

Agreement Duplicity: France's bilateral migration agreements & EU migration partnerships

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Research question

Do EU Migration Partnerships (MPs)

- complement (efficiency gains, **agreement dualism**) or
- compete (inefficient overlaps, **agreement duplicity**)

with the bilateral migration agreements
of EU Member States?

Three variances

	EU MP	French bilateral	EU readmission
Armenia	Oct. 2011	--	under negotiations
Cape Verde	May 2008	Nov. 2008	under negotiations
Georgia	Nov. 2009	--	Jan. 2011
Moldova	Sept. 2008	--	Dec. 2007
Senegal	--	Sept. 2006, Feb. 2008	--

Elephants in the room

- Scope of France;s MFN exemption under GATS
- Scope of GATS defintition of TMNP
- Employees of French firms or foreign

EU Migrationpartnerships

- Operationalize 4 pillars of the GAMM
 - legal migration
 - migration and security
 - migration and development
 - asylum
- Revitalize European Neighbourhood Policy (ENP)
- Conditionality with EU readmission agreements
- No labor market access
 - quotas still in natl competency (Art. 79:5 TFEU)
 - EU MS with bilateral migration agreements at their disposal refuse to use the MP venue to grant labor market access quotas
- EU MPs require more and offer less than bilateral migration agreements of EU MS

Sui generis decision-making in EU MPs

- Consequence of failed attempts to construct a common EU migration law top-down (stalled economic migration directive of 2005)
- Intra-EU function: Bottom-up harmonization of national immigration law
 - Collation of different national projects, no joint EU projects
- Result of difficulty to get EU readmission agreements concluded by migrant sending countries
- Extra-EU rationale: « Partnership approach »

EU MPs signed so far

Armenia (Oct. 2011)	Cape Verde (May 2008)	Georgia (Jan. 2011)	Moldova (Sept. 2008)	Egypt, Ghana, Morocco, Tunisia?
Belgium, Bulgaria, Czech Republic, Germany, France , Italy, Netherlands, Poland, Romania, Sweden	France , Luxembourg, Netherlands, Portugal, Spain	Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Greece, France , Italy, Lithuania, Latvia, Netherlands, Poland, Romania, Sweden, United Kingdom	Bulgaria Cyprus, Czech Republic, France , Greece, Germany, Hungary, Italy, Lithuania, Poland, Portugal, Romania, Slovenia, Slovakia, Sweden	

(Dis)Similarity of EU MPs and French agreements

Similarity

- One-size-fits all template which is « sold » to the source country
- Reflect a balanced approach to migration, but in reality migration control outweighs

Dissimilarity

- EU MP are non-binding
 - more flexibility to opt-in as a country and add projects on *ad hoc* basis
 - Less reliable enforcement
 - escape *ex ante* legislative scrutiny by EU Parliament and *ex post* judicial review by ECJ
 - Network governance

French bilateral agreements

- offer more than EU MP
 - Labor market access quotas
 - Labor market access facilitation
 - Visa extensions and renewals
- only if France has an exemption from the most-favored-nation-treatment clause in WTO/GATS
- France has such an exemption towards francophone countries

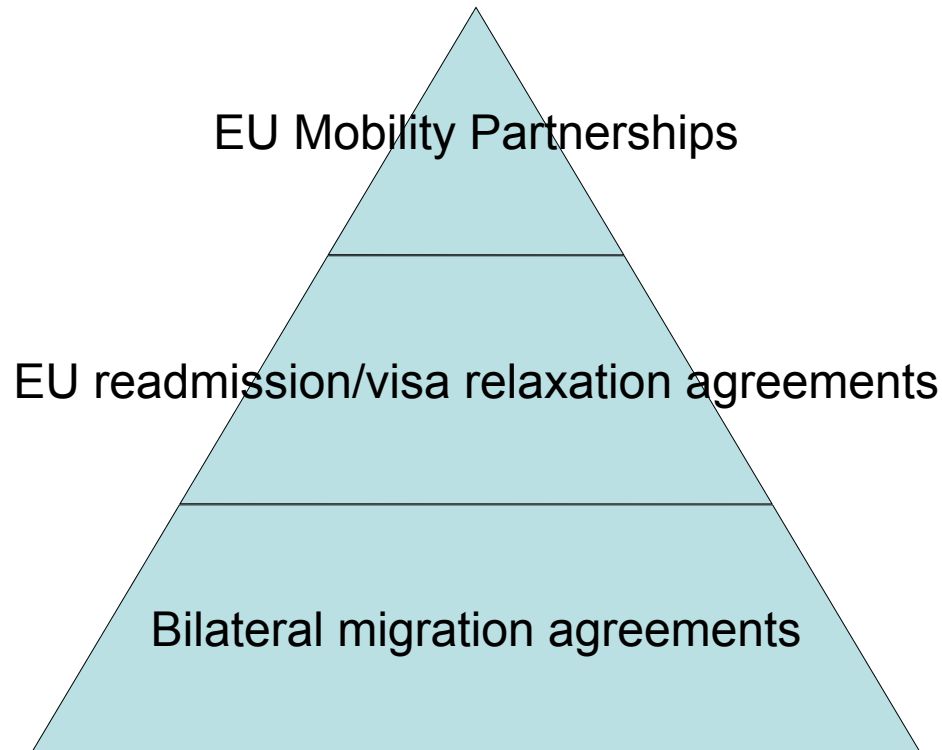
Rule: Agreement duplicity (Senegal)

- EU MP **offers less** than aggregate sum of national migration policies offered in bilateral migration agreements
 - EU MP **requires more** in terms of readmission than bilateral migration agreements
 - towards all 27 EU MS, third-country-nationals-clause
 - **no special relationship with EU**
- agreement duplicity which leads partner country to stall negotiations on EU MP and only go for bilateral agreement

Exception: Agreement dualism (Cape Verde)

- EU MP offers less than French agreement
 - EU MP requires more (in terms of readmissions)
 - **in addition**, Cape Verde has been offered a special partnership with the EU (beyond the EU-ACP Cotonou Partnership agreement)
- EU MP and French bilateral migration will **run in parallel (EU MP will not be stalled)**

Conclusions: Triadic relationship rather than one-to-one parallelism



Thanks for your attention!

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