Martin et al. 2007), differences remain regarding the most appropriate approach to ensure that a 'win-win-win' scenario – for the migrants, aid-receiving and donor countries – is attained. For instance, there are questions concerning whether recruitment should be organised and carried out by public officials or private actors. Given that remittances are private resources, the actual impact they have on improving the overall economic situation in sending countries has been challenged; studies found that 'they tend to go to the better-off households within the better-off communities in the better-off countries of the developing world' (Nyberg-Sørensen et al. 2002b: 53). Moreover, it has been maintained that if remittances from refugees are used to support conflict in the home countries, they may contribute to perpetuating the political and economic instability (ibid). Arguments against (large-scale) return have also been raised on the basis that this would effectively cut off remittances (ibid); indeed, increased attention has been paid to the role that migrant diasporas could play in mobilising economic and political support for the home countries. Conversely, highly-skilled migrants who do not return are seen as sources of 'brain drain' for sending countries (see Vinokur 2006). Thus, even though there is a growing awareness that migrants are important sources for development in sending countries, the 'how' component of the equation remains hotly debated among all the relevant actors. We now consider how this lack of clarity provided European migration officials with an opportunity to address their security concerns within the context of realising the AFSJ.

The AFSJ is the current manifestation of the ambition to transform the Union into an area without internal frontiers and refers explicitly to a main integration objective: 'free movement of persons'. Since European integration began more than fifty years ago, all of the subsequent legislative activities revolved around the removal of barriers against the free movement of the factors of production, of which the founding members identified four (labour, services, goods and capital). The free movement of persons was, however, the last of the four freedoms to be addressed because there was disagreement among the member states regarding who would be mobile (see Chou forthcoming-b). Simply, whilst some member states maintain that only those persons who are Community nationals may be authorised to move for work purposes, other member states assert that all persons who are legally present in the common territory

may be permitted to exercise mobility (predominantly for work). Since the determination over who would be allowed to cross its borders is a defining characteristic of the sovereign state, contention regarding supranational competence in the field of external migration remains to this very day.

Yet the relaunch of European integration in the mid-1980s saw the emergence of a compromise between these two opposing views in the proliferation of intergovernmental cooperation within and outside of the Community legal institutional framework for regulating internal and external migration. Rather than agreeing on who would exercise free movement, the member states instead converged in their respective viewpoints that cooperation should proceed on the basis of addressing the potential implications resulting from movement of all persons. Put differently, questions regarding internal and external migration regulation have been cast as an exercise in maintaining 'security' in an area without internal frontiers (Geddes 2008; Lavenex 2001). Crucially, what is entailed by 'security' has hardly been specified beyond the (primarily intergovernmental) exercise of threat-designation and subsequent attempts at its removal or elimination; unauthorised migration emerged early on as one of the threats against the security of European citizens. As a result of the member states' 'agreement to disagree' concerning how to proceed on the issue of external migration, by the 1980s there was a gradual coalescing of preferences around the 'security' question among the European migration officials.

Systemic changes throughout the late 1980s and early 1990s legitimised the ongoing pursuit of 'security'. Indeed, the Fall of the Berlin Wall, removal of exit controls in Central and Eastern European countries, fragmentation of Yugoslavia and the associated exodus of refugees contributed to the impression that Western European countries were facing a 'crisis'. For instance, in 1992 alone EU member states received more than half a million of asylum applications, a six-fold increase from 1982 (UNHCR 2001). Among the member states, Germany was most affected: it received an estimated three million migrants between 1989 and 1992 (Boswell 2003a: 55). To be sure, whilst these figures appeared to be proportionally significant within the European context, the actual intake of asylum seekers (i.e. not recognised refugees) in Western Europe represented only a small fraction of all displaced persons worldwide. For example, the peak reached in 1992 for asylum requests made in Western Europe could be seen as insignificant in comparison to the eighteen million refugees scattered throughout the world at the time (UNHCR 1993: figure A). The comparison would

be even more dramatic if we consider the 1992 recognition rates: 6.5 percent in Spain, 4.5 percent in Italy and Germany, and 3.2 percent in the UK (Baldwin-Edwards and Schain 1994: 4). Baldwin-Edwards and Schain (1994: 4) argue that the so-called '"crisis of immigration" [was] less a crisis of cross-border flows than it [was] a political crisis of elite and mass reaction to foreign-born people'. The governing political actors from the mainstream parties throughout the Union were simply unwilling or unprepared to confront systemically the factors that may have contributed to this situation (see Barbou des Places 2003; Joly 1994). Hence, it was around this period that we also find, unsurprisingly, the rise of the extreme-right parties that championed anti-immigration positions as the 'catch-all' solution to the changing migratory flows in Europe (Green-Pedersen and Odmalm 2008; Rydgren 2004).

The growing politicisation of migratory inflows of non-nationals and the ineffectiveness of domestic asylum and migration policies at the time gave rise to repeated calls for deepening ongoing cooperation at the supranational-level. Consequently, the 1997 Amsterdam Treaty 'communitised' asylum and migration cooperation by extending regulatory competence to the other central institutions. In so doing, it added directives and regulations (binding 'hard-law' measures) to the Union's policy tool-box for addressing the entry and movement of non-nationals. This is a highly significant constitutional development because state sovereignty is conventionally understood to be closely linked to a government's prerogative to decide which persons would be admitted and granted permission to reside within its territorial boundary. Even though a transition of five years – 1999 to 2004 – had been imposed, during which the 'intensive transgovernmental' style of decision-making (Wallace 2005) was maintained for EU asylum and migration cooperation, the decisions by the member states to first pool their resources in these two fields and then to extend some regulatory authority to institutions not entirely under their control should not be underemphasised. Indeed, especially because the Amsterdam Treaty generated great political momentum for advancing asylum and migration cooperation that had been generally lacking since European integration began.

In October 1999, the European heads of state and government convened a special summit at Tampere, Finland to outline the broad strategy for implementing the asylum and migration provisions in the treaty. In their conclusions, they boldly proclaimed that the EU 'needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit' (Council Document 1999b: paragraph 11). Also, the Tampere conclusions added that the EU's comprehensive migration approach

'requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights…' (ibid). To this end, the Tampere European Council called for 'a greater coherence of internal and external policies of the Union' and isolated the concept of 'co-development', which shall be discussed in the next section, as the guiding principle for this endeavour. These statements indicate that the discourse emanating from debates on the 'migration-development nexus' has finally entered the realms of asylum and migration regulation and EU's ongoing pursuit of internal and external security.

As presented in the Tampere conclusions, the EU's comprehensive migration approach did not, however, suggest which objectives were to be given preference in practice. For instance, if we examine the Tampere goals, we find that the EU's comprehensive migration approach actually encompasses two distinct strands of thinking that can be characterised as 'repressive' and 'progressive'. The repressive dimension refers to implementing measures applicable throughout the EU that primarily benefit the Union at the expense of migrants, countries of origin or transit and other private actors. Examples of 'repressive' measures include visas (requiring non-nationals to obtain entry clearance), carrier sanctions (stipulating transport companies to comply with rules that would co-opt them into removing their passengers who lacked the appropriate permission for entry) and readmission agreements or clauses (creating the legal possibility to return 'unauthorised migrants' found in the EU). The migration control rationale implicit within the exercise of removing barriers against the 'free movement of persons' and the corresponding goal of maintaining 'EU's internal and external security' are thus activated through the 'repressive' dimension. By contrast, the progressive component promotes adopting Union-wide policies that would foster and establish the 'win-win-win' scenario as mentioned above for all relevant public and private actors who might be involved in the migration process. Measures falling under this category would contribute to the aims of poverty reduction, improving living conditions and increasing employment opportunities in the migrant-sending and transit countries. Hence, the logic inherent within instrumentalising migration for improving economic development in the sending regions is manifested in the progressive component. Whilst consisting of two very distinct – indeed, even competing – dimensions, the EU's comprehensive migration approach in its original form did not dictate which component was to be given preference.

It became clearer, however, in the adopted legislation and through subsequent developments. A substantial portion of the Tampere policies favours the repressive component of the global migration approach. For example, the EU had concluded readmission agreements with Hong Kong, Macao, Sri Lanka and Albania, and negotiations have been underway with Morocco, Pakistan, Russia, Ukraine, Algeria, Turkey and China. Three Council directives had been adopted by 2008 to combat irregular migration: mutual recognition of decisions taken by the member states to expel migrants, approximation of carrier liability, and conditions for issuing short-term residence permits to victims of illegal migration or trafficking who cooperate with authorities (see Chou 2008). Concerning asylum, the Dublin Convention for identifying the member state responsible for processing asylum claims and the Eurodac system (a database containing the fingerprints and biographical details of unauthorised migrants and applicants for asylum) have been transposed. Similarly, consensus had been reached on the conditions for issuing short-stay visas and the lists of third countries whose nationals required visas to enter the EU or were entitled to visa waivers (the so-called black and white lists). As a result of these developments, concepts such as 'transnationalisation', 'extra-territorialisation', 'externalisation', 'internationalisation' and 'Europeanisation' have been either coined or used to refer to this phenomenon (Boswell 2003b; Geddes 2001; 2003; Guiraudon 2000; Haddad 2008; Lavenex 2006; Lavenex and Uçarer 2004; van Selm 2002).

Yet, to avoid oversimplification, it should be noted that the EU had also adopted several measures that cannot be seen as singularly 'repressive'; for example, the Council directives on family reunification, approximation of the rights of non-nationals who have the prospects of becoming long-term residents, admission of third country nationals for study, academic exchanges, unremunerated training, and for scientific research. However, of these four measures, only the Council directives concerning entry conditions for non-EU students and researchers could be deemed to be in line with the 'progressive' dimension since their enforcement, if it did not lead to a situation of 'brain drain', may contribute to poverty reduction and job creation in sending regions. It follows that we may conclude that under the Tampere programme (operational 1999-2004), the EU's comprehensive migration approach gives preference to the repressive component. Whilst 'mobility partnerships' emerged only under the current Hague agenda (2005-2010), calls for concluding them with selective third countries were made to ensure that the Union would continue to practise its comprehensive migration approach after the completion of the Tampere programme. Indeed, as we shall now

see, the progress achieved thus far confirms that these 'mobility partnerships' have generally followed earlier legislative developments.

Cape Verde and Senegal are the West African countries among the first cohort to conclude or negotiate, respectively, current 'mobility partnerships' with the Union; Moldova and Georgia are the other two. In the present pilot project with Cape Verde, the Union has been setting up a joint centre at Praia to process short-stay visas and distribute information concerning legal migration to and employment opportunities in participating EU member states (in this case, France, Spain, Luxembourg, and Portugal) (European Commission 2008b). The Commission recommended in November 2008 that the Council start negotiations for visa facilitation (for Cape Verdeans wishing to migrate to the EU) and for a readmission agreement that would require the Cape Verdean government to readmit its citizens, and any third country nationals who have transited through its territory, found to be illegally present in the Union (European Commission 2008a). In the case of Senegal, intergovernmental negotiations for establishing 'mobility partnership' have begun in June 2008. According to an official from the permanent representation of one of the Scandinavian countries to the EU, however, these talks appeared to have discontinued at the time of writing as the result of the Senegalese dissatisfaction with what they were to receive in return for EU's terms (correspondence dated 17 March 2009).

Whilst it is certainly too early to determine which component of the Union's comprehensive migration approach would eventually dominate in 'mobility partnerships' with West African countries, the Commission recommendation to conclude readmission agreement with Cape Verde and the negotiation stalemate with Senegal do suggest that the repressive dimension is again instrumentalised in the first instance. This is hardly surprising given how the approach has been used during the Tampere era discussed above. Indeed, this outcome could have been anticipated in November 2006 when the Commission gave its own assessment on the 'Global Approach to Migration One Year On'. In its Communication, the Commission recommended that 'once certain conditions have been met, *such as cooperation on illegal migration and effective mechanisms for readmission*, the objective could be to agree mobility packages with a number of interested third countries' (emphasis added, European Commission 2006: 7). To conclude, whilst the EU has been practising its so-called 'comprehensive migration approach' in its proposed 'mobility partnerships' with Cape Verde and Senegal, the policy instruments activated thus far seek to uphold the migration control rationale inherent in the repressive dimension of this very approach. To account for this outcome, in the next section we examine

the discursive, institutional and contextual factors that may have contributed to the decision to give preference to this dimension.

Changing Discourse and the High Level Working Group on Asylum and Immigration

To understand and explain current developments regarding EU's 'mobility partnerships' with West African countries, the discussion to follow concentrates first on the change in discourse and the institutional decision made during the run-up to the October 1999 Tampere European summit for realising the AFSJ. The reason for doing so is because, whilst the comprehensive migration approach has been mentioned earlier in the European integration context (Lavenex 2006), it was during the preparations for implementing the Amsterdam Treaty provisions that it crystallised as the strategy for the way forward in the two fields. Before proceeding, it should be noted that European Council meetings are ordinarily attended by the EU heads of state and government with officials from the foreign ministry even though the focus is on a subject in which other ministries may be more specialised. The interior ministers, however, did prepare the political agenda that was adopted at the Tampere summit; they met informally on 16 and 17 September at Turku, Finland (a month prior) and held parallel sessions with the Tampere meeting. Using position papers that were circulated privately among the officials tasked to secure the EU's internal and external borders, the analysis shows how several member states (migration officials) began to articulate their proposed activities in terms that may be familiar to those whose work addresses developing nations. The primary difference being that the new discourse prioritised EU migration control objectives above the economic development in and political stability of the countries of origin and transit.

This emerging discourse is very significant because it signals and reveals the process through which national migration officials seek to establish their 'ownership' of policy elaboration in sectors where the regulation of external migration may be implicated. Put in another way, it symbolises the attempt by EU migration officials to penetrate other policy fields in order to achieve the objective of strengthening the Union's borders. To identify the institutional factor that increased the likelihood of their success, we then turn to an examination of the HLWG and its legislative role *vis-à-vis* the 'external dimension' of European asylum and migration cooperation. The discussion shows that the exclusive institutional platform of the HLWG gave EU migration officials unprecedented opportunities to formulate policies proposed to

have been premised on the new discourse – with the result being, as discussed above, the activation of the repressive dimension of the EU's comprehensive migration approach. Unsurprisingly, the ability to dominate the legislative process does not imply that the policies adopted would be effective in terms of achieving the desired objectives when implemented. The section concludes by considering how these intentional efforts to control migratory flows by the EU member states have contributed to propelling West African countries to the top of the candidates list for the first EU 'mobility partnerships' with developing countries.

To implement the Amsterdam Treaty provisions relevant to external migration regulation, the EU and its member states engaged in sixteen months of intense preparation; beginning at the June 1998 Cardiff meeting under the British Presidency and culminating at the October 1999 Tampere European Council summit. During this process, the discourse emerging from the EU migration officials converged on the consensus that the 'external dimension' is significant for EU asylum and migration cooperation (see Chou forthcoming-a). Briefly, in this instance the 'external dimension' refers to cooperation with third countries (acquiring their assistance) in regulating migratory flows and it was the Austrian Presidency that first outlined the rationale and approach to be taken following the adoption of the Amsterdam Treaty. Presented in July 1998, the Austrian 'strategy paper on migration and asylum policy' first presented a review of the results achieved at the EU-level since the entry into force of the Maastricht Treaty and found them unsatisfactory. Explaining its evaluation, the Austrian Presidency argued that the 'Union is still not able to give accurate information regarding the number of third country nationals illegally on the territory of its member states' (Council Document 1998: paragraph 10). Concluding its assessment, the Austrian Presidency proclaimed that 'solutions could only be European' and that 'Europe will have to solve these problems itself and not expect any help from outside' (Council Document 1998: paragraph 31). The approach premising on a 'model of concentric circles of migration policy' that it had advocated, curiously, required unequivocal assistance from third countries.

The central idea was to set the migration and border control measures of Schengen members as the benchmark that other countries would be asked to emulate. The Mediterranean EU states and associated countries constituted the next circle and their task would be to upgrade their measures to meet Schengen standards. The former Soviet states, North African countries and Turkey were seen as the third circle and their objective was to carry out 'transit checks' and to 'combat facilitator networks'. The fourth and final circle included China and the

countries in sub-Sahara Africa and the Middle East, which would be requested to address the 'push factors' that first motivate the migrants to leave the region. To ensure compliance, the Austrian Presidency proposed that economic aid to third countries be made conditional on the readmission of their citizens or any third country nationals found to have transited through their territory *en route* to Western Europe. It then suggested that, to this end, the EU insert a 'migration clause' into all agreements it concludes with third countries. When the Austrian strategy paper was leaked in September 1998, the controversial approach it had promoted was tentatively abandoned (Gent 2002; Sterkx 2004). What is extraordinary about the Austrian proposal was not simply that its method manifests fully the migration control rationale we now associate with the repressive dimension of EU's comprehensive approach, but also how it singled out the important roles that third countries was envisaged to play in coordinating supranational migration policies. (Arguably, the roles of non-EU countries are conceptualised by the Austrian proposal to be passively implementing the EU's request rather than actively engaging in its formulation.) Whilst the coercive Austrian strategy was publicly dismissed, the 'external dimension' continued to remain high on the agenda and the intergovernmental exchanges in the immediate run-up to the Tampere summit gave it explicit attention. It is within these debates that we find the development discourse being articulated by officials ordinarily tasked to safeguard the EU's internal and external borders.

In its contribution for the Tampere meeting, circulated in July 1999, the French government proposed that the EU embrace 'co-development' for addressing migratory 'push factors' (de Kerchove 1999). The French has already been using *l'approche du codéveloppement* since the 1980s within the context of 'assisted return programmes'. In its original meaning, which did not link development with migration issues, 'co-development' referred to engaging local partners in the aid-receiving country to oversee and implement projects or policies for which aid had been given. The idea was that the local partners were more likely to have knowledge of the situation on the grounds than the donors and, therefore, could adapt accordingly and make effective use of the available resources. The French introduced the migration control aspect into the 'co-development' concept when it sought the cooperation of the aid-receiving countries in readmitting their nationals who were 'illegally' present in France. Thus, when the French promoted 'co-development' as the strategy forward for EU asylum and migration cooperation, it was envisaged that, in exchange for their assistance in returning irregular migrants, the Union would contribute to the economic development in sending countries through job creation, vocational training or professional exchange (de Kerchove 1999).

Similar to the strategy advocated by the Austrian Presidency, the French 'co-development' approach stressed the importance of the 'external dimension' and the positive contributions that third countries could make towards EU migration control. It did not, however, stipulate the conditions under which third countries would be encouraged to uphold the EU's requests. By incorporating 'development' into its proposal, the French position paper did succeed in highlighting the multiple challenges in regulating the entry and movement of non-nationals (especially if the migrants are from developing countries). Indeed, it is implicitly suggesting that in order to achieve the objective of orderly migratory flows in and out of the EU, cross-sectoral cooperation is not only desirable; it is essential. Migration regulation is implicated by activities in other sectors such as development and, as we shall discuss more extensively later in this section, this move is highly instrumental because it represents an effort to investigate the causal relationship between migration and the state of economic development in sending regions. It should be noted that whilst the idea of 'co-development' has already been brought up at the 1995 Euro-Mediterranean Conference in Barcelona, the term has never been used to refer to a pan-European strategy that would increase development aid in a way so as to reduce migratory pressures (Lacomba and Boni 2008: 130). In a joint statement issued in September 1999, France and Germany endorsed the 'co-development' strategy for the way forward in EU asylum and migration cooperation (Interior Ministry of France 1999).

The British position paper (dated 30 July 1999) sent to Pekka Jarvio, the Finnish coordinator for the Tampere summit, also highlighted the importance of the 'external dimension' when it argued for the adoption of a 'global approach' in migration regulation. Here, the UK defined the global approach as 'ensuring fair procedures are in place for the admission and residence of third country nationals…dealing fairly with genuine asylum seekers, and discouraging and returning illegal and economic migrants quickly to their own countries' (Warne 1999). Three areas for action were identified. First, Britain argued for an EU-wide strategy that examined the 'root causes' of migration (i.e. identifying the 'push factors'). Here, interestingly, the UK appeared to perceive the factors that motivate third country nationals to migrate to Europe to be largely fabricated or orchestrated by criminal facilitator networks because it proposed that Europol (the European Police Office) survey the scale and nature of human trafficking and, together with the member states, devise an action plan on how to 'combat' this phenomenon. Whilst it is commonly acknowledged that facilitators play a role in the migratory process (partly as the result of increasingly restrictive measures introduced by European countries to limit the entry of non-nationals) (see Koser 2008), the notion of 'root causes' is often used in

the literature to refer to factors such as poverty, political instability (in some cases, failed states) and the lack of employment opportunities in the countries or regions of origin. This observation leads one to question the apparent incongruity between the British discourse and proposed action. One response may be that the UK is most interested in EU cooperation resulting in reducing or even removing unwanted or unauthorised migrants from its territory – a task that is often assigned, at least at the national-level, to the police agency. When we continue with the other two proposals outlined in the British position paper, we find further evidence to support this proposition.

Second, the UK stressed that the 'global approach' must ensure that any referencing of 'individual asylum cases to the ECJ does not greatly lengthen the time taken to process individual asylum applications' (ibid). At the time (1998 and 1999), Britain was only second to Germany in Western Europe as the main destination for asylum seekers (UNHCR 2001). Understandably, given the intense political pressures exerted by the opposition and the continual media exposure of the asylum issue, the British government was keen to ensure that European cooperation did not contribute to rendering the UK into a 'soft touch' on asylum. Third, Britain suggested that partnership with third countries would be fundamental to the 'global approach' if the EU member states aimed to effectively target unauthorised migration. The final point reiterates the common topic of concern – irregular migration – among the EU migration officials and we find again that cooperation with third countries to be the 'solution' for this policy challenge. In light of its three-pronged strategy, the British reference to the 'root causes' of migration can be seen as an attempt to broaden the sector parameters within which policies based on the migration control rationale can be implemented. Indeed, by implying causation between the state of (economic) development in the countries of origin and criminal involvement in human trafficking, the British contribution to the Tampere summit is an instance of 'securitising' development issues and migration (Buzan et al. 1998; Huysmans 2006). Yet not all member states shared the French and British positions that addressing the current state of development in the sending countries may be the key to reducing the numbers of unauthorised migrants present in the EU.

Whilst acknowledging the importance of the 'external dimension' in European migration and asylum cooperation, the September 1999 Italian contribution focussed instead on the financial incentives for member states whose borders are the EU's external frontiers (Italian Non-Paper 1999). Outlining its rationale, the Italian government explained that '*a heavy burden is often*

placed upon a group of Member States and in particular upon certain regions in connection with significant migration flows, thus affecting their prosperity and social stability' (emphasis original, ibid). This 'imbalance', Italy proposed, 'should be reduced by *substantive financial support at European level*, following the path of Agenda 2000 Community initiatives' (ibid). Continuing, Italy argued that a 'comprehensive approach in the field of readmission would be more productive' than encouraging 'progressive social, economic development and political stability in the countries [or] regions of origin' (ibid). The Italian non-paper shed light on a key issue that, according to an Council official working on external migration (interviewed on 28 March 2006), occupies a substantive portion of Council debates: distribution of funds among the member states tasked to carry out 'border surveillance'. Based on its argument, the Italian government was far more interested in ensuring that the finite resources to which the EU had access would be used in the first instance to redress the social and economic effects, as the result of migratory influxes, of those member states most affected by these changes before being channelled to third countries, where the EU presumably would be less effective at determining the outcomes.

The comparison between the French, British and Italian contributions to the Tampere summit revealed that, whilst there was awareness among the EU member states that fostering positive economic development and political stability in sending and transit countries could contribute to achieving EU's objective of orderly migratory flows, there was disagreement concerning to what extent this should be given priority. Indeed, the Italian non-paper asserted forcefully that the state of development in third countries should be secondary, or even tertiary, to the more pressing concerns of the economic prosperity and social stability of member states that were most affected by migratory influxes. By contrast, member states converged in their view that acquiring the assistance of third countries in readmitting their citizens found to be present in the EU without authorisation was highly desirable. As discussed in the previous section, the outcome of this preference convergence has been the adoption of supranational asylum and migration policies that embody the migration control rationale. Beyond providing an account of the intergovernmental exchanges concerning how to implement the Amsterdam Treaty provisions, the discussion showed that the national migration officials also began to articulate their proposed strategy in terminologies such as 'co-development' and 'root causes' that are more commonly associated with development policies.

In so doing, as the 'securitisation' theorists would point out (Buzan et al. 1998), the migration officials 'securitised' development policies by stressing the negative ramifications of failed development in regions of origin on their ability to remove unauthorised migrants from the Union and to thwart future attempts. Because they are security experts, the 'securitising' of development policies provided migration officials with the opportunity to position themselves in the policy elaboration process in a field where they do not ordinarily exercise competence. This paper contends that this discursive formation is significant because it widened the policy parameters within which the national migration officials could achieve the key aim of orderly migratory flows in and out of the Union. Certainly, this discursive accomplishment does not necessarily imply that EU migration officials' desired outcomes are automatically or easily reached since foreign and migration ministries exercise competence in determining the rules regarding development aid (Lavenex and Kunz 2008: 443). Indeed, Boswell (2003b: 631) notes that 'Commission officials working on external policy and development were reticent about cooperating with [Council migration officials]' and were 'concerned that the [national migration officials] was insufficiently sensitive to relations with third countries'. In another instance, examining the lack of securitisation after the events of 11 September 2001, Boswell (2007) finds that securitising non-nationals through discourse actually restricted the ability of the interior officials to enforce border control – the result of asymmetry between the profiles of known terrorists who carried out the attacks and the migrants and refugees who sought entry to Europe. Thus, it is a truly remarkable feat that migration officials could even exercise leverage on development policies in the first instance – and we now turn to the institutional context that had made this possible.

In October 1998, the Dutch government proposed the formation of a 'cross-pillar' Task Force to coordinate all EU asylum and migration policies containing an 'external dimension' (van Selm 2002: 148). Whilst the proposal was presented to the Dutch Parliament in November 1998 jointly by the Dutch Foreign and Migration ministers, it had already been considered by other EU heads of state and government when they met informally on 24-25 October 1998 at Pörtschach, Vienna (ibid). The Dutch initiative was formally endorsed by the Justice and Home Affairs (JHA) Council on 29-30 October 1998 and by the General Affairs and External Relations Council (GAERC) that convened on 9-10 November 1998 (ibid). So, by December 1998 the HLWG was fully operational with an explicit mandate to 'help reduce the influx of asylum seekers and migrants into the Member States of the European Union' by 'analy[sing] and combat[ting] the reasons for flight – taking account of the political and human rights

situation' (Council Document 1999a). It is against this backdrop that the different national position papers analysed earlier were circulated. To fully grasp the significance of the HLWG we need to identify its agents and the implications of their bureaucratic origin on the types of policies that they are likely to formulate, adopt and implement.

The HLWG is institutionally situated in GAERC (the Council responsible for policies falling under the Common and Foreign Security pillar) even though its members are senior officials from member states' interior or migration ministries. In practice, European interior officials who defend their national positions in the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) (the key steering group in the JHA Council) also represent their countries in the HLWG. In other words, the HLWG institutional framework allows the interior ministers to formulate and adopt European foreign policies if migration regulation is implicated. Based on interviews with migration officials at the Permanent Representation of Hungary to the EU (interviewed on 11 April 2006), the reason for this 'double-hat' characteristic is because most member states lacked the personnel resources to send different delegates to both HLWG and SCIFA; the exception being the UK, which has been comparatively better-staffed. Therefore, in this way the HLWG is the outcome of the 'logic of practicality' at work: the 'inarticulate, practical knowledge that makes what is to be done appear "self-evident" or commonsensical' (Pouliot 2008: 258). This institutional peculiarity led van Selm (2002: 151) to remark, 'we see Third Pillar people talking about Second Pillar subjects, with the aim of doing work that is scheduled to fall under the First Pillar'. Undoubtedly, the EU migration officials circulated their position papers for the Tampere summit with the knowledge that they could legislatively dominate the policy-making process if the measures in question can be seen as addressing the 'external dimension' of asylum and migration regulation.

The HLWG exerted a formative impact on how the EU would engage third countries in the regulation of migration. Van Selm (2002) explains that, interestingly, whilst formulated under the broader rubric of 'cooperation with third countries', its five action plans endorsed by the Tampere European Council were drafted without any actual dialogues with the third countries concerned. According to the Council Secretariat, the unilateral approach is largely the result of the lack of formal diplomatic relations between the EU or the member states with some of these third countries concerned; for example, at the time, with Afghanistan, Iraq and Pakistan (Council Document 2000). The unilateral strategy taken by the EU migration officials was the source of complaint from Morocco, which, Boswell (2003b: 631) finds, 'initially refused

to discuss the action plan with the EU, expressing consternation that it had not been consulted on the proposals'. We may conclude that for the migration ministers the idea of 'cooperation with third countries' was less centred on how both partners could obtain shared advantage and more concentrated on formulating a common EU approach in the first instance, and then subsequently enforcing it on the third country 'partners'. When the European heads of state and government extended the terms of reference for the HLWG in 2002, they stipulated that the HLWG must 'propose possible initiatives and measures to obtain the cooperation of third countries, [and to do so by] considering all possible instruments' (Council Document 2002). It is from this context that current 'mobility partnerships' between participating EU member states and two West African countries have been initiated and concluded.

Similar to how the increased salience of asylum in the 1990s had contributed to the European member states' decision to engage in closer cooperation, West African countries became top candidates in the mid-2000s for 'mobility partnerships' as the result of several interlinking factors: first, the intensification of media attention on unauthorised (maritime) crossings from North and West African countries for the Spanish enclaves of Ceuta and Melilla (along the Gibraltar Strait, with Ceuta being approximately thirteen kilometres or eight miles away from the Spanish mainland) and the Canary Islands to the West. The media interest peaked in the Fall of 2005 when hundreds of sub-Saharan Africans and other migrants succeeded in scaling the barbed-wire fences that divided Ceuta and Melilla from Morocco; several migrants were reported to have been killed in clashes with the Spanish and Moroccan security forces and border guards. In response to these developments, the Spanish government strengthened the fences with EU financial assistance, and, together with some member states, tasked Frontex (the European Borders Agency established in October 2004) to patrol the West African coast. Frontex has been authorised to turn back any boats carrying unauthorised migrants suspected of making their way to the EU via one of the Spanish outposts.

The increased patrolling of the Gibraltar Strait and the comparatively higher risk involved in its crossing contributed to transforming West African countries into the main embarkation points for Western Europe (see Carretero 2008). Carling (2007: 3) notes that 'Since the turn of the millennium, on average about 350 African boat migrants have been intercepted along Spanish shores every week. The approximate weekly death toll among these migrants is four deaths'. The higher frequency in which West African countries are now being used as routes to Europe must be understood within the context of the EU member states introducing more

restrictive asylum and migration measures, which in turn narrow the range of opportunities that would-be migrants have for legally entering the Union (see Dover 2008). Moreover, it should also be noted that these policies have been systematically adopted by the Central and Eastern European countries, which joined the EU in 2004 and 2007, as part of fulfilling their membership criteria. Thus, seen from this perspective and in light of the bureaucratic rivalry discussed in this paper, the European engagement with Cape Verde and Senegal is driven by a complex set of variables that cannot all be reduced to either 'push' or 'pull' factors. In a way the very decisions by the member states to tighten their borders, reform domestic asylum and migration regimes and adopt pan-European measures to be in line with new objectives have all contributed to the ushering in of Cape Verdean and Senegalese officials to the EU's negotiation tables. It would be incorrect, certainly, to dismiss the 'push' and 'pull' factors as inconsequential. However, identifying the other factors also at play may assist in mapping out the multiple dynamics that drive European integration in external migration regulation and, indeed, allow us to begin investigating how they in turn affect EU's relationship with third countries – a topic to which we now turn.

'Mobility Partnership' as an EU Foreign Policy Tool?

Situating current attempts to engage Cape Verde and Senegal through 'mobility partnerships' in EU's attempts to achieve the objective of orderly migratory flows, this paper provided an account of the ideational, discursive and institutional factors that have contributed to their initiation and shaped their contents. To summarise, EU's comprehensive migration approach, consisting of two distinct lines of reasoning (i.e. repressive and progressive), has been the strategy used towards these two West African countries. Whilst the 'mobility partnerships' are presently in the pilot phase, a comparison of the actual and proposed activities against the existing regime revealed that the migration control rationale intrinsic in the repressive dimension is favoured. This preference has been rooted in the historical transformation of these sovereign European countries into a single market premised on the notion of free movement of labour amidst the migratory fluctuations throughout this period. The focus on the agents tasked to carry out the removal of internal barriers against mobility showed that they agreed that their efforts would be directed towards threat-designation and the subsequent elimination of identified threats. It emerged from this exercise that unauthorised migration is

a threat to the security of European citizens and that cooperation with main sending and transit countries is necessary if the goals were to be reached. With this understanding, the European migration officials improved the persuasion of their intended undertaking through terms that seek to establish the 'win-win-win' scenario for the migrants involved, EU and the countries of origin. However, it has been shown that this discursive formation occurred against the backdrop of their decision-making dominance in the policy-elaboration process for European asylum and migration legislation containing an 'external dimension'. In this concluding section, I will consider what these insights tell us about both the challenges and opportunities facing the EU in its efforts to define its role on the international stage.

To begin examining what 'mobility partnerships' offer to the Union's existing foreign policy tool-box, it should be noted that it has been cooperating with both Cape Verde and Senegal in another capacity: the African, Caribbean and Pacific countries (ACP) framework. The aim of the 'ACP-EC Partnership Agreement', more commonly known as the Cotonou Agreement, is to improve the economic development and sustain a stable political environment in the ACP countries. Interestingly, for this discussion, Article 13 of the Cotonou Agreement has already stipulated that signatories 'take back' their citizens 'without further formalities' should any party find the other's nationals residing irregularly in its territory. In light of this readmission clause in the Cotonou Agreement, we may conclude that the Commission recommendation for concluding a separate readmission agreement with Cape Verde points to the challenges in praxis. Critiquing existing readmission agreements concluded between the Union and third countries, Ellermann (2008) argues that they are unlikely to be effective because of the EU's 'unilateral policy bias' that fails to take into account two conditions: (1) foreign governments may have a vested interest in their nationals being illegally working and residing in the EU, and (2) implementation requires active and willing support from third country officials. The analysis given in this paper showed that this rationale still prevails – even in the pilot phase of the 'mobility partnerships'.

One of the key challenges facing the EU in the field of external migration regulation is that it does not possess competence in determining labour migration policies. Indeed, this was made clear in the Hague programme adopted in November 2004. The European heads of state and government unambiguously proclaimed that 'the determination of volumes of admission of labour migrants is a competence of the Member States' (Council Document 2004: paragraph 1.4). The Commission tabled a proposal in 2001 for a Council directive on 'the conditions of

entry and residence of third country nationals for the purpose of paid employment and self-employed economic activities' (European Commission 2001), which was withdrawn by the Commission on 17 March 2006 after several Council debates. The reasons for its ratification failure were many; but, according to a Commission official working in DG Justice, Freedom and Security (interviewed on 23 March 2006), the most crucial factor was Germany's refusal to negotiate the document. The Commission official explained that the German government at the time did not, indeed could not, support the proposal because of the high unemployment rate when the draft directive was being negotiated (March-July 2002). Chancellor Schröder entered into office in 1998 on a campaign promise to maintain unemployment figure below 3.5 million during his party's term in government: by January 2002 the number surpassed 4 million. The Commission has since repeatedly attempted to revitalise the debate concerning economic migration and in October 2007 it presented the proposal for a Council directive on a 'single application procedure for a single permit for third-country nationals to reside and work' in the EU (European Commission 2007b). At the time of writing, the JHA Council had held a political debate concerning its scope (Council Document 2009). It remains to be seen whether this directive, which needs to be unanimously endorsed by the member states, would be adopted by the Council in the coming years. It is precisely from this perspective that 'mobility partnership' with West African countries could prove to be a useful EU foreign policy tool. By offering Cape Verdeans and Senegalese, who may be unable to fulfil criteria for entry and admission under existing labour migration regimes, the possibility to enter the Union through legal means for employment, the 'mobility partnerships' could fill the current EU competence gap in external migration regulation. If so, the 'win-win-win' scenario for all actors involved may not be so elusive after all.

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