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Natolin

# Balancing Security and Development in Migration Policy – EU Mobility Partnerships

Diana Babayan



DEPARTMENT OF  
EUROPEAN INTERDISCIPLINARY STUDIES

Natolin Best Master Thesis

01 / 2010





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Diana Babayan

Master Thesis in European Interdisciplinary Studies  
Academic Year 2009/2010

Master Thesis Supervisor: Prof. Dr. Hannes Adomeit

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DIANA BABAYAN

# Balancing Security and Development in Migration Policy

## EU Mobility Partnerships

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## **Introduction: The Natolin Best Master Thesis**

PROF. DR. ERWAN LANNON  
DIRECTOR OF STUDIES  
COLLEGE OF EUROPE, NATOLIN CAMPUS, WARSAW

The College of Europe (CoE) was the world's first university institute of postgraduate studies and training specialised in European affairs. Its origins date back to the 1948 Hague Congress. Founded in Bruges (Belgium) in 1949 by leading European figures such as Salvador de Madariaga, Winston Churchill, Paul-Henri Spaak and Alcide de Gasperi, the idea was to establish an institute where university graduates from many different European countries could study and live together. The Natolin campus of the College of Europe in Warsaw (Poland) was established in 1992 in response to the revolutions of 1989 and in anticipation of the European Union's 2004 and 2007 enlargements. The College of Europe now operates as 'one College - two campuses'.

The European Interdisciplinary Studies (EIS) programme at the Natolin campus invites students to view the process of European integration beyond disciplinary boundaries and offers them a comprehensive, well-rounded understanding of the European Union. Students are awarded a 'Master of Arts in European Interdisciplinary Studies'. This programme thus takes into account that the phenomenon of European integration goes beyond the limits of one academic discipline and is designed to respond to the increasing need for experts who have a more comprehensive understanding of the European integration process and European affairs. The EIS programme is open not only to graduates in Economics, Law or Political Science, but also to graduates in History, Communication Studies, Languages, Philosophy, or Philology who are interested in pursuing a career in European institutions or European affairs in general. This academic programme and its professional dimension prepare graduates to enter the international, European and national public sectors as well as the non-governmental and private sectors and may also serve as a stepping stone towards doctoral studies.

Recognised for its academic excellence in European studies, the Natolin campus of the College of Europe endeavours to enhance its research activities. A research programme aimed at producing high-quality research on EU internal and external policies in line with the specificities of the EIS academic programme was therefore designed in 2010.

Beyond research and policy-oriented workshops and conferences, a new series of publications, the "College of Europe Natolin Papers" including research papers, policy papers and studies has been created. The first issues will be published in 2011. The

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current series of publications, the “Natolin Best Master Thesis”, aims at highlighting the research work done by EIS Masters students and to promote the association of the latter to research activities conducted in Natolin. In order to get their Masters degree, all students have to write a Thesis within the framework of one of the course they follow during the academic year. The research theme chosen by the student or proposed by the Professor supervising the Thesis must be original and linked to European policies and affairs. An interdisciplinary approach is also encouraged. Masters theses are written either in French or in English, the two official languages of the College of Europe, often not the native language of the students. A scientific committee selects the two or three Best Masters Thesis among more than 100 produced on the campus every year. By publishing them, we are proud to disseminate some of the most interesting research work produced by our students throughout the wider European studies academic community.

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## Preface of the Master Thesis Supervisor

PROF. DR. HANNES ADOMEIT  
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COLLEGE OF EUROPE, NATOLIN CAMPUS, WARSAW

The series of popular uprisings against authoritarian and dictatorial regimes in the southern Mediterranean countries and the ‘threat’ of a massive increase in the influx of refugees to EU Member States have again put EU migration policy sharply in focus. The present analysis is of great help for an understanding of the complexities of the issue and the EU’s – attempts to come to grips with it. The Thesis is a solid examination that convincingly combines conceptual approaches with empirical research. On this basis, it also provides sound policy recommendations.

The concept of ‘mobility partnerships’, as the author explains, evolved beginning in late 2006 as part of the EU’s developing ‘comprehensive’ approach to migration. The idea in Brussels was to move the EU away from security-centred policies and perceptions that considered migration as a ‘threat’ to be ‘combated’, ‘controlled’ and ‘restricted’. Part of this shift obviously was the aim of counteracting wide-spread images that the EU was engaged in building a ‘Fortress Europe’. What was being proposed was, essentially, squaring the circle by means of ‘circular migration’ that would lead to a ‘triple win’ situation. As the Commissioner of the then Directorate-General for Freedom, Justice and Security [sic!], Franco Frattini, specified in September 2007, the mobility partnerships would be good for the EU because gaps in the labour markets of Member States could be filled; good for the country of origin because the individuals would send money home or return with new skills; and (so as not to forget) also good for the migrant.

The second ‘win’ is the ‘development’ part of the author’s ‘migration-security-development nexus’. The countries willing to conclude migration partnership agreements were promised improved opportunities for legal migration, mitigation of brain drain risks and visa facilitation. However, what is perfectly obvious even at first glance and without reference to the findings of the Thesis is the fact that interested partners have been few and far between. As stated on the homepage of the EU’s Directorate-General for Home Affairs (split from DG JFS in July 2010), only three mobility partnerships are being implemented at present, with Cape Verde, Moldova and Georgia, and only ‘two further mobility partnerships, with Armenia and Ghana’, are said to become ‘reality in a short time’. The ‘development’ offer, it seems, was neither pursued in earnest by the EU nor has the invitation been regarded as sufficiently attractive by third countries.

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Indeed, as the part of the Thesis dealing with the ‘discourse’ accompanying the concept demonstrates, considerations of security loomed large at its very conception. Mobility partnerships, in the Commission’s understanding, were designed to improve the management of legal movements of people between the EU and third countries ready to make significant efforts to fight illegal migration, conclude readmission agreements and improve border control. As for ‘development’, its benefits in a perverse twist were meant to accrue primarily to the EU Member States and only – if at all – secondarily to partnership countries. The perversion manifested itself, for instance, in the conditions posed to third-country nationals seeking entry into the EU labour market. These have reflected a clear preference for ‘high-skilled’ migration. In explaining the rationales for the mobility partnerships, Commissioner Frattini made precisely this point. He observed, correctly, that the United States, Canada and Australia were able to attract talented migrants whereas Europe continued to receive low-skilled or unskilled labour. Europe, too, should become ‘a real pole of attraction for highly skilled immigrants’. The purpose of this was also stated clearly, namely, that the immigrants should ‘contribute to economic growth’ in the Union. Nothing was said about the likelihood of the immigrants returning to their country of origin to aid in its development.

To that extent, one could argue that the term ‘mobility partnership’ is a misnomer. One should perhaps more accurately speak of ‘security partnerships’ – and even that may be too kind a label. A genuine partnership, as the author argues, does not exist considering which institutions are involved in setting it up. These were the DG JLS (now DG Home and DG Justice) from the Commission and the High Level Working Group on Migration and Asylum (HLWG) of the Council. The task of coordinating the relations among the partners belongs to the Commission Directorates, whereas the HLWG is in charge of the strategic part of identifying the potential partners. Third countries are not involved in the process of the development of the partnerships, and thus ‘the final say on what projects should be included in the partnerships belongs to the partner Member States. This puts into question the very idea of a “partnership”, which is clearly dominated by the interests of the MS and the actors on the EU side. As for the European Parliament, it is entirely excluded from the decision-making process.’ Frontex, the European Agency for Integrated Border Management is only involved as the primary actor in the implementation of the mobility ‘partnerships’.

The Thesis concludes with some policy recommendations that might strengthen the ‘development’ potential of the mobility partnerships. These included ‘extending the power to coordinate and implement the projects to a wider scope of actors, including more human rights and social development focused actors to counterbalance the number

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of agents concerned with security matters; transforming the idea of “partnership” into a more practical rather than rhetorical concept though the involvement of third countries on an equal footing with the EU side in the process of negotiations; and expanding the notion of development, adding more social and human components to the existing economic yardsticks.’

Worthy as such suggestions may be, the measures proposed are too little too late and highly unlikely to fall on fruitful ground. This is because the ‘security’ aspects of the migration problem grew in importance in 2010, threatening to overwhelm southern member states, notably Greece (where about 90% of illegal migrants enter Europe via Turkey, many from Iraq and Afghanistan) and, to a lesser extent, Italy. They assumed dramatic proportions in the context of the popular uprisings in Egypt and Tunisia and the civil war in Libya in early 2011. The arrival of thousands of Tunisian refugees on the shores of the Italian island of Lampedusa in mid-February 2011 alarmed Italian authorities and sparked an anguished debate in the EU over how to respond, with the Mediterranean countries, Spain, France, Malta and Cyprus, in addition to Greece and Italy, clamouring for EU solidarity but with little effect in the richer northern European countries, notably in Britain and Scandinavia. Frontex and the Italian government estimated at that time that up to 1.5 million migrants and refugees could attempt to make their way to Europe.

Embarrassingly in retrospect, in October 2010 Commissioners Cecilia Malmström and Štefan Füle had visited Libya and, with the idea in mind of establishing a ‘much broader relationship’ and ‘sustaining the new momentum in our relationship’ (Füle), had agreed upon a wide-ranging ‘migration cooperation agenda’. The agreement was aimed, among other things, at ‘ensuring the effective management of migratory flows’; ‘preventing irregular migration flows from entering Libya from its Southern borders’; ‘promoting joint patrolling, intelligence sharing, the development of joint training, the facilitation of working contacts and the establishment of dedicated communication channels aimed at transmitting early warnings and sensible data’; ‘assisting Libyan authorities in screening migrants’ (i.e. setting up EU-sponsored asylum processing centres); and ‘exploring concrete possibilities of cooperation between Libyan police, border, migration authorities and agencies and those of the EU Member States as regards the return and readmission of irregular migrants’. These efforts, however, were to no avail as angry Libyan leader Colonel Gaddafi threatened to renege on the agreement, warning the EU during the popular unrest not to act against him because he would open the floodgates to migrants and refugees.

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All this could not be anticipated by the Thesis. Yet its findings concerning the failure of the mobility partnerships to produce a shift towards a balanced and comprehensive approach can be generalised: As long as there is a wide gap between political disorder and socio-economic underdevelopment in neighbouring countries, on the one hand, and relative political stability and economic prosperity in EU Member States, on the other, the pressure at the gates of the 'Fortress Europe' will remain as, indeed, will the 'security' bias of looking at the problem. Only a much greater emphasis on the 'development' part of the equation and thereby narrowing the gap between rich and poor countries would make it possible to overcome it.

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## List of Abbreviations

<b>AFSJ</b>	Area of Freedom, Security and Justice
<b>CEPS</b>	Center for European Policy Studies
<b>DG JLS</b>	Directorate-General for Justice, Freedom and Security
<b>DG Relex</b>	Directorate-General for External Relations
<b>EaP</b>	Eastern Partnership
<b>EESC</b>	European Economic and Social Committee
<b>ENP</b>	European Neighbourhood Policy
<b>ENPI</b>	European Neighbourhood and Partnership Instrument
<b>EU JHA</b>	European Union Justice and Home Affairs
<b>EUROPOL</b>	European Police Office
<b>FDI</b>	Foreign Direct Investments
<b>FRONTEX</b>	European Agency for Integrated Border Management
<b>GCIM</b>	Global Commission on International Migration
<b>HLWG</b>	High Level Working Group
<b>ILO</b>	International Labour Organisation
<b>IMF</b>	International Monetary Fund
<b>IOM</b>	International Organisation for Migration
<b>MS</b>	Member State
<b>NGO</b>	Non-Governmental Organisation
<b>ODA</b>	Official Development Assistance
<b>QMV</b>	qualified majority voting
<b>SIS</b>	Schengen Information System
<b>UN</b>	United Nations
<b>VIS</b>	Visa Information System
<b>WB</b>	World Bank



## Abstract

Introduced within the EU immigration policy discourse in late 2006 as part of the new 'Global approach to migration', mobility partnerships were seen as an important tool to strike a balance between the traditionally dominant securitarian frame and the newly emerging migration-development nexus. Having materialised into specific joint agreements between the EU and third countries, the concept of mobility partnerships, nevertheless, started to acquire a bias towards security-oriented concerns, subjecting development goals to the overarching theme of 'migration control'. The present research, therefore, *questions the reasons for the failure to produce a 'shift from a primarily security-centered approach'* through observing the discursive struggles that led to the conclusion of the partnerships. Throughout the analysis the research identifies three specific problems with regard to the current partnerships and concludes with a number of policy recommendations.

A relatively new addition in the EU's immigration policy tools, Mobility Partnerships have not been extensively researched. The majority of the existing studies, however, have all revealed the inconsistency of the initial goal of the partnerships (which were supposed to facilitate legal mobility, exploit the development potential of migration and at the same time control illegal migration flows) with the actual partnerships in place. Drawing significantly on the major findings of the previous research that focus on the imbalance between the security and development goals promoted by the existing partnerships, the present research aims to analyze the formation of such imbalance at the discursive level through the study of: *speech acts* that have shaped the meaning of immigration from two conflicting perspectives of challenge and opportunity; the *external context* within which these acts were articulated; and the *power of the agents* producing the respective speech acts.

The research is structured in the following way:

The *introduction* depicts the general atmosphere within which mobility partnerships emerged. Elaborating on the major objectives of the partnerships, it points out to the weaknesses that have been identified by several authors with regard to the mismatch in the initial aims of the partnerships and the final outcomes. It raises the major problem question of the thesis which refers to the reasons for this mismatch.

A short *theory* and *methodology* part follows the introduction, which identifies the general theoretical scope and the analytical frameworks that inform the research, as well as the methodology that guided the process of data collection.

The three subsequent chapters refer to the three major problems identified with regard to the mobility partnerships:

*Chapter 1* analyses the formation of the migration-security nexus and its implications for the EU's immediate neighbours.

*Chapter 2* addresses the migration-development nexus, pointing to its narrow economic understanding within EU discourse compared to the broader conceptualisation of development on the international scene.

*Chapter 3* focuses on the power games that play out amongst different agents, informing the general EU discourse on immigration, and more specifically – mobility partnerships.

The *Conclusion* summarises the findings and offers some policy recommendations.

## Résumé

Introduit dans le discours politique d'immigration de l'UE à la fin de 2006 dans le cadre de la nouvelle «*approche globale* de la question des *migrations*», les partenariats pour la mobilité ont été considérés comme un outil important pour trouver un équilibre entre le cadre sécuritaire traditionnellement dominant et le lien émergent entre migration et développement.

Après avoir matérialisé les accords spécifiques entre l'UE et les pays tiers, le concept de partenariats pour la mobilité, a cependant commencé à acquérir une préférence en faveur des préoccupations axées sur la sécurité, en soumettant des objectifs de développement dans le but de «contrôler les flux migratoires».

La présente recherche s'interroge donc sur les raisons de l'échec de produire le «passage d'une approche principalement centrée sur la sécurité » en observant les polémiques qui ont mené à la conclusion de ces partenariats. Au cours de l'analyse, la recherche identifie trois problèmes spécifiques en ce qui concerne les partenariats actuels et conclut avec quelques recommandations politiques.

Un ajout relativement nouvel dans les outils de la politique européenne d'immigration, les partenariats pour la mobilité n'ont pas été l'objet de recherches approfondies. La majorité des études existantes, ont toutefois révélé l'incompatibilité de l'objectif initial des partenariats (qui devait faciliter la mobilité légale, faire exploser le potentiel de développement de la migration, en même temps contrôler les flux migratoires illégaux) avec les partenariats conclus.

S'appuyant sur les principales conclusions des recherches antérieures qui mettent l'accent sur le déséquilibre entre les objectifs de sécurité et de développement promus par les partenariats existants, la présente recherche vise à analyser la formation de ce déséquilibre au niveau du discours en étudiant: les actes de langage qui ont façonné le sens de l'immigration en provenance de deux points de vue contradictoires de défi et d'opportunité, le contexte externe dans lequel ces actes ont été formulés, et le pouvoir des agents qui produisent les actes des paroles respectifs.

La recherche est structurée de la manière suivante:

L'*introduction* dépeint l'atmosphère générale où les partenariats pour la mobilité ont émergé. Développant les grands objectifs des partenariats, il souligne les faiblesses qui ont été identifiés par plusieurs auteurs en ce qui concerne le décalage dans les objectifs initiaux des partenariats et les résultats finaux. Il soulève la question majeure de la thèse qui fait référence aux motifs de la non-concordance identifiée.

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Une courte partie sur la *théorie* et la *méthodologie* fait suite à l'introduction, elle identifie la portée théorique générale et les cadres analytiques qui informent la recherche, ainsi que la méthodologie qui a guidé le processus de collection de données.

Les trois chapitres suivants se rapportent aux trois principaux problèmes identifiés en ce qui concerne les partenariats pour la mobilité:

Le *chapitre 1* analyse la formation du lien entre migration et sécurité et ses conséquences pour les voisins proches de l'UE.

Le *chapitre 2* traite le lien entre migration et développement, soulignant la différence dans la conceptualisation du développement dans le discours de l'UE par rapport au discours international.

Le *chapitre 3* se concentre sur les jeux de pouvoir entre les différents agents qui informent le discours général de l'UE sur l'immigration, et plus précisément - les partenariats pour la mobilité.

La *conclusion* résume les conclusions et propose quelques recommandations politiques.

*“Freedom, wherever it existed as a tangible reality, has always been spatially limited. This is especially clear for the greatest and most elementary of all negative liberties, the freedom of movement; the borders of national territory or the walls of the city state comprehended and protected a space in which man could move freely. Treaties of international guarantees provide an extension of this territorially bound freedom for citizens outside their own country, but even under these modern conditions the elementary coincidence of freedom and a limited space remains manifest. What is true for freedom of movement is to a large extent valid for freedom in general. Freedom in a positive sense is possible only among equals, and equality itself is by no means a universally valid principle but, again, applicable only with limitations and even within spatial limits.”*

*Hannah Arendt*<sup>1</sup>

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<sup>1</sup> Hannah Arendt, *On Revolution*, London: Penguin Books, 1990, p. 275.



## Introduction

‘The most *innovative* and *sophisticated* tool to date of the Global approach to migration’<sup>2</sup> – was how the Commission coined the new addition to the EU’s immigration policy instruments – the so-called Mobility Partnerships. Introduced in late 2006 within the framework of EU’s developing ‘comprehensive’ approach to migration, ‘mobility packages’ were later renamed ‘partnerships’ to emphasise the importance of cooperation and joint ownership with third countries in the area of migration management. What was the ‘novelty’ of the mobility partnerships that prompted a ‘promising’ change at the external dimension of the EU’s immigration policy? The official discourse of EU Justice and Home Affairs has recently centered on the word ‘shift’, presented often as an imperative, as something already in the making. Mobility partnerships, in this respect, are a crucial step.

“We have to *shift* – even if not completely – our traditional way of thinking of migration as a word of loss and sorrow. Let us be realistic in a visionary way. Let us try to use a new expression: *EU mobility*. We have to look at immigration as *enrichment* and as an inescapable phenomenon of today’s world, *not as a threat*.”<sup>3</sup>

More precisely, this shift is an ambitious incentive to overcome what has been the traditional frame of the EU immigration policy for years – the dominant migration-security nexus that determined the EU’s restrictive measures in the area of migration management. Since the Seville European Council, the ‘securitisation’<sup>4</sup> of migration intensified. Migration was identified with a ‘threat’ that required urgent steps to be ‘combated’, ‘controlled’ and ‘restricted’<sup>5</sup>. At the same time, however, the securitisation of migration in the EU led to the construction of an unfavourable image externally

2 European Commission, *Mobility Partnerships as a Tool of the Global Approach to Migration*, Commission Staff Working Document, SEC (2009) 1240, Brussels, 18 September 2009, p. 4.

3 Franco Frattini, ‘*Enhanced Mobility, Vigorous Integration Strategy and Zero Tolerance on Illegal Employment: A Dynamic Approach to European Immigration Policies*’. Speech at High Level Conference on Legal Migration, Lisbon, 13 September 2007. Available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/526>, (consulted on 7.04.2010) (The special emphasis in italics in the passage and in all the subsequent block quotations is added by the author).

4 The term ‘securitisation’ was introduced by Copenhagen School of Security Studies to describe a process by which issues are transformed into security issues through securitising speech acts. The most prominent members of Copenhagen School are Ole Wæver, Barry Buzan, Pierre Lemaitre, etc.

5 European Council. *Conclusions of the Presidency*, Seville 21–22 June, 2002.

– that of a ‘Fortress Europe’.<sup>6</sup> The increasing gap between the internal and external dimensions of the EU’s policies endangered the so-often proclaimed narrative of the EU as ‘a force for good’ and a ‘normative power’<sup>7</sup>. A particular blow to this image was the external shock caused by the events in Ceuta and Melilla<sup>8</sup>, signalling the fundamental importance of developing a new approach towards migration. This approach or the so-called shift was first reflected in the EU’s call for striking a balance within the various aspects of migration. This new framework was introduced in the communication on ‘Strengthening the Global Approach to Migration: Increasing Coordination, Coherence and Synergies’:

“The Global Approach reflects a major change in the external dimension of the European migration policy over recent years, namely the *shift* from a primarily *security-centered* approach focusing on reducing migratory pressures, to a more *transparent* and *balanced* approach guided by a better understanding of all aspects relevant to migration, improving the accompanying measures to *manage migratory flows*, making migration and mobility *positive forces for development*, and giving greater consideration to decent work aspects in policies to better manage economic migration.”<sup>9</sup>

An immediate outcome of the ‘global approach’ was the introduction of the mobility partnerships. These were seen as important instruments to implement in practice the rhetorical objective of this new ‘Global approach’, under which the European Union embarked on ‘developing an innovative way of addressing migration issues in all their complexity’.<sup>10</sup> The official goal of mobility partnerships was, therefore, to move beyond the EU’s exclusive focus on security concerns, incorporating the facilitation of legal mobility, primarily concentrating on the promotion of a specific kind of legal mobility – circular migration. The latter is a relatively recent concept and was first introduced within the international migration discourse as an effective mechanism in exploiting

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6 Andrew Geddes, *Immigration and European Integration: Towards Fortress Europe?* Manchester: Manchester University Press, 2000.

7 Ian Manners, ‘Normative power Europe: a contradiction in terms?’, in: *Journal of Common Market Studies*, Vol. 40, No. 2, 2002, pp. 235–58.

8 The events of Autumn 2005 in Ceuta and Melilla, Spanish enclaves, were a stark case of human rights violations, when 13 migrants were killed and hundreds were wounded while trying to climb over the fence into the territory of the EU.

9 European Commission, *Strengthening the Global Approach to Migration: Increasing Coordination, Coherence and Synergies*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2008)611 final, Brussels 8.10.2008, p. 3.

10 *Ibid.*, 14.

the development potential of migration that would eventually lead to a triple-win. The ‘win-win-win’ scenario also became a central component of the innovative approach of the mobility partnerships. Outlining the opportunities presented by circular migration, Frattini stated: ‘we believe that this kind of migration can be good for the EU, by filling specific gaps in the labour markets, good for the country of origin, by way of individuals sending money home or returning with new skills, and not least, good for the migrant.’<sup>11</sup> Thus the major objectives signalling the novelty of the EU’s migration approach towards third countries lay in the notions of ‘striking a balance’ between restrictive and progressive measures of the EU immigration policy and the idea of the ‘triple-win’, which would make migration work for the benefit of all parties concerned.

In conceptual terms, Mobility Partnerships are quite ‘ambitious’ policy tools.<sup>12</sup> Their ambition lies in the very ‘composite’ nature and the ‘broad thematic scope’ of the partnerships that aim to bring together various policy areas, namely – migration, social, economic, foreign and development policies.<sup>13</sup> Initially presented in a quite positive light, mobility partnerships, nevertheless, suffer from a strong securitisation bias, which becomes evident when looking at the specific agreements between the EU member states and third countries. At the very initial stage of their introduction into the EU discourse on migration, the mobility partnerships were presented in much more development-related terms, where ‘common interests’ were emphasised.

Mobility partnerships will aim at “exploiting potential *positive* impacts of *migration on development* and responding to the *needs of countries of origin* in terms of skill transfers and of mitigating the impact of brain drain.”<sup>14</sup>

Alongside the development-related aims the partnerships were, nevertheless, conditional on certain security-oriented commitments that were requested from the third countries as a prerequisite for commencing the negotiation process. Mobility partnerships were thus identified as ‘novel approaches to improve the management of legal movements of

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11 Franco Frattini, ‘Shaping Migration Patterns’ European Parliament, Brussels, 20 September 2007. Available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/556&format=HTML&aged=0&language=EN&guiLanguage=en>, (consulted on 7.04.2010).

12 Roderick Parkes, ‘EU Mobility Partnerships: A Model of Policy Coordination?’ in: *European Journal of Migration and Law*, Vol. 11, No. 4, 2009, p. 344.

13 Roderick Parkes, ‘EU Mobility Partnerships: A Model of Policy Coordination?’ in: *European Journal of Migration and Law*, Vol. 11, No. 4, 2009, p. 329.

14 European Commission, *On Circular Migration and Mobility Partnerships between the European Union and Third Countries*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2007)248 final, Brussels, 16.5.2007, p. 2.

people between the EU and third countries, who were *ready to make significant efforts to fight illegal migration*.<sup>15</sup> Despite the emphasis on the certain commitments expected from third countries related to fight against illegal migration, readmission and border control (which were in the direct interest of the member states), the commitments on the EU's side were presented as equally attractive and included a promise of improved opportunities for legal migration, measures to address the risk of brain drain, visa facilitation agreements, etc. Thus the balance promoted by the 'novel approach' could be traced at the initial stage of introducing the idea of the mobility partnership in the repertoire of EU immigration policies. The ideational parameters from which mobility partnerships emerged targeted at exploiting the nexus between development and migration, facilitating legal migration, simultaneously combating illegal migration and presented them attractive and promising enough for third countries to express an interest in negotiating an agreement.

Moldova was the first country to express its interest in negotiating a joint agreement with the EU on the conclusion of a mobility partnership. The 'willingness' to cooperate was an important aspect emphasised by the EU. After submitting three non-papers to the EU, Moldova was chosen as a candidate, together with Cape Verde, for pilot mobility partnerships, which were concluded in 2008. At the end of 2009 a third mobility partnership was concluded with Georgia. The criteria for selecting the 'partners' are not very clear and can depend on the potential emigrant population of the country, as in the case of Moldova, which lies on an important migration route, or on strictly geopolitical imperatives, as was the case with Georgia.<sup>16</sup> Whatever the criteria might be, the existing joint agreements all reflect a common framework, which is of crucial importance in analysing the changing policy agenda of the EU JHA – namely the advocated shift towards a balanced approach. To what extent the shift has taken place can be observed through the analysis of the actual partnerships already in place.

Relatively new policy tools in the EU's relations with third countries, mobility partnerships haven't been subject to extensive and thorough research. Yet, their importance in the future of the EU's immigration policy is undeniable. In its recent communication on 'Mobility partnerships as a tool of the Global Approach to Migration', the Commission made some recommendations on how to further develop this tool, extending it to include new partners.<sup>17</sup> However, a close look at the existing partnerships demonstrates relatively

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15 Ibid.

16 Roderick Parkes, 'EU Mobility Partnerships: A Model of Policy Coordination?' in: *European Journal of Migration and Law*, Vol. 11, No. 4, 2009, p. 331.

17 European Commission, *Mobility Partnerships as a Tool of the Global Approach to Migration*,

discouraging results in the progress made so far in striking the desired balance between security and development-oriented concerns. The triple-win is equally contested. The few studies made so far all reveal the predominance of the security-oriented or coercive approach over more progressive means, which are supposed to facilitate the legal mobility.<sup>18</sup>

Initially designed to strengthen the EU's 'comprehensive' approach to migration, mobility partnerships have gradually acquired a bias towards security concerns, where development interests have become subordinate. The balance between migration and development goals becomes highly debated once you look at the uneven number of projects proposed in the agreements aimed at facilitating the legal mobility. The vast number of projects is still targeted at encouraging the partner countries to cooperate in the management and restriction of illegal migration.<sup>19</sup> Analysing this imbalance and the rationale of the specific goals promoted by the mobility partnerships, Carrera and Sagrera have identified a certain inconsistency in the name of the partnership and the content, arguing that 'mobility partnerships' rather represent 'security partnerships' for the EU member states and 'insecurity partnerships' for the liberty and security of third country nationals and the coherency of the EU labour immigration policy.<sup>20</sup> This conclusion is not only drawn from the evident prevalence of security elements in the partnerships, but is also achieved from the analysis of the rationale of the existing few elements targeted at the facilitation of labour mobility. The study shows that the mobility promoted by the partnerships is also subjected to the pure economic interests of the member states, facilitating the movement of 'only those who are deemed useful because of their skills.'<sup>21</sup> This 'economic needs-based' approach is not a new one and was always present in the policies of the member states towards legal migration. In the Commission's 2005 'Policy Plan on Legal Migration' the situation and prospects of EU labour markets was described as 'a need scenario'.<sup>22</sup> The package, nevertheless, made it clear that it addressed the conditions and the procedures of admission for 'few selected categories

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Commission Staff Working Document, SEC (2009)1240, Brussels, 18 September 2009, p. 8.

18 Carrera and Sagrera (2009), Chou (2009), Lavenex and Kunz (2008), Reslow (2009), etc.

19 Out of 64 projects proposed in EU-Moldova Mobility Partnership only 7 relate to labour migration schemes.

20 Sergio Carrera and Raul Hernandez Sagrera, 'The Externalisation of the EU's Labour Immigration Policy: Towards Mobility or Insecurity Partnerships?' CEPS Working Document No. 321, October 2009.

21 Ibid., p. 2.

22 European Commission, *Policy Plan on Legal Migration*, Communication from the Commission, SEC (2005)1680, COM (2005)669 final, Brussels, 21.12.2005, p. 4.

of economic immigrants’, avoiding the so-called ‘horizontal framework covering the conditions of admission for all third-country nationals seeking entry into the labour markets of the member states.’<sup>23</sup> In general, the official discourse of the EU reflects a clear preference for ‘high-skilled’ migration as an important potential to boost the economic growth of the Union:

“To contribute to economic growth, it is fundamental that Europe becomes first of all a real pole of attraction for *highly skilled* immigrants... Europe continues to receive low-skilled or unskilled labour, while USA, Canada and Australia are able to attract *talented migrants*.”<sup>24</sup>

“We need a European approach which can help the EU address *unwanted* phenomena such as *irregular migration*, while ensuring that Europe can welcome the migrants that its economy *needs* and its society is *capable* and *willing* to accept.”<sup>25</sup>

Apart from being subjected to the economic goals of the EU, the proposed opportunities for facilitated labour mobility are also ‘instrumentalised’ in the EU’s external relations as a ‘complementary incentive in the promotion of EU’s readmission policy.’<sup>26</sup> Confronted with difficulties in making third countries sign and implement the readmission agreements, the EU needed to search for new mechanisms, providing a conditionality of some kind in return to collaboration in the field of migration management. Thus, in reality, mobility partnerships do not really bring about any evident shift away from security considerations. Their ability to stir the interest of third countries, nevertheless, cannot be denied, which can be explained by the ‘attractive fashion’ they were presented in the EU discourse. The third countries, primarily interested in the progressive elements of the partnerships rooted in the promises of providing regular channels of immigration and labour mobility, appeared to be on a highly ‘unequal footing’, which as such endangers the sustainability of the very notion of a ‘partnership.’<sup>27</sup> Even though allowing

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23 Ibid., 5.

24 Franco Frattini, ‘Management of Migration Flows’, Strasbourg, 27 September, 2006. Available at: [http://www.europa-eu-un.org/articles/en/article\\_6294\\_en.htm](http://www.europa-eu-un.org/articles/en/article_6294_en.htm), (consulted on 7.04.2010).

25 Franco Frattini, ‘Shaping Migration Patterns’. European Parliament, Brussels, 20 September 2007. Available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/556&format=HTML&aged=0&language=EN&guiLanguage=en>, (consulted on 7.04.2010).

26 Sergio Carrera and Raul Hernandez Sagrera, ‘*The Externalisation of the EU’s Labour Immigration Policy: Towards Mobility or Insecurity Partnerships?*’ CEPS Working Document No. 321, October 2009, p. 35.

27 Anna Triandafyllidou, ‘*Attempting the Impossible? The Prospects and Limits of Mobility Partnerships and Circular Migration*’, ELIAMEP: Hellenic Foundation for European and Foreign Policy, January 2009, p. 2.

for a possibility for migration from third countries to the EU in the form of labour quotas 'to help match job offers in the Member State in question with job seekers in the third country concerned', the EU still gives priority to the 'labour needs of interested Member States', respecting the principle of Community preference for EU citizens.<sup>28</sup> As for the notion of 'insecurity partnerships' for the individual migrants, it is rooted in the promotion of circular migration that prevents the integration of migrants within the host society, reducing them to mere 'economic units' at the expense of human rights.<sup>29</sup> The analysis conducted in 2009 by the DG Internal Policies Department on Citizens' Rights and Constitutional Affairs addressed the vulnerability of migrants under the circular migration schemes, unveiling a clear inconsistency within the objectives of mobility partnerships and the integrationist tendencies of national migration policies. The major conclusion of the policy brief rejected the promise of a 'triple-win' situation, stating that: "In spite of an elaborate rhetoric of 'making migration work for development' in the sending countries, policies in the EU countries are in principle still very much based on economic-self-interest."<sup>30</sup>

Thus mobility partnerships so far haven't proved to be effective policy tools in striking the desired balance between security and development oriented concerns, making migration work for the benefit of all. Yet, it is still difficult to analyse the viability of a policy, which is in a pilot phase. Mobility partnerships are often proclaimed to be 'flexible' policy instruments, ready to incorporate future developments and improvements. Having pointed out the disadvantages and weakness of the partnerships in the current stage, the present research will question the reasons and the factors that led to the imbalance in the progressive and repressive elements of the final product concluded with third countries. After a brief overview of the theoretical and methodological framework of the thesis, three major problems are raised with regard to the mobility partnerships.

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28 European Commission, *On Circular Migration and Mobility Partnerships between the European Union and Third Countries*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2007)248 final, Brussels, 16.5.2007, p. 5.

29 Sergio Carrera and Raul Hernandez Sagrera, *'The Externalisation of the EU's Labour Immigration Policy: Towards Mobility or Insecurity Partnerships?'* CEPS Working Document No. 321, October 2009, p. 2.

30 Directorate General Internal Polices of the Union, *'Circular Migration and Mobility Partnerships'*, briefing paper by Policy department C, Citizens Rights and Constitutional Affairs, February 2009. Available at: <http://www.ceps.be/system/files/old/circular.pdf>, (consulted on 8.04.2010).

## Theoretical Framework and Methodology

The theoretical framework of the present research is a composite one, embracing specific analytical frameworks for the problems addressed in each chapter. The first chapter, focusing on migration-security nexus, adopts the analytical framework of ‘securitisation’ to observe how immigration has been transformed into a ‘security issue’ within the EU policy discourse. The second chapter intends to unpack the meaning of development within the EU discourse on immigration and draws on two distinct frameworks of conceptualising the notion of development – a narrow one, confined to economic factors (which can be observed within the EU discourse on migration-development nexus), and a broader one, imbedded in a social and human rights dimension. The third chapter, analysing the power struggle of the actors producing competing discourses on immigration, looks for possibilities of overcoming the dominance of the security frame through the analytical framework of de-securitisation. The overarching framework of the research, however, can be discussed under the scope of discourse theory, from which the research takes its broader ontological assumptions, which, in turn, informs the choice of methodology.

The major assumption of discourse theory relates to the constructive nature of language, meaning that discourse is more than just a mere reflection or a ‘mirror’ of the world, but rather intrinsic and ‘constitutive’ of social reality.<sup>31</sup> The real world from this perspective is not imbued with meaning and can only be perceived through discourse. This, however, is not to deny that there is no physical and material world outside of discourse, but rather to state that ‘there is no meaningful way of talking about reality outside of discourse’.<sup>32</sup> This claim, therefore, refers to our limits of understanding reality, suggesting that our knowledge about things is always dependant on a historically specific and social context, and by no means implies that there is nothing, but discourse.

The definition of discourse that I adopt is the one established by Foucault, who saw discourse as a more or less coherent system of meaning, always tied to rituals and procedures, which regulate its distribution.<sup>33</sup> It is crucial to note that discourse is not only about ‘what’ can be said, but also ‘who’ can speak, ‘where’ and with what authority.<sup>34</sup>

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31 Ludwig Wittgenstein, *Philosophical Investigations*, Oxford, UK: Blackwell, 1967.

32 Stuart Hall, ‘Foucault: Power, Knowledge and Discourse’, in: Margaret Wetherell Stephanie Taylor and Simeon Yates (eds.) *Discourse Theory and Practice: a Reader*, Sage Publications, London, 2001, p. 73.

33 Michel Foucault, ‘*The Order of the Discourse*’, Stockholm: Brutus. Östlings bokförlag Symposium, 1993.

34 Stephen Ball, *Politics and policy making in Education: Explorations in Policy Sociology*, Routledge,

Power is an important component of a discursive formation, and determines the effect of a specific articulation. When uttered within a certain policy framework, discourse can become institutionalised, if the agent producing the speech act is given enough power and authority. This can be observed in the case of securitisation of immigration within the EU JHA, which is addressed in chapter one in more detail.

Different concepts can take different meanings once they are positioned in different discourses. Thus meaning becomes impossible to be fixed or controlled, due to the basically 'volatile nature of language'.<sup>35</sup> A discourse can never dominate or fix all meaning completely, obtaining what Laclau and Mouffe call a 'suture'.<sup>36</sup> The meaning of immigration, for example, is always open to contestation, and can be conceptualised in different ways, depending on which aspect of immigration is given more priority. This contestation becomes vivid as we cast a look at how the issue is formulated within different policy areas. If EU immigration policies, largely dominated by a securitarian frame, prioritise the 'threat' aspect of immigration, then development policies, imbued with different concerns, rather give priority to the 'opportunity' aspect. Mobility partnerships in this respect are an interesting case to observe, since they attempt to bring together two conflicting meanings of immigration, unifying the goals of immigration and development policies within one policy tool. This attempt, however, as the research further demonstrates, has created an obvious tension and a struggle for which meaning should dominate the partnerships. In the end, the narrative connecting immigration with security concerns has proved to prevail, pushing the alternative narratives to the back stage. To understand this outcome the consideration of the link between power and discourse is therefore crucial. Discourses are thus not treated in isolation in this research, but as situational phenomena, which depend on the authoritative position from which the imposition of dominant frame becomes possible.

The methodology adopted for the present research is discourse analysis. The latter is not to be confused with critical discourse analysis (CDA)<sup>37</sup>, which rather focuses on the spoken and written text and its internal structure. Discourse analysis rather takes a broader understanding of discourse, where apart from the speech acts, the context and

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London; New York, 1990.

35 Henrik Larsen, *Foreign Policy and Discourse Analysis: France, Britain and Europe*, Routledge, 1997, p. 19.

36 Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy – Towards a Radical Democratic Politics*, London: Verso, 1985, p. 111.

37 CDA was first developed by the Lancaster school of linguists. Prominent scholars in this field are Norman Fairclough and Ruth Wodak.

the actors play an equally important role. The textual data used for the analysis includes a large number of documents produced primarily by the Commission, the Council and a number of International Organisations, as well as speeches and reports issued by other relevant actors. The importance of the analysis lies in the comparison and contrast of the discursive positions established by each actor and their respective authority in influencing the dominance of this or that discourse.

## **Chapter 1.**

# **MIGRATION-SECURITY NEXUS AND THE EU NEIGHBOURHOOD: COMPETING NARRATIVES OF ‘DUTY’ AND ‘THREAT’**

The discourse linking migration with security has undergone a long process of naturalisation, achieving a particular stage when the product of this discourse – the so-called ‘migration-security’ nexus - appeared evident. In other words, the securitisation of migration has reached a state of ‘institutionalisation’, meaning that the security logic has become ‘normalised’ in the EU immigration policies.<sup>38</sup> Adopting the concept of ‘securitisation’ as an analytical framework, the chapter will explore the construction of migration-security nexus in the EU immigration policies, focusing particularly on the EU’s immediate neighbourhood. After a brief theoretical insight into the logic of securitisation, the chapter proceeds with the analysis of the securitarian discourse produced within the EU, connecting its emergence and evolution to certain events and happenings in the external context. One of such events – the EU enlargement in 2004 - led to the inclusion of the ‘neighbourhood’ in the center of EU’s discourse on the Area of Freedom Security and Justice. As a result, two conflicting narratives of a ‘threat’ and ‘duty’ emerged within the framework of the European Neighbourhood Policy. Attempting to strike a balance between the two, the EU, nevertheless, gradually acquired a bias towards the discourse on ‘threat’ and subordinated the ‘duty’ narrative to the objectives of the former. The Mobility Partnerships emerged in the atmosphere of a tension between these two conflicting narratives and could be perceived as an attempt to reconcile the two.

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<sup>38</sup> Dominique Van Dijck, ‘*A study on the Dynamics of Institutionalised Securitisation*’, paper presented at 3rd Pan-European Conference on EU Politics, Istanbul, 21-23 September 2006, p.4.

## 1.1 Securitisation Theory and Migration

The concept of 'securitisation' was first introduced by the Copenhagen School of Security Studies. Unlike the traditional realist approaches to security that largely focus on the relations between states, the securitisation theory took the notion of security to a different level, focusing on the social construction of threats. The defining feature of securitisation, according to Wæver and Buzan, is a 'linguistic action' or a 'speech act' marked by a specific rhetoric of 'urgency' and 'priority'.<sup>39</sup> Yet, 'speaking security' is not only a way of representing an issue in a specific way, but also a way of influencing policies. To become securitised, the issue needs to be formulated in terms of an 'existential threat', requiring extraordinary measures by politicians to deal with it.<sup>40</sup> As Huysmans argues, 'policies depend heavily on the language through which they are politicised'.<sup>41</sup> The role of language and speech acts, therefore, is not merely to describe, but also to mobilise certain meanings, creating a 'domain of insecurity', which is further tackled through specific security policies. Studying securitisation, nevertheless, does not only involve a study of speech acts, but a positioning of specific speech acts within a broader contextual framework. Extending Wæver and Buzan's definition of securitisation in terms of a 'linguistic action' or a 'speech act', Balzacq emphasised the importance of the agent, the audience and the social context within which the speech act is articulated. Thus he defined securitisation as a 'pragmatic act', which 'aspires to determine the strategic and technical uses of language to attain a certain aim'.<sup>42</sup> The link between migration and security has been extensively studied by Bigo and Huysmans, who developed their analysis focusing on the sociology of power and its importance in the institutionalisation of a specific discourse. Drawing on all the previous studies the present research looks at the securitisation of migration as a result of discursive power struggle between different agents, each producing a certain perception and understanding of the phenomenon of migration. The success of these articulations depends to a large extent on the agents' authority, power and legitimacy at the particular stage. The hegemonic or the dominant discourse therefore is achieved as a result of a 'struggle over which interpretation and thus which kind of knowledge should inform migration policy'.<sup>43</sup> The study of the

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39 Barry Buzan, Ole Weaver, Jaap de Wilde, *Security: A new Framework for Analyses*. London: Rienner, 1998.

40 Ibid., p. 23.

41 Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*. New York: Routledge, 2006, p. 6.

42 Elspeth Guild, Sergio Carrera & Thierry Balzacq, *The Changing Dynamics of Security in an Enlarged European Union*, CHALLENGE, research paper No. 12, 2008, p. 2.

43 Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*. New York: Routledge, 2006, p. 53.

power struggle will be the subject of chapter 3, which will analyse the possibilities and the major obstacles for the 'de-securitisation of migration'. The latter is an important precondition for fulfilling the official goal of mobility partnerships - realising the shift away from security to a more balanced and comprehensive approach. Meanwhile, having established the major drawback of the existing EU mobility partnerships with third states, namely the prevalence of the securitarian approach, the goal of this chapter is to trace at the discursive level the evolution of the security frame that has led to restrictive EU immigration policies. The analysis will not only focus on the linguistic approach and the securitising speech acts, but also the technological and technocratic processes within the construction of the EU's internal security field. Discourse is therefore treated as a much larger concept than a mere reference to strictly linguistic means. It encompasses other aspects as well, such as technology, which has become a major securitising tool for distancing and neutralising potential threats.

## 1.2 Securitisation of EU Immigration Policies

The securitisation of migration in EU discourse has undergone several stages. The early stage of securitisation involved the conceptualisation of illegal migrants as a ‘threat’, requiring ‘urgent’ measures to be dealt with. At a later stage a transition towards a ‘management discourse’<sup>44</sup> was realised, which focused on the need to manage and control the already securitised issue of migration. The securitising moves in the form of ‘speech acts’, produced by politicians or other agents, become reflected in specific policies and were replaced by securitising practices or technologies, which now produce the ‘logic of security on a day-to-day basis’.<sup>45</sup>

The early attempts to securitize migration date back to the conclusion of the Single European Act in 1986, which aimed at abolishing internal border controls, and the Schengen Implementation Agreement in 1990. Illegal migration started to emerge as a cross-border issue. Yet, the EU discourse on migration at that period did not convey any reference to ‘urgency’ in restricting and combating the newly emerging danger. The Maastricht Treaty led to the creation of the ‘Justice and Home Affairs’ intergovernmental pillar, including Title IV that put migration together with other law enforcement issues, such as terrorism, organised crime, etc. The Amsterdam treaty signalled a historical step in the ‘normative and political configurations of liberty and security’, transferring Title IV into the community pillar.<sup>46</sup> The treaty was followed by the Tampere European Council, which identified specific milestones for a common EU asylum and migration policy, and emphasised the necessity to ‘manage migration flows’ yet at the same time promoting a ‘fair treatment of third country nationals’.<sup>47</sup> The phrase ‘migration flow’, which had become of common use in the EU discourse on migration, contained a peculiar negative connotation of something unrestrained that needed management and control. The metaphors of a ‘flow’ or an ‘influx’ compared illegal migration with a natural phenomenon, from which the EU needs protection.<sup>48</sup> The negative connotation of the phenomenon of migration kept intensifying. In a more recent discourse one can

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44 Dominique Van Dijck, ‘A study on the Dynamics of Institutionalised Securitisation’, paper presented at 3rd Pan-European Conference on EU Politics, Istanbul, 21-23 September 2006, p. 5.

45 Ibid., p. 5.

46 Elspeth Guild, Sergio Carrera & Thierry Balzac, *The Changing Dynamics of Security in an Enlarged European Union*, CHALLENGE, research paper No. 12, 2008, p.6.

47 European Council, *Conclusions of the Presidency*, Tampere 15–16 June, 1999.

48 Didier Bigo writes about the use of nature metaphors in connection to migration (Didier Bigo. *The Möbius Ribbon of Internal and External Security(ies)*, in Albert, M. Jacobson, D. Lapid, Y. (eds.) *Identities, Borders, Orders: Rethinking International Relations Theory*, Minneapolis:University of Minnesota Press, 2001).

come across an association of the migrant movement with an act of 'slipping through the net':

"As soon as the system starts to operate<sup>49</sup>, third-country nationals will realise that the only way of getting to Europe is via legal channels. This will also have a very positive side effect, namely, reducing the number of people trying to cross the Mediterranean and the Atlantic in rickety boats, as they will be aware that their biometric identifiers will be immediately taken and thus they will have less chance of *slipping through the net*."<sup>50</sup>

Securitisation of immigration took an extreme form after 9/11, when a direct link was established between illegal immigration and criminal actions: 'Criminal activities which are regularly connected with irregular migration flows are a major concern in all Member States.'<sup>51</sup> However, a stage of total securitisation was reached at the Seville European Council, where the idea of 'urgency' was officially spelled out: 'There is an *urgent* need for political action by the whole international community.'<sup>52</sup> Together with terrorism illegal immigration became represented as an issue that needs to be 'combated'. Readmission agreements and improved border control were identified as a means of distancing or neutralising threats. In subsequent communications the securitised nature of illegal migration remained stable. At certain stages there were attempts to balance the securitarian approach with other narratives, positioning migration issues in a broader context, such as development.<sup>53</sup> Yet, the balancing between 'opportunity' and 'challenge' dichotomy was not always successful and was hampered by new events on the international scene. Security acquired a new urgency after the terrorist attacks in London and Madrid and the approaching 'big bang' enlargement, which brought new 'challenges' and concerns to the EU's doors. The Thessaloniki Council introduced new technological developments in the EU's border control mechanism – the Visa Information System (VIS), Schengen Information System II (SIS II) to the existing EUROPOL and Custom

49 Reference to the introduction of biometric identifiers in the EURODAC border management system.

50 Franco Frattini, 'Providing Europe with the Tools to Bring its Border Management into the 21st Century', Ministerial Conference on the Challenges of the EU External Border Management, Brdo, Slovenia, 12 March 2008.

51 European Commission, *On a Common Policy on Illegal Immigration*, Communication from the Commission and the European Parliament, COM(2001)672 final, Brussels, 15.11.2001, p. 10.

52 European Council. 2002. *Conclusions of the Presidency*, Seville 21–22 June, p. 35.

53 The first attempt to do so was reflected in the 2002 European Commission document: *Integrating Migration Issues in the European Union's Relations with Third Countries*, Communication from the Commission to the Council and the European Parliament, COM(2002)703 final, Brussels, 3.12.2002.

Information System. Technology became to be presented at the EU official level as the ‘solution to every security threat, as an ultra-solution to the permanent state of fear’<sup>54</sup>, without any reflection about its further implications for the (in)security of the individual. Thus the phenomenon of migration, having undergone a total ‘securitisation’ through speech acts at political level, which presented it side-by-side with the terrorist threat as something that needs to be combated and restrained, gradually transformed into a managerial issue, that needs to be regulated and performed on a day-to-day basis by security technology and risk-filtering mechanisms.

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54 Didier Bigo and Sergio Carrera, *From New York to Madrid: Technology as the Ultra-Solution to the Permanent State of Fear and Emergency in the EU*, CEPS Commentary, CEPS, Brussels, April, 2004.

### 1.3 Implications of the Securitised EU Immigration Regime on the EU's Neighbourhood

While the free movement of persons was fostered within the EU, the distinction between EU-nationals and non-EU-nationals was gradually intensifying, resulting in the development of a new understanding of security, where internal and external security became strictly de-differentiated. The EU space was increasingly presented as a 'safe(r) inside' and was contrasted with the 'unsafe(r) outside'.<sup>55</sup> The upcoming enlargement, which would shift the EU's border policies to the newly admitted states, created a need for a novel EU security approach for the neighbouring states. The initial narrative surrounding the new neighbourhood was dominated by security concerns, focusing on the challenges and problems it would bring for the EU. The document on European Security Strategy, presented by Javier Solana on June 2003 Thessaloniki European Council, clearly demonstrated the EU's perception of the new neighbours in terms of threats and danger.

'Neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe'.<sup>56</sup>

Particularly strong were the EU's fears of the potential flows of illegal immigrants coming from the Eastern neighbour states, which acquired a 'pivotal role in the internal/external nexus of JHA cooperation'. They were seen as a source of 'soft security threats' for the EU, being both countries of origin and transit countries for irregular migrants.<sup>57</sup> In his 2002 January letter to Josep Piqué<sup>58</sup> the British Foreign secretary Jack Straw expressed his concern with the potential problems coming from Moldova and Ukraine, both of which were located on important migration routes:

"Within three years, Ukraine and Moldova will border the EU – with all the attended *problems* of cross-border crime, trafficking and *illegal immigration*. Moldova will not be an EU neighbour until later, when Romania joins, but it already faces *grinding poverty, huge social problems, and mass emigration*."<sup>59</sup>

55 Jörg Monar, 'The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs', *Journal of Common Market Studies*, Vol. 39, No. 4, 2001, p. 762.

56 'A Secure Europe in a Better World', *European Security Strategy*, Brussels, 12 December 2003. (The document was first drawn up under the authority of the EU's High Representative for the Common Foreign and Security Policy, Javier Solana).

57 Sandra Lavenex, 'Justice and Home Affairs and the EU's New Neighbours: Governance beyond Membership?' In Henderson, Karen (ed.), *The Area of Freedom, Security and Justice in the Enlarged Europe*, London: Palgrave, 2004, p. 89.

58 Josep Piqué - the Foreign Minister of Spain, holding EU presidency at the time.

59 Foreign and Commonwealth Office. Letter from Jack straw to Josep Pique, Minitry of Foreign

These concerns were also reflected in official documents, such as the Moldova Country Strategy paper that mentioned that instability in Moldova could easily spill over into the union, and the EU ‘will contribute through its cooperation to fighting crime, corruption, smuggling and illegal migration.’<sup>60</sup> The idea of cooperation with the neighbours for the sake of ensuring a stability outside the EU’s borders and securing internal borders from illegal immigrants, terrorists, criminal groups and other ‘threats’ became the underlying logic of the European Neighbourhood Policy. The latter was thus an explicit attempt of the EU to ‘balance internal security concerns and external stabilisation needs.’<sup>61</sup> As a result two distinct narratives stood out within the general discourse surrounding the creation of ENP – the narrative of ‘threat’ and the ‘duty’ narrative.<sup>62</sup> To counter the perceived threat from the East, the EU extended its ‘Schengen culture of security’<sup>63</sup> to the new member states, requiring them to adopt all the Schengen commitments in full, whatever their previous border arrangements with the neighbours might have been. Thus, instead of ‘avoiding new dividing lines in Europe’<sup>64</sup>, the EU intensified the ‘Fortress Europe’ metaphor. The EU undertook a path of ‘externalisation strategy’, which consisted of externalisation of traditional tools of domestic or EU migration control through their export to third countries.<sup>65</sup> The EU migration regime was extended to the bordering countries, which were in a way transformed into ‘gate-keepers’ to protect ‘Fortress Europe’ from unwanted illegal immigrants. The strategy, however, could not be implemented successfully without cooperation from third countries. This could only be achieved by offering them something in return. In the Green Paper on a Community Return Policy on Illegal Residents, the Commission admitted the weak leverage offered to third countries in return to signing and implementing the readmission agreements:

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Affairs of Spain, London, 28 January 2002.

60 European Commission, ‘Moldova Country Strategy Paper’, 27 December 2001, p. 4.

61 Florian Trauner & Imke Kruse, ‘EC Visa Facilitation and Readmission Agreements: Implementing a New Security Approach in the Neighbourhood’, CEPS Working Document No. 290, 2008, p.2.

62 Julien Jeandesboz, ‘The Genesis of the ENP: Alternative Narratives, bureaucratic Competitions’, in: Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Basingstoke; New York : Palgrave Macmillan, 2009, p. 37.

63 Ruben Ziaotti, ‘The ENP and Security: Creating New Dividing Lines in Europe?’ in: Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Basingstoke; New York : Palgrave Macmillan, 2009, p. 188.

64 European Commission, *Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, Communication from the Commission to the Council and the European Parliament, COM(2003)104 final, Brussels, 11.3.2003, p. 4.

65 Sandra Lavenex, ‘Justice and Home Affairs and the EU’s New Neighbours: Governance beyond Membership?’ In Henderson, Karen (ed.), *The Area of Freedom, Security and Justice in the Enlarged Europe*, London: Palgrave, 2004, p. 94.

“As readmission agreements are solely in the interest of the Community, their successful conclusion depends very much of the „leverage” at the Commission’s disposal. In that context it is important to note that, in the field of JHA, there is *little that can be offered in return*.”<sup>66</sup>

The first major shift towards the ‘duty narrative’ was reflected in the ‘Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours’ communication from the Commission, which introduced the ambitious prospect of extending the ‘four freedoms’, including the freedom of movement, to the neighbourhood.<sup>67</sup>

“The EU has a *duty*, not only towards its citizens and those of the new member states, but also towards its *present and future neighbours* to ensure continuing social cohesion and economic dynamism. The EU must act to promote the regional and sub-regional cooperation and integration that are preconditions for political stability, economic development and the reduction of poverty and social divisions in our *shared environment*.”<sup>68</sup>

Thus the EU approach towards the neighbourhood started to oscillate between two distinct logics, one based on the idea of a soft partnership - ‘sharing everything but institutions’, and another one, rooted in the idea of securing the EU’s borders. The initial balance between the two was, nevertheless, gradually shifting towards the securitarian approach, which was not necessarily connected with a specific perception of ‘threat’ emanating from the immediate neighbours. The shift was rather made possible due to the changing perceptions of danger in general, which was embracing a more globalised scope. The de-differentiation between internal and external security of the EU was rather becoming a response to allegedly globalised patterns of threats, emanating from much wider discourses produced at the international level. The EU was gradually developing a Global approach to migration. The Hague program signalled a ‘new urgency’ stressing the ‘need for intensified cooperation and capacity building, both on the southern and eastern borders of the EU, to enable these countries to better manage migration.’<sup>69</sup> Although the EU realised that a successful cooperation can be realised through a true partnership,

66 European Commission, *Green Paper on a Community Return Policy on Illegal Residents*, COM(2002)175 final, Brussels, 10.04.2002, p. 23.

67 European Commission, *Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, Communication from the Commission to the Council and the European Parliament, COM(2003)104 final, Brussels, 11.3.2003, p. 4.

68 Ibid, p. 3

69 Council of the European Union, ‘*The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*’, 16054 (JAI 559), 2004, p. 13.

which assumes a relationship between equals, it simultaneously retained a certain degree of subordination, which distorts any attempts towards a balanced relationship. In the Council's declaration on a strategy for the external dimension of JHA, it stated:

‘EU action is most *effective* where it is based on a *partnership* with third countries to tackle *common problems* and meet *shared policy* objectives. The EU should use its significant relationship with third countries as an *incentive* for them to adopt and implement relevant international standards and obligations on JHA issues. Countries should be aware that the nature of their relationship with the EU will be positively affected by their level of co-operation, given the central *importance of these issues for the EU and its Member States*.’<sup>70</sup>

Thus the EU was developing an interesting relationship with the neighbours, based on a combination of two opposing logics – one of ‘inclusion’ and ‘exclusion.’<sup>71</sup> Having been recognised as ‘outsiders’ or ‘others’ representing a peculiar source of threat, the neighbours were simultaneously perceived as ‘partners’ or ‘equals’ sharing ‘common problems’ and policy objectives. This idea of joint ownership later became a major element of the mobility partnerships. Yet, at the same time, the EU put a strong emphasis on the ‘importance’ of the JHA issues for the EU and its Member States, which introduced a certain level of subordination with regards to the neighbours, who are entitled to a number of obligations and commitments before deserving the title of an ‘equal’ partner. The conditionality offered by the EU was, nevertheless, quite weak. The external governance agenda, based on an externalisation of the ‘burden of securing the EU’s internal border from illegal immigrants... and other threats to its neighbouring countries’<sup>72</sup>, lacked the leverage of the promise of membership. It thus required ‘alternative carrots to encourage obedience to rules’ that had been established by the EU.<sup>73</sup> This new carrot within the framework of the Mobility Partnerships became the vague promise of ‘visa liberalisation’ or a ‘visa-free travel’.

The establishment of a pilot Common Visa Application Centre in 2007, the 2008 Visa Facilitation and Readmission Agreements and our Mobility

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<sup>70</sup> Council of the European Union, ‘A Strategy for the External Dimension of JHA : Global Freedom, Security and Justice’, 14366/05 (JAI 417), RELEX 628, Brussels, 11 November 2005, p. 4.

<sup>71</sup> Michael Smith, ‘The European Union and a Changing Europe: Establishing the Boundaries of Order’, *Journal of Common Market Studies*, Vol. 34, No. 1, 1996, pp. 5-28.

<sup>72</sup> Sandra Lavenex and **Emek UçArer**, ‘The External Dimension of Europeanization: The Case of Immigration Policies’, *Cooperation and Conflict: Journal of the Nordic International Studies Association*, Vol. 39, No. 4, 2004, pp. 417-443.

<sup>73</sup> Sandra Lavenex, ‘Justice and Home Affairs and the EU’s New Neighbours: Governance beyond Membership?’ In Henderson, Karen (ed.), *The Area of Freedom, Security and Justice in the Enlarged Europe*, London: Palgrave, 2004, p. 94.

Partnership are a good start. We encourage Moldova to intensify its process of reforms in the fields of justice, freedom and security, which are essential for any future discussion on *visa-free travel*.<sup>74</sup>

Initially having been introduced within the framework of the ENP, the 'freedom of movement' perspective together with all the other four freedoms had gradually disappeared from the general ENP discourse. A bleak potential, nevertheless, started to reappear in the pre-negotiation phase of the mobility partnerships – a tool supposed to shift the EU's cooperation with the neighbouring states to a new level. Another important element entering the discourse was the more substantial prospect of 'development'. Thus migration control and law enforcement were being outsourced to third countries in exchange for trade and development cooperation.<sup>75</sup>

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74 Benita Ferrero-Waldner- European Commissioner for External Relations and European Neighbourhood Policy- Commissioner Ferrero-Waldner Address to Members of Parliament of the Republic of Moldova

75 Channe Lindstrøm, 'European Union Policy on Asylum and Immigration. Addressing the Root Causes of Forced Migration: A Justice and Home Affairs Policy of Freedom, Security and Justice?', *Social Policy and Administration*, Vol.39, No. 6, 2005, p. 592.



## Chapter 2.

# THE MIGRATION – DEVELOPMENT NEXUS: BETWEEN HUMAN RIGHTS AND ECONOMIC CONCERNS

The migration – development nexus penetrated the EU discourse relatively recently. Yet, the link between migration and development and the effects they have on each other has been a subject of research since 1990s. This relation was thoroughly addressed in the Ascencio Report, which identified the possible impact of sustained development on the reduction of migration pressures and the ‘ambiguous’ influence that migration can have on development.<sup>76</sup> Later Dimitri Papademetriou and Philip Martin, extending the findings of the Ascencio Report, introduced the ‘three R’s’ test based on the concepts of ‘recruitment, remittances and return’, which formed the core of the migration-development nexus.<sup>77</sup> The conceptualisation of the link between migration and development was initially confined to economic yardsticks, which missed out the broader social element inherent in the nexus. In recent years, there has been an attempt to break the traditional predominance of the economic and financial lens of the migration-development nexus and make steps towards a broader conceptual framework, focusing on human rights and human development. This attempt was initially made by a number of international organisations, such as the International Labour Organisation (ILO), the United Nations (UN) and International Organisation for Migration (IOM), which is seen in their discursive framing of the migration-development nexus. Meanwhile, the rights-based framework of perceiving the migration-development nexus has not yet been fully embraced by the EU. Attempting to ‘explode the development potential of migration’, the EU still remains trapped within the economic framework of migration-development nexus, where the concept of ‘human development’ takes a marginal role.

The present chapter aims at introducing the broader debate on migration-development nexus, by comparing the different frames that have dominated the conceptualisation

76 Diego Ascencio, ‘Unauthorized Migration: an Economic Development Response’, report of the *US Commission for the Study of International Migration and Cooperative Economic Development*, US Government Printing Office, Washington DC, 1990.

77 Demetrios Papademetriou and Philip Martin, *The Unsettled Relationship: Labour Migration and Economic Development*, New York: Greenwood Press, 1991.

of the link at different time periods. After a short theoretical insight, which introduces the economic and social links within migration and development nexus, I proceed with drawing a general picture of the perception of the nexus at the international level, which has gradually spilled over to the EU discourse, resulting in the introduction of new instruments within the EU immigration policy. Chronologically analysing the emergence of the 'development' element within the EU discourse on migration, I arrive at the primary subject of the research – mobility partnerships. The importance of such an analysis lies in the idea of uncovering the gradual development and changes in the discourse, influenced by certain external factors, which allowed for the advocated shift away from a strictly security-oriented frame on migration. Nevertheless, within this perceived shift, I trace a continuous struggle for the preservation of the initial framework, which explains the relatively modest progress in materialising the migration-development nexus in the EU mobility partnerships with third countries. The major problems therefore remain the difficulty of overcoming the security-oriented frame and a predominantly economic-based understanding characterising of the development potential of migration.

## 2.1 Migration-Development Nexus at Theoretical and Policy Levels

According to the ‘three R’s’ test, the development impact of migration increases, if the circle formed with the three notions of recruitment, remittances and return is not interrupted. The primary element of the circle – recruitment - refers to the conditions producing or causing migration, which range from ‘individual to collective, official to unofficial, and from government-led to employment-led’.<sup>78</sup> Remittances form the second important element of the circle. This is private money transferred home by migrants to their family members. Most often, remittances are spent on family maintenance and housing improvements, but can also be invested in productive activities. According to the estimate of the World Bank the volume of remittances sent home has increased significantly in recent years, and is now close to triple the value of Official Development Assistance (ODA) and is almost at the same level as Foreign Direct Investments (FDI) - another major source of external funding for developing countries.<sup>79</sup> (Moldova, for example, has been recognised amongst one of the world’s most remittance-dependant countries. The volume of remittances to Moldova has increased drastically in the last decade, from USD 87 million in 1996 to USD 1,182 million in 2006, financing more than 50% of the country’s trade deficit and 30 % of its exports, thus being a main driver of its economic growth.<sup>80</sup>) Return, which is the end product of migration, is the major precondition for avoiding the so-called ‘brain drain’, caused by a permanent emigration of highly-skilled labour. Return contains a strong development impact in the form of the capital and skills accumulated by the migrant and invested in the home country. The idea of migration-development nexus within the EU mobility partnerships, however, is rather centered on the notion of ‘brain circulation’, which is a product of the so-called circular migration. Return, in this case, becomes a temporary phenomenon, thus weakening the development potential inherent in this crucial element.

The link between migration and economic development was well reflected in EU migration policies, particularly the idea of ‘migration management’. The logic behind the latter is that if ‘*properly managed*, migration can be a *positive factor for growth and*

78 Ninna Nyberg-Sørensen., Nicholas Van Hear. and Paul Engberg-Pedersen. (2002) ‘The Migration-Development Nexus Evidence and Policy Options State-of-the-Art Overview’, *International Migration*, 40(5): 3-47.

79 Department for International Development and World Bank. *International Conference on Migrant Remittances: Report and Conclusions*. London 2003.

80 International Organisation for Migration (IOM), *Migration in Moldova: A Country Profile*, October 2008, p. 21.

*development* of both the European Union and the countries concerned’<sup>81</sup> As mentioned in the previous chapter, the EU policy of ‘migration management’ has been focused on regulating the entry and exit of various categories of migrants, thus leading to a ‘bureaucratization and manufacturing’<sup>82</sup> of a system based on complex visa categories. The increasing technologisation of migration management has reduced the individuals to purely biological identities, ‘stamped by the network of data bases working in relation to different governments and professionals of insecurity’.<sup>83</sup> This obsession with control has also led to the ‘instrumentalisation of the link between migration and (economic) development’ in the EU discourse. As a result, development has become not a goal in itself, but a sub-means of achieving the goals of migration control.

“Development policy has a significant contribution to make in addressing the underlying causes of migration flows... An effective and coherent development policy is an essential *part* of an effective migration policy.”<sup>84</sup>

The linkage between the EU migration and development policies, however, has not produced a well-balanced migration-development nexus, where both components coexist on an equal footing. Moreover, the ‘development’ component has not only been subjugated to the component of migration control, but has also been confined to a pure estimate of economic benefits.

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81 Council of European Union, ‘Draft Council Conclusions on Migration and Development’, 8927/03 (LIMITE, DEVGEN 59, RELEX 160, JAI 123, ASIM 25), Brussels, 5 May 2003, p. 4.

82 Nicola Piper, ‘The ‘Migration-Development Nexus’ Revisited from a Rights Perspective’, *Journal of Human Rights*, Vol. 7 No. 3, 2008, p. 287.

83 Didier Bigo and Elspeth Guild, Policing in the Name of Freedom, in: Didier Bigo and Elspeth Guild (eds.), *Controlling frontiers: Free Movement into and within Europe*, Aldershot: Ashgate, 2005, p. 7

84 Council of European Union, ‘Draft Council Conclusions on Migration and Development’, 8927/03 (LIMITE, DEVGEN 59, RELEX 160, JAI 123, ASIM 25), Brussels, 5 May 2003, p. 3.

## 2.2 The Migration-Development Nexus in International and EU Discourses

The conceptualisation of the migration-development nexus at the international level has gradually broadened, incorporating new concepts, such as ‘social remittances’, which refer to the potential impact of the flow of ideas and practices on strengthening gender equality, appreciation of human rights and democracy.<sup>85</sup> Although still taking a marginal position, the social dimension of the migration-development nexus is receiving more and more attention within the ILO, UN and IOM discourses. The migration-development nexus from a broader social and human rights perspective was first seriously addressed at the UN High Level Dialogue on International Migration and Development, held on 14–15 September 2006 in New York. The Committee on Migrant Workers pointed out ‘*human development*’ as an essential component of migration-development nexus, drawing on Article 1 of the Declaration on the Right to Development:

“The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy *economic, social, cultural and political development*, in which all human rights and fundamental freedoms can be fully realized.”<sup>86</sup>

The October 2005 report of the Global Commission on International Migration also put an emphasis on the social dimension of development within the migration-development nexus. It stated that: ‘International migration contributes to the development of countries of destination by filling gaps in the *labour market*, by providing essential skills and by bringing *social, cultural and intellectual dynamism* to the societies that migrants have joined. Migrants make a valuable *economic, political, social and cultural* contribution to the societies they have left behind.’<sup>87</sup> The UN report on ‘*Globalisation and Interdependence: International Migration and Development*’ contained a specific section entitled ‘The Centrality of Human Rights and Tolerance’, which stressed the importance of respecting migrants’ rights for the realisation of the ‘full benefits’ of international

85 Ninna Nyberg-Sørensen., Nicholas Van Hear. and Paul Engberg-Pedersen. (2002) ‘The Migration-Development Nexus Evidence and Policy Options State-of-the-Art Overview’, *International Migration*, 40(5): 3-47.

86 Declaration on the Right to Development, Adopted by General Assembly Resolution 41/128 of 4 December 1986, Available at: <http://www2.ohchr.org/english/law/rtd.htm>, (consulted on: 15.04.2010)

87 The Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action*, Report, October 2005. Available at: <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>, (consulted on: 15.04.2010), p. 23.

migration.<sup>88</sup> The report also identified the potential drawbacks of temporary migration programmes, which have often been proclaimed as a positive solution to enhancing the development potential of human mobility. Yet, from a human rights perspective the phenomenon produces some negative effects that run contrary to migrant integration programmes.

“Temporary migration programmes do not, however, provide a full solution to the challenges of migration. In particular, their *temporary status makes the adaptation of migrants more difficult*, and may lead to their marginalization.”<sup>89</sup>

This danger of migrant marginalization is also present in the context of the newly introduced circular migration schemes, which are an important element of the EU mobility partnerships. Yet, the vulnerability of migrants is often ignored within the EU discourse, which rather focuses on the state-level impact of migration-development nexus. The report of the UN Secretary-General, on the contrary puts the human element above the states, where the primary feature of migrants is one of ‘people’ and not purely ‘economic units’. The report contains a recommendation to the national statistical offices and other government entities producing international migration data, calling upon them to ‘work towards ensuring that the data refer to *persons* and not to the documents issued.’<sup>90</sup> The human element is also present in the report of the Global Commission on International Migration. Even when referring to remittances, the development effect of which is traditionally measured in economic terms and is therefore high when the money is spent for productive purposes, the report focuses on *people* and the direct benefits they get from remittances.

“Remittances evidently provide the most direct and immediate benefits to the *people* who receive them, many of whom, the World Bank has established, are amongst the poorest members of society. Remittances help to *lift recipients out of poverty*, increase and *diversify household incomes*, provide an *insurance against risk*, enable family members to benefit from *educational and training opportunities*.”<sup>91</sup>

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88 United Nations, General Assembly, ‘*Globalisation and Interdependence: International Migration and Development*’, Report of the Secretary-General, 18 May 2006. Available at: [http://www.queensu.ca/samp/migrationresources/reports/Report%20of%20the%20SG%28June%2006%29\\_English.pdf](http://www.queensu.ca/samp/migrationresources/reports/Report%20of%20the%20SG%28June%2006%29_English.pdf), (consulted on: 15.04.2010), p. 17.

89 Ibid., p. 18.

90 Ibid., p. 20.

91 The Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action*, Report, October 2005, p. 26.

Nevertheless, the general perception of the migration-development nexus on the international scene is not so clear-cut. Although the UN High-Level Dialogue demonstrated the increasing role of human element within the migration-development nexus, prioritised by a number of organisations, such as UN, ILO, IOM, NGO's and civil society groups, who advocated for the inclusion of the 'marginalised' groups in the center of the debate on development, the economic and financial element was still kept high on the agenda by the World Bank and the IMF.<sup>92</sup> The EU's position within this struggle of competing frames remains quite ambiguous. This ambiguity can be traced in the very origins of the EU's evolving discourse on migration-development nexus. The roots of this nexus lie in the EU's 'comprehensive approach' towards migration, which later transformed into 'global approach'.

The Tampere European Council for the first time introduced the idea of the so-called 'comprehensive approach', which brought about development concerns into the EU's discourse on migration:

“The European Union needs a *comprehensive approach* to migration addressing *political, human rights and development* issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring *respect for human rights*, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater *coherence of internal and external policies* of the Union. *Partnership* with third countries concerned will also be a key element for the success of such a policy, with a view to promoting *co-development*.”

This new 'comprehensive approach' to migration was based on the following three key aspects. The first one referred to the inclusion of human rights and development issues in the framework of migration policy, which would allow for a certain degree of de-securitisation of migration within the EU discourse. The second important aspect related to the establishment of the missing coherency within the EU's external and internal policies, which had resulted from the de-differentiation of EU's internal and external security concerns. The third aspect of the comprehensive approach was the promotion of a 'partnership' with third countries with an aim of fostering co-development.

The EU's 'comprehensive approach' to migration was further developed in the Communication from the Commission on 'Integrating Migration Issues in the European

<sup>92</sup> Sandra Lavenex and Rachel Kunz, 'The Migration-Development Nexus in EU External Relations', *European Integration*, Vol. 30, No. 3, 2008, p. 449.

Union's Relations with Third Countries' issued in 2002. The major focus of the document was on the first aspect discussed above, namely the attempt to 'bring migration back to a broader context', thus shifting from security oriented concerns, and seeing it as 'not only a problem, but also as an essentially positive phenomenon, which produces both opportunities and challenges.'<sup>93</sup> The document also addressed the important link between migration and development, the phenomenon of 'brain circulation', as well as the need to ensure 'cheap, secure and legal remittances'. At the same time, however, the elements of migration control, such as readmission agreements and other tools to reduce migratory pressures, were still in the focus of the document, distorting the idea of a genuinely balanced and comprehensive approach to migration.

“Its [the Community's] external cooperation and *development programmes* and policies aimed at promoting human rights, bolstering democracy, combating poverty, preventing conflicts and improving the economic and social situation in general *tackle the main factors contributing to migratory pressures* in third countries and therefore exert an indirect effect on those pressures.”<sup>94</sup>

Thus the idea of including development policies within the EU's evolving '*integrated, comprehensive and balanced approach*' to migration was to serve the objective of tackling '*the root causes of illegal immigration*' – a logic which was spelt-out very clearly at the Seville European Council.<sup>95</sup> Whilst the development theme was just entering the EU's discourse on migration, the migration-development nexus at the international level was gaining force, particularly in connection with the approaching High Level UN Dialogue on International Migration and Development. The EU felt the need to devote more attention to the intensifying discourse on the link between migration and development due to the growing importance of the issue in the international discourse. In 2005 the Commission issued a communication, entitled '*Migration and Development: Some Concrete Orientations*', which put a stronger focus on the mutual effects of migration and development.

“*Countries and international organisations* increasingly perceive migration as a phenomenon whose positive impacts in development terms can be substantial, provided that appropriate policies are in place. The migration and development

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93 European Commission, *Integrating Migration Issues in European Union's Relations with Third Countries*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2002)703 final, Brussels, 3.12.2002.p. 7.

94 Ibid., p. 46.

95 European Council (2002), Conclusions of the Presidency, Seville 21–22 June.

nexus is one of the *central* issues being examined by the *Global Commission on international migration* (GCIM). The *European Parliament* also addressed these issues, among others, in a hearing held in March 2005.”<sup>96</sup>

Although the Communication stressed the importance of a coordination of migration and development policies, the migration-development nexus was still perceived through purely economic lenses, and the human rights framework remained marginal. Meanwhile, there was a growing need for a more balanced approach, that would be sensitive of the human aspect, and the events of September 2005 in Ceuta and Melilla signalled a serious crisis in the field of human rights preservation.<sup>97</sup> The Commission’s response to the events was a Communication entitled ‘Priority Actions for Responding to the Challenges of Migration: First Follow-up to Hampton Court’. The ‘discourse on urgency’ reappeared, shifting the EU’s focus once again on the need to control migratory pressures: “Recent events in Ceuta and Melilla ... are clear indications that urgent action is required.”<sup>98</sup> The resulting policy measures intensified the migration-security nexus through border management and migration control, whereas development goals once again became subjected to the goal of combating the root causes of migration.

“Migration, if well managed, can be beneficial both to the EU and to the countries of origin. However, with increased migration comes the *challenge of combating illegal immigration* and human trafficking, including to avert the human tragedy that is a frequent consequence.”<sup>99</sup>

Nevertheless, the approaching High Level UN Dialogue on Migration and Development brought about a change in the EU’s discourse on the migration-development nexus, which broadened to embrace the social and human dimension. This change of discourse was well-reflected in the Communication, issued by the Commission, on the EU’s ‘Position for the United Nations’ High Level Dialogue on Migration and Development’. Referring to the framing of migration-development nexus at the international level, the Communication stated:

<sup>96</sup> European Commission, *Migration and Development: Some Concrete Orientations*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2005)390 final, Brussels, 1.9.2005, p. 2.

<sup>97</sup> Amnesty International, *Spain/Morocco: Migrant Rights between Two Fires*, Public Statement, 3 October 2005. Available at: <http://asiapacific.amnesty.org/library/Index/ENGEUR410112005?open&of=ENG-ESP>, (consulted on: 18.04.2010).

<sup>98</sup> European Commission, *Priority Actions for Responding to the Challenges of Migration: First follow-up to Hampton Court*, Communication from the Commission to the Council and the European Parliament, COM(2005)621 final, Brussels, 30.11.2005, p. 3.

<sup>99</sup> *Ibid.*, p. 3.

“In recent years increasing attention has been paid to international migration, to its management and to its impact on *economic and social development* both in countries of origin of migrants and in their countries of residence ... the consequences of migration on *migrants themselves*, their *rights* and their *welfare*, have also become an important concern for the international community.”<sup>100</sup>

The Communication adopted a wholly new take on the link between migration and development, which reflected a promising attempt to achieve a truly balanced and comprehensive approach to migration. Influenced by the UN and the GCIM<sup>101</sup> discourses, the document emphasised the EU’s commitment to ensuring the respect of fundamental rights of migrants and refugees and that ‘migrants in host societies are able to benefit from a mutual process of adaptation and integration’.<sup>102</sup> A crucial aspect of the Communication was also the idea of ‘human development’, which was mentioned with regard to the potential benefits from remittances.

‘Remittances and their possible contribution to the development of countries of origin, the role that can be played by diasporas and their members in contributing to the economic, *social and human development* of these countries, or the promotion of circular migration, are among those areas where the benefits of cooperation between countries of origin and destination can be greatest.’<sup>103</sup>

Thus, unlike the previous documents on migration and development, where development was seen as more of a sub-means to fight the root causes of migration, the Communication on the EU’s ‘Position for the United Nations’ High Level Dialogue on Migration and Development’ was outstanding in its attempt to put development goals above those of migration management: “The Commission believes that the links between migration and development offer significant potential for *furthering development goals*.”<sup>104</sup>

While the EU discourse towards migration at the Community level was undergoing a gradual process of frame-shifting from a security-oriented to a more balanced approach,

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100 European Commission, *Contribution to the EU Position for the United Nations’ High Level Dialogue on Migration and Development*, Communication from the Commission to the Council, COM(2006)409 final, Brussels, 14.7.2006, p.2.

101 Global Commission on International Migration

102 European Commission, *Contribution to the EU Position for the United Nations’ High Level Dialogue on Migration and Development*, Communication from the Commission to the Council, COM(2006)409 final, Brussels, 14.7.2006, p.3.

103 Ibid., p. 7.

104 Ibid., p. 8.

at intergovernmental level the EU member states were developing new strategies to reduce irregular migration. One of such strategies was the Franco-German initiative for a 'New European Migration Strategy', introduced in October 2006 by Sarkozy and Schäuble, the French and German Interior ministers, at the informal meeting of the interior ministers of six largest member states<sup>105</sup>. The idea behind the strategy was to strengthen the cooperation among member states in fighting against irregular migration. It also included the idea of circular migration as a mechanism of managing legal mobility and making it a temporary phenomenon. The proposed strategy paper was dominated by a coercive take on migration management: "we also have to make sure that the countries of origin unconditionally comply with their obligation to readmit those migrants who do not want to return voluntarily."<sup>106</sup> In fact, the 'New European Migration Strategy' served as a ground for the future idea of the EU Mobility Partnerships. It was after the Franco-German initiative that the Commission issued a communication on introducing the EU's new 'Global Approach' to migration management and the idea of mobility partnerships as a central instrument of this approach. Thus the EU Mobility Partnerships take their roots from an intergovernmental initiative targeted at restraining irregular migration flows towards the EU. The development component was later incorporated as a way to balance the predominance of the security frame, but the focus still remained on economic aspects rather than the broader social dimension of development. The following sub-chapter focuses on the EU-Moldova mobility partnership, analysing its added value to the existing frameworks of ENP and Eastern Partnership.

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105 These were: UK, France, Germany, Spain, Italy and Poland.

106 'New European Migration Policy', a Franco-German plan presented by Nicolas Sarkozy and Wolfgang Schäuble to G6 interior ministers meeting in the UK, 26 October, 2006, p. 4.

### **3.3 The Migration-Development Nexus in the EU's Relations with its Neighbourhood: A Snapshot of Moldova**

The European Union's relations with the eastern neighbours developed within the initial framework of the European Neighbourhood Policy, which was primarily focused on bilateral cooperation. Later, with the introduction of the Eastern Partnership framework, an emphasis was put on the promotion of multilateralism in the EU's relations with the neighbours.

The previous chapter specified two distinct narratives of 'threat' and 'duty', which formed the basis of these relations. The major focus of the chapter was the 'threat' narrative, and its role in reinforcing the migration-security nexus, leading to the development of stricter border management and migration control mechanisms. The goal of this chapter is to shed light on the 'duty' narrative and its role in counterbalancing the impact of the former.

Both the European Neighbourhood Policy and the Eastern Partnership frameworks embrace a wide range of areas of cooperation, including security as well as development-oriented projects. The peculiar feature of these frameworks, however, is the strict division between the security and more development-oriented goals. Migration issues, for instance, are represented through a largely security-oriented lens. This division can be observed in the EU-Moldova ENP Action Plan. Migration issues addressed in the Action plans are dominated by restrictive measures, involving stricter control of irregular migration and an emphasis on readmission agreements.<sup>107</sup> Meanwhile, development issues in the Action plan are addressed under in a separate section on 'Economic and social reform and development', where the understanding of 'development' takes a broader social context and is not limited to purely economic scope. Thus no attempt can be traced to establish a link between migration and development, which would balance the security frame that dominates over migration issues.

A similar logic also characterises the Eastern Partnership framework. The division between migration and development projects is seen in the separate sections of the partnership, titled 'Mobility and Security' and 'Supporting Economic and Social Development'.<sup>108</sup> Curiously enough, the word 'mobility' has come to replace 'migration'. The promotion of 'mobility in

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<sup>107</sup> European Commission, EU-Moldova Action Plan, 2005.

<sup>108</sup> European Commission, *Eastern Partnership*, Communication from the Commission to the European Parliament and the Council, COM(2008)823 final, {SEC(2008)2974}, Brussels, 3.12.2008.

a secure environment' became one of the primary objectives of the Eastern Partnership. To achieve this objective the Communication on the Eastern Partnership introduced the idea of „Mobility and Security” pacts, which would include ‘both the mobility aspect and the conditions required to ensure a secure environment.’<sup>109</sup> At the same time the partnership identified visa liberalisation and visa-free travel as long term objectives:

“Visa policy would follow a phased approach, leading to visa liberalisation under specific conditions and with accompanying measures, including financial assistance for our partners... Once visa facilitation and readmission agreements are effectively implemented, open dialogues [will be initiated] on visa-free travel with all cooperating partners”<sup>110</sup>

Nevertheless, the migration-development nexus, didn't figure in the EaP framework, but became a specific novelty of the Mobility Partnerships. Moldova was the first partner from the eastern neighbours to have concluded a mobility partnership with the EU. Initially Moldova clear views on its expectations and the main aspects it wanted to be reflected in the partnership, which included migration-development nexus and return migration.<sup>111</sup> Moldova was not a difficult partner for the EU to cooperate, since it had signed a readmission agreement with the EU, and both parties had reached a consensus on the inclusion of clauses related to illegal migration control in the mobility partnership. Nevertheless, the final product of the negotiations appeared less balanced than initially expected, and clearly reflected a dominance of the security frame. This dominance was also recognised by the Commission in its evaluation of the mobility partnerships in 2009. It recognised the lack of more development-oriented projects and the need for further improvements in this respect:

“...the focus of mobility partnerships should go *beyond issues regarding illegal migration*... as the experience has shown, the partnerships risk being a *collation of new and already planned activities* and additional effort should be made so that the package offered to a partner is an effective and coordinated offer bringing *added value to existing cooperation*...”<sup>112</sup>

The Council, however, in its conclusions on the Mobility Partnerships, commented on the Commission's evaluation, pointing out that the latter should avoid giving unrealistic

109 Ibid., p. 6.

110 Ibid., p. 6.

111 European Commission, *Mobility partnerships as a tool of the Global Approach to Migration*, Commission Staff Working Document, SEC(2009) 1240 final, Brussels, 18.9.2009, p. 3.

112 European Commission, *Mobility partnerships as a tool of the Global Approach to Migration*, Commission Staff Working Document, SEC(2009) 1240 final, Brussels, 18.9.2009, p. 5.

promises to the partner states and raising their expectations with regard to the mobility partnerships:

“The Council invites the Commission and interested Member States to undertake additional efforts to disseminate, in a strategic manner, information about the possibility of the mobility partnership instrument in order to ensure that potential partner countries are well-informed about the nature and purpose of these partnerships, fully respecting the Treaty provisions, while avoiding raising unrealistic expectations.”<sup>113</sup>

Thus, there is a noticeable tension within the institutions as to what aspects should dominate the mobility partnerships. Despite the Commission’s attempts to extend the scope of the migration-development nexus within the mobility partnerships, the security frame, promoted by the Council, still prevails. Nevertheless, mobility partnerships, being quite flexible policy tools, hold a considerable potential to stretch and incorporate new projects and suggestions by the partners Member States, thus transforming into more balanced instruments. The success in striking this balance depends to a great extent on the changes in the power orientation within the decision-making process. Therefore, the next chapter is devoted to the analysis of the power and authority of the major actors in shaping the general discourse on migration, which is further reflected in the policy field and the corresponding instruments.

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<sup>113</sup> Council of European Union, Draft Council Conclusions on Mobility Partnerships as a tool of the Global Approach to Migration, 15811/09, ASIM 124, RELEX 1052, Brussels, 12 November 2009, p. 4.

### **Chapter 3.**

## **MOBILITY PARTNERSHIPS AND THE STRUGGLE FOR DE-SECURITISATION**

The atmosphere within which the mobility partnerships entered EU discourse on migration can be characterised as a struggle for de-securitisation. As demonstrated in chapter one, securitisation of immigration achieved a stage of total institutionalisation in the EU, and security became a dominant frame for conceptualising migration issues. Yet, the gradual penetration of development discourses in the field of EU immigration policies signalled a potential move away from security towards a more comprehensive approach to migration. The success of these de-securitising moves, however, becomes questionable once we take a look at the current mobility partnerships concluded with selected member states. The general discourse of the EU migration policies has been influenced by certain external factors. These factors did not only contribute to the strengthening of the security frame at certain periods of time, but also provided incentives for a shift towards a more comprehensive approach. Among these was the gradually intensifying migration – development nexus formulated by international organisations, NGOs and the civil society. Apart from these external factors, there's another important issue that significantly impacts upon the EU's general discourse on migration. This factor relates to the repartition of power among the internal agents who shape the migration discourse. If the external factors influence the formulation of de-securitising moves from the outside, then the final success of the de-securitisation to a large extent depends on the agents, who institutionalise this or that discourse into specific policy outcomes. This chapter, therefore, intends to analyse the internal power structure behind the mobility partnerships with the aim of uncovering the major impediments to the de-securitisation of migration. It starts with a brief theoretical account of the notion of de-securitisation and proceeds with an analysis of the specific agents involved in the struggle for formulating the dominant discourse within the EU immigration policies.

### 3.1 De-Securitisation: Theoretical Perspectives

Scholars studying the process of securitisation have also looked for ways on how already securitised issues can be returned into the field of normal politics, leading to the so-called de-securitisation of a phenomenon. Waever offered three options with regard to how de-securitise: not talk about issues in terms of security; once issues have been securitised, to keep the responses in forms that do not generate security dilemmas and other vicious spirals; and move security issues back to normal politics.<sup>114</sup> According to Waever, securitised issues can either be ‘managed’ or ‘transformed’. The management of securitised issues does not result in the de-securitisation of these issues, yet it can lead to a certain normalisation of a situation, where the ‘security language’ is, nevertheless, present. This situation has been described in chapter 1 with regard to the transformation of ‘migration’ from a discourse of ‘urgency’ to a ‘managerial’ discourse. The transformation of a securitised issue refers to the process of ‘shifting it from something that is security to something that is ‘asecurity’.<sup>115</sup> Claudia Aradau defines de-securitisation as the process of ‘re-thinking the relations between subjects of security and imagining localised, less exclusionary and violent forms of integration.’<sup>116</sup> A similar understanding of de-securitisation was suggested by Huysmans, who conceptualised the process as a ‘political aesthetics of everydayness’, where security questions are depicted within broader economic, social and political practices.<sup>117</sup> Thus, de-securitisation of migration could be achieved by removing the regulation of migration from a security sector and locating it within different policy sectors, approaching the issue from a human rights or economic perspective. Yet, it does not mean ‘shifting the language and knowledge away from security to human rights’, for example, but rather ‘contextualising security issues within a more pluralist and everyday understanding of politics’. The idea of contextualising migrants within a more social and economic perspective ‘de-dramatises security questions.’<sup>118</sup> In this respect, the initial discourse on mobility partnerships,

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114 Ole Wæver, ‘The EU as a Security Actor: Reflections from a Pessimistic Constructivist on Post-Sovereign Security Orders’, in: Morten Kelstrup & Michael Williams (eds.) *International Relations Theory and the Politics of European Integration: Power, Security, and Community*. London: Routledge, 2000, pp.250–294.

115 Ole Wæver, ‘Insecurity, Security, and Asecurity in the West European Non-War Community’, in: Emanuel Adler & Michael Barnett (eds.) *Security Communities*. Cambridge: Cambridge University Press, 1998, p. 81. (69–118).

116 Claudia Aradau. ‘Desecuritize and Despair! The Copenhagen School Revisited’, CEU Working Papers. Budapest: Central European University, 2003, p. 22.

117 Jef Huysmans, ‘The Question of the Limit: Desecuritization and the Aesthetics of Horror in Political Realism’ in: *Millennium*, Vol. 27, No. 3, 1988, p. 588.

118 Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*. New York: Routledge,

which broadened the traditional scope of looking at immigration, including important development aspects apart from the general security concerns, represented a crucial step towards a potential de-securitisation. At the same time, however, these ambitious narratives led to less ambitious policy outcomes, once they materialised into specific agreements with third countries. And this is where the important link between power and discourse becomes undeniable.

The security discourse has become institutionalised within EU immigration policies due to the power and authority of the agents who have defined and conceptualised immigration issues in terms of security threats. The de-securitisation of these policies requires an inclusion of new voices and new agents who would articulate the immigration issues from a different perspective. The concept of power is thus inseparable from discourse and the knowledge that it produces.<sup>119</sup> Unlike the previous chapters that largely focused on the changing patterns of language, the aim of this chapter is to look at specific interest groups and the power exercised by them in shaping these changes. The objective is thus to reveal the major tensions among the agents shaping the decision making of the EU immigration policies and to analyse the power struggle among the actors involved in the formulation and implementation of mobility partnerships. The following section focuses on the evolving tensions across the EU's supranational/intergovernmental divide (the Council, the Commission, and the European Parliament) and within the intra-institutional dimension (primarily between DG JLS and DG Relex).

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2006, p. 143.

119 Michel Foucault, *Power/Knowledge*, Pantheon Books, New York, 1980.

### 3.2 Transversal Games within and across Institutional Boundaries

The policies of the JHA area were from the very beginning dominated by an intergovernmental logic, where the Community method was largely absent. The bias towards intergovernmentalism still persisted even after the Communitarisation of the third pillar, which left economic and labour mobility as well as visa policies within the competence of Member States. Since Laeken, the European Council became the major securitising agent, advocating the imperative to ‘better manage the Union’s external border controls’ and ‘help fight against terrorism and illegal migration.’<sup>120</sup> Alternative narratives were formulated by supranational actors, but did not receive enough power and authority to counterbalance the securitising games by the Council. Among such actors was the Economic and Social Committee (EESC) of the European Parliament, which responded to the ‘Communication on a Common Policy against Illegal Immigration’<sup>121</sup> - an immediate outcome of Laeken, by issuing an opinion that stated: ‘Lumping together irregular immigration and crime, as the media frequently do, distorts the facts and breeds fear-driven and racist attitudes among the general public. *Irregular immigrants are not criminals*, even though their situation is not legal.’<sup>122</sup>

The tension between more rights-based approaches promoted by the supranationalists and more security-based approaches promoted by the intergovernmentalists reached its height with the Treaty of Prüm (27 May, 2005), which confirmed the intergovernmental logic of cooperation. Although the initial aim of the treaty was to strengthen European cooperation by ‘playing a pioneering role in establishing the highest possible standard of cooperation especially by means of exchange of information, particularly in combating terrorism, cross-border crime and illegal migration,’<sup>123</sup> the real outcome was rather ‘weakening the EU’ than strengthening it due to the multi-level game it produced within the EU, making it possible for some Member States to decide and create new structures that would apply to all.<sup>124</sup> Moreover, the treaty excluded the European Parliament, at a

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120 European Council, *Conclusions of the Presidency*, Laeken, 14-15 December 2001.

121 European Commission (2001), *On a Common Policy on Illegal Immigration*, Communication from the Commission and the European Parliament, COM(2001)672 final, Brussels, 15.11.2001. (The Communication established an explicit link illegal immigration and criminal activities.)

122 Opinion of the Economic and Social Committee on the „Communication from the Commission to the Council and the European Parliament on a common policy on illegal immigration” (COM(2001)672 final).

123 European Council, *Prüm Convention*, 10900/05, LIMITE, CRIMORG 65, ENFOPOL 85, MIGR 30, Brussels, 7 July 2005, p. 3.

124 The treaty was signed by Belgium, Germany, Spain, France, Luxembourg, the Netherlands and

time when its role in democratic scrutiny of the area of freedom, security and justice was becoming critical.<sup>125</sup>

After Laeken the Council became the major actor in the security game, which was largely driven by the concerns of the Member States, who acted both within and outside the EU framework (as in the case of the treaty of Prüm). Meanwhile, the Commission, the European Parliament and civil society organisations were most of the time taking a back seat. This situation was referred to by Bigo and Guild as the ‘ultra governmentalisation of international domination.’<sup>126</sup> The promise, however, came with the Treaty of Lisbon and its formal objective to ‘deintergovernmentalise’ all the policies falling within the scope of AFSJ. Amending the decision-making procedure, the treaty introduced a hope for a higher degree of accountability and democratic control.<sup>127</sup> The major improvements towards achieving this aim were the extension of co-decision procedure and qualified majority voting (QMV) to the areas that had remained under the competence of Member States, namely the legal migration and visa policies and the enhancement of the role of the European Parliament. Yet, despite these steps towards a Community-logic of cooperation, the Lisbon Treaty still contains certain intergovernmental elements. A good example is point 5 of Article 79, which states that the article ‘*shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.*’<sup>128</sup>

The division between human rights focused supranational approach and security focused intergovernmental approach is, nevertheless, not so clear-cut. The discourse of the European Parliament, for example, which has gained a reputation for being dominated by humanitarian goals, has also been impacted by the external factors that intensified the security-logic of conceptualising migration. Influenced by the ‘new urgency’ that security acquired after the terrorist attacks in Madrid, the EP adopted a security-oriented frame in its report on the development of EU policy on illegal immigration<sup>129</sup>, where

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Austria.

125 Elspeth Guild, ‘Merging Security from the Two-Level Game: Inserting the Treaty of Prüm into EU Law?’, Center for European Policy Studies (CEPS) Policy Brief, No. 124, March 2007.

126 Bigo Didier and Elspeth Guild, ‘De Tampere à Seville: Vers une Ultra Gouvernamentalisation de la Domination Transnationale’, in : *Cultures and Conflicts*, Vol. 46, 2000, pp. 5-18.

127 Sergio Carrera and Florian Geyer, ‘The Reform Treaty & Justice and Home Affairs: Implications for the Common Area of Freedom, Security and Justice’, *CEPS Policy Brief*, No. 141, August 2007.

128 Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, C 115/1 *EN Official Journal of the European Union*, Art. 79, 9 May 2008.

129 European Parliament, Report on the Communication from the Commission to the European

enlargement was seen as a potential source of security problems. The Commission's overall discourse on migration has been largely dependant on the internal games evolving within the DG Freedom, Security and justice (DG JLS) and DG External Relations (DG Relex). The DG Relex mainstreamed migration into its external relations policies, which aim 'to ensure that migratory movements are not detrimental to the development of good relations with third countries'. Whereas, the DG JLS mostly focuses on stemming the flow of forced and irregular migrants from non-Western countries, by strengthening EU borders through actions in countries of origin and on migratory routes.<sup>130</sup> The competition between these two agents is quite vivid with regard to the neighbourhood and the issue of the free movement of persons. Unlike the DG JLS, which rather focuses on the readmission issue, prioritising the restrictive policy tools in relations with the neighbours, the DG Relex is more willing to give incentives in return to cooperation on migration management. Among these incentives is also the prospect of freedom of movement.<sup>131</sup> Thus, the external face of the Commission is closely linked to the internal games and the influence each interest group gains in articulating their claims and shaping the respective policies. The last section of the chapter turns to the analysis of the relations among the actors involved in the conclusion and the implementation of the Mobility Partnerships with the neighbouring countries.

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Parliament and the Council in View of the European Council of Thessaloniki on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Borders and the Return of Illegal Residents – Committee on citizens Freedom and Rights, Justice and Home Affairs, A5-0419/2003 FINAL, 27 November 2003.

130 Migration Policy Group, 'Mobility Reasons: International relations and development', Available at: [www.migpolgroup.com/public/docs/Chapter\\_1.pdf](http://www.migpolgroup.com/public/docs/Chapter_1.pdf), (consulted on: 28.04.2010).

131 Julien Jeandesboz, 'The Genesis of the ENP: Alternative Narratives, bureaucratic Competitions', in: Thierry Balzacq (ed.), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security*, Basingstoke; New York : Palgrave Macmillan, 2009, p. 56.

### 3.3 Discursive Agents behind Mobility Partnerships

While the EU is making steps to ensure a common and coherent approach towards immigration through the Lisbon Treaty, which will extend decision-making to a more supranational level, the introduction of Mobility Partnerships seems to have turned these moves to a reverse direction, leading to a new approach based on differentiation and policy incoherence. The major factor disrupting the coherency is the notion of 'selectivity' that underpins the whole idea of mobility partnerships. The agreements are negotiated between the Commission, selected Member States and selected third countries. The mobility partnership with Moldova, for example, included 14 partner member states, the one with Georgia involved 16 partners and the partnership with Cape Verde – only 5 member countries. When it comes to the implementation stage, there are two major actors that are formally involved in the process – FRONTEX and the European Training Foundation. International organisations, NGO's and the Diaspora are among the informally involved actors. The two major actors involved in setting up the Mobility Partnerships are DG JLS from the Commission and the High Level Working Group on Migration and Asylum (HLWG) from the Council. The task of coordinating the relations among the partners belongs to the DG JLS, whereas the HLWG is in charge of the strategic part of identifying the potential partners.<sup>132</sup> It is important to note that third countries are not involved in the process of the development of the partnerships and the final say on what projects should be included in the partnerships belongs to the partner Member States. This puts into great question the very idea of a 'partnership', which is clearly dominated by the interests of the Member States and the actors on the EU side. As for the European Parliament, it is entirely excluded from the decision-making process of the mobility partnerships. However, its role in promoting the strengthening of the development aspects of the partnerships can be seen as an indirect one – through EP hearings and reports issued by the EESC.

The bias towards security in the Mobility Partnerships becomes obvious, as we look at the actors who are officially involved in the partnerships. The security-oriented nature of the Council, the DG JLS and particularly FRONTEX informs the general imbalance of security and development aspects of the partnerships in place. An important aspect is also the funding of the projects, which mostly comes from the Member States, who are primarily concerned with migration control. This is why the more rights-based

<sup>132</sup> Rachel Nellen-Stucky, *Partnering for Migration. The Ambiguous case of 'Mobility Partnerships' between the European Union and Selected Third Countries*, Working Paper, Universität Luzern, Kultur- und Sozialwissenschaftlichen Fakultät, Politikwissenschaftliches Seminar, 2010.

and development-oriented discourse, usually advocated by the informal actors, such as NGOs and international organisations, becomes less pronounced, since the rules of the game are largely dictated by the actors who provide the funding for the projects. However, the Commission can also finance some projects in the neighbourhood through the European Neighbourhood and Partnership Instrument (ENPI), which gives more leverage to international actors to influence the dominant discourse. A good example is the project promoted by IOM on ‘Supporting the Implementation of the Migration and Development Component of the EU-Moldova Mobility Partnership’, funded by the ENPI.<sup>133</sup> In general, the European Commission tends to emphasise the importance of extending the local coordination of the projects to other actors, which would potentially lead to a more comprehensive approach. In its 2009 Staff Working Document, the Commission made some recommendations in this direction:

‘It is also foreseen that local coordination should be extended to other actors (such as NGOs and international organisations) active on migration in the third countries concerned.’<sup>134</sup>

Yet, despite the attempts by the Commission, the Member States are still reluctant to surrender control over legal migration. The latter, however, is an important component of the new Global Approach and needs to be regulated at the EU level to ensure the general coherency of the approach. Therefore, the attempts towards de-securitisation, which is the major precondition to ensure the successful application of a Global and balanced approach, are hindered by the pre-existing security frame, erected by the Member States to protect themselves from the unwanted immigration flows. Despite the incorporation of new policy areas, such as development and foreign policies, the immigration officials are still exercising a ‘first-mover advantage’<sup>135</sup>, which subjects the alternative discourses articulated by marginal actors to the overarching goal of immigration control.

Mobility Partnerships are still in their initial stage of implementation. At this pilot phase already the bias towards security-focused approach strikes as obvious. However, being recognised as flexible policy tools, able to stretch and incorporate new projects and suggestions by the partners Member States, mobility partnerships hold a potential of

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133 International Organization for Migration, ‘*Supporting the Implementation of the Migration and Development Component of the EU-Moldova Mobility Partnership*’.

134 European Commission (2009). *Mobility partnerships as a tool of the Global Approach to Migration*, Commission Staff Working Document, SEC(2009) 1240 final, Brussels, 18.9.2009, p. 8.

135 Meng-Hsuan, Chou, ‘European Union Migration Strategy towards West Africa: the Origins and Outlook of ‘Mobility Partnerships’ with Cape Verde and Senegal’, paper presented at EUSA Biennial International Conference ‘Information and Ideas on the European Union’, Los Angeles, 23-25 April 2009, p. 1.

evolving towards more balanced instruments. The success of striking the desired balance largely depends on three major elements that have been in the focus of the present research. The previous two chapters identified two major problems with regard to the current mobility partnerships - the prevalence of securitising frame and the narrow conceptualisation of development goals. The third substantial problem, addressed in this chapter has pointed out to the major source where the other two problems originated, namely the imbalance in the power relations of the agents articulating the respective discourses. Therefore, the major policy recommendations that the research makes with regard to the prospects of mobility partnerships as novel instruments towards a comprehensive and balanced approach to migration can be summarised within three major points. The first and the most important step would be the extension of the power to coordinate and implement the projects to a wider scope of actors, including more human rights and social development focused actors to counterbalance the number of agents concerned with security matters. At the same time, the idea of 'partnership' needs to be turned into a more practical rather than rhetorical concept though the involvement of third countries on an equal footing with the EU side in the process of negotiations. The second step will flow as a direct consequence of the first one, leading to a more balanced approach, where development will not figure as a sub-element of the broader aim of immigration control, but a goal in itself. The third recommendation relates to a more conceptual problem, and urges for a need to expand the notion of development, adding more social and human components to the existing economic yardsticks.



## Conclusion

Driven by the aim to uncover the reasons for the failure of the mobility partnerships to produce the desired shift away from security towards a comprehensive approach on immigration, the present research focused on three specific elements: security, development and the power struggle of the actors producing the respective discourse. Three research questions were, therefore, raised to answer the overarching problem question of the thesis – related to the ‘failed shift’. The first one, addressed in chapter one, aimed to unpack how the ‘security’ narrative came to dominate the EU immigration policies – a dominance that later spilled over to the mobility partnerships. Analysing the historical construction of migration-security nexus within the EU JHA, the chapter concluded with the implications it left on the ENP, which was caught up within conflicting narratives of ‘duty’ and ‘threat’. The former in this case became subjected to the latter; thus development, which was seen as a crucial part of the ‘duty’ narrative, became but a sub-means towards achieving security objectives. The second question related to the conceptualisation of development within the EU’s discourse on migration-development nexus. Initially formulated at the level of international organisations, the link between development and security was also acknowledged at the EU-level. Yet, the major problem here was not only the marginal position of development concerns in relation to the migration management goals, but also the very nature of how development was perceived within the nexus. The much broader conceptualisation of development (including the human rights and social components) by a number of international organisations was replaced with a narrower economic understanding of development in the EU discourse. This understanding was also dominating in the agreements on mobility partnerships concluded with the neighbouring states. The third question, raised in chapter three, attempted to uncover the internal causes for the established imbalance across migration-security-development nexus. Analysing the discursive power games among different interest groups, the chapter identified a pronounced imbalance in the power and authority of the actors involved in the coordination and implementation of the mobility partnerships. Thus, the failure of the mobility partnerships to produce a shift towards a balanced and comprehensive approach is an outcome of the strong prevalence of the security frame, the narrow conceptualisation of development goals and the uneven distribution of power and authority within the actors producing the two discourses.

The research concluded with some policy recommendations on how to strengthen the development potential of the mobility partnerships. These include: extending the power

to coordinate and implement the projects to a wider scope of actors, including more human rights and social development focused actors, in order to counterbalance the number of agents concerned with security matters; transforming the idea of ‘partnership’ into a more practical rather than rhetorical concept through the involvement of third countries on an equal footing with the EU side in the process of negotiations; expanding the notion of development, adding more social and human components to the existing economic yardsticks.

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