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The EU-Senegal mobility partnership: from launch to suspension and negotiation failure

Meng-Hsuan Chou *University of Oslo*

Marie Gibert *Nottingham Trent University*

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Abstract

This article focuses on the negotiations that the European Commission, with the formal support of France, Italy and Spain, opened with Senegal in 2008 for a mobility partnership agreement. Mobility partnerships, as defined by the Commission in 2007, are a new EU (multilateral) instrument for managing migratory flows into the Union. The negotiations with Senegal were indefinitely suspended in 2009 and are now widely considered as having failed. This article sets out to identify the factors that contributed to the suspension of talks. It shows that failure can be attributed to a complex web of factors originating in the specific Senegalese, European and Senegal-EU political landscapes and jointly contributing to an unfavourable cost-benefit calculation by the French and Senegalese parties to the negotiation, to an unclear and awkward negotiating strategy on the part of the European Commission and to incoherent, EU and Senegalese, foreign policies. This, in turn, points to the complex task of concluding multilateral agreements on issues as politically sensitive, for both parties, as migration.

Keywords

Circular migration, EU, external dimension, mobility partnership, Senegal

INTRODUCTION

European migration cooperation has come a long way since the Maastricht Treaty. At the time, member states of the nascent European Union (EU) proclaimed that coordination in this field was of common interest and agreed that collaboration would proceed on an intergovernmental basis. Since then, successive treaty changes have consolidated this area of cooperation as one of the core EU policy domains. Moreover, the entry into force of the Treaty of Lisbon in 2009 has established the European Parliament and the Council of Ministers as co-legislators in this policy sector and co-decision is now the ordinary legislative procedure (see Takle 2012). Academic interest in European migration cooperation has grown throughout the years to an extent that they now address the very latest developments. For instance, an emerging research agenda has investigated the origin, structure and outlook of EU mobility partnerships (Chou 2012, Lavenex & Stucky 2011, Parkes 2009).

Presented in 2007 by the Commission as a new instrument for managing migratory flows into the EU, mobility partnerships are agreements concluded between certain member states and a third country, with the Commission as an additional signatory. The agreement contains two components: a declaration from participants that signals their mutual interest to pursue closer cooperation (the political), and a list of activities concerning a range of migration-related issues such as integration, human trafficking, borders and fraudulent travel documents (the programmatic). At the heart of this new instrument is the notion of "circular migration". According to the Commission (2007), the mobility partnership should enable "circular migration" between the signatories whereby their nationals would be able to enter, exit and return with few restrictions. In the pilot phase, the EU signed a mobility partnership with Moldova (in 2008), Cape Verde (2008), and Georgia (2009).

At the time of writing, the EU has completed the pilot phase of the mobility partnerships and is preparing to enter the next. In its June 2011 conclusions, the European Council called on the central institutions to initiate negotiations with third countries "willing and able to engage constructively on these matters" and stated that "[such] dialogues should

begin as a matter of urgency" (European Council 2011) . In the re-launch of the Global Approach to Migration (and Mobility), the Commission advocated the mobility partnership as the main framework to organise cooperation with countries of the Arab Spring (Commission 2011). This article seeks to contribute to studies of contemporary European migration cooperation by shedding light on the failed negotiations for a mobility partnership with Senegal, which the Commission, with the formal support of France, Italy and Spain, approached in 2008. Attempts to revitalise the talks in 2009 have not succeeded and political attentiveness to an EU-Senegal mobility partnership has since diminished. What has contributed to the suspension of the diplomatic negotiations? To our knowledge, there are no published studies that have looked into the failed negotiations for the EU-Senegal agreement, whereas the other mobility partnerships have received attention (Kunz, *et al.* 2011). We address this gap in the literature and highlight lessons the case offers to studies on the external dimension of EU migration cooperation.

This article opens the negotiation black-box for an EU-Senegal mobility partnership and identifies the factors that contributed to the suspension of talks. We begin by describing the research design. Next, based on information provided by interviewees, we discuss what the EU-Senegal mobility partnership could have entailed in terms of projects and activities envisaged for the pilot phase if negotiations had been successful. This overview is used to draw out general trends concerning the range of migration activities proposed and serves as the starting point for interpreting the interview data. We present the main empirical findings in the subsequent sections. Beginning with a discussion of the Senegalese domestic debate on emigration, we then move towards a consideration of the EU-Senegal relationship and, finally, the broader EU policy context and the emergence of the mobility partnership instrument. This presentation structure is designed to facilitate avoidance of an EU-centric account of the developments (i.e. the argument that the factors leading up to negotiation failure were exclusively European), instead demonstrating that there was incoherence and reluctance on both the Senegalese and European sides.

The findings show that, interestingly, the two key negotiating partners – France and Senegal – entered the discussions with an at best ambivalent commitment to a successful outcome. Although the two states initially appeared to welcome the Commission's initiative, the lack of an explicit "value-added" aspect to an EU-Senegal mobility partnership for both France and Senegal, and the Commission's inability to reverse their cost-benefit calculations through a well-thought out negotiation strategy, led to the suspension of the discussions. Interestingly, what are often described as incoherent foreign policies – on both the Senegalese and the EU sides – seem to have been used by both France and Senegal to "passively stall" the process without ever posing a clear "no" to the Commission. We discuss these different interpretations of the root causes of the negotiation failure and draw out implications for future research in the final part of this article.

RESEARCH DESIGN: APPROACH AND METHODOLOGY

This article presents results from a study that began in early 2009. At the time, we were drawn to the strong political attention given to EU mobility partnerships and the corresponding "gap" in the academic literature. The agreements with Moldova and Cape Verde had been concluded, but we learned that the one with Senegal had stalled and was eventually abandoned during the course of that year. Given that the mobility partnership was the most ambitious project the EU had undertaken to date to enable "circular migration" with neighbouring developing countries, our research interest was triggered by the negotiation suspension: what happened? What are the factors that account for this outcome?

This research is structured as an exploratory case study (Yin 2009: 29) because there was no existing data concerning the diplomatic negotiations over a mobility partnership between the EU and Senegal at the time. We adopt the position that explanation is possible through interpretation (Weber 1968) and our analysis is undertaken inductively. We nonetheless aim to contribute to the wider literature on EU foreign policy and therefore we consider some potential explanations in the next section as a starting point to organise and interpret the interview material. In the concluding section, we discuss our findings in light of these potential explanations to draw out the broader lessons for studies of EU foreign policy.

Our objective is to offer an account of the proposed EU-Senegal mobility partnership from initial launch to the current negotiation suspension and the complex web of factors leading to its non-adoption. To do so, the methods are documentary analysis (of official EU texts, treaties and so on) and interviews with actors involved in the talks or who had direct knowledge of these developments due to their institutional positions. We carried out 20 interviews in Brussels and Dakar between August 2009 and May 2010 with: EU officials in the Commission directorates-general (DGs) Development (three officials) and Home Affairs (four), and the Council of Ministers (five); European diplomats in Dakar (five); and Senegalese officials in the ministries of Youth and Foreign Affairs (three).

Four sets¹ of questions were prepared in advance as a general guide for the interviews and were revised in preparation for the next as new information emerged. Interviews were semi-structured in order to capture respondents' reflections on the factors they perceived as responsible for the suspension in talks. Anonymity was given to all interviewees because of the strong sensitivity surrounding the negotiation failure, especially from those based in Dakar. Interview data is referred to throughout this article using a simple code (FR for French, ES for Spain, SEN for Senegal, SW for Sweden, IT for Italy, DEV for DG Development, JLS for DG Home, and CGS for the Council General-Secretariat) and interview dates are provided.

We recognise that there are limitations to findings from a single case study and have sought to improve robustness in the following ways: 1) after reading back the transcript(s) on the day of interview, we individually identified the factors responsible for the failed negotiations before a full discussion; 2) the authors independently approached some officials and carried out interviews at different times; and 3) we cross-checked the contextual questions against the Commission's evaluation of the mobility partnership, which was being completed at the start of our interviews (European Commission 2009). As the reader will notice, whilst our research design is a single case study, the findings also shed light on the Cape Verdean case as interviewees often compared the two when trying to explain why talks with Senegal did not succeed. We begin the presentation of our findings with a discussion of the likely contents of the proposed EU-Senegal mobility partnership.

THE EU-SENEGAL MOBILITY PARTNERSHIP: WHAT WOULD IT LOOK LIKE?

The exact contents of the proposed activities to be carried out under an EU-Senegal mobility partnership during the pilot phase have not been publicly disclosed. However, we learned from our Senegalese interviewee involved in the talks that the agreement discussed with Senegal was in many ways similar to the one agreed with Cape Verde (SEN01 18 August 2009). This was confirmed by the Commission officer responsible for drafting the mobility partnership for Senegal (JLS01 15 September 2009). According to this Commission official, minor changes were made to accommodate the Senegalese migration patterns and population (we note some of the changes in the next sections). Therefore, we examine the EU-Cape Verde agreement and specifically its annex, which lists the activities to be carried out (Council of Ministers 2008).

The proposed activities in the EU-Cape Verde mobility partnership are divided into six sections: 1) monitoring and developing an awareness of migration flows; 2) employment, management and facilitation of legal migration and integration; 3) mobility and short-stay visas; 4) links between migration and development, diaspora, money transfers; 5) asylum and immigration; and 6) the fight against illegal migration. In the main, the activities envisaged aim at strengthening existing cooperation between Cape Verde and the European partners (at least ten out of 28 activities are an explicit continuation of ongoing cooperation) (see Table 1). The emphasis is placed on improving the capabilities of the Cape Verdean authorities to manage migratory flows and to harness the potential of its widespread diaspora. In terms of the overall range of migration issues mentioned, the spread is comprehensive: they address irregular and legal migration, as well as migrant integration, awareness-raising and visa facilitation.

Table 1: Activities proposed in the EU-Cape Verde mobility partnership

Initiated by	Involving	Existing/New	Activities
Unclear (likely EU)	CV, EU	New	Draw up and regularly update detailed migration profile (1)
Portugal	P, CV (EU + MS)	Existing	Extension of CAMPO (<i>Centre de Apoio ao Migrante no País de Origem</i>) activities (2)
Portugal	P, CV	Existing	Circular migration: admission of certain categories of workers (2)
Portugal	P, CV	New	Bilateral cooperation between the Portuguese IEFEP (Institute for Employment and Employment Training) and the CV institute (2)
Spain	ES, CV (EU + MS)	New	Schools/workshops to better integrate apprentices into CV labour market; special attention for business initiatives by women (2)
France	F, CV	New	Open up certain number of professional activities to CV (2)
All MS	MS, CV, EU	Existing	Promote academic mobility between the University of CV and other EU HEIs (2)
CV + MS	CV, MS	New	Initiate dialogue on treatment/integration of TCNs (2)
Luxembourg	L, CV	New	Study possibility of setting up temporary circular migration (2)
Luxembourg	L, CV	Existing	Develop/strengthen "Migrating with open eyes" programme (2)
Luxembourg	L, CV	New	Twinning between partner universities (2)
Commission	EU	Unclear	Recommendation to Council to obtain negotiating directives for a facilitation agreement for short-stay visas (3)
Portugal	P, CV	New	Set up a Common Visa Application Centre in Praia (3)

[Table 1 continued on next page]

[Table 1 continued from previous page]

Initiated by	Involving	Existing/New	Activities
Portugal	P, CV, EU, ES	Existing	Continue support for the Instituto das Comunidades; through the "DIAS de Cabo Verde" project (P), "Mobilising Cape Verdean Skills Abroad" programme (ES) (4)
CV + MS	CV, ES, P	New	Strengthen CV health institutions (4)
France	F, CV	Existing	Extending the co-development programme to CV (4)
Unclear (likely EU)	CV	New	CV ratify and fully implement the Geneva Convention (5)
Portugal	P, CV	New	Give technical assistance/expertise to establish asylum system (5)
Unclear (likely EU)	CV	New	CV ensure implementation of UN Convention against organised crime, smuggling of migrants, people trafficking; comply with international obligations regarding rescue at sea (6)
Unclear (likely EU)	Frontex, CV	Existing	Addition of activities in Frontex operational agreement with CV (information exchange, risk analysis, training and RTD); increase cooperation in joint return operations (6)
Frontex, CV	Frontex, CV	Existing	CV national police to implement the "Frontex Common Core Curriculum for Border Guard Basic Training" (6)
EU, MS	CV, Europol	New	Establish police cooperation between CV and Europol; exchange of information on smuggling and trafficking of migrants (6)
Commission	EU, CV	New	Recommendation to Council to obtain negotiating directives for a readmission agreement on the basis of Article 13, Cotonou (6)
Portugal	P, CV	New	Strengthen CV capacities at border control (set up systems for recording exits/entries; introduce biometrics in travel documents; detect document fraud; awareness campaigns on trafficking) (6)
Spain	ES, CV	Existing (some new)	Continue "Seahorse" project; improve maritime security through CV staff training and better telecommunications (6)
Spain	ES	New	Strengthen National Red Cross Society in CV (6)
Spain	ES, CV	Unclear	Reinforce CV Ministry of Defence capacity (improve ICT) (6)
France	F, CV, Frontex	Existing	Fight against drug and people trafficking; improve document detection; Frontex border control activities (6)

Notes: Cape Verde (CV), Spain (ES), France (F), European Union (EU), Luxembourg (L), member states (MS), Portugal (P). We have since seen the detailed scoreboard the Commission maintains to update progress; but we provide a first reading of the annex based on the publicly available document.

The two longest sections are the second and sixth, with ten activities each (with some 40 per cent being existing activities and 60 per cent new). Here, examining the scale of the

projects, we see that the activities are more limited in scope under section two than in six. For instance, six activities are broadly bilateral programmes between an *institute* (either in the higher education or employment sector) from a participating member state and the Cape Verdean counterpart. The only proposed activity that can be considered multilateral is the one concerning initiation of a dialogue between the signatories on treatment and integration of third-country nationals; but the formulation suggests weak commitment as it proposes “to explore the possibility of developing, within the appropriate fora, a dialogue” (Council of Ministers 2008: 10). Similar caution is exhibited in the three projects proposed for circular migration: France proposed to “open up certain number of professional activities [sic]”, Luxembourg offered to “study the possibility of setting up an initiative on temporary circular migration”, and Portugal proposed to “promote the admission of certain categories of Cape Verdean workers ... particularly on a temporary basis” (ibid).

By contrast, those activities suggested under section six (the “fight against illegal migration”) seemed to have a potentially wider impact when implemented. To begin, the participation of EU agencies such as the European borders agency (Frontex) and the European law enforcement agency (Europol) suggests greater coordination based on existing expertise. Moreover, the singling out of these established agencies could also be interpreted as being more multilateral, at least for activities in this section, because they allow other member states not participating in the mobility partnership to contribute indirectly via either Frontex or Europol. It is also in section six that we see the second (of two) Commission initiative in the mobility partnership. The Commission proposed to obtain mandates from the Council to proceed with negotiating a readmission agreement based on Article 13 of the Cotonou Agreement. Finally, there is a clear commitment to the activities outlined in this section expressed through the frequent use of “will” in the descriptions. For instance, Spain “will contribute to sea patrol and surveillance operations against illegal migration flows with Cape Verde and will offer air resources and training courses for pilots and maintenance staff” (Council of Ministers 2008: 14).

So what do the actual activities proposed under an EU mobility partnership with West African countries tell us? Firstly, they are a mixture of existing and new activities. Hence, for the participants to endorse the mobility partnership, they must find that subsuming current activities, along with some new ones, under the mobility partnership umbrella represents some “added value”. We may thus ask: could the failure to conclude successfully the talks for an EU-Senegal mobility partnership be attributed to the lack of “value-added” for some of the participants? After all, the mobility partnership, at least according to the official statement, is a voluntary mechanism for the negotiating parties. To be sure, “value-added” could refer to a wide range of considerations; for instance, material (e.g. financial assistance), programmatic (improved coordination), symbolic (political value), or even normative (it is the “right” thing to do). We do not exclude the possibility that it could be the absence of multiple “value-added” elements that ultimately contributed to the negotiation suspension in the Senegalese case. The basic assumption is that the *less clarity* in terms of what an EU mobility partnership may offer, the *more likely* that the initial interest expressed will wane as the discussions progress. If our findings concur with this “cost-benefit calculation”, we may conclude that the failure to adopt an EU-Senegal mobility partnership lends support to a “rational-choice” model.

Secondly, we see that 17 of the 28 proposed activities are *direct* initiatives (versus joint) from a single EU member state. Most noticeably, in the case of the EU-Cape Verde agreement, the member state – Portugal – with the strongest bilateral ties with Cape Verde advanced the greatest number of activities: seven in total. This suggests that Portugal, Cape Verde’s former colonial power, endorses this arrangement and perceives that their relationship could benefit as a result. It is commonly known that EU member states maintain special relationships with their former colonies and these ties are important determinants in how the Union cooperates with these third countries and

regions (Gibert 2011b, Mayall 2005). Therefore, another question we may ask is: could the suspension in negotiation talks between the EU and Senegal be attributed to (any) reluctance from France, Senegal's previous colonial power? If so, when was this "hesitation" expressed? And to what extent was it conveyed to Senegal or, indeed, to the other participants? Following the conventional wisdom that colonial ties are "conduits" for third countries to access the EU policy/diplomatic arena, we assume that they are more likely to maintain this relationship by adopting a common position. This likelihood may increase, we speculate, if the "value-added" of the mobility partnership remains ambiguous or absent as the talks evolve.

Thirdly, EU agencies are present in the very early stages of the mobility partnerships. In this instance, we observe Frontex succeeding in advancing its own initiative. Whilst incorporating the Frontex proposal to advance cooperation with the Cape Verdean national police suggests operational pragmatism, its "presence" is also highly symbolic: it indicates the priority that the EU and its member states seemingly assign to external border control. This is even more the case when seen in light of the caution expressed in introducing circular migration schemes that would enable temporary labour migration for selective groups of workers. Moreover, by referring to Article 13 of the Cotonou Agreement as the framework for a readmission agreement, the European partners are asking Cape Verde to accept not only their own citizens, but also stateless persons and third-country nationals. These activities all point to the role of "gate-keeper" for migratory flows into the EU that Cape Verde is expected to play. This leads us to the question: could the suspension of the negotiations be attributed to Senegal's reluctance, or, indeed, unwillingness, to play the role of Europe's "gate-keeper" at the *multilateral*-level? These are some of the questions we asked our interviewees and their responses are presented in the next three sections. Yet before doing so, it is useful to consider briefly possible explanations as the first step towards interpreting the rich empirical observations gathered from interviews.

We know from the existing literature that there are several potential explanations for the failed negotiation for an EU-Senegal mobility partnership. In addition to the straightforward "cost-benefit calculation" mentioned above, we may consider the "incoherent EU foreign policy" thesis, which underlines inconsistencies in the EU's foreign policy due to the organisation's specific multi-level governance model, with member states and EU institutions favouring different interpretations of the policy (Smith 2004). In the case of EU migration cooperation, Guiraudon (2000) and Lavenex and Kunz (2008) have found evidence to support this thesis in the form of organisational competition between the different ministries (i.e. interior, development and foreign affairs) responsible for migration-related issues. We may also consider whether the failure to conclude the mobility partnership was the outcome of the EU following its "standard operating procedure" of "one-size-fits-all" (Börzel & Risse 2004)/"our-size-fits-all" (Bicchi 2006) in its foreign policy. Examining the "external dimension" of EU migration cooperation, Boswell (2003) has shown that the EU approached third countries with a pre-determined programmatic content/approach without prior consultation. These three potential explanations will guide our analysis and we discuss them more extensively in the concluding section, once we have explored in turn the Senegalese, joint EU-Senegal and European migration scenes and policies.

"EMIGRATION VS. RETENTION" IN SENEGAL'S DOMESTIC DEBATE: REVEALING THE EMBEDDED CONTRADICTION

According to Commission interviewees, one of three key factors in the EU's decision to approach Senegal and engage Cape Verde in talks for a mobility partnership is that both countries have a "high awareness" of migration issues (DEV01a 8 September 2009; JLS01). This "awareness" stems from their established tradition of emigration. In the Cape Verdean case, for instance, it was estimated that 37.5 per cent of the population

were living abroad in 2010, and remittances constituted 9.1 per cent of the GDP in 2009 (World Bank 2011: 34, 87). Senegal's emigration tradition is reflected in the existence of a *Ministère des Sénégalais de l'Extérieur*, a separate ministry dedicated to its diaspora, whose remittances also play an important role in the national economy. For example, the total Senegalese remittances sent via formal channels have increased greatly during 2001-2010: from USD305 million to USD1.16 billion (Cisse 2011: 227, World Bank 2011: 217). The importance of remittances and the domestic debate about emigration, according to Senegalese officials (SEN01, SEN02 2 October 2009), prompted Senegal to accept the EU's invitation to negotiate a mobility partnership.

The Senegalese domestic debate over how to best address emigration was highly contentious and divisive. Whilst the departure of many young Senegalese remains a concern for both the political leadership and civil society, the attitude of the current government towards this issue appears to be somewhat ambivalent.² For example, elected for the first time in 2000, President Wade had designated fighting against youth emigration and increasing youth employment as political priorities. The 2006 plan known as *Retour vers l'Agriculture* (the Reva Plan) sought to address the twin objectives through a rehabilitation of the national agricultural sector. The idea was that the creation of attractive employment in this sector would encourage Senegalese youths to stay.

This official anti-emigration position, however, conceals a very complex relationship between the Senegalese diaspora, domestic politics, and national economic development. According to one of our European interviewees based in Dakar, this "anti-emigration" platform was part of a "double-discourse" in the absence of clear solutions to a highly complex issue (FR01 9 October 2009). Speaking rather frankly, this interviewee insisted that "[Senegalese] illegal emigration was not just criminal but also very political". This interviewee went on to say that whilst emigration drained Senegal of its youngest work force, it also offered an escape door to an angry and frustrated youth and thus indirectly solved one of Senegal's deepest political problems (FR01). This remark prefaced a discussion on the role that the Mourides, of which President Wade is a member, presumably had in enabling the unauthorised immigration of young Senegalese.

The Mourides are a Muslim brotherhood founded in Senegal, where they continue to have very strong following. Although the Mourides officially do not have a political agenda, they are known to have influenced the political and social scenes before Senegal became independent in 1960 (Diouf 2001). According to our French interviewee, the Mourides encouraged and facilitated emigration through their existing business and trade networks (FR01). The reason for this, it was explained, is because the Mourides sought to become a key-player on the migration issue, and more specifically, as the one who could "increase" and "decrease" the flows of unauthorised Senegalese immigration to the EU (FR01). In so doing, they could benefit from particular ties to Senegal's diaspora and the political and economic leverage gained (Foley & Babou 2011). We interpreted the reference to the Mourides in the context of EU-Senegal talks for a mobility partnership as indicating that there are strong "vested interests" domestically to retain control of migration regulation.

In diplomatic discussions, such vested interests could not easily be conveyed (even if they are considered "appropriate"), and we found that the general confusion surrounding the migration portfolio in the Senegalese government obviated such a discussion. In addition to the Ministry of Senegalese Abroad, the ministries of the interior, of foreign affairs, of sports and youth, and several specialised departments (in charge of refugees and displaced persons, of relations with Senegalese diaspora etc.) within the presidency are all reportedly involved in migration cooperation. According to a Commission delegate in Dakar, the involvement of such a large number of governmental actors created considerable confusion in identifying an interlocutor for the mobility partnership discussions (EC01 8 September 2009). To address this problem, the Commission sent a letter to President Wade requesting the appointment of a committee to oversee the

discussions; this committee has been set up, but is essentially informal and has no real decisional powers (EC01).

This institutional complexity is not, however, specific to migration issues and is recognised as a regular feature in President Wade's governing methods. The reason for this is that Wade, in the face of opposition within his own party, has designated special advisors, whose portfolios overlap with those of the ministers and state secretaries. Such institutional complexity, interestingly, has not systematically emerged as an obstacle in Senegal's relations with third parties, notably with the other member states of the Organisation of the Islamic Conference after President Wade took control of the state agency in charge of relations with the organisation and named his son as its head (Dahou & Foucher 2009: 21-22). On the contrary, such an organisational arrangement gives President Wade the power to hasten agreement and cooperation on an issue if he so wishes. The observation that Wade did not designate one of his many special advisors to take the lead on the proposed EU-Senegal mobility partnership is significant: it can be read as a covert strategy to stall the negotiations indefinitely. Yet recourse to a "veiled" strategy is puzzling in light of Senegal's initial acceptance to discuss the possibility of a partnership. We unpack the complex relationship between the EU and Senegal in the next section to show how the invitation from Europe, one of Senegal's major aid donors and political partners, was one that could not be refused outright.

SENEGAL'S RELATIONSHIP WITH EUROPE

EU-Senegal relations: grounded in development and trade

Relations between the EU and Senegal are as old as the Union itself. In the Rome Treaty (part IV), the Union elaborated its "special relationship" with the then European dependencies that would shortly become independent and are referred to as the group of African, Caribbean and Pacific (ACP) countries. Senegal – as part of French West Africa – was amongst the pioneers. The 1963 Yaoundé and 1973 Lomé Conventions institutionalised the special relationship, which largely consisted of preferential trade arrangements and development cooperation. Migration came late into the EU-ACP relations but ascended quickly to the top of the agenda.

In the Cotonou Agreement, which regulates the EU-ACP relationship until 2020, migration is given a full article. Article 13 identifies poverty, difficult living and working conditions, lack of training opportunities and unemployment as causes of ACP *emigration*. Emigration is seen as a major constraint in the efforts to improve overall regional development (paragraph 4, Cotonou Agreement 2000 and 2005). In Article 13, the signatories also define commitments to address the return of irregular migrants: all parties are to "take back" their nationals found to be residing without authorisation and are committed to do so "without further formalities". As noted earlier, Article 13 also provides a legal framework for concluding separate bilateral agreements between the parties that would address the readmission of third-country nationals and stateless persons.

Whilst migration has rapidly risen to the top of the EU-ACP agenda, the relationship remains dominated by trade and aid concerns and policies. Therefore, it is hardly surprising that comparatively more recent issues entering the EU-ACP agenda – such as human rights, good governance and migration – have largely been treated within a framework of development and aid (Gibert 2011a).

The development perspective, according to a Senegalese interviewee, also informed how the EU approached Senegal in talks for a mobility partnership. "International partners tend to pre-write their own programmes without consulting Senegal, which they consider a 'beneficiary', not an active partner" (SEN01). This strategy, our Senegalese speaker

explained, was a “non-starter” for a real partnership; “as often with these issues, Europe came with a finished project” (SEN01). We know from existing studies that the tendency by European officials to present a “joint cooperation” document in a state of near finality to non-EU partners is a “standard operating procedure” in the migration field (Boswell 2003, van Selm 2002). The “technique” has backfired in other instances (Boswell 2003), and we found that to be the case for Senegal as well. Several Commission officials singled out the lack of in-depth engagement with the Senegalese prior to Commission missions as responsible for the negotiation failure (DEV02 23 September 2009, DEV03 23 September 2009).

Considering the development context, we also asked the interviewees if Senegal could expect to receive additional funding for its participation in an EU mobility partnership, and responses were inconclusive and ambiguous. For instance, whilst a Commission policy officer based in Brussels pointed out that some funding in the ninth and tenth European Development Funds (for 2000-2013) would be used to address migration issues in the development context (JLS01), the Commission delegate based in Dakar stated that the “value-added” for Senegal would not be financial (EC01). At the same time, several European diplomats in Dakar told us that Senegal could anticipate additional funds, especially from the EU, for signing the mobility partnership (IT01 18 September 2009, FR01). We interpreted these remarks to indicate that discussions for the additional funding to be allocated through the mobility partnership programme had not been “concluded” by the negotiating partners when the talks were suspended. Moreover, whilst the Senegalese authorities were clearly eager to avoid jeopardising their relations with the European Union – which represent EUR315.8 million in grants for the period 2008-2013 – by rejecting outright a mobility partnership, whatever additional funding, if any, was discussed during the negotiations clearly did not outweigh the perceived disadvantages of the proposed migration agreement.

Finally, continuing with questions concerning the “value-added”, we asked the interviewees if the mobility partnership offered symbolic or political value to the Senegalese. It is on this point that the interviewees clearly differentiated between the two West African countries. For Cape Verdeans, according to a Commission officer, the “added-value” of the mobility partnership was “essentially political” (DEV01b 22 October 2009). “The mobility partnership is de facto part of a broader special relationship”, this speaker elaborated, the Cape Verdean “foreign minister at the time was very pro-European and eager to negotiate a special partnership” (DEV01b). In the Senegalese case, there were no clear efforts made on the part of the EU to indicate that the conclusion of a mobility partnership might strengthen Senegal’s political ties and advantages in its relations with the EU. The same interviewee regretted that no European Commissioner had travelled to Senegal before or during the negotiations (DEV01b). In light of vested domestic interests to retain migration competence and, as will be discussed next, preference for bilateral cooperation, we conclude that the ambiguity or absence of “added-value” of the mobility partnership served as a catalyst to the suspension of negotiations.

Migration cooperation with Europe: largely bilateral undertakings

Despite the EU’s growing role, a great deal of cooperation between Europe and Africa continues to occur at the bilateral level. This applies to many policy areas, and is the case for migration in spite of the above-mentioned developments. As we have shown in the earlier brief discussion of the EU-Cape Verde mobility partnership, a large portion of the proposed activities are continuations or extensions of existing schemes. In this section, we consider those in place between Senegal and three EU countries – France, Spain and Italy – that have signalled their interest in participating in the discussions (JLS01). According to our Italian interviewee based in Dakar, these projects formed the basis for the proposed mobility partnership (IT01). Our aim is to interrogate what the

proposed agreement may have offered to all parties in light of the ongoing arrangements and the EU's competence in the migration field.

France, Spain and Italy are the three top European destinations for emigrating Senegalese and, over the last years, they have sought Senegal's cooperation in managing migratory flows from the country and Africa. Amongst the three, France remains the destination of choice. In 2004, 45 per cent of Senegalese heading to Europe went to France, where they represent the largest sub-Saharan African migrant population (Borrel 2006, Lessault & Beauchemin 2009). Our French interviewee said that France had been negotiating an arrangement (*Gestion concertée des flux migratoires*) that would manage migration from and through Senegal (FR01). Consisting of three pillars, the set-up concerns professional migration, illegal migration and development. At the time of the interview, an agreement had been reached on 108 professions for which France will grant work permits to qualified Senegalese applicants (FR01). This arrangement binds the Senegalese government to accept the return of Senegalese overstayers, which, this interviewee stated, is estimated to be 1,000-1,500 every year (FR01). Lastly, under this set-up, France has agreed to sponsor development projects aimed explicitly at creating employment in Senegal to stem emigration (FR01).

Whilst France is often equated with Europe for many emigrating Senegalese (Fall *et al.* 2010), Spain has become an important destination in recent years. For instance, Spain hosted 13 per cent of the Senegalese heading to Europe in 2004 (Eurostat results quoted in Lessault & Beauchemin 2009). After the incidents at Ceuta and Melilla (Lavenex & Kunz 2008), Spain began to develop extensive bilateral migration cooperation with Senegal. According to our interviewee, Spain launched a scheme (*Les jeunes dans les fermes agricoles*) aimed to encourage young Senegalese to work in Spanish farms for a season and then return (ES02 17 September 2009). Whilst the results were disappointing,³ our Spanish interviewee stated that Spain was determined to pursue the project further (ES02). The reason for continuing is that similar return patterns had been observed in the early period of Spain's arrangements with Morocco that had since improved (ES02).

In the field of illegal migration, Spain also has extensive cooperation with Senegal. A formal agreement in which Senegal will assist in preventing illegal migration and accept the return of under-age nationals was concluded at the time of the interview (ES02). Within the Frontex⁴ framework, Spain worked with Senegal in patrolling the West African shore. Our interviewee was quick to point out how successful this collaboration was: not one Senegalese pirogue had landed in the Canary Islands between July 2008 and July 2009, and only 140 Senegalese had arrived via The Gambia and Mauritania (ES02). These figures must be compared with some 32,000 who had arrived between July and September 2006 (Carling & Hernandez-Carretero 2011: 43). Given the results, it is hardly surprising that Spain was very interested to engage Senegal in an EU mobility partnership; according to a Commission official, Spain was the EU member state pushing forward this initiative (DEV01b).

Spain's enthusiasm to *multilateralise* migration cooperation with Senegal is not shared, as we learned from interviewees, by France (EC01, IT01, FR01). As our French interlocutor put it, "there was no added value in it, either for Senegal or France. The mobility partnership was not innovative and would just integrate policies that already exist" (FR01). This remark is rather significant in light of the tutelary relationship that France has with Senegal, its former colony. A favoured ally, Senegal was the largest recipient of French overseas aid and its third largest trade partner in West Africa in 2008 (Agence Française de Développement in Anon 2009: 4-5). This privileged relationship is expressed through other means including, for instance, the presence of a key – albeit now closed – French military base in Senegal; the French embassy in Dakar is said to be one of its largest in the world. The often cordial interactions between the Senegalese and French leaders further lend support to this impression.

Interviews confirmed that, at the same time, France did not actively block these discussions. It seemed to have adopted, interestingly, a strategy of passively resisting progress. “France will be happy to take part in the mobility partnership if Senegal is willing [...] and makes concrete proposals”, our French interviewee stressed, but “France [...] does not wish to take the lead on this and will stay behind the EU” (FR01). France’s decision to take a backseat is in stark contrast to the role that Portugal took on in the EU-Cape Verde mobility partnership. The Commission representative in Dakar pointed to the difference: Portugal actively promoted the candidacy of Cape Verde for an EU mobility partnership (EC01). The reason for the French position, as we learned from a Commission policy officer, is that France was negotiating its own *Pacte pour l’Immigration* with Senegal when the Commission came forward with considerations for an EU mobility partnership (DEV01b). According to this interviewee, “the timing may indeed have been bad; there may have been some confusion there and the Senegalese authorities may have had the feeling that they were linked” (DEV01b). Beyond this timing issue, France tends to practise “Europeanization” *à la carte* in its Africa policies. In other words, France will agree to multilateralise and move a policy to the European level when it has an interest in doing so, i.e. when it needs the EU’s political legitimacy or financial means. However, when a policy is satisfactory at the bilateral level, as seems to be the case for migration cooperation with Senegal, there is no reason, in France’s view, for such a multilateralisation to take place (Gibert 2011b: 190).

Finally, despite being the second EU destination of choice for Senegalese emigrants (36 per cent in 2004), Italy has no formal agreement with Senegal. According to our Italian interviewee, the existing migration cooperation with Senegal had been informal and *ad hoc*, and it concerned the readmission of Senegalese citizens illegally present in Italy (IT01). Whilst Italy decided to participate in talks for an EU mobility partnership, this delegate pointed out, it also knows that “the Senegalese authorities clearly prefer dealing with migration issues on a bilateral basis” (IT01). This statement brings us back to the issue of the added-value of the mobility partnership *vis-à-vis* the “sum” of bilateral agreements it effectively gathers. To explore this perspective further, we now turn to the EU context and what the Commission could offer to Senegal in this regard.

EU MOBILITY PARTNERSHIPS AND CONTESTED SUPRANATIONAL COMPETENCE IN MIGRATION

The mobility partnerships emerged from very particular policy and institutional contexts that suggest a new reflection on the close connection between migration and development (Chou 2006). This reflection is best seen in the 1999 Tampere Conclusions, which declared that the EU would apply a “comprehensive approach” to migration cooperation. More specifically, the “comprehensive approach” would address the “political, human rights and development issues in countries and regions of origin and transit” (European Council 1999: paragraph 11). Endorsing this new approach, the European Council tasked the Council and the Commission with ensuring coherence between the internal and external policies of the EU (foreign policy, development, migration and so on), which had, at the time, been formulated independently.

EU policies, however, are also tied to a specific, frequently short-term or election-centred, reading of member states’ national policy priorities. For migration-related matters, this often translates into strong preferences for instruments demonstrating – at least on paper – that the European governments are in control of their borders. Chou (2009: 547-550) argues that this tension was manifest in two distinct dimensions of the “comprehensive approach”: the “repressive” and the “progressive”. The repressive dimension encompasses measures seeking to “maximise” EU preferences at the expense of migrants, sending and transit countries (e.g. visas and return clauses). By contrast, the progressive dimension corresponds with measures establishing legal or authorised

routes for migrants seeking entry to Europe (temporary and circular labour migration schemes that would avoid a “brain drain” from sending regions).

The co-existence of repressive and progressive rationales is certainly not unique to the Union; this divide structures national regimes because respective measures seek to regulate different stages of the migratory cycle (entry, mobility, and return) and to accommodate different policies (domestic vs. foreign or development). At the same time, whilst the EU’s “comprehensive approach” ostensibly aims for a more balanced approach to migration, there exists in practice a bias towards measures that enable member states to “control” flows. This tipping of the balance is partly a consequence of the ongoing EU efforts to remove its internal borders (“free movement of persons”), which has meant unhindered intra-EU migration but led to a significant tightening of external borders, and partly of the limited competence the EU has in adopting pan-European labour migration measures.

Member states have repeatedly emphasised that labour migration, and especially “volume”, is an area of national competence (Council of Ministers 2004: paragraph 3, 2009, Geddes 2008). Whilst the Commission has attempted to develop this policy domain through green papers and consultation, the member states have shown very little interest. Therefore, the only measures concerning labour migration adopted at the EU-level at the time of writing are the Blue Card (for highly-skilled migrants) and the scientific visa (highly-educated). The Commission had put forth a proposal for a seasonal worker directive, but it remains in the “pipeline” as several national parliaments have issued “reasoned opinions” on its violation of “subsidiarity” (House of Lords 2010). Hence, even if the Commission had wanted to liberalise temporary migration schemes between the EU and Senegal, it did not have the regulatory competence to do so.

The EU, as we learned from interviewees, has approached Senegal for more strategic reasons. According to three Commission policy officers, the geographical location of Cape Verde and Senegal was the *second* decisive factor, after the above-mentioned importance of emigration in both countries, in their being chosen as candidates for the agreement (DEV01a, DEV02, DEV03); and the *third* factor is their relative political stability in a highly destabilised region.⁵ Senegal and Cape Verde have, as members of the Economic Community of West African States (ECOWAS),⁶ removed border controls against ECOWAS citizens (the protocol on free movement of persons). In considering the two countries, the EU sought their participation as the “gate-keepers” of migratory flows throughout the western part of the ECOWAS territory. As the former Commission Desk Officer for Senegal put it, the two countries had “something to offer the EU member states in exchange” (DEV01b).

Yet there are differences in the specific “gate-keeping” roles that Cape Verde and Senegal are expected to play that can be attributed to the history, nature and perception of their emigration patterns. According to 2009 World Bank figures, the Cape Verdean population is about half a million compared to more than 12 million Senegalese. Several Commission interviewees said that Cape Verde was an “easy case” for the EU because an agreement to facilitate mobility of Cape Verdeans would apply to very few (DEV02, DEV03). An Italian interviewee went even further, pointing to the different perception of Cape Verdean migration, seen as either already, or at least partially, circular and more economically successful (IT01). The mobility agreement “with Cape Verde was effectively about facilitating the Cape Verdeans’ mobility, especially business people” (IT01). By contrast, the same interlocutor stated, “the mobility partnership with Senegal would clearly be about regulating ‘flow’, the return of Senegalese ‘overstayers’ and other West Africans” (IT01). A Senegalese official did not, however, perceive any stark differences in terms of role expectation. Expressing concern that the EU was seeking direct bilateral cooperation rather than through the established regional framework (i.e. ECOWAS), this speaker was critical of Cape Verde’s decision to conclude the agreement without prior consultation with other ECOWAS states (SEN01).

This final remark brings us to the “legal” nature of the proposed mobility partnership, namely, the extent to which it binds the signatories to their commitments. One Senegalese interviewee argued that, whilst the agreement clearly imposed legal obligations, the EU’s duties, and thus the political counterpart that Senegal could expect, were much less obvious (SEN01). For this interviewee, “the term ‘partnership’ is in itself legally ambiguous. Why is such an agreement needed when the current bilateral agreements give actors the opportunity to adapt cooperation to specific national needs and realities?” (SEN01). Others pointed out that Senegal feared that the mobility partnership would considerably increase the constraints linked to the management of migration to Europe and reduce the flexibility of current arrangements (EC01, ES02, IT01, FR01, DEV01b). Offering an altogether different perspective, an official in the legal service of the Council General-Secretariat noted that the mobility partnership is “quite experimental in the legal sense” (CGS01 18 September 2009). Because “the Commission also signs”, this speaker pointed out, “this in effect binds the rest of the member states [and] a lot of them are not aware of this” (CGS01). This statement fittingly points to the three characteristics of the negotiations for an EU-Senegal agreement: ambiguous, complex, and uncertain. It is highly likely that the Senegalese authorities perceived this and had a clear preference for the well-known and, in their view, more flexible bilateral arrangements. In the next section, we offer a more systematic interpretation of the above findings and show how they point to three different types of explanation for this negotiation failure.

CONCLUSIONS

The article set out to offer an explanation to the failed discussions for an EU-Senegal mobility partnership. We have attempted here to map the complex web of interests and interactions that exist between these different actors with regard to migration and shown how, taken together, they account for the indefinite suspension of the negotiations. The overview of the contents, based on the current mobility partnership between the EU and Cape Verde, revealed that, at least initially, the agreement served as a common platform for activities that pre-existed at the bilateral level. This begged the question both of its “value-added” as opposed to the simple sum of bilateral migration arrangements between the EU member states and the West African partner, and of the European countries’ interests in entering such a partnership and subsuming their bilateral cooperation within a European multilateral framework. Moreover, a close reading of the EU-Cape Verde mobility partnership agreement – and we know the one with Senegal was to be very similar – underlined a clear emphasis on controlling illegal migration and on a “gate-keeper” role for the West African partner. This seemed, once again, to point to potential disagreement with the Senegalese who may have had a very different understanding of what such a partnership should entail and what benefits they might draw from it. The proposed contents of the mobility partnership thus already seemed to carry considerable room for disagreement and misunderstanding.

The unravelling of the information and perspectives shared by our Senegalese and European interviewees, however, provides a far more complex and nuanced understanding of the talks between the EU and Senegal and of their failure. Our interviewees underlined the importance and sensitivity of the emigration issue in Senegal and insisted that this could account for the negotiation failure – the added value of a mobility partnership had to be considerable for the Senegalese authorities to take the political risk of a potentially unpopular agreement. Our interviews with various European and Senegalese actors, however, confirmed that in the negotiation process, no such political or financial added value was invoked. Not only that, but there was a clear perception, on the Senegalese side, that a multilateral arrangement replacing the existing bilateral activities would add an undesirable level of rigidity to migration cooperation with Europe. This perception no doubt originated in Senegal’s long cooperation experience with the complex EU machinery, in the limited room for

manoeuvre that the Commission has on migration issues – clearly observable, from the Senegalese side, from the very start of the talks – and in the legal ambiguity of the mobility partnership. It seems likely that the Senegalese authorities sensed this ambiguity and complexity on the European side and considered it best to maintain migration cooperation at the existing bilateral level. For Senegal, it can be inferred, the current bilateral arrangements were seen to be more flexible and advantageous than the multilateral “unknown”.

It also appears quite certain that Senegal’s cost-benefit calculation enjoyed the silent but strong assent of France, the former colonial power and one of the EU member states concerned. France clearly had little appetite for multilateralising cooperation on an issue where it had only just concluded a new bilateral agreement and wished to keep it there or, generally, for multilateralising relations with one of its privileged partners in West Africa. Two of the mobility partnership’s major actors thus appear to have quickly assumed that the costs of the mobility partnership would outweigh its benefits.

The above findings also point to the absence, on the EU’s part, of a clear negotiation strategy and to the Commission’s incapacity to reverse initial French and Senegalese, negative perceptions of the mobility partnership. Some of our interviewees, and a historical overview of EU-Senegal cooperation, pointed to the EU’s tendency routinely to consider Senegal as a blindly grateful beneficiary of EU aid. There thus seems to have been little effort, on the part of the Commission or its leadership, to engage the Senegalese authorities early on so as to create a greater sense of ownership, or to propose genuine, political and/or financial “value-added” in exchange for the partnership. Our research thus confirms previous studies pointing to the EU’s tendency to systematically push forward “one-size-fits-all” or “our-size-fits-all” models in its relations with third countries, and the obvious limits – here, an outright failure – to such an approach (Bicchi 2006, Börzel & Risse 2004, Boswell 2003).

Finally, explanations pointing to an incoherent foreign policy also have their place in our interpretation of the negotiation failure for an EU-Senegal mobility partnership. We should point out two important qualifications, however. The first is that this applies to both sides of the negotiation – the EU and the Senegalese. While the lack of visibility and of leadership on the EU side no doubt contributed to Senegalese perceptions of an ultimately disadvantageous agreement, the European negotiators also underlined that the same absence of leadership and multiplicity of institutional actors on the Senegalese side helped stall the process. Moreover, and this is the second qualification, it seems likely that this foreign policy incoherence was eventually used by France and Senegal to block the process. Posing a vocal “no” to the EU was delicate – and this no doubt explains why both France and Senegal agreed to enter the negotiation, in addition to a genuine curiosity and initial feeling that the agreement may offer some advantages. Using a bureaucratic blocking strategy, on the other hand, was both an effective and diplomatic way of expressing their opposition to, or lack of interest in, the mobility partnership. President Wade thus made no particular effort to clarify the division of labour amongst the different Senegalese actors responsible for the migration portfolio, whilst France took a backseat in the negotiation process, knowing that its refusal to take on its traditional leadership role would not only complicate matters on the European side, but also clearly signal to the Senegalese partners the lack of French enthusiasm for the partnership. Inconsistent foreign policies here were both a cause for the negotiation failure and a means, in the hands of reluctant actors, to suspend the negotiation indefinitely.

Our findings thus suggest that there is no single model that could have captured and offered an explanation to the failed negotiations based solely on domestic and/or supranational factors when there are bilateral and multilateral tensions that may tip the balance in favour of or against the successful conclusion of the talks. The challenge for those interested in extrapolating a parsimonious model lies not only in isolating the independent and intervening variables, but also in sequencing them convincingly.

A more interesting, and perhaps fruitful, research avenue is to investigate whether any lessons are “learned” from the negotiation failure and are being applied to the current preparations for the next phase of the mobility partnerships. We saw “learning” occurring when interviewees began reflecting on the failed discussions and were attempting to explain why that had been the case. For instance, whilst keen to defend the EU’s approach, a Commission policy officer conceded that if the EU had not already formally proclaimed that a mobility partnership was imminent between the Union and Senegal the negotiation failure could have been avoided at such an early stage (JLS01). This interviewee remarked that the Commission “learned” that informal and low-key discussions with the partners are “musts” before any official declaration of intent is made (JLS01). Certainly, it could be interpreted that this “lesson-drawing” (Rose 1993) is “instrumental” learning and is informing the overall approach the EU adopts towards engaging third countries. At the same time, studies could be designed to investigate “learning” within the Commission, which now has more systematic coordination across its units. More interestingly, perhaps, is to examine whether the EU’s partners have acquired lessons of their own and are “learning” to work with this multilevel entity in a sensitive policy area.

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¹ A set of contextual questions and three sets according to the affiliations of the interviewees.

² Senegal has a very young population, with an estimated 53.3 per cent being under 20 years old and 63.3 per cent reported to be under 25 years of age (Fall, *et al.* 2010: 5).

³ The first application of this scheme brought 700 Senegalese women to work on Spanish farms; only 240 returned and the rest remained in Spain illegally. Two smaller trips with an average of forty women followed; half returned to Senegal from the second cohort and all from the third. Spain focused on women for reasons of empowerment and also because it believed that they have stronger family ties and, hence, are more likely to return (ES02).

⁴ The Frontex agreement is “operationalised” largely by participating member states. For example, in this particular instance, Spain provides two to three shuttles, a plane, a helicopter, boat and manpower (Guardia civil and the Spanish police); Frontex contributes 20-30 per cent, Italy and Luxembourg provide planes on an *ad hoc* basis (ES02).

⁵ Senegal and Cape Verde have indeed remained remarkably stable since their independence in, respectively, 1960 and 1974. The transition from the one-party state of the immediate post-independence era to multiparty politics occurred relatively smoothly and the two countries are put forward as models of successful electoral democracies by the international community, which saw them as peaceful havens in an extremely unstable region better known for its coups and civil wars. Both countries have also reached higher levels of development than their West African neighbours. Their relative stability and prosperity have naturally attracted refugees and migrants from the rest of the region who were fleeing their countries’ instability, violence and poverty and who settled in Cape Verde and Senegal on a longer-term basis (Bouilly & Marx 2008, Carling & Åkesson 2009: 148).

⁶ ECOWAS is one of Africa’s most integrated regional organisations; it has 15 member states (Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo).

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