



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.9.2009
SEC(2009) 1240 final

COMMISSION STAFF WORKING DOCUMENT

Mobility partnerships as a tool of the Global Approach to Migration

1. INTRODUCTION

In December 2006, the European Council stressed the need to combine the efforts against illegal migration with concrete proposals for incorporating legal migration opportunities into the Union's external policies, in order to develop a balanced partnership with third countries adapted to specific EU Member States' labour market needs. It also called for the Commission to present concrete proposals on this issue.

Following the Council's call, the Commission issued on 16 May 2007 a Communication "On Circular Migration and Mobility Partnerships between the European Union and third countries"¹, on the basis of which the Council defined the purpose and parameters of mobility partnerships². The objective would be to promote sustained cooperation with third countries along the migration routes towards the European Union. Importantly, the Council stressed that mobility partnerships can only be considered when they would bring added value both to the EU and the third country with regard to the management of migration flows and when there is a confirmed willingness to contribute to the partnership. As to the content of the partnerships, the Council agreed that they should include, on one hand, an offer of legal migration opportunities, adapted to the specific Member States' labour market needs, while fully respecting the competences of the Member States and the principle of Community preference and, on the other hand, a genuine cooperation on preventing and reducing illegal immigration, trafficking in and smuggling of human beings, as well as effective readmission and return policy while respecting the protection of human rights.

In December 2007, the Council called for the Commission to start exploratory talks with the Republic of Moldova and Republic of Cape Verde with the view to establish pilot mobility partnerships. In June 2008, upon signing Joint Declarations on mobility partnerships with these two countries, the Council welcomed the partnerships and invited the Commission to undertake exploratory talks with two other countries (Georgia and Senegal) and to evaluate and report on this pilot phase by June 2009.

This document is the response to that invitation. It is based on a Commission services' preliminary assessment elaborated on the basis of their own experience with mobility partnerships, as well as on the basis of the reported experience of the Member States and third countries concerned. These experiences are of course limited given that mobility partnerships are a new tool, that only a limited number of them are being developed so far, and they all are at an early stage of implementation.

The present document is structured to address the following issues: the process leading to establishment of the partnerships, the legal framework of the partnerships, their content, monitoring method and added value for the Global Approach.

¹ Communication from the Commission to the Council and the European Parliament: On circular migration and mobility partnerships between the European Union and third countries, COM (2007)0248
² Council conclusions of 18 June 2007 "On extending and enhancing the Global Approach to Migration", paragraph 10, p. 3

2. PROCESS LEADING TO THE ESTABLISHMENT OF MOBILITY PARTNERSHIPS: LESSONS LEARNED FROM THE SELECTION PROCESS

Selection of potential candidates for mobility partnerships followed the principles proposed by the Commission in its 2007 Communication. The eligibility criteria applied were the geographical balance between Eastern Europe and Africa, the importance of migration flows from or through the country to the EU, the readiness to cooperate on readmission and fight against illegal migration, the interest of EU Member States to cooperate with the country in question and its interest to enter such a partnership.

Given that mobility partnerships were new instruments to be tested, the eligibility of Cape Verde, Georgia and Senegal was decided by the Council in the absence of a formal written expression of interest from the third countries concerned. The Republic of Moldova presented its candidacy by means of a non-paper addressed to the Commission. Cape Verde and the Republic of Moldova quickly confirmed their interest and engaged in the process. The engagement of Georgia, involved in the preparation of negotiations with the EC on visa facilitation and readmission, also concretised quickly. In the case of Senegal, despite the stated interest of this country for the mobility partnership, the discussions have not progressed.

The experience with these pilot cases demonstrates how important it is to envisage mobility partnerships with third countries which clearly state their interest, needs and expectations at a very preliminary stage, prior to any EU decision, and, possibly, which would manifest their readiness and capacity for internal coordination in order to negotiate and implement the partnership. This would require that potential third countries partners be well informed about mobility partnerships. In this regards, some efforts could be undertaken to disseminate information about the mobility partnerships and make this tool known to third countries. The involvement of EC Delegations and Member States Embassies would thus be of key importance. Moreover, it could be relevant to set the time limits for the exploratory talks, to be able to abandon swiftly the unsuccessful efforts and move towards new priorities.

The first partner countries (the Republics of Moldova and Cape Verde) had clear views on their own expectations and on the main aspects they wanted to be reflected in their respective mobility partnership (migration and development and return migration in the case of the Republic of Moldova; security and mobility in the case of Cape Verde). On the EU side, there was a clear consensus to ensure that concerns related to illegal migration had to be well reflected in every mobility partnership. However, there were varied views on what the other priorities should be, making the strategic interest of the EU less clear.

In future, a clear, long-term migration strategic interest should be reflected in the identification of potential partners, and the focus of mobility partnerships should go beyond issues regarding illegal migration. The principle of geographical balance and the current geographical scope of the Global Approach to Migration remain adequate criteria, which should however be interpreted with flexibility in the light of clearly defined EU strategic migration interest. The pre-selection process should thus benefit from a more strategic reflection and approach taking into account all related policy aspects of the relationship with each country in question and more clarity in relation to the objectives that the EU interested Member States and the Commission want to achieve jointly with the partner country in the context of each mobility partnerships. An intermediate stage of stock-taking of existing or planned initiatives and needs assessment should be foreseen for each potential partner in order to feed the final decision with all the necessary elements. Furthermore, the phase of

consultations with each of the potential partners, should also aim at avoiding mismatches of expectations and at identifying shared strategic objectives. The subsequent phases, and in particular the formulation of cooperation actions directly supported through Community resources, should be shaped on the basis of these shared objectives.

3. THE LEGAL FRAMEWORK AND COMPETENCES

Mobility partnerships took the form of political statements (declarations of intention), signed by the Community, the Presidency of the EU, interested Member States and the respective partner third country. These statements have been formulated in non-binding terms. While guaranteeing the expeditious establishment of the current mobility partnerships, these arrangements also ensure that mobility partnerships are flexible tools, which can be adapted according to current needs, and which, in principle, will be supported by motivated signatories. The partners join on a voluntary basis and, once signed, the mobility partnerships remain open to the participation of other interested Member States (for instance, the Netherlands joined the mobility partnership with Cape Verde several months after its official signature).

The orientations and arrangements, agreed in the course of taskforce meetings, specified the role and competences of the Commission, the Presidency and the Member States. The discussions with third countries aiming at each establishing the mobility partnership were chaired jointly by the Commission and the Presidency, with the Commission having a coordinating role. The Commission, Member States and EU agencies – FRONTEX and the European Training Foundation (ETF) – were responsible for presenting and discussing their respective proposals. This division of roles, while respecting competences, ensured smooth negotiations and increased trust between all actors, thus having a positive impact on the integrity of the process.

The division of competences between the Community, Member States and the respective partner country is reflected in the Joint Declarations. Moreover, the Declarations place an emphasis on joint planning and implementation as well as on joint responsibility for the success of the cooperation.

4. THE CONTENT OF MOBILITY PARTNERSHIPS

Even at this early stage of implementation, mobility partnerships constitute the most innovative and sophisticated tool to date of the Global Approach to Migration and contribute significantly to its operationalisation. The content of mobility partnerships reflects the objectives of the Global Approach as it is demonstrated in detail in Annex I. The partnerships are comprehensive and balanced offering actions in all three major areas of the Global Approach: migration and development, legal migration and illegal migration. They also respond to the objectives and priorities identified in the Council Conclusions of 18 June 2007, as demonstrated in Annex II.

The existing mobility partnerships have acknowledged and accommodated the priorities of partner countries. For Cape Verde the main concern were border management and security of identity and travel documents, as well as mobility and visa facilitation. In the first area, for instance, some projects aiming at securing travel documents, including through the introduction of biometrics, are being developed with Community and Member States support.

This mobility partnership also foresaw a working arrangement with FRONTEX, now concluded, which should result in strengthened cooperation on border control. Regarding mobility, the Commission presented a recommendation to the Council with a view to obtaining guidelines for negotiating a visa facilitation agreement with Cape Verde. In addition, Community support for the opening of a Common Visa Application Centre in Cape Verde has been provided. Member States' interests laid mainly in developing cooperation on border management with a view to preventing and reducing illegal migration, although several initiatives aim also at capacity building in the area of document security or counteracting trafficking in human beings. Migration and development is also addressed through various projects facilitating the involvement of the Diaspora and increasing transparency on the conditions of remittances transfers. For example, an initiative aimed at reinforcing Cape-verde's capacities to inform prospective migrants and to support returnees has been funded through the Thematic Programme on Migration and Asylum.

Migration and development was a priority for the Republic of Moldova. Emigration of its citizens has severe socio-economic consequences and thus one of the country's main objectives is to support return migration. To meet this need, thirteen Member States, led by Sweden, offered an initiative, for the moment financed under the Thematic Programme to strengthen the capacities of the Moldovan National Employment Agency, including an important component for return migration and reintegration. Moreover, some Member States offered to change their national legislation to facilitate circular migration of Moldovan citizens. Some Member States also implement projects aiming at facilitating cheaper remittances in line with EU commitments in this area. With regard to the Republic of Moldova, several Member States were interested in labour migration and curbing illegal migration while also supporting the protection of victims of trafficking in human beings. These objectives were translated into concrete initiatives contained in the partnership.

The partnership is an umbrella under which partners can implement not only cooperation initiatives (e.g. training of practitioners or institutional support), but also can negotiate and conclude bilateral agreements (such as agreements on social security of migrant workers). Thus, partnerships benefit from a variety of competences of the actors involved. They acknowledge and accommodate the priorities of the partner countries, thus reinforcing their commitment.

However, as the experience has shown, the partnerships risk being a collation of new and already planned activities and additional effort should be made so that the package offered to a partner is an effective and coordinated offer bringing added value to existing cooperation, as the future aim should be to reinforce coordination and to bring real added value to the existing cooperation.

5. THE MONITORING STRUCTURE

The architecture of the partnerships is result-oriented, takes into account the pre-existing structures and creates new ones only where needed. It combines monitoring at both political and technical levels. This monitoring is ensured by involving both headquarters (capitals and European Commission) and diplomatic missions (embassies and EC Delegations). The former participate in the corresponding mobility partnership taskforce, which ensure internal EU coordination. The latter participate in cooperation platforms that ensure coordination with the partner countries on the ground. The basic monitoring tool is a scoreboard, which contains information on the initiatives, responsible partners, contact points, indicators for evaluation,

implementing period of the initiatives and their funding source. The scoreboard is proving invaluable as a tracking method for the evolution of the partnerships. Cooperation platforms are responsible for monitoring the implementation of the projects in the scoreboard.

In Cape Verde, the actual implementation of the monitoring process was facilitated by the pre-existing local structures. The main monitoring body is the *Groupe Local de Suivi*, charged with monitoring the implementation of the Special Partnership between EU and Cape Verde. It meets on average every three months to assess progress on the implementation of the Special Partnership and the mobility partnership. It consists of the representatives of the Cape-Verdean authorities as well as of representatives of Member States diplomatic missions and the EC Delegation. The partners active locally had been used to cooperation on the spot prior to the signature of the mobility partnership. As a result enhancement of that local cooperation should not be a major challenge if partners succeed in developing their collaboration in the context of the mobility partnership, under the EU banner and in a true Community spirit, beyond possible rivalries.

In the case of the Republic of Moldova, the local monitoring is ensured by a cooperation platform, created after the launch of the mobility partnership. It consists of the representatives of the Moldovan authorities and representatives of Member States' diplomatic missions and the EC Delegation. In addition, the partnership is monitored on the Moldovan side by the National Monitoring Committee on the Mobility Partnership. The process of establishing the cooperation platform showed that EU representatives on the ground are not necessarily initially well-informed and equipped to follow-up on intensified and increased activities on migration in the partner country or to ensure their articulation with already existing activities in that field. Not all Member States participating to the mobility partnership are represented locally. Moreover, the additional coordination tasks required by the mobility partnership may put under constraints the already limited human resources on the ground of Member States and the Commission.

The architecture of the partnerships assigns all partners a clear role. The Commission focal points are in charge of preparing the meetings of the mobility partnership in question, meetings of the cooperation platform and the task force, and updating of the scoreboard. The Presidency is directly involved in the preparations of the mobility partnership and cooperation platform meetings. These are co-chaired by the Commission, the Presidency and the partner country. The Presidency coordinates the work of Member States on the ground and represents them in the partnership, should such a need arise. Member States are responsible for the implementation of their initiatives and proposing new ones. The local representatives of the Commission, the Presidency and Member States have a specific role to play in animating the mobility partnership locally. If there are pre-existing local structures, their task is greatly facilitated. However, in case a new structure must be set-up, sufficient resources should be devoted to ensuring that this role can be fully executed.

6. ADDED VALUE OF MOBILITY PARTNERSHIPS

According to the experience acquired so far, the added value of mobility partnerships lies first in the fact that they are comprehensive and reflect the entire spectrum of the global approach to migration while the instruments used so far only focused on specific aspects of the global approach. In addition, some efforts are made in their implementation to keep the approach balanced. Mobility partnerships are also valuable in encouraging greater consistency and complementarity with other EU policies, instruments and activities in the area of migration;

they offer an umbrella for more intense and specific discussions and actions on migration at a bilateral and multilateral level, while being integrated in the existing policy framework.

For instance, the partnership with the Republic of Moldova provides an instrument for enhanced cooperation in the field of migration within the ENP framework. With regard to visa dialogue, the partnership offers the possibility to articulate partners' positions, to build mutual understanding and trust, and to build capacities in the areas of visa and readmission. However, it does not provide a substitute for thorough negotiation based on Council's negotiating guidelines, and more technical and operational dialogue has to take place under the framework of the Visa Facilitation and Readmission Committee meetings. The Mobility Partnership with Cape Verde is part of the stability/security pillar of the EU-Cape Verde Special Partnership and provides a framework for a dialogue on migration issues at the national level. It also makes use of the fora created under the Special Partnership, such as *Groupe Local de Suivi* mentioned above. The mobility partnership is in line with, and complementary to, the continental and regional dialogue frameworks, such as the Africa- EU-strategy adopted in December 2007, and in particular the Africa-EU Partnership on Migration, Mobility and Employment, the Rabat Process on Migration and Development and the Paris Declaration adopted in that context.

Mobility partnerships are also complementary with other tools of the Global Approach to migration: the cooperation platform is a basic element of their functioning; migration profiles are their evaluation tool and allow to quantify their impact on the migratory situation of the country in the mid-term review process; the migration missions could be used more extensively in the preparatory phase, to provide additional evidence in the selection process if needed and also play a key role in maintaining a regular dialogue with the countries with which the EU has not engaged yet in a mobility partnership. It is the intention of the Commission to further encourage this complementarity.

In the case of the Republic of Moldova, the partnership allows the expansion of EU activity in the area of migration from solely addressing border management and illegal migration by incorporating the migration and development dimension, a dimension that could be further addressed in future mobility partnerships. In the case of Cape Verde, it solves the opposite omission by supplementing the migration and development agenda with concrete initiatives in the area of border management. Mobility partnerships could also be further used to discuss sensitive issues. Moreover, partner countries have strengthened their administrative response (e.g. establishment of a National Monitoring Committee on the Mobility Partnership in the Republic of Moldova) and feel confident enough to promote this tool on the international stage. In 2008, the Moldovan representatives shared their experiences at the Global Migration and Development Forum and at a workshop in Georgia. Cape Verde representatives regularly promote the partnership at regional meetings, for instance, within the framework of the Paris Conference in 2008.

Consequently, although still in their pilot phase, the partnerships have a positive impact on deepening the relationship between the EU and the corresponding partner country. Progressively, the ownership by partner countries seems to increase. However, strengthened ownership depends on the appreciation of our partners regarding the evolution of the particular mobility partnership and the implementation of foreseen initiatives.

The added value of the mobility partnerships also lies in the fact that they offer a framework for increasing transparency, coordination, joint planning, synergies and Community action. In that context, Member States and Commission are encouraged to coordinate migration issues

internally, to share information and to join forces when the former prepare an action for financing under Community instruments, thus ensuring cost-effectiveness. An example is the project entitled "Strengthening the Moldovan capacity to manage labour and return migration within the framework of the mobility partnership with the EU", in which thirteen Member States participate, led by Sweden.

The partnerships also aimed at better coordinating and planning with other actors active in these countries, such as FRONTEX and the ETF. FRONTEX has signed or prepares a working Arrangement with the Republic of Moldova and Cape Verde, which will strengthen EU intervention in the field of border management. However, so far, FRONTEX has not been involved in any Member State activity in the border management area foreseen in the current mobility partnership. ETF is ready to cooperate with Member States on human resources development and comparison of professional qualifications, which could be tested and possibly implemented in partner countries in its area of competence³.

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

7. CONCLUSIONS

This preliminary assessment confirms that mobility partnerships are promising, innovative and comprehensive tools and may represent a valuable framework for increasing transparency, enhancing synergies, triggering cooperation and ensuring more cost-efficient operations between partners, between the Commission and Member States, and inside them, between various ministries and departments involved. While focused, by definition, on migration, they must take into account and be consistent with the various EU policies towards the country in question and, in the process, strengthen our overall strategy towards that country.

However, as this assessment highlights, mobility partnerships are a long term process of trust building and all issues included in the mobility partnerships need time and engagement to evolve into concrete initiatives and results. These innovative cooperation frameworks could benefit from a more sound selection and preparation process in order to fit with both parts expectations. Mobility partnerships are a particular exercise of shared competence and responsibilities, which heavily relies on the long-term commitment of the European institutions, Member States and partner countries, in Brussels, in the capitals and, above all, locally. This commitment, while clearly formulated, still needs to be fully concretised before the EU can experience a real increase in coordination, coherence and synergies in its migration dialogue and cooperation with its selected partners.

Therefore, mobility partnerships merit being further developed, improved and replicated, taking into account the various lessons which can already be drawn from the pilot cases, in their current state of implementation. However this should be done gradually, by extending further the application of the mobility partnership tool to two or three properly selected cases in the scope of the Global Approach, while continuing to consider and accommodate the most pressing requests expressed by certain other interested partners.

³ As laid out in the Article 1 the Council Regulation No. 1339 from 2008.

The further work on the mobility partnership should be developed in the framework of the Stockholm Programme, following the June 2009 Commission Communication,⁴ and taking into account the June 2009 European Council Conclusions, which underline the need for a significant strengthening of cooperation with the main countries of origin and transit.

⁴ “Justice, Freedom and Security in Europe since 2005: An Evaluation of the Hague Programme and Action Plan” COM(2009) 263.

ANNEX I

Relevance of current mobility partnerships as regards the objectives of the Global Approach

Cape Verde	Republic of Moldova
COOPERATION ON LEGAL MIGRATION	
Monitoring and awareness of migration flows	Monitoring of migration flows
Support to CV asylum and migration policies	Consolidation of the National Migration Management System (including legal migration and asylum policy)
Information on legal migration and promotion of return	Information on legal migration and assistance for returning migrants
Labour migration schemes, including circular migration	Labour migration schemes
	Social protection of migrants and their families
Development of labour market in Cape Verde	Development of the Moldovan labour market
University exchanges	
Visa facilitation, common visa application centre	The dialogue and cooperation on visa issues and readmission
MIGRATION AND DEVELOPMENT	
Circular migration of highly skilled migrants	Diaspora consolidation and co-development
Co-development	
Support to the CV health system	
Voluntary return and reintegration schemes	Voluntary return and reintegration schemes
COOPERATION ON ILLEGAL MIGRATION	
Cooperation on border management	Cooperation in border management, identity and travel documents, fight against illegal/irregular migration and trafficking in human beings
Patrolling and sea rescue	Consolidation of the National Migration Management System (including fight against illegal migration, border control and document security)
Security of travel and identity documents	The dialogue and cooperation on visa issues and readmission
Readmission	

Fights against smuggling of migrants and trafficking in human beings	
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ANNEX II

Relevance of current mobility partnerships as regards the priorities set out in the Council conclusions of June 2007.

Compliance of the content of the pilot mobility partnerships with the parameters set out in the Council Conclusions of 18 June 2007, paragraph. 10	
Cape Verde	Republic of Moldova
<ul style="list-style-type: none"> <i>the enhancement of the links between migration and development, i.a. to facilitate productive use of the resources of migrant communities and to promote co-development projects;</i> 	
Labour migration schemes, including circular migration	Diaspora consolidation and co-development
Development of labour market in CV	Labour migration schemes
Circular migration of highly skilled migrants	Development of the Moldovan labour market
Co-development	Social protection of migrants and their families
<ul style="list-style-type: none"> <i>the promotion of the reintegration of returnees;</i> 	
Voluntary return and reintegration schemes	Voluntary return and reintegration schemes
<ul style="list-style-type: none"> <i>visa facilitation in accordance with the common approach, taking into account the experiences in the implementation of the current agreements;</i> 	
Mobility and short-stay visas	Visa and readmission
<ul style="list-style-type: none"> <i>the pooling of support measures in capacity building in order to better manage and control migration;</i> 	
Monitoring and awareness of migration flows	Monitoring of migration flows
Information on legal migration and promotion of return	Information on legal migration and assistance for returning migrants
<ul style="list-style-type: none"> <i>the protection of refugees in accordance with international standards;</i> <i>the enhancement of the protection of human rights in the fight against illegal immigration, in readmission and return policies and in the reception of migrants and asylum seekers;</i> 	
Support to asylum and migration policies	Consolidation of the National Migration Management System (including asylum policy)
<ul style="list-style-type: none"> <i>the enhancement of the protection of human rights in the fight against illegal immigration, in readmission and return policies and in the reception of migrants and asylum seekers;</i> 	
Cooperation on border management	Cooperation on border management, identity and travel documents, fight against illegal/irregular migration and trafficking in human beings
Patrolling and sea rescue	Consolidation of the National Migration Management System (including fight against illegal migration, border control and document security)
Security of travel and identity documents	The dialogue and cooperation on visa issues and readmission

Readmission	
Fights against smuggling of migrants and trafficking in human beings	