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Implementation dynamics in EU 'Mobility' Partnerships

Natasja Reslow

Faculty of Law
Maastricht University
Email: n.reslow@maastrichtuniversity.nl

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Abstract
This paper contributes to the very limited literature on the implementation of EU external migration policy. Cooperation with non-EU countries has become a central policy priority for the EU over the past decade, with the main policy tool being the Mobility Partnership framework. Since 2008, seven such partnerships have been signed with countries in the EU's neighbourhood. Since the Commission's 2009 evaluation, however, little has been written about how the Mobility Partnerships are playing out in practice. This paper addresses this deficit, and focuses in particular on the concept of mobility. It first attempts to assess the whether the Mobility Partnerships have created extra channels of migration from the non-EU countries concerned to the EU. However, the paper concludes that implementation is still at too early a stage, and no sound conclusion can be drawn regarding the overall contribution of the Mobility Partnerships to mobility. Instead, the paper applies the literature on implementation in a 'backward' fashion: starting with the implementation dynamics at play, it concludes that successful implementation of the Mobility Partnerships will depend on the particular third country and project concerned.

1. Introduction

Since the early 2000s, EU policy documents emphasise the importance of cooperating with non-EU countries on migration issues. Policy instruments have been created and brought together under the Global Approach to Migration and Mobility (Commission, 2011), and project funding has been made available under successive EU funding instruments. This has spawned a sizeable literature on EU external migration policy, with scholars examining policy content and policy-making dynamics (e.g. Boswell, 2003; Coleman, 2009; Weinar, 2011). And yet at the same time the literature on implementation of EU external migration policy has remained extremely limited (Wunderlich, 2013; 2012). This is puzzling, and unsatisfactory. Implementation research matters because, simply put, "putting a piece of legislation or a government programme into practice does not happen automatically, nor is it a purely technical or apolitical affair" (Treib, 2006, p.5). Policy in theory (on paper) is one thing; policy in practice may be quite another (Versluis, 2004, p.13). Implementation research in EU external migration policy matters because the policy area is so salient. Given that cooperation with third countries on migration continues to be stressed in EU policy documents (e.g. Commission, 2014b), there is a pressing need to understand how this policy is implemented in practice. This paper provides a first step in this direction, by assessing the potential for successful implementation of the EU's Mobility Partnerships. The Mobility Partnerships are selected as the object of study because they are the "main strategic, comprehensive and long-term cooperation framework for migration management with third countries".[1] Section 2 introduces the Mobility Partnership instrument and argues that a definitive assessment of implementation is premature. Section 3 distils some central concepts from the implementation literature, which are applied in section 4 in order to determine the potential for successful implementation of the Mobility Partnerships. The conclusion argues that, although the voluntary nature of the policy instrument might remove several obstacles to implementation, a blanket assessment of the Mobility Partnerships is not possible: outcomes will depend on the specific third country and project concerned.

2. The 'Mobility' Partnerships

The concept of Mobility Partnerships was introduced by the Commission in 2007 (Commission, 2007). The aim was to create "novel approaches to improve the management of legal movements of people between the EU and third countries" (p.2). The central idea is that

[1] Regulation (EU) No. 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund. OJ L 150 volume 47, p.168.

legal migration opportunities will be offered to third countries in return for their cooperation on preventing irregular migration (p.3); in practice, this has come to mean that Mobility Partnerships include the signature of both readmission and visa facilitation agreements (Commission, 2011, p.11). Indeed, the fact that the communication setting out the Mobility Partnership concept also addresses circular migration seems to emphasise the centrality of 'mobility' for this policy instrument. To date, Mobility Partnerships have been signed with Moldova (2008), Cape Verde (2008), Georgia (2009), Armenia (2011), Morocco (2013), Azerbaijan (2013), and Tunisia (2014).

Mobility Partnerships are signed as political declarations, setting out the intent of the Commission, the third country concerned, and participating member states to cooperate on migration issues. Appended to this declaration is a list of projects for implementation; projects may be proposed by any of the parties to a Mobility Partnership, but in reality most projects have been carried out by member states (Reslow, 2013, p.138). A Mobility Partnerships is best understood as an 'umbrella', bringing together the various individual projects. Participation by member states is voluntary, which has led to varied patterns of opting in and out by the different member states, ranging from France (which participates in all partnerships) to Austria, Finland, Ireland and Malta (which do not participate in any partnerships). All other member states are located somewhere between these extremes, participating in some, but not all, partnerships.[2]

Once a Mobility Partnership has been negotiated and signed (see Reslow, 2013, p.129), it is implemented through the implementation of the projects proposed. Implementation is monitored at the EU level through a Mobility Partnership task force, and at the local level through a cooperation platform in the third country concerned. The Commission plays a key role in the task force by organising meetings and updating the scoreboard – a document produced for each Mobility Partnership which shows all the projects being implemented and their state of play. Member states' embassies, EU delegations and third countries' authorities meet in the framework of cooperation platforms to monitor implementation of the projects (Commission, 2009a, pp.5-6).

The literature on the implementation of EU external migration policy is extremely limited. Initial academic assessments of the Mobility Partnerships have focused on the decision-making process. Member states 'wrangle' amongst themselves to ensure that EU policy favours third countries with which they have a special relationship (Parkes, 2009,

[2] Croatia has, since becoming an EU member state in 2013, not yet opted to participate in any Mobility Partnerships.

p.343). At the same time, they maintain strict control over the form and content of the Mobility Partnerships, thus severely limiting the Commission's room for manoeuvre (Reslow, 2013, p.229). The exclusion of the European Parliament from the policy-making process has "marginalised any sort of democratic accountability" of this policy instrument (Carrera and Hernández i Sagrera, 2011, p.106). Carrera and Hernández i Sagrera (2011) also consider the human rights implications of the Mobility Partnerships: they label these partnerships 'insecurity partnerships' because "they undermine the coherence of EU policy on labour immigration and increase the vulnerability of third country workers' human rights in Europe" (p.97).

Despite their name and the centrality of the idea of mobility as put forward by the Commission (see above), several authors argue that labour mobility schemes have been lacking in the Mobility Partnerships concluded to date (Carrera and Hernández i Sagrera, 2011; Lavenex and Stucky, 2011; Parkes, 2009; Reslow, 2013; see, however, Cassarino, 2009, who characterises Mobility Partnerships as 'a new generation of temporary labour-migration schemes'). These judgements are based on a reading of the Mobility Partnership texts only; however, due to their non-binding nature, full implementation of the proposed projects cannot be guaranteed (Carrera and Hernández i Sagrera, 2011, p.110). On the other hand, given that Commission officials see each Mobility Partnership as a 'living document' (Reslow, 2013, p.136), implementation in practice may not precisely reflect the text of the agreement: new projects on mobility may be added later, that were not originally foreseen.

Given the (at least nominal) importance attached to the concept of mobility, and the rather sceptical initial assessments by scholars, it makes sense to judge Mobility Partnerships in terms of their contribution to mobility.[3] This can be done in different ways, for instance in terms of nationals of Mobility Partnership countries moving and taking up residence in the EU. Figure 1 shows the number of first residence permits issued by the 28 EU member states to citizens of the Mobility Partnership countries, based on Eurostat data. The cross on each line indicates when the Mobility Partnership with the country concerned was signed. Eurostat

[3] Mobility Partnerships can also be judged in terms of their contribution to the prevention of irregular migration. This is somewhat less tangible, as assessing the absence of a phenomenon invites counterfactual reasoning. An alternative approach would be to analyse the numbers of persons readmitted under the readmission agreements in place with Mobility Partnership countries. However, reliable and comparable data sources are lacking in this respect. The 2014 study by the European Migration Network on readmission practices by the member states (European Migration Network, 2014) suffers from some weaknesses: data was only provided by 13 member states; the data provided is not complete with respect to the Mobility Partnership countries (e.g. not all member states provided data on the numbers of readmissions under the agreement with Moldova); and some readmission agreements with Mobility Partnership countries have not yet been concluded/entered into force, so that a meaningful evaluation is not yet possible.

data is currently only available up to 2013; Morocco, Azerbaijan and Tunisia are therefore not included, as their Mobility Partnerships were agreed in 2013 and 2014. Eurostat data is only available from 2008; the Mobility Partnerships with Moldova and Cape Verde were agreed in 2008, meaning that for these two countries the data does not show the situation before. Nevertheless, it shows very clearly in the case of Moldova that, since 2008, the number of first residence permits issued by EU member states has dropped significantly. None of the Mobility Partnership countries has seen a consistent and significant increase in the number of residence permits being issued. This may be a very crude measurement of 'mobility', but it nevertheless implies that the Mobility Partnerships have not led to greater numbers of citizens from these countries moving to EU countries.

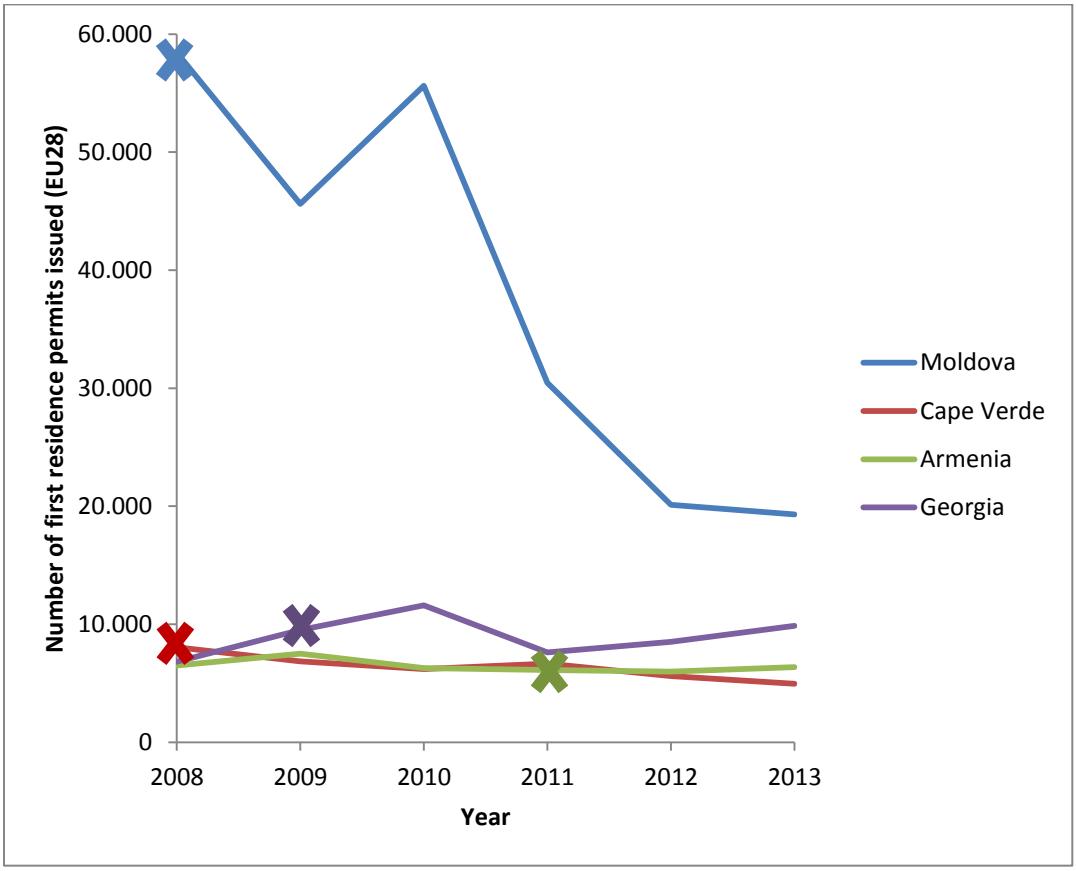

Figure 1: Number of residence permits issued by the EU 28 member states to citizens of Mobility Partnership countries (source: Eurostat). The data concerns residence permits issued for more than 3 months, for all purposes (family reunification, remunerated activities, education, and other purposes).

Visa facilitation agreements are an important component of the Mobility Partnerships, and the Commission has made clear that the dual signature of visa facilitation and readmission agreements is what sets the Mobility Partnerships apart from other instruments, such as the Common Agenda on Migration and Mobility (Commission, 2011, p.11). Figure 2

therefore attempts to assess this aspect of mobility, by charting the numbers of short-stay visas issued to citizens of Mobility Partnership countries. This is based on data by the European Commission; however this data is only available for 2010-2013.[4] This is the biggest hurdle to assessing visa facilitation agreements: they were mostly agreed after the Mobility Partnerships had been signed, meaning ratification and implementation are ongoing or at an early stage.[5] Therefore, figure 2 is only meaningful for the case of Georgia, where the visa facilitation agreement entered into force in 2011.

It is therefore, at this stage of implementation, not possible to definitively determine the contribution of Mobility Partnerships to mobility. Definitive assessments of implementation success/failure may take years because of the data and evidence required to make such an assessment (Ripley and Franklin, 1982, p.203). Instead, this paper will apply the literature on implementation in a 'backward' fashion: instead of beginning from an observed successful/failed policy implementation and tracing this back to the implementation dynamics, the paper begins from the implementation dynamics in order to determine what we might expect from the implementation of the Mobility Partnerships. Such an analysis can facilitate projections about the performance and impact of a particular policy (p.204). As this approach is ambivalent regarding the final outcome of implementation, it also avoids the accusation commonly levelled at implementation scholars that they focus too much on policy failures (deLeon, 1999, p.329). The following section distils some central explanatory concepts from the literature on implementation.

[4] Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm. The data suffers from several additional weaknesses: it does not include the UK, Ireland or Croatia; data for Romania, Bulgaria and Cyprus is patchy, therefore these have been excluded, although this is problematic as e.g. Romania issues a significant number of short-stay visas to Moldovan citizens; and the data concerns visas issued by location of member states' embassies, not according to citizenship of the person receiving the visa.

[5] The visa facilitation agreements with Armenia and Azerbaijan entered into force in 2014, and the visa facilitation agreement with Cape Verde has still to be ratified.

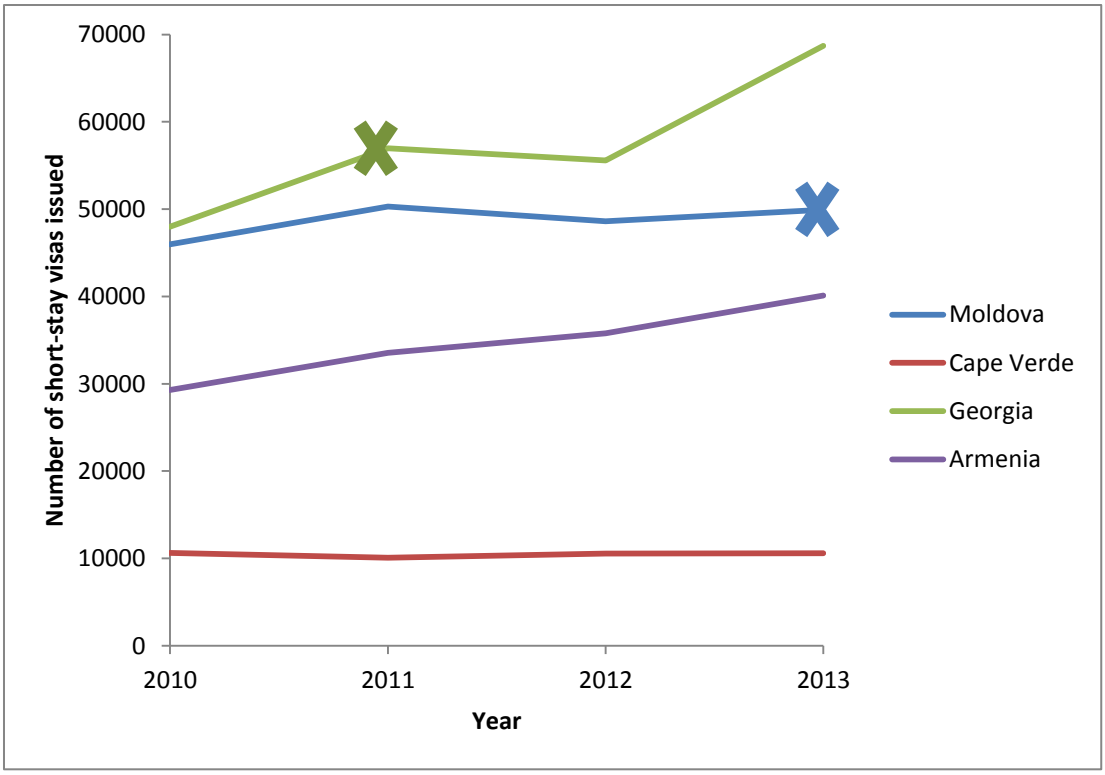

Figure 2: Number of short-stay visas issued to citizens of Mobility Partnership countries (source: Commission; author's own calculations).

3. Defining and assessing implementation

This paper borrows from the literature on the implementation of public policy in order to develop an analytical framework for assessing the implementation of EU external migration policy. Firstly, it is important to define precisely what is meant by implementation. This is especially so given that some authors writing on EU external migration policy claim to analyse 'implementation' whilst actually studying decision-making or policy-making. Wunderlich (2012), for instance, examines why Morocco and Ukraine "have agreed to co-operation on illegal migration" (p.1423), and highlights the concerns of Moroccan and Ukrainian actors concerning migration flows and the requirements of an EU readmission agreement. His analysis therefore concerns broader processes motivating these governments' decisions and relationship with the EU, but not how implementation of specific projects is functioning. Seeberg's (2014) article refers to the implementation of the Mobility Partnerships in the title, but actually concerns the prospect of conclusion of new partnership in the future, which belongs rather to the decision-making than implementation stage. Naturally it may be difficult to draw a firm distinction between policy-making and policy implementation, to the extent that implementation processes feed into policy formation in an iterative process of feedback and evaluation (Hill and Hupe, 2002, p.139; Nakamura, 1987). Nevertheless, this

paper attempts to draw such a distinction, by differentiating between the process leading up to the signature of individual Mobility Partnerships (decision-making) and everything that happens afterwards (implementation).

It is also necessary to differentiate 'implementation' from the notions of 'impact' or 'policy effectiveness'. 'Impact' refers to the consequences of a policy decision (i.e. "what happened") and 'implementation' refers to the dynamics and factors which explain programme performance (i.e. "why did it happen in this way"). Policy impact is therefore the extent to which policy objectives were achieved, and implementation studies examine the factors contributing to this realisation/non-realisation of policy objectives (van Meter and van Horn, 1975, p.448). Some scholars also distinguish between 'outputs' (implementation behaviour) and 'outcomes' (goal achievement), although Hill and Hupe (2002, p.146) note difficulties with accurately measuring outcomes and correctly attributing them to the policy concerned. Section 2 above argued that it is too early to assess the impact of the Mobility Partnerships on mobility. Instead, this paper focuses on implementation dynamics.

The literature on EU compliance suffers from the problem that it has focussed extensively on the implementation of EU *legislation* (e.g. Skjærseth and Wettestad, 2008; Bursens, 2002; Hartlapp, 2007). Bursens (2002), for instance, focuses on the transposition of directives into member states' national law, and defines implementation as "the whole of the actions exercised by the various relevant authorities of the member state in order to effect European legislation within that member state" (p.175). This is problematic for EU external migration policy for two main reasons: it is unhelpful in terms of what to look for, and where to look. EU external migration policy is not based on legislation, and little of it is legally-binding (apart from readmission and visa facilitation agreements, which are international agreements). It is thus futile to look for evidence of member states adopting supportive national legislation. Equally, focusing on EU legislation reduces implementation to an internal EU affair and a matter of the dynamics at play between the EU institutions and the member states, and within the member states national administrations. EU external migration policy, however, relies on third countries for implementation (Wunderlich, 2013, p.409).

This paper therefore looks to the broader public policy literature on implementation, which has highlighted a number of factors required for successful policy implementation.[6] These factors draw on both the top-down perspective (analysing those factors that central

[6] This paper does not engage with the 'top-down versus bottom-up' debate within implementation research (see e.g. Matland, 1995), but draws mainly on the work of the scholars writing from the top-down perspective. This choice is made because the paper focuses on a particular policy instrument (the Mobility Partnerships) (cf. Sabatier, 1986, p.37).

policy-makers can control) and the bottom-up perspective (analysing those factors outside the control of central policy-makers). Successful policy implementation depends firstly on the tractability of the problem being addressed: there must be a clear understanding of the link between the problem and the solutions which can address this problem, and existing practices causing the problem should not be diverse (Sabatier and Mazmanian, 1980, pp.541-544; Goggin et al., 1990, p.35).

Secondly, successful policy implementation is more likely if the new policy does not deviate substantially from previous policies: "incremental changes are more likely to engender a positive response than will drastic ones" (van Meter and van Horn, 1975, p.458; cf. Sabatier and Mazmanian, 1980, p.543; Skjærseth and Wettestad, 2008, p.277). Knill and Lenschow (2000, p.32) refer to a 'bounded space for innovation', which is the fine line between requiring "something, but not too much".

Thirdly, policy objectives which are clear and are ranked in terms of their relative importance are more likely to be successfully implemented (Sabatier and Mazmanian, 1980, p.545; Goggin et al., 1990, p.35).[7]

Fourthly, implementing agencies must have financial and organisational resources (meaning an adequate number of skilled staff) available to ensure successful implementation (Sabatier and Mazmanian, 1980, p.545; van Meter and van Horn, 1975, p.471).

Fifthly, successful implementation is more likely if implementing agencies are integrated in a single hierarchical structure (Sabatier and Mazmanian, 1980, p.546; van Meter and van Horn, 1975, pp.466-467). In political systems where multiple actors are in charge of implementing a single policy, "command from the centre, control by the centre, and obedience by those commanded and controlled" cannot be taken for granted (Ripley and Franklin, 1982, p.188). This is not surprising given that these political systems (like the United States federal structure and the European Union) were designed to limit the authority of central government (Hill and Hupe, 2002, p.72). The degree of hierarchical integration amongst implementing agencies depends on the number of actors who have the opportunity to prevent policy objectives being achieved, and on the availability of inducements and sanctions to ensure that actors act in accordance with policy objectives (Sabatier and Mazmanian, 1980, p.546). These inducements/sanctions can take various forms: the threat of punishment for non-compliance; the transfer of knowledge and resources to actors facing difficulties complying; and persuading actors to change their underlying norms and values (Hartlapp,

[7] Matland (1995, p.158) opposes this view, arguing that ambiguity can be purposely built into a policy in order to facilitate compromise in the decision-making process. Policy clarity may therefore actually be dysfunctional.

2007). Sanctions and punishment are most effective when there is a direct hierarchical relationship between the two sets of actors concerned (Matland, 1995, p.164).

Sixthly, an understanding of the interests and motives of implementing officials is necessary for a full understanding of the implementation process (Hill and Hupe, 2002, p.152). Implementation is more likely to be successful if implementing officials agree with the policy objectives. This can be ensured by their inclusion in the policy-making process (Sabatier and Mazmanian, 1980, p.547; van Meter and van Horn, 1975, pp.459).

Finally, economic, social and political conditions can all affect the public and political support for a policy. Changing socio-economic conditions can make the problem being addressed by the policy relatively less important, and thus decrease public and political support. Media attention affects the perception of importance of an issue, and so policies which receive sustained media coverage are more likely to be successfully implemented. Public opinion influences the political agenda, and so a policy which has high support amongst the public and is perceived as being highly salient is more likely to be successfully implemented. Interest groups and elites mobilising in favour of a policy also affect implementation (Sabatier and Mazmanian, 1980, pp.548-550; van Meter and van Horn, 1975, pp.471-472; Goggin et al., 1990, p.39).

Figure 3 below summarises the framework outlined above, and in particular the direction of the effect expected for each factor.[8] This figure also shows implementation as a continuum between 'failed' and 'successful', in order to escape the tendency in implementation research to assume and focus on policy failure (Hill and Hupe, 2002, p.140). In the following section, these factors will be applied to the Mobility Partnerships, in order to determine whether the implementation of these partnerships is likely to be successful.

[8] This is a problem in the framework proposed by van Meter and van Horn: they posit "six variables which shape the linkage between policy and performance" (1975, p.462) but are not always explicit about the nature of that linkage.

Successful implementation	Failed implementation
1. Valid causal theory	Invalid causal theory
2. Incremental change	Substantial change
3. Clear policy objectives	Ambiguous policy objectives
4. Sufficient financial/organisational resources	Lacking financial/organisational resources
5. Single hierarchical structure	No hierarchical integration
6. Positive disposition of implementers	Negative disposition of implementers
7. Favourable socio-economic conditions	Unfavourable socio-economic conditions
8. Media coverage	No sustained media coverage
9. Supportive public opinion	Public opinion opposed
10. Interest groups/elites mobilising in favour	Interest groups/elites mobilising against

Figure 3: Assessing implementation

4. Implementation dynamics in EU Mobility Partnerships

4.1 Link between problem and solution

An analysis of EU policy documents suggests that, at least within the EU, there is a clear understanding that the problem to be addressed is the management of migration flows to the EU, and the solution to this problem is cooperation with third countries. Since the early 2000s, EU policy documents argue that cooperation with third countries is the key to preventing irregular migration to the EU (e.g. Commission, 2001), and that such cooperation needs to be incentivised, for instance by linking the signature of readmission agreements to visa facilitation agreements (Council, 2005). However, it is not clear that third countries necessarily share this view. Cooperating with the EU on the prevention of irregular migration may be coupled with high social, political and economic costs (Weinar, 2011; Coleman, 2009; Ellermann, 2008). For third countries the issue is not one of preventing irregular emigration, but rather about securing better access for their citizens to EU territory.

Existing practices by member states in the area of external migration policy are diverse. France, for instance, has signed agreements with third countries on the management of migration flows, which are very similar to Mobility Partnerships in that they encompass legal migration, visas, readmission, police cooperation, reintegration, and development (European Migration Network, 2010a, p.45). The Austrian government, on the other hand, implements assisted voluntary return programmes and information campaigns about the dangers of irregular migration (European Migration Network, 2010b), but does not facilitate temporary or circular migration to Austria due to the experiences with the guest-worker schemes in the 1960s and 1970s. Whilst the literature on implementation suggests that such diversity will negatively affect policy implementation, the voluntary nature of the Mobility

Partnerships might mitigate this: member states whose existing policy practices do not match well with the Mobility Partnership approach may well choose not to participate, as is the case with Austria (Reslow, 2013). Whether this makes for a smoother implementation process must be established empirically in future research.

4.2 Nature of change required

Mobility Partnerships sit at the crossroads of migration policy and foreign policy. These two policy areas are politically sensitive and important to state sovereignty. Control over entry into a country's territory "is often seen as one of the last bastions of national sovereignty" (Lavenex, 2011, p.2). EU migration policy is filled with caveats, particularly references to member states' continued competence to admit third-country nationals to their labour markets (see e.g. article 1(b) of the Single Permit Directive). Foreign policy is at the core of national sovereignty, and although member states conduct a significant amount of their foreign policy objectives through the EU context, they maintain their own distinct priorities, preferences, and privileged relationship with individual third countries.

A policy instrument requiring *any* change in this nexus between migration policy and foreign policy might then be expected to engender opposition. The overall objective of the Mobility Partnerships to enhance migration opportunities for citizens of the third country concerned certainly does not seem to fit well with the tendency by most member states towards restrictive immigration policies. However, Mobility Partnerships do not in reality *require* all that much change by member states, given their voluntary nature. Member states are free in their choice of which projects to propose; indeed, despite the overall aim of the Mobility Partnerships to combine cooperation on irregular and legal migration, the Mobility Partnerships with Moldova, Cape Verde and Georgia did not include many projects aiming to create new channels of migration (Reslow, 2013, p.138).

A separate issue concerns the nature of change required by the other partner in the implementation process, namely the third country concerned. This will depend on the particular third country. The most onerous requirement associated with a Mobility Partnership is the signature of a readmission agreement. However, with some third countries (like Moldova) a readmission agreement may already exist before the signature of a Mobility Partnership. The change required for such a country will be less than for a country (like Morocco) that has been in arduous, drawn-out negotiations with the EU over a readmission agreement for several years.

4.3 Clarity of policy objectives

Although the overall objective of the Mobility Partnerships – better legal migration opportunities for third countries that commit themselves to cooperating with the EU on preventing irregular migration – is relatively unambiguous, the Commission communication lists many possible types of projects that could fall under a Mobility Partnership (see Commission, 2007, pp.4-8). Member states might for instance suggest projects in the area of legal migration, capacity building, preventing brain drain, or visas. The communication is also rather vague regarding the legal nature of Mobility Partnerships, stating only that they "will necessarily have a complex legal nature" (p.3). The very name 'Mobility Partnership' caused confusion at the outset of the policy instrument, with member states being concerned that they would be forced to offer legal migration opportunities (Reslow, 2013, p.127). The Commission communication does not rank the different types of projects in terms of their relative importance, and does not assign more weight to either the commitments by third countries on irregular migration or the commitments by member states on legal migration.

The clarity of policy objectives is further compromised by the preamble to each individual Mobility Partnership, which states the aims of cooperation. While these are largely similar, some differences emerge. A Mobility Partnership is always linked to the existing frameworks of cooperation, and this differs amongst third countries. In other words, the framing of a Mobility Partnership is not fixed but depends in the particular third country concerned. In addition, the first Mobility Partnerships did not include asylum as one of the pillars of cooperation (e.g. Council, 2008), but the later Mobility Partnerships do (e.g. Council, 2013). Overall then, the specific policy objectives are too numerous and potentially competing to be defined as 'clear'. When the sub-goals of a policy are so numerous and varied, disagreement over implementation is likely to arise between actors with different training (Matland, 1995, p.169). In the case of the Mobility Partnerships, civil servants in interior/justice ministries might have different proposals for implementation than civil servants in foreign ministries.

4.4 Financial and organisational resources available for implementation

A consideration of the financial and organisational resources available for implementation must take place across three levels, as three sets of actors are involved in implementing Mobility Partnerships: the EU, the member states, and the third country concerned. For the EU level, this is a seemingly straight-forward task and answers can be sought in the organisational resources available to DG Migration and Home Affairs, and the financial

resources set aside for Mobility Partnerships. The Commission's organisational capacity on migration has certainly increased: from only a small task force working on justice and home affairs matters prior to 1999 (Lavenex, 2009, p.259), to the creation of DG JLS, and the later separation into what is now DG Migration and Home Affairs, with a staff of 275 on 1 January 2014 and 295 on 1 February 2015 (Commission 2015; 2014a). The budget allocated to the EU's area of freedom security and justice has also increased, from just under €580 million in 2006,[9] to just over €1 billion for 2010,[10] to €1.2 billion for 2014.[11] The 2014 work programme of the EU's Asylum, Migration and Integration Fund set aside €3 million to support the implementation of the Mobility Partnerships, focussing on Azerbaijan, Morocco, Jordan and Tunisia (Commission, 2014b, p.11).

For member states and third countries, however, it is more difficult to make firm statements. In small member states with small administrations, one individual civil servant might be responsible for a number of tasks which in a larger member state would be shared between several people (cf. Engelmann, 2015, p.211). In newer member states, where migration as a policy area is a relatively new phenomenon, experience and expertise might be lacking (p.129). However, it is not the case that only large/old member states are choosing to join the Mobility Partnerships; for example, in the Mobility Partnership with Azerbaijan, participating member states include Bulgaria, the Czech Republic, Lithuania, Poland, Slovenia and Slovakia (Council, 2013). Further research is required to establish whether there is a causal link between member states' organisational capacity and their participation in Mobility Partnerships, and to examine the link between member states' organisational capacity and implementation of the Mobility Partnerships.

It is equally difficult to come to a general conclusion regarding third countries. Empirical research has shown that both Cape Verde (which signed a Mobility Partnership) and Senegal (which refused to sign a Mobility Partnership) have limited organisational capacity in the area of migration: competence is shared between several ministries, with little inter-ministerial communication or coordination. It has been shown that this did not affect these countries' preferences on whether or not to participate in the Mobility Partnerships (Reslow, 2012); however, the literature on implementation suggests this limited

[9] Final adoption of the general budget of the European Union for the financial year 2007, OJ L 77 volume 50, p.1409.
[10] Definitive adoption of the European Union's general budget for the financial year 2010. OJ L 64 volume 53, p.1007
[11] Definite adoption of the European Union's general budget for the financial year 2014, OJ L 51 volume 57, p.775

organisational capacity will negatively affect implementation. Future research must establish empirically whether such a link exists.

4.5 Relationship between implementing agencies

EU external migration policy can be characterised as a 'three-level game', because three sets of actors are involved in making and implementing such policy: the EU, the member states, and the third countries. However, these actors are not integrated in a single hierarchical structure. The relationship between the EU institutions and the EU member states is determined by the nature of the policy area: neither migration policy nor foreign policy is fully communitarised (see also section 4.2 above), so competence is shared. The Mobility Partnerships are not legally binding international agreements, but rather political declarations (Commission, 2009a, p.4). This has meant that the Commission has been unable to force member states to implement the partnerships in a certain way. For instance, Commission officials favour multilateral projects over bilateral initiatives, and the funding allocated to Mobility Partnerships under the thematic programme for cooperation with third countries in the areas of migration and asylum was partly conditional on partnership between member states (Commission, 2009b, p.10). This inducement has not been sufficient, as the Mobility Partnerships are dominated by bilateral projects (Reslow, 2013, p.137). The Commission maintains a scoreboard of each Mobility Partnership, containing information about all the projects falling under the partnership and the state of implementation (Commission, 2009a, p.5). In theory, these scoreboards might serve a 'naming and shaming' function; however instances of projects being duplicated implies that member states' officials do not pay too close attention to the scoreboards (Reslow, 2013, p.237).

The relationship between the EU and the third country is more difficult to characterise, and may well depend on the particular third country concerned. Countries in the EU's immediate neighbourhood with deep ties to the EU through several frameworks (such as the European Neighbourhood Policy) may have more of a stake, including financially, in cooperation with the EU. By contrast, countries further away with less well-developed relations with the EU or for which cooperation with the EU is not a domestic priority, may be less inclined to participate in the Mobility Partnerships (see e.g. Chou and Gibert, 2012, on the case of Senegal). The implementation of Mobility Partnerships is overseen by local cooperation platforms, bringing together representatives of the government of the third country, member states' embassies, and the EU delegation (Commission, 2009a, p.6). An

examination of the nature of the interactions within these cooperation platforms would increase our understanding of the relationship between the actors in the Mobility Partnerships.

4.6 Disposition of implementing officials

As indicated above, three sets of actors are involved in implementing the Mobility Partnerships. Their dispositions towards this policy instrument are likely to be very different. As the idea originated in the European Commission, starting with a speech by then-Commissioner for Justice, Freedom and Security Franco Frattini (Frattini, 2006), officials in DG Migration and Home Affairs might be expected to view Mobility Partnerships positively. The Commission has long emphasised the need to offer third countries a real incentive in return for their cooperation on preventing irregular migration, and this is what the Mobility Partnerships aim to do. DG Home maintains the scoreboards and has a coordinating role in the implementation of the partnerships. However, the position of the European External Action Service should also be considered, as the EU delegations (which fall under the EEAS) play a key role in the local cooperation platforms that oversee implementation. Boswell (2003) argues that then-DG JLS had very different priorities in relation to external migration policy than did DGs Relex and Development, and the same argument has been made with regard to national administrations: whereas interior ministries are 'inward-looking' and might seek to prevent entry to the national territory through the signature of readmission agreements, foreign ministries might view such agreements suspiciously because they spoil good diplomatic relations (van Selm, 2005; Pawlak, 2009). The EEAS emphasises the need to see the positive contributions of migration and makes no mention of 'illegal' migration (EEAS, n.d.), but in order to uncover officials' true disposition in-depth interviews will be required.

The voluntary nature of the Mobility Partnerships, although potentially problematic in some respects (see e.g. section 4.5), may be linked to a positive disposition of implementing officials towards the policy instrument. Member states that participate have voluntarily signed up to do so, and have been included in the policy-making process (see Reslow, 2013). In many cases the projects implemented under Mobility Partnerships are not new; rather member states have rephrased existing initiatives that they would have carried out anyway (pp.136-137). While this may not be very ambitious (cf. Skjærseth and Wettestad, 2008), it might ensure successful implementation of these projects. On the other hand, given the initial lack of clarity over the nature and aims of the Mobility Partnerships (see section 4.3 above), it is possible that some member states signed up to participate without fully understanding the

consequences of this. Future research should try to establish links between officials' dispositions in the decision-making stage and actual implementation process.

Despite having signed up to the Mobility Partnerships, empirical research has shown that officials in third countries are not necessarily positive about all aspects of this policy instrument. Cape Verdean government officials, for instance, were critical of the pressure put on them to sign the readmission agreement, because it makes them responsible for readmitting migrants who have merely transited through Cape Verde on their way to the EU (Reslow, 2013, pp.207-209). Given that a Mobility Partnership encompasses various types of projects, covering all pillars of the Global Approach to Migration and Mobility, it is possible that some projects will be more successfully implemented than others.

4.7 Effect of socio-economic conditions

The Commission communication on Mobility Partnerships makes clear that "mechanisms to facilitate economic migration should be based on the labour needs of interested member states, as assessed by them" (Commission, 2007, p.5). The economic crisis in Europe, which took hold just as the first Mobility Partnerships started to be signed, led to many EU member states making immigration policy more restrictive, clamping down on irregular migration, and encouraging return migration (e.g. IOM, 2010; Kuptsch, 2012). In addition, the Commission communication stresses that projects within Mobility Partnerships will respect the legal principle of preference for EU citizens (Commission, 2007, p.5). All in all, the Mobility Partnerships are being implemented in unfavourable circumstances, as these socio-economic conditions are not conducive to the creation of new channels of immigration from non-EU countries.

4.8 Media coverage

The Mobility Partnerships link two issues: irregular migration, and legal immigration. There is plenty of media coverage of the problem of irregular migration at Europe's borders, with recent coverage focusing on the fate of migrants who get into trouble in the Mediterranean Sea (see e.g. EUObserver, 2015; The Guardian, 2015; Euronews, 2015). However, legal migration is not mentioned as a solution to this problem. In fact, immigration from outside the EU is often negatively portrayed (see e.g. De Telegraaf, 2010; Jyllands-Posten, 2014), and recently the free movement of EU citizens has also been called into question (see e.g. The Telegraph, 2014; Financial Times, 2013). There has been no media coverage of the Mobility Partnerships in EU member states.

4.9 Public opinion

As there has been no media coverage of the Mobility Partnerships and no public communication about this policy instrument by either the Commission or member states' governments, there is no public knowledge of this policy instrument, making it impossible to judge public opinion. Public opinion on irregular migration and legal immigration in general, however, may be a useful proxy measure. It is clear that many Europeans are sceptical about immigration from non-EU countries (e.g. Eurobarometer, 2012, p.20; The Guardian, 2011; Pew Research Center, 2014), and even about free movement of EU citizens (e.g. Avisen.dk, 2014; Migration Watch UK, 2014).

In third countries, public opposition can be expected to the commitments on irregular migration contained in a Mobility Partnership, in particular the requirement to sign a readmission agreement. In Senegal, for example, a readmission agreement that had been agreed with Switzerland was not submitted to the parliament for ratification due to intense public opposition (Ellermann, 2008, p.168). This partly explains why the Senegalese government decided not to participate in the Mobility Partnership (Reslow, 2013, p.218). However, governments armed with the knowledge of negative public opinion may choose not to sign a Mobility Partnership in the first place. The voluntary nature of this policy instrument may thus have a positive effect on the implementation process. Future research should examine the nature of public opinion in third countries that have agreed to a Mobility Partnership.

4.10 Mobilisation of interest groups and elites

The mobilisation of interest groups and elites has been shown to be a deciding factor in the decision-making process on Mobility Partnerships (Reslow, 2013). However, no general conclusion can be drawn in this respect as elites' positions vary across countries: the French government, for instance, was very committed to getting this new policy instrument off the ground, whilst the Austrian government was concerned that Mobility Partnerships resembled the old guest-worker schemes and therefore vigorously opposed them at EU level. Even within a single member state, elites may be up against one another: in the Netherlands (which has joined some of the Mobility Partnerships), the Ministry of Social Affairs and Employment was opposed to participation, but could not prevent it in the face of support from the Ministries of Foreign Affairs and Justice. The question of how the implementation process

functions in countries where elites are divided is a highly pertinent one for future research on the Mobility Partnerships.

5. Conclusion

This paper has assessed the prospects for successful implementation of the Mobility Partnerships, and finds reason to be optimistic. The voluntary nature of this policy instrument may eliminate some of the obstacles identified by the implementation literature, in particular in the member states. Member states choose to participate in a Mobility Partnership and have been included in the policy-making process. They are also free to suggest projects for implementation. Implementing officials might therefore be expected to have a positive disposition towards this policy instrument. However, Knill and Lenschow (2000, pp.26-27) caution against placing too much faith in 'new' policy tools, which incorporate some degree of flexibility or voluntary participation: these instruments still share characteristics with traditional policy tools, and cannot be expected to eliminate their problems. Indeed, they may actually be "too passive in their design to mobilise either the administration or the general public… Flexible design and open institutional and procedural structures may create confusion rather than incentives to act".

Third countries also choose to sign the Mobility Partnership, and may weigh negative public opinion against the incentives for cooperating with the EU. However, the analysis showed that implementation may depend on the specific third country concerned, and the type of project being implemented. Financial and organisational capacities vary between countries, and even those third countries that sign a Mobility Partnership are concerned about certain of the commitments it entails, particularly on readmission. There is thus a real need to learn from past experience, in order to develop a best practice for implementation of Mobility Partnerships. Given that the last official evaluation of this policy instrument was carried out by the Commission in 2009, such an exercise is long overdue. Scholars should focus on the disposition of implementing officials, the nature of public opinion, and the interactions between the actors involved in implementation. Given the lack of information in the public domain about the Mobility Partnerships (the scoreboards, for instance, are not publically available), such research efforts will require in-depth interviews.

Bibliography

Avisen.dk (2014, 20 March). *Dansekere siger nej til fri bevægelighed i EU.* Available at: http://www.avisen.dk/danskere-siger-nej-til-fri-bevaegelighed-i-eu_260291.aspx

Boswell, C. (2003). The 'external dimension' of EU immigration and asylum policy. *International Affairs, 79 (3)*, pp.619-638.

Bursens, P. (2002). Why Denmark and Belgium Have Different Implementation Records: On Transposition Laggards and Leaders in the EU. *Scandinavian Political Studies, 25 (2)*, pp.173-195.

Carrera, S. and Hernández i Sagrera, R. (2011). Mobility Partnerships. 'Insecurity partnerships' for policy coherence and migrant workers' human rights in the EU. In R. Kunz, S. Lavenex and M. Panizzon (Eds.), *Multilayered Migration Governance. The promise of partnership* (pp.97-115). London: Routledge.

Cassarino, J.-P. (2009). *EU Mobility Partnerships: Expression of a New Compromise.* Migration Information Source, 15 September.

Chou, M.-H. and Gibert, M. (2012). The EU-Senegal mobility partnership: from launch to suspension and negotiation failure. *Journal of Contemporary European Research, 8 (4)*, pp.408-427.

Coleman, N. (2009). *European Readmission Policy. Third Country Interests and Refugee Rights.* Leiden: Martinus Nijhoff.

Commission (2015). *Statistical Bulletin – Off & TA. Distribution of active officials and temporary agents by DG and gender (all budgets).* Available at: http://ec.europa.eu/civil_service/docs/europa_sp2_bs_cat-sexe_x_dg_en.pdf

Commission (2014a). *Human Resources Key Figures Card. Staff Members.* Available at: http://ec.europa.eu/civil_service/docs/hr_key_figures_en.pdf

Commission (2014b). *Annex to the Commission implementing decision concerning the adoption of the work programme for 2014 and the financing for Union actions and emergency assistance within the framework of the Asylum, Migration and Integration Fund.* COM (2014) 5652. Brussels: European Commission.

Commission (2011). *The Global Approach to Migration and Mobility.* COM (2011) 743. Brussels: European Commission.

Commission (2009a). *Mobility Partnerships as a tool of the Global Approach to Migration.* SEC (2009) 1240. Brussels: European Commission.

Commission (2009b). *Thematic programme for cooperation with third countries in the areas of migration and asylum. Restricted Call for Proposals 2009-2010. Guidelines for grant applicants.* Available at: https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1252051189272&do=publi.getDoc&documentId=96699&pubID=128764

Commission (2007). *On circular migration and Mobility Partnerships between the European Union and third countries.*COM (2007) 248. Brussels: European Commission.

Commission (2001). *A common policy on illegal immigration.* COM (2001) 672. Brussels: European Commission.

Council (2013). *Joint Declaration on a Mobility Partnership between the Republic of Azerbaijan and the European Union and its participating Member States.* 16399/13. Brussels: Council of the European Union.

Council (2008). *Joint Declaration on a Mobility Partnership between the European Union and the Republic of Moldova.* 9460/08 ADD 1. Brussels: Council of the European Union.

Council (2005). *Common approach on visa facilitation.* 16030/05. Brussels: Council of the European Union.

De Telegraaf (2010, 19 May). *Nyfer: immigratie kost 7,2 miljard per jaar.* Available at:

http://www.telegraaf.nl/binnenland/20443383/__Immigratie_kost_jaarlijks_7_miljard__.html
DeLeon, P. (1999). The Missing Link Revisited: Contemporary Implementation Research. *Policy Studies Review, 16 (3-4),* pp.311-338).
EEAS (n.d.). *Migration and Asylum in External Relations.* Available at: http://eeas.europa.eu/migration/index_en.htm
Ellermann, A. (2008). The Limits of Unilateral Migration Control: Deportation and Inter-state Cooperation. *Government and Opposition, 43 (2),* pp.168-189.
Engelmann, C. (2015). *Common standards via the backdoor. The domestic impact of asylum policy coordination in the European Union.* Ph.D. thesis: Maastricht University.
EUObserver (2015, 18 February). *Lampedusa Tragedy: An SOS the EU can no longer ignore.* Available at: https://euobserver.com/opinion/127698
Eurobarometer (2012). *Special Eurobarometer 380. Awareness of Home Affairs.* Available at: http://ec.europa.eu/public_opinion/archives/ebs/ebs_380_en.pdf
Euronews (2015, 19 February). *EU extends Mediterranean rescue mission until 2015.* Available at: http://www.euronews.com/2015/02/19/eu-extends-mediterranean-rescue-mission-until-2015/
European Migration Network (2014). *Good practices in the return and reintegration of irregular migrants: Member States' entry bans policies and use of readmission agreements between member states and third countries.* Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_reentry_bans_and_readmission_agreements_final_december_2014.pdf
European Migration Network (2010a). *Political Report 2009.* Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2009/09a._france_annual_policy_report_2009_final_version_12mar10_en.pdf
European Migration Network (2010c). *The Organisation of Asylum and Migration Policies in Austria.* Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/migration-policies/01._austria_national_report_organisation_of_asylum_and_migration_policies_final__version_2feb10.pdf
Financial Times (2013, 26 November). *Free movement within Europe needs to be less free.* Available at: http://www.ft.com/intl/cms/s/0/add36222-56be-11e3-ab12-00144feabdc0.html#axzz3SGywawht
Frattini, F. (2006). *Migration and Development: time for creative and courageous approaches.* Speech to the EU-Africa Ministerial Conference on Migration and Development, Tripoli, 22 November. Available at: http://europa.eu/rapid/press-release_SPEECH-06-728_en.htm?locale=en
Goggin, M. L., Bowman, A. O'M., Lester, J. P. and O'Toole Jr., L. J. (1990). *Implementation Theory and Practice. Toward a Third Generation.* Glenview: Scott, Foresman/Little, Brown Higher Education.
Hartlapp, M. (2007). On Enforcement, Management and Persuasion: Different Logics of Implementation Policy in the EU and the ILO. *Journal of Common Market Studies, 45 (3),* pp.653-674.
Hill, M. and Hupe, P. (2002). *Implementing Public Policy: Governance in Theory and in Practice.* London: Sage.
IOM (2010). *Migration and the Economic Crisis in the European Union: Implications for Policy.* Available at: http://www.labourmigration.eu/research/report/12-migration-and-the-economic-crisis-implications-for-policy-in-the-european-union

Jyllands-Posten (2014, 30 January). *5.000 nye ikke-vestlige indvandrere koster 2,1 mia.* Available at: http://jyllands-posten.dk/indland/ECE6449723/5.000+nye+ikke+vestlige+indvandrere+koster+2,1+mia./

Knill, C. and Lenschow, A. (2000). On deficient implementation and deficient theories: the need for an institutional perspective in implementation research. In C. Knill and A. Lenschow (Eds.), *Implementing EU environmental policy. New directions and old problems* (pp.9-35). Manchester: Manchester University Press.

Kuptsch, C. (2012). The Economic Crisis and Labour Migration Policy in European Countries. *Comparative Population Studies, 37 (1-2),* pp.15-32.

Lavenex, S. (2011). *Venue-Shopping in Global Migration Policy: Multileveling EU External Governance.* Paper presented at the EUSA Twelfth Biennial conference, Boston, 3-5 March.

Lavenex, S. (2009). Transgovernmentalism in the Area of Freedom, Security and Justice. In I. Tömmel (Ed.), *Innovative governance in the European Union: the politics of multi-level policymaking* (pp.255-271). Boulder: Lynne Rienner.

Lavenex, S. and Stucky, R. (2011). 'Partnering' for migration in EU external relations. In R. Kunz, S. Lavenex and M. Panizzon (Eds.), *Multilayered Migration Governance. The promise of partnership* (pp.116-142). London: Routledge.

Matland, R. E. (1995). Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation. *Journal of Public Administration Research and Theory, 5(2),* pp.145-174.

Meter, D. S. van and Horn, C. E. van (1975). The Policy Implementation Process. A Conceptual Framework. *Administration & Society, 6 (4),* pp.445-488.

Migration Watch UK (2014). *Opinion Poll Results on Immigration.* Available at: http://www.migrationwatchuk.org/briefingPaper/document/249

Nakamura, R. T. (1987). The Textbook Policy Process and Implementation Research. *Policy Studies Review, 7 (1),* pp.142-154.

Parkes, R. (2009). EU Mobility Partnerships: A Model of Policy Coordination? *European Journal of Migration and Law, 11 (4),* pp.327-345.

Pawlak, P. (2009). The External Dimension of the Area of Freedom, Security and Justice: Hijacker or Hostage of Cross-pillarization. *Journal of European Integration, 31 (1),* pp.25-44.

Pew Research Center (2014). *Most Support Limiting Immigration.* Available at: http://www.pewglobal.org/2014/05/12/chapter-3-most-support-limiting-immigration/

Reslow, N. (2013). *Partnering for mobility? Three-level games in EU external migration policy.* Ph.D. thesis: Maastricht University.

Reslow, N. (2012). The Role of Third Countries in EU Migration Policy: The Mobility Partnerships. *European Journal of Migration and Law, 14 (4),* pp.393-415.

Ripley, R. B. and Franklin, G. A. (1982). *Bureaucracy and Policy Implementation.* Homewood, Illinois: The Dorsey Press.

Sabatier, P. (1986). Top-Down and Bottom-Up Approaches to Implementation Research: a Critical Analysis and Suggested Synthesis. *Journal of Public Policy, 6(1),* pp.21-48.

Sabatier, P. and Mazmanian, D. (1980). The Implementation of Public Policy: A Framework of Analysis. *Policy Studies Journal, 8 (4),* pp.538-560.

Seeberg, P. (2014). *Mobility Partnerships and the EU, Part I: Where are we regarding implementation and what will be the consequences?* Odense: Centre for Contemporary Middle East Studies. Available at: http://static.sdu.dk/mediafiles/4/B/4/%7B4B436E70-4E30-4E2B-8D82-2CDBDD9926E1%7D060714_Mobility_Seeberg1.pdf

Selm, J. van (2005). *Where migration policy is made: starting to expose the labyrinth of*

national institutional settings for migration policy making and implementation. Global Migration Perspectives, 37. Geneva: Global Commission on International Migration.

Skjærseth, J. B. and Wettestad, J. (2008). Implementing EU emissions trading: success or failure? *International Environmental Agreements, 8 (3),* pp.275-290.

The Guardian (2015, 18 February). *Surge in number of migrants trying to reach Italy from Libya.* Available at: http://www.theguardian.com/world/2015/feb/18/thousands-of-migrants-nearly-die-in-a-week-trying-to-reach-italy-from-libya

The Guardian (2011, 13 March). *Most Europeans see themselves as liberal, Guardian poll shows.* Available at: http://www.theguardian.com/world/2011/mar/13/european-union-immigration-survey?intcmp=239

The Telegraph (2014, 22 July). *EU free movement rules being exploited by drugs runners and human traffickers, says Government study.* Available at: http://www.telegraph.co.uk/news/politics/10983892/EU-free-movement-rules-being-exploited-by-drugs-runners-and-human-traffickers-says-Government-study.html

Treib, O. (2006). Implementing and complying with EU governance outputs. *Living Reviews in European Governance, 1 (1).* Available at http://europeangovernance.livingreviews.org/Articles/lreg-2006-1/

Versluis, E. (2004). Explaining Variations in Implementation of EU Directives. *European Integration Online Papers, 8 (19).*

Weinar, A. (2011). *EU Cooperation Challenges in External Migration Policy*. Florence: Robert Schuman Centre for Advanced Studies.

Wunderlich, D. (2013). Implementing EU external migration policy: Security-driven by default? *Comparative European Politics, 11 (4),* pp.406-427.

Wunderlich, D. (2012). The limits of external governance: implementing EU external migration policy. *Journal of European Public Policy, 19 (9),* pp.1414-1433.