IMPROVING US AND EU IMMIGRATION SYSTEMS

EU Cooperation Challenges in External Migration Policy

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Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges: Learning from experiences

Research Report
Background paper

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The project is co-funded by the European Commission in the framework of the Pilot Projects on "Transatlantic Methods for Handling Global Challenges in the European Union and United States". The project is directed at the Migration Policy Center (MPC – Robert Schuman Centre for Advanced Studies – European University Institute, Florence) by Philippe Fargues, director of the MPC, and Demetrios Papademetriou president of the Migration Policy Institute (MPI) the partner institution.

The rationale for this project is to identify the ways in which EU and US immigration systems can be substantially improved in order to address the major challenges policymakers face on both sides of the Atlantic, both in the context of the current economic crisis, and in the longer term.

Ultimately, it is expected that the project will contribute to a more evidence-based and thoughtful approach to immigration policy on both sides of the Atlantic, and improve policymakers' understanding of the opportunities for and benefits of more effective Transatlantic cooperation on migration issues.

The project is mainly a comparative project focusing on 8 different challenges that policymakers face on both sides of the Atlantic: employment, social cohesion, development, demographic, security, economic growth and prosperity, and human rights.

For each of these challenges two different researches will be prepared: one dealing with the US, and the other concerning the EU. Besides these major challenges some specific case studies will be also tackled (for example, the analysis of specific migratory corridor, the integration process faced by specific community in the EU and in the US, the issue of crime among migrants etc.).

Against this background, the project will critically address policy responses to the economic crisis and to the longer-term challenges identified. Recommendations on what can and should be done to improve the policy response to short-, medium- and long term challenges will follow from the research. This will include an assessment of the impact of what has been done, and the likely impact of what can be done.

Results of the above activities are made available for public consultation through the websites of the project:
- http://www.eui.eu/Projects/TransatlanticProject/Home.aspx/
- http://www.migrationpolicy.org/immigrationsystems/

For more information:

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Executive summary

International cooperation on migration is a major challenge for sovereign States in bilateral relations: the inherent contrasting interests between receiving and sending countries put obstacles in the way of bilateral satisfaction and require extra political involvement to overcome any differences. The same cooperation when developed by a supranational organization like the EU[1] is even more challenging, as bilateral tensions are topped off with tensions between the national and supranational level.

The EU has developed its Global Approach to Migration as a possible way to establish comprehensive cooperation with non-EU partners from the East and the South on a whole range of migration issues, including the fight against irregular migration, legal migration, migration and development, and asylum policy. The approach also had a coordinating effect for internal EU policy-making. There have been, however, four main challenges hampering this policy domain: 1) the limited ability of the EU to define its migration policy with its 27 sovereign States; 2) tensions between the national and supranational level in the EU as regards international cooperation on migration; 3) the diverging interests and priorities of sending regions and/or partner countries; 4) the limited implementation capacities of the EU and its Member States, as well as of partner countries.

The prospects for cooperation depend on the ability of the EU to overcome these challenges. Focus should be on the vital areas of action, addressing the non-securitarian issues of migration policy and assuring its thematic diversity; strengthening the EU's international standing; and introducing coherent monitoring of policy implementation.

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[1] The Author is aware of the debates concerning the specific definition of the EU, but recognizes that a theoretical discussion of the nature of the Union would go beyond the scope of the present paper.

1. Introduction

Migration policy has been defined as addressing all forms of mobility to, from and through a State's territory.[2] It encompasses policy towards foreign nationals, as well as policy towards a State's own citizens, covering various areas: immigration policy – e.g. regulation of flows and stocks of various categories of immigrants, including border management, asylum policy, labor migration; integration policy – e.g. regulation of status and rights of immigrants and their descendants touching upon policies on education, social rights, and antidiscrimination; and emigration policy – e.g. policy either regulating outflows of own nationals or establishing policies addressing diasporas and migrant communities abroad.[3] The focus of any framework in this field differs depending on the objectives and priorities of the sovereign State.

This view defines migration as a national rather than an international phenomenon and disregards these aspects of the phenomenon that can be addressed through international cooperation. Yet, migration policy is not exercised in a vacuum: both sending and receiving countries take measures to address mobility of people and willingly or not enter into political interactions at the international level. For this reason migration has become a foreign policy topic, alongside trade, energy and security issues. As in other areas of international relations, there are quite strong obstacles to bilateral cooperation, among them contrasting interests between the sending and receiving states, asymmetric flows in migration systems or the impact of domestic politics on policy definition.[4] But if cooperation between sovereign States with contrasting interests is difficult, the cooperation challenges facing supranational organizations are even more complex. This paper focuses on the EU and provides an account of the tensions that challenge external cooperation on migration at the EU level. It identifies four main obstacles to such cooperation:

1. The limited ability of the EU of 27 sovereign States to define its migration policy ;
2. The tensions between the national and supranational level in the EU as regards international cooperation on migration;
3. The diverging interests and priorities of sending regions and partner countries;
4. The limited implementation capacities of the EU and its Member States, as well as partner countries.

2. European migration policy – internal challenge

There is no EU level framework on migration that could be compared to fully-fledged national policies. The underdevelopment of this policy field is a direct consequence of the division of competences at the EU level: migration matters have been perceived as a field where State sovereignty should not be surrendered (together with such issues as labor-market regulation, social-security systems and taxation) and the common approach has been undesirable. The EU Member States have

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[2] An analytical approach defining immigration policy has been offered by D. J. Puchala in "Immigration into Western Societies: Implications and Policy Choices", in E.M. Uçarer, D.J. Puchala (eds.), *Immigration into Western Societies: Problems and Policies*, Pinter, 1997, pp. 340. The discussion on what migration policy means in political science has been presented by C. Brettell, and J. F. Hollifield. *Migration Theory,* New York, Routledge, 2000.

[3] Usually 'migration policy' is used in the sense of 'immigration policy', see: A. Zolberg "International Migration Policies in a Changing World," in W.H. McNeill and R.S. Adams (eds.), *Human Migration: Patterns and Policies*, Bloomington, Indiana UP, 1978, pp. 241-280; G. Freeman, "Models of Immigration Policies in Liberal Democratic States", *International Migration Review,* vol. 29, no. 4, 1995, pp. 881-902; J.F. Hollifield, *Immigrants, markets, and states,* Cambridge, Harvard UP, 1992; D. Kubat (ed.), *The Politics of Migration Policies. Settlement and Integration: the First World into the 1990's*, New York, Center for Migration Studies, 1993.

[4] For an in-depth discussion of obstacles to bilateral cooperation between States see Marc R. Rosenblum, *Obstacles and Opportunities for Regional Cooperation: The US-Mexico Case*, MPI, November 2010.

certainly been wary of ceding too much of their powers up to the EU, creating a *de facto* European space of 27 different approaches to migration policy, allowing only for minimum harmonization.

The main shortcoming of the European migration policy framework is its ambiguity and dispersed focus. It addresses the common interest of the EU Member States in some fields while leaving out those common interests in others. This policy has been developed as a sub-area of Justice and Home Affairs, with an important consequence: migration has been perceived as a border management issue rather than a factor in labor economics. First, intergovernmental groups at the EU level (e.g. Trevi Group, since 1976, the Ad Hoc Group on Immigration, since 1986, or the Coordinators of Free Movement, since 1988), worked primarily on intra-EU migration, organized crime and terrorism. Thus, the development of EU migration policy has been marked since the beginning by the main actors working on it: Ministries of Interior and Justice, as well as the set up for their work: intergovernmentalism. Only with the introduction of the Schengen Convention framework[5] in the Amsterdam Treaty, did the EU-level obtain the possibility of harmonizing national rules concerning such varied policy areas like asylum policy, border management, trafficking in of human beings, the fight against illegal migration flows, visa policy, and the rights of legal migrants. Since then, the EU has received power to legislate in all these domains with varied intensity.[6] There have been several drivers in the shift from a purely securitarian to a more diversified approach.

First, the evolution of the EU from an economic to a political Union has introduced migration, a traditionally national competence, onto the common agenda. The creation of an open space within the EU with Schengen rules raised fears of uncontrolled flows and 'country shopping' by migrants and asylum seekers. The Member States agreed that common area of free movement requires a common approach to foreign nationals moving to and inside it. It became obvious that the principle of equal treatment, on which EU is based, was not applicable to non-EU legal residents: their status *vis-à-vis* the borderless EU space was at least ambiguous. In 1999, in its Conclusions from Tampere Summit, the European Council thus agreed to respect the principles of fair treatment of third country nationals and stated that "*The legal status of third country nationals should be approximated to that of Member States' nationals.*"[7]

Second, as a consequence of the above shift, since 1999, and particularly since 2000 (with the creation of European Commission's Directorate General Justice and Home Affairs), the main framework of harmonization has been drafted by the European Commission, which has stuck to the Tampere Conclusions and has gradually taken a more varied approach to migration, defining it not only from the perspective of security but also as a question of access to rights. As of 2010, with the introduction into the Lisbon Treaty of the legal basis for EU action in the area of migration, including legal migration and integration, migration legislation may be still further developed.

Third, the re-definition of what can be done at the EU-level was possible with the gradual shift in understanding at the national level of what migration policy is. Western European governments were able to considerably limit labor migration flows in the period 1974 to 1989 establishing 'zero immigration' policies.[8] With the recovery in the 1990s and rising labor shortages, some started introducing labor migration programs (e.g. the German contract workers program[9]). In the early 2000s,

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[5] Schengen Convention regulated the common principles of border management for the participating Member States and thus supported the abolishing of borders inside the EU.

[6] The existing legal framework in various areas can be easily compared at
http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/index_en.htm

[7] Presidency Conclusions - Tampere European Council, 15 and 16 October 1999, Part III, para 21.

[8] Dietrich Thränhardt, *Europe – A New Immigration Continent*. Muenster, Hamburg: Lit Verlag, 1992.

[9] Ulrich Best, *Transgression as a rule: German-Polish cross-border cooperation, Discourse and EU-enlargement*, Munster: Lit-Verlag, 2007.

the reality of an ageing society and the hunt for talent made labor migration a more palatable topic at the national level across the EU.

However, as employment and social policies are not an EU competence, it is still impossible to come up with reasonable proposals for European labor-migration policy. In consequence, approaches to migration at the EU level are more securitarian than those of the Member States, who have the luxury of a comprehensive approach. The inability of the EU to develop the common approach to labor migration and a sliced approach to legal migration combined with notable activity on security issues and asylum matters, has had a direct impact on external collaboration.

3. External dimension of migration policy – a matrix of tensions

A sovereign State, when aspiring to establish cooperation on migration policies with another sovereign State, has a whole array of policies at its disposal. To meet the contrasting interests of the other side it can use trade policy tools, development aid, labor-market policies, or, indeed, any other incentive that is desired by the partner.[10] As explained above, EU-level possibilities are limited in comparison. The main challenge is the weakness of EU competence in the area of external political action. The reforms introduced after the Lisbon Treaty have not necessarily improved the situation: the EU is a broker of deals in the name of its Member States, and a manager of financial aid. The objectives of the deals are laid down by the Member States (if 27 manage to agree on a common line) and the EU: thus the tension between priorities and competences at the supranational and national levels persists.

In the area of the external dimension of migration policy we witness a similar phenomenon, amplified by the additional limited competences of the EU in the field of migration. There has been an ongoing effort to smooth out the results of these legal shortcomings, especially through a Global Approach to Migration (hereafter GAM) – EU policy addressing the external dimension of migration is supposed to merge various policy areas and various competences. The approach has been marked by tensions between the internal and external dimensions of the policy among the 27 sovereign States. Moreover, the diverging interests and priorities of sending and transit countries, made its uniform application impossible.

3.1 External cooperation on migration matters – a history of shifting objectives

Until the Amsterdam Treaty entered into force, the Member States employed the pattern of intergovernmental cooperation with non-EU countries. An example of that cooperation is the Budapest Process, created in 1991 by 26 European states (mostly EU and Central European, led by Germany) to build a common agenda for the fight against illegal migration.[11] The first cooperation efforts of the early 1990s addressed post-communist Europe and focused on building an area of stability and control along West Europe's borders. That approach named by some scholars 'cordon sanitaire'[12] concerned two domains: border management (including policing and the fight against irregular flows) and asylum policy. Cooperation was facilitated by the European aspirations of the non-EU countries, willing to learn and apply solutions bringing them closer to EU accession. The outcome was quite unexpected – the countries, which were emigration countries adopted securitarian attitudes and

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[10] As described, for example, by Jean Pierre Cassarino in Jean-Pierre Cassarino, *Readmission Policy in the European Union*, Brussels: European Parliament, 2010, or Marc R. Rosenblum, op. cit.

[11] Until today the Process remains largely an intergovernmental affair (with over 50 states involved), though it focuses now on a wide range of topics related to all aspects of migration.

[12] Sandra Lavenex, *Safe Third Countries*, Budapest: CEU Press, 1999; Heather Grabbe, "The sharp edges of Europe." International Affairs, Jul. Vol. 76 Issue 3, pp. 519 – 538, 2000.

approaches in migration policy that characterized EU Member States in that period.[13] Interestingly enough, with time the shift in internal EU approaches to migration policy, as described in the section above, brought changes in cooperation, allowing the introduction of a broader array of issues for discussion with partners, such as, for example, integration and migrants rights.

In addition to that internally inspired change, the global demographic shift, consequences of the mobility of people, and emerging new global topics have constantly pushed the EU agenda on migration towards new horizons, highlighting the importance of external relations. At first, the gradual change in the content of external cooperation emerged as a product of an intensive dialogue at the international level in the late 1990s and early 2000s. Discussions of the International Conference on Population and Development as early as 1994 shed a light on a variety of migration realities transcending borders and addressed the question of cooperation on international level. The Regional Consultative Processes[14] played an important role in global dialogue, gathering together countries of origin, transit and destination.

Following the new policy trends at the international level, European governments got involved in other types of initiatives, for example, the Berne Initiative (2001-2005). This global consultative process, led by Swiss government, had an important conceptual impact in the form of 'International Agenda for Migration Management'[15]. That document defined and advocated the key concepts feeding a comprehensive migration policy, e.g. fighting the root causes of migration and the need to build up a partnership on migration. The discussions of the Global Commission on International Migration (2003-2005), as well as the IOM International Dialogue on Migration (since 2001) added to the change of discourse on external action of migration policy at the EU level. Starting with Tampere conclusions of 1999, [16] where the European Council called on the Commission and the Member States to establish partnerships on migration: the same idea was further explored in Seville Council Conclusions in 2002 and in a Commission Communication of the same year (see Box 1 below). But it was only in 2005, under the UK Presidency, that the idea picked up speed. The result was a new policy approach, the so-called Global Approach to Migration (GAM), which encompasses three dimensions: cooperation with third countries on legal migration, support for the fight against illegal migration, and migration and development.

> **Box 1. Development of the external dimension of EU migration policy**
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> ⇒ Commission Communication of 3.12.2002 to the Council and European Parliament: Integrating migration issues in the European Union's relations with third countries COM (2002) 703 final
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> ⇒ Commission Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 September 2005 – Migration and Development: some concrete orientations COM(2005) 390 final
>
> ⇒ Commission Communication: A strategy on the external dimension of the area of freedom, security and justice COM(2005) 491 final
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> ⇒ Communication from the Commission to the Council and the European Parliament – Priority actions for responding to the challenges of migration – First follow-up to Hampton Court. COM(2005) 621

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[13] Heather Grabbe, "How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity." Journal of European Public Policy. No. 8, pp. 1013-1031, 2001; Thomas Faist, Andreas Ette eds., *The europeanization of national policies and politics of immigration*, Houndmills: Palgrave Macmillian, 2007; Agnieszka Weinar, *Europeizacja polskiej polityki wobec cudzoziemców*, Warszawa: Scholar, 2006.

[14] Amanda Klekowski-von Koppenfelds (2001), *The role of Regional Processes in managing international migration*, IOM, Geneva.

[15] IOM, 2005

[16] Tampere European Council, Presidency Conclusions, 15-16 October 1999, A.A. I. 11.

⇒ Communication from the Commission to the European Parliament and the Council – Thematic programme for cooperation with the non-EU Member Countries in migration and asylum COM(2006) 26 final

⇒ Communication from the Commission to the Council and the European Parliament – The global approach to migration one year on: towards a comprehensive European migration policy COM(2006) 735 final

⇒ Communication from the Commission of 16 May 2007 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union COM(2007) 247 final

⇒ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries COM(2007) 248 final

⇒ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 8 October 2008 – Strengthening the Global Approach to Migration: Increasing coordination, coherence and synergies COM(2008) 611 final

3.2 Global Approach to Migration – EU level approach to cooperation?

The Global Approach to Migration was designed in the early 2000s and proposed in late 2005. The policy was designed around the concept of 'migration routes', recognizing that migration is a phenomenon that does not respect the borders of a single state and that countries should cooperate on addressing the root causes of migration.

The geographical scope of the first political actions under GAM (following events in Ceuta and Melilla) was Africa. It was an interesting development, as before that a dialogue on migration issues between the EU-level and the region had not existed. Instead 'Europe' had been represented by a few Member States, mostly with a colonial past. Ministerial conferences in Rabat (June 2006), Tripoli (November 2006), senior officials dialogue with ECOWAS (May 2006) and within Euromed (June 2006), as well as important EU investments in a broad migration agenda was a new development. The most interesting engagement was the thematic diversity aimed at fighting the root causes of migration: it was no longer only the fight against illegal flows that was a priority. The facilitation of legal migration and migration and development were now placed on an equal footing, at least politically. It seems, however, that the EU has had a difficult time in competing with established bilateral relations in the region, as the agenda of the political dialogue is still led by the same few Member States. Establishing regular dialogues between the European Commission and the African Union Commission or ECOWAS have been the most tangible supranational level effects of the policy.

Under the German Presidency of 2007, the Global Approach was extended to Eastern and South-Eastern regions neighboring the EU. The geographic scope included the Western Balkans, Turkey, Eastern Europe, South Caucasus, Russian Federation, Black Sea Region, Middle East and parts of Asia. In practice, GAM was extended to the Eastern Neighborhood (including the Black Sea), the Russian Federation, Central Asia and to far lesser extent – the Middle East and Asia. The fact is that the Western Balkans and Turkey were covered by pre-accession funds and policies, as such they had been involved in political dialogue on multilateral and bilateral levels, including on migration management. GAM thus had little to offer this region. The focus on the Eastern neighborhood proved also to be problematic: since the early 1990s, there had been intense political and operational cooperation on migration matters (including RCPs and bilateral relations of the Member States) and the added value of GAM lay not so much in a novelty of the approach, but in bringing more synergies into the field.

As a policy approach, GAM looks like a good attempt to minimize tensions surrounding EU migration policy, giving equal weight to all its components and pooling the competences and resources of the EU and the Member States. However, the different political interests of the Member States seem to strain the policy framework. Naturally, old colonial powers and Southern Member States are more interested in safeguarding their position *vis-à-vis* African partners. Likewise, Central European Member States focus their cooperation on Eastern Europe, Russia and the Caucasus. There is little cooperation across these internal divides and EU interest is merely the sum of these national interests. The main challenge is, of course, when no national interest corresponds to an emerging need for action – then the EU often cannot act. This is the case, for example, with the Centre d'Informations et de Gestion des Migrations (CIGEM) in Mali – the acclaimed center that was supposed, among other things, to provide information on available jobs in the EU, but could not meet this expectation, as the Member States involved in its development have been few and have been unwilling to engage.[17] Another challenge emerged when bilateral relations go further than EU collective bargaining power, as was the case with the 2008 Italy-Libya agreement on the readmission of undocumented migrants.[18]

There is no doubt that issues of border control still remain the main priorities of the EU Member States. But it is interesting to see how among the 27 other priorities and policy choices have emerged in recent years. Obviously those who are more experienced in national migration policy and who have a wider political interest in a broader migration agenda, thinking of labor markets and the demographic challenge, have been actively pursuing other policy options. While those, with their internal migration policies limited largely to border management and asylum, have been slow to develop activities in other areas. For example, the Central European countries who joined the EU in 2004, with the history of pressures to adopt the Schengen standards, have been focusing their international cooperation on securitarian issues rather than on legal migration or migration and development. At the same time, the important EU-15 players like France, Spain or Sweden, have tried to diversify the agenda, influencing the spirit of EU policies. The diversity of approaches adds to the challenges facing the definition and implementation of GAM.

Another tension challenging the policy is the interest of partner countries. The emigration countries of Eastern and Southern-Eastern Europe have also become countries of transit in the 1990s, and were quite quickly covered by the dense network of broader cooperation, with migration being merely a part of the programme. A set of cooperation agreements or partnership agreements included work on visa policy and support for the implementation of other JHA policies. European integration, meaning the prospects of accession as well as participation in other processes across the continent, created a good atmosphere for cooperation on migration issues. Cross-continental socialization meant that border management or asylum policies are not perceived as an exclusively EU issue, as the countries in question are mostly signatories of Geneva Convention, as well as the Conventions of the Council of Europe. Legal migration and labour migration is a less pressing issue here, as Eastern Europe and Russia face demographic challenges comparable to the EU's. Legal labour migration from the region is facilitated by several EU Member States which have clear policy preference for migration from Eastern and South-Eastern Europe (mainly the so called EU-8 and EU-2). Interestingly enough, the countries in the region have had more difficulty engaging in migration and development cooperation, seeing this as better suited for developing parts of the world (using UN lenses).

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[17] Currently only information on EURES network is available. But, of course, this is not open to non-EU nationals as yet, see http://www.cigem.org An analysis of the main challenges to migration and development agenda at the EU level with particular attention to CIGEM is also available at French Senate website (in FR) at http://www.senat.fr/rap/r06-417/r06-4177.html

[18] For details on the agreement see http://www.repubblica.it/2008/05/sezioni/esteri/libia-italia/testo-accordo/testo-accordo.html in IT, as well as Statewatch analysis at http://www.statewatch.org/news/2008/nov/01italy-libya-treaty.htm

A different situation occurred on the Southern rim of the EU.[19] Sub-Saharan African countries are not necessarily interested in curbing the migration of their own citizens and are not interested in cooperation on readmission on non-nationals, fearing the impact it may have on their capacity to deal with migration flows. However, regional organisations like ECOWAS have border management on their political agenda and countries tend to cooperate bilaterally with some EU Member States (e.g. Cape Verde-Portugal, Spain-Senegal, France-Senegal). But still, the main interest of African states is their migration and development agenda as well as access to EU labour markets – a wish that is hardly met. North African countries have seen transit migration as a substantially European affair, of which they suffer the consequences. Cooperation on readmission is thus perceived as succumbing to foreign influence, and not as developing a country's own policy. However, they are interested in working on legal migration channels, strengthening trade ties and benefiting from migration and development programs.

4. The challenge of policy implementation

There are many challenges determining the policy outcome: the way the policy is defined, the actors defining it; the tools used to its implementation; and challenges to implementation itself. In the EU, the sheer complexity of these combined factors largely affects external cooperation.

4.1 Actors defining policy goals and its tools

At the EU level the competence of the stakeholders in the external dimensions of the migration policy are not neatly defined. The European Commission with its power to legislate and steer the debate at the EU level plays the role of policy entrepreneur more in some areas (external dimension of borders, visas, asylum) than others (external dimension of legal migration). In this specific case, several parts of the Commission are involved: DG Home Affairs (DG HOME), DG Development and Cooperation - EuropeAid, (DG DEVCO) and (to a limited extent) also DG Trade and DG Education and Culture (DG EAC). Another institution involved, involving the Commission and the EU Member States, is the European External Action Service, together with EU Delegations in the target countries. DG HOME has a leading role on migration issues, but in terms of external action it is hamstrung: it has no exclusive programming power over a budget line that would be used to support the external dimension of migration policies. It relies heavily on the co-programmed Thematic Programme on Migration and Asylum and on other services and their financial instruments (e.g. the European Development Fund or European Neighborhood Policy Instrument). Such a situation may possibly lead to internal tensions as regards perceived priorities on various parts of the Commission.

In addition to this, two Agencies are also implicated in the external dimension of migration: FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) and ETF (European Training Foundation). FRONTEX is involved in policy development and implementation within its remit, i.e. border management, and cooperates with the Member States coordinating and rationalizing EU intervention in this field.[20] The Agency has become a notorious symbol of EU intervention at the external borders. However, what is rarely underlined is that, in fact, it has no sovereign power, nor resources to implement joint operations, nor, indeed, to cooperate on foreign waters alone – it is the Member States who are responsible for the hands-on implementation.

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[19] Jean Pierre Cassarino, op. cit.

[20] Established by Council Regulation (EC) 2007/2004/ (26.10.2004, OJ L 349/25.11.2004), amended by the Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers.

ETF, on the other hand, is not really an actor of external migration policy. Established to promote European 'ways of doing' in the area of vocational education and training in the Neighborhood countries and CIS area, ETF has developed expertise on human capital development, and especially – recognition of professional qualifications. ETF has its own funding and its own team of experts that are deployed to train and implement projects.[21]

The Member States participate in the policy definition through national levels (mainly Ministries of Interior and of Foreign Affairs), but also through a relevant group in the Council of the European Union, i.e. the High Level Working Group on Asylum and Migration. The group was established on the initiative of the Dutch Presidency in 1999 to prepare action plans for countries of origin and transit.[22] Over time the Group developed into a body tasked with the creation of an EU strategy for cooperation with third countries. The aim is to improve their migration management capacities.[23] HLWG works on specific documents implementing the GAM tools and approves major political engagements, e.g. opening dialogue on migration with third countries or deciding on the content of such a dialogue.

The role of other European institutions in shaping the Global Approach to Migration has been limited. The European Parliament has been informed about recent developments in the area of external action.[24] With the Lisbon Treaty in force, the Parliament has a voice concerning all legally binding agreements with third countries, what in the case of the Global Approach to Migration means, first and foremost, readmission agreements.[25] On all other issues the Parliament is informed or consulted.

The Global Approach to Migration is still not a part of exclusive EU competence and all the Commission's policies are closely followed by the Member States, who actively participate both in shaping the legal framework (e.g. as regards visa facilitation or readmission) and in new policy objectives. First, they influence policy goals through the Council, using their powers in the HLWG. Second, they are a part of a multilateral action when implementing GAM tools, for example, with the cooperation platform in Ethiopia led by the UK, or migration missions to third countries attended by interested Member States, or common initiatives implemented by Member States working together within the mobility partnership framework. Third, they implement bilateral activities following their political and policy interests.

4.2 Implementation – instruments and tools for external cooperation

At the EU level, external migration policy objectives have been implemented in two manners: as an issue included in international agreements and cooperation programming; and as a policy in its own right, in the framework of GAM. The first approach preceded the other, but the two largely overlap to this date.

The main tools of external dimension of migration policy at the EU level have been readmission and migration clauses. Readmission clauses have been used in association and cooperation agreements since the early 1990s. They would usually require the partner country to readmit its own nationals as well as

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[21] Regulation (EC) No 1339/2008 of the European Parliament and of the Council of 16 December 2008 establishing a European Training Foundation and repealing Regulation (ECC) No 1360/90.

[22] http://ec.europa.eu/justice_home/glossary/glossary_h_en.htm; GENERAL AFFAIRS Council 5-6 December 1998, Press Release, 6/12/1998.

[23] http://www.se2009.eu/en/meetings_news/2009/7/9/high-level_group_on_asylum_and_migration

[24] Although it has been more active on internal policy front, for example, in the fight against illegal migration issuing resolutions, such as in 2005 on illegal migration, and participating in co-decision procedure on Employers sanctions and Return directives.

[25] The first experience in 2010 of these new powers was engagement of the Parliament in approval of the readmission agreement with Pakistan and Georgia.

these non-nationals who crossed its territory on the way to the EU. As regards migration clause, the Seville Council Conclusions of June 2002 called for the 'joint management of migration flows and compulsory readmission in the event of illegal immigration' but the explanation of what it actually meant was delivered by the Council in 2003: the clause should address cooperation with partner countries on visa policy, border control, asylum, readmission and counteracting illegal migration, and the integration of legal migrants living and working in the EU.[26] The standard clause is not public, but it has been quite adaptable to the exigencies of the partner country, so the final result is different each time. In the last 10 years the clause appeared in 13 treaties, while for example the human-rights clause appeared in 15 treaties(see ANNEX 1). As of 2003, specific Country and Regional Strategy Papers, many of them following the agreements, have included specific programs relating to migration. The objective of CSP is to identify priority topics for allocation of EU funding to a given country. The chapter on migration and asylum, addressing usually readmission, asylum, border management and the fight against human trafficking has been a stable part of this programming exercise.

The GAM has worked through several specific tools, some more successful than others. Apart from political dialogue, the main operational instruments of GAM are mobility partnerships, return and readmission mechanisms, migration profiles and migration missions.

Mobility partnerships are the most complete instrument that reflects the main three thematic priorities of GAM and takes into account its operational objectives. They are non-binding multilateral political declarations signed by the EU, its willing member states and a partner country. They create an umbrella over all migration-related activities (projects, initiatives) that take place between the signatories. Apart from bringing into the field targeted funding, they boost political and technical dialogue on migration matters. As a result, they improve synergies, coherence and mutual understanding. For the moment they have been signed with Cape Verde, Republic of Moldova, and Georgia. In the near future they may be signed with Armenia and with Ghana.

Return and readmission mechanisms are the least known tools of GAM. Not without reason – apart from the readmission agreements, all forms of cooperation lack transparency. The readmission agreements themselves have been the most contested instrument of GAM. Their objective is to establish legal framework for return and readmission of nationals and third country nationals to the country of last departure before arriving into the EU. The readmission agreements at the EU level replaced (or rather should replace) bilateral agreements between the EU member states and third countries the EU has a mandate to negotiate with. To foster their attractiveness, they are often coupled with visa facilitation agreements. Their role in the Global Approach is somewhat unclear. On the one hand, third countries who have signed the agreement have advantages as regards other areas of cooperation on migration (e.g. Moldova); on the other, the mere fact of good cooperation on readmission without an agreement, can be reason enough to start cooperation in other areas (e.g. Libya). Readmission agreements, when signed, are subject to specific administrative arrangements for their monitoring. They are thus another opportunity to conduct dialogue and operational cooperation between the EU Member States and a third country. As their implementation brings about high costs for the third country, the EU and its Member States usually contribute money to facilitate the process: e.g. in Ukraine – a project of 30 million EUR for the revitalization of detention centres and related activities[27]. Moreover, the cooperation on return and reintegration to foster 'sustainable return' (including migration and development initiatives) is increasingly an element of any readmission mechanism (as in the case of the EU initiative in Georgia on return and reintegration).

Migration profiles' objective is to provide the partner countries with tools and the know-how to better manage migration. As proposed by the European Commission in Communication on Migration and Development in 2005, they should collect all the relevant data and information that would be

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[26] Council conclusions of 14 November 2002, 13894/02. The standard clause is not publicly available.

[27] GDISC ERIT Newsletter No. 1, p. 3, at http://www.gdisc.org/uploads/tx_gdiscdb/Acrobat-document.pdf

required to allow a country to develop and implement its migration policy. The assumption is that such knowledge, when translated into economic and social policies can allow countries to reap greater benefits from migration. However, the view of many non-EU countries has been that migration profiles are, in fact, an EU imposed mechanism of monitoring. Only with the breakthrough at the Global Forum for migration and Development in Mexico in 2010, did the tool get international acceptance, with the promise of capacity building to strengthen its sustainability and ownership.

As regards migration missions, these are rather straightforward tools to launch a dialogue on migration and asylum issues between EU and a given country. They field visits on the part of an EU delegation (the Commission, Presidency of the Council, and interested EU member states). Their programme usually involves dialogue with the relevant national authorities on the most important migratory phenomena in the country, as well as meetings with other actors active in this domain. There have been around two missions per semester since 2006. The problem is that their destination is usually decided unilaterally by the EU side without prior consultations with the country in question. This can make missions into fiascos (e.g. the EU mission to Egypt in 2010). Sometimes they bring little additional value, for example in the case of missions to countries where the migration cooperation has been in place for over a decade (as a mission Ukraine in 2010). However they can also bring dialogue to another level when a country is interested in exchanging experience (as with mission to Nigeria 2008).

4.3 Implementing partners

Policy implementation is as important as the definition of policy objectives. Even more so as regards external action: implementation and thus results depend on the cooperation of the partner state. There are two main challenges to cooperation on policy implementation in the EU context: the limited capacity of the EU and its Member States to implement all ideas and tools;[28] and the limited absorption capacities of partner countries in implementing concrete actions.

The EU has no capacity at the supranational level to implement all its policies in the field of migration. In other domains of EU policy, an implementation mechanism is supported by an EU-level Agency, but in the case of migration there are only two such bodies: FRONTEX (for border management) and the European Asylum Support Office (EASO – for asylum policy, not yet operational). There is no EU body to support policy-making on migration and development or legal migration. The technical part is in the hands of other actors: most commonly the Member States (exclusively competent in some areas) and implementing partners (international organizations, hereafter: IOs, NGOs and other agencies). Thus far it is the International Organization for Migration (IOM), United Nations High Commissioner on Refugees (UNHCR) and International Centre for Migration Policy Development (ICMPD) who play a prominent role in the implementation of the external dimension of EU policies, and who receive a prominent share of EU funds for this area.[29] Their engagement in policy definition, implementation and support for the tools described above is not though of an equal weight.

UNHCR is a UN organization with a clear mandate based on an international legal framework (Geneva Convention on Refugees of 1951). Thanks to this, UNHCR is not seen as 'hands to hire', but rather as a long-standing UN authority supported by donations, and to a lesser extent by projects, so its financial resources provided by the EU as a whole are less unstable than these of other actors.[30] The EU

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[28] As signalled in the Commission staff working document – Mobility Partnerships as a tool of the Global Approach to Migration, SEC (2009) 1240 final.

[29] See, for example, the list of projects accepted under the Thematic Programme on Migration and Asylum at http://ec.europa.eu/europeaid/what/migration-asylum/documents/list_projects_selected_tp_2007_2008__2009_%28cfp_2007__2008_+_direct_awards%29_for_publication.pdf

[30] Own elaboration of official financial reports 2005-2009

being among the most vocal supporters of the right to asylum worldwide, sees UNHCR as a legitimate partner in all policy debates. UNHCR is an important partner in the definition and implementation of the external EU policies in the area of asylum, not least from the point of view of European Parliament, which regards it as important interlocutor in all EU proceedings. The main areas of external actions developed with UNHCR has been the Regional Protection Programmes or resettlement policy,[31] though the implementation of resettlement policy has been rather limited to date. The ultimate acknowledgment of its unique position has been its role as a permanent observer in the EASO.

The situation of IOM is rather different. IOM is not a UN agency and thus its role and position at the EU level has not been clearly defined. It has been a key implementing partner for the European Union since the very late 1990s. The weight of IOM as the implementer started to increase significantly together with the growth of migration agenda at the EU level. It was the main partner implementing projects under the EU mechanism for technical and financial assistance to third countries (B7-667), then the AENEAS Programme, and since 2008 – the Thematic Programme for Migration and Asylum. Only in the early 2000s did IOM grow to become the major player *vis-à-vis* the EU. One of the reason for its unprecedented growth has been funding from the EU Member States. But the real increase of involvement in migration programs started with the promotion of Assisted Voluntary Return programs (AVRs). Increasing numbers of EU Member States have decided to involve IOM in this activity and thus over time the share of these actions in overall IOM activities almost doubled.[32] Also, IOM has been involved in the administration of such undertakings as deportation centers and temporary centers for migrants. However, IOM has also developed migration and development capacity, and less popular areas such as migration and health, education and migration, labor migration, and migration and climate change, and thus has worked on many projects involving capacity building and research promotion in these areas.

ICMPD is a small intergovernmental organization that gathers mainly European states (not only EU members) and has been geographically focused on wider Europe. At its birth, in the early 1990s, it served some Western and Central European states to discuss and cooperate on border management, asylum and fight against illegal migration. The organization had a small budget and developed a unique way of doing things: providing training and expertise to partner states using technical experts from Member States' administrations. Cooperation was focused on technical support and know-how, and often took on forms reminiscent of twinning projects. ICMPD managed to build unprecedented trust as a 'European' and reliable implementer. EU Member States now consider ICMPD as an organization without an autonomous agenda (as opposed to quite robust agendas of the UN organizations), low-profile and thus more prone to follow the donor's policy line.[33] Currently ICMPD is in an expansion phase[34] as the EU's appetite for implementing partners in external dimension of migration policy grows. For example, ICMPD shares with IOM several actions under the EU-Africa Partnership and ICMPD serves as a partner and secretariat of political dialogues, such as the the 'Building Migration Partnerships' process (or Prague Process).

(ICMPD). Having direct access to policy-making, IOs can position themselves both as policy entrepreneurs and as policy implementers. They are also active players as regards the conceptualization and implementation of external actions on migration on behalf of the EU in many places in the world. Their role has been more and more important as EU and its Member States go beyond the traditional JHA area and have started investing in other fields of migration cooperation at the EU level.

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[31] Policy Plan on Asylum: an Integrated Approach to Protection Across the EU - COM(2008) 360

[32] Author's calculations of annual reports between 2002 and 2009.

[33] Sabine Hess, "'We are facilitating states!' An ethnographic analysis of ICMPD," in Martin Geiger and Antoine Pécoud eds., *The politics of international migration management*, Houndmills: Palgrave Macmillian, 2010.

[34] Author's calculation of non-public financial audits

The notorious examples gathered by researchers[35] provide an insight into IOs' involvement in migration management, and especially border management and asylum policy. EU Member States usually have some capacity to implement activities in this realm, as almost all have established specialized governmental agencies and bodies responsible for political, technical and operational cooperation. Therefore, the technical aspects of some the Global Approach to Migration tools, like readmission agreements or parts of mobility partnerships, that involve small projects and trainings on border management, the fight against illegal migration or return are usually implemented by the Member States. However, IOs play an important role in covering other aspects of return, such as voluntary return (already mentioned AVRs), the administration of migration centers and reintegration activities.[36] They are seen as having more accountability than private bodies, also used by the governments.[37] It is important to underline that IOs often rely on EU Member States' experts (usually experienced civil servants or operational staff) to run capacity building activities. Another area of activity is the reintegration of returnees: the Member States (apart from France) are not able to implement reintegration activities themselves, because they often lack a specialized agency, such cooperation is a must.[38]

The same is true of migration and development tier, as well as some aspects of labor migration projects. Where the Member States have the capacity and necessary experience (e.g. running their national labor migration programs), their administrations are able to invest more resources and expertise in implementation. In the EU of 27, however, such an experience is relatively rare, as only a handful of states have an elaborate programme on migration and development or labor migration. Thus, there are only a few examples of the involvement of the EU Member States in EU-level cooperation in these areas. One of them is the 3 million EUR initiative supporting the National Employment Agency of Moldova in its work with potential and returning migrant workers. It is implemented by the Swedish Public Employment Service, a government body with a clear capacity to implement projects of such a scale: possibly the only such a body among the EU Member States. The biggest initiative in the area of migration and development is the mobility partnership in Cape Verde, implemented in cooperation with Instituto Português de Apoio ao Desenvolvimento, a state-related organization. French initiatives in the area of legal migration and migration and development have been implemented by Office Français de l'Immigration et de l'Integration (OFII).

The graph below shows some divergences between the main EU donors as regards implementation capacities – examples these based on funding made available to IOM.
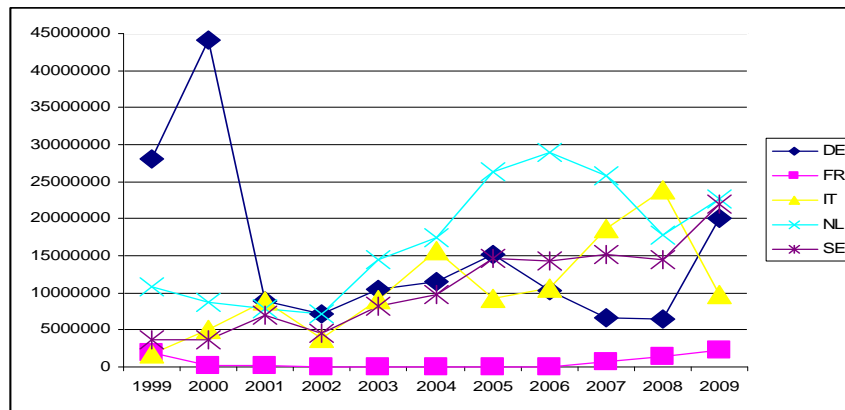
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[35] For detailed accounts of diverse cases see Martin Geiger and Antoine Pécoud eds., *op. cit.*

[36] e.g. IOM-run GUMIRA project in Ukraine and Moldova.

[37] Cassarino op. cit.

[38] Examples include a three million EUR project implanted by 8 Member States in Georgia (in the framework of the mobility partnership) with the operational support of IOM.

**Fig. 1.EU MS contributions to IOM (operational) – chosen cases
(in USD)**

Source: Own elaboration of official financial reports.

Whereas the other three donors (Italy, the Netherlands and Sweden) follow the usual pattern of changing priorities in migration policies, Germany and France are outliers. Germany offered high contributions to IOM for the compensation program (especially in 1999 and 2000) and gradual decrease of funding can be explained by this factor, but also – that Germany has been giving more funding to its own two organizations: Deutsche Gesellschaft für Technische Zusammenarbeit GmbH (GTZ) and the Center for International Migration (CIM). France, thanks to OFII, is the only EU Member State with the administrative capacity to implement the broad agenda of a comprehensive migration policy, including its own AVR program, as well as migration and development initiatives. Therefore, it rarely uses external services.

Reliance on non-state actors to implement state policies raises several issues related to policy control, monitoring and outcomes. There is no guarantee that implementing actors will follow detailed policy intentions. In the case of EU policies it is even more acute: policy defined at the EU level can be implemented with variations by IOs but also by the Member States. There have been many examples in the past of the same regulations or guideline implemented differently by different experts from different Member States: an obvious example have been the projects supporting partner countries in the implementation of the common border management agenda (i.e. various approaches to Integrated Border Management between the Member States, the commission, FRONTEX and IOs) or asylum policy (various practical approaches presented by various Member States) .When the IOs implement policies, this situation can also occur, for at least two reasons: as IOs have also their own expertise and agenda, not necessarily 100% in line with the EU approach; and as the EU has no coherent mechanisms to monitor the implementation at the policy level (it follows projects at the financial level). In the situation where the actions targeting partner countries include a strong component of capacity building, sharing expertise and best practice, the variety of policy approaches could potentially result in unexpected outcomes.

An additional challenge, rarely voiced, is the capacity of partner countries to implement all the policies and instruments offered by the EU and its 27 Member States. As highlighted by the Commission when discussing the conditions for the success of mobility partnerships,[39] it is important to assess the capacity of a partner country to absorb support and implement initiatives. When we consider EU intervention that would include EU-level instruments plus 27 different actions following the interests of each of the Member States. The challenge for the partner country is obvious: especially

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[39] Commission staff working document – Mobility Partnerships as a tool of the Global Approach to Migration, SEC (2009) 1240 final.

when we consider that many of them have rather small and not necessarily efficient administrations. Moreover, sometimes the focus of intervention might lack a proper interlocutor on the other side: a partner country might not be able to accept a concrete capacity building initiative. For example, it might be unable to support national employment agency in a country without such an institution, or sophisticated data analysis support in a country with no statistical services. Therefore, each instrument used by the EU needs to answer the specific reality of the partner country.

5. Conclusions: future of cooperation on migration from EU perspective

Cooperation on migration issues labeled as 'European' has developed on a quadruple track: the bilateral cooperation of individual Member States with partner countries (e.g. bilateral agreements on readmission or on migration management); multilateral cooperation of an intergovernmental character between several Member States and chosen partner countries (e.g. Regional Consultative Processes like the Budapest Process); EU-level cooperation between the EU and partner countries (e.g. technical and political cooperation in the context of Enlargement or short-stay visa facilitation for specific categories of persons); and the EU and its Member States on one side and the partner country on the other (e.g. mobility partnerships). The challenges of this cooperation patterns lie exactly in its complexity and the difficulty of managing policy at the EU level.

Regardless of the ambitious proposals for the Global Approach to Migration, the EU has found it difficult to enhance its migration agenda with elements that really matter for the partner countries, as these are mostly in the hands of the EU Member States. Even if there is a real interest to go beyond the securitarian approach, something that seems to have been true since the early 2000s, not many Member States are actually ready to pursue active migration policies – especially in the times of financial crisis. Moreover, international events, as the 'Arab uprising' of 2011, can shift priorities overnight and get EU level cooperation on migration back to where it was 20 years ago, at the moment of the fall of the Communist Block.

The mixture of interests and various geographical and thematic priorities are difficult to built upon. The synergies and pooling of resources, underlined as main added value of the Global Approach to Migration apparently can only materialize in as much as the bilateral relations of Member States do not prevail. A comprehensive approach at the EU level is in fact 'Europe à la carte' and cannot be fully controlled, nor even planned for at the supranational level. However, when an agreement exists as to the principles, EU cooperation will be able to flourish and prove the concept of EU concerted action. Alas, this happens rarely in the case of external relations.

The weak position of the EU as an international actor has had a direct impact on its cooperation on migration. In many cases, it is still the Member States and their bilateral relations that can move the cooperation forward (especially in the case of old colonial ties). The rare instance when the EU is perceived as an important player worth cooperating with has taken place in the context of Enlargement and EU integration: in this case the partner countries enter cooperation with clear objective in mind and can understand the role of supranational level. In all other cases 'EU' means the few old Member States who are seen as the real negotiating powers.

The growing agenda of cooperation together with the widening geographical scope of intervention has strained the implementation capacities of the EU and its Member States. The implementation of policy goals has thus been outsourced, where the monitoring capacities both of the Member States and the EU are still limited. The effects of this solution could have potentially adverse effects. The challenge of implementation concerns the partner countries too, partner countries which may find it difficult to meet simultaneously the expectations of the EU and its 27 Member States.

The above considerations shape the key areas in improving any future EU cooperation on migration matters:

1) Thematic diversity to assure the interest of the EU and the interest of the partner countries

Coherent and consequent application of all dimensions of the comprehensive approach to migration is of key importance. The securitarian approach should thus be coherently supported by such areas of action as fully-fledged labour migration schemes supported by the necessary tools: recognition of qualifications (academic and professional), cooperation on social security, education support (e.g. investing in pre-migration vocational training), not to mention the guarantees of social and economic rights. In this context, it might be important to observe that one of the main problems facing EU Member States today is the diverging demand and supply framework for labor migration from the countries covered by the Global Approach to Migration.

The Eastern partners seem to have an adequately educated workforce, but without recognition of their migrants' qualifications they cannot contribute their skills to EU economy and thus often they choose the Russian Federation as a destination country. Moreover, the demographic challenge in this region will further undermine human capital flows. As regards the Southern partners, it is obvious that there is an important divergence between the skills available in the growing pool of young population and employment needs in the EU. Investment in human capital given to bring skills in line with projected EU shortages is the only effective way of managing labor migration from the region.

To achieve these aims it is important to engage other actors in policy definition, especially institutions at the EU and the national level who are responsible for non-securitarian policies, such as labour market or education policies.

2) The EU of one voice

Consequence and coherence as regards pooling political and financial resources and finding synergies is the way to build EU credibility. As long as a partner country is faced with a 'quadruple track' of cooperation, the EU's impact will be limited. Establishing an efficient monitoring mechanism of cooperation between the EU, its agencies, the EU Member States and third countries is the only way of building the credibility of the EU as a coherent partner. This approach faces important obstacles: the state of foreign policy at the EU level, the blurred competences of the EEAS, not to mention the underdeveloped capacities on migration issues in EU delegations. For the moment, these obstacles make it impossible to envisage such a development.

3) Implementation

Engaging non-EU actors to implement policy goals has many advantages, but it can also potentially harm policy outcomes. More support for monitoring implementers and putting them in line with policy needs is an important element in dealing with this challenge. Ideally the EU should follow the example of France and invest in its own EU-level implementing agency that would streamline its efforts in all areas, support implementation by the Member States and assure adequate monitoring of all actors. Taking into account the realities of the EU budget, such a solution is for the moment almost inconceivable.

It seems that the only hope for better, more focused and coordinated EU external action on migration policy is more European integration. Until then, the lessons learnt from bilateral cooperation among States cannot be used at the supranational level, and multilateral relations on migration will be kept hostages to the old, post-Westphalian paradigm.

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Annex 1

Retrieved from European Union Treaties Office Database on 15 February 2011.

International Treaties with migration clause

Official Title	Date of Signature	Type
Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Montenegro, of the other part	15/10/2007	Bilateral
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part	12/06/2006	Bilateral
Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part	11/10/2004	Bilateral
Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China, on visa and related issues concerning tourist groups from the People's Republic of China (ADS)	12/02/2004	Bilateral
Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part - Final act	18/11/2002	Bilateral
Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part	17/06/2002	Bilateral
Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part - Annexes - Protocols - Final Act - Declarations	22/04/2002	Bilateral
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part	29/10/2001	Bilateral
Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part	25/06/2001	Bilateral
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part - Protocol 1 on textile and clothing products - Protocol 2 on steel products - Protocol 3 on trade between the former Yugoslav Republic of Macedonia and the Community in processed agricultural products - Protocol 4 concerning the definition of the concept of "originating products" and methods of administrative cooperation - Protocol 5 on mutual administrative assistance in customs matters - Final Act	09/04/2001	Bilateral

Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part - Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation - Protocol 2 on mutual administrative assistance in customs matters - Final Act - Declarations	11/10/1999	Bilateral
Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part - Protocol 1 concerning the arrangements applicable to the importation into the Community of agricultural products originating in Jordan - Protocol 2 concerning the arrangements applicable to the importation into Jordan of agricultural products originating in the Community - Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation - Protocol 4 on mutual assistance between administrative authorities in customs matters - Joint Declarations - Final Act	24/11/1997	Bilateral
Cooperation Agreement between the European Community and the Kingdom of Cambodia - Joint Declarations - Exchange of letters on maritime transport	29/04/1997	Bilateral
Cooperation Agreement between the European Community and the Lao People's Democratic Republic	29/04/1997	Bilateral
Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	21/06/1996	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	22/04/1996	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	22/04/1996	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part	22/04/1996	Bilateral

Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part - Protocol 1 on the arrangements applying to imports into the Community of agricultural products originating in Morocco - Protocol 2 on the arrangements applying to imports into the Community of fishery products originating in Morocco - Protocol 3 on the arrangements applying to imports into Morocco of agricultural products originating in the Community - Protocol 4 concerning the definition of originating products and methods of administrative cooperation - Protocol 5 on mutual assistance in customs matters between the administrative authorities - Final Act - Joint Declarations - Agreements in the form of an Exchange of Letters - Declaration by the Community - Declarations by Morocco	26/02/1996	Bilateral
Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part	20/11/1995	Bilateral
Cooperation Agreement between the European Community and the Socialist Republic of Vietnam	17/07/1995	Bilateral
Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part - Protocol No 1 on the arrangements applying to imports into the Community of agricultural products originating in Tunisia - Protocol No 2 on the arrangement applying to imports into the Community of fishery products originating in Tunisia - Protocol No 3 on the arrangements applying to imports into Tunisia of agricultural products originating in the Community - Protocol No 4 concerning the definition of originating products and methods of administrative cooperation - Protocol No 5 on mutual assistance in customs matters between the administrative authorities - Joint Declarations - Declarations	17/05/1995	Bilateral
Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	09/02/1995	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	23/01/1995	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part	28/11/1994	Bilateral

Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part - Protocol 1 on the establishment of a coal and steel contact group - Protocol 2 on mutual administrative assistance for the correct application of customs legislation - Final Act - Exchanges of letters - Minutes of signing	24/06/1994	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine	14/06/1994	Bilateral
Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama (*)	15/12/2003	Multilateral
Political dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its Member Countries (Bolivia, Colombia, Ecuador, Peru and Venezuela), of the other part (*)	15/12/2003	Multilateral
Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 - Protocols - Final Act - Declarations	23/06/2000	Multilateral

(*) This treaty has not entered into force yet.

International Agreements with human rights clause

List

Official Title	Date of Signature	Type
Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part	16/06/2008	Bilateral
Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part (*)	16/06/2008	Bilateral
Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Serbia, of the other part	29/04/2008	Bilateral
Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part - Protocols - Final Act ‼ Declarations	15/10/2007	Bilateral
Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Montenegro, of the other part	15/10/2007	Bilateral
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part	12/06/2006	Bilateral
Interim Agreement on trade and trade-related matters between the European community and the European Atomic Energy Community, of the one part, and the Republic of Tajikistan, of the other part	11/10/2004	Bilateral

Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part	11/10/2004	Bilateral
Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part - Final act	18/11/2002	Bilateral
Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part	17/06/2002	Bilateral
Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part - Annexes - Protocols - Final Act - Declarations	22/04/2002	Bilateral
Cooperation agreement between the European Community and the Islamic Republic of Pakistan, relating to the partnership and to development	24/11/2001	Bilateral
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part	29/10/2001	Bilateral
Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part	25/06/2001	Bilateral
Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part - Protocol 1 on textile and clothing products - Protocol 2 on steel products - Protocol 3 on trade between the former Yugoslav Republic of Macedonia and the Community in processed agricultural products - Protocol 4 concerning the definition of the concept of "originating products" and methods of administrative cooperation - Protocol 5 on mutual administrative assistance in customs matters - Final Act	09/04/2001	Bilateral
Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development	22/05/2000	Bilateral
Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part - Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation - Protocol 2 on mutual administrative assistance in customs matters - Final Act - Declarations	11/10/1999	Bilateral
Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part - Final Act - Declarations	08/12/1997	Bilateral
Cooperation Agreement between the European Community and the Republic of Yemen	25/11/1997	Bilateral

Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part - Protocol 1 concerning the arrangements applicable to the importation into the Community of agricultural products originating in Jordan - Protocol 2 concerning the arrangements applicable to the importation into Jordan of agricultural products originating in the Community - Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation - Protocol 4 on mutual assistance between administrative authorities in customs matters - Joint Declarations - Final Act	24/11/1997	Bilateral
Cooperation Agreement between the European Community and the Kingdom of Cambodia - Joint Declarations - Exchange of letters on maritime transport	29/04/1997	Bilateral
Cooperation Agreement between the European Community and the Lao People's Democratic Republic	29/04/1997	Bilateral
Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part - Protocol 1 on the arrangements applying to imports into the Community of agricultural products originating in the West Bank and the Gaza Strip - Protocol 2 on the arrangements applying to imports into the West Bank and the Gaza Strip of agricultural products originating in the Community - Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation - Final Act - Joint Declarations - Declaration by the European Community	24/02/1997	Bilateral
Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand - Joint Declarations - Joint Interpretative Declaration concerning Article 23	28/10/1996	Bilateral
Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	21/06/1996	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	22/04/1996	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	22/04/1996	Bilateral

Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part	22/04/1996	Bilateral
Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part - Protocol 1 on the arrangements applying to imports into the Community of agricultural products originating in Morocco - Protocol 2 on the arrangements applying to imports into the Community of fishery products originating in Morocco - Protocol 3 on the arrangements applying to imports into Morocco of agricultural products originating in the Community - Protocol 4 concerning the definition of originating products and methods of administrative cooperation - Protocol 5 on mutual assistance in customs matters between the administrative authorities - Final Act - Joint Declarations - Agreements in the form of an Exchange of Letters - Declaration by the Community - Declarations by Morocco	26/02/1996	Bilateral
Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part	20/11/1995	Bilateral
Cooperation Agreement between the European Community and the Socialist Republic of Vietnam	17/07/1995	Bilateral
Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part - Protocol No 1 on the arrangements applying to imports into the Community of agricultural products originating in Tunisia - Protocol No 2 on the arrangement applying to imports into the Community of fishery products originating in Tunisia - Protocol No 3 on the arrangements applying to imports into Tunisia of agricultural products originating in the Community - Protocol No 4 concerning the definition of originating products and methods of administrative cooperation - Protocol No 5 on mutual assistance in customs matters between the administrative authorities - Joint Declarations - Declarations	17/05/1995	Bilateral
Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kyrgyz Republic, of the other part - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	09/02/1995	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan - Protocol on mutual assistance between authorities in customs matters - Final Act - Joint Declarations - Exchange of Letters in relation to the establishment of companies - Declaration of the French Government	23/01/1995	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part	28/11/1994	Bilateral
Cooperation Agreement between the European Community and the Republic of South Africa	10/10/1994	Bilateral

Cooperation Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on partnership and development	18/07/1994	Bilateral
Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part - Protocol 1 on the establishment of a coal and steel contact group - Protocol 2 on mutual administrative assistance for the correct application of customs legislation - Final Act - Exchanges of letters - Minutes of signing	24/06/1994	Bilateral
Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine	14/06/1994	Bilateral
Cooperation Agreement between the European Community and the Republic of India on partnership and development - Declaration of the Community concerning tariff adjustments - Declarations of the Community and India	20/12/1993	Bilateral
Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part - Protocol 1 on textile and clothing products - Protocol 2 on ECSC products - Protocol 3 on trade between Bulgaria and the Community in processed agricultural products not covered by Annex II to the EEC Treaty - Protocol 4 concerning the definition of the concept of originating products and methods of administrative cooperation - Protocol 5 on specific provisions relating to trade between Bulgaria, of the one part, and Spain and Portugal, of the other part - Protocol 6 on mutual assistance in customs matters - Protocol 7 on concessions with annual limits - Protocol 8 on transboundary watercourses - Final Act - Joint Declarations	08/03/1993	Bilateral
Framework Cooperation Agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama - Exchange of letters on maritime transport - Unilateral Declarations	22/02/1993	Bilateral
Europe Agreement establishing an association between the European Economic Communities and their Member States, of the one part, and Romania, of the other part - Protocol 1 on textile and clothing products - Protocol 2 on ECSC products - Protocol 3 on trade between Romania and the Community in processed agricultural products referred to in Article 20 of the Agreement - Protocol 4 concerning the definition of the concept of originating products and methods of administrative cooperation - Protocol 5 on specific provisions concerning trade between Romania, of the one part, and Spain and Portugal, of the other part - Protocol 6 on mutual assistance in customs matters - Protocol 7 on concessions with annual limits - Final Act - Joint Declarations - Declaration by the Commission of the European Communities concerning Article 2 (3) of Protocol 1 - Declarations by the Community - Declarations by Romania	01/02/1993	Bilateral
Framework Agreement for Cooperation between the European Economic Community and the Federative Republic of Brazil - Exchange of Letters between the European Economic Community and the Federative Republic of Brazil on maritime transport	29/06/1992	Bilateral

Agreement on trade and economic cooperation between the European Economic Community and Mongolia	16/06/1992	Bilateral
Agreement for trade and cooperation between the European Economic Community and Macao	15/06/1992	Bilateral
Agreement between the European Economic Community and the Republic of Albania, on trade and commercial and economic cooperation	11/05/1992	Bilateral
Framework Agreement for cooperation between the European Economic Community and the Republic of Paraguay - Exchange of Letters	03/02/1992	Bilateral
Framework Agreement for cooperation between the European Economic Community and the Eastern Republic of Uruguay - Exchange of Letters - Unilateral Declaration by the Community on the GSP	04/11/1991	Bilateral
Framework Agreement for trade and economic cooperation between the European Economic Community and the Argentine Republic - Exchange of Letters	02/04/1990	Bilateral
Convention on the Protection and Promotion of the Diversity of Cultural Expressions	20/10/2005	Multilateral
Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama (*)	15/12/2003	Multilateral
Political dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its Member Countries (Bolivia, Colombia, Ecuador, Peru and Venezuela), of the other part (*)	15/12/2003	Multilateral
Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 - Protocols - Final Act - Declarations	23/06/2000	Multilateral
Interregional Framework Cooperation Agreement between the European Community and its Member States, of the one part, and the Southern Common Market and its Party States, of the other part - Joint Declaration on political dialogue between the European Union and Mercosur	15/12/1995	Multilateral
Framework Agreement on Cooperation between the European Economic Community and the Cartagena Agreement and its member countries, namely the Republic of Bolivia, the Republic of Colombia, the Republic of Ecuador, the Republic of Peru and the Republic of Venezuela - Exchange of Letters on shipping	23/04/1993	Multilateral

(*) This treaty has not entered into force yet.