

Partnerships in international migration governance: the missing link?

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I. INTRODUCTION

International migration is not a stronghold of global governance. In the absence of a coherent international regime setting out the principles, norms and rules regulating the cross-border flow of persons, this policy field is usually depicted as an exception to the general trend towards international institutionalization and rule-making. The reasons for this exceptionalism are seen to lie in the sensitivity of the issue for state sovereignty and the deep clash of interests between the countries deemed to cooperate, i.e. the countries of origin, transit and destination (e.g. Bhagwati 2003; Ghosh 2000; Hollifield 1998; Trachtman 2009).

Yet, the sole focus on the weakness of classical forms of formal multilateralism in international migration cooperation is rather short-sighted. In recent years, a few authors have started to argue that the absence of an international migration regime does not mean that international migration is free of governance. In contrast, a multitude of institutions and norms have proliferated over the last 50 years that regulate international migration, albeit in a highly fragmented, partial and often inchoate manner. Legal scholars have mapped the multitude of international norms applicable to migrants and have coined the metaphor of a ‘substance without architecture’ (Aleinikoff 2003). From an International Relations perspective, Alexander Betts (2011a and 2011b) has postulated the emergence of a system of ‘global migration governance’ including thin multilateralism, embedded norms in other sectoral regimes, and intensifying trans-regional cooperation. In our project, we have adopted a multilevel perspective on the established and emerging structures of international cooperation in the field and have coined the notion of a system of ‘multilayered migration governance’ (Kunz, Lavenex, Panizzon 2011). Accordingly, a fragmented set of multilateral rules is complemented by an intensifying web of regional and trans-regional cooperation arrangements and particularly dynamic patterns of bilateral cooperation (see also Lahav and Lavenex 2012). A particularity of this multilayered system is the proliferation of informal, process-oriented, experimental forms of transgovernmental governance, promoted by countries of destination in their relations with countries of origin and transit. Often called migration “partnerships”, these new venues of cooperation have been heralded as panacea for the crafting of win-win-win solutions, benefiting all parties, i.e. the countries of origin, transit and destination and the migrants alike. In Europe, the need to formulate a response to the Arab Revolutions has added new urgency to the search for new solutions in migration governance, and the EU institutions have been quick to propagate the conclusion of Mobility Partnerships as the favoured solution (European Commission 2011: 11).

Which is the place of these informal governance arrangements in the broader framework of international migration governance? Which understanding of international cooperation is conveyed through the notion of “partnership”, which institutional form do these arrangement take and what is their contribution in terms of regulating states’ approach to population flows?

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Situating our analysis in the literature on the role of soft modes of coordination in global governance on the one hand, and the broader debates on the “partnership turn” in international cooperation we seek to understand the potential, limits and possible implications of these new forms of cooperation. Special attention is thereby paid to the role that such new patterns of cooperation play in the broader architecture of international migration governance. Our analysis of migration partnerships focuses on three dimensions: the discursive framing, relating to the representation of the underlying problem and of states’ interrelations; the institutional set-up, depicting the structures of interaction; and the power implications, analyzing patterns of dominance among participating actors and potential transformatory effects implied by these cooperation frameworks.

In order to gain a representative picture we opt for a comparative perspective and scrutinize the partnership approach in the EU and US context. We proceed in three steps. The next section retraces the emergence of the partnership discourse in the international realm and the accompanying cooperation structures. Sections three and four analyse the case of migration partnerships in the EU and US respectively along the analytical dimensions mentioned above. The paper ends with a comparative conclusion and some thoughts on the transformatory implications of migration partnerships. Our main findings are that the “partnership” approach in migration cooperation is part of a broader discursive trend in international relations. This discursive trend is however relatively disconnected from the policy practice that reflects the continuing predominance of destination countries’ concerns with immigration control rather than mobility, rights or development. In institutional terms, migration partnerships replicate wider trends towards ‘experimentalist’ (Sabel and Zeitlin 2010) or transgovernmental network governance (Héritier 2002; Lavenex 2008; Raustiala 2002; Slaughter 2004). Such forms of governance promise a process-oriented, co-owned and openly evolutionary structure of joint policy-making. Yet, the asymmetry between countries in existing migration partnerships and the predominance of security concerns introduce hierarchy and selectivity in allegedly horizontal and inclusive relations. In such asymmetric relations, the establishment of network governance generates a particular form of ‘soft power’ (Raustiala 2002: 24) that yields ‘unilateral policy-transfer by “softer means”’ (Lavenex and Wichmann 2009: 99) and has wider implication for the way in which the phenomenon of international migration is being addressed. These wider implications are particularly salient from the perspective of productive power. This concept is based on an understanding of power as a decentered and productive force that cannot be “possessed” by one actor and wielded over another, but instead has the capacity to produce particular social forms of meaning-making and being (Foucault 1978: 119). Our analysis shows that the partnership approach has a transformative impact on international migration governance by promoting the creation of specific ‘partners’ and the responsabilisation of countries of origin and transit. Thereby, ‘partner’ countries are made to reform their migration legislation and establish new institutions symbolising their transformation into migration controlling countries and expressing their consent to take their share of responsibility to better manage migration and borders. The findings of this paper are based on document analysis, policy analysis and expert-interviews carried out during 2009 and 2010 with government officials, bureaucrats and representatives of international and non-governmental organisations situated in Brussels, Chisinau, Geneva, Lisbon, San José, Tegucigalpa, and Washington.

II. THE PARTNERSHIP APPROACH IN INTERNATIONAL RELATIONS

The notion of partnership has become a buzzword in today’s world and a prominent way to approach cooperation. This “partnership approach”, as we call it, is now used in various fields

both at the national and international level, and can involve different partners, such as governments, public administrations, regulatory agencies, international organizations and private and civil society actors. This partnership approach combines a discursive component with an institutional one relating to the creation of supposedly horizontal and inclusive settings of dialogue and cooperation. One field where the partnership approach has seen a particularly wide reception is development cooperation. Here, the partnership concept describes new forms of North–South and aid relations (Abrahamsen 2004; Fowler 2002; Maxwell and Riddell 1998; Ruckert 2006). While the use of the partnership notion in the field of development can be traced back as far as 1969, when the Pearson Commission on Aid and Development called for ‘a new partnership based on an informal understanding expressing the reciprocal rights and obligations of donors and recipients’ (Commission on Aid and Development 1969: 127), it was only in the mid-nineteen-nineties that the term became more prominently used, such as in the Organisation for Economic Co-operation and Development (OECD) report *Shaping the 21st Century: The Contribution of Development Co-Operation* (May 1996) or the UK Department for International Development (DfID) White Paper *Eliminating World Poverty: A Challenge for the 21st Century* (1997). The European Union has been particularly enthusiastic in embracing this partnership turn and uses this notion extensively in its external relations, be it in its Partnership and Association Agreements with Eastern European Countries, the Euro-Mediterranean Partnership to the South, its Strategic Partnerships with emerging economies, in more targeted sectoral policies, such as the Africa-EU energy partnership or, as analysed below, the Mobility Partnerships.

Generally speaking, the notion of partnership has positive connotations and is associated with a desirable and voluntary form of cooperation among equals, pursuing common goals based on mutual respect (Laakso 2007: 118). Thus, in the field of development, partnerships are often portrayed as a positive shift towards a more cooperative approach that contributes to return power to developing countries and to increase Southern ownership and participation (Abrahamsen 2004: 1455). Yet, critical scholars have depicted a differentiated picture of the partnership discourse in international development cooperation and advocated different perspectives. According to one critical perspective, development partnerships are mere rhetoric or ideology, a myth that serves to disguise ‘continued domination of the South by the North’, without transforming North-South relations (ibid: 1456). Thus, Harrison (2002: 587) warns that such partnerships might not only conceal but also reproduce and legitimize this continued domination. Another critical perspective conceptualises development partnerships as a form of productive power, i.e. as a form of governance with transformatory implications. Hence, in this paper we critically analyse the implications of the partnership approach in the field of migration.

In the field of migration, the concept of partnership is more recent: it represents the latest turn in the search for new migration policy solutions and has emerged as a panacea for the cooperative governance of international migration between countries of origin, transit and destination. Promoted at the international level by the work of the Berne Initiative and the International Agenda for Migration Management (IAMM 2004), the Global Commission on International Migration (GCIM), the UN High-Level Dialogue on International Migration and Development, the International Organization for Migration (IOM), the Global Migration Group, and the Global Forum on Migration and Development, the notion of partnership has seen a rapid diffusion in international policy discourse. The Berne Initiative, launched in 2001, led to the adoption of the International Agenda for Migration Management (IAMM) and was the first consultative process addressing inter-state cooperation in the field of migration at the global level. It was also the first initiative to substantiate the concept of partnership:

Migration management is an area for partnerships between interested stakeholders and for consideration of responsibility sharing between States involved in or affected by particular migratory movements. Continued exploration is required to identify additional ways by which governments, international organizations, non-governmental organizations and other private sector and civil society organizations can work together to develop greater confidence and effective and joint management tools, technical cooperation, cost and other responsibility sharing. (Federal Office for Migration 2004: 13)

The IAMM Chairman's Report indicates that the goal of partnerships 'is to work effectively together in partnership to manage migration so as to reduce its negative impacts and maximize its beneficial impacts' (International Agenda for Migration Management 2004). The GCIM Final Report also emphasises the need for cooperation and shared responsibility: 'The very nature of transnational migration demands international cooperation and shared responsibility' (GCIM 2005: 66). In his address to the UN High-Level Dialogue on International Migration and Development, the Secretary-General reiterated the partnership concept: 'Governments are now beginning to see international migration through the prism of opportunity, rather than of fear. You are focused on magnifying the positive, mutually beneficial aspects of migration: on sharing your experiences, developing practical ideas, building partnerships.'²

In short, the "partnership discourse" has six key ingredients: first, the belief that migration can be addressed in a spirit of cooperation between all affected countries through win-win (including countries of origin and destination) or win-win-win (also including migrants) approaches; second, the understanding that migration can be effectively 'managed' to yield opportunities and benefits; third, the belief in 'common interests', 'mutual benefits' and 'trust-building'; fourth, the notion of shared responsibility for migration management; fifth, the importance of private-public cooperation; and sixth, the emphasis on capacity building and technical cooperation.

This discourse represents a shift from earlier forms of framing international migration governance. Through its emphasis on common interests and shared responsibility, migration management (including immigration, transit migration and emigration) now is perceived as a task for countries of origin, which was not the case before. Thereby, countries of origin and transit are responsabilised to this task. The emphasis on effective management, capacity building and private-public cooperation has opened up the possibility for the involvement of a number of international actors in international migration governance, such as the International Organization for Migration (IOM), and technical migration and border management experts, most prominently the EU's agency for cooperation at the external border FRONTEX. This illustrates the productive power of the partnership approach at the international level.

The IAMM delineates in some detail also the more institutional parameters of partnerships in migration that are reminiscent of horizontal modes of networked coordination. Among the IAMM's Effective Practices for a Planned, Balanced, and Comprehensive Approach to Management of Migration figures a chapter on 'international cooperation', which contains a distinct entry entitled 'Partnerships in Managing Migration'. In terms of the legal format for such partnerships, the IAMM suggests that 'transparent and focused dialogue' and 'information exchange among States sharing an interest in particular migratory patterns' should only be a first step, eventually 'leading to possible responsibility sharing

² See: <http://www.un.org/migration/sg-speech.html>

arrangements' (IAMM 2004). The international discourse generally adopts an inclusive definition of partnerships, which shall not be limited to those between states, but should include 'various stakeholders from governments to inter-governmental and non-governmental organizations, the private sector, members of civil society, including migrants themselves, and the media in contributing to more effective management of migration, on their own and through enhanced concerted, collaborative and complementary efforts' (IAMM 2004: 13).

The partnership approach therefore promotes an open structure of dialogue and iterated horizontal interaction. This is reminiscent of the 'experimentalist' or networked mode of governance, which has proliferated across levels and spheres of policy-making over the last decades (Héritier and Rhodes 2010; Sabel and Zeitlin 2010; Slaughter 2004). These modes of governance are characterised by their high degree of informality, their focus on voluntary agreement, their allegedly horizontal structure of interaction between equally empowered partners, their inclusivity towards various public and private stakeholders organized at different levels of policy-making, and their relatively open, process-oriented set-up. By adopting this governance approach, migration partnerships promise to be egalitarian platforms for legally non-binding, voluntary exchange between government officials and stakeholders, with a view of promoting policy approximation as well as developing joint policy instruments in a process-oriented manner.

A particular institutional vehicle incorporating the partnership approach at the international level are the Regional Consultation Processes (RCPs), usually coordinated by the IOM, which is mainly financed by western countries and the EU. Encouraged by the Cairo Conference in 1994, RCPs on migration proliferated during 1990s (Betts 2011c; Köhler 2011; Thouez and Channac 2006). RCPs are constituted as transgovernmental networks of migration officials within a certain region, sometimes taking hybrid forms and including a political level of ministerial meetings. They are process-oriented tools to foster dialogue and information exchange on migration issues among interdependent countries. The model for these RCPs is conventionally deemed to be the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) that were created in the 1980s among "like-minded" states in Europe, North America and Australia to exchange information and best practices in dealing with migration issues. In contrast to this early model, which gathered a rather homogeneous group of states, more recent RCPs mix source, transit and receiving countries. Therefore they face fundamentally different starting conditions for generating cooperation than the IGC in which joint measures could emerge more or less spontaneously on the basis of converging problem constellations and policy preferences. Analyses of recent RCPs, such as the Budapest Group and the Söderköping Process in Eastern Europe or the Migration Dialogues for Southern and Western Africa (MIDSA, MIDWA), conclude that they represent an 'instrument of policy transfer through the one-sided exchange of "best practices", equipment and "training"' (Lavenex 2008: 951) or, in the words of Alexander Betts, an exercise of "extra-territorial authority" (Betts 2011c: 41).

This notwithstanding, international actors have adopted the point of view that 'in the absence of an international migration regime for international migration, regional consultative processes of an informal nature have become a key component of migration management' (UN 2004: 155). As stated in the IOM World Migration Report from 2003, RCPs are seen to 'manag[e] migration through partnership and cooperation' (IOM 2003: 135). It is thought that RCPs are based on 'common understandings, recognition of national and regional interests, state sovereignty, respect for the rule of law and internationally recognized principles, shared appreciation of sound practices in migration management, and mutual trust and partnership', and 'shared responsibility and consensus between countries of origin and arrival' (ibid: 136,

173). This illustrates how RCPs are a key institutional ingredient of the partnership approach at the global level and contribute to spread the discourse on partnerships. The same is true for the IOM. Thus, for example, the Director General of IOM stated in a speech he made in Hanoi in 2010: ‘Working together, we must continue to evolve and expand our capacities through partnership to manage mobility in a human and orderly manner and to bring to bear our collective strengths and resources in order to think ahead, to plan for change.’³

Financed by earmarked funds from the EU and western states, the IOM has become the organizational anchor of RCPs. Given the asymmetry within these trans-regional networks and the predominance of destination countries’ agendas, RCPs and the IOM can thus contribute to disguise, reproduce and even legitimise existing asymmetries. Seen through the perspective of productive power, it can be argued that IOM and RCP activities have transformatory implications in expanding the realms of migration control closer towards the source countries. In sum, through the partnership approach, both IOM and the RCPs contribute to responsabilising states of origin to participate in managing migration and borders. The more specific instances of IOM involvement and RCP activities and the question how the international partnership discourse reverberates differentially depending on the context are taken up within the following sections.

III. PARTNERSHIP IN EU EXTERNAL POLICIES: CONDITIONALITY IN DISGUISE?⁴

EU migration policies have developed an external dimension early on. Although cooperation among EU member states was officially framed in terms of the internal integration project, ideas about partnerships with countries of origin and transit can be traced back to the beginning of the communitarization of migration and asylum policy – at least in the discourse of the supranational institutions. However, it is only since the adoption of the Global Approach to Migration (GAM) in 2005 that these ideas have started materializing. The concept of Mobility Partnerships launched in 2007 bears the traces of two decades of European cooperation on immigration. As we shall show, the EU policy combines the discursive elements of the partnership turn with a clear legacy of the top-down conditionality approach that was first applied in the context of enlargement negotiations. The result are “conditional partnerships” whose institutionalization clearly vindicates the pre-eminence of EU member states’ priorities over those of the partner countries.

Contextualisation

The development of common European asylum and immigration policies goes back to the mid-1980s when some member states decided to abolish the controls at their internal frontiers. Although cooperation focused on the common external border and, subsequently, the approximation of domestic laws, EU policies have had an external dimension from the start (Lavenex 2006). The opening up of the Eastern Bloc in 1989 coincided with the preparations for the Maastricht Treaty and motivated the member states to establish a dense network of cooperation with the Central and Eastern European countries (CEECs) in order to assure the latter’s support in the fight against irregular immigration. The enlargement policy soon provided a powerful instrument for transferring internal rules concerning border controls, asylum and immigration policy to the candidate countries, and for ensuring the latter’s

³ Speech by Mr. William Lacy Swing, Director General, International Organization for Migration Delivered on Friday, 20-08-2010.

⁴ This section draws on Lavenex and Stucky (2011).

readmission of irregular migrants. The prospect of accession of the ten CEECs as well as the refugee crisis in the Western Balkan motivated the adoption of a wider external policy agenda which was officially embraced at the Tampere European Council in 1999. Notwithstanding some calls for a comprehensive approach, which already included elements of what was later to become the “partnership” model, this external dimension of EU immigration policies initially followed quite closely the top-down, hierarchical model of enlargement conditionality. Although a majority of member states voted against a conditional linkage of development aid with the commitment to fight irregular migration, it was decided to include compulsory readmission clauses in every EU trade or cooperation agreement from 2002 onwards (Lavenex 2002). The launch of the European Neighbourhood Policy (ENP) in 2004 intensified these efforts. Although officially geared at preventing the creation of new divides in Europe, the ENP put a strong emphasis on cooperation in Justice and Home Affairs and on neighbouring countries’ inclusion in common efforts to fight undesired immigration. As a consequence, diverse instruments were developed with the aim to transfer EU policies, techniques and technology to its eastern (Moldova, Ukraine, later Armenia, Azerbaijan, Georgia and also, to a lesser degree, Belarus and Russia) and southern neighbours (including all countries bordering the Mediterranean Sea). Whereas initially, the EU sought to emulate the leverage it had so successfully exercised through the instrument of accession conditionality, in the absence of strong incentives capable of inciting neighbouring countries’ compliance, it soon had to revert to less top-down, hierarchical modes (Lavenex and Wichmann 2009). Mobility Partnerships are the latest instrument developed in this regard: they promise co-ownership by linking efforts to fight irregular migration with measures facilitating mobility among the participating parties. The following sections retrace the discursive emergence of this partnership approach and its institutionalization.

Partnership Discourse

First elements of what was later to become the partnership discourse were already included in the Communications of the European Commission in the founding years of the common asylum and immigration policy. As early as 1991, and again in 1994, the Commission proposed a so-called global approach, a three-pronged strategy consisting of controlling immigration, strengthening integration policies and ‘taking action on migration pressure, particularly through co-operation with the main countries of would-be emigration to Europe’ (COM 1994: 11). Interestingly, this early notion of a ‘global approach’, unlike the GAM of 2005 (discussed below) did not link cooperation with third countries to migration control measures such as border controls or readmission.

Although this comprehensive approach proposed by the Commission was not endorsed by the Council of Ministers, it reappeared more forcefully at the end of the 1990s after the adoption of the Amsterdam Treaty. The Tampere European Council in 1999, which took place under the impression of the Kosovo refugee crisis, proclaimed a comprehensive approach to migration addressing political, human rights and development issues in partnership with countries and regions of origin and transit (EU Presidency Conclusions 1999: §10–12). Despite invoking the notion of partnership, however, subsequent policies and the accompanying discourse rather implemented a strict conditionality approach with a one-sided focus on Member States’ priorities, i.e. the fight against irregular migration. Effective returns were seen as the first priority for which the cooperation of third countries should be solicited:

The effectiveness of Community action for return of illegal residents is therefore an essential aspect for the credibility of any policy for fighting illegal immigration. But for it to be fully effective, it must fit smoothly into a genuine management of migration

issues, requiring ... enhanced dialogue with third countries, which will increasingly be *invited to be partners* in dealing with migration. (COM 2002: 4, emphasis added)

This quote illustrates nicely the instrumental understanding of creating partners for the purpose of migration management. These partners should be integrated into the emerging migration control system through their responsabilisation, that is, the suggestion that they had a responsibility for the irregular flows into Western Europe:

Member States' Justice and Interior Ministers recently expressed their view that the main problem does not lie in strengthening the cooperation between Member States, but is rather attributable to the unwillingness of third countries to take back their nationals and to ensure sustainable return. They have, therefore, the clear expectation that the third countries concerned should be *put under pressure* to be more co-operative both by the Community and by the Member States. (COM 2002: 9, emphasis added)

It is in this context that the idea of offering channels for legal migration in exchange for engaging in the fight against irregular migration took shape: at an informal Meeting of the Justice and Home Ministers in autumn 2003, the Italian Presidency proposed 'to conduct a study to define a legal migration quota system for Europe to be offered to the countries of origin and transit of the main legal migration flows in order to obtain their cooperation in reaching an agreement on admission' (COM 2004: 3).

Having realized that it lacked leverage in dealing with non-cooperative countries (Lavenex 2006), the Union started examining the addition of new incentives beyond visa facilitation or financial and technical support, thus preparing the most central element of the present concept of Mobility Partnerships – the idea of opening new channels for legal migration. The introduction of Mobility Partnerships occurred concomitantly with the launch of the Global Approach to Migration (GAM) at the informal European summit at Hampton Court in October 2005. The GAM was heralded as a 'balanced, global and coherent approach, covering policies to combat illegal immigration, and, in cooperation with third countries, harnessing the benefits of legal migration' (EU Presidency Conclusions 2005). With this new orientation the European Commission sought to allocate, under a comprehensive umbrella, the various pre-existing and new tools of EU migration policy. New soft instruments to promote dialogue and the exchange of information on migration (e.g. the establishment of migration profiles) were combined with the older (legally binding) readmission agreements, which became increasingly coupled to visa facilitation agreements (GAERC 2008).

The launch of the GAM must be seen in the context of the preparation of the UN High Level Dialogue on Migration and Development in 2006. The Commission was keen to present the EU as an 'important actor in the global debate on international migration' (COM 2006a: 1) and to sell its newly adopted Global Approach as a best practice in international migration cooperation. Stressing the mutual gains from legal migration in a globalizing world and the commonalities between sending and receiving countries, the Commission's Preparatory Document for the High Level Dialogue stated:

The EU believes that managing migration is a shared responsibility of countries of origin, transit and destination. This is all the more important as the distinction between these three categories of countries becomes increasingly blurred. Shared responsibility calls for enhanced cooperation between States to better manage migration, taking into account the interests and concerns of all countries involved. (COM 2006a: 4)

The EU Statement at the High Level Dialogue on Migration and Development made a connection between the principle of shared responsibility of countries of origin, transit and destination and the mechanism of a flexible cooperation framework:

Shared responsibility calls for enhanced cooperation between States to better manage migration, taking into account the interests and concerns of all countries involved. The Commission believes that such mechanisms offer a flexible, non-binding framework for identifying solutions to shared challenges... (COM 2006a: 4)

In the subsequent years, the partnership discourse made its way into inter-regional relations, specifically with Africa, but also with Latin America. An interesting aspect of this discourse is the diagnosis of “new realities”, and the emphasis on the emergence of “powerful” interlocutors to the EU. This was expressed in 2007, when the Commission published a new Communication setting out the guidelines for a renewed EU–Africa Partnership stating that:

Africa is now at the heart of international politics, but what is genuinely new is that Africa – and the African Union (AU) in particular – is emerging, not as a development issue, but as a political actor in its own right. It is becoming increasingly clear that Africa matters – as a political voice, as an economic force and as a huge source of human, cultural, natural and scientific potential (COM 2007a: 1).

This statement can be read as an expression of orientalist and patronising arrogance regarding the role of “Africa” in world affairs. Yet, it is also an expression of the acknowledgement of the sending and transit countries’ power in relation to controlling migration, and hence of the necessity for the EU to secure their collaboration. This discursive acknowledgement of “Africa” illustrates the productive power of the partnership approach, whereby new partners for migration cooperation are first acknowledged and created, before attempting to responsabilize them in a second step, for what the EU portrays as common challenges. Supposedly, with the partnership approach, ‘the nature of the relationship will go beyond the donor-recipient relationship of the past and reflect a *political partnership of equals*’ (COM 2007a: 2).

In sum, these quotes document well the elements of the partnership discourse identified already for the international level: the focus on management, the notion of shared responsibility, the belief in win-win solutions and the emphasis on flexible mechanisms in order to promote mutual trust. A particularity of the EU approach is however the strong legacy of the conditionality approach in its partnership discourse. This is very salient in relations with the ENP countries that enjoy a privileged status in EU external relations. The idea of “conditional partnership” is pervasive in the ENP; a good example for this is the European Council’s Declaration on the Eastern Partnership of 2008:

The Eastern Partnership will promote mobility of citizens of partner countries through visa facilitation and readmission agreements. The EU, in line with the global Approach to Migration, should also take *gradual steps* towards full visa liberalisation as a *long term* goal for individual partner countries and on a *case by case* basis *provided that conditions for well-managed and secure mobility are in place*. (EU Presidency Conclusions 2009: Annex p. 12, own emphasis)

Two countries of the Eastern Partnership, plus Cape Verde, have been chosen for concluding the most explicit partnership instrument relating to migration, so-called Mobility Partnerships. The Commission’s Communication on Mobility Partnerships specified that such partnerships would only be agreed ‘once certain conditions have been met, such as cooperation on illegal migration and effective mechanisms for readmission’ (COM 2007b: 3). While cooperation on these elements constitutes a mandatory condition for the conclusion

of a Mobility Partnership, provisions on legal migration or development cooperation remain vague, are subject to EU Member States voluntary offers and are not legally binding.

A look at the genesis of the concept of Mobility Partnership shows that the notion of “partnership” was introduced ex-post, while earlier documents highlight more explicitly the bargaining character of this policy initiative by using the term “mobility packages”, a sort of strategic issue-linkage encompassing issues such as facilitation of temporary-entry visas, temporary migration schemes, and the fight against irregular migration (COM 2006b, see also Cassarino 2009). The term “partnership” was introduced only in the 2007 Communication as a synonym for such bargains:

The EU therefore needs to look at how such packages – which should in the Commission's view be called “mobility partnerships” – can be put together and, in association with interested Member States, negotiated by the EC with third countries that have committed themselves to cooperating actively with the EU on management of migration flows, including by fighting against illegal migration, and that are interested in securing better access to EU territory for their citizens. (COM 2007b: 3)

To sum up, in the EU context, the partnership discourse strongly reflects the different orientations that have dominated in EU migration policies since their inception. On the one hand, the focus on win-win solutions and the promise to address the root causes of migration suggests a relatively great departure from earlier restrictionism as it leads towards a shared agenda that links migration and development. Here we find the main aspects of the international partnership discourse outlined above: win-win-win principle, the management approach, the emphasis on common interests and trust-building, the notion of shared responsibility, while public-private cooperation is not explicitly addressed. On the other hand, the EU's offer is a “conditional partnership”, it is only if the third countries correspond to EU expectations that they can be considered as partners. The analysis has illustrated the productive power of the partnership discourse in the EU context, creating particular types of partners, as well as responsabilising these partners for migration management. The next section discusses the institutional dimensions of the partnership approach, focusing mainly on Mobility Partnerships, the flagship institutional innovation within the partnership approach in the EU context. The aim is to analyse how these discursive characteristics are reflected in the institutional structures of cooperation and policy practice.

Institutional dimensions of partnership

In institutional terms, the structures established by the Mobility Partnerships intensify the model of network governance already institutionalized in EU external relations under the European Neighbourhood Policy (Lavenex 2008; Lavenex and Wichmann 2009). They establish platforms for recurrent interaction between policy experts who meet below the level of heads of state or government and engage in operational cooperation. In theory, this technocratic model of interaction may allow for process-oriented forms of experimental governance as identified, for example, in EU internal governance (Héritier 2002; Tömmel and Verdun 2009; Sabel and Zeitlin 2010). Ideally, such fora allow for voluntary cooperation based on learning, dialogue and the approximation of policy perspectives through socialization. As the following analysis of the set-up of EU Mobility partnerships shows, however, profound asymmetries of influence and lack of trust challenge the alleged horizontal, open, egalitarian and co-owned properties of the existing Mobility Partnerships with Cape Verde, Georgia and Moldova concluded in 2007 and 2009.

To start with, Mobility Partnerships are an instrument designed by the EU; the third countries were not involved in the concept's development nor were they consulted on this idea or invited to make suggestions. This explains why, once adopted, the EU needed to propagate the concept broadly in order to attract potential "partners" (Interview 9). Moving towards the actual implementation phase, the lead remains with the EU. This is symbolized in the Joint Declaration, the document that puts a migration partnership into force. The Joint Declaration is printed on official EU paper templates, and signed at an EU Justice and Home Affairs Council meeting, thus indicating literally and locally the administrative ownership of the "partnership". This bias is also reflected in the selection process for countries qualifying for such a privileged partnership, which is predominantly in the hands of the Commission in cooperation with the Council of Ministers and the Member States. It can be said that the choice fell on "easy targets" which would allow it to move forward swiftly with the pilot phase of these new instruments. All selected countries were already cooperating substantially with the EU in the fight against irregular migration and had signed or approved the signature of readmission agreements before concluding the Mobility Partnerships, and all countries already enjoyed privileged economic and political relations with the EU under the ENP and the Cotonou Agreement.⁶ Finally, the holding Council Presidency also left its marks – as the choice of Cape Verde during the Portuguese Presidency shows. The third countries at stake sustained this selection process by actively showing their interest and willingness to engage in such partnerships. Of course, this can be seen as part of their general pan-European ambitions. An interesting outlier is Senegal, with which exploratory talks started in July 2008. Although these undertakings from the EU side took place during the preparation time for the second EU–African ministerial conference on migration and development in Paris in 2008, where EU representatives met regularly with Senegalese representatives, in the end the Commission never received any response from its counterpart (Interview 4). The discussions have not progressed and no non-paper has been submitted nor has any interest been shown by other means.⁷ From this disappointment the Commission concluded that it was important to 'envisage mobility partnerships with third countries which clearly state their interest, needs and expectations at a very preliminary stage, prior to any EU decision' as well as providing the necessary information to them in a timely fashion (COM 2009: 4). In sum, Senegal's resistance calls into question some of the taken-for-granted assumptions underlying the partnership approach and illustrates the ambivalence implied in the EU's attempts to create partners.

The asymmetry of relations is also reflected in the multilevel negotiation structure established under the Mobility Partnerships. Although EU Member States are partners in such partnerships, they do not meet directly with their counterparts in the third countries in the setting up of the contents of a Mobility Partnership. Instead, it is the Commission – acting like a 'broker' or 'mediator' (Interviews 1, 2, 3) – which holds discussions with each of the parties to determine how far the different interests could be matched and then consults with either side (Lavenex and Stucky 2011). This automatically grants the Commission a gate-keeper function which endows it with an information advantage over the partner countries. The EU thus presents itself as a unitary actor, reuniting all the weight of the member states in the relations to the third country – while the Member States themselves refrain from direct demands.

As a result of the considerable degree of discretion that is left in the determination of the content of Mobility Partnerships, their precise structure and substantive provisions vary significantly, and are also expected to evolve progressively. In the case of Cape Verde only five Member States⁸ have decided to take part so far, in the case of Moldova the number is 15,⁹ and with Georgia 16 Member States.¹⁰ All three Declarations follow the structure of the

Global Approach, dividing the document into three parts: regular migration and mobility; migration and development; and border management and the fight against irregular migration. The policies proposed in the Annex so-far do not break new ground or offer more than those national migration policies the “interested” EU Member States have in place already. The predominance of projects relating to migration control and the weakness of provisions promoting mobility are striking, as is the low profile of projects relating to development.

This shows that the vehicle of Mobility Partnerships is primarily used by migration policy actors, that is, in the EU, the ministries of the interior, and the Directorate on Home Affairs in the Commission, while development actors are hardly implicated. Theoretically, the institutional set-up would allow for the latter’s inclusion, and partner countries have already signalled their expectation that more projects and initiatives target the interface of migration and development. For instance, the second Moldovan Non-Paper included several proposals for circular migration schemes, however, none of these was actually retained in the EU offer. (Republic of Moldova 2009). It can therefore not be excluded that over time, and upon enduring request on the part of third countries, the institution of Mobility Partnership will increasingly come to reflect the comprehensive approach of the accompanying discourse. As we have shown above, however, the voluntarism inherent to these experimental modes of governance may constitute a hurdle in the realization of a model which is still perceived as concession on the part those actors currently having the say in immigration matters.

Conclusion

The EU variant of the partnership discourse in migration policy mixes the conditionality approach first developed in the context of EU enlargement policies with an increasingly comprehensive agenda aimed at addressing concerns of the destination and source countries of migration alike. This “conditional partnership” approach can be seen as a strategy to widen the bargaining agenda in order to secure source countries’ cooperation via issue-linkages and package deals. The institutionalization of this approach however falls behind the discursive move. The set-up of Mobility Partnerships amounts less to a horizontal negotiation setting among equal partners than to a unilaterally crafted consultation process on the part of the EU. The leverage clearly lies on the side of the Member States which, firstly, are free to decide whether they join such an EU Partnership or not, and, secondly, are able to define the pool of offers included. While the bargaining situation is inherently asymmetrical, the institution of Mobility Partnerships nevertheless opens the possibility for iterated dialogue and for third countries’ insistence on their priorities. However, the countries chosen so-far by the EU have been remarkably humble. In any case, voluntary forms of networked coordination may not be the most relevant, pertinent or realizable patterns of interaction in such asymmetric settings. Namely even once the contents of the partnership have been fixed in the Annex, uncertainty remains as to whether these commitments will be respected. Given the “soft law”, non-legally-binding nature of the arrangement, implementation is relegated to the discretion of the Member States. In interviews, it was said that third countries find themselves in a waiting position since only the Commission can try to push the Member States to keep their engagement (Interview 1, 2). These asymmetries are intensified by the fact that approximately 75 per cent of the available funding for the implementation of the projects comes from the Member States.¹¹

The promise of recurrent networked interaction in Mobility Partnerships thus depends on the willingness, in particular of the EU Member States, to move forward with innovative projects, including their commitment to follow up on projects once agreed. However, the exploitation of this potential also relies on the partner countries’ active use of these platforms in making

their own priorities known. This implies the development of a genuine will for co-ownership, including the necessary resources in terms of personnel, political priority attributed and finances. There are however structural limits to the degree to which countries like Moldova, Cape Verde and Georgia are capable of making these investments. But on the side of the EU too, the realization of this network model is demanding and presupposes corresponding institutional capacities which, in the light of an already overcrowded agenda and of enduring national prerogatives in this area, will be difficult to mobilize. The Commission itself asserts that with the addition of further Mobility Partnerships it will be essential to adapt its own institutional setting in the sense that this would ideally require a single directorate dealing only with this area (Interview 4). Without referring to the specific problems that third countries encounter regarding institution building, staff capacities and coordination quality, these apparent practical deficiencies on the EU side at least show how important it is to provide a solid base for the effective functioning of such a complex arrangement and highlights potential organizational limits.¹²

IV. MEXICO-US CASE⁵

In the Mexico-US context, the partnership discourse emerged in the nineteen-nineties after decades of a ‘policy of no policy’ on migration between the two countries, during which migration issues were seen as too political and sensitive to be addressed and were treated as a taboo in the bilateral relationship. This was partly because both countries believed that non-regulation was in their best interest, but also because they had conflicting understandings of the migration issue: Mexico insisted that migration was a natural phenomenon beyond regulation, whereas the US deplored the unwillingness of Mexico to keep its nationals from leaving the country. The partnership discourse and several bilateral and regional initiatives starting in the nineteen-nineties, led to a reframing of migration and to new forms of migration governance. After a short contextualisation, this section traces the emergence and development of the partnership discourse in the Mexico–US context and its key underlying assumptions, and maps the different institutional elements, before analysing some of the power implications of the partnership approach. The analysis focuses mainly on Mexico–US relations, but also includes some references to the broader regional context of North and Central America.

Contextualisation

Mexico and the United States have a long history of non-cooperation on migration (Rosenblum 2007). For most of the twentieth century, despite a few brief periods of bilateral cooperation, the two countries practised ‘deliberate non-engagement’ on migration issues (Domínguez and Fernandez de Castro 2001: 12). Thereby, growing undocumented Mexican migration flows to the US were a taboo, and both states considered the *laissez-faire* policy to be the most beneficial. The turning point in Mexico–US relations occurred from the nineteen-nineties onwards, with the simultaneous inauguration of President Carlos Salinas and George Bush providing a chance for a fresh start. The gradual *échauffement* between the two countries mainly focused on negotiations of the North American Free Trade Agreement (NAFTA), accompanied by a bilateral dialogue on migration, such as within the Working Group on Migration and Consular Affairs of the Binational Commission (BNC) (see below). This dialogue continued during the subsequent administrations.

⁵ This section draws on Kunz (2011).

The year 2001 marked a historical moment in the migration cooperation between Mexico and the US, somewhat inappropriately called the ‘migration honeymoon’ period. Being elected simultaneously, President George W. Bush and President Vicente Fox engaged in a series of bilateral talks. Within a year of taking office, the two presidents had agreed on a number of common principles, and had laid the foundation stones for a comprehensive bilateral agreement on migration cooperation, which was supposed to include cooperation in the areas of earned legalization of undocumented Mexican migrants in the US, a temporary worker programme, increased family reunification and border cooperation, and development initiatives for Mexican regions of emigration.

Yet, with the terrorist attacks of 11 September 2001, the bilateral migration dialogue was put on ice, and the US turned its attention to homeland security issues and the war on terror (Rosenblum 2006: 92). Mexico’s ‘lukewarm reactions to the 2001 attacks’ (Fernández de Castro and Clariond Rangel 2008: 148), and its refusal to support the US position on the issue of the Iraq invasion in the United Nations Security Council negatively affected bilateral relations. The two presidents did not meet until the Monterrey Summit in March 2002, where the Fox administration expected bilateral migration talks to resume, but the Bush administration imposed its own security agenda, which led to the signing of the Border Partnership Agreement (Fernández de Castro and Clariond Rangel 2008: 148). A similar border agreement had been signed on 12 December 2001 with Canada (Office of Homeland Security 12 December 2001).

It was only in January 2004, when President Bush announced his principles for immigration reform during his re-election campaign that the migration issue came back onto the agenda (Fernández de Castro and Clariond Rangel 2008: 149). Bush’s proposal aimed at re-establishing the circularity of migration, which had been affected negatively by US border policies in the nineteen-nineties that had the effect of ‘locking people in’ (ibid: 152). The following years were dominated by heated debates and several unsuccessful attempts at comprehensive immigration reform in the US Congress (ibid: 163ff). After the inauguration of President Felipe Calderón in December 2006, the Mexican position on migration shifted towards focusing on security issues, the fight against organized crime, and job creation in Mexico (Seele 2007: 11). With the election of Barack Obama, hopes for a comprehensive immigration reform in the US were renewed. During his election campaign, Barack Obama affirmed his commitment to comprehensive immigration reform and vowed to ‘repair the strained relationship with our southern neighbour’ (Obama 20 February 2008).

Partnership discourse

The notion of partnership is used in various ways in the discourse on migration governance between Mexico and the US. It emerged in the nineteen-nineties in the context of the NAFTA negotiations, whereby Mexico and the US became ‘trade partners’ and Mexico was declared a partner of the US in the ‘war on drugs’ (New York Times 26 February 1997). Over time, the notion of partnership gradually became used as a term to describe the general relationship between the two countries, or to refer to cooperation in specific policy areas, such as migration, border, security or prosperity.

One of the earlier testimonies of the partnership discourse can be found in the speech made by US Secretary of State Warren Christopher to the closing plenary session of the BNC Meeting in May 1994 in Mexico City: ‘Our talks were positive and constructive. The United States and Mexico are friends, neighbours, and partners in an increasingly important and dynamic relationship’ (US Department of State May 1994). This initial period of bilateral dialogue

between Mexico and the US on migration issues during the nineteen-nineties was hailed as a 'new spirit of cooperation' between the two countries (Binational Study on Migration 1997: 4). In 1997, President Zedillo and President Clinton signed a Joint Statement on Migration, emphasizing:

The issue of migration of Mexican nationals to the United States is a priority on our bilateral agenda. We, the Presidents of Mexico and the United States, hereby politically commit our respective governments to strive to ensure a proper and respectful management of this complex phenomenon taking into consideration its diverse causes and economic and social consequences in both countries. During the last two years, our governments have engaged in consultations and exchange of information through many mechanisms and have produced significant progress in the bilateral treatment of issues such as the human rights and consular protection of migrants and efforts to combat migrant trafficking. This constructive dialogue should serve as a first step leading to specific proposals to manage migration between our nations in a mutually beneficial manner. (President Clinton and President Zedillo 6 May 1997)

In the initial period of the Fox–Bush relationship in 2001, the partnership terminology appears extensively in official documents, referring to the personal relationship between the two presidents, as well as the bilateral relationship between the two countries. The understanding of partnership is based on dialogue between 'equals', and the establishment of common principles and objectives. Thereby, the personal friendship between the two presidents is seen as the basis for a 'full, mature, and equitable partnership for prosperity' (President Bush and President Fox 16 February 2001a). Thus, President Bush affirmed in 2001:

Our nations are bound together by ties of history, family, values, commerce and culture. Today, these ties give us an unprecedented opportunity. We have a chance to *build a partnership* that will improve the lives of citizens in both countries. [...] Geography has made us neighbors; *cooperation and respect will make us partners*. And the *promise of the partnership* was renewed and reinvigorated today. (President Bush and President Fox 16 February 2001b) [Own emphasis]

Thus, the first three key features of the partnership discourse identified in section two are present. First, the emphasis on political will and mutual benefits of cooperation represents a shift away from the 'policy of no policy' towards an issue that can be addressed bilaterally through win–win solutions. The second element refers to the reframing of migration from something that either needs to be prevented (from the US perspective) or a natural phenomenon that cannot be regulated (from the Mexican perspective), towards an issue that can be "managed". Hence, the 'proper and respectful management' of migration is presented as a common objective of bilateral cooperation. The acknowledgement that migration is a 'shared issue' and the willingness to contribute towards 'managing' migration was a sea change in perspective for Mexico, which had argued for a long time that migration was an organic flow that could not be controlled by governments (Interview 14). Third, we find emphasis on common interests and trust building through dialogue.

A fourth feature of the partnership discourse, the principle of "shared responsibility", emerged in the late nineteen-nineties in the Mexico-US context. The emergence of this element was preceded by an emphasis on exchanging information on the position and activities of each country during the early years of intensified bilateral dialogue on migration in the early nineteen-nineties, an essential step in building the basis for installing the principle of "shared responsibility". By the turn of the millennium, the notion of shared responsibility had become the basis upon which bilateral and regional migration governance was built. This was made explicit in the Mexican National Development Plan 2001–2006, where the Fox administration

emphasized the intention to re-conceptualize the migration phenomenon and to approach the US in order to negotiate a comprehensive migration agreement, based on the concept of “shared responsibility”:

En este sentido, es importante señalar que si bien México ha logrado un cúmulo de acuerdos y mecanismos para asegurar un mejor trato a nuestros connacionales en el extranjero, el tema migratorio, particularmente en Estados Unidos, requiere un nuevo enfoque de largo plazo que permita que *la movilidad y residencia de los nacionales mexicanos sea segura, digna, legal y ordenada, y que se abandone la visión de persecución policiaca del fenómeno y se le conciba como un fenómeno laboral y social*. Es por ello necesaria una negociación integral que aborde las raíces estructurales del fenómeno, sus manifestaciones y consecuencias, y que considere la atención de la migración como una *responsabilidad compartida*.⁹ (Gobierno de los Estados Unidos Mexicanos 2001: 61) [Own emphasis]

Through this statement, Mexico officially acknowledges its responsibilities for the migration phenomenon, whereas previously migration was perceived as an immigration problem of the US. This also illustrates how Mexico became a “responsible partner”.

The notion of shared responsibility was further emphasized through the report entitled *Mexico-US Migration: A Shared Responsibility*, elaborated in anticipation of the meeting on 16 February 2001 between President Fox and President Bush. In this report, the US–Mexico Migration Panel argues that there is a need to base a comprehensive migration agreement on a ‘spirit of shared responsibilities’: ‘Special regional relationships have typically included variable elements of sharing associated burdens and responsibilities. A North American vision should aspire to nothing less’ (US-Mexico Migration Panel 2001: 29). This principle was reiterated on many occasions, such as in a Joint Communiqué of the High-level Working Group on migration headed by the cabinet members of both countries charged with Foreign Affairs and immigration, which met for the first time on 4 April 2001:

Both governments view this process as an *exercise of shared responsibility*, with a long term perspective, to ensure that migration of Mexicans to the United States is of *mutual opportunity and benefit*. Both governments are also committed to the regulation and safety of persons at our *common border*. (High-level group on migration 4 April 2001) [Own emphasis]

Similarly, the BNC stated in 2002: ‘The Working Group reaffirmed the importance of ensuring that the migration dialogue continues based on the principles of cooperation and shared responsibility, to contribute to the well-being of both nations’ (BNC 26 November 2002). The notion of shared responsibility has also become a key principle underlying the dialogue within the Regional Consultation Mechanism (RCM). Thus, the Final Communiqué of the RCM meeting in 2008 states:

In Tela, Honduras, the Vice-Ministers underscored that the RCM had matured into a regional dialogue that examines migration challenges and opportunities with a comprehensive perspective and the goal of developing regional responses that emphasised common responsibility in addressing these issues. (RCM 8–9 May 2008)

This was confirmed in a personal interview: The issue of partnership and also the issue of shared responsibility have been constantly mentioned at the RCM. [...] The issue of shared responsibility has been part of the evolving process of the RCM. (Interview 15)

This shift in framing migration governance did neither occur over night, nor without challenges. Instead, this quote by the RCM highlights a key moment of struggle over the

framing of migration between Mexico and the US: while Mexico frames migration as a ‘labour and social phenomenon’ and insists on ‘secure, dignified, legal and orderly mobility’ for its nationals, it calls for a shift away from understanding migration as something to be prosecuted and policed, referring to the US framing of the issue. Indeed, at the time, there were a number of voices from the Mexican side that did not agree with the partnership discourse. Jorge Castaneda, for example, called for refusing the principle of shared responsibility and instead invoked the Mexican ‘constitutional right of freedom of movement through the national territory’ (Castaneda 21 January 1996).

The fifth and sixth element of the international partnership discourse – i.e. the importance of private-public cooperation and the emphasis on capacity building and technical cooperation – are also strongly present in the Mexico-US context. Thus, for example, in 2001, the two countries established the Partnership for Prosperity (P4P), a public-private partnership of Mexican and US governmental and business organizations (see below). The P4P was mentioned in the Guanajuato Proposal signed by the two presidents in February 2001, and officially launched in September of the same year. It stated: ‘to address some of the root causes of migration, Presidents Bush and Fox have agreed to form a public-private alliance to spur private-sector economic growth throughout Mexico’ (Bush Administration 6 September 2001). The idea was to ‘draw upon the best ideas of US and Mexican economists, businesspeople, development experts, and policymakers’ (ibid). Thereby, the P4P was described as a ‘forum for open dialogue on economic objectives, joint projects, and new ideas’⁶, which aimed at ‘unfettering the economic potential of people in the parts of Mexico where growth has lagged and fueled migration’ (Bush Administration 22 March 2002). Thus, public-private cooperation is seen as the way to address the root causes of migration. As the next section shows, public-private cooperation also plays an important role in the Border Liaison Mechanisms (BLMs) and Interior Consultation Mechanisms (ICMs).

Clear examples for the importance of the notions of capacity building and technical cooperation are illustrated in the Binational Commission, the Operation Global Reach, the Border Partnership, as well as the RCM (see below). Thus, for example, the RCM Brochure identifies technical cooperation as one of its fundamental missions and highlights (RCM Brochure undated). It is interesting to note that in high-level official documents, these exact terms are rarely mentioned. Emphasising in official documents that the US will provide capacity building to Mexico would be too sensitive in a context that supposes a symmetrical relationship between the two NAFTA countries. Yet, it is obvious and has been confirmed in interviews that many cooperation initiatives are about technical cooperation and capacity building. This can be shown prominently in the cooperation on anti-trafficking initiatives (see below).

Over the years, the partnership discourse has changed. During the honeymoon period, the focus was on a partnership for prosperity, which was seen as the overall aim of bilateral cooperation between the two countries, and of trilateral cooperation including Canada, based on the linking of migration, regional integration and economic growth. After 9/11, the partnership discourse experienced another transformation: security became the overarching concern, and all cooperation areas between the two countries, including migration, were then viewed through the security lens. Since 9/11, the notion of partnership had been used mainly to refer to ‘security partners’ or ‘border partners’, such as in the bilateral *Border Partnership* concluded in March 2002, and the 2005 trilateral *Security and Prosperity Partnership* (see below). However, and this is most relevant for the purpose of this paper, the notion of shared

⁶ See: http://p4p.fox.presidencia.gob.mx/p4p_us.php?seccion=sobre (accessed November 2010)

interests and shared responsibility as the basis for bilateral cooperation persisted (President Bush and President Fox 22 March 2002). Most recently, the notion of strategic partnership⁷ has emerged and used by Obama during his election campaign: ‘As president, I will restore that leadership by working to advance the common prosperity and security of all of the people of the Americas. That work must begin with a renewed strategic partnership with Mexico.’ (Obama 20 February 2008). Based on the conviction that ‘terrorism, organised crime, and public security create common threats and shared responsibilities that require creative bilateral solutions’, a strategic partnership, aims to achieve prosperity and security for both countries (Study Group on US-Mexico Relations 2005: 5).

This section has shown how the partnership discourse in Mexico-US cooperation on migration emerged in the nineties. While it has taken various forms over the years and has tended to move more towards “security partnership”, it features all the discursive elements of the partnership approach outlined above. The analysis reveals how this discourse glosses over the obvious asymmetries between the partners through a vocabulary of common interests, equality, partnership, respect, trust, etc. Analysed through a productive power lens, the partnership discourse has made Mexico co-responsible for emigration northwards and has turned it into a “partner” that is willing to cooperate on migration management, anti-trafficking and border control initiatives.

Institutional dimensions of partnership

The previous section has shown that certain initiatives and institutions have been pivotal to the emergence, spread and establishment of the partnership discourse in migration governance between Mexico and the US, and in the North and Central American region more broadly. Some institutions took the name of “partnership”, as illustrated by the bilateral *Partnership for Prosperity*, the bilateral *Border Partnerships*, and the trilateral *Security and Prosperity Partnership of North America*. This section analyses a number of such initiatives and institutions in more detail: *Working Group on Migration and Consular Affairs of the Binational Commission* (BNC) and *Binational Study on Migration*; *Border Liaison Mechanisms* (BLMs) and *Interior Consultation Mechanisms* (ICMs); *Regional Consultation Mechanism* (RCM); *Operation Global Reach*; and *Partnership for Prosperity* (P4P). In contrast to the EU context, the partnership approach in the Mexico-US context has not taken the form of an overarching comprehensive partnership instrument, but is manifest in a number of institutional settings. The aim in this section is to illustrate the ways in which various initiatives and institutions have been involved in enacting and spreading the partnership approach, the forms of institutional cooperation that were established, as well as to analyse the power of the partnership approach as institutionalised in these examples.

The Binational Commission (BNC) and the Binational Study on Migration

The BNC was established in 1981 by Presidents Reagan and Lopez Portillo to ‘serve as a forum for meetings between Cabinet-level officials from both countries’, who met once or twice annually, to address topics requiring high-level attention (Bush Administration 4 September 2001b). Meeting in plenary sessions and working groups, they discussed a complex and diverse range of issues (US Department of State May 1994). Partly as an outgrowth of the BNC, contacts between the two governments at every level from staff to Cabinet officials proliferated (ibid). The BNC consisted of a number of working groups, one

⁷ This term was circulated initially in 2005 in a report of the Study Group at the Mexico Institute of the Wilson Center, entitled *The United States and Mexico: Forging a Strategic Partnership*, and reiterated in another report in 2009 called *The United States and Mexico: Towards a Strategic Partnership* (Study Group on US–Mexico Relations 2005, Working Groups on US–Mexico Relations January 2009).

of which was the Working Group on Migration and Consular Affairs (BNCWGMCA), which was strengthened in 1994 in the context of NAFTA negotiations. This led to the institutionalization of channels for regular and regulated communication and information exchange.

The BNCWGMCA illustrates the partnership approach: its aim is to exchange information and launch a dialogue in order to build trust, it focuses on common interests, and on technical cooperation, such as the exchange of information and procedural issues linked to the repatriation of ‘criminal aliens’ or by coordinating anti-trafficking initiatives. A former participant of the BNC recalls:

A lot of our discussions at the BNC were over security issues, for example, if the US is returning criminal aliens, what kind of notice should Mexico receive, and through what process, so that Mexico could run arrest warrants if there was a reason to detain them, rather than sending them back into the communities. It’s a technical issue, but really important! We also focused on figuring out ways to have joint anti-trafficking and anti-smuggling operations, how to share data to break up an operation simultaneously at the origin and in the US; a big law enforcement issue where both sides had an interest in dealing with. (Interview 13)

In order to reinforce bilateral dialogue, the BNCWGMCA commissioned a *Binational Study on Migration*, which was carried out by a binational research team and published in 1997. This Study was a collaborative effort by twenty scholars from both countries who wrote a report covering numerous aspects of Mexico-to-US migration, including the characteristics of the Mexican-born population in the US, the causes and consequences of migration, and the responses to migration in each country (Binational Study 1997). Evoking the partnership discourse, the final document states that ‘this study itself derives from the new spirit of cooperation’ (Binational Study 1997: 4).

This Study was a key milestone in the emergence of the partnership approach, in contributing to consensus and trust building. It also served to defuse tensions in the bilateral dialogue by turning migration into a matter of measurement and technical issues. For the field of development, Walters has argued: ‘Poverty, inequality and starvation become statistics and objectives to be mitigated. Instead of a conflict, one has administration’ (Walters 2010: 118–9). We suggest that, similarly, the Binational Study has contributed to turning the hot issue of migration into numbers and flows, and to making it “administrable”. Thereby, migration is re-framed and turned into specific, technical problems that both parties can identify with and address through cooperation. A statement by a former participant of the Binational Study confirms this:

What happened was that for the first time we came to an agreement on the flows. Up until that point, the numbers we were using and how we were characterizing the flows were very different, and we reconciled the data from the US census and administrative data with the Mexican census and administrative data, so we were able to get in the same range. And because it was so successful, the US census do this regularly, it has become institutionalised, and we share information. And *the Binational Study also helped to diffuse tension over a number of issues, so that rather than try to tackle the issue when they were not going to find good solutions, or ignore it, you could study it.* (Interview 17) [Own emphasis]

Border Liaison Mechanisms (BLMs) and Interior Consultation Mechanisms (ICMs)

The nineteen-nineties also saw the creation of other bilateral institutions, such as the Border Liaison Mechanisms (BLMs), the Interior Consultation Mechanisms (ICMs) and a whole

range of mechanisms largely organised informally along the border (Bach 2001: 11). BLMs are ‘a joint governmental instrument to further regional bilateral dialogue, in which representatives from both sides of the [...] border discuss issues of mutual interest, including public safety and law enforcement issues’.⁸ The BLMs were created in 1993 as a public-private cooperation initiative, chaired by the Consuls General, bringing together local, municipal, state and federal officials from both sides of the border, as well as business and community representatives. The BLMs work to develop joint actions to help resolve local problems, such as cross-border law enforcement issues, health concerns, and coordination of port security and operation.

The ICMs had a similar mission for the interior states of the US. Established through a Memorandum of Understanding (MoU) on Consular Protection of their nationals signed in 1996, they aimed at ‘sharing information concerning migratory practices and procedures by authorities on both sides of the border, and resolving problems at the local level’ (Clinton and Zedillo Administration 7 May 1996). In 1998, another MoU aimed at ‘formalising and institutionalising’ the ICMs with the objective of providing ‘a forum to improve communication between INS managers and Mexican Consuls regarding Mexican migrants’ and aimed to ‘resolve problems of mutual concern’ (Clinton and Zedillo Administration 11 June 1998). More specifically, the ICMs were supposed to:

respond to issues that arise at the local level, concerning [the] provision of consular protection and access to Mexican migrants in INS custody, respect for the human rights of migrants, conduct of INS District officials and Patrol agents, safe and orderly removal of migrants repatriated to Mexico under local border arrangements, and attention to complaints relating to professional conduct by both Mexican and U.S. officials, including non-immigration authorities involved in these cases. (Clinton and Zedillo Administration 11 June 1998)

ICMs are co-chaired by INS District Directors and Chief Patrol Agents, and Mexican Consuls, and each ICM has the possibility to determine ‘local entities, public and private’ that could participate in the meetings at the local and regional level (ibid).

These cross-border initiatives represent ‘experimental’ forms of governance; they were essentially problem-solving oriented and promoted cooperation between US and Mexican officials on technical issues (Bach 2001: 14). Moreover, they enact the principles of partnership, emphasising technical cooperation and capacity building, as well as public-private cooperation. In this sense, they contributed to reinforce the partnership approach. In addition, they also created new partners for cross-border cooperation on migration and border governance.

The Regional Conference on Migration (RCM)

The RCM, also called Puebla Process, was established in 1996,¹⁵ bringing together 11 states from the North and Central America region (RCM Brochure undated). Several countries from the Americas and international organizations – such as IOM, UNHCR, Economic Commission for Latin America and the Caribbean (ECLAC), and the United Nations Population Fund (UNFPA) – have been admitted as observers. NGOs also have observer status in the RCM, organized within the Regional Network for Civil Organizations on Migration (RNCOM).⁹ The RCM operates through the annual Vice-Ministerial Meeting and the Regional Consultation Group on Migration (RCGM), which represents the technical and

⁸ See online, available at: <http://mexico.usembassy.gov/eng/releases/ep050824BLM.html> (accessed November 2010).

⁹ See <http://www.rcmvs.org/> (accessed November 2010).

operational level of the RCM, consisting of national General Directors of Migration or Directors of Consular Affairs, and was created ‘to implement and follow-up political decisions’ (RCM 12 May 2004). With the technical cooperation and logistical support of IOM and the financial support of the member countries, the RCM has created a Technical Secretariat that is in charge of preparing the meetings and following up on items discussed and decisions taken during the Vice-Ministerial Meetings (ibid). The thematic focus of the RCM concentrates on three issues: migration policy and management, in particular human trafficking and smuggling and return; human rights of migrants; and migration and development.¹⁰

As mentioned above, the RCM has been important in spreading the partnership discourse both in bilateral Mexico-US relations as well as more broadly throughout the North and Central American region. Through its emphasis on sharing best practices, it has contributed to spread the partnership norms of migration management and shared responsibility. Its concrete programmes have heavily focused on capacity building and technical cooperation, implemented by the IOM. Thereby, Central American sending and transit countries have established new, or reformed existing, migration and border management institutions and legislation. Migration officials have been hired and have undergone training given by US officials or IOM representatives. In addition, detention centres co-funded by the US have been established in a number of Central American countries to intercept and deal with undocumented migrants prior to their arrival to the US. This illustrates the productive power of partnerships whereby countries of origin and transit take up the principles of shared responsibility and migration management. Yet, it should be noted that the RCM has also been a site for contestation of dominant partnership discourses. Moreover, it has also allowed countries of origin to bring to the agenda issues that have been neglected, such as of migrant rights and development initiatives.

Operation Global Reach

Operation Global Reach was initiated in 1997, as part of a larger INS Anti-smuggling Strategy during the 1990s. In 1993, the Administration tasked the INS to ‘make the combating of organised migrant trafficking a major priority’ (Meissner 19 June 1997). As a result, the INS worked on the Southwest Border initiative and established an inter-agency working group co-chaired by the INS and the State Department. As part of this anti-trafficking strategy, the Global Reach initiative aimed at extending permanent presence of the INS globally, which allowed it to work ‘beyond immediate national borders to ensure the security of the US’ (Greene 2001: 12). The idea was that it would be more cost effective to ‘prevent individuals from migrating illegally from abroad rather than apprehending and detaining them after they arrive’ to the US (Meissner 19 June 1997). As part of this initiative, the INS opened 13 new overseas offices to counter international trafficking, most of which located in Latin America, but also in Accra, Beijing, Copenhagen, Johannesburg and Tokyo (US Department of Justice 19 June 1997). Further, the US for the first time established ‘permanently assigned criminal investigators and intelligence analysts’ overseas to work on deterring migrant trafficking in source and transit countries (ibid). The focus was on:

training foreign law enforcement and airline officials in identifying fraudulent documents, improving liaison and cooperation with host country officials to deter migrant trafficking, developing information for the successful persecution of alien smugglers in the US and host countries, and strengthening cooperation of host country migration and law enforcement officials in investigating and persecuting smugglers. (US Department of Justice 19 June 1997)

¹⁰ See <http://www.rcmvs.org/> (accessed November 2010).

By 2001, the INS had trained 45'000 host country officials and airline personnel in fraudulent document detection and intercepted more than 74'000 fraudulently documented aliens attempting to transit these countries to the US. One of its major success was an anti-trafficking investigation in 2001 which was the 'largest multinational anti-smuggling operation', bringing together 14 countries and leading to the arrest of 75 smugglers and over 7'800 individuals (Greene 2001: 13).

Global Reach takes up the partnership discourse in its references to common interests, shared responsibility and capacity building. This operation was also explicitly linked to other initiatives at the time. Thus, INS Commissioner Doris Meissner stated in a press conference that the Global Reach initiative built on 'existing international efforts such as the two Regional Conferences on Migration, where countries from North and Central America recognised illegal migration as a common problem and established a plan of action to address the issue together' (Meissner 19 June 1997). In this context, a former INS officer working for Global Reach stated:

Through this operation we greatly expanded our footprint overseas, so that we could work at the source countries, as well as with the major transit countries, and increase training, supply material to try to improve intersection of illegal migrants, disrupt trafficking organizations (...) we worked with the source country immigration services along the path of smugglers, to disrupt the operations of smugglers, and to implement initiatives to get anti-trafficking legislation on the books in a number of countries in the world, which didn't happen before. (Interview 16)

Global Reach illustrates the productive power of the partnership approach: though this initiative, a number of 'source countries' became 'partners' of US anti-trafficking initiatives, were responsabilised to cooperate in the fight on undocumented migration. Moreover, as mentioned in the above quote, the partner countries reformed their legislation and established new institutions to enact shared responsibility for managing migration.

Partnership for Prosperity (P4P)

The P4P was a product of the bilateral dialogue between President Bush and President Fox during 2001 (Storrs 2006: 4). Participating actors in the P4P included US governmental institutions (e.g. USAID, US Department of State and the US Treasury Department); Mexican governmental institutions (e.g. federal development agency SEDESOL, trade and finance departments and state financial institutions); international financial institutions (e.g. Inter-American Development Bank); private business actors (e.g. IBM, GM, Ford and Citibank); and Non-Profit NGOs (e.g. Pan American Development Foundation and Aid to Artisans). Within the P4P, concrete projects were implemented, such as programmes to promote the formalization of remittance flows; the reduction of transfer costs and the increase of access to financial services (e.g. bank accounts or remittances services); education and exchange programmes (e.g. TIES¹¹); mortgage services (e.g. remittances for housing in Mexico); identity cards for migrants to allow them access to financial services (e.g. *Matricula Consular*); and involvement of the diaspora in development projects (mainly through remittances for productive projects involving USAID among others). With the signing of the Security and Prosperity Partnership of North America (SPP), the P4P lost momentum and was

¹¹ USAID's Training, Internship, Education and Scholarship Program (TIES) creates partnerships with universities to provide scholarships for graduate studies and joint research faculty exchanges. The programme provides US\$ 50 million for a seven-year initiative to enhance the capacity of higher education institutions, whereby the first US\$ 4 million of USAID funding has been matched by US\$ 6 million in private funding (P4P 25 November 2002:9).

partly integrated into this new trilateral partnership, which has come to an end under the Obama Administration.

In the Guanajuato Proposal establishing the P4P the two presidents emphasized:

We are united, as never before, by values and interests that cover the entire span of our rich and broad relationship. [...] This common outlook is the basis for a full, mature, and equitable partnership for prosperity. [...] We believe our two nations can now build an authentic partnership for prosperity, based on shared democratic values and open dialogue that bring great benefits to our people. [...] We will do so as friends, in a spirit of mutual trust and respect. (President Bush and President Fox 16 February 2001a)

The quotation illustrates the presence of the partnership discourse, emphasizing common values, mutual trust and a ‘full, mature, and equitable partnership’.

Conclusion

As seen in this case study, the partnership discourse has taken various forms in the Mexico-US and broader North and Central American context. Yet, the basic principles of the partnership approach have been taken up and spread through a variety of institutions. New, experimental and network forms of governance have been established in the context of the partnership approach. This involves reinforced cooperation between Mexican and US ministers, transgovernmental cooperation between staff working on border and migration, as well as the involvement of international organisations, such as the IOM, and public-private cooperation. The study reveals how the partnership approach glosses over fundamental asymmetries between the ‘partners’. At the same time, it also has transformatory implications, as discussed below.

V. CONCLUSION

This paper shows how the partnership approach emerged and developed at the international level, as well as in EU’s external policy and the Mexico-US relations. The analysis reveals that in each context, the partnership approach has distinct discursive and institutional dimensions. While in the case of the EU, the discourse has taken the form of a “conditional partnership”, in the US context, there has been a move from a broad “partnership for prosperity” towards a narrower “security partnership”. Yet, the analysis has highlighted that the six core principles of the partnership discourse at the international level have all been taken up, albeit in various forms and to various extents, in both the EU and the US cases. Regarding the institutional dimensions, the analysis highlights how migration partnerships replicate wider trends towards ‘experimentalist’ (Sabel and Zeitlin 2010) and transgovernmental network governance (Héritier 2002; Lavenex 2008; Raustiala 2002; Slaughter 2004). However, as we have noted, there is often a gap between the discursive principles of horizontal process-oriented, co-owned and open structure of joint policy-making on the one side, and the policy practice on the other side, which perpetuates receiving countries’ concerns with immigration control rather than mobility, rights or development, and which reproduces asymmetries between “partners”. The voluntarism inherent to these forms of cooperation, the selective and instrumental use of available platforms, and weak administrative capacity on the part of the source countries reinforce pre-existing power differentials.

Linking up with earlier analyses of the partnership approach in development cooperation, we can now ask whether migration partnership can be neglected as mere rhetoric or ideology disguising the continuity of established approaches (Abrahamsen 2004: 1456), or whether there is more to it. While the discourse on migration partnership certainly is not void of “hot air”, the institutional analysis highlights a number of broader power implications in the proliferation of these transgovernmental, soft modes of governance in relations with the source and transit countries of migrants. First, it can be said that the broad international, regional and bilateral reception of the partnership approach has contributed to a new understanding of migration cooperation, which conceives of migration as a management issue and a shared responsibility, as resolvable through win-win solutions, trust-building and technical cooperation and capacity building. Thereby, the deep antagonism inherent in the phenomenon of international migration and existing asymmetries between countries are glossed over. Second, the partnership approach serves to create new “partners”. Although different types of partners are created, all partners are “responsible”. As they are embedded in broader structures of (inter)dependence, and being directly affected themselves by the consequences of tighter migration policies in the traditional destination countries, the countries of origin and transit are increasingly willing to manage international migration, to cooperate on joint border and anti-trafficking initiatives, to stem undocumented migration, and to undergo capacity building. Empirical studies show the uneven and conflictual nature of these processes, but converge in the observation that the countries sharing particularly close relations with the EU do indeed adapt their migration policy systems to the prerogatives of control (Freyburg et al. 2011; Freyburg 2011; Lavenex and Wichmann 2009; Sterx 2009; Wunderlich 2011). This represents far-reaching institutional and legislative transformations in these countries. Thus, for example, certain countries, such as for instance Morocco, have changed their legislation to criminalize irregular emigration, thereby restricting the freedom of mobility of their citizens and symbolizing the enactment of their share of responsibility for managing migration. Moreover, as a result of capacity building initiatives by the EU and the US within the partnership approach, Mexico and other Central American countries, as well as EU neighbours have reformed existing, or established new, migration and border institutions that serve to manage migration, control borders, or detain undocumented migrants.

Sustained by an increasing number of international and regional actors, migration management becomes an integral part of “good governance”. It is moved to the top of the agenda of countries of origin and transit, and is given priority over other issues, both in terms of discourse as well as in terms of funding priorities. Furthermore, responsabilised for the management of migration, these states enact similar institutions and legislation, as well as forms of cooperation with other countries of origin. Thus, for example, in the Central American context, we can see how as a result of the partnership approach, particularly through the RCM, first Mexico and then other Central American states initiated a number of reforms and established new institutions and legislation in the process of becoming responsible countries of origin and transit and worthy partners. The same is true in the EU’s periphery, where countries that have agreed to conclude readmission agreements with the EU are actively perpetuating these instruments with their neighbours further afield, and where other countries, such as Morocco, have called for the extension of the migration dialogue to Sub-Saharan Africa as a consequence of its increasing cooperation with the EU. Another expression of this expanding trans-regional dimension are the plurilateral RCPs that the EU and the IOM have jointly developed in inter alia in West Africa and Southern Africa in the efforts to disseminate perceptions, know-how and technology in immigration matters (Betts 2011c).

It should be noted, however, that these widening of the webs of migration governance are not without resistance. As shown in the Mexican context, the establishment of the principle of shared responsibility was hotly debated, opposed by proponents who argued that this infringed the right of freedom of movement. The RCM has also been a site for resistance. In the EU context, some countries have refused to become “partners” or sign Mobility Partnerships, such as in the case of Senegal. In other cases, partner countries have used the concept of shared responsibility to turn it around and remind the EU of its responsibilities. Thus, the partnership approach has contradictory outcomes in terms of producing new forms of governing and self-governing, but also opening up new spaces for resistance for partner countries.

To conclude, this paper shows that the promise of partnership has not been realised in terms of striking win-win(-win) solutions. Furthermore, it highlights the difficulties implied in applying notions of voluntary and process-based, experimental governance in deeply politicized and asymmetric settings. Nevertheless, the partnership approach represents an anchor to a wide array of policy initiatives and instruments that immigration countries have designed in their relations to countries of emigration and transit since the 1990s. The significance of this symbolic anchor can only be understood when locating migration partnerships as part of a larger turn towards a partnership approach in international migration governance. Thereby, the focus is moved beyond existing accounts of these new policy initiatives as either truly cooperative instruments or “business as usual”. Instead, the partnership approach can be interpreted in terms of a particular form of governance and power, which, under the guise of consensual equity, reinforces existing asymmetries between “partners”, and produces new social forms.

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