

Negotiating Migration in the Euro-Mediterranean: The Potential for EC Mobility Partnerships

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2008 saw many in the public and national political elites being convinced that the EU needs a common immigration policy. Indeed, the French Presidency's public relations campaign had many convinced that the EU now *has* a common immigration policy, thanks to its voluntary and non-binding "European Pact on Immigration and Asylum," just like it now has a coherent Mediterranean policy, thanks to its "Union for the Mediterranean." Closer to the truth would be the concepts of the "Global Approach to Migration" and a "Europe of projects." Since 2005, the European Commission (EC) has argued that the basis for a common immigration policy is partnership with third countries, developed through projects in three main areas: the managements of legal migration, irregular migration, and migration and development. Though Member States have certainly acquired greater tools for cooperation on border management and irregular migration, the failure of the 2001 Economic Migration Directive halted much work on the positive aspects of migration, until 2008. In that year, the Commission capitalised on these renewed calls for a common immigration policy to launch new projects on legal immigration like the "Blue Card" Directive for highly skilled workers and the European Union (EU) Immigration Web Portal for prospective immigrants.

The most relevant of these immigration projects for EU external relations, especially in the Mediterranean, are EC mobility partnerships. A mobility partnership is a cooperation and dialogue mechanism between EU Member States and a third country on all areas of the Global Approach. They are supposed to be living frameworks that are easily adaptable to Member

States' interests and a third country's needs. Pilot EU mobility partnerships were signed with Moldova and Cape Verde in May 2008, while the Commission has a mandate to negotiate two more pilots with Georgia and Senegal.

This article evaluates EC mobility partnerships as 2008's major innovation in the EU's Global Approach to Migration. Taking the pilot projects agreed upon with Cape Verde and Moldova, the first half of this article explores the added value of mobility partnerships over traditional bilateral agreements, their selection criteria for a third country, their content and their negotiation procedure. The second half looks ahead to the EC mobility partnerships' potential to make the needs of third countries and their diaspora in Europe front and centre in future negotiations on managing migration in the Mediterranean. Taking Morocco as a strong case in the region, the article demonstrates how migration profiles can inspire the terms and content of a partnership and recommends specific initiatives for Member States and interested stakeholders.

The Current State of EC Mobility Partnerships

A number of factors make it difficult to conceptualise mobility partnerships in the international migration landscape. Public information on the selection criteria for a third country or on the negotiation of mobility partnerships is dramatically lacking. It is also too early to draw up any preliminary conclusions on the outcomes, as the implementation phase only started in January 2009. Built upon past existing bilateral agreements, mobility partnerships are shaped on a case-by-case basis, without systematic approach. Mobility packages differ in terms of content but also from the point of view of Member States that are

taking part. Mobility partnerships constitute *à la carte* collections of commitments, with which Member States may decide whether or not to participate.

A New Approach to Negotiating Migration?

Cooperation with third countries on immigration issues has traditionally taken the form of bilateral agreements. Bilateral agreements typically strengthen cooperation between national authorities for the purpose of border management or lay out return and readmission procedures. Bilateral labour migration schemes provide provisions facilitating the acquisition of work and residence permits for third country nationals concerned.

Mobility partnerships merely coordinate and encourage bilateral actions, whose implementation is still left to Member States. But under mobility partnerships, national competences are exercised under a single common framework. It encourages cooperation between Member States without exceeding respective EU or national competences. Coordination at the EU level will enhance past bilateral efforts, as the main role of the Commission will be to supervise the implementation of fieldwork activities so as to reduce the overlap between different national initiatives and actions. A common mobility framework will bring up actions where there were none (i.e. the creation of legal migration channels and the conclusion of readmission or visa facilitation agreements). Mobility partnerships allow new Member States to get involved in areas in which they have traditionally been less active. Coordination and coherence of EU and Member States' policies and measures, with a common methodology and common principles, are core dimensions of the common immigration policy establishing the foundations for a common legal framework on immigration and asylum.

Criteria for Membership: A Secretive Club

The way mobility partnerships have been concluded in practice stresses the ad hoc approach and the lack of strict guidelines. Candidate countries showing a strong interest in entering into an EU partnership are more likely to be selected as partners. Yet the final choice of Cape Verde and Moldova was made on grounds whose objectivity is debatable. Cape Verde shares strong historical and economic ties and a common language with Portugal, which was presiding as Council President at the time of conclusion of the

mobility partnership. Moldova, through its representation based in Brussels, has conducted vigorous lobbying activities to be included in the pilot mobility partnerships.

Content: A Comprehensive Instrument

Mobility partnerships convey the Global Approach to Migration's prime objective to work closely with third countries in a comprehensive and balanced manner. The content of a mobility partnership is complementary to the broader bundle of carrots (i.e. visa facilitation) and sticks (i.e. readmission agreements and border cooperation) that third countries are being asked to sign and use in the bilateral and multilateral management of migration.

Within partnership agreements, proposed commitments on legal migration would include initiatives where information on legal migration is provided or measures helping to identify legal opportunities to migrate. Assistance on capacity building to manage migration flows with job-matching services and training provided to experts or to prospective migrants are other possible actions. The Commission supports the conclusion of bilateral agreements on visa facilitation for certain categories of migrants. Third countries are urged to contribute actively to the fight against irregular migration by improving border controls and management, to collaborate with FRONTEX or to improve security of travel documents. On the migration and development agenda, measures on brain drain mitigation, on circular migration or on remittances are encouraged. Readmission agreements are a core element inseparable from mobility pacts.

The Negotiation Process: A Non-Binding and Flexible Instrument

There is little information on the negotiation and conclusion of these pilot partnerships, but they seem to present similar features to mixed agreements, except that the latter create rights and impose obligations under international law. Mixed agreements have increasingly developed in the practice of EU agreements concluded with third countries, so as to better reflect legal and political realities inherent to the EU division of powers. Mobility partnerships, as external instruments of the EU's migration policy, bring together different policy areas where the EC has no exclusive competences, which de jure entails Member States' involvement in the decision-making process

and implementation. In practice, mobility packages are the result of informal meetings where participating Member States put forward ad hoc initiatives whose effective implementation is totally subject to Member States' political goodwill and available financial means.

Mobility Partnerships: The Way Forward

Mobility partnerships are generally perceived as the new innovative tool for migration management. By bringing together Member States to cooperate, mobility packages harmonise external migration actions without entering into national competences. Member States may share successful supporting strategies and cooperation with third countries or exchange good practices and policies. Undeniably, a flexible approach and implementation leaves Member States comfortable room to manoeuvre to adjust the proposed actions when required. Yet a number of factors may endanger mobility partnerships, such as their non-binding nature or the lack of coordination at either the national or the European level.

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Objective selection criteria allowing for a fair and equal treatment between comparable candidates could be setting up for the future. In the pilots, migration profiles presenting comprehensive data on migration flows and stocks are proposed to be elaborated so as to accurately define migration issues of common interests. Such profiles would be better exploited prior to the conclusion of mobility partnerships, so as to adequately assess the socio-economic situation and mobility needs of a country and its population abroad. Member States presenting strong migration ties would propose a comprehensive range of appropriate actions to be taken.

The Future Potential for Partnership: The Strong Case for Morocco

According to this logic, an EC mobility partnership would have some of the greatest benefit in the Mediterranean region for Moroccans, who are one of the world's largest populations on the move, mostly to the EU. One of the few countries that combine a significant emigration rate (8.6%) with a large population (33 million), Morocco has one of the world's largest diasporas (2.7 million Moroccan-born living abroad in 2005). In 2000, an estimated 71.8% had settled in the EU (1.9 million). The largest group (estimated at 29% in 2000) chose France, while 12% went for Spain, 11% for Germany, 7% for Italy, 6% for the Netherlands and 5% for Belgium. Among these countries, Morocco has become the most important country of origin for immigrants in Italy and Spain, whereas it ranks second in France, third in Belgium, fourth in the Netherlands and sixth in Germany. 1.8% of Moroccan emigrants are split among the modest Moroccan communities that have developed in most EU Member States.

The preference of this large, mobile population for European countries of destination is supported by many of the objective criteria that make a strong case for partnership. The EU and Morocco are neighbours, with one of the highest income inequality gaps between them in the world. The population of Morocco is relatively young and internally mobile. Furthermore, they share parts of their history with the continent and their official languages with Spain and France. Add to that the family and social connections with the diaspora in Europe and these strong bonds have great monetary value for the people of Morocco. Moroccan emigrants sent back 4.6 billion dollars in 2000, according to World Bank estimates. Remittances were three times more important to Morocco than foreign-direct investment in 2006, and nearly seven times more important than official development aid in 2005.

Setting the Terms of a Euro-Moroccan Partnership

Sketching a "migration profile" for the country reveals great mobility potential for international students and recent highly skilled graduates, Moroccan-trained doctors and low-skilled agricultural workers. Morocco is also one of the few countries that combine a significant study abroad rate (11% in 2006) and a large

population in post-secondary and tertiary education population (491,667 enrolled in 2007). Moroccan students are more likely to study abroad than their counterparts in the rest of North Africa and the Middle East. And they have as much international educational experience as Americans, Canadians or Japanese. In 2005, 48,162 Moroccan students received their university degree and entered a job market, where 222,400 highly skilled persons (half of them women) were out of a job. So far, highly skilled emigration has been moderate and steady, with only one in ten highly-educated Moroccans living outside the country. Brain drain has been less of a problem for Moroccan doctors, whose emigration rates are lower than the highly skilled average. Since 1991, more doctors have been trained in Morocco and more are choosing to stay there. In Morocco in 2005, 44% of all workers and 57% of female workers were employed in the agriculture and fishing sector. In that same year, a third of the 1.8 million unemployed workers were seeking their first job, while a similar amount came from elementary or unclassifiable professions.

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The longstanding countries of Moroccan immigration, such as Austria, Belgium, Denmark, France, Germany and the Netherlands, receive most of Morocco's international students and its highly skilled. Their contributions to an EU mobility partnership could be to promote the retention and mobility of Moroccan students trained in their countries. Complementary measures can combat brain waste and the non-recognition of skills and qualifications obtained in Morocco. For instance, although France is the major country of des-

tination for Moroccan immigrants, highly-skilled, and international students, twice as many Moroccan doctors go to Belgium. France allows doctors to be Moroccan nationals, but only if they obtained their qualifications in France or the EU. For more evidence of the waste of Moroccans' skills and qualifications, one need look no further than the one in ten Moroccan-born highly-skilled looking for work in France, Italy and Spain.

In the new major countries of Moroccan immigration like Italy and Spain, Moroccans have grown to become the largest immigrant community, with many newcomers overrepresented in the foreign work force. Within a possible EU mobility partnership, these countries could look to Spain for example and launch recruitment programmes for Moroccan international students and provide more information and openings for their seasonal agricultural work programmes. Spain has been much more successful than Italy for instance in attracting Moroccan students. Now, one in ten head to Spain and one in ten international students in Spain are Moroccan-born. On temporary work, Spain has been the top destination for Moroccans moving abroad on temporary work permits since 2005. One in five is declared as working in agriculture and fishing, while the official numbers in Italy, Greece and Portugal are comparatively low.

More out-of-the-way destinations (Ireland, the UK, Scandinavia and Central Eastern Europe) could also contribute new study abroad programmes. With less than 1% of Moroccan students choosing Ireland or the UK, English-speaking universities might specifically think of better exchange and language training. Recent, particularly female, Moroccan-trained graduates could be the target group for new highly-skilled twinning or job-matching services. Although two out of every three highly skilled Moroccans in the EU are in France and have been there for over a decade, highly-skilled Moroccan newcomers are more likely than most compatriots to settle in countries with smaller Moroccan communities. The few Moroccan migrant workers who choose these countries tend to be more highly-skilled, male, and concentrated in mid-level positions like clerks.