

Recent Developments in the EU Migration Management Policy

EU-Cape Verde Mobility Partnership,
Frontex and the Management
of the European Borders

Ane Kristine Djupedal

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Abstract

In 2008, the EU-Cape Verde mobility partnership was adopted to facilitate migration management between the European Union (EU) and the West African country of Cape Verde. This stands in the tradition of migration as an aspect of the EU external policy, and includes aspects of security, development and legal migration in one single 'migration package'. Frontex is tasked with the border management within this specific partnership, as the only EU-level agency participating. The purpose of this thesis is to study this policy instrument in order to understand the recent developments in the EU migration management policy, the nature of the partnership and how it contributes to the coordination of the overall migration management policy. Frontex has been criticized for being hostile towards human rights and for providing the so-called Fortress Europe. In order to investigate how this is manifested in the partnership, the very nature of the agency has been studied. The main finding in this thesis is that the mobility partnership contributes to the EU migration management policy through enhanced cooperation and interaction between the participating member states. Through rules, standard operating procedures and a shared understanding, the mobility partnership is on its way to become institutionalized. This process of institutionalization may indicate a change in the overall migration management policy contributing to a more coordinated EU migration policy. Frontex has contributed to feed the border management agenda into the EU-Cape Verde mobility partnership, and this has been possible because of its organizational capacity.

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Any shortcomings or mistakes are my responsibility only

Ane Kristine Djupedal
Oslo, 25 February 2011

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List of abbreviations

CV	Cape Verde
DG	Directorate- General
DG AID	Directorate-General Europe Aid Development and Cooperation
DG DEV	Directorate-General for Development
DG JLS	Directorate-General for Justice, Freedom and Security
DG Home	Directorate-General for Home Affairs
ETF	The European Training Foundation
EU	The European Union
Frontex	The European Agency for the Management of Operational Cooperation at the External Borders
GAERC	General Affairs and External Relations
HLWG	High Level Working Group on Migration and Asylum
JHA	Justice and Home Affairs
RAU	Risk Analysis Unit

Chapter 1

Introduction

Research purpose

Migration has, since the very beginning of the European integration process, touched upon core issues of the developments in the Union as a result of implementing the four freedoms: Freedom of services, goods, capital and finally, of labour (Chou 2009b: 5; Givens and Luedtke 2004: 145). The European Union (EU)¹ is an area of free movement of persons, asylum and migration, which signifies a Union without internal borders. This free movement of people within the EU became strengthened with the entry into force of the Schengen agreement in 1995², and has contributed to a need of a common migration framework for the member states. This thesis offers an assessment of how EU migration management policy has evolved recently by looking at a very specific policy instrument, namely the EU-Cape Verde mobility partnership.

The overall aim is thus to take one step closer to understand what underpins the recent developments in the European migration policy

¹ The European Union came officially into existence with the Maastricht Treaty in 1992, while the European Community (EC) was founded with the Treaty of Rome in 1957. In order to prevent confusion throughout the thesis I will use the term EU or the European Union interchangeably even though I am referring to developments earlier than 1992.

² The Schengen Agreement was signed with France, Germany, Belgium, the Netherlands and Luxembourg in 1985; however the implementation of the convention came about in 1995. With the Amsterdam agreement in 1997 every country in the EU, except from the UK and Ireland, signed the treaty. In addition, Bulgaria, Romania and Cyprus are neither participants of the Schengen Agreement.

operationalised through coordination. This coordination will be studied by taking a look at the above mentioned partnership followed by a study of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex) in order to investigate how Frontex contributes to the mobility partnership towards the overall objective of EU's migration management policy.

The chapter is structured as follows: The first part seeks to explain the importance of this study. Second, the developments in the European migration management policy will be outlined to show the context in which the EU-Cape Verde mobility partnership was created, followed by a description of the EU-Cape Verde relationship and the mobility partnership. Next, I present the agency structure in the EU together with a description of Frontex, both its structure and functions according to its mandate. The presentation of the topics presented in this chapter leads, at the end of the chapter, to the two overarching research questions of this study related to a) the contribution of the EU-Cape Verde mobility partnership to the EU migration policy b) Frontex and its contribution to the partnership. Finally, a brief outline of the structure of the master thesis ends the chapter

Why this study is important

The EU migration policy has undergone dramatic changes over the last few years, and by looking at the EU-Cape Verde partnership this thesis seeks to go in depth in the study of one policy instrument in order to see how it contributes to this policy. In the Tampere Council Conclusions from 1999 and the Communication of Circular Migration from 2007, the EU and the member states articulated common goals for the further development of the EU migration management policy. These events stand as the point of departure for asking how, if at all, the mobility partnership contributes to a change of the overall migration management policy.

The study has been triggered by a curiosity to explore several issues, both analytically and empirically. In the Tampere Conclusions the 'need for a more efficient management of migration flows at all their stages' was established in order to create a Union of Freedom, Security and Justice (European Parliament 1999: 5). The aim was a common EU policy, and this would be done through several measures linked to various aspects of the EU migration policy, and developing partnerships with third countries was launched as one of

those measures. The objectives of the partnerships with third countries were 'assessment of countries and regions of origin and transit in order to formulate specific integrated approaches' (European Commission 2000: 8). Seven years later, the Commission wrote in 'the Communication on circular migration and mobility partnerships' that the contribution of the partnerships would be in the form of *coordination, assessment and formulation of policy*. The aim of the partnerships was to facilitate legal movements between third countries and the EU member states. The objective of this study is to investigate the extent to which the Commission and the member states have reached the aim of increased coordination in order to maximise synergy, and in a Commission evaluation of the Mobility Partnerships it was stated that the partnerships were contributing to the operationalisation of the Global Approach to Migration:

[E]ven at this early stage of the implementation, mobility partnerships constitute the most innovative and sophisticated tool to date of the Global Approach to Migration and contribute significantly to its operationalization.

(European Commission 2009: 4)

However, when policy makers are evaluating and measuring the effectiveness of its own policy this might be used as political ammunition in order to justify the specific policy under study (Christensen et al. 2009: 174), and thus it is interesting to investigate the claims in this Commission report further. The mobility partnership is a recent phenomenon in the European migration management policy, and has not yet been explored in depth. It is a policy instrument set out by the Commission and the EU member states in order to put policy into practice, and although it has been claimed that these partnerships are not new to the EU migration cooperation (Chou and Gibert 2010: 12), my expectation is that they, in some way, are contributing to a change in the European integration process by being a framework for enhancing the coordination between the EU member states and the EU. So, the question is; how does the EU-Cape Verde mobility partnership actually contribute to a change of the overall migration management policy? According to the organisational and institutional theories, political structures create boundaries, rules and procedures (Olsen 2009), and by using institutional theory it is possible to investigate how institutions affect political outcomes. In this thesis institutional theory will be applied in order to investi-

gate change and continuity in the EU migration management policy.

Given that the partnership contributes to a change to the migration management policy, it is interesting to investigate how Frontex contribute to this change. The tradition of organisational theory has, during the latest years, aimed attention at agencies and their role in the developments of the European integration. In this tradition, this thesis investigates what role – If any – Frontex plays in the development of this specific policy instrument. To what extent Frontex contributes to the EU-Cape Verde partnership will be investigated from the objectives mentioned in the EU-Cape Verde Joint Declaration from 2008 where Frontex was assigned an implementing role. The thesis is neither a study of European agencies nor organisations, but a study of the migration management policy in the EU. Yet, the study can be seen as a contribution to the scholarly debate concerning agencies and their role in the European integration process. This is due to the fact that the analysis touches upon important topics concerning the role of an agency within one particular policy framework. This is interesting analytically, because based on an organisational approach, the structure of agencies is expected to have an impact on policy. Empirically, the creation of the mobility partnerships is interesting because they combine two different views on how to manage migration. On the one hand, the mobility partnerships have a central aim of fostering developments in third countries, and, on the other hand, they include parts of the security element of migration management by involving Frontex. This tension between security and development is an interesting characteristic that triggers the desire to study this further. This thesis investigates how Frontex contributes to the mobility partnership towards the overall objective of EU's migration management policy. Media and human rights activists have, since Frontex was established in 2004, given it a considerable amount of negative attention, and has criticised Frontex for failing to protect migrants in their attempt to reach Europe (Leonard 2009: 372). My curiosity on Frontex' role in the implementation of the mobility partnership was picked by the fact that it is a controversial agency (Neal 2009: 1), and the ongoing debate on Frontex make these questions even more interesting to study.

This chapter will provide the background for the two analyses on the mobility partnership and Frontex. The following passage on the recent developments of the migration management policy in the EU

should be seen as an introduction to the topics under study, and as a review of the literature written and existing research on these issues. However, it cannot be read as a complete account of the complex patterns in the integration of the EU migration management; the aim is rather to shed light on the *context* in which the mobility partnerships have been created.

European migration management policy

Ever since the beginning of the European integration process the question concerning who decides in the EU has been debated. Where is the power centred, towards the member states or to the Union itself? The European Union has both supranational and intergovernmental features. To put it simply, this means that in some cases decisions are taken at the European level rather than the national level, while in other cases decisions are taken by the member states. Between these two levels of decision-making there are tensions because nation-states are critical of loosening up their sovereignty in order to give more competence to the EU level (Caviedes 2004: 289). Since the beginning of the European integration process the EU has strengthened its competences, and with the entry into force of the Lisbon treaty in 2009 this trend continues.

The role of migration management policy in the EU has changed since the outset of the European Community in 1957, and the tendencies have slowly followed the European integration process. From being a concern of the EU member states, the migration policy has shifted towards EU competence at a supranational level. Originally, Justice and home affairs (JHA) was organised under the third pillar³ in the European Union. This pillar comprised a variety of policy issues: 'immigration and asylum policy, the fight against terrorism and organised crime, and judicial and police cooperation within the EU' (Smith 2009: 2). However, after the Amsterdam treaty in 1997 the EU has gained more competence in the fields of

³ In this thesis I will still use the pillar terms, although I am fully aware that this system was abolished with the entry into force of the Lisbon treaty in 2009. The pillar structure in the EU was based on a separation between three pillars: a) The European Community, b) the Common Foreign and Security Policy c) Justice and Home Affairs (Police and Judicial Co-operation in Criminal Matters). The EU level exercised competences in the first pillar, while the pillars two and three were based on inter-governmental decision making.

immigration and asylum cooperation (Boswell 2003; Caviedes 2004; Chou and Carrera 2006: 137; Smith 2009; Wolff 2006: 1) which means that this policy sphere is now under the competence of the European institutions; the European Commission proposes, the European Parliament (EP) and the Council legislate, and the European Court of Justice (ECJ) adjudicates (Chou and Gibert 2010: 7), and that the formal legislation process is co-decision; which has been the case since 2004 (Givens and Luedtke 2004: 145).

The shifting of competence in the area of migration and the free movement of labour is related to core interests in the EU member states. This is in particular so because transferring power impinges upon a crucial element of the nation states, namely their national sovereignty (Castles 2003; Caviedes 2004). Traditionally, nation-states view migration management policy as an important issue of control because it touches upon cultural, economic and social rights to the citizens through the welfare state (Huysmans 2000: 767).

To understand the creation of the mobility partnerships and to place Frontex within the context of the EU migration management policy, the following topics will be presented below: the externalisation of the EU migration policy, the migration-development nexus and the securitisation of the migration policy. In the recent developments in the EU migration policy I have observed a shift in the EU migration management policy from an internal to an external focus. This shift can be seen as crucial for the development of the mobility partnerships, and in the following section, I elaborate some of the reasons why this is so.

Externalisation of the EU migration policy

At the heart of the evolution towards a more supranational migration policy, lies an orientation from an internal to an external focus on migratory issues. The internal migration refers to the free movement of workers within the Union (Chou 2009a: 545), and the migration policy in the EU was to a large extent treated as an internal issue until the end of the 1970s⁴. This is a politicised topic and has been at the

⁴ This rhetoric started in 1979 when the Commission stressed that 'external migration regulation is "a corollary to the Community policy of free movement of Community workers"' (Chou 2009a: 545)

top of the agenda in several EU summits during the last years (Bosch and Haddad 2007). With the Amsterdam treaty, the high level meeting in Tampere, creation of the High Level Working Group on Asylum and Immigration (HLWG) and the Global Approach to Migration, migration policy has turned towards an external issue for the EU⁵. Below, these developments will be studied more in detail.

It is important to recognise that the external dimension of the Union is defined in two different ways. The first is related to the European neighbouring countries and potential member states, while the second definition of external dimension is related to countries that are not close to the EU borders and considered sources of migrants and illegal trafficking (Wolff et al. 2009). This thesis will focus on the second definition, and more specifically, the EU-Cape Verde mobility partnership.

With the Amsterdam treaty in 1997 the migration policy became introduced to the EU external dimension by stating that ‘measures aimed at ensuring the free movement of persons [...] with respect to external border controls, asylum and immigration’ was to be included in the Union legislation in order to create an area of freedom, security and justice (AFSJ) (Official Journal of the EU 1997 as cited in Chou and Gibert 2010). After the Amsterdam treaty, migration management was still connected to both internal and external issues, and in 1998 the HLWG on Immigration and Asylum was established. This task force aimed at improving the coordination between the responsible ministers, meaning that representatives from both JHA and experts from the fields of foreign, security, development and economic policy were represented (Castles 2003: 219; Chou and Gibert 2010). The HLWG became thus established as the decision-making power ‘for all European migration policies containing an “external dimension”’ (Chou and Gibert 2010: 7). The fact that both JHA ministers and foreign ministers met in this HLWG has reinforced the trend that migration is of both internal and external dimension. One year later, under the Tampere high-level meeting in 1999, the externalisation of the migration management policy was given full political attention (Boswell 2008; Wolff 2008: 255). At that time, there were hundred thousands of asylum-seekers

⁵ As written the footnote above I am aware that this trend started in the beginning of the 1980s, however this study will focus on the recent trends from the 1990s until today.

originating from Kosovo arriving into the EU (Busch 1999). And in this context, the Tampere meeting initiated the creation of a common framework for asylum in addition to cooperation with countries of origin (Bosch and Haddad 2007: 5). This summit meeting in Tampere gathered European heads of state who together flagged out four elements of concern: partnership with third countries, a common European and asylum system, fair treatment of third-country nationals and management of migratory flows (Caviedes 2004: 294). Under the partnership umbrella, cooperation with third countries was put on the agenda, and under the flag of a common EU asylum and immigration policy the aim of a 'comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit' became stated (Chou 2009b: 7; European Parliament 1999; Lavenex 2006).

Since the Tampere meeting the EU has continued to emphasise the external dimension of the migration policy through summit meetings and Council conclusions from Feira in 2000 to The Hague Program in 2004 and the Hampton court in 2005 'which called for urgent action to develop the external dimension' (Boswell 2008: 499). In 2005 the Council of the European Union came out with a strategy paper for the inclusion of external dimensions of Justice and Home Affairs (Council 2005). In this paper they stated that:

In order to meet the expectations of the citizens the European Union must respond to the security threats of terrorism, organized crime, corruption [...] and to the challenge of managing migration flows [...] to be effective it needs to work with countries outside the EU [...] and therefore make JHA a central priority in [the EUs] external relations.

(Council 2005)

With this Strategy Paper the inclusion on the external dimension in the JHA became even stronger and connected to partnerships with third countries in order to cope with the challenges caused by international migration. The foundation laid for cooperation with third countries continued with the Cotonou agreement in 2005. There they manifested a strengthened cooperation between the EU and the African, Caribbean and Pacific (ACP) states on economic, social and cultural development (Cotonou Agreement 2000 and 2005). Within this context of externalisation of the migration management policy,

the *Global Approach to Migration* emerged in December 2005. The global approach to migration addressed the idea of combining different policy areas all connected to migration into one action plan for the EU. It touched upon development, social affairs and employment, external relations and justice and home affairs. It carried forward the idea from the Tampere conclusions in 1999 of dealing with migration in cooperation with third countries (European Commission 2006), and thereof the idea of creating mobility packages between EU member states and third countries was set off.

In this context of externalisation of migration policy two events are seen as important for giving political impetus to the developments sketched above. For years, there has been a large amount of immigrants arriving in Europe through West Africa. In 2005, two incidents, resulting in the death of several migrants, in the cities of Ceuta and Melilla visualised the dangers thousands of migrants were facing in the hope for a better life in Spain. These incidents attracted attention to the fate of the irregular migrants arriving to Europe and therefore, migration became a salient political issue, which forced the political leaders to think differently on migration management (Bosch and Haddad 2007; Boswell 2008; Lavenex and Kunz 2008; Nærland 2005). These events can be seen to have led to two trends: the externalisation of the migration policy, and as well the idea of combining migration and development (Lavenex and Kunz 2008: 449).

The migration-development nexus and security

In this context of externalisation of the migration policy and increased dangers related to migration from the African continent to the European, the connection between migration and development has evolved. The term 'migration-development nexus' was conceived by Sørensen et al. in 2002 (Chou 2009b: 4; Lavenex and Kunz 2008: 441) and captures the idea that remittances and circular migration may have a positive impact on levels of development and prevent the negative effects of migration related to the so-called 'brain drain' (Skeldon 1997: 3). However, the connection of migration and economic development was first mentioned in the Ascencio report in 1990, where it was stressed that 'development can, eventually, reduce migration', and secondly that migration also can have an effect on development, but that 'this relationship is quite ambiguous' (cited in: Chou 2009b: 5). Prior to the introduction of the connection between migration and development these two ideas were seen as two distinct areas of

concern, or as a result of lacking or failed development (Lavenex and Kunz 2008: 441). Yet, the migration-development nexus has not led to the creation of the mobility partnership itself. It is important to situate the migration-development discourse within the wider context of how European governments have sought to regulate migratory flows to identify its connection to the partnerships. European countries are both facing problems of unemployment, and an aging and shrinking population (Martin and Zürcher 2008: 12). The EU has therefore sought to cooperate with countries outside the EU borders in order to manage the migratory flows, while at the same time focusing on coordinating the migration management within their borders.

Lavenex and Kunz (2008: 452) claims that 'the EU has started to revise its originally securitarian frame of migration policy to adopt the migration-development nexus'. However, as Chou (2009b) points out, the EU migration management is still pending between two ways of managing migration. This is shown in the mobility partnership where both 'repressive' and 'progressive' components of migration management are present. The repressive dimension is related to classical migration control instrument i.e. border control, while the progressive is related to the facilitation of return of asylum seekers and irregular migrants in Europe, and management of the root causes to migration (Boswell 2008). This leads me to introduce an important feature of the migration policy in the EU: the strengthened focus on the relationship between migration and security.

During the 1970s and 1980s the migration discourse was largely connected to the 'destabilization of public order' (Huysmans 2000: 754), and the European ministers of interior and the European governments have 'securitised the migration agenda', by connecting it to law and order (Chou 2009a). After the cold war, international migration was added to the list of 'new threats' connected to fear for Islam, international criminal networks and a fear that migration might lead to increased terrorism (Guiraudon 2001: 268). Thus, a new discourse connected to migration and security emerged. This migration-security nexus led to an increased emphasis on border control and security when dealing with migration together with the discourse related to the migration-development nexus.

The mobility partnerships

The idea of mobility partnerships was launched in a Commission Communication on Circular Migration and mobility partnership in 2007 (European Commission 2007), but the idea on cooperation with third countries originally stems from the Tampere Conclusions laid out in 1999. The partnerships were presented as packages of migration projects created in order to manage migration through strengthened cooperation and dialogue between the governments in the European Union and third countries. The aim of these partnerships, according to the Commission considerations in 2007, was ‘to facilitate “circular migration”, which is broadly defined as “a form of migration that is managed in a way allowing some degree of legal [or authorised] mobility back and forth between [the EU and some third countries]”’ (Chou 2009b: 1). The Commission saw the need for improving various forms of legal migration between the EU and third countries (European Commission 2007). In addition, the partnerships were said to enhance the cooperation with third countries adapted to the labour needs in European countries, while at the same time prevent ‘brain drain’ and ‘incentives for illegal migration’ (European Commission 2007). So, what are these partnerships? Basically, they are instruments made in order to put policy into practice. The policy that they are going to put into practice is the common EU migration management policy, spelled out with the Tampere Conclusions in 1999.

Official negotiations started in 2008 and pilot projects have so far been developed with three countries – Cape Verde, Moldova, Georgia. Senegal has, as well, been approached for negotiations, however, these negotiations have stalled since 2009 (Chou and Gibert 2010: 1). The mobility partnerships involve many different actors, and those specifically involved are the signatory member states, the specific third country involved, the European Commission, the Council, and the EU-level agencies Frontex and the European Training Foundation (ETF)⁶. However, the European Parliament and the European Court of Justice are not involved in the partnerships.

⁶ The ETF is involved in education and training of the European neighbouring countries (in this case Georgia and Moldova) and will therefore not be covered specifically in the study.

The three partnerships all involve different projects, and they are created on the basis of migration initiatives between the specific third country and EU member states. The mobility partnership with Cape Verde includes 29 proposed projects, while the partnership with Moldova includes 34 and the one with Georgia 17. Each partnership is signed with different member states and while the partnership with Georgia has been signed by 16 member states and Moldova with 15, the partnership with Cape Verde has been signed only by five EU member states (Council 2008a; 2008b; 2009). Every partnership is tailor made and develops projects and cooperation on issues of concern for the specific countries participating.

The EU-Cape Verde relationship

Cape Verde became a relevant partner country for the EU through the external dimension discourse related to the non-neighbour countries of the Union, and is a small country on the West African coast with a total population of approximately 500.000 (World Bank 2010). The question why this country in particular is involved in a partnership with the EU member states can be addresses in several ways. Cape Verde is a country of emigration and transit, and the Cape Verdean Diaspora is said to be even larger than the country's population (Carling 2003: 335), thus large populations of Cape Verdeans in some European countries (as shown in figure 1.1) has made this country particularly interesting for some member states. Cape Verde is also an important country of transit for potential migrants to the European continent. Potential illegal migrants⁷ from Ghana, Mali and Senegal heading for Europe are passing by Cape Verde in order to reach the Canary Islands (Carling 2008: 10). This can give a background idea for why Cape Verde was chosen to the mobility partnership pilot project; however, the EU-Cape Verde relationship was first initiated within the framework of the Special Partnership. The EU-Cape Verde mobility partnership will be implemented by 'The Local Monitoring Group set up under the Special Partnership'(Council 2008a: 6), and it was from this the EU-Cape Verde mobility partnership emerged.

⁷ Illegal in the European context, but legal in Africa with the free movement of persons within the ECOWAS area (ECOWAS 1975).

The Special Partnership was launched in 2007 as an economic and social partnership between the EU and Cape Verde, including issues from poverty alleviation and development, to regional integration and economic cooperation and migration (Percival 2008). In this climate of EU-Cape Verde cooperation, Cape Verde already in 2006 expressed a wish to loosen its ties to the Economic Community of West African States (ECOWAS), and limit the access of West African nationals to its territory, a decision taken in cooperation with the EU (Afrol News 2006). This shows how Cape Verde, with the special partnership, is severing its ties to the West African region, while enforcing the ties to Europe. With the mobility partnership these ties are even stronger.

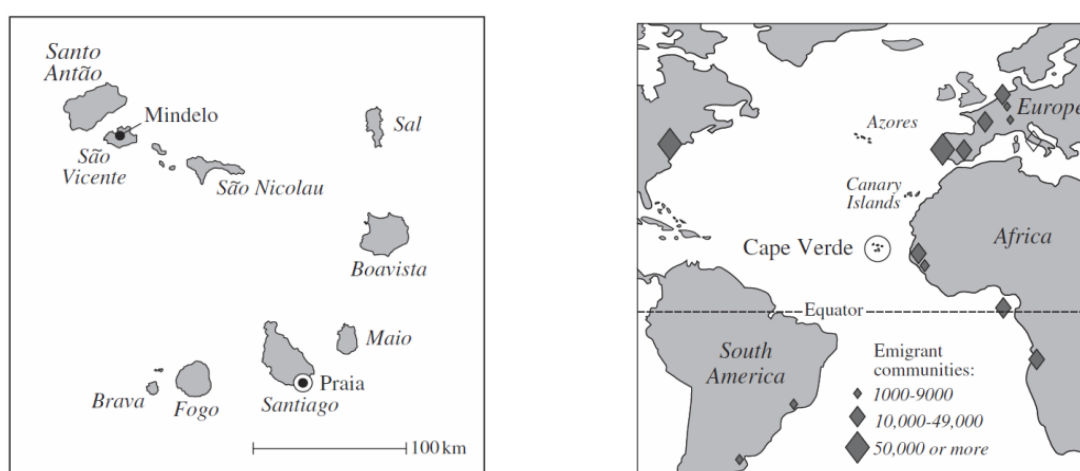


Figure 1.1: Cape Verde: Description of country, position to Europe and Cape Verdeans in Europe

Ref: (Carling 2004: 114)

The EU-Cape Verde partnership

The EU-Cape Verde mobility partnership was launched in the Joint Declaration in May 2008 and signed in September 2008 (Council 2008a). The EU member state Portugal is responsible for the implementation of the initiative, while Spain, France, Luxembourg and the Netherlands have signed the Joint Declaration along with Portugal (Reslow 2010). Several aspects introduced in the Commission Communication on circular migration and mobility partnership have been elaborated in the mobility partnership with Cape Verde which, as written in the Annex, includes 29 proposed projects (Council 2008a). These projects are the main interest in the partnership between the EU signatory states and Cape Verde and they are concentrated on different issues of migration management and mainly separated in three different sectors. *The first* is connected

to mobility, legal migration and integration, *the second* puts emphasis on migration and development while *the third* concentrates on border management, identity and travel documents, fight against illegal migration and trafficking in human beings. This third sector is the relevant sector for Frontex. A working agreement with Frontex is under development, and when it becomes initiated it is expected to strengthen the cooperation on border control, which will be investigated further later in this study.

The Joint Declaration mentions that Frontex is responsible for the implementation of the activities in the field of information exchange and risk analysis, training, research and development as well as coordination of joint operation measures. The idea is also to introduce an active discussion on the improvement of technical equipment and technology at borders (Council 2008a). However, does Frontex meet this responsibility? This study aims to explore to what extent Frontex actually is responsible for the implementation of the border management policy in Cape Verde, and to investigate the position of the EU-Cape Verde partnership within the overall migration framework in the EU. To do so, the EU-level agencies and their particular characteristics will be discussed below.

EU-Level agencies and Frontex

Since the 1970s EU-level agencies have emerged as important actors on the EU policy-making scene, and they have grown rapidly in both competence and number during the 1990s and up to the 2000s (Barbieri and Ongaro 2008: 395). However, the literature written on EU-level agencies seems to be twofold. On the one hand, researchers stress the intergovernmental nature of the Union's agencies and on the other strand researchers point to the fact that the agencies are steered towards the European level (Egeberg and Trondal 2010). The tension between the agencies connection to the Union and to the member states is important in order to understand the nature of the EU agencies, and according to Trondal (2010: 129) the aim of developing the European agencies has been to 'fill the institutional vacuum between the Community and the member-state level of government'. 'These bodies have real power and their opinions and decisions can have a direct impact on individuals, regulators and member states' (Busuioc 2010: 1).

The EU-level agencies vary in form and structure, yet they are all part of the executive branch of the EU system. There are many definitions of agencies. For instance, Majone (2006: 191) says that “an agency” is an omnibus label to describe a variety of organizations which perform functions of a governmental nature, which generally exists outside the normal departmental framework of government.’ Leonard (2009: 373) explains this clearly: ‘[you can describe agencies] as specialised bodies, which are staffed with experts that generally deal with matters of scientific or technical nature’. At present, there are 35 EU-level agencies. Structured after the former pillar structure the Commission separates between five different types of agencies. Hence, there are 23 Community agencies, three agencies under the framework of the European Common Foreign and Defence policy, three agencies related to police and judicial matters, and at last six so-called executive agencies. This thesis will concentrate on the former mentioned agencies and more specifically Frontex.

The agencies are dealing with different tasks, and the nature of each agency varies in both organisational and governance terms (Trondal 2010: 147). As already mentioned, they are all part of the EU executive branch, but they can be either regulatory or non-regulatory. A regulatory agency is an agency dealing with ‘implementation of the regulatory and legislative framework’ which means that it deals with decision making in the Union, while the non-regulatory agencies are dealing with information expertise, analysis, risk assessment administration and management and hold no decision-making responsibility (Trondal 2010: 130,151). In this context, Frontex can be described as a non-regulatory agency. It holds no decision-making power, and is an operational co-operative body for dealing with border management in the EU (Busuioc 2010: 28).

Frontex: The European border control agency

Frontex was created in 2004 and made operational in 2005. It has a total staff of 272 persons, and is daily dealing with issues related to control of the EU external borders. The Frontex agency personnel is either national seconded experts with the EU agency as their primary affiliation for a certain period, or permanent staff, mainly with a background from the police or national border guards. The national seconded experts can hold their position for two years, and this period might be extended with two more years if wanted (Frontex 2010b). It is argued that the practical role of Frontex is limited

(Rijpma 2010) but nevertheless, Frontex is under constant criticism for being hostile towards the human rights and is an easy target for criticism since its role is to control the European borders from unauthorised migrants (Rijpma 2010: 1). Frontex is working on the basis of its mandate and has got six main tasks (see figure 1.2). These tasks are pointed out by the Council Regulation No 2007/2004 of October 2004 and are as follows:

- a) coordination of operational cooperation of the external borders between the EU member states
- b) assistance to member states in training of national border guards and to establish common training standards
- c) conduct of risk analyses
- d) to stay updated and follow the developments in research relevant for control and surveillance of external borders,
- e) assisting member states when increased technical and operational assistance at external borders is required and finally
- f) assisting member states in organizing joint return operations.

(Official Journal of the EU 2004)

Frontex' management board consists of one representative from each member state and two representatives from the European Commission. These officials are highly skilled with expertise on Frontex' tasks; namely police and border guards (Leonard 2009: 383).

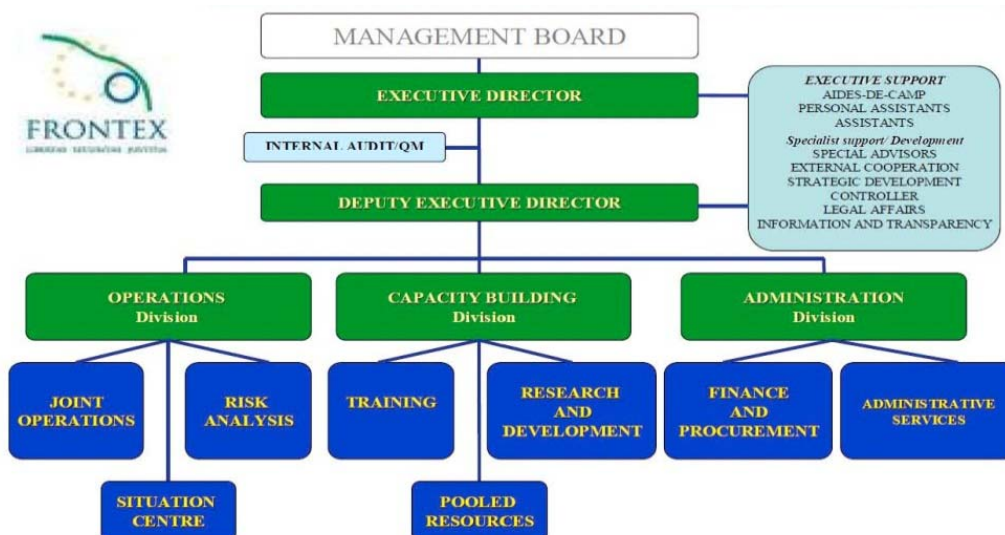


Figure 1.2: Frontex structure (Frontex 2010a)

In the Joint Declaration of the EU-Cape Verde partnership it is stated that Frontex is to have a role, the question is what kind of role? How does Frontex contribute to the mobility partnership?

This passage has aimed at introducing the empirical background for the study. However, there are still topics that remain to be pointed out, and questions that need to be answered. This review on both the recent developments of the migration management policy in the EU and the agency of Frontex leads me to ask the two following overarching research questions:

Research questions 1 and 2: *How does the EU-Cape Verde mobility partnership, as an instrument of EU migration management policy, contribute to the overall objective of the EU migration management policy of improved coordination? And how does Frontex contribute to the EU-Cape Verde partnership?*

Organisation of the thesis

The thesis will be organised in five chapters, including this introduction. In chapter two I will elaborate the research design, identify the theories that inform the analysis and outline the hypotheses to be tested. In chapter three I will consider to what extent the EU-Cape Verde partnership contributes to the overall objective of the EU migration management policy. This will be done empirically by mapping out how the mobility partnership enhances the coordination between the involved partners followed by investigating this through an institutional perspective. In chapter four, I will examine the effectiveness of Frontex against the criteria of contribution to the mobility partnership. The fifth and final chapter will summarise the findings, and discuss how this study can contribute to further develop the research on European migration cooperation.

Chapter 2

Research design

Introduction

The aim of this chapter is to elaborate the analytical framework in order to find out to what extent the EU-Cape Verde mobility partnership contributes to a change of the EU migration management policy and how Frontex contributes to the EU-Cape Verde partnership. This chapter will do this by using two approaches building from insides of organisational and institutional studies of political life. First, I will do this by an identification of how institutional theory can account for how a structure becomes institutionalised and second by identifying how organisational structure helps account for how Frontex contributes to the mobility partnership. These approaches will be applied in two different analyses, and together they will be useful in order to investigate the recent developments in the EU migration management policy.

This chapter is structured as follows: First, the dependent variable of this study is defined and operationalised. Second, an institutional perspective is presented in order to shed light on how the actors' behaviour affects policy outcomes. Third, organisational theory is presented by focusing on organisational structure in order to account for how the formal structure of an organisation contributes to its ability to act. Fourth, the methodological challenges and choices of the thesis will be presented and discussed.

What am I studying?

In order to show about how a policy instrument such as the mobility partnership affects the overall migration management policy, it is crucial to establish what the study is investigating. What is the dependent variable and how is this variable operationalised?

I will investigate the recent developments in the EU migration management policy. More specifically, the point of departure for this study is the Tampere Council Conclusions from 1999, which laid out four thematic directions for the development of the EU migration policy in order to develop a common EU asylum and migration policy. One of these directions was 'management of migration flows', and this is where the idea of combining migration and cooperation with third countries came about. What is this EU migration policy articulated in the Tampere conclusions? Its main purpose is to coordinate activities between the EU member states, third countries and the Commission. According to Olsen (1983: 3) it is important to get insights into conditions for and effects of alternative forms of organisation and coordination in order to understand political systems. Indeed, it is interesting to use this approach in order to see to what extent the EU-Cape Verde mobility partnership is contributing to a change of the overall EU migration management policy, by looking at its goals for more coordination.

In the Tampere conclusions and in the Commission Communication they stated as follows:

[E]fforts to design effective policies to foster circular migration and to develop mobility partnerships clearly call for increased coordination and cooperation between the Commission and Member States in order to ensure maximum synergy between activities at the two levels and to avoid them impinging on each other's competences.

(European Commission 2007: 14)

According to Peters and Pierre (2006: 120) coordination can be measured out from several criteria, and in this study coordination will be understood as the improvement of a particular problem, the implementation of shared understandings for common conceptions and the location of issues to one governmental structure. Coordination thus set the rules for how the development of a

common approach (to the EU migration management policy) can begin, and what is expected to achieve with when the Commission seeks to increase coordination.

A new institutional perspective

The argument for using an institutional perspective to study the recent developments in the EU migration management policy is because institutions are expected to affect political outcomes (Ragsdale and Theis 1997: 1283). This thesis builds on the assumption that the creation of institutions has an impact on politics, which will allow us to investigate change and continuity in a specific policy structure (March and Olsen 1996: 248).

The institutional approach will be fruitful for the analysis of the EU-Cape Verde mobility partnership because it accounts for how institutions emerge. It will be possible to evaluate the nature of EU-Cape Verde mobility partnership, and thus study how this partnership contributes to the overall EU migration policy. In order to use institutional theory it is important to have knowledge about various characteristics of the structure under study such as procedures, rules, internal cooperation and ways of thinking within this particular structure. The underlying idea of institutional theory, and the premises for the analysis in this thesis is the idea that change is 'an ordinary part of political life' (Olsen 2009: 4).

Rules, procedures and shared understanding

The institutional perspective derives from organisational theory and focuses on the relationship between institutions and individual behavior. This perspective aims to account for political life through values and identity. From an organisational perspective all institutions are organisations, but all organisations are not institutions (Egeberg 2003: 118-119). Both organisations and institutions affect actors' behavior on policy, and in both approaches the organisational structure based on rules is important. However, the difference between organisational and institutional theory is- according to the institutional perspective- that rules become integrated in actors' behavior over time and the formal rules become taken for granted. When organisations become infused with values, identities, culture and a common understanding, actors behave in a certain way. The importance here is that organisations are growing increasingly complex by adding formal norms and practices, which

means that an organisation does not immediately become an institution. The reasons for why actors behave in accordance with this formal structure can be explained by the institutional theory.

The new institutionalism is a theory that covers many concepts, and consists of different logics on how institutions affect actors' behaviour. The importance when studying institutions is 'how to interpret and explain various institutional structures and dynamics' (Andersen 2001: 5). Based on Olsen's (2009) definition of an institution, institutionalisation is in this thesis defined as a process through which an organisation becomes progressively insulated with the characteristics of an institution. In a process of institutionalisation there will be more clarity, more agreement and consensus with regard to *rules and practices*. There will be more clarity and consensus among *common vocabulary*, understandings and expectations, and at last there will be developed a *shared understanding* of the legitimate resources- the behavioural norms will be understood as natural and legitimate (Olsen 2009: 10).

The new institutional approach to political life uses norms and ideas as an explanation of institutional design. Its analytical function is that institutions reflect broadly shared ideas and norms of what constitute appropriate modes of governance (Tallberg 2010: 635). It aims attention at actors behaviour driven by a dynamic of legitimacy and appropriateness (Parsons 2007: 67), and focuses on the infusion of culture within an institutional framework (Parsons 2007: 75). Hence, the actors are guided by the logic of *appropriateness*, which emphasises that human actions are seen as rule-based (March and Olsen 1998: 951). This means that they are expected to follow rules that connect identities of the institutions to the particular situation. When individuals enter an institution they learn how to act within this institution, and when they meet a new situation they try to associate this situation with a situation for which rules already exist (March and Olsen 1989: 169). The logic of appropriateness is based on the assumption that political institutions are collections of corresponding rules and routines defining appropriate actions by seeing the relation between roles and situations.

The coherence hypothesis

How then, can institutional theory account for the extent to which the mobility partnership contributes to a change of the overall EU migration management policy? The explanatory variable of institutionalisation is operationalised by the following indicators based on institutional theory: *standard operating procedures, rules* and *shared understanding*. These indicators will be used to account for the extent to which the mobility partnership provides the member states and Cape Verde with a common set of language making the policy more coherent and holistic. The findings from the interviews and the data will be structured in order to investigate to what extent these analytical indicators are present in the development of the mobility partnership. Based on the theoretical approach presented above the following hypothesis have been developed:

H₁: The mobility partnership provides the EU migration management policy with clarity and acceptance of a set of rules, together with patterns of standardised operating procedures – all factors that contributes to change the overall migration management policy. The consensus to use one specific migration management instrument with the EU states involved will, through time, make this instrument institutionalised. This assumes that the migration flows between Cape Verde and the EU is controlled and coordinated in a more efficient and holistic way.

An organisational perspective

In order to understand the process by which organisations insulate actors' behaviour with particular roles, it is necessary to unpack the structure of the organisation. Without including the organisational dimension of politics it is difficult to sufficiently understand political processes (Sverdrup and Trondal 2008: 9). An organisational approach to European integration tends to focus on individual actors' organisational context with the aim of explaining their 'behavior, interests and identities' (Egeberg 2004: 199). This means that different characteristics of an organisation affect how the actors within it act and that policy choices are affected by this specific context. What is an organisation? According to Scott, 'organizational structures are arrangements of roles and norms that impose certain expectations and obligations on the incumbents of a particular organization' (Scott 1981 in Egeberg 2006: 32) The way through which organisations can

explain individuals' behaviour, interests and identities is thus by having a look at its structure.

There are multiple ways through which organisations affect actors. According to Egeberg (2004: 200) they affect through organisational structure, demography, geographical location and institutionalisation. The second research question in this study is created on the basis of organisational theory and the assumption that organisational structure has an impact on policy by guiding the actors' behaviour. This part of the study focuses on the independent variables organisational structure, organisational demography, organisational size and budget and the impact of primary structure of organisations because these variables can together be helpful to account for how agencies have an impact on policy through the organisations' *action capacity*.

The aim of using organisational theory in this study is to investigate how Frontex contributes to the effectiveness of coordination of the EU-Cape Verde mobility partnership. The idea is not to make a total account of all of the factors that create an organisational identity, but rather to investigate closer whether three specific assumptions concerning the structure of an agency apply to the case under study in this thesis, namely the organisational structure, organisational demography and organisational size and budget.

Formal organisational structure is expected to focus decision making actors' attention on specific 'problems and solutions (Egeberg 1999: 159), which again is fostering the capacity of the bureaucratic unit into one specific direction and thus is expected to increase the '*action capacity*' of the organisation and the specific competence of the individuals working in the organisation (Egeberg 1999: *ibid*). Based on an organisational perspective this is how we can study agencies. Thus, agencies are expected to increase the decisions taken by experts and they reduce the probability that decisions are taken only because they are politically important (Egeberg 2003). How does this apply to my case? The study of Frontex seeks to investigate how it may have been possible for Frontex to contribute to the EU-Cape partnership. The following explanatory variables will be used in order to account for this contribution, and based on earlier studies this will be applied the specific case of the mobility partnership.

Organisational structure

Organisational structure is important in this context because of the idea of bounded rationality. Decision-makers have limited time and they must prioritise their working load. In the decision-making they have to make compromises because they are 'bounded' and face problems of capacity (Christensen and Lægheid 2006b: 17; Egeberg 2006: 33; Sverdrup and Trondal 2008). Personal preferences are put a side and less likely to be of importance when studying organisational behaviour, because actors become bounded to the organisation within which they work and spend their time (Egeberg 2003: 78). Some projects and solutions get attention from the policy-makers while others do not; political organisation is a standardised selection based on routine and this is the basic selection mechanism in the formal organisational structure (Christensen and Lægheid 2006a). Thus, attitudes and actions and the content of the policy they formulate are formed by the organisation they belong to and the organisational setting in which they work.

Organisational capacity – size and budget

The organisation investigated in this study is large in both size and budgetary capacity. This makes it relevant to believe that they will be able to attend most of the things they consider as important to enhance the effectiveness of the organisation, and thus it is likely to believe that Frontex' participation in the mobility partnership is contributing to its effectiveness. The intention is to consider the size and the budget of the organisation in order to investigate the capacity of the individuals in the particular organisation (Egeberg 2003: 78). The expectation in this study is that the size and budgetary capacity of the organisation matters in order to follow up tasks and issues of relevance for the organisation.

Primary and secondary structure

Since Frontex acts as a primary structure for the staff we will expect that both permanent and seconded national experts will have their interests and identities shaped by this particular agency (Egeberg 2004: 212). This makes it less likely that the decisions are taken based on national interests. Accordingly we will expect the organisational capacity of Frontex to be increased and that both the permanent staff and the seconded national experts will be influenced by Frontex as a primary structure (Trondal and Egeberg 2010: 9). However, it is expected that the management board have their national country as

their primary affiliation, and Frontex as their secondary affiliation (Trondal and Egeberg 2010: 9).

Organisational demography

The organisational capacity of an organisation refers to its capacity in terms of personal characteristics of the members working in the specific organisation. Relevant factors for the organisation I am studying would be education, professional expertise and social and geographical background (Egeberg 2003: 79). The expectations of Frontex are that the background of the individuals in the organisation will have an impact on the identity and the capacity of the staff in the organisation. In this study it is chosen to focus primarily on the professional background. The professional background is expected to be of importance because all the staff working in Frontex has got the same professional background. This is likely to create a specific professional identity within the organisation.

The aim of using organisational theory in this thesis is not to investigate the executive formation, but rather to use this as an account for why it has been possible for Frontex to play a role in the mobility partnership. Thereafter, based on the organisational theory and the variables presented above, the following hypotheses are developed:

H₂: Since Frontex is a primary structure and since the staff working in the organisation has got the same professional background, a unified and specific identity is expected to be created.

H₃: The capacity in terms of budget and size of the organisation is expected to give the organisation a large action capacity, which means that the individuals within the organisation will be able to participate and to do the work they are assigned to do.

H₄: The organisational structure of Frontex is expected to lead to a more efficient and coordinated border management policy in Europe, which again will provide the member states with continuity when dealing with border management.

Based on earlier studies the agency is expected to be more influential on the implementation of policy than the formulation of policy (Trondal and Egeberg 2010).

The idea is not to make a complete account for the organisational efficiency of Frontex, but rather to use parts of the organisational approach to shed light on its role in the mobility partnership. It is important to note that there are other aspects of the organisational approach that can be used to account for the role of Frontex in the EU-Cape Verde partnership, but this thesis is limited to the above-mentioned approach.

Methodology and data

In order to develop this project it is crucial to establish type of study and the purpose to be achieved with it. The thesis is conducted as a case study, and the data sources are mainly drawn from semi-structured interviews and document analysis. The conducted interviews are the main source of information for the study, and have been conducted with officials in various EU-level institutions, Cape Verde and Frontex.

Case study

The aim of this study is to investigate the EU-level agency Frontex and the mobility partnership in order to gain knowledge on the overall migration management policy in the EU. In order to reach this aim it is considered fruitful to conduct a single case study. According to Yin (2003) the advantage of conducting a case study is to get an enhanced understanding of complex social phenomena. This case study is contributing in this manner by giving an enhanced comprehension of the current developments in the European migration management policy.

The aim is to test if the assumptions based on the institutional and organisational theories apply to my case, and depending on the result the hypotheses will be strengthened or weakened. If the theory does not apply to my findings this means that my case lies outside of the range of what the theoretical framework can explain (George and Bennett 2005: 116), and will be interesting for further studies where the theoretical framework should be broadened.

The advantages of a case study is to understand a larger class of similar units, and the intensive study of one single case makes it possible to get valuable information to use in further building-block research. Such a case study does not make it possible to generalise over the findings, but is valuable in its possibility to contribute in

theory development (George and Bennett 2005: 32–33, 80). However, what is illuminating about a case study is its ability to draw evidence on one single case and its attempt, at the same time, to emphasise features of a broader set of cases (Gerring 2007: 29), thus this study provides a *thick* description of the events concerning the role of Frontex in this particular mobility partnership.

Case studies contain advantages as well as obvious drawbacks, and when selecting a case the main motivation should be relevance to the research objective of the study (George and Bennett 2005: 83). By studying one specific case intensively you do ‘trade-offs’ compared with studies observing many cases generally, and case studies are particularly disposed to challenges concerning selection bias (George and Bennett 2005: 22) and to generalise over the findings. It is difficult to generalise over the findings in the case study because ‘it includes [...] only a small number of cases of some more general phenomenon’ (Gerring 2007: 43). Empirically motivated studies are used when would like to know more about, and better understand a concrete phenomenon (Martens 2010: 19), and theory is applied in order to shed light on the specific phenomenon. ‘The problem should be included in a well-informed evaluation of gaps in the current knowledge of the chosen topic, and the researcher need to make sure that the proposed research will make a significant contribution to the field’ (George and Bennett 2005: 74). The contribution of Frontex to the mobility partnership has, at the time of writing, not been studied before, and thus this thesis aims to broaden the knowledge of the partnerships and the EU migration policy. The study of the mobility partnership is intrinsic in order to study the dynamics of the European migration policy. This is because it captures both the security and the development issues which are highly important in the externalisation of the migration policy, and as well it makes it possible to study patters of coordination in the EU migration management policy which have been at the height of the agenda since the Tampere Conclusions in 1999.

Frontex and the EU-Cape Verde partnership will be investigated by using a set of defined variables and hypotheses derived from the applied theory. The connection between theories and the operationalisation of concepts is of crucial importance for the validity of the study and is linked to the measurement validity (Adcock and Collier 2001). The variables and indicators developed in order to

structure the analysis are mentioned above, and they are operationalised in accordance with the organisational and institutional theory. Using the variables from relevant theory and constructing hypotheses strengthens the validity of the study, and the advantage of this kind of case study is a strengthened internal validity (Lund 2002: 106).

Data: interviews and primary documents

The thesis is based on three source-gathering components. The main component is consultation with key informants through interviews in Brussels⁸, Warsaw and Cape Verde. The other components are reviews of primary documents from the institutions under study and other written documentation and literature. These documents are important in order to locate and understand what is the crucial interest in this area of study, while the interviews have given an opportunity to get in-depth knowledge about important issues not described in the official documents and are, as claimed by Yin (2003: 106) one of the most valuable ways of collecting information to a case study analysis. In order to get an overview of Frontex' tasks and the agreement of mobility partnership, organisational charts, scoreboards and annual reports about agency activities have been consulted. This triangulation of data is done in order to enhance the confidence of the findings, and is crucial in order to increase the validity of the study. Triangulation means that the findings are based on various methods and that the conclusions are taken on the basis of more than one single evidence (Bryman 2006; Gerring 2007: 217; Yin 2003: 116).

Semi-structured interviews

According to (Goldstein 2002: 669) gaining valid and reliable data from elite interviews demands that the interviewer is well prepared, construct sound questions and get in touch with good respondents and code the answers accurately. The process of collecting information to this study has resulted in valuable information on the specific policy area under study. The interview-based background for the analysis consists of 17 in-depth conversations with interlocutors from various European institutions. The interviews lasted from 20 to 60 minutes. Six interviews were conducted in Brussels, while 11 interviews were

⁸ The interviews in Brussels were conducted face to face, while the interviews in Warsaw and Cape Verde were conducted by phone and by e-mail correspondence.

conducted by phone from Oslo. Some additional information was collected by e-mail correspondence with officials in Cape Verde, Frontex and the International Organization of Migration (IOM). The interviews were mainly conducted over a time period of four months, from June 2010 until September 2010, and some of the respondents were contacted by e-mail or telephone for clarifications after this period.

Many considerations must be taken in order to enhance the validity and reliability of interviews. First of all there is one crucial thing that one needs to assure: 'getting in the door' (Goldstein 2002). The population of my study is officials working on the mobility partnership and in Frontex, and ideally the sampling frame should be identical to the population (Goldstein 2002: 670). The respondents are gathered from relevant institutions, both at the national and the European level (as mentioned above). In this case it has not been possible to conduct interviews with the whole population, partly because of the multilevel character of the mobility partnership and also due to the high pace of change in the positions, particularly in the Commission since the launch of the partnerships in 2008.

In order to get hold of informants an informative e-mail was sent to all the potential interviewees. This mail included information on my research project, aim of the interview and the time period available for conducting interviews. In addition, I emphasised that the information provided in the interview would be confidential. Most of the interviewees agreed on the terms, while one of the informants emphasised that the information I received could be used as background information only. However, all the informants are kept anonymous.

When collecting informants I took advantage of the so called 'snowball sampling method', which means that some of the interlocutors advised me to contact other interviewees who might be of interest for the study (Biernacki and Waldorf 1981). Some of the interlocutors advised me to contact other potential interviewees already when they answered my first request, while others gave me the name and number of other informants after the interview was ended. The snowball method could represent some threats to the validity of the study due to the biased representation that this might invoke. In order to avoid the pitfalls of snowball sampling interlocutors was not only located by this method. In order to make sure that the respondents recommended by the snowball-method were relevant I made an outline of potential

interlocutors that I would contact by e-mail or telephone. Many of the recommended interlocutors were already on my list of interviews, which strengthened my confidence on the recommendations from the key informants. The interviews conducted are semi-structured interviews with open-ended questions which is a good way of conducting interviews in order to get the respondents the chance to give good answers that reflects their role as the experts and to inform the research (Leech 2002: 668).

The interviews have mainly been conducted without using tape recorder, but by taking notes. This makes the interview situation more complex and challenging, but on the other hand it is better taking notes than using the tape recorder if the alternative is a closed door (Goldstein 2002). In Brussels, I experienced that most of the interviewees did not want me to use the tape recorder during the interviews. It is likely to believe that the interlocutors would have been less open if I had insisted on using the tape recorder, thus in Brussels the digital tape recorder was consistently not used. However, to increase the reliability of the interviews, my first impressions and thoughts were tape-recorded right after the interviews. This was the case with the interlocutors interviewed by phone as well, yet some of these interviews were tape-recorded with consent from the interlocutors. In order to increase the reliability of the findings in the interviews, every informant had the possibility of reading the transcript from the interview or reading the quotations used in the thesis. Some of the informants added comments to the interviews, while some has made a citation check on the final quotes in the thesis.

Documents

In order to complement the findings from the interviews I have consulted primary documents from the European Commission, Frontex and the Council. These documents have been consulted systematically, and information from the documents corresponding or diverging from the interviews has been used to strengthen the findings in the analysis. In order to use the documents in a valuable way it is useful to study them as 'purposeful communication' (George and Bennett 2005: 99), which means that by taking use of documents it is important to consider who is talking, to whom the text is addressed, and in which context the text is written.

Summary

In this chapter, I have presented the analytical framework that will be applied in the analyses to come in chapter three and four. The two analyses will be based on two different analytical approaches. First, the new institutional approach will be applied in order to account for the patterns of cooperation and interaction within the mobility partnership. In this analysis I will draw on insights from institutional theory. The second analysis will be explained by an organisational approach using the organisational structure to account how Frontex contributes to the mobility partnership. The study will be conducted as a single case study which will allow me to investigate one specific policy in depth. By using triangulation of data the validity of the research will be increased and strengthen the findings based on interviews, primary resources and written literature.

Chapter 3

An institutional account for the EU-Cape Verde partnership

Introduction

The aim of this chapter is to investigate if the EU-Cape Verde partnership contributes to a change towards the overall objectives of the EU migration management policy in the EU. In this chapter I argue that the EU migration management has been changed with the EU-Cape Verde mobility partnership, and that this partnership is an instrument on its way to become institutionalised. This change will be investigated through the lenses of an institutional approach because it allows us to investigate change and continuity to a set of political arrangements. We can see the creation of an institution through the establishment of a specific pattern recognised by acceptance of rules and common standard operating procedures. This again is expected to provide clarity among the participating actors, and will contribute to change the coordination of the overall migration management policy.

This analysis will be conducted in two steps. First, the empirical findings from the first research question will be brought up in order to shed light on the mobility partnership as a structure. This section will be structured in two sub-sections: patterns of cooperation and patterns of interaction. Second, a theoretical analysis will be conducted in order to theoretically analyse the empirical findings. Finally, this will be followed by a short summary at the end of the chapter.

Mobility partnership: From a European perspective

The EU-Cape Verde mobility partnership was launched in 2008. Two years after its initiation it is interesting to investigate to what extent

the partnership contributes to a change in the EU migration management policy. Based on an institutional approach it is assumed that the EU-Cape Verde mobility partnership affects the EU migration management policy as it becomes institutionalised because it provides the member states with a common set of acceptance, clarity of rules and by providing patterns of standardised operating procedures. Instead of operating with different migration management instruments in each country they operate with one. In this way we would assume that the migration flows between Cape Verde and the EU is effectively controlled and structured in a more holistic way. Thus, the research question to be answered in this chapter is as follows: how does the EU-Cape Verde mobility partnership, as an instrument of EU migration management policy, contribute to change its overall objective of improved coordination?

The mobility partnership is an initiative involving the Commission, five EU member states, Cape Verde, Frontex and the European Training Foundation (ETF)⁹. Frontex is located in Warsaw, Poland while the other EU institutions are located in Brussels and the Cape Verdean government and police authorities in West Africa. The EU member states' ministries are located in different capitols around Europe, and all these actors cooperate together within the framework of the mobility partnership. In this passage we will see that the coordination between the relevant actors has increased after the framework of the mobility partnership started, which indicates that this particular policy instrument is indeed contributing to a change of the overall migration management policy. We will also investigate *why* and *how* this is the case by building on insides from institutional theory.

Patterns of cooperation – on paper

Before investigating how the various actors cooperate within the framework of the partnership, it is interesting to map out how the Joint Declaration from 2008 can be seen as the start of a process of institutionalisation and how rules and standard operating procedures are present in the declaration. The first step in evaluating political processes is to investigate how they have been planned on paper

⁹ The ETF will not be touched upon in this analysis because it is involved in the cooperation on human resources development and professional qualifications and not relevant for the EU-Cape Verde mobility partnership.

(Peters and Pierre 2006: 400). In the Joint Declaration the implementation of the partnership has been outlined in detail, and the objectives of the partnership – followed by the participating actors – are proclaimed.

An institutional change comes about through the introduction of features that is recognised in an institution. When institutions are investigated, the point of departure is very often their inability to change, and their ‘state of inertia’ and inability to change (Olsen 2010: 119). Nevertheless, institutions start to develop somewhere, and from something – and this is what is interesting in this study. The formal rules of the partnership can be traced back to the Joint Declaration, and may be important in order to assess the mobility partnership’s institutional formation.

The nature of cooperation of the mobility partnership is, according to the Joint Declaration, an ‘open-ended, long-term framework based on a political dialogue’ (Council 2008: 6). This political dialogue will be established between the ‘European Community, its Member states and Cape Verde’ (Council 2008: 6). With this statement, the formal patterns of cooperation are already established. This document establishes the formal objectives of the partnership, and shows us that this particular instrument focusing on political dialogue will fulfill the coordination of the EU migration policy. Further, it is stated that Frontex will participate in the implementation phase of the partnership together with the member states with aid from the Community. All the actors involved in the partnership will participate with their competences ‘in accordance with the applicable procedures’ (Council 2008). These procedures, which can be interpreted as rules, are listed in the Annex of the partnership. The Annex is thus where the rules are established on paper, and where the formal content of the partnership is outlined for the first time.

In order more accurately to define migration issues of common interest, the Signatories intend to develop a migration profile of Cape Verde and pursue their dialogue and consultations in a spirit of partnership. *They intend to meet at least twice a year at the appropriate level in order to review priorities and continue to develop of the Partnership, as the case may be.* The Partnership will be implemented at operational level by the Local Monitoring Group set up under the Special Partnership and to which the

various other actors involved in the Mobility Partnership will be associated as appropriate.

(Council 2008: 6, my emphasis)

The Joint Declaration also shows that the development of the mobility partnership will be driven further through the framework of the Special Partnership. Thus, the Joint Declaration has established that they will meet twice a year, and by doing this, they endorse the coordination and enhance the efficiency of the partnership. This is an example of the common rules that are established with the partnership.

With a view to implementing the Mobility Partnership, the Signatories confirm their intentions with regard to the initiatives set out in the Annex hereto (hereinafter referred to as "the Annex"), within the limits of their available financial means. They intend to carefully coordinate their respective efforts and update the Annex, which contains a list of proposed activities, on a regular basis.

(Council 2008: 6)

The Joint Declaration shows how the scoreboard will be a coordinative medium in order to enhance the cooperation between the participating member states, Cape Verde and the Commission, and thus introduces the standard operating procedures to the partnership. The common rules and standard operating procedures are established already in the Joint Declaration. By outlining the cooperation between the member states, Cape Verde and the Commission the *rules* are established. On the basis of these rules the further cooperation has evolved. This shows how, already in the Joint Declaration, prerequisites for a process of institutionalisation are present.

This is all planned on paper. However, how these rules and standard operating procedures are evolved in practice will be subject for the continued analysis.

Patterns of cooperation – in practice

The European Commission

The European Commission has got a crucial role in the EU-Cape Verde mobility partnership. The Directorate-General (DG) for Justice, Freedom and Security (JLS)¹⁰, DG Development (DEV) and DG Aid, Development and Cooperation (AID) are all involved in the mobility partnership. All the interviewees stress the important role the Commission represents in *organising* and *structuring* the *cooperation* among the participants in the mobility partnership.

After the EU-Cape Verde mobility partnership was created, the responsibility of the policy framework has been accorded to one specific DG in the Commission, and further delegated to one specific section. The responsible DG is DG JLS and more specifically the Section for Visa Policy and External Aspects of Migration¹¹. In this section there are 13 positions, including the Head of Unit. There are all together six policy officers; whereas one of them is working specifically on the EU-Cape Verde mobility partnership and two others are assigned the responsibility for Georgia and Moldova accordingly. These policy officers are not full time delegated on the mobility partnership. One of them states as follows (Interview 3 2010): ‘I would say that the mobility partnership (in some periods) could take about 50 per cent of my work but normally 40 per cent when it is busy, while it now [June 2010] would take only 20 per cent of my work load’.

The Commission is participating in the partnership both from Brussels and through the EU delegation in Praia (Cape Verde) which is responsible for most of the direct contact with the Cape Verdean officials in Praia. One interviewee at the EU delegation in Cape Verde emphasises the central role of DG JLS in Brussels:

¹⁰ Since July 2010 the structure of the Commission’s Directorate-General has changed, and the former DG JLS is now separated into DG Home and DG for Justice and Fundamental Rights. The mobility partnership and Frontex are from now on dealt with in DG Home. Throughout the thesis the term DG JLS will nevertheless be applied, since this was the standard when the fieldwork of this thesis started.

¹¹ The mobility partnerships have been dealt with in the section for International Affairs since July 2010, and the section for Visa Policy and External Aspects of Migration does no longer exist.

So, basically what happens is that there are meetings in Brussels where usually we do not attend, usually it is [the policy officer in DG JLS] and then [this officer] will report back to us. My head of delegation does sometimes attend those meetings, but normally only if he is in Brussels already and then he joins while he is there.

(Interview 10 2010)

As well, Frontex officers highlight the role of the Commission in the mobility partnership and their strong effort and success in order to coordinate the mobility partnership (Interview 8 2010). The section for Visa Policy and External Aspects of Migration is responsible for the partnership, thus policy officers in other sections in DG JLS, other DGs and the EU Delegation in Praia tell in the interviews that they normally receive the information they need through this channel. One interviewee describes it in such a way that one could say that the DG JLS serves as a *node* for the cooperation within the mobility partnership framework

[...] we have regular meetings in Brussels, and we are all invited by the Commission. We discuss proposals, we discuss overlapping and the progress of the mobility partnership is measured in the Commission task force [in the DG JLS]

(Interview 8 2010)

This is followed up by another interlocutor who states that: '[...] if I am interested to know something about the mobility partnership I contact the Commission [DG JLS]' (Interview 2 2010). This seems to be the regular pattern, and even within the Commission structure the other DGs give us an indication that DG JLS is the nodal point in this cooperation

[...] this work is mostly done between Frontex and DG JLS and we often have to contact the DG JLS if we would like updated information on these issues.

(Interview 6 2010).

How does the Commission work in order to be such a nodal point for the participants in the mobility partnership? The Commission invites the other participants in the mobility partnership to Brussels on regular occasions to a group called 'the task force'. This is an ad hoc

meeting-group led by DG JLS where all the involved actors are invited to discuss changes and further cooperation within the framework of the mobility partnership (Interview 12 2010). The invited actors are officials from Ministries of Interior, Ministries of Justice and Ministries for Foreign Affairs from all the participating member states, and one interlocutor in the Commission states that 'who is participating depends on what is being discussed in the specific task force' (Interview 12 2010). Sometimes one country even sends several officials from different ministries. This task force meets approximately three times a year and in addition to this most of the information is coordinated by e-mail. Interviewees from both the DG JLS and from other institutions confirm that the framework of the mobility partnership has made it easy to cooperate and keep in touch with involved actors. DG JLS holds in its position a list of relevant actors and officials to whom they send invitations.

From every member state participating in a given mobility partnership we have a contact person. And much information is exchanged by e-mail. Sometimes this is enough, and then we do not have a meeting. Different countries have got different contacts - In Holland it is the Ministry for Foreign Affairs, the Ministry of Justice in Luxembourg etc. I have normally got two or three names in each country that I can contact. I contact everybody and then the person concerned will answer. They are all informed.

(Interview 12 2010)

The EU delegation in Praia

The EU delegation in Praia deals with the implementation of the policy 'on the ground' (Interview 10 2010). The delegation is the first point of entry and keeps direct contact with the Cape Verdean authorities and their national police. They are regularly in touch with the Commission in Brussels (both DG JLS and DG DEV) and with the member states embassies located in Cape Verde. The Commission in Brussels stresses the fact that nearly all contact with the Cape Verdean government is delegated through the EU delegation in Praia (Interview 3 2010), and a policy officer from the EU delegation describes this as follows:

I think that we are the ones who implement this on the ground. We have the play in shaping this to some extent, guided by [our

colleagues in the DG JLS]. We are actually the first entry point for discussion with the Cape Verdean authorities. We have a monitoring role. We have to make sure that everything works on the ground, and if not we alert our head quarter.

(Interview 10 2010)

The Commission delegation in Praia is also responsible for the working group called 'Groupe Local de Suivi'. This is a group where the Cape Verdean and the European member states' authorities meet to discuss the further developments of the mobility partnership and the Special Partnership (European Commission 2009: 6). They work with implementation of the partnership, and they meet approximately every three months in Praia. This is not only a group where the mobility partnership is discussed, but originally a working group for the Special partnership between the EU and Cape Verde (Interview 12 2010). The Commission representatives from Brussels only participate occasionally if they happen to be in Cape Verde, in the same way that the EC delegation in Cape Verde only participate occasionally in the meetings in Brussels. This pattern of cooperation was predicted already in the Joint Declaration from 2008, and is thus an indication of how the rules launched in this declaration have been practiced over time.

The Council

The EU migration policy is represented in different processes in the Council and is a topic of discussion in both JHA Council and in the General Affairs Council (Chou and Carrera 2006: 146). When the mobility partnership is discussed in the Council this is mainly brought up in the General Affairs Council (GAERC), and this is so because 'the mobility partnership is clearly an issue of external relations' (Interview 4 2010). The GAERC is represented by the 27 EU member states' Ministers of Foreign Affairs. The HLWG is placed under the GAERC and is a council working group representing both EU Ministers of Interiors and Ministers of Justice (Interview 4 2010). They are dealing with migration issues, and more specifically the mobility partnerships. This working group contributes to enhance the coordination between the participating member states, because it serves as a forum where every member state gets informed by the Commission on what is happening within the framework of the mobility partnership.

[T]he participating member states are systematically informed through the HLWG and through this channel they get regular information on our work with Cape Verde within the framework of the mobility partnership.

(Interview 6 2010)

Frontex

Frontex officials participate regularly in meetings in Brussels, the Commission and in the Council concerning the mobility partnership. Topics directly concerning Frontex are discussed in the Working Party on Frontiers and False Documents (Interview 7 2010). Frontex is present in the Council groups and parties where border management issues are discussed. Frontex is invited to make comments and to listen to discussions, and sometimes they are specifically invited to present their view on certain issues. Most of the meetings in Brussels are on invitation by the Commission (Interview 8 2010). According to one Frontex official these are the advantages of the EU-Cape Verde partnership:

For the moment, Frontex is trying to be better established as an agency, and the mobility partnership is making it quite visible what is happening in the field of cooperation with third countries. This will make the task of Frontex easier as well, and their position as a coordinator more stated.

(Interview 8 2010)

Frontex is also invited to the mobility partnership task force coordinated by the DG JLS, and through this task force they stay constantly updated on the projects in the mobility partnership.

[W]e have regular meetings in Brussels, and we are all invited by the Commission. We discuss proposals, we discuss overlapping and the progress of the mobility partnership is measured in the Commission task force.

(Interview 8 2010)

The role of Frontex in the partnership is mainly as a coordinator of border management. Frontex makes sure that bilateral agreements are well coordinated and stabilised and it tries to improve the cooperation with the third country- in this case Cape Verde - when something is not functioning (Interview 8 2010). This Frontex official

stresses the fact that Frontex will not involve in a cooperation with a third country only because the Commission suggest such a cooperation (Interview 8 2010), but at the same time the mobility partnership makes it easier for Frontex to stay informed on what kind of work is done between Cape Verde and each involved member state.

What it is all about is that the EU as a whole get a better overview of all the activities regarding Cape Verde and to avoid overlapping and achieve synergies [...].I have to say that at this moment Frontex is still negotiating the working arrangement with Cape Verde so what we try to do from Frontex' point of view is to contribute to the pilot project of the mobility partnerships which is an area of the Commission and to participate with our knowledge in the scoreboard¹². In the meetings in Brussels they sit down and discuss the mobility partnerships and the specific proposals. There they assure that they are not overlapping and that the projects are made as tangible as possible.

(Interview 8 2010)

Cape Verdean institutions

In Cape Verde the partnership is discussed and coordinated by three different ministries: the Ministry of Interior, the Ministry of Diaspora and the Ministry of Foreign Affairs. The coordinating ministry in Cape Verde is the Ministry of Foreign Affairs and 'nothing happens without its consent or participation' (Interview 10 2010). In addition to the ministries involved in the partnership there exists in Cape Verde a National Council of Migration administered from various ministries where 'these specific topics are discussed' (Interview 10 2010). This Council consists of representatives from all the relevant ministries in Cape Verde. The Cape Verdean authorities participate and are involved in the Groupe Local de Suivi and participate at High Level Meetings in Brussels. During the High Level Meetings the mobility partnership is often discussed in relation with the Special Partnership between the EU member states and Cape Verde (Interview 10 2010).

¹² For more information on the scoreboard see the next page.

This passage has shown that the mobility partnership, to a large extent, is coordinated through the European Commission, and more specifically the DG JLS and the policy officer responsible for the EU-Cape Verde partnership. This has made the patterns of cooperation between the member states more coordinated, and DG JLS serves as a nodal point for the partnership. Instead of bilateral cooperation between each member state and participating actor, the DG JLS serves as a common point of contact.

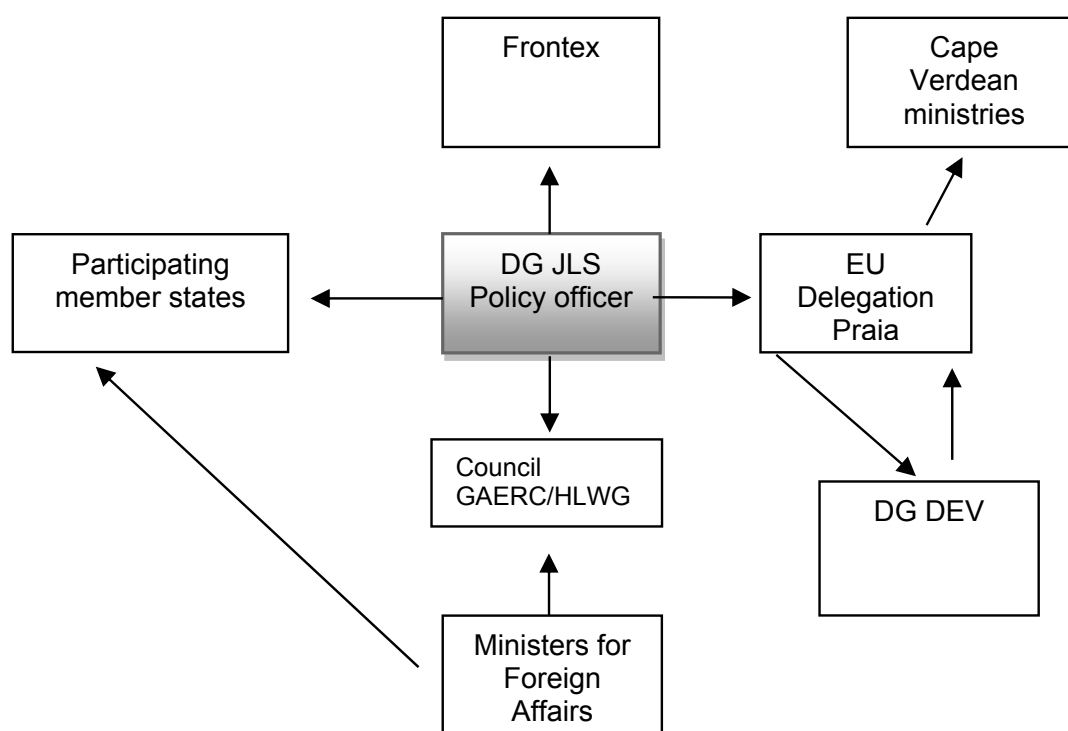


Figure 3.1: the DG JLS as a node for the EU-Cape Verde partnership (patterns of cooperation)

Patterns of interactions

How do all these actors interact in order to keep contact and to get necessary information across institutions and countries? How do they stay informed on every project included in the EU-Cape Verde partnership? The main answer is to be found in the *scoreboard* created by the Commission and more specifically, DG JLS. In the same way that the Commission DG JLS is the nodal point for cooperation in the mobility partnership, the scoreboard is its tool of interactions and cooperation where the partners and the projects involved are included on one paper. This creates a special framework of

interactions where all the actors are constantly updated on what is happening within the EU-Cape Verde partnership. The scoreboard has been developed by the DG JLS and there is one scoreboard for each mobility partnership. The policy officer in DG JLS has the overarching responsibility of creating and developing these scoreboards, and they are used as a point of reference for all involved. This creates, to a large extent, a framework of interaction for the participating actors. It is divided into different sections from irregular, legal and development migration. In addition, each project is categorised as ongoing, concluded or planned activities. The actors have access to the scoreboard, they add in new activities and they see it as an organising element for all the activities toward the third country in question. The scoreboard is standardising and formalising the cooperation, by adding every initiative to one specific 'box'. The scoreboard makes them understand each other across institutions and countries, and as a result this framework of interaction prevents the involved partners and member states from launching overlapping projects related to migration management with Cape Verde. Thus, the mobility partnership is a structure which facilitates the possibility to see what each partner country is doing.

The Commission scoreboard, which is distributed to all the partners, makes it easy to look over and cross-check if the initiatives each member states have got with Cape Verde are overlapping. The mobility partnership gives us better overview.
(Interview 8 2010)

An institutional perspective

In this part of the chapter, the empirical findings will be interpreted in light of the new institutional approach. Revisiting this theory, an institutional approach allow us to investigate continuity or change to a particular set of organisational arrangements (Olsen 2009) and by this it will be possible to understand the development of a political sphere. Above, the idea has been to map out the patterns of cooperation and patterns of interactions in the mobility partnership. This is expected to contribute to the coordination of the EU migration management policy. Based on the institutional theory, looking for emergence or change of rules and standard operating procedures can be helpful in order to understand how to observe coordination of the EU migration management policy. In the following section I will argue that these processes may be seen as an indication of a process

of institutionalisation and by this contribute to a change of the overall migration management policy.

Patterns of cooperation

According to the institutional theory, processes of routines are expected to generate continuity and change (March and Olsen 2006) and the standardised processes of cooperation in the mobility partnership demonstrate how routines can contribute to such a change. On the basis of the empirical findings it is possible to argue that the EU-Cape Verde mobility partnership can be seen as effective in order to reach the overall objectives of coordination as stated in the Tampere Conclusions and the Commission Communication from 2007.

In order to measure if the partnership constitutes a change to the overall migration management policy it is important to look at what new approached the partnership has added to the coordination of the migration management policy. In line with the assumptions from the institutional theory it is possible to discern the creation of rules already in the Joint Declaration of the mobility partnership. In the declaration the Commission established patterns of cooperation, concerning the implementation of the mobility partnership. These patterns of cooperation can be interpreted as having established a common goal for the actors involved, and a common set of rules concerning how the EU-Cape Verde partnership has developed. In this way, it has been possible to see –already on paper– that the mobility partnership created common rules and standard operating procedures in 2008. The declaration has been used as a guiding principle for how the partnership has evolved in practice, and a look at the objectives in the Tampere conclusions shows that this is what they sought to achieve – coordination and synergies.

Moreover, the creation of the partnership may be seen to have led to the creation of rules in practice as well. DG JLS in the Commission has been recognised as a coordinating actor and may be seen as a nodal point of cooperation within the framework of the mobility partnership. Thus, creating more clarity, agreement and consensus over a particular problem is what recognised a process of institutionalisation. The role of DG JLS may be interpreted as enhancing these assets. This may be seen as strengthened because the participating actors have agreed upon this – the role of DG JLS may be interpreted as legitimate. Since all actors have recognised DG JLS

as the nodal point, every contact and cooperation within the framework of the mobility partnerships goes through this departmental structure. This might give us connotations to one important aspect within the new institutional theory, namely how the actors behave according to the logic of appropriateness. Moreover they share a common understanding about the legitimate purposes of their action. Within the framework of the mobility partnership it is seen as legitimate to communicate through this specific channel, and the officials working in the DG JLS also perceive their role as such. Their behaviour is in other words appropriate and legitimate. These features may illustrate how the patterns of cooperation in the mobility partnership are on its way to become institutionalised. The emergence of this institution may thus be seen as a contribution to both the overall migration management policy and the overall aim of more coordination. Not only the departmental structure of DG JLS, but also the activities they have launched points in the direction of more institutionalisation. The task force may also be interpreted as such a rule; a rule for coordinating activities. The task force has contributed to order and predictability in the cooperation; two important prerequisites for institutionalisation.

To summarise the findings, the specific role of the DG JLS and its activities and tools of work can be seen to have created clarity among all the participating actors. When someone is in need of information and *more* clarity, they contact the DG JLS:

The cooperation can sometime be a bit difficult. We often contact and get information through the DG JLS. They can provide us with the information we need.

(Interview 6 2010)

Without the DG JLS and the partnership the countries participating in the partnership would have put forward their individual projects and they would not have been elucidated by the other countries participating. Now, the member states are taking advantage of the projects put forward in other countries. The partnership is not only creating clarity, but is also creating synergies in the sense that a project put forward in i.e. Luxembourg might be achieved in another member states as well. In this way the participating countries learn best practices from each other.

This shows once more, that the patterns of cooperation, by its creation of rules and clarity, are contributing to a more frequent and close cooperation, creating synergies and preventing overlapping. In addition, the partnership has contributed to create processes of routines, which will contribute to change. Moreover, it is important to emphasise the state in which the actors see their actions as evident and even obvious. This may indicate that their actions are legitimate, which again is a sign of institutionalisation. This can be demonstrated by this quote from a Commission official:

I do contact interesting countries and countries that I do believe could be a potential partner in the mobility partnerships [...] of course, I always do lobbying on the things I am working on.

(Interview 3 2010)

The network of cooperation that has been introduced by the DG JLS can add knowledge to show how the partnership contributes to the overall migration management policy. The extensive network of e-mail and contacts that is used to communicate across countries did not exist before the partnership became established. In earlier times the participating member states stayed in touch with the other member states on a random basis, and they were not regularly informed about ongoing work in other countries. The partnership has changed this, and even the member states that are not participating in this specific partnership are informed:

The other member states are regularly informed about the mobility partnerships. Within the framework of the HLWG and the Commission task force the other countries get updates, and they can get information from expert meetings when the ideas of the mobility partnerships are discussed. Every member state is welcome during these meetings.

(Interview 3 2010)

The creation of rules and clarity through the patterns of cooperation may imply a creation of a shared understanding for the migration cooperation in Europe. The migration projects are still the same, but all the participating member states are updated on what is going on in each country. When the interviewees emphasise that the symbolic value of the partnership is considerable it is reasonable to assume that this is a way of interpreting a shared understanding between

countries. According to institutional theory, shared understanding is a part of a process of institutionalisation, and may again indicate that the mobility partnership is on its way to become institutionalised. A process of institutionalisation is a process of change, and thus it is possible to see that the mobility partnership is contributing to change the coordination of the overall migration policy. Patterns of cooperation that were absent earlier are now present. Manifested through the Joint Declaration and the patterns of cooperation it is thus possible to discern that the mobility partnerships contribute to the overall migration management policy by introducing rules and a shared understanding around a common policy instrument.

Patterns of interaction

According to the new institutional theory change is rule-bound and takes place through standard processes as 'institutions interpret and respond to experience through learning and adaptation' (Olsen 2009). With support from the institutional theory it may thus be possible to interpret the scoreboard as an example of the emergence of such a rule-bound change. The scoreboard is available for every participant in the mobility partnership, and it is a way of reporting the various migration projects included in the partnership. It was introduced with the partnership and has contributed to create clarity and synergies between the participating actors. This is a channel where the participants are able to communicate, to keep updated and in addition it gives them the opportunity to have an updated and clear idea about what is happening at all times. New institutional theory highlights how a common vocabulary contributes to institutionalisation. The scoreboard may demonstrate how the participating member states and the Commission develop a common vocabulary in order to achieve the goals of a coordinated migration management policy. The scoreboard can be interpreted as an idea-sharing template, and it contributes to the creation of standard operating procedures leading to institutionalisation.

However, this shows that the migration management policy in the EU is better coordinated with the establishment of the partnership. However, as initially mentioned, researchers have claimed that the mobility partnerships are not new to the EU migration management policy. This study cannot reject this statement, but it can confirm that the projects within the EU-Cape Verde partnership is standardised and coordinated. The mobility partnership does not change specific

policy projects; it is only contributing to coordinate the cooperation with Cape Verde between the participating member states. Moreover, interviewees have emphasised the role of the partnership as an instrument to achieve policy goals, and that they do not introduce anything new in the sense of projects:

The mobility partnership is a tool to implement the policy launched in the [Tampere Conclusions]. This is only a tool to implement and this does not make any difference in how the policy is conceived or what is done.

(Interview 6 2010)

The migration projects are the same and the participating member states have not changed their policy with the establishment of the partnership, but what this study confirms is that the partnerships have contributed to a high extent of coordination, which again may imply reduced costs, created synergies and that it has contributed to a process of institutionalisation. It is therefore possible to confirm the hypothesis developed in chapter two saying that the mobility partnership creates a more holistic and efficient migration management policy.

By the creation of common rules, standard operating procedures and the evolution of shared understandings it is also possible to notice a more efficient cooperation and coordination of the migratory measures in Cape Verde. Being another aspect highly emphasised by the various interlocutors, the mobility partnership as a framework of interaction has resulted in noticeable changes in Cape Verde. From a European perspective, some policy officers state that the mobility partnership has an impact on the migration policy in Cape Verde and that the Cape Verdean authorities are becoming more structured and that the treatment of migratory issues in Cape Verde is going faster. 'They are getting better at defining their own migration policy' (Interview 3 2010). As well, it is possible to see that the dialogue between the European Commission and the Cape Verdean institutions has increased after the mobility partnerships (Interview 6 2010).

Before, immigration could be seen as a sensitive issue, but the mobility partnerships have changed this and we now stay in contact with third countries on a more regular basis and we discuss immigration issues more frequently.

(Interview 3 2010)

A process of institutionalisation contributes to a change in the political sphere, and the idea has been to illuminate that the partnership contributes to such a change. It is not wanted, nor maybe possible, to indicate how far this process of institutionalization has come, because institutionalization is always a question of degree (DiMaggio and Powell 1991: 195). Institutionalization is a matter of degree because it is history dependent – only time can tell how it will evolve and how far the process of institutionalization has come (Olsen 2009: 6).

Historical context

In this process of institutionalisation the historical context is of importance, and institutions may emerge, according to Olsen (2010: 122) as ‘an unplanned result [...] of historical processes as a social organism that evolve over time’. In this regard it is interesting to see the development of the partnership within the context of the recent changes in the EU migration management policy. It might be said that the mobility partnership could not have taken place without the recent developments in the EU migration management policy. Historical institutionalists emphasise that political events happens within a specific historical context; ‘*when* a country industrializes necessarily affects *how* it industrializes’ (Steinmo 2008: 164). According to this strand of institutional theory the development of the mobility partnership could not happen without the historical context in which it was created. By time, as shown in chapter one, the migration management policy has become more externalised, the migration-development nexus is emphasised, and the process of European integration has strengthened the European cooperation of migration management. The European migration discourse has undergone a process of change, and without these features, the mobility partnership may not have emerged as we see it today. The rules and the standard operating procedures still tell us how the mobility partnership is on its way to become institutionalised, and how this contributes to a change towards the overall migration management policy. Nevertheless, this does not stand in opposition to the fact that the recent developments in the EU migration policy may have given political impetus to this specific process of institutionalisation and thus a possibility for the EU-Cape Verde partnership to emerge.

Summary

The objective of the chapter was to study how the EU-Cape Verde mobility partnership contributes to the overall migration management policy in the EU. More specifically the aim has been to investigate the initial expectation that the partnership will contribute to a more holistic migration management policy. The analysis shows that the establishment of the EU-Cape Verde partnership does enhance the coordination of the EU migration management policy. This is because the mobility partnership has created a set of shared understandings, rules and standard operating procedures, which again signifies that it is on its way to become institutionalised. The process of institutionalisation is still in an early phase. Following an institutional approach it is possible to discern the emergence of an institution, which is contributing to change the overall migration management policy.

In what way does the EU-Cape Verde mobility partnership contribute to the overall migration management policy? The mobility partnership is not initiating new policy, but is rather a new way of structuring the migration management where both third countries and the EU member states and agencies are working together within one specific framework. Several of the interviewees state that these migration management issues could have been done without the framework of the mobility partnership, but many of them emphasise the *symbolic value* of cooperation and further integration on this topic (Interview 1 2010; Interview 2 2010; Interview 5 2010; Interview 6 2010) which may be interpreted as a shared understanding between the participating actors. One official from a participating member state emphasises this with the following statement:

Cooperation on the external border management is not of urgent matter for [my country], but since there is a framework of cooperation and since it is easy to join in this cooperation [we] find it useful and important to join in order to enhance the European integration on this issue.

(Interview 9 2010)

The analysis above has brought up the importance of the context in which the mobility partnership was created. The recent developments in the EU migration management assigning more competence to the EU, the externalisation of the EU migration management and

the High Level summits emphasising enhanced coordination of the migration policy have all together laid the foundation for the partnership to evolve. These recent developments have made way for the partnership to launch cooperation with Cape Verde and to focus on migration development, security and legal migration within a specific policy instrument.

Chapter 4

Border management and the EU-Cape Verde partnership

Introduction

In the previous chapter we have seen that the EU-Cape Verde mobility partnership has contributed to a change of the overall EU migration management policy operationalised by coordination. Thus, in this chapter it is interesting to study the role of Frontex in the same partnership. The aim of this chapter is to study how Frontex contributes to the EU-Cape Verde mobility partnership towards the overall objective of EU's migration management policy. Thus, the aim is not to study the executive formation of the agency as such. Nevertheless, organisational theory and earlier studies on these issues will be used in order to understand *how* and *why* Frontex contributes to the partnership the way it does.

First, how does the study of Frontex links up to the study of the EU-Cape Verde mobility partnership? The ambition of this thesis is to investigate the recent developments of the EU migration management policy. As mentioned in chapter two, the point of departure is the Tampere Council conclusions where the objectives for a common EU asylum and migration policy were stated. In the section of *management of migration flows*, 'the need for more efficient management of migration flows at all their stages' was emphasised, focusing particularly on border management (European Parliament 1999). Frontex, six years later, is such an instrument for closer cooperation on border management and thus, by studying this particular agency, it will be possible to know more about the recent developments of the coordination of the EU migration management policy.

The hypothesis under study in the chapter assumes that the structure of Frontex leads to a more efficient and coordinated border management in the EU because of its organisational structure. The professional background of the staff, the agency's capacity in terms of budget and the agency's roles as a primary structure is expected to improve the agency's *action capacity*. This again will provide the member states with continuity when dealing with border management. This indicates that by assigning Frontex a role in the mobility partnership, the agency will strengthen the capacity of the partnership, which again will contribute to a more holistic migration management policy.

This chapter is organised in two main sections. First, the empirical findings are presented in order to make an outline of what has been the contribution of Frontex to the mobility partnership on *paper*, followed by an outline of the contribution of Frontex in the EU-Cape Verde partnership in *practice*. Second, the empirical findings are evaluated by using the theoretical framework presented in chapter two. As seen in previous studies, assigning political tasks to agencies is said to have an effect on political steering by making it more efficient, manageable and effective (Egeberg 2003: 122; Martens 2010; Trondal 2010), and it is argued that political processes cannot be sufficiently understood without including 'both the organizational dimension(s) of executive orders and the organizational principles structuring international bureaucracies' (Trondal et al. 2010: 24).

Frontex in the mobility partnership

Since Frontex, formally, is assigned a role in the partnership, border management is expected to have an impact on the overall implementation of the partnership. However, by studying the contribution of Frontex towards the mobility partnership it has been showed that its contribution to the partnership has been rather different than first expected. The following passage will show what was planned 'on paper' followed by a description of what has actually happened 'in practice'.

Frontex' contribution to the partnership on paper

In order to evaluate the contribution of Frontex in the mobility partnership it is crucial to investigate what was originally set out as the objectives for Frontex. In the Joint Declaration from 2008 it was officially established that Frontex was to contribute with expertise to the EU-Cape Verde cooperation. More specifically, it was written that

'Frontex in particular' will have an important role in the *implementation* of the mobility partnership (Council 2008: 6). Frontex should coordinate the operational cooperation on border control between member states and third countries as well as developing operational cooperation within the framework of Frontex (Council 2008: 5). We will now see how this has been planned on paper, and this is crucial in order to be able to assess Frontex' contribution to the EU-Cape Verde partnership.

In the Annex of the Joint Declaration three specific activities involving Frontex were mentioned. *First*, an agreement between the Cape Verdean national police and Frontex concerning information exchange, risk analysis, training, research and development, coordination of joint operational measures and '[...] an agreement to launch an active discussion on the improvement of technical equipment and technology at borders'. Best practices and improved cooperation between border guards in Cape Verde and the EU member states were also accentuated (Council 2008: 13). *Second*, a proposal in order to make Frontex emphasise the development of the common core curriculum for border guards, basic training and the program on falsification of documents. This second proposal in the Joint Declaration is said to be implemented by the national police in Cape Verde. *Third*, a proposal led and coordinated by Frontex, proposed by France. The idea presented in the Annex is that France and Cape Verde will cooperate on security and training in document control with aid from Frontex. These three proposals each constitute one project and they are stated as goals for including cooperation with Frontex in the mobility partnership. More specifically these proposals describe the formal cooperation through a working arrangement¹³.

Once the working arrangement enters into force, the task of Frontex is to assure that the agreements in the working arrangement are continued and established through formal cooperation. According to one of the Frontex officials the aim of Frontex is to 'stabilise the bilateral agreements between the third country and EU member states' (Interview 8 2010). More specifically, if the cooperation is limited to bilateral cooperation level between a member state and a third country, there is no insurance for the third country that the

¹³ A more detailed description of the working arrangement will be found on p. 62

training cooperation or joint operation cooperation will continue over time, and the bilateral cooperation will more or less remain ad hoc¹⁴. By involving Frontex, it is suggested that a common framework is established which will assure that an operational cooperation will continue in the future with the specific third country. In addition, Frontex assures that the specific third country receives relevant information, and that they will be invited to Frontex' 'national training coordinators community' (Interview 8 2010). When third country officials are participating in training activities they are being invited and funded by Frontex, and this training is 'highly regulated and happens under formal structures' (Interview 8 2010).

When third country officials join Frontex' training program they are invited to take part in the various training programs organised under the umbrella of Frontex. The Frontex umbrella will in this case be the common core curriculum and they take part in the Frontex training given by border guards from various EU member states. Frontex funds the training and this is done by paying hotel, travel and commodity expenses of the third country officials coming to Europe in order to participate in training (Interview 15 2010). The training takes place in the European training academies. These academies are not Frontex', but are situated in various European countries and they are driven by the hosting country. There are 11 academies in 9 different member states¹⁵ and Frontex' role is to coordinate the work between the EU member states and third country (E-mail correspondence 3 2010). The EU member states are in charge of the training and the joint operations, while the task of Frontex is to organise and prepare in cooperation with the member states. Thereafter, Frontex is financing and coordinating the implementation, but they are not doing the implementing work themselves; this is provided by the EU member states (Interview 15 2010). When border guards from various European countries are gathered in joint operations they wear their own national uniforms, supplemented by an insignia on their sleeve showing that they are representing Frontex (Solberg 2009: 32). How

¹⁴ However, later in this thesis we will see how such a bilateral agreement with Spain has assured cooperation between Frontex and Cape Verde, and has created solutions to complications in border control between Europe and West Africa.

¹⁵ Finland, Lithuania, Germany, The United Kingdom, Italy, Austria, Slovakia, the Netherlands and Romania.

does this description correspond with the way Frontex work in practice, and more specifically in the Cape Verdean case?

At the time of writing, the proposed activities in the mobility partnership with Cape Verde have not been implemented. A Frontex official describes the contribution of Frontex as follows:

The current work of Frontex in the EU-Cape Verde partnership is only to contribute to the pilot project of the mobility partnership which is an area of the Commission and to participate with our knowledge in the scoreboard.

(Interview 8 2010)

However, what is interesting is that the proposed activities in the EU-Moldova and EU-Georgia partnerships have been put into practice already. Importantly, this will not be a comparative analysis of these three countries, but still it is interesting to observe that they have implemented the border management aspects in various paces. The interviewees have made several comparisons to the other cases, and it has been made clear that it has been somewhat easier implementing the partnerships with Moldova and Georgia than Cape Verde (Interview 3 2010). This section of the analysis focuses on the Cape Verdean case of translating proposed activities into actual operations, and identifies the developments and fragments of this process. The intention of this passage is to investigate what has been particular for the EU-Cape Verdean case that has contributed to this seemingly irregular delay in operations.

Frontex' contribution to the partnership in practice

The idea of creating agencies has, according to theory, been to increase the efficiency of the political process and to take the technical and expert processes away from political steering. How does this apply to my case? Hill and Hupe (2009: 136) say that when studying policy-formulation and implementation there is often a discrepancy between the formulated policy and the result. The anticipations to the implementation are often a matter of 'rose-colored expectations' (Hill and Hupe 2009: 136). In this case it is interesting to see how the implementation of the proposals in the Joint Declaration corresponds with the formulations from 2008. In order to put the proposed activities of the Annex into practice several things need to be settled, and several instruments are used in order to formalise the agreement.

In this section the developments of the Frontex-Cape Verde cooperation after the establishment of the Joint Declaration from 2008 is sketched out.

When Frontex is to formalise operational cooperation with a third country they can do this in three different ways. The first- and preferred- way of cooperating with a third country is by launching a working arrangement. The second possibility is to facilitate and support the operational cooperation between a member state and a specific third country. The third option would be to associate Frontex with an international organisation, 'depending on the international organisation and already concluded working arrangements with international organisations (Interview 8 2010). At the time of writing, Frontex is on its way to conclude a working arrangement with Cape Verde. Thus, a direct operational cooperation (which can only be achieved with a working arrangement) between the two partners has not yet been launched.

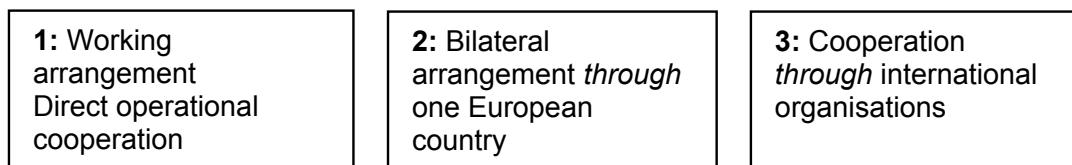


Figure 4.1: Possible ways of cooperation with third countries

Launching an operational cooperation directly between Frontex and the third country is the most favorable way of cooperation because this is the only way to cooperate *directly* with the third country. Nevertheless it takes *time* to do it, and this is a more complex process than the two other ways of cooperating (Interview 8 2010). Thereby, we see that in order to start implementing the formulated proposals in the mobility partnership there is only one instrument that can be put in place – namely the working arrangement. All the projects spelled out in the Annex are based on the fact that Frontex needs to establish a working arrangement with Cape Verde. Even though there are several projects mentioned in the Joint Declaration, the involved partners (Frontex and Cape Verde) are only going to sign and negotiate *one* working arrangement. The working arrangement establishes the cooperation and spells out details concerning every possible way of cooperation with the specific third country. Frontex has already concluded working arrangements with Moldova and Georgia, signed

in August and December 2008 respectively. Then, what is special about the working arrangements and how do they work in practice?

Before the working arrangement between Frontex and Cape Verde can be finalised several stages need to be fulfilled. How is the operational cooperation between Frontex and a third country established? Operational cooperation is a broad term, which includes the four main pillars of Frontex' external cooperation: *information exchange, risk analysis and joint operations, training, research and development* (Frontex 2010a: 1, Interview 11 2010). By process-tracing the developments of this particular policy, it is possible to unravel how the policy formulations from the mobility partnership come into practice.

The first step from policy formulation to implementation takes place in the Risk Analysis Unit (RAU) in Frontex (see figure 4.2). The task of the RAU is to investigate the migration routes in and off from Europe in order to make analyses of where joint operations and training, organised by Frontex would be necessary (Interview 16 2011). In order to start cooperation with a third country Frontex' RAU advises, on the basis of analyses that cooperation can start. Following this, the second step in the development of the working arrangement is to establish a proposal -draft mandate- written by the Frontex staff which will be presented for the management board. The External Relations section in Frontex writes this draft mandate. The draft mandate contains a justification as to why Frontex should cooperate with the specific third country, guidelines for negotiations, and a briefing of the financial needs of such cooperation. The third step towards implementing the working arrangement includes Frontex' management board. The draft mandate needs an approval from the Frontex management board before the formal negotiations can start. Once approved by the management board Frontex can start the formal negotiations with the specific third country within the framework of the guidelines presented in the draft mandate. When the formal negotiations between the third country and Frontex are completed both partners initiate the working arrangement proposal. After the negotiations are finished, and the text is written, the draft working arrangement text is sent to the Commission for comments and opinions. Moreover, once Frontex, Cape Verde and the Commission agree on the formulated text it is sent for a final approval in the Frontex management board. After the formal approval by the Frontex management board the executive director in

Frontex and the third country are authorised to sign the final document. Then it enters into force and the initiatives are ready for discussion and the implementation of the projects launched in the Joint Declaration can officially start.

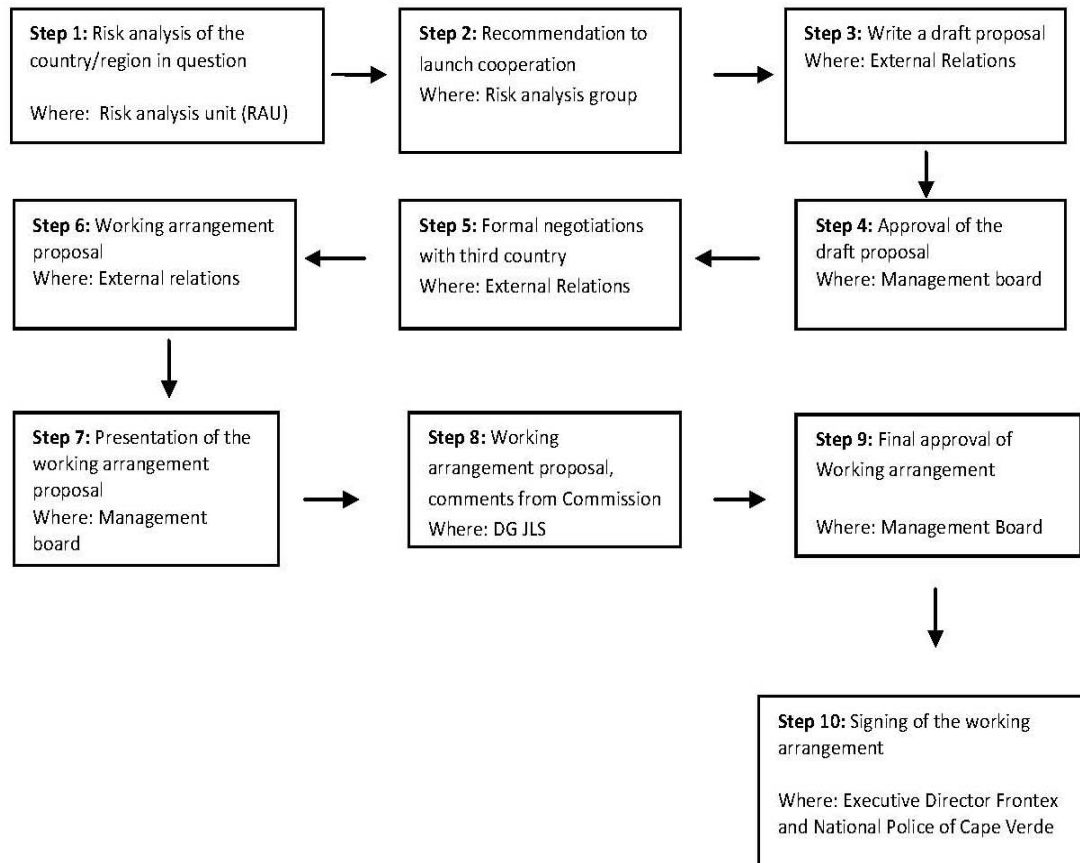


Figure 4.2: Steps in the formulation process of the working arrangement

It is clear that Frontex' role in the EU-Cape Verde mobility partnership is not activated before this working arrangement is enforced. Thus, the interesting question is why it is not yet implemented, and how can this be accounted for from an organisational perspective?

At the time of writing the working arrangement has recently been approved by the management board (Interview 16 2011), yet it still remains to be signed by the executive director and a Cape Verdean official. Already in August, a Frontex official confirmed that the working arrangement was positively welcomed by the Commission, and that the finalisation of the working arrangement 'should not be a victim of long discussions' before the final approval (Interview 8

2010). Moreover, it has taken over four years from negotiations started between Frontex and Cape Verde until the management board approved the working arrangement. What are the reasons for this delay?

The formal negotiations of this working arrangement started in May 2007 right after Frontex' management board mandated that negotiations for a working arrangement could start (Interview 11 2010), however informal contacts were established with Cape Verde already in 2006 (Frontex 2006). The management board mandated that negotiations could start after recommendations from the Frontex staff in the executive support of Frontex, and more specifically in the division of external relations and the RAU (Interview 10 2010, Interview 11 2010). In 2008 Frontex officials went to Cape Verde for exploratory talks (Carling 2008: 11). This is interesting because it helps answering the question under study, namely: *how does Frontex contribute to the EU-Cape Verde mobility partnership?* The timeline actually shows that the Frontex-Cape Verde cooperation started already in 2006 whereas the mobility partnership was signed in May 2008. This shows that the Frontex-Cape Verde working arrangement was discussed already two years before the Commission approached Cape Verde for exploratory talks in December 2007 (Commission 2009: 1).

What does this tell us about Frontex' contribution to the partnership? It tells us that Frontex has been able to offer both expertise and resources to the process of developing the partnership. Frontex started cooperating with Cape Verde before the Commission even launched the idea of the EU-Cape Verde mobility partnership, which tells us that Frontex has got a certain capacity to involve in projects on its own premises. In fact, the agency actually fed the border management agenda into the mobility partnership. This means that rather than being a result of the mobility partnership, Frontex itself has contributed as a central actor in the creation of the partnership (and more specifically border management). This shows that in relation to formulating the mobility partnership, Frontex has - in fact - been effective.

From an organisational perspective it is interesting to investigate *where* (organisationally) and *why* the delay took place. The working arrangement was presented for the management board for the first time in 2007 and then again in 2010. According to one interviewee (Interview 16 2011) all the 'essential and important questions

concerning Frontex' work are discussed and decided in the management board. So, did the management board cause this delay? The empirical findings do tell us that this is not the case. In the interviews it becomes clear that the board members experienced the approval of the working arrangement as a 'normal procedure', not having caused any disagreement among the board representatives, and one of them states as follows:

The agreement with Cape Verde followed the normal procedures. The agreement was not considered controversial, and everybody saw the advantages of the cooperation with Cape Verde.

(Interview 17 2011)

Nevertheless, according to one interviewee the approval might have been delayed because of lack of capacity in the management board:

The only reason [why the approval took time] was that the Management Board had overloaded agendas with priority topics such as the revision of the Frontex regulation, the RABIT activation in Greece, the annual work program, and budget establishment.

(Interview 16 2011)

This statement can count for some delay in the management board; yet it is difficult to use this as an explanation for the general lack of implementation of the working arrangement. Nevertheless, this observation is interesting in the way that many interlocutors have made clear that other topics and issues are far more urgent and important than the working arrangement with Cape Verde. This might indicate that the non-urgent status of Frontex-Cape Verde cooperation has led to a slower implementation of the cooperation because other issues have been prioritised. Working arrangements seem to be a rather uncontroversial aspect of the management board's work; they are considered to be in the interest of the member states and therefore adopted by consensus (Interview 16 2011, Interview 17 2011). If the agency experiences lack of time and sources, it will be natural to imagine that the most urgent matter will be discussed and decided upon first.

Before the management board can approve the working arrangement, the Commission needs to approve the draft mandate and make comments on it. Informally, the Commission confirmed this already in August 2010 (Interview 8 2010), however by the time that the working arrangement was to be approved by the management board in November 2010, the Commission had not yet sent their approval of the working arrangement (Interview 16 2011). This means that the management board took a temporary decision without the comments from the Commission in November 2010, and thereafter signed the working arrangement through a so called 'silent procedure' after they received the comments from the Commission.

This seems generally to be a problem for the Frontex management board. They seem flexible on some issues, but at the same time one of the board members (Interview 16 2011) express the difficulty they have in concluding topics fast enough:

[...] we start discussing the action plan for the following year in February. Then we meet again to confirm the action plan in September. The Commission normally comments on this in December [...] two months after we held our meeting where we were supposed to discuss the inputs from the Commission. This is not effective. The migration routes changes too quickly. It is impossible to take these decisions over one year in advance [...]
(Interview 16 2011)

This may indicate that the delay has taken place in the agency as such, and in the negotiating phase of the working arrangement. Some of the interviewees have stated that there have not been any formal disagreements or issues in the cooperation with Cape Verdean authorities (Interview 10 2010; Interview 11 2010; Interview 12 2010). Rather than disagreements on the content of the working arrangement it has been stated from several interviewees that the delay might be caused by problems of capacity in Cape Verde. 'From what I know there has been some problems of internal organisation in Cape Verde. They had some problems because there are so many different authorities involved in the process (Interview 12 2010).' Another interlocutor supported this account when he stated that:

[...] there are often problems of internal coordination within the authorities working on the mobility partnership in Cape Verde.

Once you have made an agreement in a meeting, you never hear anything again. When you believe that everything is in order, it is not in order at all, and sometimes it seems like information get lost between the different authorities.

(Interview 10 2010)

The Cape Verdean officials confirmed that the internal coordination in Cape Verde is not as efficient as it could have been and they express this in the following way:

Cape Verde is a country with only 35 years of Independence, and it is a state that is still moving forward in a recent consolidation of its institutions, whose financial and human resources are limited. No one can ever ask for an institutional performance or an administrative capacity in the same way or very similar to that of a Portuguese, French, or Dutch. The issue of financial and human limitations of a poor country like Cape Verde is therefore an important explanation for this delay [my translation]¹⁶.

(E-mail correspondence 1 2010)

According to Kamrava (2000: 2), building up bureaucratic capacity in former colonised countries often take place over time and gradually. This reminds us how the lack of resources and time can impact the implementation of policy.

In addition to problems finding one main responsible interlocutor in Cape Verde, there have been some problems concerning translation, which may have caused the delay (Interview 3 2010). Without translation it has not been possible to go further in the negotiations concerning the working arrangement with Frontex. However, according to Frontex' sources 'English is the prevailing language in any discussions and documents from Frontex' (E-mail correspondence

¹⁶ Cabo Verde é um país com 35 anos de Independência, ou seja é um Estado, ainda recente que vai avançando na consolidação das suas instituições, cujos recursos financeiros e humanos, são limitados para a operacionalização. Não se poderá nunca pedir uma performance institucional/administrativa igual ou parecida com a de uma instituição portuguesa, francesa, ou holandesa. Impõe-se aqui também a questão das limitações financeiros e humanos de um país pobre como Cabo Verde.

2 2010). Thus, it is not likely to believe that the delay is caused by complications with the Frontex translation service alone; yet it may have contributed to a delay of the process.

These findings may suggest that internal discussions and negotiations between Frontex officials and Cape Verdean officials can account for the delays of approval of the working arrangement. One Frontex official (Interview 8 2010) confirms that the internal discussions have taken considerable time with Cape Verde, and that they have been much longer and more complicated than what has been the case of Moldova and Georgia.

The working arrangement needs to be established in a transparent way visible for member states and the management board. The management board is given mandate to start negotiations with the third country and the negotiation happens in a certain pace. It takes some time before the arrangement can be concluded and this depends on issues on both the European and Cape Verdean side.

(Interview 8 2010)

Frontex can only be considered as one voice among many actors, and this might cause delays in the negotiating process as well. In front of the other actors (international organisations, the USA, Russia and other third countries) Frontex positions itself as a coordinator, and Frontex' aim is to prevent overlapping and increase the dialogue. Nevertheless, this comes from a Frontex official:

It is difficult for Frontex to find its role within the context of European border management. Frontex is a quite new actor, and there are many other actors [operating] in the field. There are various DGs launching activities in third countries and we see that various international organisations are working in the field, member states have got bilateral agendas, and in addition to this, non-EU countries like the bigger players USA and Australia are being active in the particular region.

(Interview 8 2010)

However, as mentioned above, cooperation with a third country might be launched by collaborating bilaterally through another member state. In the Cape Verdean case it is interesting to see that

Spain started bilateral cooperation with countries from West Africa supported by Frontex already in 2006 (Interview 17 2011). This operation was called Operation HERA, and has been called the 'longest FRONTEX coordinated operation' (Frontex 2010b), and included a sea operation with vessels, planes and patrolling of the coastal areas. In the period of this operation from July 2006 until December 2006 18 987 illegal migrants arrived to the Canary Islands (Frontex 2010b), and over 6000 migrants were returned to their country of origin in this period (ibid). Based on bilateral cooperation with Spain, the West African countries of Mauritania, Senegal and Cape Verde also participated and cooperated with Frontex (Interview 17 2011). This means that the migration pressure between West Africa and Europe was to a large extent satisfactorily controlled already in 2006, which than again makes it possible to assume that the 'need' and 'urgency' of formalising and implementing the working arrangement with Cape Verde, outlined in the mobility partnership, is not as pressing than it was before. The migration routes have appeared to change, and the need that was there in 2006 to establish a working arrangement with Cape Verde may not be as urgent today as it was five years ago.

With Cape Verde we have not reached very far and it is clear that it takes time. The next phase will take time and I do not think that the case of Cape Verde has got a high priority. Frontex approached Cape Verde already in 2006. Spain launched a very good cooperation with Mauritania, Senegal and Cape Verde and I think that Cape Verde was higher prioritised at the time of Ceuta and Melilla when a lot of migrants died. That was horrible times and the conditions were bad. Frontex supported Spain with resources, logistics and coordination.

(Interview 16 2011)

However, the Rapid Border Intervention Teams (RABIT) operations from 2010 may illustrate how Frontex has got the capacity and resources to intervene and share their competence, when needed. The RABIT operations started in 2010 as an initiative between Frontex and the Greek authorities as a response to the increased pressure on the Greek borders. The migrants arriving into Greece have traditionally originated from Albania, Afghanistan, Somalia, Iraq and Palestine, but these days more immigrants from the African countries have

been observed, showing that the migration routes- normally through Spain and Italy - have changed (Terzis 2011: 22).

The migratory pressure changes, it can increase and decrease and it can change from region to region. These are great challenges for the member states, and their effort to solve these issues is under constant change. What contributed to the RABIT intervention this autumn did not come as a surprise, and when it started all the resources were given to this particular operation. This operation started fast enough. We got the money, it went well - it was urgent.

(Interview 16 2011)

At the time of writing, the working arrangement is approved by the management board, and is now waiting to be signed by the Director of Frontex and an official from the Cape Verdean government. Before this arrangement is concluded no direct operational cooperation will be started between Cape Verde and Frontex. But once this is agreed upon Frontex will start involving the operational border control with Cape Verde, and Frontex will play an active role in the implementation of the mobility partnership. However, it is still too early to say when this implementation will start. These findings show that Frontex has been operating autonomously in the formulation phase of the border management aspect in the mobility partnership, and that it has served as an important actor in order to decrease the illegal migration between West Africa and Europe through the bilateral agreement with Spain.

An organisational perspective

How does Frontex contribute to the EU-Cape Verde mobility partnership towards the overall objective of EU's migration management policy? The aim of this section is to understand the empirical findings presented above. The empirical assessment has showed that Frontex has contributed to the mobility partnership to a large extent by feeding the border management agenda into the partnership. Nevertheless, the findings have shown that this is only the case, so far, in the formulation- and not yet in the implementation phase of the partnership. However, the fact that the agency has participated in the formational phase is interesting as such, and also it is interesting to see that it has contributed through bilateral cooperation with Spain. Thus, further it will be interesting to discuss what has allowed

Frontex to participate in such a way. Egeberg and Trondal (2010) argue that the EU level agencies are autonomous from the national structure, and that they to a large extent participate in the new executive formation at the EU level. In the following section I will discuss what has allowed Frontex to play such a role in the EU-Cape Verde partnership, and this will be structured on the basis of the variables presented in chapter two taken from organisational theory.

Organisational structure

Organisational size and budget

The organisational capacity of an organisation is largely connected to its size and budgetary capacity. A large organisation would allow the staff to be more specialised within their specific sector and as well to have capacity and time to do their tasks. The organisational capacity of Frontex, in terms of size and budget, seems to be rather strong. Frontex has got a total staff of approximately 270 persons. Out of these, 70 are national seconded experts, while 200 are permanent staff (Interview 17 2011). Originally, Frontex consisted of mostly seconded national experts. However, by time the permanent staff has got a more prominent role in the agency structure. Compared with other European agencies, Frontex is one of the largest, and its budgetary and staff capacity has increased every year since the beginning. In 2005, the total number of staff counted 45 persons, differentiated between 27 Seconded National Experts and 17 permanent staff (40 per cent administration, and 60 per cent in operational units) (Frontex 2005).

Frontex started with an annual budget of 3,5 million Euros in 2005 without any financial autonomy. At that time the Commission was responsible for their budget (Frontex 2005). In 2010 Frontex' annual budget is 85 million Euros, and they are responsible for their own economy. However, they are reporting to the Commission, and Frontex staff is responsible for approving their Annual budget together with the Management Board. The organisational capacity of Frontex has increased with the years. Thus, in 2006 when Frontex started cooperating with Cape Verde their capacity was not as comprehensive as today. This might indicate why Frontex at that time cooperated with Cape Verde through a bilateral agreement with Spain, and why they now has got the possibility to put forward the working arrangement. Cooperation on the basis of bilateral agreement is less costly and less complex than cooperating bilaterally.

Moreover, the fact that Frontex established the bilateral arrangement might indicate that working arrangement was not pushed forward at an earlier stage, both because of capacity and because of urgency. As mentioned above, the RABIT operations were successfully put through in 2010, and the explanation to this may be that they were urgent. This shows that Frontex has got the capacity to implement. They have got the possibility to do this because of the increasing capacity of Frontex in terms of size and budget. This may give us an indication of why it has been possible to negotiate and start the implementing phase of the working arrangement in 2010, while it may have been delayed because it has not been sufficiently urgent.

Organisational demography

The organisational demography is expected to influence how the individuals in the organisation act. One of the demographical variables is 'profession' and it is expected that the profession of the staff in an organisation matter, and more specifically this is expected to contribute to the identity formation in the organisation in the sense that the professional background of the officials will be of special importance when they take decisions.

In Frontex, the interviews have showed that the professional background of the staff has made cooperation easier because, as the interviewees have told us: 'police officers actually do understand each other' (Interview 16 2011).

The Frontex staff has got the same professional background- how does this influence their work in the agency? The informants expressed, to a large extent, that their professional background was more important than their national or European affiliation in their daily work.

It is easy to cooperate with officials with the same professional background. I understand how other policemen think and work, and they have a broad perspective when it comes to border management. They are all oriented on migratory issues and are generally oriented.

(Interview 16 2011)

This may indicate that the organisational identity in Frontex is strengthened because the staff are mostly from the same professional

environment – this makes it easier to cooperate, and easier to create one specific direction for the work in the organisation. All my informants have got background from their national police or from border guards in their respective country and most of them have been trained in border management control before they joined Frontex.

Through cooperation and support from the Commission, the Council and the member states, the staff expresses that Frontex has got the possibility to strengthen and develop the common EU borders. And with competences from both police and border control they have all together the competence and experience needed to fulfil the Frontex mandate. The interviewees state that their competence is divided and shared over Europe through the participation of national police officers from all over Europe.

My country's external borders are no longer my national border. My country's external borders are all the places where persons can cross a border in order to reach the external borders of Europe, for instance Greece, Italy and Spain.

(Interview 17 2011)

This shows that the organisational demography in Frontex allows the agency to operate more autonomously and coherently across countries on border management related issues. This means that since Frontex is operating on behalf of the member states, they all together represent one external border instead of several. This makes it possible to have one policy objective for all the countries participating, and thus possible to feed the policy agenda of border management into the mobility partnership.

Primary/secondary structure

Officials work in Frontex on a fulltime basis and hold the agency as their primary structure. According to theory, this leads us to expect that their identity as police officers will be strengthened. Theory tells us that whether an organisational entity is primary or secondary influences the actor's way of thinking and their identity, and the fact that Frontex serves as a primary structure makes the officials working in Frontex more connected to the organisation, and thus more connected to the European level. This can be seen as enhancing the organisational capacity of Frontex, and we even see that the seconded national experts feel that their role as border management experts is

more important than their national background. This can be demonstrated by the statement from this Frontex official:

My role in Frontex is mainly as an expert [on border management]. I have built my expertise in the organisation over time and have to a large extent been able to influence the activity in Frontex. The seconded national experts in Frontex have traditionally been as important in the organisation as the permanent staff.

(Interview 17 2011)

This shows that the seconded national experts are to a large degree participating on the same basis as the permanent staff, which may indicate that the organisational capacity and autonomy of the agency is enhanced. The task of the seconded national expert is to 'make sure that updated information from the daily border control service is always updated within Frontex. This is why they normally are working in Frontex for two to four years' (Interview 17 2011). In the beginning, Frontex was mainly composed of seconded national experts, paid by their national governments and police service, while Frontex- with time- has evolved has an organisation with more and more permanent staff.

In the beginning the national experts had the same role and the same tasks as the permanent staff. However, with time this has changed. Now, the national experts serve to a large extent as a support to the permanent staff, even though each person's specific competence and expertise is more important than their position as seconded national expert or permanent staff.

(Interview 17 2011)

Professional identity is the most important question in this regard. The national seconded experts do feel that their loyalty is mostly related to their expertise as a police officer, however, they do know that they are paid by their national police and that this is their original affiliation. The findings show that their affiliation as an expert is more important in their organisational environment than their role as a national expert or permanent staff. The national seconded experts are located in Warsaw and work there on full time, on the same basis as the permanent staff. The interviewees confirm this by stating that the affiliation of the seconded national experts is

mainly with Frontex and that they feel more like experts on border management than national seconded experts.

The European level is the most important level in Frontex' daily work, but as well I feel like there is no particular disagreement between my country's participation in Frontex and Frontex ideas. Our common goal is to cooperate on border management, and that cooperation is mostly based on consensus.

(Interview 17 2011)

However, for the members of the management board the pattern is rather different. The management board members participate in the board on the basis of their national affiliation, and the board is their secondary structure. However, my interviewees express that they feel as experts in this field rather as representatives for a particular country when participating in the board meetings. It is also claimed that this is what dominates the discussions in the management board-how to improve the common objective of border management, rather than how to improve the border management in one specific country. The decisions in the management board are also, to a large extent, taken on the basis of consensus.

This strong trend over time, that the seconded national experts are given autonomy and are treated as equals with the permanent staff, may be used as an indicator for why Frontex has been able to contribute significantly in the border management in Europe, and especially since Frontex used to be composed of seconded national experts. In 2006 when Frontex started to cooperate bilaterally with Spain most of the staff working in the organisation was seconded national experts. Because of this it may be reasonable to believe that since they felt as an important part of the organisation the organisational capacity of the organisation increased as well, making Frontex efficient and autonomous and allowing Frontex to involve in bilateral projects such as the HERA operations even though findings may have indicated that their resources were more limited at that time.

When asking both the permanent staff and the seconded national experts on the task of Frontex, they say that the task of Frontex is to make sure that the management of the external borders is coordinated between the participating member states. As well, they highlight the

task that Frontex have on developing a common standard at the European level instead of several different standards all along Europe.

That Frontex actually fed the policy agenda into the EU-Cape Verde mobility partnership contributing to the formulation of the partnership is interesting. Whereas the original assumption was that the mobility partnership contributed to the development of the working arrangement, this study shows that Frontex' cooperation with Cape Verde started ahead of the partnership.

if there was a gap between the complete overview in the scoreboard and the work of Frontex [...] let's say [...] if the Frontex activities would not be listed in there then we would not sit around the table to match how our ideas and the knowledge on what we have on the needs of a particular country to match it with all proposed activities which are brought in by the member states. That's why we decided to take part in the mobility partnership when we were invited by the Commission. Most and for all it is first a Frontex activity. We are not, let's say [...] I do not know how to explain this. It could happen that the Commission is offering the mobility partnership to particular countries where third countries have no cooperation with Frontex, but we would not go and operate with a particular third country because the Commission launches a mobility partnership. But until now it has matched with Moldova, Georgia and Cape Verde. And with Cape Verde we were already negotiating before the mobility partnership was launched.

(Interview 8 2010)

This shows us that the policy officers working with the mobility partnership did not take the initiative to include border management into the partnership. The cooperation between Frontex and the third country was actually established before the mobility partnership, thus it is more reasonable to believe that Frontex itself introduced the border management aspect into the partnership. As we have seen above, the reason for why this may have been possible can be accounted for through an organisational perspective. The organisational capacity of the EU-level agency in terms of budget and size has increased since the start in 2005, the professional background of the staff is enhancing the capacity of the organisation because they work well together. The fact that Frontex is their primary structure

strengthen the capacity of the organisation and enhance their possibility to act as an EU-level agency in order to enhance the coordination of the member states participating in the European border management. This may indicate that Frontex is taking part in the executive formation at the EU-level creating a supranational identity enhancing the organisational capacity of the agency.

Summary

The aim of the chapter has been to assess, empirically, how Frontex contribute to the EU-Cape Verde mobility partnership. The initial expectation was that Frontex was to participate in the implementation of the partnership, and by this making the mobility partnership more focused on border management, even though the partnership has been promoted as a facilitator of circular migration and migration management nexus.

The empirical findings show that the working arrangement with Frontex has not yet been implemented. However, they show that Frontex has contributed significantly to the formulation of the partnership, and that it has, in fact, added the border management agenda to the partnership. Why is this it? The empirical findings tell that Frontex cooperated with Cape Verde through the bilateral agreement with Spain already in 2006. These agreements may have contributed to a control of the migratory flows between West Africa and the European continent, making the need to implement the Cape Verde-Frontex working arrangement less urgent.

Earlier studies on EU-level agencies and organisational theory have thus been used in order to conceive how and why the Cape Verde-Frontex cooperation and the Frontex participation in the partnership have progressed in this particular way. The independent variables of organisational structure, organisational demography and organisational size and budget and primary/secondary structure can give us an indication of the organisational capacity of Frontex and thus indicate how Frontex has been able to negotiate with Cape Verde and feed the border management agenda into the partnership.

Chapter 5

Concluding remarks

Introduction

The European political order is under constant change and transformation. The development of common platforms for cooperation and the development of institutions represent, to a large extent, solutions to shared problems within this order (Olsen 2002). Institutions are in constant development by assessing the objectives, designing the institution and being used as an instrument to achieve policy (Olsen 2002). In this study this is exemplified by the EU-Cape Verde mobility partnership. The dependent variable in the thesis is the EU migration management policy, operationalised by coordination. The starting point is the analytical claim that 'institutions matters', and crucial for the analysis has been to investigate how a process of institutionalisation - the mobility partnership - can contribute to a change of the EU migration management policy. In order to investigate this more in detail, the EU-level agency Frontex has been brought in to the study. This has made it possible to investigate the contribution of the border management in the mobility partnership, and to what extent Frontex has contributed to the evolution of the EU-Cape Verde partnership.

I started out asking whether the partnership contributes to a change of the overall migration management policy, and accordingly showed that the EU-Cape Verde mobility partnership has contributed to the overall migration management policy in the sense of coordination between the EU member states, the Commission and Frontex. Furthermore, we have seen that Frontex' participation has contributed by feeding the border management agenda into the mobility

partnership. Frontex has not contributed, as originally expected, in the implementation, but rather in the formulation of the EU-Cape Verde partnership. These two findings may show that the coordination of the EU migration management has changed with the establishment of the mobility partnership because, as seen in the analyses, we see a difference in the cooperation between the member states and the European institutions. Patterns of cooperation that were not there earlier are now present.

In this chapter I will first present the findings concerning how Frontex contributes to the partnership followed by a presentation of the findings concerning how the mobility partnership contributes to a change of the overall migration management policy and relate this to dynamics in the EU migration policy. Next, I will widen the debate by discussing the choice of theory and suggest how other theoretical approaches could have contributed to the study. Finally, I will place this thesis in a broader context: in what way does it contribute to the studies on European migration management and the European integration process, and how may this be studied further?

Main findings

Originally, one would expect an EU-level agency to be more influential on the implementation of policy than the formulation of policy (Trondal and Egeberg 2010) however, the findings from this study show that Frontex, up until now, has contributed in the formulation rather than the implementation phase of the partnership. After studying the timeline it has been demonstrated that Frontex has a strong role in the preparatory stages of the partnership, but it has not yet been able to implement what has been outlined in the Joint Declaration.

The reason for including Frontex in the study has been to investigate how Frontex contributes to the mobility partnership towards the overall objective of EU's migration management policy. Since the main purpose of this thesis has been to investigate the coordination of the EU migration management policy, the study of Frontex has contributed to understand the coordination of the EU migration management in a broader context and within the aspect of border management. The hypothesis was developed from an organisational perspective and the expectations were that Frontex, because of its organisational structure would lead to a more efficient border management policy within the framework of the partnership. Since

Frontex is assigned with border management in the mobility partnership we would expect the mobility partnership to be enhancing the coordination of the border management in the EU.

The main findings show that Frontex has contributed to the EU-Cape Verde mobility partnership. More specifically, since Frontex started to negotiate with Cape Verde over two years before the partnership was established, Frontex has contributed by feeding the border management agenda into the mobility partnership. However, the formulation of the working arrangement has not yet led to any implementation. Because of its organisational capacity, Frontex has – prior to the mobility partnership – been able to participate in bilateral agreements with Spain. Through the HERA operation Frontex contributed with resources and coordination to the operation, which may have contributed to decrease the migratory pressure between West Africa and Europe. This may have contributed to make the working arrangement with Cape Verde less urgent, and might imply why it has not yet been implemented. At that time, the capacity of Frontex, in terms of budget and staff was modest compared with today, which may indicate why they contributed in a bilateral agreement rather than focusing on the working arrangement with Frontex. Yet, lack of organisational capacity in Frontex is not the reason why the working arrangement has not been implemented, which may be illustrated by the RABIT operation in Greece where Frontex relocated resources and contributed significantly. Organisational theory has been helpful in order to account for the contribution of Frontex in the partnership, and has been used more specifically to illustrate how organisational capacity can give an EU-level agency ‘action capacity’. The idea of bounded rationality is important in this regard, because this is what gives the actors a certain action capacity based on the organisational structure of the organisation.

We have seen that Frontex contributes, then what have been found by studying the EU-Cape Verde partnership? This thesis started out with the desire to recognise to what extent EU-Cape Verde mobility partnership contributed to a change to the overall management policy in the EU, and it found out that the mobility partnership may have contributed to change the overall migration management policy in the EU. With the EU-Cape Verde mobility partnership features of a common policy through the process of institutionalisation of the partnership can be seen. Institutionalisation is recognised by the

development of rules, standard operating procedures and a shared understanding of legitimate resources. Through the patterns of cooperation and patterns of interaction established with the partnership it is possible to discern the establishment of these features. As initially expected, the mobility partnership has provided the participating member states and institutions with a common set of shared language which have made the migration cooperation more holistic and effective. First of all, the findings show the symbolic value of the EU-Cape Verde partnership. The mobility partnership is not initiating migration projects, but can rather be seen as a way of *structuring* the migration management policy in a new way. From the interviews it has been possible to understand how rules have been infused into the daily work of the officials working within the partnership, and how they now perceive this as legitimate and evident. Second, the mobility partnership has enhanced the cooperation between the participating member states by introducing standard operating procedures contributing to the institutionalisation of the EU-Cape Verde partnership. The work of the DG JLS, specifically through the development of the scoreboard and by organising a common task force for discussing the mobility partnership, can be seen as value-added and contributes to an efficient and more holistic migration management policy.

It has been claimed that the partnerships are not a new instrument in the EU migration policy. This may be correct in the sense that they are not introducing new migration projects, but they are new in the sense that they are contributing to the coordination of the EU migration management policy. By introducing new patterns of cooperation and new patterns of interaction between the participating member states, the EU-level agencies and institutions and the Cape Verdean partner country are working together under new premises. This may indicate that the partnerships contribute to change the EU migration management policy identified as features of coordination that did not exist earlier.

Dynamics in the EU migration management policy and theoretical implications

The aim of using institutional theory is to supplement rather than to reject alternative theoretical approaches (March and Olsen 2006: 20). The choice of applying institutional and organisational theory in this

study is not an attempt to state that institutional theory is the only way to investigate the recent developments of the EU migration management policy, but these approaches are considered to be of importance in order to understand political processes and developments in the political system. They make it possible to study how a political process is undergoing changes on a micro level by unpacking 'the structures embedded in the principles of organisation (Trondal et al. 2010: 24). This study has allowed investigating dynamics in the recent EU migration management policy. The migration management policy in the EU is flexible, and the nature of the migration policy is complex. Notwithstanding, when working on the mobility partnership and Frontex it has also been recognised that the dynamics underpinning the migration management policy are various, and that the mobility partnership is indeed a hybrid.

The mobility partnership is coordinated at a European level, yet the legal aspect of the partnership is confined to the national level. The migration projects are launched by the member states, and the partnerships are not under the legislation of the ECJ. Frontex serves as a coordinator and contributes with resources to the EU border management, but the specific operations are undertaken by the member states themselves. In itself, the partnership is contributing to a higher level of coordination at the EU level, however this does only include the five member states participating. Other EU member states outside the framework of partnership are not included, and the partnership is not a part of the *Acquis communautaire*¹⁷. This may demonstrate the special nature of the partnership. Recent developments have shown that the EU migration management policy is increasingly becoming an issue of EU competence. Yet, the mobility partnership is not a supranational policy instrument. The Schengen treaty allows free movements of persons within the borders of the participating countries. This means that Cape Verdeans allowed into the Schengen area through the mobility partnership will move freely to countries that are not participating. This means that the partnership influences every country in the Union, steered by only five member states. Thus, the mobility partnership is a hybrid and a unique cooperation within the EU migration management policy.

¹⁷ The *Acquis communautaire* refers to the common EU policy based on laws, principles, duties and goals within the European Union (Lie 2007: 9)

Institutional and organisational theories have allowed looking at developments within these structures and how the mobility partnership and Frontex contribute to the supranational coordination of the EU migration management policy. However, these observations might demonstrate that an intergovernmental approach could have been helpful in order to understand the recent dynamics in the EU migration management policy. Liberal-intergovernmentalism is one of the leading approaches in the study of European integration. Its main argument is that developments in the European integration are driven by rational choices and national interests in the member states (Moravcsik 1998). This theory would have opened the opportunity to investigate more detailed to what extent the recent developments of coordination in the EU migration management through the mobility partnership are results of the institutions in which these features have been developed or results of serving the interests of the member states. It could have broadened the debate by encouraging to study the hybrid aspect of the partnership between the supranational and intergovernmental. This could have invited this study to participate, to a larger extent, in the debate concerning dynamics in the European integration.

This section also deserves some comments on how institutional and organisational theory is applied in the thesis. When using institutional theory to study political outcomes there is often directed attention to change and continuity, together with a focus of the inertia of institutions (Peters 1999). This study does not investigate, nor continue the debate concerning the inertia of institutions. It seeks to investigate the birth of an institution, and it has tried to assess the blossom and the first paths in this development. In addition, it is important to make a remark on the way organisational theory is used in order to investigate how Frontex contribute to the partnership. The aim of this study has not been to study EU-level agencies nor the executive branch of the EU administrative order as such. These studies often deal with the autonomy of the EU-level agency, how the agencies are coupled with the national administration or the European administrative order. In this study it has rather been chosen to investigate the contribution of Frontex empirically. Then organisational theory and studies on EU-level agencies have been used in order to discern and understand how and why Frontex has contributed to the partnership in such a way. The organisational theory has allowed developing hypotheses on what to expect, and the

empirical assessment in the light of the organisational theory has made it possible to confirm or reject these hypotheses. The institutional and organisational approach has allowed me to investigate changes in the EU migration policy and to reveal how the mobility partnership has contributed to the aim of more coordination through a process of institutionalisation, which responds to my initial question on how the mobility partnership contributes to the EU migration management policy.

External validity and further research

This thesis had the overall scope to fill some of the gaps in the research on the mobility partnerships and Frontex. As mentioned in chapter one, the mobility partnership is understudied, specifically due to its recent creation and appearance in the EU migration management policy. The prominent task of border management in the mobility partnership and more specifically Frontex has not, at the time of writing, been studied. This has made it even more rewarding to unpack the contribution of Frontex to the mobility partnership and has made it possible to apprehend developments that are crucial in the relationship between Cape Verde and Europe. However, what inferences can be drawn from this case study? A single case study does not give the possibility to draw generalisable conclusions (George and Bennett 2005), so how can this study contribute to the research on European integration and migration policy? This case study is an in-depth study of one specific partnership, and the findings can therefore be used in order to understand parts of the developments of the EU migration policy. This study may therefore be useful in later studies on these topics, in so called building-block studies. This case study does not, nor does political science in general, make it possible to give an answer to how the mobility partnership and Frontex will develop in the future. However, this study has allowed me to open the black box of the relationship between Frontex and the mobility partnership. Moreover, further studies may be used in order to extract the remaining items in the black box and investigate them in the same context in order to broaden up the study of the recent dynamics in the EU migration management policy.

I have now stated that findings from this study are limited because of the nature of single case studies, but this understudied topic deserves indeed to be elaborated further in future research projects. First, I would encourage continuing this study by involving the two other cases of Moldova and Georgia. By comparing cases it would be

possible to investigate where this cooperation works well and where it works less well, as well as strengthening the findings from this particular EU-Cape Verde case study. This would enhance the possibility to generalise over the findings from the case study. Since these cases are different in the sense that Moldova and Georgia represent two potential member states to the European Union, and Cape Verde is not, it would be possible to compare cases and get extended knowledge on the partnerships as such, and the recent trends in the EU migration management policy. Hence, applying the theoretical framework used in this thesis to a larger population would be fruitful in order to improve the external validity of the study. Since this study does not allow investigating further the supranational versus intergovernmental features it would be interesting to do this in a future study. This study has indicated that the mobility partnership is representing a change of the recent developments by being a hybrid between the supranational coordination and an intergovernmental cooperation whilst the recent developments in the migration management policy have supranational features. Second, an interesting study would be to follow up on the mobility partnership with Cape Verde and Frontex. Frontex was seen as interesting since it has been criticised for violating human rights and creating a 'Fortress of Europe'. This study has found that Frontex is serving as a coordinator and provides resources to the member states in terms of border management. However, the contribution of Frontex to the partnership is still only in the formulating phase. When the cooperation between Frontex and Cape Verde becomes implemented, it would be interesting to investigate the results of the implementation further. How does the implementation of the working arrangement on the ground contribute to the involvement of border management in the mobility partnership, and how does this, if at all, contribute to change the reality of the migrants emigrating from, and passing through the Cape Verdean islands? In this context it would have been valuable to conduct in-depth interviews with Cape Verdean officials as well. This study has to a large extent built on information from a European perspective, thus in future studies it would have been crucial to include the Cape Verdean perspective. Hence, it would have been interesting to investigate differences in the European and the Cape Verdean approach to the value-added of the mobility partnership, if any.

This study has investigated the very beginning of the mobility partner-

ship, with the overall aim of exploring recent developments in the EU migration management policy. It remains to see how the mobility partnership will evolve over time, because 'surviving institutions are those that have proved their worth through the test of time' (Olsen 2009: 6), and only 'through the test of time' it will be possible to advocate how the partnership contributes to change the overall migration management policy. Only time will tell how this emerging institutionalisation of the mobility partnership will be maintained.

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Appendix

Appendix A

Interview Guide no. 1: The Commission, Permanent Representations, the Council

(1) Personal information

- a. Position
- b. Policy field
- c. Description of work

(2) The EU-Cape Verde mobility partnership

- a. How do you perceive your role in the mobility partnership
- b. How do you understand this policy instrument? Main purpose, impact on EU migration management policy, impact on the member states etc.
- c. Do you see any difference before and after the mobility partnership?
 - i. More efficient, more coordination, best practices, resources?
- d. How do you understand the motivation for creating the EU-Cape Verde mobility partnership?

(3) The role of your country/institution in the EU-Cape Verde partnership

- a. How do you understand the task of your country/institution within the framework of the partnership?
- b. Why did you choose to participate? Main motivation
- c. Do you see any impacts?

(4) EU-level institutions

- a. Are you in contact with institutions in the EU? When, how?
- b. Has the contact changed with the establishment of the EU-Cape Verde partnership?

(5) Frontex

- a. How do you understand that Frontex is participating in the EU-Cape Verde partnership
- b. Does Frontex' participation makes any difference?

Appendix B

Interview Guide no. 2 Frontex officials (Frontex officials, seconded national experts, board members)

(1) Personal information

- a. Position –since when?
- b. Policy field
- c. Description of work

(2) How would you describe the main tasks of Frontex?

(3) How and to what extent do you believe that Frontex may influence the European border management?

(4) Description of Frontex' work in practice

- a. Uniforms, operations, separation of tasks in various organizational units etc.

(5) Contact with other European institutions?

- a. Often? Which institutions?

(6) Contact and cooperation with third countries?

- a. Development of the working arrangements
- b. Negotiation of working arrangement

(7) The EU-Cape Verde mobility partnership

- a. What is the role of Frontex
- b. How do Frontex contribute thus far
- c. What is planned?
- d. Relationship between the Annex in the Joint Declaration and the participation thus far
- e. What has been easy, what has been difficult?

(8) Identity

- a. National versus European identity?

- b. Expert versus national expert?
- c. Identity in the organization?

(9) Capacity

- a. Budget
- b. Resources
- c. Size

(10) Management board

- a. Description of a standard meeting: time, topics, discussions
- b. How are the various cases presented?
- c. Consensus, votation?
- d. How do you prepare?
- e. How do you perceive the meetings? Effective? Well prepared? Discussion?
- f. Identity: national or European?
- g. Expert on border management or national representative?
- h. How do the Commission members participate?
- i. Difference between the MB decisions and the agency's decisions?

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The EU-Cape Verde mobility partnership was adopted to facilitate migration management between the European Union and the West African country of Cape Verde. The European Agency for the Management of Operational Cooperation at the External Borders (Frontex) is tasked with the border management within this specific partnership, as the only EU-level agency.

This report studies this policy instrument in order to understand the recent developments in the EU migration management policy, the nature of the partnership and how it contributes to the coordination of the overall migration management policy. It finds that the mobility partnership contributes to the EU migration management policy through enhanced cooperation and interaction between the participating member states. Through rules, standard operating procedures and a shared understanding, the mobility partnership is becoming institutionalized. This process may indicate a change in the overall migration management policy contributing to a more coordinated EU migration policy. Frontex has contributed to feed the border management agenda into the EU-Cape Verde mobility partnership, and this has been possible because of its organizational capacity.

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ARENA Centre for European Studies at the University of Oslo promotes theoretically oriented, empirically informed studies, analyzing the dynamics of the evolving European political order. ARENA's primary goal is to establish high quality research on the transformation of the European political order, with a particular emphasis on the European Union.



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