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Becoming the “Gendarme of Europe” in return for more mobility? –
An analysis of the added value for Morocco to conclude a Mobility
Partnership with the European Union

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Contents

List of Abbreviations

1	<u>Introduction</u>	1
	1.1 EU external migration policy in the Southern Mediterranean	
	1.2 State of the Art on EU Mobility Partnerships	
	1.3 Aim of the thesis	
2	<u>Theoretical Considerations</u>	6
	2.1 Externalization	
	2.2 EU external governance	
	2.3 Conditionality approach	
	2.4 Network governance	
3	<u>Methodology</u>	10
	3.1 Case selection	
	3.2 Research design	
4	<u>Analysis</u>	13
	4.1 Border management	
	4.2 Readmission	
	4.3 Asylum system	
	4.4 Labor migration	
	4.5 Visa facilitation	
	4.6 Migration and Development	
5	<u>Discussion</u>	24
	5.1 Added value for Morocco	
	5.2 Explanatory power of the cost-benefit analysis	
	5.3 Effectiveness of EU Mobility Partnerships	
	5.4 Further research	
6	<u>Bibliography</u>	29

Declaration of Academic Honesty

List of Abbreviations

DCFA	Deep and Comprehensive Free Trade Agreement
DG	Directorate General
EEAS	European External Action Service
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EU	European Union
GAM	Global Approach to Migration
GAMM	Global Approach to Migration and Mobility
JHA	Justice and Home Affairs
MENA	Middle East and North Africa
MP	Mobility Partnership
MS	Member States of the European Union
TC	Third Country
TCN	Third Country National
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UNHCR	United Nations High Commissioner for Refugees

1 Introduction

1.1 EU external migration policy in the Southern Mediterranean

Each year several thousands of migrants try to enter the European Union (EU) clandestinely via the Mediterranean Sea, some of them dying in this attempt as also regularly reported by the European media.¹ Most of them are sub-Saharan Africans pushed to use complex migration routes due to increasingly restrictive admission policies of EU member states (MS) (Adepoju, van Noorloos & Zoomers, 2009:47). This trend has its roots in the 1970s when migration came to be perceived as a security issue in European receiving countries and as a “threat to national unity and political identity” (Araújo, 2011:24-25). Nowadays, the main concern of MS regarding Mediterranean migration still seems to be the effectiveness of their common borders (Wunderlich, 2013b:26). At the same time, the unmistakable aim of EU external migration policy continues to be the reduction of migration pressures into the EU (Wunderlich, 2012:1414), inherent in the two dominant EU approaches of “migration control” and the more preventive “root causes approach” (Wunderlich, 2013b:27). MS’ concerns were also reflected by EU policies responding to perceived² increasing migration to Europe after the Arab Spring in 2011 (Fargues & Fandrich, 2012:5). Correspondingly, an EU official summarized the EU’s outlook on migration from the Southern Mediterranean during the Arab Spring as “thinking from Lampedusa” (Carrera, den Hertog & Parkin 2013:4).

As the most important long-term measure in line with the EU’s “Global Approach to Migration” (GAM)³ the European Commission called for the launch of so-called “Dialogues for Migration, Mobility and Security” with Southern Mediterranean countries⁴ (European

¹ According to a collection of empirical data from newspapers, between 1988 and 2012 more than 13,000 people died at the maritime borders of the EU, and more than 6,000 in the Sicily Chanel only: <http://fortresseurope.blogspot.com> (retrieved 10/12/13).

A map illustrating the numbers of migrants’ deaths at Europe’s borders can be found at: http://www.migreurop.org/IMG/pdf/map_36.1_des_morts_par_milliers_aux_frontieres.pdf (retrieved 21/01/14)

² Amongst others, Italian Foreign Affairs Minister Franco Frattini warned of “an exodus of Biblical proportions” (BBC, 2011). However, assessing statistical data before and after the uprisings in the Southern Mediterranean, Fargues and Fandrich (2012:4) show that “(...) Arab revolts did not produce any significant inflow of new migrants to Europe, neither regular nor irregular, apart from a short-lived movement of people smuggled from Tunisia in the first days of the revolution (...)”.

³ The GAM was adopted in 2005 as the overarching framework for the EU’s external migration policy and was renewed and renamed in November 2011 to the “Global Approach on Migration and Mobility” with the legal context now being determined by the Lisbon Treaty (European Commission, 2011b).

⁴ In this thesis the term “Southern Mediterranean countries” addresses the nine countries being part of the EU’s institutionalized relations with the area, such as the Euro-Mediterranean Partnership and the ENP. These are,

Commission, 2011a:2). In this respect, policy tools known as “Mobility Partnerships” (MPs)⁵ were declared to be the principal framework of “mutually beneficial” cooperation between the EU and TCs with the aim to address migration and mobility issues “in a comprehensive and balanced manner” (European Commission, 2011b:5) and thus moving away from a “primarily security-centred approach” of EU external migration policy (European Commission, 2008:4). This new approach, sometimes heralded as a “paradigmatic shift” (Lavenex & Stucky, 2011:116), tries to address interests of “partner” countries by linking at least three fields – legal migration, irregular migration and development (and in line with the 2011 proposal the additional field of “international protection”) – in order to effectively engage TCs into cooperation (Angenendt, 2012:62). EU MPs constitute non-legally binding Joint declarations negotiated between the European Commission and the respective TC. They include several proposals by the EU and its MS related to the four aforementioned policy fields (European Commission, 2011a:8-9). The national sovereignty of the MS is referred to as a limiting factor (European Commission, 2007:4). The official aim of MPs is to ensure that “migration and mobility between the EU and the South Mediterranean countries are channelled through regular processes and take place in an orderly and efficient manner” (European Commission, 2011a:7). Yet, it should be noted that MPs are not a unique EU invention, but that they have become “an integral part of the ‘multi-layered architecture’ of international migration governance” (Kunz & Maisenbacher, 2013:197).

1.2 State of the art on EU Mobility Partnerships

Most academic contributions on the practical experience with already existing EU MPs observe a “discrepancy between rhetoric and reality” (Carrera, den Hertog & Parkin, 2012:11). Outlining the content of several Joint declarations, Lavenex and Stucky (2011) argue that EU MPs are biased towards border control and offer very little in terms of the promotion of mobility and development. According to Schwiertz (2011:150) those measures aimed at development and labor migration develop their own momentum but are nevertheless significantly involved in the strategy of migration control. Finally, Carrera and Hernández i

from West to East: Morocco, Algeria, Tunisia, Libya, Egypt, Israel, Palestine, Jordan, Lebanon and Syria (Balfour, Bailes & Kenna, 2012:7).

⁵ Already in May 2007 the European Commission proposed the establishment of EU MPs (European Commission, 2007). At the time of writing, six MPs between the EU and the following countries have been concluded: Cape Verde (2008), Republic of Moldova (2008), Georgia (2009), Armenia (2011), Morocco (2013) and Azerbaijan (2013) (European Commission, 2013d).

Sagrera (2009:19) see the only reason for not labeling them “security partnerships” in the EU’s aim to present MPs in a more attractive fashion to TCs.

According to Chou (2009b:18) this dominance of the “repressive” approach can be traced back to the dominance of interior officials in the policy formulation of MPs. Similarly, Carrera et al. (2012:9-15) show how DG Home Affairs became the responsible actor in the European Commission for developing the Dialogues whereas foreign affairs officials appear to have been excluded from the decision-making process.⁶ This corresponds to a general trend in EU external migration policy, described as “cross-pillarization” of security-oriented policy-makers (Pawlak, 2009:35). Referring to this, Reslow (2013:126-136) adds that the policy-formulation of MPs was mostly influenced by the MS as the Commission was always aware of what type of policy instrument would be acceptable for them. Furthermore, by means of the Council, the MS mandated any efforts taken on negotiating new MPs. Balfour (2012:25) criticizes in this respect that the EU’s approach is “based on the instruments available, rather than on the nature of the existing challenges”. Moreover, according to Lavenex and Stucky (2011:131), the interaction between the EU and TCs before concluding a MP can better be described as “consultations rather than negotiations” with the later de facto not being involved in the policy formulation.⁷ According to Schwiertz (2011:173-176), instead of negotiating, the Commission’s strategy is to create ownership of TCs by having an informal and open dialogue, also described as “cooperation-building”.

MPs have to be seen in the context of “externalization” whereby the EU encourages TCs “to adopt measures based upon its model of internal security” (Rees, 2008: 98). Building upon the conditionality approach⁸ MPs aim to foster compliance of TCs by offering incentives in return for cooperation on migration control (Reslow, 2013:121). In this respect, Chou (2009:1) argues that MPs “possess the potential to increase the leverage the EU could exercise vis-à-vis third countries” whereas Parkes (2009:340) presents them as a weaker tool to foster

⁶ Due to their different mandates, the Commission’s Directorates-General (DG) have different policy preferences (cf. Reslow, 2013:123). Readmission agreements for example may be desired from interior minister’s perspective, but not from a foreign affairs perspective, as such agreements impair good diplomatic relations with TCs (Pawlak, 2009:37).

⁷ Likewise, Carrera et al. (2012:14) observe little indication that the Dialogues were developed in close consultation with the authorities of Egypt, Tunisia and Morocco.

⁸ Conditionality became part of the ENP resulting from the experiences of the enlargement process (Balfour, 2012:16). The European Commission’s “Communication on Migration” (2011e) finally introduced the principle of conditionality for mobility issues.

compliance in comparison to the European Neighbourhood Policy⁹ (ENP). Lavenex and Stucky (2011:117) mention the problem that “those issues that would interest partner countries most (...) are in the competence of the MS, and the Commission has no leverage”. In addition, Balfour et al. (2012:43) predict that “if the MPs on offer for MENA countries do little more than facilitate visas for specific and circumscribed categories of people (...), the EU risks losing its credibility over the most important incentive to the South Mediterranean”.

Yet, the question why TCs nevertheless decide to conclude MPs with the EU has not received much attention in the academic literature. Pina-Delgado (2013:405) mentions the argument that, in the context of restrictive admission policies in most EU receiving states, a traditional emigration country such as Cape Verde, dependent on emigrant remittances, has no other option than to obey to EU policy imperatives. However, Reslow (2013:200) argues that the overall concept behind MPs resonated well with the Cape Verdean government’s policy objectives and with its aim to further develop the Special Partnership with the EU (ibid.:213). Similarly willing to cooperate on migration issues with the EU, Moldova even proposed itself actively to be selected for the pilot MPs (Carrera & Hernández i Sagrera, 2009:22). As regards the conclusion of MPs, Balfour (2012:19) moreover declares countries of the Eastern Partnership¹⁰, such as Moldova, to be easy cases for the EU as they may be “prized for their efforts with final membership”. On the other side, Chou and Gibert (2012:422) conclude as a main reason for the failed negotiations on a MP with Senegal that the TC’s government was not convinced of the added value of an agreement comparing its provisions to those of already existing bilateral agreements with EU MS. In addition, Reslow (2013:209) emphasizes the prospect of a readmission agreement as the major explanation for the Senegalese reluctance to sign a MP.

1.3 Aim of the thesis

At the time of writing not any considerable academic contribution has been published about the provisions offered by the MP between the EU and Morocco, which was signed on 3 June 2013 (Council, 2013a). However, given the importance attached to this policy instrument in the EU’s response to the Arab Spring, an understanding of Morocco’s decision to sign the

⁹ The ENP was launched in 2004 and renewed in 2011 with the aim to develop deeper relationships with sixteen neighbor countries in the East and in the South of the EU (European Commission, 2011f).

¹⁰ Moldova, Georgia, Armenia as well as Azerbaijan are members of the Eastern Partnership (Council, 2009) and signed a MP with the EU.

partnership is important for being able to make presumptions about the prospects of further MPs to be concluded with countries of the region. Lavenex and Wichmann (2009:83) state that “efforts to transfer policies (...) encounter serious limitations as a result of lack of supranational competence and insufficient incentives that the EU can offer third countries to compensate for adaptation costs”. Moreover, due to the lack of membership prospect, Southern Mediterranean countries have proved even “less responsive to (...) policy export by conditional rewards” (ibid:92) than the countries of the Eastern Neighbourhood. Similarly, Balfour (2012:19) concludes that the EU has much less to offer to Southern Mediterranean countries than to developing countries dependent on EU aid or to potential accession countries in Eastern Europe. Nevertheless, Morocco decided to conclude a MP with the EU. This thesis therefore aims to answer the following research question:

In how far can Morocco’s decision to sign a MP with the EU be traced back to an estimated added value of the provisions offered in the Joint declaration?

The theoretical context of this thesis, as described in the second part, refers to the literature about EU external governance, especially those contributions related to the externalization of EU internal security and migration policy. Particular importance is given to the rationalist model of the conditionality approach and its implications. In the third part of the thesis, the selection of the MP with Morocco for the case study will be explained and the research design will be outlined. In the following part, Morocco’s calculation regarding the costs and benefits of the MP will be analyzed. In the fifth part, it will be discussed in how far the provisions offered by the Joint declaration constitute an added value for Morocco and it will be concluded in how far the rationalist model of a cost-benefit calculation is able to explain Morocco’s decision to join the MP. Finally, some conclusions regarding the general effectiveness of EU MPs and suggestions for further research will be presented.

2 Theoretical Considerations

2.1 Externalization

States aiming to regulate the movement of people are challenged by international migration as they are limited to the administrative and legal boundaries of their territory (Wunderlich, 2010:251). In the EU, the transnational character of associated threats such as migration led to a “blurring of the distinction between internal and external security” (Lavenex & Wichmann, 2009:83-84). Accordingly, the opening of internal borders in the Schengen area led to a significant tightening of EU external borders (Chou & Gibert, 2012:421). Furthermore, in recent years an “externalization” of EU policies to associated TCs has been observed in the area of EU Justice and Home Affairs (JHA) (Lavenex, 2006:329). The similar term “extra-territorialization” (Wichmann, 2007:1) describes the engagement of the EU’s neighboring countries in the management of irregular migration flows. Lavenex (2006:337-338) argues that such an approach is especially attractive to liberal democratic states as juridical and societal constraints can be avoided if irregular migrants do not even reach the territory of their jurisdiction. This trend of “shifting outwards” reflects the “continuity of a policy frame that emphasizes the control, and, therewith, security aspect of migration” (ibid:330). TCs’ governments might be stimulated to enforce border controls and to cooperate with the EU in this area when irregular migrants increasingly remain in transit in these countries, an externality resulting from tightened EU border controls (Wunderlich, 2010:251-152).

2.2 EU external governance

In fact, it is not always well understood how the EU tries to ensure the engagement of TCs in the pursuit of its policy goals and whether it succeeds in doing so (Lavenex & Wichmann, 2009:84). The extent to which the EU is able to “integrate its external environment into common systems of rules” (Lavenex & Schimmelfennig, 2009:792) is precisely the interest of scholars of EU external governance. In other words, the external governance literature tries to capture the “extension of EU rules and practices beyond its legal borders, i.e., below the level of membership and outside the legal scope of the *acquis communautaire*” (Wunderlich, 2012:1414). The focus of the respective literature lies on the ENP, which was motivated and inspired by the experience of Eastern enlargement (Lavenex & Wichmann, 2009:84).

This thesis makes use of Lavenex' and Schimmelfennig's (2009) concept of EU external governance which does not only imply the transfer of rules by the EU to non-member states but also the participation of TCs in the policy-making process (ibid.:796).¹¹ In comparison to traditional foreign policy analysis, the literature about EU external governance usually takes a more institutionalist perspective (ibid.:792). In general, it aims to understand "how the shape of the polity impacts on the policies adopted" (Reslow, 2013:55). Lavenex and Schimmelfennig (2009) additionally also take into account domestic factors in the respective TCs and combine the institutionalist perspective with a power-based explanation, which "attributes the modes and effects of EU external governance to EU resources vis-à-vis, and interdependence with, third countries" (ibid.:792).

2.3 Conditionality approach

Aiming to "extra-territorialize" the management of perceived threats, the EU relies on two different logics of action: The conditionality approach and the social learning approach (Wichmann, 2007:6). The further makes benefits offered by the EU to TCs conditional on policy adoption and is thus based on the "simple rationalist assumption that social actors are utility maximizers" (Balzacq, 2008:13) whereas the latter tries to persuade TCs of the legitimacy and appropriateness of EU policies (Schimmelfennig & Sedelmeier, 2004:675). Referring to the context of EU enlargement, the external governance literature emphasizes the predominance of "governance by conditionality" (Lavenex & Schimmelfennig, 2009:794), sometimes also described as "carrot-and-stick strategy" (cf. Adepoju et al., 2009:68). Analyzing the ENP, Wichmann (2007:7) equally confirms that only few socialization elements can be found whereas the relevance of the conditionality approach is emphasized. Building on a similar conclusion of Reslow's (2013:190) analysis concerning the negotiations with Cape Verde and Senegal on the conclusion of EU MPs, the following analysis aims to explain the domestic preference formulation of Morocco by making use of a policy conditionality model. In the context of MPs, positive conditionality, which is based on the promise of benefits provided that the TC fulfills certain conditions (Lavenex & Wichmann, 2009:90), is represented by the term "more for more approach" (European Commission, 2011b:11). The policy conditionality model implies a rationalist approach to international relations, assuming that nation-states are interested in maximizing their own interests (cf.

¹¹ However, the Southern Mediterranean "partner" countries were probably not really closely consulted during the development of the Dialogues (Carrera et al., 2012:14).

Waltz, 1979; Keohane 1984) and expecting that states have a preference for cooperation where national interests are best met (Betts, 2008:14).¹² In this view, the actors' patterns of behavior can change during strategic interactions, but identities and interests remain fixed (Balzacq, 2008:9).

Due to asymmetric interest, with the EU generally having more interest in cooperation than TCs, the conditionality approach is especially important in the case of securitized issues such as migration control (Lavenex & Wichmann, 2009:90). However, EU policies are only effectively adopted if the TC is interested in the promised incentives and is willing to carry out reform (Balfour, 2012:25). Due to the lacking incentive of membership prospect¹³ the effective transfer of policies to Southern Mediterranean countries is especially dependent on positive rewards, which resonate well with domestic interests of the TC concerned (Lavenex & Wichmann, 2009:92). Whereas external governance by conditionality faces less difficulties in the case of those countries with membership aspirations, the "southern Mediterranean countries have hitherto declined the (weak) incentives offered" (ibid.:93).

2.4 Network governance

Lavenex and Wichmann moreover problematize the incomplete communitarization of JHA policies as a major limitation of the EU's capacity to exert policy transfer (ibid.:84). Especially in the area of migration, an issue, which touches core aspects of state sovereignty, the EU lacks resources necessary for effective governance by conditionality. Due to the inability to agree on binding obligations in such policy areas, network governance is likely to emerge as a means to promote cooperation (Lavenex & Wichmann:92). The extension of network governance in JHA corresponds to the predominance of the internal policy mode of "intensive transgovernmentalism"¹⁴ in this EU policy field (ibid.:99). Although power asymmetries might even be existent in network constellations, with policies frequently reflecting the dominance of EU interests, in institutional terms the participating actors have

¹² The question of whether states are concerned about maximizing absolute or relative gains is empirically meaningless and therefore not discussed here (Powell, 1991:1316).

¹³ In the sense of the EU membership clause (Art. 49 TEU) the EU's Southern neighbor countries are not considered European.

¹⁴ "Intensive transgovernmentalism" refers to the traditional internal policy mode of JHA with the European Council and the Council of the European Union playing a central role in the decision-making, the Commission being marginalized and the European Parliament being excluded from the policy-making (Reslow, 2013:55).

equal rights. Conflicts of interests are typically solved through negotiations and voluntary agreement (Lavenex & Schimmelfennig, 2009:798).

De facto, policy transfer is often facilitated by the lack of prior domestic legislation in the respective TC (Lavenex, 2008:951). However, with EU rules being less legalized and thus less enforceable, network governance is generally less effective than the actual hierarchical mode of governance (Lavenex & Schimmelfennig, 2009:802). Especially differences in problem perceptions as well as lack of trust undermine the effectiveness and integrative dynamics of network governance (Lavenex & Wichmann, 2009:99). Thus, not only incomplete communitarization but also non-legislative and more operational modes of governance put into question in how far the EU is capable to exert policy transfer (ibid:84).

3 Methodology

3.1 Case Selection

The relevance and actuality of MPs as regards EU external migration policy is undeniable given the Commission's claim to promote them as the "principal framework for cooperation in the area of migration and mobility between the EU and its partners" (European Commission, 2011b:10). Despite being a principal tool of the EU's long-term response to the Arab Spring, the only EU MP, which has been concluded with a Southern Mediterranean country is the one signed on 3 June 2013 with Morocco.¹⁵ A comparative analysis of MPs in the context of the Southern Mediterranean is therefore not possible, yet and a case study is the only means to analyze MPs in this regional context. At the time of writing, it has already been agreed on several projects and provisions to be implemented in the framework of the partnership. However, despite being an integral part of MPs, so far neither a visa facilitation agreement nor a readmission agreement has been concluded with Morocco (European Commission, 2013b). The importance of the MP with Morocco for the EU is undeniable given that Commission President José Manuel Barroso came to Rabat in person in order to sign the declaration (Ringuet, 2013).¹⁶ Since some years, cooperation between the EU and Morocco increasingly focuses on migration issues, particularly through the framework of the Euro-African conference, the Union for the Mediterranean and the Rabat process (Statewatch, 2013). In the context of the ENP, Morocco even became the first Southern Mediterranean country to attain an "advanced partnership" status (Council, 2013b).

Morocco is especially important as regards EU migration policy in so far as it is a traditional source country of emigration and over the last decades has become an important transit country for migrants from sub-Saharan Africa on their way to Europe (Heck, 2011:75).¹⁷ Insights from the Moroccan case may be indicative for the prospects of EU cooperation in the whole region as most Southern Mediterranean countries are faced with similar dynamics

¹⁵ So far, nine EU MS have decided to participate in the MP with Morocco: Belgium, France, Germany, Italy, the Netherlands, Portugal, Spain, Sweden and the United Kingdom (Council, 2013a).

¹⁶ The recorded joint press conference by José Manuel Barroso, President of the EC and Abdelilah Benkirane, Moroccan Prime Minister, can be retrieved at: <http://ec.europa.eu/avservices/video/player.cfm?sitelang=en&ref=93429>

¹⁷ Each year several thousand sub-Saharan migrants, most of them coming from Liberia, Sierra Leone and Ivory Coast as well as from Ghana, Nigeria, Cameroon and Sudan, transit through Morocco on their way to the EU (Heck, 2011:75). Yet, it has to be noted that the number of apprehended migrants and dismantled networks in Morocco has recently decreased to a number of 2,877 in 2009 (MPC, 2013:2). Cherti and Grant (2013:66) even show that general migration patterns in Morocco are currently "undergoing a gradual shift from 'transit' to longer-term migration".

(Wunderlich, 2010:250). However, it has to be noted that being a case study, the results are contingent upon the characteristics of the chosen single case and conclusions about a broader population are hazardous (Gerring, 2012:88). As MPs are flexible instruments following a “country-by-country-approach” (European Commission, 2011a:7) and taking into account that some countries in the region are totally reluctant or uninterested in stronger relations with the EU (Balfour, 2012:26), the possibilities to generalize over the prospects of other MPs to be concluded¹⁸ are very limited.

3.2 Research Design

In the logic of the policy conditionality model, TCs decide whether to cooperate on the basis of a cost-benefit calculation: It is assumed that they choose to cooperate “if the benefits of EU rewards exceed the domestic adoption costs” (Schimmelpfennig & Sedelmeier, 2004:664). Such a “rational-choice model” was also expected by Chou and Gibert (2012:414) to be most suitable in order to explain Senegal’s decision not to sign a MP. As the Moroccan officials decided to join the MP, it can be suspected that they assessed the benefits of cooperation to outweigh the expected costs. In contrast to the other five TCs having concluded a MP with the EU, Morocco neither has the perspective to become an EU MS nor is it totally dependent on EU financial aid. Therefore, it can be assumed that Morocco’s positive decision is related to an estimated added value of the incentives offered by the EU and its MS in the framework of the MP.

Hypothesis: Morocco decided to join the MP due to an estimated added value of the provisions offered in the Joint declaration.

If an added value for Morocco cannot be concluded from the analysis, according to the policy conditionality model it has to be assumed that the reason for the TC’s decision to conclude the MP has to be found elsewhere, for example in its general and economic relations with the EU.

In order to test the hypothesis, the cost-benefit calculation of Moroccan officials as regards the provisions of the finally concluded EU MP will be analyzed. This thesis argues that such a calculation depends on the one hand on Morocco’s perceived domestic costs of adopting the

¹⁸ At the time of writing negotiations on a MP are on-going with Tunisia (since 2011) and with Jordan (since 2012). Furthermore, the launching of Dialogues with Egypt, Libya, Algeria and Lebanon are planned (European Commission, 2013a:6).

EU policy. Adoption costs “may produce welfare or power costs for private and public actors” or they “may take the form of opportunity costs of forgoing alternative rewards offered by adoption rules other than EU rules” (Schimmelfennig & Sedelmeier, 2004:664). Such alternative rewards may for example be offered by bilateral agreements already established with single EU MS. On the other hand, the cost-benefit calculation made by the TC depends on the resonance of the EU policy with Moroccan national policy objectives. Those initiatives offered by the EU and its MS that resonate well with Morocco’s national policy objectives can be seen as benefits or “positive incentives”. The cost-benefit calculation can include material, programmatic, symbolic or even normative considerations (cf. Chou & Gibert, 2012:414). Additionally, in order to be effective, conditionality needs to be credible in the sense that the TC can be sure that the incentives will actually be realized (Sedelmeier, 2011:10-12). To sum up, the provisions of the MP constitute an added value for Morocco if the expected benefits exceed the estimated costs and if there are no preferable alternatives. In such a case the cost of no agreement for Morocco is assumed to be high.

The qualitative policy content analysis is going to be divided into the six following policy areas being part of the MP: (1) Border management, (2) Readmission, (3) Asylum system, (4) Legal migration, (5) Visa facilitation and (6) Migration and development. Besides analyzing in how far the proposals related to these policy areas can be considered costly or beneficial for Morocco, the quantity and quality of respective initiatives listed in the Joint declaration will be taken into account. Special emphasis will be laid on those initiatives which have not yet been in progress as of 25 March 2013. Only these projects are presumably directly connected to the conclusion of the MP and can potentially imply an added value for Morocco (cf. Chou & Gibert, 2012:220).¹⁹ In contrast to previous MPs, it is more difficult to analyze the MS’ willingness to really implement their proposals as the text of the Joint declaration with Morocco does not include implications regarding their level of commitment.²⁰ Since MPs are flexible instruments and its content may change over time, this research is limited to the information provided by the Joint declaration at the time when it was signed. The likeliness of future decisions is open to speculation. Apart from the scarce information provided by EU policy documents, also several academic secondary sources as well as Moroccan newspaper articles are used in order to analyze Morocco’s cost-benefit calculation.

¹⁹ Kunz and Maisenbacher (2013:200) even argue that EU MPs mainly serve to coordinate already existent activities of the MS in the respective TC.

²⁰ Chou and Gibert (2012:414) refer in their analysis of the EU’s and MS’ commitment to such interpretable expressions (e.g. “willing” in contrast to “explore the possibility”).

4 Analysis

4.1 Border management

Cooperation on border management²¹ with TCs is essential for the EUs “fight against illegal migration” (Wunderlich, 2013b:29). Although Morocco rhetorically always refused to become the “Gendarme of Europe” (cf. Statewatch, 2013; Ringuet, 2013, Euronews, 2013), already in the Association Agreement of 2000 both parties agreed to a dialogue on irregular migration (MPC, 2013:4). Border management cooperation between the EU and Morocco de facto exists since 2004 (Wunderlich, 2013a:415) with financial and operational assistance to ensure the sustainability of control efforts having substantially increased after the incidents at the Spanish enclaves of Ceuta and Melilla²² in 2005 (Adepoju et al., 2009:47). The European Neighbourhood Policy Instrument (ENPI)²³ provided Morocco with a total of 70 million Euros allocated for border control between 2007 and 2013 (Heck, 2011:77). As Wunderlich (2010:261) argues, EU funding can stimulate cooperation with TCs for operations that they would otherwise not be willing to finance themselves. Thus, all in all it could be argued that Morocco obviously already partly accepted the role of the “Gendarme of Europe” that it never wanted to be (Ringuet, 2013).

Wunderlich (2013b:34) argues that externalities due to stricter Spanish border controls as well as the events at Ceuta and Melilla increased Moroccan concerns about unlimited sub-Saharan immigration, which had not been decisive in the middle-income²⁴ country before. Furthermore, the Moroccan Interior Ministry and its securitized perspective on migration were strengthened by means of the considerable EU funding (Wunderlich, 2010:265). Consequently, this policy area nowadays profits from overlapping interest (Wunderlich, 2013b:29), also due to the similarly security-oriented approach of interior ministries and border guard services involved on both sides (Wunderlich, 2013a:415). However, interests regularly diverge when it comes to which border segment to implement: Whereas the EU

²¹ The EU has acquired extensive competence in managing borders (Art. 77(2(d)) TFEU). „Border management“ is a broader concept than “border control” as it has a stronger emphasis on migrants rights and international standards of asylum procedures (Wunderlich, 2012a:9-10).

²² On 29 September 2005 several irregular migrants managed to break through the fences around the Spanish enclaves of Ceuta and Melilla. At least eleven of them died in this attempt (Adepoju et al., 2009:47).

²³ The ENPI is a geographic financial instrument (formerly MEDA for Mediterranean countries) supporting the ENP by means of concrete assistance actions (European Communities, 2006).

²⁴ The World Bank categorizes Morocco as a lower middle income country: <http://data.worldbank.org/country/morocco> (10/01/2014).

primarily foresees control measures at the Moroccan Northern and Western coastline, Morocco uses to prioritize the enforcement of border control in the Western Sahara and along its frontier with Algeria (ibid.:416).

Regarding the quantity of projects proposed in the Joint declaration, the prevention and combating of “illegal” migration certainly constitutes the major policy priority of the MP with 27 new initiatives dedicated to this pillar. Most of these measures are aimed at information exchange, capacity-building, institution-building, legislative alignment, technical assistance as well as establishing operational networks (Council, 2013a:19-27). Most importantly, maritime border control cooperation is to be enforced by the conclusion of a working arrangement between FRONTEX²⁵ and the Moroccan authorities (ibid.:21), in addition to enhanced cooperation between Europol²⁶ and Morocco (ibid.:24). Chou and Gibert (2012:414) argue that, being based on existing expertise, these measures potentially have a wider impact when being implemented, compared to the other activities proposed in MPs. Moreover, these operational agreements enable MS actually not participating in the MP to contribute indirectly via Frontex or Europol (ibid.). Finally, taking into account the overlapping interest, general support measures in the area of border management cannot be considered to be classical adaption costs for Morocco, but only those initiatives explicitly aimed at hindering migrants from entering the EU.

4.2 Readmission

The conclusion of a readmission agreement is foreseen to be an integral part of each EU MP (European Commission, 2011a:11). According to the European Commission they are a “necessary tool for efficient management of migration flows” and a “major element in tackling irregular immigration” (European Commission, 2011d:2). However, EU readmission agreements²⁷ only “add value” to bilateral agreements if they include a so-called “TCN clause” which allows the readmission of migrants who transited through the respective

²⁵ FRONTEX is the EU agency responsible for operational cooperation in the area of external border security (Balzacq, 2008:11) and has the capacity to enter into agreements with TCs (Wichmann, 2007:15). Working arrangements are especially aimed at facilitating the return of irregular migrants when they are found at sea (Martin, 2012:281).

²⁶ Border control cooperation is included in police cooperation treaties of Europol, the EU law enforcement agency, aimed at the control of migrants smuggling (Pina-Delgado, 2013:407).

²⁷ Art. 79(3) TFEU gives the EU the competence to “conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States”.

country (Wunderlich, 2013b:29).²⁸ Such a rule has to be created *ex novo* because in inter-state practice there is no obligation to readmit third country nationals (TCNs) and stateless persons (Pina-Delgado, 2013:408). The reason for the EU seeking to be able to readmit TCNs to transit countries can be found in the difficulties associated with readmitting irregular migrants to countries of origin which are not declared “safe” (Lindstrøm, 2005:593). Consequently, the MS are reluctant to withdraw the TCN clause from such an agreement, especially in the case of Morocco, which shares a common border with the EU (Statewatch, 2013).

Morocco already has concluded bilateral readmission agreements with several EU MS²⁹ but refused to sign an EU readmission agreement since negotiations began in 2000³⁰ due to the insistence of EU officials to include a TCN clause and despite the EU’s use of conditionality clauses (Wunderlich, 2013a:418). Traditionally, transit migration has been seen by Southern Mediterranean countries as a primarily European affair of which they suffer the consequences and thus cooperation on readmission has not been perceived to be part of their responsibility (Weinar, 2011:7). Respectively, readmission policy was questioned by a Moroccan senior official: “Why should a country like Morocco, the last stop before ‘the European Eldorado’, take all the responsibility?” (Fargues & Fandrich, 2013:8) The citation shows that levels of conflict between the EU and Morocco continue to be high as a consequence of a fundamental difference in interests (Wunderlich, 2013a:418). In addition, a MPC survey among young Moroccans found that the conclusion of a readmission agreement is regarded as the main interest behind the MP with the EU not being expected to make concessions regarding economic migration and mobility (Chattou, Lmanadani & Diopyaye, 2012). Thus, the Moroccan authorities obviously also had to consider the political risk of a potentially unpopular agreement (cf. Chou & Gibert, 2012:422).

In the annex of the Joint declaration the EU proposes the “resumption of negotiations (...) on an EU-Morocco readmission agreement, with provisions relating to third country nationals” (Council, 2013a:19). Furthermore, the Netherlands offer to support Morocco in the implementation process, especially regarding the return of TCNs, for example by establishing

²⁸ Nonetheless, Wunderlich (2013:6) calls attention to the fact that “in practice readmission of transit migrants can easily be disputed as it is difficult to prove though which country a migrant transited before arriving in the EU”.

²⁹ Morocco has concluded agreements for the readmission of its nationals with Spain, France, Germany, Italy and Portugal (El Farah, 2012). The agreement with Spain even includes the aim of facilitating the readmission of transit migrants. However, due to the included obligation to prove that the person transited through Morocco, it often revealed itself without impact for Spain (Adepoju et al., 2009:48).

³⁰ The Commission received the mandate to start negotiations on a readmission agreement with Morocco as part of the EU-Morocco Association Agreement, which entered into force in 2000 (European Communities, 2000).

standard procedures for the identification and verification of nationality (ibid:20). However, already during the negotiations on a MP between the EU and Morocco the issue of readmission proved to be the major sticking point (Carrera et al., 2012:14). Directly after the conclusion of the MP, on 7 June 2013, Moroccan ambassador Menouar Alem affirmed that Morocco is willing to conclude an EU readmission agreement only if it is balanced, operationally feasible and if it respects the migrants' human rights. In any case, Morocco's capacity to shoulder this responsibility alone is questionable. Therefore Alem also emphasized the importance of the issue to be embedded in a regional framework to distribute responsibility among all countries involved (Belguendouz, 2013).

Taking into account the public opinion as well as Moroccan domestic interest, the conclusion of a readmission agreement can be seen as very costly for the TC. Additionally, in contrast to the other initiatives proposed in the Joint declaration, such an agreement would be legally binding (Pina-Delgado, 2013:408). Moreover, since not all EU MS participate in the MP, only some of them would have to contribute to or finance the accompanying reforms while any MS could hold Morocco to such an agreement as it would apply to the EU as a whole (Reslow, 2013:210). It remains unclear whether a readmission agreement will finally be signed, but given the Commission's insistence, it seems very likely that it will (Statewatch, 2013). The actual cost for Morocco in relation to the conclusion of a readmission agreement finally depends on whether it will contain a TCN clause and on the way it will be implemented.

4.3 Asylum system

A further stated aim of the EU is to build or to strengthen asylum systems in TCs in order to increase the legal protection of persecuted people (European Commission, 2011b:17).³¹ However, as often criticized, its underlying logic is to thereby obtain the possibility of delivering protection duties and to create a kind of "buffer zone" around the EU (Lindstrøm, 2005:590-593). TCs can be declared "safe" once they provide minimum protection standards and as a consequence, asylum applications of nationals or transit migrants coming from these countries can be restricted by EU MS (Lavenex, 2006:334).

³¹ Art. 78 (2(g)) TFEU allows the EU to get into "partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection".

Due to increasing asylum claims, the UNHCR, funded by the EU, already proposed in the 2000s to develop a previously non-existent Moroccan asylum system (Wunderlich, 2013b:31). Since 2008 Morocco made education and health services increasingly available to asylum-seekers (ibid.:32) and the right of asylum was even included in its new constitution of 2011. To date, an effective national procedure for asylum is however still non-existent. The number of legally protected refugees in Morocco is still very low, with only 1,351 people, most of them coming from sub-Saharan and Middle Eastern countries, being granted the right of asylum in 2011 (MPC, 2013:2-3). Moreover, refugees still do not have the right to work or to receive state support and thus remain vulnerable (Wunderlich, 2013b:32).

Since both the EU and Morocco are reluctant to host larger numbers of asylum-seekers and refugees, disagreements between both sides prevail in this policy area. In Southern Mediterranean countries, asylum claims are frequently seen as an “illegitimate method of economic migration” (ibid.). Morocco’s fear of increasing immigration from sub-Saharan Africa even led to a complete dismissal of its asylum service and its cooperation with the UNHCR for almost three years (ibid.:34). This decision also has to be seen in the context that the UNHCR and the EU expected Morocco to provide services to asylum seekers “that are considered privileged compared with some of its own citizens’ living standards” (ibid.:32). Yet, in recent years Morocco showed more willingness as regards the development of a national asylum system and even requested respective UNHCR assistance (MPC, 2013:3).

The international protection for asylum seekers, refugees and people in need of subsidiary protection was included as a pillar in MPs only after the publication of the GAMM in 2011 (Balfour et al., 2012:59). The Joint declaration of the MP with Morocco refers to six new initiatives in the area of “international protection”. Most importantly, the EU proposes to support the implementation of a national asylum system in line with the 1951 Geneva Convention and its 1967 protocol by means of institutional assistance and training. Further projects are aimed at capacity-building and advising the relevant Moroccan authorities on how to pass an asylum legislation as well as how to implement and administer asylum procedures (Council, 2013a:29-30). Taking into account Morocco’s predominant reluctance to expand the number of asylum-seekers as well as related high financial expenses, these measures can definitely be considered to constitute adoption costs for the TC.

4.4 Labor migration

Despite long-term labor and skills shortages due to ageing populations, concerns regarding migrant admission still prevail in most EU MS (Wunderlich, 2013b:33). Moreover, it is a defining characteristic of the sovereign state to determine over who is allowed to cross its borders (Chou, 2009:6). This is why the MS have been keen to maintain external competence over legal and labor migration (Balfour et al., 2012:43).³² Contrarily, the European Commission considers the expansion of EU competence in the field of legal migration³³ to be a prerequisite for a coherent EU migration policy (Wunderlich, 2013b:33). Since the proclaimed failure of “zero immigration” policies in the 1990s, legal migration has been seen as well as a means to reduce “illegal” immigration (Schwiertz, 2011:139). Furthermore, both the EU and its MS recognize the potential of instrumentalizing labor migration as an incentive for TC’s commitments on migration control (Wunderlich, 2013b:35) and readmission (European Commission, 2011:8d).

In the case of Morocco, several bilateral agreements on labor migration with EU countries already exist, including Italy and Germany, a seasonal migration program with France set into force in 1987 and an agreement concluded with Spain in 2001 regarding the employment of Moroccan seasonal workers (MPC, 2013:5; Statewatch, 2013). Yet, such agreements often have unattractive procedures, they may easily be suspended for economic or political reasons and quotas are frequently used to regularize “illegal” workers instead of recruiting new workforce (Wunderlich, 2013b:33). Additionally, Morocco signed social security agreements with twelve different EU countries³⁴ (Falsy, 2011:20).

In the last decades Morocco has become a typical emigration country with 3.4 million Moroccan nationals living abroad in 2012, compared to only 1.5 million in 1993. Since 90.6% of these emigrants are living in Europe³⁵, the importance of EU MS as the preferred destination countries is obvious. A substantial part of them probably immigrated irregularly,

³² The article dealing with the common immigration policy to be developed shall explicitly “not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed” (Art. 79 (5) TFEU).

³³ At the time of writing the only EU measures concerning labor migration are the Blue Card (for highly-qualified migrants) and the scientific visa (for highly-educated migrants) while the proposed Directives on TC seasonal workers and intra-corporate transferees are still to be adopted (Chou & Gibert, 2012:421).

³⁴ France, Spain, Belgium, Germany, the Netherlands, Sweden, Denmark, Romania, Portugal, Italy, Greece and Luxembourg (Falsy, 2011:20)

³⁵ Major European destination countries of Moroccan migrants are France (35.4%), Spain (19.9%) and Italy (14.4%) (MPC, 2013:1).

taking into account that since 1981 about 445,000 Moroccans have been regularized in France, Belgium, Italy and Spain (MPC, 2013:1). Reasons for increasing Moroccan emigration can be found in the high rates of youth unemployment in addition to the fact that its population is relatively young and mobile (Do & Huddleston, 2009:279).³⁶ Linked to this trend, de Haas and Sigona (2012:5) create the image of a new generation having grown up in the region that is “more aware of opportunities elsewhere and injustices at home than any previous generation”. Restricting movement can thus be considered unpopular with the local population (Wunderlich, 2010:251). Moreover, Morocco is de facto even somehow dependent on emigration due to the importance of remittances for its economy (cf. MPC, 2013:2). Since single EU MS do not open their labor markets to an extent that would correspond to Moroccan emigration willingness, Morocco is especially interested in further labor migration opportunities for its nationals to the EU (Wunderlich, 2013b:38).³⁷ Carrera and Hernández i Sagrera, (2009:19) similarly argue that labor migration projects most substantially address TC’s political and socio-economic interests.

However, in the Dialogue Communication, possibilities of labor migration are only referred to in highly provisional terms: “Mobility Partnerships *could also* encompass specific schemes for facilitating labor migration between interested member states and the Southern Mediterranean countries” (emphasis added, European Commission, 2011a:10). Furthermore, these possibilities are dependent on the economic needs of participating MS which have the right to determine the amount of labor migrants to be admitted and must respect the principle of Community preference for EU citizens (Pina-Delgado, 2013:408). So far it can be concluded, similar to conclusions from the analysis of other existing EU MPs (e.g. Carrera et al., 2012:12), that the MS participating in the MP with Morocco do not indicate willingness in this regard (Reslow, 2013:220)³⁸ and have not proposed any new migration schemes so far (Council, 2013a). On the one hand, reasons for the skepticism of the MS about new migration schemes can be found in anti-immigrant sentiments prevailing in substantial parts of their societies and the preference of most governments to exploit the more immediate potential of the resident unemployed population, especially in times of economic crisis (Martin, 2012:281). On the other hand, several MS revert to irregular migrants in order to satisfy their

³⁶ 17.9% of Moroccan youth aged between 15 and 24 years were unemployed in 2011. The median age of Moroccans was estimated at 27.7 years in 2013 (Do & Huddleston, 2009:279).

³⁷ Since about 400,000 new jobs would be needed every year to absorb Morocco’s labor force surplus, it is however unlikely that such incentives significantly affect the Moroccan labor market (Wunderlich, 2013b:35).

³⁸ Reslow (2013:220) shows that already during the policy-making process none of the MS’ governments wanted legal migration opportunities to be included in EU MPs.

demand for cheap labor (Wunderlich, 2013b:33). As a consequence, in MPs “legal migration” de facto does not refer to offering higher admission rates for TCNs to the EU (Reslow, 2010:18).

In fact, the fifteen new projects proposed under the MP’s pillar of “facilitating legal immigration” are almost completely limited to information campaigns for Moroccan nationals about options and prerequisites for legal migration, enhanced cooperation on the recognition of qualifications and institutional capacity-building measures in the area of migration management and integration support (Council, 2013a:15-18). These initiatives have the potential to empower migrants to make well-informed choices and especially initiatives facilitating the recognition of qualifications can be considered to be in line with Morocco’s emigration policies and its citizens’ interests. Yet, some of these projects might also be regarded as “cynical given that substantial legal immigration channels are literally non-existent for most member states” (Wunderlich, 2013b:33). Measures to facilitate the portability of social and security rights as well as pre-departure training projects for emigrants are virtually missing in the Joint declaration. Those projects already in progress show a similar picture but include as well several proposals aimed at enhancing exchanges of students and researchers, in addition to establishing institutional networks and twinning of universities (Council, 2013a:35-37; Balfour et al., 2012:59). All in all, it can be concluded that the partnership does not really offer new incentives as regards Moroccan labor migration to the EU. The existent bilateral agreements may offer more in terms of labor market access but less in terms of support mechanisms than the EU MP (cf. Ward, 2011:149-176).

4.5 Visa facilitation

Since Morocco is seventh in the world in terms of Schengen visa issued in 2012³⁹, the interest of the TC to have a visa facilitation agreement with the EU is obvious. Furthermore, some sources confirm that Morocco itself claimed visa facilitation from the EU in return for cooperation in the area of illegal migration (Wichmann, 2007:13).

On 4 October 2013 the Commission has finally proposed to the Council to open negotiations on visa facilitation⁴⁰ with Morocco (European Commission, 2013b) as already foreseen in the

³⁹ 322,094 Schengen visas were issued to Moroccan nationals in 2012 (European Commission, 2013).

⁴⁰ Art. 77(2(a)) TFEU gives the EU the competence to set “the common policy on visas and other short-stay residence permits”.

first section of the Joint declaration (Council, 2013a:15). Amongst other benefits the agreement might include the possibility of issuing multiple-entry visas with a long period of validity (European Commission, 2013a) which have so far only been offered to Moroccan nationals by France and Spain (Council, 2013a:33). Yet, most of the proposed bureaucratic simplifications would probably only apply to certain categories of persons, notably students, researchers and business professionals. Holders of diplomatic and service passports might even profit from visa exemption (European Commission, 2013a). Thus, such an agreement would probably only ease non-labor mobility (Pina-Delgado, 2013:407) and “implies temporary movement rather than more permanent forms of migration” (Carrera et al., 2012:13).

Although the Dialogue communication also foresees that “gradual steps towards visa liberalization for individual partner countries could be considered on a case-by-case basis” (European Commission, 2011a:12), this option is very unlikely to be applied to the case of Morocco in the short term. Similarly, Balfour et al. (2012:61) argue that visa liberalization would constitute a real added value but point to the fact that it is still the national consulates which have the competence to decide whether to issue a visa. It is thus questionable if the incentive of visa facilitation is strong enough for a readmission agreement to be concluded with Morocco, given the limited benefits without visa liberalization (Wunderlich, 2013b:30). Nevertheless, it has been assumed by some observers that the long term prospect of a visa liberalization scheme probably was the main reason why the Moroccan government finally decided to sign the MP with the EU (cf. Statewatch, 2013).

4.6 Migration and Development

Since the 2000s the potentially positive impact of the link between migration and development has been re-discovered by several academics and international organizations (Geiger & Pécaud, 2013). It is assumed that remittances⁴¹ and investments of diasporas and returning migrants can promote internal economic growth in their countries of origin. In this view, migration becomes an instrument of development policy (Schwiertz, 2011:124). In a wider perspective, migrants might also function as “agents that insert new ideas in local cultures” (Pina-Delgado, 2013:409). However, also potentially negative effects of migration on development have been discovered, such as the so-called “brain drain” and dependence of

⁴¹ The effects of remittances on the economies of countries of origin are criticized by some scholars but are in general assessed as more positive than negative (Pina-Delgado, 2013: 409).

developing countries' economies on remittances (Reslow, 2010:6). The EU dealt with the topic in numerous policy documents and has been keen to link migration to development⁴² in several of its policy initiatives (e.g. European Commission, 2005; European Commission, 2011b; European Commission, 2013e). Its underlying motivation still also lies in the assumption that the economic development of countries of origin might address the root causes and therefore reduce migration (Wunderlich, 2013b:32).⁴³ Moreover, it has been criticized that most of the EU's migration-development projects imply temporal limitations of migration and are focused on the return of migrants to their countries of origin (Pina-Delgado, 2013:411; Schwiertz, 2011:125).

The overall aim to explore the migration-development nexus is uncontroversial between the EU and TCs. Ambiguity is nevertheless high due to the blurriness and frequent oversimplification of the link between both concepts (Wunderlich, 2013b:32). De Haas and Vezolli (2010:16) explain that the Moroccan government has been keen to promote migration not only as a means to reduce poverty and to stimulate entrepreneurship but possibly also “to reduce political opposition and regionalism in Berber-speaking areas” (ibid.). Furthermore, migrant remittances are undeniably important for its economy as financial transfers to Morocco amounted to 6,877 million USD in 2011, equal to 6.9% of the country's total GDP (MPC, 2013:2). On the other hand, implementation problems of previous similar projects have been traced back to widespread corruption in Morocco as well as to continuing distrust between the diaspora and Moroccan authorities after several decades of repression (Wunderlich, 2013a:421). Since Morocco demanded more emphasis on the migration-development nexus in EU foreign policies and was even partly agenda-setter in this respect (Lavenex & Wichmann: 2009:100)⁴⁴, the TC's interest in respective incentives is however undeniable.

⁴² “Development refers particularly to the development situation of the country of origin of migrants, where development is understood in broad terms, including not only simple economic measures such as GDP but also overall welfare, security, rights etc.” (Reslow, 2010:4-5)

⁴³ This argument is based on the assumption that people migrate “in order to improve their employment opportunities and general welfare, but given the choice they would prefer to stay in the country of origin” (Reslow, 2010:7). Contrarily, some scholars predict that economic development of a country will, at least initially, lead to a “migration hump” (cf. Parkes, 2009:335). This argument refers to the fact that the poorest sections of society are usually not able to migrate due to the high costs associated and that economic growth might thus provide them with the necessary resources to do so (Reslow, 2010:8).

⁴⁴ The fact that Morocco was partly agenda-setter can be concluded from documents of the JHS subcommittee meetings on “social affairs and migration” and was confirmed by several Commission officials (Lavenex & Wichmann, 2009:100).

Although the migration-development nexus is an integral part of EU MPs (European Commission, 2011a:8-9), only seven out of sixty new projects proposed in the Joint declaration of the MP with Morocco refer to this pillar. Most of these initiatives are aimed at reinforcing the role of the Moroccan diaspora in contributing to the economic development of their country of origin (Council, 2013a:27-29). Only a single already existing initiative conducted by the Netherlands refers to reducing the costs of migrant remittances and similarly, only one measure explicitly deals with the “brain drain” (ibid.:44-45). Moreover, one new proposal and three projects already in progress are aimed at stimulating the positive effects of temporary or permanent return by facilitating the social reintegration of returning migrants and their families (ibid.:29,44). In addition, MPs were originally explicitly designed to promote circular migration (European Commission, 2007), which is argued to bear a great potential⁴⁵ for the EU and TC’s economies alike (Parkes, 2009:329). In the Joint declaration, all of those stated initiatives of the MP that would potentially foster circular migration, such as a German proposal to allow legally residing Moroccans the possibility to leave the country for up to 24 months without losing their residence rights, have already been in existence before the conclusion of the MP (Council, 2013a:44). To sum up, it can be argued that the MP does not offer substantial new incentives in the area of migration and development.

⁴⁵ Some scholars argue that circular migration schemes effectively address the traditional weakness of migration policies not being able to prevent migration from becoming permanent (Boswell & Geddes, 2011:96-97). Others do not believe in the possibility to manage migration in a circular manner because migrants usually grow ties in host societies and tend to settle down (cf. Parkes, 2009:329).

5 Discussion

5.1 Added value for Morocco

All in all, the concept of MPs resonates quite well with Morocco's domestic policy priorities and even in the area of irregular migration nowadays a certain degree of overlapping interests with the EU can be identified. De facto, EU support for the control of those borders, which stop migrants from entering Morocco is desired and only those measures solely aimed at hindering migrants to enter the EU can actually be considered costly for Morocco. Furthermore, the establishment of a national asylum system does obviously constitute an adaption cost for the TC. However, the conclusion of a readmission agreement including a TCN clause would certainly imply the highest cost related to the EU MP. As it is still under negotiation, the final cost for Morocco resulting from the conclusion of the MP is not exactly identifiable, yet.

Only very few measures related to those policy fields where the European Commission originally desired to offer positive incentives to TCs can be found in the Joint declaration. Some incentives are offered in the area of migration and development. Yet, nearly all of those proposed initiatives related to the area of labor migration only aim to better match the workforce of Moroccan migrants to the skills needs of the MS and to inform Moroccan nationals about the options and prerequisites for legal migration. Since MPs are non-legally binding, Morocco cannot even be sure if the beneficial proposals will de facto be implemented and consequently, the credibility of conditionality is relatively weak. Moreover, the participating MS did not include any new labor migration opportunities so far, although these would most substantially address Morocco's needs and interests. Thus, the most important benefit of the MP remains the prospect of a visa facilitation agreement which would, however, de facto only apply to certain categories of persons and solely foster non-labor mobility. It can be concluded that Lavenex and Wichmann's (2009:84) problematization of lacking incentives and incomplete communitarization in the area of EU migration policy is still relevant in the case of EU MPs. In the negotiations, the Commission can only offer to TCs that which MS are prepared to give (Reslow, 2013:217; Pascouau, 2012:60) and they are obviously not willing to offer new labour migration opportunities. The EU can only provide some input regarding short stay visas, researchers, students and highly qualified workers (Balfour et al., 2012:61). However, it seems as if the summation of several minor incentives

offered by the MS to an entire EU offer in the framework of the MP was considered to be sufficient by the Moroccan authorities (cf. Schwiertz, 2011:180).

5.2 Explanatory power of the cost-benefit analysis

The cost-benefit calculation considering the provisions of the MP certainly offers a part of the explanation of Morocco's decision. However, it is questionable whether Morocco's decision to join the MP can explicitly be traced back to the specific projects included or if it is rather the overall concept behind MPs that resonates well with the Moroccan government's policy objectives (cf. Reslow, 2013:200). The latter argument suggests itself, given that Morocco even provided some input to the EU's GAM by demanding more emphasis on mobility and the desire to promote the migration-development nexus in foreign policies (Lavenex & Wichmann, 2009:100). Moreover, by positioning itself as "Europe's leading partner in 'the fight against illegal migration'" Morocco tries to strengthen its general position in negotiations with the EU. Morocco's strategy is not only to divert attention away from the fact that it is one of the most important source countries of migrants to the EU (de Haas, 2008: 13) but also to "gain some room for manoeuvre when negotiating other policy sectors with the EU" (Wolff, 2008:263).⁴⁶ Referring to the hypothesis, it can therefore be concluded that the TC's decision to join the partnership cannot only be traced back to an estimated added value but also to its aim to further institutionalize its general relations with the EU.

As already explained it is difficult to generalize from these findings over the prospects of other MPs to be concluded with countries of the region. However, it is certain that not all countries will find the limited incentives offered by MPs of interest. Furthermore, the concept of EU MPs does not address the question how to engage with countries not interested in further institutionalizing relations with the EU (cf. Balfour, 2012:17) and whose agenda, in contrast to Morocco, does not at all reflect the priorities of Northern Mediterranean countries (cf. Aubarell, Zapata-Barrero & Aragall, 2009:21). This argument is supported by the fact that Egypt has already declined the offer of a MP as it does not correspond to its policy priorities (Fargues & Fandrich, 2012:8). Negotiations with Tunisia on a MP were officially concluded on 13 November 2013 (European Commission, 2013d), but so far a Joint

⁴⁶ This strategy has been called "boomerang effect" (Hess, 2008:5). According to Heck (2011:78), Morocco was thereby able to profit from financial support, economic integration, quotas for Moroccan migrants and a strengthening of its nationals' position in Europe.

declaration has not been signed either. It remains to be assumed that also in this case policy priorities differed vastly between the EU and the TC (cf. Fargues & Fandrich, 2012:8).

5.3 Effectiveness of EU Mobility Partnerships

It is not the aim of this thesis to generalize the conclusion of MPs outside the regional context of the Southern Mediterranean. However, some final inferences can be drawn as regards the overall feasibility of EU MPs. In general, the effectiveness of the transfer of EU rules in the framework of MPs is rather limited as they rely on the “model of network governance” (Lavenex & Stucky, 2011:136). Due to the non-legally binding nature of EU MPs, the stated intentions are subject to the available financial means and capacities of the signatories (Carrera & Hernández i Sagrera, 2009:29; Reslow, 2013:203). Consequently, a lack of staff and administrative resources as well as a lack of political will on part of the MS are likely to limit the effectiveness of policy transfers (Lavenex & Stucky, 2011:137). Even legally binding EU readmission agreements to be concluded in the framework of MPs are unlikely to be effective as their implementation requires “active and willing support from TC officials” (Chou, 2009:21). Finally, implementation depends not only on the discretion of the MS and TCs but also on several further actors such as international organizations with potentially different policy intentions (Wunderlich, 2013:2). Meanwhile, the EU has no effective mechanism to monitor the implementation at the policy level (Weinar, 2011:13). Thus, successful implementation cannot be taken for granted (Parkes, 2009:331).

This thesis does not address the controversial question whether the migration control approach, the root causes approach or the complete opening of the EU’s borders is the most effective way to handle the problem of irregular migration and related tragic events at the Mediterranean Sea. However, as MPs de facto seek to contribute to the goals of various different policy agendas (Parkes, 2009:344), they are obviously lacking internal coherence (cf. Wunderlich, 2013b:11; Carrera & Hernández i Sagrera, 2009:35) and their effectiveness is therefore questionable. With regard to the policy failure approach, it is even frequently argued that irregular migration is completely beyond the influence of state control and that migration policy interventions are almost inevitably destined to fail (Boswell & Geddes, 2011:39-40). Similarly, Schwiertz (2011:70-71) explains that migration is a relatively autonomous movement in societal power relations and that control measures cannot stop

migrants from taking different potentially more dangerous routes in order to reach Europe.⁴⁷ Proceeding from these considerations, it has been supposed that MPs are being judged “not so much as a solution to a migration problem but rather in terms of their capacity to foster activity to some kind” (Parkes, 2009:332) and that their actual objective is to demonstrate “– at least on paper – that the European governments are in control of their borders” (Chou & Gibert, 2012:420).

5.4 Further Research

In order to understand Morocco’s decision to conclude an EU MP more in depth, further empirical research, such as interviews with Moroccan and EU officials involved in the negotiations, would be necessary. In this context, it could be tested whether the social learning approach de facto also has a certain explanatory power. In addition, also the relevance of the prospect of economic integration for Morocco’s decision to join the MP could be analyzed. It remains to be speculated in how far the prospect of a “Deep and Comprehensive Trade Agreement” (DCFA) which is under negotiation between the EU and Morocco since March 2013 played a further role for the decision to conclude the MP (cf. Blockmans & Van Vooren, 2013:2).⁴⁸ With the EU being Morocco’s first trading partner (Heck, 2011:78), the prospect of its gradual integration into the EU single market beyond the scope of the existing Association Agreement (Commission, 2013c), is likely to have been an important further reason for Morocco’s decision. Furthermore, under the condition that another EU MP with a Southern Mediterranean country is going to be concluded, a comparative study in this regional context could bring additional insights.

This thesis aimed at explaining the conclusion of the MP between the EU and Morocco. However, as already explained, it is far from certain that the stated policy objectives of the MP will result in the expected outcomes (cf. Boswell & Geddes, 2011:74). Further research therefore needs to be done in the following years as regards the de facto implementation of the MP. Moreover, the attempted implementation may also generate unintended impacts

⁴⁷ Moreover, the overall effectiveness of short-term migration control measures is questionable as “the majority of irregular migrants breaks visa regulations by overstaying or working without permits after legally arriving in the EU” (Wunderlich, 2013:11).

⁴⁸ In December 2011, the EU foreign ministers agreed to start negotiations for a DCFA with Tunisia, Egypt, Morocco and Jordan (Balfour, 2012:21).

(ibid.). Therefore, the so-called “gap hypothesis”⁴⁹ should be tested empirically for the case of the EU MP with Morocco.

Finally, further research about the effects of the MP needs to be done from a human rights perspective. The effective protection of migrants’ rights in the framework of the MP is questionable taking into account that its signature was denounced by ten Moroccan human rights and migrant organizations in the course of a press conference on 6 June 2013 in Rabat (Belguendouz, 2013). In recent years, several international observers⁵⁰ reported about human rights violations executed by Moroccan security forces against sub-Saharan migrants (Ringuet, 2013). Thousands of them were subjected to harsh refoulements to the Algerian border and to the desert (Statewatch, 2013). Additionally, transit migrants who are stuck in Morocco are economically and socially marginalized due to the non-existence of an effective asylum system (Adepoju et al., 2009:48). It remains to be analyzed in how far those measures proposed in the Joint declaration related to the field of international protection can effectively counter these dynamics. However, it is likely that tensions will arise between the EU’s focus on the promotion of democracy and the rule of law on the one hand⁵¹ and the cooperation with autocratic regimes in the field of border control and readmission policies that potentially endanger human rights on the other hand (cf. Fargues & Fandrich, 2012:13; Balfour, 2012:17; Carrera et al., 2012:17).

⁴⁹ The “gap hypothesis” describes the gap between the stated goals of migration policies and the actual outcomes or effects on migratory movements. Frequently, also un-intended side-effects can be observed (Düvell, 2006:116-118).

⁵⁰ Amongst others, UN Special Rapporteur Juan Mendez in September 2012 (Ringuet, 2013) and the organization “Doctors without borders” (Doctors without borders, 2013) voiced such criticism.

⁵¹ The promotion of democracy and the rule of law are an integral part of the EU’s response to the Arab Spring and the official aim of the so-called “Partnerships for Democracy and Shared Prosperity” (European Commission, 2011c).

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Declaration of Academic Honesty

I hereby declare that the present bachelor thesis is solely my own work, and that if any text passages or diagrams from books, papers, the Web or other sources have been copied or in any other way used, all references – including those found in electronic media – have been acknowledged and fully cited.

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