



ARTICLE

Ambition versus reality: partnering with our neighbours on migration

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Abstract The EU is facing an unprecedented challenge on its southern borders in terms of instability in the region and increased migration flows. In its search for a solution that will meet with the approval of all member states, there is a new momentum for strengthening cooperation with neighbouring countries. The EU is increasingly turning to third countries to manage migration flows and reduce the number of irregular migrants arriving in Europe. Nevertheless, there are serious constraints on its ambition. The EU has failed to offer its cooperation partners real incentives, while member states have been reluctant to coordinate their initiatives and become involved, thus undermining EU action beyond its borders. The result is slow progress and uncertain partnerships. It is time to address these limitations and make the EU a reliable and coherent regional actor, able to speak with one voice when addressing third countries on migration. This calls for stronger foreign policy on migration at the EU level, the deployment of a wide range of tools and incentives, and more committed member-state support for EU action.

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Introduction

The EU is facing an unprecedented challenge on its southern borders. Instability and conflicts in the neighbourhood region, coupled with poverty in some countries, have produced vast numbers of refugees and turned countries such as Libya into major corridors for irregular migration. This is affecting Europe and destabilising its member states. The EU has not yet produced an adequate response but has been increasing its efforts since the Juncker Commission identified migration as one of its main political priorities (Juncker 2014).

Despite the new friction and divisions within the EU caused by the migration crisis, all member states appear to support both the fight against irregular migration and strengthened cooperation with third countries, measures that are considered crucial to the EU's internal-security objectives. Under the pressure of the migratory flows and the humanitarian crisis generated on its southern borders, the EU has sought to manage migration by building partnerships with neighbouring countries. Nevertheless, this willingness has yet to be translated into concrete results.

After setting out the issue, the article will discuss the two main factors that limit or undermine EU action. The first is the failure to offer real incentives during negotiations. The second is the lack of coordination and cohesion among the member states, which still retain a dominant role in this field but are often reluctant to commit themselves. Finally, the article will outline ways to move forward.

Migration as a key neighbourhood priority

That the EU is attempting to cooperate with neighbouring countries on security and migration is nothing new. Nevertheless, such efforts gained new momentum in 2015, when the EU experienced an unprecedented influx of migrants and refugees, together with a temporary loss of control of its borders. The recognition that foreign policy is as crucial as the domestic dimension for the effective management of migration is now embedded in the EU approach. There is an awareness that, in an increasingly interdependent world, immigration to Europe cannot be managed only domestically.

The launch of the European Neighbourhood Policy (ENP) in 2004 can itself be seen as 'the prime example of external policy being influenced by Justice and Home Affairs issues' (Wolff and Mounier 2011, 244). Migration is a priority field of the ENP, given that the EU's eastern and southern neighbours are both transit and source countries of migration to the EU (Lavenex 2016). The *European Neighbourhood Policy Review* in 2015 confirmed this, citing migration and security as key fields of cooperation

(European Commission and High Representative of the Union for Foreign Affairs and Security Policy 2015).

In addition to acknowledging the clear need to tackle the deep roots of the migration crisis affecting the neighbourhood region, the EU has developed a number of initiatives to strengthen dialogue with its partners and to jointly manage migration flows and border controls. These initiatives are aimed at addressing the current emergencies (for further analysis, see Garcia Andrade and Martin 2015). Fighting irregular migration, and the associated smuggling trade, remains a priority with a view to the proper and orderly management of immigration and the EU's borders.

Engaging neighbours in migration management: the toolbox

One innovative tool developed to encourage neighbours to collaborate with the EU on migration issues is the mobility partnership.¹ Launched in 2007 (European Commission 2007), the core concept of the partnerships is that they are incentive-based: enhanced legal migration channels and mobility opportunities are offered to third countries in return for their cooperation in preventing irregular immigration and ensuring border security. This initiative has so far been offered to selected countries involved in the ENP. This is in line with the Union's desire to reinvigorate its relationship with neighbouring states, and in this way to avoid the perception of a 'fortress Europe'. The instrument goes beyond purely security-based considerations. It takes into account some of the partner's concerns and requests, together with the need to offer incentives in order to secure their involvement (for further analysis, see Reslow 2015; Lavenex and Stucky 2011).

Mobility partnerships can facilitate policy dialogue and operational cooperation, and are intended to pave the way for stronger cooperation and binding initiatives. These include readmission agreements² with third countries which, by easing the procedures for returning irregular migrants, play a key role for the EU.

In 2016, migration pressure along Europe's external borders remained high, with over half a million illegal border crossings detected (Frontex 2017). While people in clear need of international protection have the right to stay, irregular economic migrants should be returned. In fact, fewer than 40% of the irregular migrants ordered to leave

¹ The EU has so far concluded nine mobility partnerships, namely with Moldova and Cape Verde (2008); Georgia (2009); Armenia (2011); Morocco, Azerbaijan and Tunisia (2013); Jordan (2014); and Belarus (2016).

² The EU has so far concluded 17 readmission agreements, mainly with the Eastern Partnership countries (Ukraine, Moldova, Georgia, Armenia and Azerbaijan), Russia and the Western Balkan countries. On its southern shore, the EU is entangled in protracted negotiations with Morocco (based on a mandate dating back to 2000) and has recently started negotiations with Tunisia, while talks with Algeria, despite a formal mandate, have never formally started.

the EU actually did so (European Commission 2015). The effective implementation of the EU's return policy depends on the willingness of third countries to take back their citizens, and in certain cases even the irregular migrants who have transited through their territories. Readmission agreements are therefore an essential part of the EU's effort to curb irregular migration—they ensure the success of EU expulsion policies and act as a deterrent (for further analysis, see Cournil 2012; Cassarino 2010).

Despite the various initiatives introduced, the EU has traditionally had difficulties with migration partnerships. To secure third countries' cooperation in the fight against irregular migration, the EU needs to use its considerable leverage and a mix of incentives and concessions. Unfortunately, the EU still lacks support from the member states, which affects its capacity to comfortably play the role of negotiator.

When the carrot is not in the EU's hand: incentives matter

For many years the member states have engaged with other countries in dialogues and cooperative initiatives on migration. The EU, on the other hand, has only taken on this role more actively in the last decade. This has come about as a result of the progressive integration of migration policy, which has been described as 'shifting up and out of the migration policy' (Lavenex 2006).

Cooperative initiatives at the supranational level seek to allow the EU to speak with one voice on migration (European Commission 2011b). Here it is assumed that the EU's potential as a negotiating partner surpasses that of any individual member state. However, the EU is limited by the competences it enjoys in the field and by its fragmented migration policy. These aspects determine the tools it can deploy and the leverage it can use with third countries.

When negotiating, the EU is not always in a position of strength vis-à-vis third countries, which have less interest in controlling borders than does the EU. Europe's governments are strongly motivated to engage with the source countries to elicit their cooperation in the fight against irregular migration. However, these countries rarely make a priority of preventing irregular migration. Moreover, they have few incentives to readmit irregular migrants. On the contrary, emigration can bring economic benefits, such as the inflow of remittances or a lower unemployment rate. When it comes to migration, third countries are primarily seeking opportunities for their citizens to move to Europe. As EU member states retain important competences, first and foremost over admission policies, the 'tastiest carrots' are not in the Commission's hands (Hampshire 2016, 580). This undermines its credibility and leverage during negotiations.

Matters are further complicated by the divergence in member states' views on the role the EU should have in the source countries. Using visa-facilitation agreements as incentives, the EU has successfully concluded a number of readmission agreements in the

eastern neighbourhood (see Trauner and Kruse 2008). The EU had few concerns about extending visa facilitation or granting mobility-linked incentives to nearby countries that might, in the medium or longer term, join the EU, or at least enjoy visa-free regimes (De Bruycker 2014). This approach has contributed to deeper cooperation on migration with the eastern neighbours. In contrast, the EU encounters opposition from many member states when it comes to concluding agreements with countries in the southern neighbourhood and, as a result, visa-facilitation agreements either have not been offered in exchange for readmission agreements or have been offered only after long negotiations (after 10 years with Morocco and after 7 years with Turkey; see e.g. Wolff 2014).

The member states are mostly reluctant to become fully involved, especially when it comes to specific concessions on legal migration and mobility; and they have their own priorities, which can differ from those of the EU. Both of these factors limit the 'EU's options in terms of what it can offer partner countries in exchange for their much-needed help in managing migration' (Dimitriadi 2016, 2). Ultimately, it seems as if 'the EU as a whole has less to offer third countries in concrete terms.... Consequently, EU (external) initiatives can only play a facilitative role in the sphere of legal migration, which is an inherent limitation' (Cholewinski 2011, 494).

The crucial role of EU member states

Despite the EU's attempt to acquire a strengthened role and to establish a joint migration-management effort with partner countries, the role of individual member states remains crucial. First, the intricate distribution of external competences linked to migration explains why most EU cooperation instruments with third countries involve both the Union and its member states (Garcia Andrade and Martin 2015). Mobility partnerships, for instance, which deal with various aspects of migration policy, are signed both by the EU and by those member states willing to participate on a voluntary basis (in the form of mixed agreements). The conclusion and implementation of these partnerships strongly rely on the involvement of the member states, which propose the concrete projects and are not always willing to offer something new (thus duplicating bilateral initiatives), or to use their own incentives, especially in terms of legal migration opportunities.

Second, through international treaties or informal arrangements, member states continue to be highly active in those fields in which they preserve exclusive or concurrent powers with regard to the EU (Garcia Andrade and Martin 2015). This is the case with readmission agreements, where member states still conclude their own bilateral deals, while asking the Commission to do the same and to include tougher clauses (such as the contested clause that facilitates the readmission not only of the partner country's own citizens, but also of third-country nationals who have transited through its territory) (European Commission 2011a). As an example, while the negotiations on the EU–Morocco readmission agreement have yielded only protracted negotiations, Morocco has signed several readmission agreements with member states, namely with Germany, Spain, France, Italy, Malta and Portugal (Wolff 2015).

The result is fragmented cooperation, where EU initiatives coexist with mixed or purely bilateral approaches. This 'à la carte' behaviour of the member states weakens the EU's negotiating position and impairs the effectiveness of EU migration policy (Maes et al. 2012, 59), resulting in slow progress and uncertain partnerships.

Moving forward

As underlined, the EU's ambition to strengthen its migration policy through cooperation with third countries is affected not only by its partners' behaviour but also by internal constraints. Progress is limited primarily by the EU's competence in migration policy and by the tools it has at its disposal to engage with partners in a joint effort to manage migration flows.

One way to overcome this limitation would be to ensure that the individual bilateral initiatives undertaken by member states are better coordinated (e.g. by operating a quota for economic migrants or circular migration/work schemes). This could be achieved by gathering them together within a specific EU framework. Although the current emergency has refocused attention on security-related matters and domestic concerns, an effective migration policy should also include features related to mobility and legal channels. Such a balanced approach is necessary to create real partnerships and to be effective in the end.

In addition, the EU should offer incentives to third countries based on the competences it enjoys in areas other than migration, for example trade policy and other components included in the ENP. This would allow the EU to make greater use of the leverage it has, also taking into consideration the fact that relying only on financial incentives is unsustainable in the long term. However, such an approach could be problematic and generate criticism, especially if it were to give the impression that the provision of development aid is conditional on cooperation on migration issues.

Moreover, to secure the implementation of agreements, the EU should use a combination of positive and negative incentives—rewarding those countries that cooperate effectively with the EU on migration management and ensuring that there are consequences for those who do not (European Commission 2016). Retaliation measures by the EU in cases of persistent and unjustified refusal of cooperation by a partner country have been discussed for many years and proposed by the European Commission, but rarely applied. This is partly due to the reluctance of the various EU institutions involved to compromise their broader external relations on the grounds of inadequate cooperation in the field of immigration. The EU should also use its leverage to insist on adherence to human rights standards in partner countries.

Finally, while member states' prerogatives and competences must not be interfered with and their different geopolitical priorities must be taken into account, all member states need to have a common position which clearly identifies the role the EU is

expected to play and includes a commitment to all the initiatives developed at the EU level.

Bilateral initiatives must be embedded in a comprehensive European strategy in order to become of added value to the whole Union. Where member states have privileged relations with third countries—for historical, cultural or other reasons—they should use them to obtain fruitful cooperation for the EU as a whole. There is still a great need for better coordination and synergies among the various initiatives at the EU and the national levels, as well as a clear consensus on the EU's goal and the tools it can use to reach it.

The new migration partnership framework suggested by the European Commission (2016) one year ago seems to move in this direction. With the new initiative, characterised by a dose of pragmatism, the EU is seeking tailor-made migration partnerships with selected key countries, with the intention of using all policies and instruments at its disposal to achieve concrete results and reduce irregular migration. It is still too early to assess whether this ambition will become a reality.

Conclusion

The EU is increasingly turning to third countries to manage migration flows and reduce the number of irregular migrants arriving in Europe. All EU member states agree that strengthening the foreign-policy dimension of migration policy is crucial for migration management. In the last decade, together with the further integration of migration policy, the EU has acquired a stronger role in this field, developing new tools to cooperate with neighbouring countries.

While the member states have given the EU the difficult task of establishing partnerships and agreements on migration with neighbouring countries, they have failed to support EU action. National priorities have rarely converged, and member states have been reluctant to become fully involved, especially when it comes to offering mobility opportunities as incentives. The support and involvement of the member states are crucial as they retain a decisive role and have competence concerning admission policies.

The result thus far is a big gap between intentions and the actual implementation of a coherent approach to migration. Although the current migration crisis has given new and greater importance to cooperation with third countries in the neighbourhood, it has also highlighted that it is time for the EU to address its challenges.

Some member states are hesitant to take responsibility for the management of migration, relying on partner countries for solutions. Nevertheless, the role of the EU as negotiator with and partner of the countries on its periphery is inexorably linked to what happens within the EU itself. Better coordination between EU member states is essential not only for internal reasons, but also to increase the credibility of the EU as a reliable and coherent partner, able to speak with one voice when addressing third countries.

This calls for a stronger foreign policy on migration at the EU level, the deployment of a wide range of tools and incentives, and more committed support from member states for EU action as a whole. Only in this way will the EU be able to develop a credible, and effective, strategy when cooperating with third countries.

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References

Cassarino, J. P. (2010). *Readmission policy in the European Union*. Study for the European Parliament, DG for Internal Policies, Policy Department C. Brussels. [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET\(2010\)425632_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/425632/IPOL-LIBE_ET(2010)425632_EN.pdf). Accessed 8 May 2017.

Cholewinski, R. (2011). The external dimension of the EU immigration policy. In M. Maes, M.-C. Foblets, P. De Bruycker, D. Vanheule, & J. Wouters (eds.), *External dimensions of EU migration and asylum law and policy* (pp. 485–500). Brussels: Bruylant.

Cournil, C. (2012). La politique de réadmission de l'UE avec les pays tiers: Diversification et expansion de l'externalisation des contrôles migratoires. In L. Dublin (ed.), *La légalité de la lutte contre l'immigration irrégulière par l'Union Européenne* (pp. 187–51). Brussels: Bruylant.

De Bruycker, P. (2014). L'approche globale des migrations de l'Union européenne: quel progrès suite au partenariat de mobilité avec le Maroc? In R. Mehdi (ed.), *La Méditerranée, espace démocratique?* (pp. 95–101). Marseille: Presses Universitaires d'Aix.

Dimitriadi, A. (2016). *Deals without borders: Europe's foreign policy on migration*. London: European Council on Foreign Relations. April. http://ecfr.eu/page/-/ECFR-165-DEALS_WITHOUT_BORDERS.pdf. Accessed 8 May 2017.

European Commission. (2007). *Circular migration and mobility partnerships between the European Union and third countries*. Communication, COM (2007) 248 final, 16 May.

European Commission. (2011a). *Evaluation of EU readmission agreements*. Communication, COM (2011) 76 final, 23 February.

European Commission. (2011b). *The global approach to migration and mobility*. Communication, COM (2011) 743 final, 18 November.

European Commission. (2015). *EU action plan on return*. Communication, COM (2015) 453 final, 9 September.

- European Commission. (2016). *Establishing a new Partnership Framework with third countries under the European Agenda on Migration*. Communication, COM (2016) 385 final, 7 June.
- European Commission and High Representative of the Union for Foreign Affairs and Security Policy. (2015). *Review of the European Neighbourhood Policy*. Joint Communication, JOIN (2015) 50 final, 18 November.
- Frontex. (2017). *Risk analysis for 2017*. February. <http://frontex.europa.eu/news/frontex-publishes-risk-analysis-for-2017-CpJiC8>. Accessed 8 May 2017.
- Garcia Andrade, P., & Martin, I. (2015). *EU cooperation with third countries in the field of migration*. Study for the European Parliament, Policy Department of Citizens' Rights and Constitutional Affairs, 2015/PE 536.469, Brussels. [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536469/IPOL_STU\(2015\)536469_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536469/IPOL_STU(2015)536469_EN.pdf). Accessed 8 May 2017.
- Hampshire, J. (2016). Speaking with one voice? The European Union's global approach to migration and mobility and the limits of international migration cooperation. *Journal of Ethic and Migration Studies*, 42(4), 571–86.
- Junker, J. C. (2014). *A new start for Europe: My agenda for jobs, growth, fairness and democratic change*. Political guidelines for the next European Commission. Opening statement in the European Parliament Plenary Session, Strasbourg. 15 July. https://ec.europa.eu/commission/sites/beta-political/files/juncker-political-guidelines-speech_en_0.pdf. Accessed 8 May 2017.
- Lavenex, S. (2006). Shifting up and out: The foreign policy of European immigration control. *West European Politics*, 29(2), 329–51.
- Lavenex, S. (2016). Multilevelling EU external governance: The role of international organisations in the diffusion of EU migration policies. *Journal of Ethic and Migration Studies*, 42(4), 554–70.
- Lavenex, S., & Stucky, R. (2011). 'Partnering' for migration in EU external relations. In R. Kunz, S. Lavenex, & M. Panizzon (eds.), *Multilayered migration governance: The promise of partnership* (pp. 116–42). London: Routledge.
- Maes, M., Foblets, M.-C., De Bruycker, P., Vanheule, D., Wouters, J., & Foblets, M.-C. (2012). The international dimension of EU asylum and migration policy: Framing the issues. In M. Maes, M.-C. Foblets, P. De Bruycker, D. Vanheule, & J. Wouters (eds.), *External dimensions of EU migration and asylum law and policy* (pp. 9–60). Brussels: Bruylant.
- Reslow, N. (2015). EU 'mobility' partnerships: An initial assessment of implementation dynamics. *Politics and Governance*, 3(2), 117–28.

Trauner, F., & Kruse, I. (2008). EC visa facilitation and readmission agreements: A new standard EU foreign policy tool? *European Journal of Migration and Law*, 10(4), 411–28.

Wolff, S. (2014). The politics of negotiating EU readmission agreements: Insight from Morocco and Turkey. *European Journal of Migration and Law*, 16(1), 69–95.

Wolff, S. (2015). Challenges of trans-Saharan migration. In E. Lannon & S. Gstöhl (eds.), *The European Union's broader neighbourhood: Challenges and opportunities for cooperation beyond the European Neighbourhood Policy* (pp. 37–52). London: Routledge.

Wolff, S., & Mounier, G. (2011). The external dimension of JHA: A new dimension of EU diplomacy. In S. Wolff, F. Goudappel, & J. Jaap de Zwaan (eds.), *Freedom, security and justice after Lisbon and Stockholm* (pp. 241–55). The Hague: T.M.C. Asser Press.



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