

Are Third States Pulling the Strings? The Impact of Domestic Policy Change on EU-Third State Cooperation

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Abstract

There is a broad literature on the EU's external governance exploring the impact of cooperation agreements between the EU and third states on domestic policy change in the latter. In particular, since the launch of the European Neighbourhood Policy (ENP) in 2004, work investigating the EU's effectiveness in promoting policy change in ENP countries has surged. In this paper, we propose a change in perspective and argue that domestic policy change in third countries is not (only) a possible outcome of the EU-third state cooperation agreements, but also a putative determinant of how EU-third state cooperation agreements are designed. Our main hypothesis posits that third states with a track record of domestic policy reforms in a specific policy field are more likely to agree to a comprehensive EU-third state agreement (broad in scope and detailed at the same time) than states exhibiting lower levels of domestic reform activities. By implication, we argue that prior domestic policy reforms affect EU-third state cooperation and thus ultimately the process and outcome of Europeanization beyond the EU. To probe our argument, we first carry out a correlational analysis across all 16 ENP states to demonstrate the link between domestic policy change and the design of EU-third state agreements, and subsequently proceed with a process tracing analysis of a single case: asylum policies in Moldova.

INTRODUCTION

Since the launch of the European Neighbourhood Programme (ENP) in 2004, there is a growing literature exploring the success of the European Union (EU) in inducing policy change in its partner countries (Ademmer and Börzel 2013; Casier 2011; Dimitrova and Dragneva 2013; Hagemann 2013; Langbein and Börzel 2013; Schimmelfennig 2009). The ENP, which comprises sixteen states in the EU's southern and eastern neighbourhood, was designed to achieve the closest political association possible with these states in the absence of a credible EU membership perspective. One of the core questions, which continues to occupy scholarship on the ENP, asks about the conditions under which ENP states transfer the provisions contained in the ENP cooperation agreements to their domestic statute books (Ademmer 2015; Ademmer and Delcour 2016; Freyburg et al. 2011; Wunderlich 2012). While this literature highlights the conditions for (un-)successful policy transfer, the specific content and design of these agreements has, thus far, been taken for granted, and country specific characteristics of these agreement have been ignored (for an exception see van Vooren 2012, 235). We argue in this paper that this omission comes with considerable costs. Contrary to the thrust in the literature (Börzel and Pamuk 2012; Freyburg 2012; van Hüllen 2012), which conceives of domestic policy change as a direct consequence of cooperation between third states and the EU, we claim that a closer look at the design of ENP cooperation agreements shows that conditions *causally prior* to the adoption of the cooperation agreements need to be brought back into the picture. Specifically, we argue that domestic policy change in a third state, which occurs before the EU and a third state sign a cooperation agreement, crucially affects what the two signatories agree upon in the first place.

A closer look at the cooperation agreements between the EU and third states, which were signed in the context of the ENP (the so-called ENP Action Plans), reveals that their design displays startling variation. Originally, the EU opted for a "one-size-fits-all" approach (Börzel, Pamuk, and Stahn 2008; Langbein 2013; Protas 2012). Hence all ENP cooperation agreements were meant to pursue the same goals, tackle the same issues, and rely on the same type of incentives, i.e. display the same design. Yet, initial intentions did not translate into actual design outcomes. The design of ENP Action Plans differs from one state to the next: Some ENP Action Plans are broad in *scope*, by addressing a great variety of goals, and display a great degree of *precision*, by specifying the concrete actions to be taken; other ENP Action Plans, by contrast, address only a limited range of issues and remain very vague on the concrete actions to be taken to realize them.

We show in this paper that the stark variation in the design of the agreements between the EU and ENP states can be traced back to the ENP state's respective willingness to cooperate with the EU, which is reflected in prior reform activities at home. This also means that ENP Action Plans might be less consequential than scholars thought, since their design mirrors the already existing willingness of ENP states to undergo reform activities.

To probe this claim, our paper explores the relationship between domestic policy change in ENP states in the policy fields of irregular migration policies and asylum policies, and the design of ENP Action Plans negotiated between the EU and the ENP states regarding these two policy fields. These policies are particularly suitable for our inquiry, since they constitute a hard case for our argument. The EU's influence in this policy field should be particularly pronounced since, on the one hand, it has a strong interest in migration policy changes in its neighbourhood and, on the other hand, provides particular rewards (such as visa waivers) for alignment with EU migration policies. From this purview, if domestic policy change in a third state affects the design of the ANP Action Plan in a policy area where the EU possesses a strong interest, we would expect this pattern to hold in policy areas, which are of lesser salience to the EU, as well.

Our empirical strategy proceeds in two steps. In a first step, we investigate whether, across the 16 ENP states, we find a systematic link between domestic policy reform in the prospective ENP states and the design of ENP Action Plan. We find that, indeed, ENP Action Plans that contain comprehensive provisions (i.e. which are broad in scope and precise in measures for implementation) tend to be struck between the EU and third states with a track record of domestic policy reforms in the policy area at stake. In a second step, we explore the causal mechanism linking policy reform willingness and the comprehensiveness of ENP Action Plan provisions by exploring a typical case: asylum policies in Moldova.

THE IMPACT OF DOMESTIC POLICY REFORMS ON EU-THIRD STATE COOPERATION AGREEMENTS

We argue that domestic policy change undertaken by a third state prior to the signing of a EU-third state cooperation agreement indicates that the respective state possesses the willingness and capacity for policy reform regarding a specific issue. In turn, this domestic interest for policy change affects how the EU and the respective third state design ENP Action Plans. If the government of a third state has a proven track record of policy reforms in a particular policy field, the EU-third state agreement is likely to be comprehensive, i.e. it will include a

broad scope of policy provisions in the respective policy field, and it is also likely to be precise, i.e. specify in detail how the objectives set out in the agreement are to be achieved. In the ensuing sections, we will flesh out this argument in more detail and will contrast our claim with an alternative hypothesis, based on the assumption that bargaining power between the EU and third states is asymmetric and that the design of EU-third state agreements predominantly reflects the interests and (superior) bargaining power of the EU.

Domestic policy change as pre-requisite for comprehensive EU-third state cooperation agreements

Our claim that domestic policy change in a third state is a pre-requisite for the elaboration of comprehensive EU-third state cooperation agreements is predominantly rooted in the “market governance” perspective on EU-third state relations (Lavenex and Schimmelfennig 2009). This implies that the EU and the third state government are seen as two formally equal partners negotiating the terms of their agreement on (formally) equal footing. According to this perspective, third state governments do not simply ‘wait’ for the EU to tell them what to do, and follow up on the EU’s demands. Rather, third state governments are autonomous actors, facing particular policy problems, which they want to overcome, and hold specific policy interests, which they seek to realise. From this perspective, the design of EU-third state agreements reflects the degree to which the policy-related interests between the EU and the third state are compatible: A comprehensive agreement can only come about when this is in the interest of the two cooperating partners.

Under what conditions do third state governments develop a preference to negotiate comprehensive ENP Action Plans? In this paper, we argue that one crucial condition for the elaboration of comprehensive EU-third state agreements is a manifest willingness and capacity for domestic policy reform as a response to functional pressures, which are unrelated to EU policies or demands. A third state interested in domestic policy change and willing to carry out the necessary reforms signals openness and receptiveness for support and cooperation with external actors holding similar policy preferences. The EU seems to be a likely candidate for external support in the case of the states in the EU’s neighbourhood, given the EU’s declared interest for closer cooperation with these states. As demonstrated through different EU initiatives, such as the European Neighbourhood Programme (ENP), the EU aims to achieve close cooperation with its neighbouring states in order to diffuse EU policies beyond the EU. Thus, the encounter between reform-minded third state governments and the EU in the context of

EU-third state cooperation agreement negotiations is likely to display a “preferential fit” (Ademmer and Börzel 2013), since both sides are favouring policy reforms. On the one hand, the EU pushes for policy change in the third state with the aim to align the policies of the third state policies with EU policies. On the other hand, third states that have a track record of carrying out policy reforms in the past, are more likely to be receptive to EU support in order to sustain reform efforts or to overcome domestic obstacles to further reform efforts. This joint preference for policy change, in turn, enables the two actors to agree on a comprehensive cooperation agreement. Domestic policy change and comprehensive EU-third state agreements are thus causally linked via the following steps (see Table 1). We argue that the main condition, which triggers domestic reform processes in a third state is the identification of a need for domestic policy reform in a specific policy field and the concomitant initiation of reforms. The ensuing reform activities signal the third state government’s interest and willingness to engage in domestic policy reform in order to resolve a previously identified policy problem within a specific policy field.

With domestic policy reform activities under way, the EU approaches the third state government with the intention to promote closer EU-third state cooperation with the ultimate objective to align the policies of the third state with current EU law. A third state with a proven willingness and capacity for domestic policy reforms in a specific policy field makes it a particularly interesting and privileged cooperation partner for the EU. We therefore assume that in policy fields where the third state shows a general willingness and capacity to reform, preferences of the EU and the third state tend to align, as both actors share the objective of realizing policy change in a particular policy area. This joint reform perspective does not imply that the EU and the third state necessarily agree on the exact policy measures and instruments underpinning prospective policy change. Most likely both sides still strive to push forward their own agenda, but the joint preference for policy change sets the ground for cooperation. In the context of the ENP, the EU strives for an alignment of the third state’s policies that is not partial but includes all aspects and dimensions of a specific policy field. The EU is hence keen on reaching a comprehensive EU-third state agreement. A third state with a recent a domestic policy reform history is equally interested in a comprehensive EU-third state agreement: The third state has already identified a specific policy problem and developed solutions to overcome the problem. Confronted with the EU’s reform agenda, both actors are likely to be able to define meaningful and precise next steps building on existing domestic achievements and the experience gained through prior policy reforms. Hence, in the final step, the EU and the

third state adopt a cooperation agreement, which includes comprehensive provisions, detailing the scope of intended policy reforms and fleshing out its details.

Table 1: Conceptualization of the causal mechanism underlying the central theoretical claim

| | Condition | Step 1 | Step 2 | Outcome |
|-------------------------------|--|--|---|---|
| Causal mechanism | The third state government identifies the need for policy reform in a specific policy field. | The third state government carries out policy reforms in this specific policy field. | The third state government relies on EU-third state cooperation agreements to carry out further policy reforms in this specific policy field. | The third state government agrees to comprehensive provisions in the EU-third state agreement regarding this specific policy field. |
| Observable implication | The third state initiates policy change in response to a particular policy problem. | Policy reforms take place in the third state. | The third state is willing and able to undertake further policy reforms in cooperation with the EU. | The third state and the EU agree on an ENP Action Plan, containing comprehensive provisions. |

Source: Authors' conceptualization.

Alternative explanation: anticipatory obedience

A plausible alternative explanation for the temporal antecedence of policy change in relation to the conclusion of a EU-third state cooperation agreement is based on what we call anticipatory obedience of third states, a mechanism which bears close resemblance to cooperation in the shadow of hierarchy (Börzel 2010). This line of argumentation, based on the “hierarchical governance” perspective (Lavenex and Schimmelfennig 2009), stipulates that the EU’s leverage over third states (or the anticipation thereof) is the core explanatory condition for domestic policy change in third states.

More specifically, proponents of this argument would claim that EU pressure and comprehensive EU-third state cooperation agreements are linked via the following steps. First, the EU uses the prospect of EU-third state cooperation agreements to exert pressure (through threats or rewards) on the third state government in order to achieve an alignment of the third state with EU practices in a specific policy field. The ability of the EU to successfully exercise leverage presupposes a certain degree of asymmetric interdependence. Third states that are more dependent and hence more sensitive to EU pressure are likely to adjust their policies to the EU’s expectations. Adjustment implies that third state governments carry out domestic policy reforms in line with EU expectations. These reforms might even be initiated prior to the conclusion of an agreement between the EU and a third state, for instance with the goal to reap

the benefits of cooperating with the EU sooner rather than later. Moreover, we would also expect the agreements between the EU and third states to be comprehensive, because third states, due to external pressure, readily abide by the EU’s requests to set up a full-fledged reform agenda that is in sync with the EU’s preferences. In sum, the alternative hypothesis claims that EU pressure leads to comprehensive EU-third state cooperation agreements for those states that are particularly sensitive to EU pressure (see Table 2).

Table 2: Conceptualization of the causal mechanism underlying the alternative explanation

| | Condition | Step 1 | Step 2 | Outcome |
|-------------------------------|---|--|--|---|
| Causal mechanism | The EU uses the prospect of EU-third state cooperation agreements to exert pressure (through threats or rewards) on the third state government to achieve an alignment of the third state with EU practices in a specific policy field. | The third state government is sensitive to the pressure by the EU and wishes to align with EU demands. | The third state government carries out policy reforms in this specific policy field as an act of anticipatory obedience. | The third state government agrees to comprehensive provisions in the EU-third state agreement regarding this specific policy field. |
| Observable implication | The EU shows a strong interest for reforms in a specific policy field of the third state and the incentives for policy change and/ or the punishment of non-change are substantial and credible. | The third state alters its position due to incentives and/or threats issued by the EU. | The third state carries out policy reforms in line with EU demands. | The third state and the EU agree on an ENP Action Plan, containing comprehensive provisions. |

Source: Own conceptualization.

RESEARCH DESIGN AND DATA

In order to empirically test our hypothesis, we will proceed in two steps. First, taking into account all 16 ENP states and their respective Action Plans, we explore the relationship between domestic policy change (prior to negotiating and adopting a third state-EU agreement) and the design of these agreements with regard to their comprehensiveness. Second, we seek to find evidence for the presence of a causal link between domestic policy change and comprehensive EU-third state cooperation agreements through a within-case study, exploring asylum policy reforms in Moldova.

Case selection: Migration policy

Migration policies constitute a hard case for our argument and are therefore appropriate to empirically probe our theoretical argument: The EU has a particularly strong interest in inducing alignment with EU regulations in the field of migration policies in general, and irregular migration policies in particular. Moreover, migration is one of the only policy fields in which

the EU is able to issue policy-field specific rewards for achieving closer cooperation, namely in the form of visa-waivers (Ademmer and Börzel 2013). Therefore, we expect the capacity of the EU to induce third states to adopt its preferred policies, even against their initial reluctance, to be particularly high when it comes to migration policies.

Measurement of the explanatory condition: domestic policy reform

Our main explanatory condition is domestic policy change that took place prior to the EU-third state agreement. This condition is operationalized dichotomously and assesses whether or not policy change took place in a given country before the negotiations of an ENP Action Plan started. The European Neighbourhood Programme (ENP) was launched in 2004, hence in most cases negotiations on ENP Action Plan started in 2004 (see Table 3). We select the year in which the ENP Action Plan negotiations began as cut-off date, rather than the year in which the ENP Action Plan was signed or implemented. This operationalization avoids the artificial inflation of the number of cases that are considered as having carried out policy reforms before the ENP Action Plan, omitting those cases in which the ENP Action Plan negotiations took so long that the negotiations triggered policy change already before the cooperation agreement was signed.

To identify if and when domestic policy change took place we rely chiefly on the CARIM Database provided by the Migration Policy Centre (MPC) at the European University Institute (EUI). The study of the documents provided by CARIM shows that until the end of the 1990s the ENP states had almost no policies addressing asylum and irregular migration issues at all. This changed at the end of the 1990s when ENP states started carrying out migration policy reforms. Some ENP states have passed one migration policy to date while other ENP states have reformed their asylum policies several times (see Table 3). In these cases, we assess whether the year in which migration policies were first reformed precedes the launch of ENP Action Plan negotiations.

Table 3: Timing of ENP Action Plans and migration policy changes

| Country | Beginning of the negotiation of 1. ENP Action Plan | Signature of 1. ENP Action Plan | Entry into force of 1. ENP Action Plan | Year of irregular migration policy reform | Year of asylum policy reform |
|------------|--|---------------------------------|--|---|------------------------------------|
| Algeria | 2012 | / | / | 2008; 2009 | / |
| Armenia | 2004 | 2006 | 2006 | 2003 | 1994; 1999; 2001; 2002; 2003; 2006 |
| Azerbaijan | 2004 | 2006 | 2006 | 2000 | 1996; 1999; 2001 |
| Belarus | / | / | / | 2003 | 1995; 1999; 2003; 2008 |
| Egypt | 2005 | 2006 | 2007 | 2005 | 1992; 1996 |
| Georgia | 2004 | 2005 | 2006 | 2005 | 1993; 1998; 2011 |
| Israel | 2004 | 2004 | 2005 | / | 2011 |
| Jordan | 2004 | 2004 | 2005 | 2009 | / |
| Lebanon | 2005 | 2005 | 2007 | 2011 | 2000 |
| Libya | / | / | / | 2010 | / |
| Moldova | 2004 | 2004 | 2005 | 2010 | 1990; 2002; 2008 |
| Morocco | 2004 | 2004 | 2005 | 2003 | 2003 |
| Palestine | 2004 | 2004 | 2005 | 2009 | / |
| Syria | / | / | / | 2010 | / |
| Tunisia | 2004 | 2004 | 2005 | 2004 | / |
| Ukraine | 2004 | 2004 | 2005 | 2011; 2012 | 1995; 2001; 2011 |

Sources: Year of policy change: own compilation; negotiation of ENP Action Plan: James 2015 ; signature of ENP Action Plan: van Vooren 2012; entry into force of ENP Action Plan: Bankwatch 2011; James 2015.

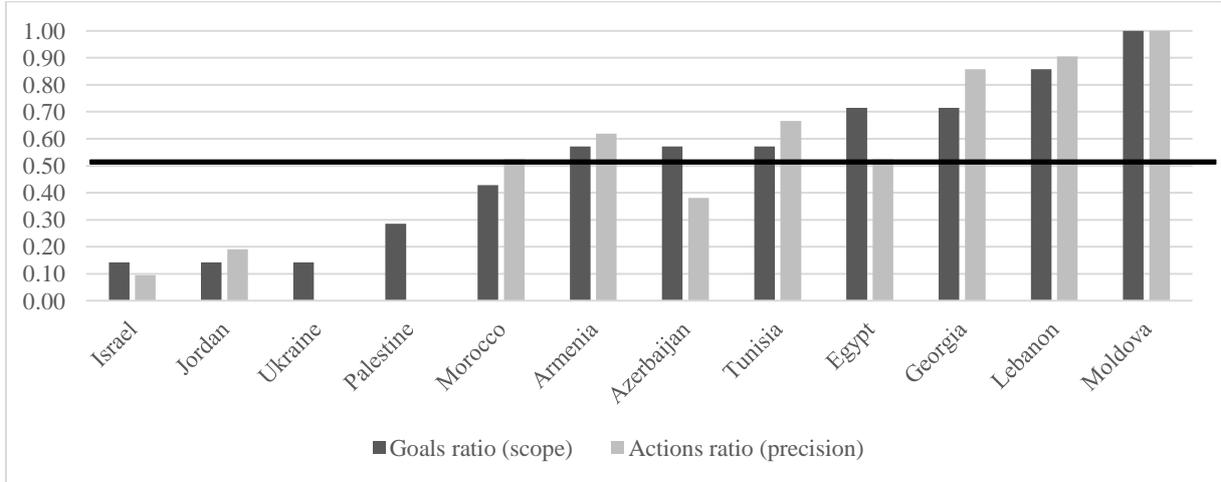
Measurement of the outcome: design of ENP Action Plans

Even though the EU originally pursued a “one-size-fits-all” approach with the ENP states, the Action Plans laying down the details of the cooperation agreement between the EU and the EU neighbourhood states display a high degree of variation. Most importantly for the purpose of this paper, the ENP Action Plans vary in their degree of comprehensiveness. We define comprehensiveness as a function of both the *scope* of the respective Action Plan and their level of *precision*.¹ We determine the *scope* of the provisions by counting the number of goals formulated in each of the ENP Action Plans. More specifically, to assess the scope of any particular Action Plan, we take the ENP Action Plan with the greatest number of goals as reference point to calculate the ratio of a plan’s scope in reference to the plan with the broadest scope. This operationalization allows us to control for systematic differences across policy fields. Regarding irregular migration policies, the ENP Action Plan containing the highest number of goals is the cooperation agreement with Moldova, which contains seven goals. Regarding asylum policies, the country that included the greatest number of goals in their ENP Action Plan is, again, Moldova, with three goals. For every ENP state we hence compute the ratio between the number of goals formulated in the ENP Action Plan regarding a specific policy field and the maximum number of goals regarding this very same policy field formu-

¹ See appendix for a summary of the coding results (table 7) and the raw data (table i-xii).

lated in an ENP Action Plan. Following this logic, a ratio of 1 indicates that a state displays 100%, i.e. the same amount of goals as Moldova, the state with the highest number of goals contained in an ENP Action Plan regarding the specific policy field; a ratio of 0.50 indicates that a state displays 50% of the maximum number of goals contained in an ENP Action Plan regarding the specific policy field. We consider the scope of the ENP Action Plan provisions to be broad in scope if a state reaches a ratio of at least 0.5 (see Figures 1 and 2). Hence, the Action Plan for Moldova displays a broad scope of provisions regarding irregular migration, since it includes seven different goals (goals ratio = 1), such as “assess the scale of illegal migration to, via and from Moldova and monitor migratory movements”. A country such as the Ukraine, to the contrary, includes only one goal regarding irregular migration (goals ratio = 0.14), which is “pursue an effective migration management with the aim of fighting illegal migration, smuggling and trafficking in human beings”.

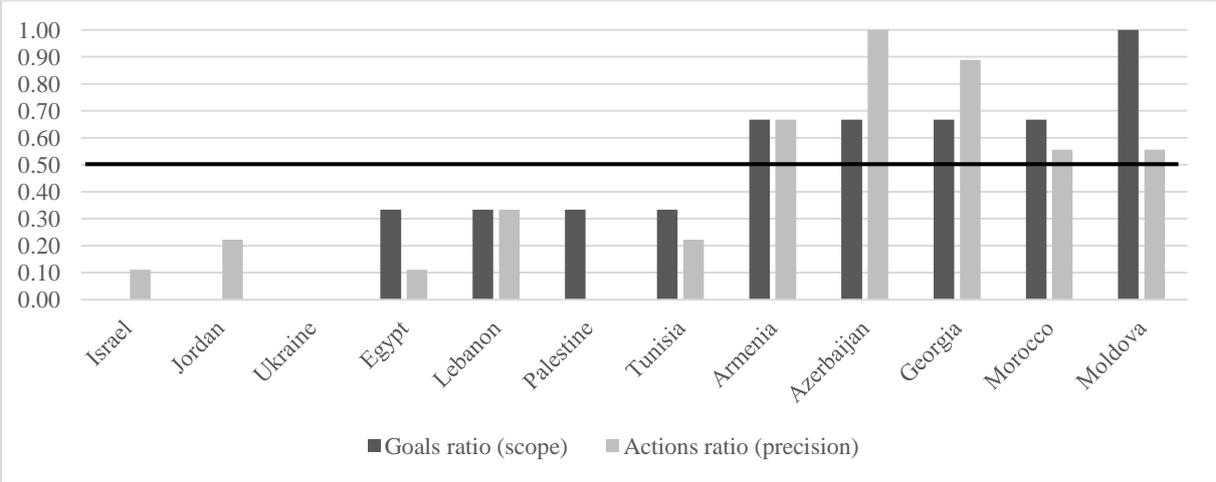
Figure 1: Comprehensiveness of ENP Action Plan provisions regarding irregular migration policies



Source: Own compilation.

Notes: The ratio is always calculated with regard to the state that displays the largest number of goals/actions in its ENP Action Plan regarding the specific policy field. A ratio of 1 indicates that a state displays 100% of the maximum number of goals/actions contained in an ENP Action Plan regarding the specific policy field; a ratio of 0.50 indicates that a state displays 50% of the maximum number of goals/actions contained in an ENP Action Plan regarding the specific policy field. The bold horizontal grid line indicates the thresholds for broad scope and high precision of the ENP Action Plan provisions.

Figure 2: Comprehensiveness of ENP Action Plan provisions regarding asylum policies



Source: Own compilation.

Notes: The ratio is always established with regard to the state that displays the largest number of goals (here 3 in the case of Moldova) or actions (here 9 in the case of Azerbaijan) in its ENP Action Plan regarding the specific policy field. A ratio of 1 indicates that a state displays 100% of the maximum number of goals/actions contained in an ENP Action Plan regarding the specific policy field; a ratio of 0.50 indicates that a state displays 50% of the maximum number of goals/actions contained in an ENP Action Plan regarding the specific policy field. The bold horizontal grid line indicates the thresholds for broad scope and high precision of the ENP Action Plan provisions.

In a similar vein, we calculate the *precision* of provisions by the number of actions formulated in the ENP Action Plans. Similar to the definition of the scope of ENP Action Plan provisions, the precision of provisions is determined in relation to the ENP Action Plan with the largest number of concrete actions laid down in the agreement. Regarding irregular migration policies, the country with the largest number of actions in their ENP Action Plan is Moldova, with twenty-one actions. Regarding asylum policies, the country with the greatest number of actions in their ENP Action Plan is Azerbaijan with seven actions. As in the case of irregular migration, we computed the ratio between the number of actions formulated in the ENP Action Plan regarding a specific policy field and the maximum number of actions that were formulated in an ENP Action Plan regarding this very same policy field (see Figures 1 and 2).

For instance, we consider the provisions regarding irregular migration policies in the Tunisian ENP Action Plan to be precise (actions ratio = 0.67). In the case of Tunisia, the goal to “develop an effective, comprehensive border management system” (ENP Action Plan for Tunisia, see appendix, table xi) is specified by four actions, such as to “improve the administrative capacity of the Tunisian border police by improving equipment and facilities at border checkpoints” (ENP Action Plan for Tunisia, see appendix, table xi). The ENP Action Plan for Egypt, to the contrary, states only one action to be taken in the field of asylum policies: “exchange information and best practices in the field of asylum policy, refugee status determina-

tion, and legislation, and cooperate on the inter-linkages between migration and asylum”. Hence, we consider the precision of the Egyptian ENP Action Plan provisions as low (actions ratio = 0,11).

The combination of scope and precision determines the degree of comprehensiveness of the ENP Action Plans regarding a specific migration policy dimension. We consider a state’s ENP Action Plan to be comprehensive if it scores high on at least one of the two dimensions, i.e. scope or precision. Overall this means that we find 13 instances in which the ENP Action Plan provisions can be considered as comprehensive, and 11 cases in which the ENP Action Plan provisions are non-comprehensive (see Table 4).

Table 4: Comprehensiveness of the ENP Action Plan provisions

| | | Precision | |
|-------|--------|---|--|
| | | High | Low |
| Scope | Broad | <i>Very comprehensive ENP Action Plan provisions N=11</i> Armenia (AP and IMP) Azerbaijan (AP) Egypt (IMP) Georgia (AP and IMP) Lebanon (IMP) Moldova (AP and IMP) Morocco (AP) Tunisia (IMP) | <i>Fairly comprehensive ENP Action Plan provisions N=1</i> Azerbaijan (IMP) |
| | Narrow | <i>Fairly comprehensive ENP Action Plan provisions N=1</i> Morocco (IMP) | <i>Non-comprehensive ENP Action Plan provisions N=11</i> Egypt (AP) Israel (AP and IMP) Jordan (AP and IMP) Lebanon (AP) Palestine (AP and IMP) Tunisia (AP) Ukraine (AP and IMP) |

Source: Own compilation.

Note: AP stands for Asylum Policy; IMP stands for Irregular Migration Policy. Algeria, Belarus, Libya and Syria do not have an ENP Action Plan. States located within shaded quadrants are considered to have comprehensive ENP Action Plan provisions. States located within the white quadrant are considered to have non-comprehensive ENP Action Plan provisions.

IDENTIFYING A PATTERN BETWEEN DOMESTIC POLICY REFORMS AND COMPREHENSIVE EU-THIRD STATE COOPERATION AGREEMENTS

The first part of our empirical analysis seeks to explore whether we can observe a correlation between domestic policy changes and comprehensive EU-third state cooperation agreements. Regarding irregular migration eight states have an ENP Action Plan characterized by comprehensive provisions, and four states have an ENP Action Plan characterized by non-

comprehensive provisions (see Table 5). Of all eight states with comprehensive provisions about irregular migration in their ENP Action Plans, five underwent policy changes before the ENP Action Plan was agreed upon (Armenia, Azerbaijan, Egypt, Morocco and Tunisia). These five cases are in line with our theoretical expectations as we observe both the condition “prior domestic policy change” and the outcome “comprehensive ENP Action plan provisions”. The three other states that also have comprehensive ENP Action Plan provisions regarding irregular migration policies (Georgia, Lebanon and Moldova) break with this pattern. These states did not reform their irregular migration policies before agreeing on a comprehensive ENP Action plan with the EU. Our theoretical assumption further leads us to expect that states displaying non-comprehensive ENP Action Plan provisions would not have reformed their irregular migration policies before agreeing on an ENP Action Plan. Our analysis shows that all four states with non-comprehensive ENP Action Plan provisions on irregular migration match this expectation (Israel, Jordan, Palestine and Ukraine).

Table 5: Relationship between legislative changes and ENP Action Plans

| | | ENP Action Plan provisions | |
|---|-----|--|---|
| | | Comprehensive | Non-comprehensive |
| Policy changes prior to start of ENP Action plan negotiations | Yes | <i>Expected correlation (presence of condition and outcome) N=9</i> Armenia (IMP) Azerbaijan (IMP and AP) Egypt (IMP)* Georgia (AP) Moldova (AP) Morocco (AP and IMP) Tunisia (IMP)* | <i>Outlier (Presence of condition and absence of outcome) N=4</i> Egypt (AP) Lebanon (AP) Ukraine (AP) |
| | No | <i>Outlier (Absence of condition and presence of outcome) N=4</i> Armenia (AP) Georgia (IMP) Lebanon (IMP) Moldova (IMP) | <i>Expected correlation (absence of condition and outcome) N=7</i> Israel (IMP and AP) Jordan (AP and IMP) Palestine (IMP and AP) Tunisia (AP) Ukraine (IMP) |

Source: Own compilation.

Notes: AP stands for Asylum Policy; IMP stands for Irregular Migration Policy. Algeria, Belarus, Libya and Syria do not have an ENP Action Plan. States located within shaded quadrants are in line with our theoretical expectations. States marked with an * reformed their policy the same year as the ENP Action Plan negotiations between the third state and the EU started. States with particularly comprehensive ENP Action Plan provisions (high on scope and precision) are written in bold characters.

Regarding asylum policies six states have an ENP Action Plan characterized by comprehensive provisions, and six states have an ENP Action Plan characterized by non-comprehensive provisions. Five out of six states that have comprehensive provisions about asylum policies in

their ENP Action Plans underwent legislative changes before the ENP Action Plan was agreed on (Azerbaijan, Georgia, Lebanon, Moldova and Morocco). Armenia constitutes the sole exception to this pattern. These five cases are in line with our theoretical expectations as we observe both the condition “prior domestic policy change” and the outcome “comprehensive ENP Action plan provisions”. With regard to states that have non-comprehensive ENP Action Plan provisions, our theoretical claim posits that these states should show no prior domestic policy reform. Our analysis reveals that three states are in line with our theoretical expectation (Israel, Palestine and Tunisia) but that three states contradict our theoretical expectation (Egypt, Jordan and Ukraine).

In sum, we identify a positive association between domestic policy change and comprehensive ENP Action Plan provisions. This is backed by the phi-coefficient, a statistical measure of association for two binary variables, which reaches 0,33. This indicates a moderately positive correlation. More specifically it indicates that knowing about prior policy change in a country allows us to reduce the error to predict the design of ENP Action Plans by over one third. As expected, we thus find a correlation between policy change prior to the EU-third state cooperation agreement and the comprehensiveness of the migration policy provisions laid down in the EU-third state cooperation agreement. In our view, this indicates that the EU is, indeed, not always able to impose the content of ENP Action Plans to third states, but that the design of ENP Action Plans is strongly influenced by the reform-mindedness of third states.

TRACING THE CAUSAL LINK BETWEEN DOMESTIC POLICY REFORMS AND COMPREHENSIVE EU-THIRD STATE COOPERATION AGREEMENTS

In order to strengthen our confidence in the hypothesis that domestic policy changes and comprehensive ENP Action Plans are systematically linked, we will now proceed with an in-depth analysis of a typical case. The purpose of a within-case analysis of a typical case is to unearth the causal mechanism lying behind the correlation identified above, and in doing so, ruling out the alternative explanation, which posits that third states engage in prior policy reforms due to anticipatory obedience. We thus need to show that domestic policy changes causally lead to comprehensive EU-third state agreements. To this end, our case selection strategy has to fulfil two criteria: First, our case needs to be a *typical* case, i.e. a case that lies within the group of cases that display a correlation between condition and outcome (see Table 5). Second, it should be a *hard* case, i.e. a case where, at first sight, our theoretical claim

stands only few chances of being correct, and where we would expect our alternative explanation – cooperation as a result of anticipatory obedience – to exert explanatory leverage. If, however, we can demonstrate empirically that our main hypothesis holds in a hard case-scenario, our confidence in the validity of our argument is strengthened. We find that the case of asylum policy in Moldova fulfils these two criteria. Moldova reformed its asylum policies in 2002, it started negotiations with the EU about the provisions of its Action Plan in 2004, and subsequently displays comprehensive ENP Action Plan provisions regarding asylum policies. It can thus be considered a typical case. At the same time, asylum policies in Moldova appear to be a hard case for our theoretical claim, since the asylum policy reforms and the beginning of negotiations between the EU and Moldova over an ENP Action Plan took place within the course of only two years. This maximises the likelihood that the Moldovan asylum policy reforms are in fact an example of anticipatory obedience. To discriminate between our hypothesis and the alternative explanation, we will evaluate whether we are able to find evidence to causally link domestic asylum policy change in Moldova and the comprehensive asylum policy provisions in the Moldovan ENP Action Plan (see Table 6).

Migration policy did not play an important role in Moldovan politics in general until the 2000s. When Moldova obtained independence in 1992, there were literally no policies to regulate refugee flows and the constitutional right to asylum was not implemented. Furthermore, asylum policies were not mentioned in the context of EU-Moldovan relations for a long time: The Partnership and Cooperation Agreement (PCA) that was signed in 1994 by the EU and Moldova held no specific provisions on asylum policies (Freyburg et al. 2015, 123).

Table 6: Summary of the causal link between domestic policy changes and comprehensive ENP Action Plan provisions in the case of asylum policies in Moldova.

| | Condition | Step 1 | Step 2 | Outcome |
|--------------------------------------|---|--|--|---|
| Hypothesised causal mechanism | The third state government identifies the need for policy reform in a specific policy field. | The third state government carries out policy reforms in this specific policy field. | The third state government uses EU-third state cooperation agreements to carry out further policy reforms in this specific policy field. | The third state government agrees to comprehensive provisions in the EU-third state agreement regarding this specific policy field. |
| Empirical analysis | The Moldovan efforts to draft an asylum policy law start in 2000 due to refugee inflows and UNHCR pressure. | In 2002 the “law on refugees” is adopted by the Moldavian parliament. | Moldova sets asylum policies as a priority topic on the agenda of the ENP Action Plan negotiations to further its reform agenda. | Moldova and the EU agree on a comprehensive ENP Action Plan. |

Source: Own compilation.

This situation changed with the beginning of the new millennium, when a parliamentary working group, working closely with UNHCR, drafted a refugee law for presentation before Parliament in 2000. Following the conclusions of the parliamentary working group the government of Moldova announced its intention to accede to the 1951 Convention on the status of refugees. In 2001 Moldova ratified the convention and started to actively participate in international refugee assistance programs (Mosneaga 2013; UNHCR 2011). This reform willingness can be traced back to two factors: First, Moldova was significantly influenced by the UNHCR, which promoted an asylum policy reform since the beginning of its presence in Moldova in the early 1990s. As Moldova had no asylum management system, UNHCR set foot in Moldova after the Transnistria conflict to support the Moldovan government in the management of internally displaced people (Council of Europe: European Commission Against Racism and Intolerance 2002). UNHCR officially set up shop in Moldova in 1997. Since then it has worked with the government and the parliament to push for the establishment of a domestic asylum policy. Moldova was amongst the first states in the region to follow UNHCR advice: In order to address the precarious situation in which refugees remained, UNHCR organised training activities and several special briefings in which some government officials participated. This helped to promote awareness for the need of an asylum policy (UNHCR 2000, 289–90). Second, the domestic perception of asylum matters had been altered by the arrival of asylum-seekers from the Russian Federation fleeing the conflict in Chechnya, which started in 1999. This increased flow of asylum seekers added a new delicate dimension, which highlighted the lack of policies on asylum matters (UNHCR 2000). As a consequence, the first law addressing the issue of asylum in Moldovan history, the “law on refugees”, was passed in 2002. This law introduced all provisions necessary comply with the principles of transparency, accountability, and participation in dealing with migrants, refugees, and asylum seekers (Freyburg et al. 2015).

The anticipatory obedience hypothesis would suggest that the “law on refugees” can be traced back to the EU’s leverage over Moldova. In this case we should be able to observe that the EU had the will and the capacity to induce policy changes in Moldova even if these changes conflict with initial government preferences. We find that this is not the case. To the contrary, we find that asylum policy did not seem to be a priority on the EU’s agenda: The Moldovan Country Strategy Paper (CSP) for 2002-2006 by the European Commission (European Commission 2001) does not mention asylum policy at all. Furthermore, in a communication from 11 March 2003 on the wider Europe, the European Commission proposes a great variety of

policy fields for close cooperation with ENP states. The list of these policy fields ranges from trade relations to conflict prevention and transport, energy and telecommunication networks, but does not include asylum policies (Gheorghiu 2003; Niemann and Wekker 2010; Purdue 2005). Hence, for the alternative explanation based on the idea of anticipatory obedience to be correct, we should be able to observe that membership aspirations in Moldova in 2000, when the “law on refugees” was drafted, were high. As a consequence, Moldova would have been particularly sensitive to EU pressure and thus inclined to adapt its behaviour due to the potential promise of membership. We find that this is not the case since Moldova’s willingness to reform its asylum policies appears at a time in which the government is clearly not EU-oriented. In the 1990s, Moldova displayed a first pro-EU turn under the second Moldovan President Petru Lucinschi who expressed strong EU-related aspirations. These aspirations faded with the election of Vladimir Voronin, candidate of the Party of Communists in 2001 (Ticu 2008). The Moldovan interest in closer cooperation with the EU and accession did not re-emerge as a policy priority until after the law on refugees was passed. In the early 2000s the Moldovan government was mainly oriented towards Russia: “[The Moldovan President] Voronin initially cultivated excellent relations with the new Russian president Putin. Russian language use was to be promoted, and in November 2001 a Russian-Moldovan Treaty on Friendship and Co-operation was signed” (Löwenhardt 2005, 17). Only in 2001 the pro-Russian attitude of the Moldovan government started slowly shift towards a pro-EU attitude. Hence, “in May 2001, after early parliamentary elections, (...) the European dimension of Moldova's foreign policy started to gradually come back to the top of its external relations agenda” (Ticu 2008, 164). Moldovan President Voronin furthermore established a National Commission for European Integration, aimed at the elaboration of the European Integration Strategy of the Republic of Moldova in November 2002 (Ticu 2008, 164). The pro-Western policy shift was fully accomplished only in 2003 after the failed ‘Kozak Memorandum’ initiated by Russia, which aimed at a final settlement between Moldova and Transnistria (Montesano, van der Togt, and Zweers 2016).

When the EU and Moldova started negotiations over an ENP Action Plan in 2004, i.e. only two years after the “law on refugees” was passed, the Moldovan government seized the opportunity to benefit from EU support in pursuing the establishment of a comprehensive asylum management system, which had been launched in 2002. There is evidence that Moldova was keen on obtaining international assistance to find solutions to migration management issues. As Buracec claims “in the case of Moldova, international cooperation was designed

(...) to study experiences of migration management and, not less important, to obtain assistance for migration reforms, both in technical and financial terms” (Buracec 2012, 7).

During the negotiations between Moldova and the EU, Moldova brought own policy priorities, among them asylum policy, to the negotiation table. This is indicated by three different pieces of evidence. First, six months before the Action Plan was officially signed, the Moldovan government started to develop a “national Programme for the Action Plan implementation”, in which asylum policies play a central role. This document specifies how, when and by whom the actions mentioned in the Action Plan will be carried out (Gheorghiu 2005, 4). Second, the specific statements issued in this regard by the Moldovan government indicate that Moldova is actively involved in the design of the ENP Action Plans, including the section on asylum policies. Prime Minister Vasile Tarlev and President Vladimir Voronin stated that the “Moldovan side is to prioritise the actions to be taken and come up with its own vision of the document” (ADEPT 2004). It is reported that Prime Minister Tarlev asked Ministries and Departments to formulate their positions on the document, which are to be co-ordinated with the European Commission (Buşcaneanu 2006). Third, the behaviour of the Moldovan representatives at the negotiation table point to the fact that Moldova is not simply at the receiving end, adopting EU positions. At the second round of negotiations of the Action Plan in February 2004, Moldova voiced its own vision for the document and, was clearly highly interested in participating in the cooperation programmes with the EU concerning the issues of visa, asylum and migration, human and social development, environment and food security (Niemann and Wekker 2010, 19).

Regarding the pro-active stance of the government of Moldova regarding the inclusion of asylum matters in the Action Plan, we can rule out the anticipatory obedience explanation with relatively great confidence. This hypothesis is based on the idea that the EU continuously pushed Moldova towards further reforms in order to increase alignment with EU rules and expectations through threats and rewards. This is not what we observe. In sum, the empirical analysis thus suggests that in the Moldovan case the comprehensive ENP Action Plan provisions on asylum can be traced back to the governments’ interest in reforming domestic asylum policies, seeking the EU’s support and assistance to further its own policies, rather than responding to EU demands and external pressure.

CONCLUSION

The aim of this paper was to explain why the ENP Action Plans adopted between the EU and third states vary in their design: While some contain comprehensive provisions, laying out in detail the scope and details of policy reforms, others remain vague or do not even mention reform objectives in selected policies. The correlational analysis carried out in this paper across the 16 ENP states identifies a link between domestic policy change and the design of ENP Action Plans. A within-case analysis of asylum policy in Moldova provides evidence that domestic policy change indeed causally leads to comprehensive sector-specific provisions in ENP Action Plans.

Nonetheless, our correlational analysis reveals that exceptions to this pattern exist. Hence, as a next step, research should explore under which conditions the correlation between domestic policy changes and comprehensive EU-third state agreements is absent. To determine the scope conditions of the identified correlation, comparative case studies including two different types of outlier cases seem appropriate. First, we propose the selection of a case that is not in line with our theoretical expectation because the outcome “comprehensive ENP Action Plan provisions” is present even though the condition “domestic policy changes prior to ENP Action Plan negotiations” is missing. The case of irregular migration policies in Moldova would be a suitable case. This type of most dissimilar system design comparing two different migration policy fields within the same country would allow us to control for (country-level) contextual factors. Second, we propose the selection of a case that is not in line with our theoretical expectation because the outcome “comprehensive ENP Action Plan provisions” is absent even though the condition “domestic policy changes prior to ENP Action Plan negotiations” is present, such as in the case of asylum policies in the Ukraine. Conducting such a most similar system design in which we would compare asylum policies in two different countries would allow us to control for (sector-specific) contextual factors.

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APPENDIX

Table 7: Number of goals and number of actions included in the ENP Action Plans

| Country | Irregular migration policies | | | | Asylum policies | | | |
|------------|------------------------------|-------------|-------------------|---------------|-----------------|-------------|-------------------|---------------|
| | Number of goals | Goals ratio | Number of actions | Actions ratio | Number of goals | Goals ratio | Number of actions | Actions ratio |
| Armenia | 4 | 0,57 | 13 | 0,62 | 2 | 0,67 | 6 | 0,67 |
| Azerbaijan | 4 | 0,57 | 8 | 0,38 | 2 | 0,67 | 9 | 1,00 |
| Egypt | 5 | 0,71 | 11 | 0,52 | 1 | 0,33 | 1 | 0,11 |
| Georgia | 5 | 0,71 | 18 | 0,86 | 2 | 0,67 | 8 | 0,89 |
| Israel | 1 | 0,14 | 2 | 0,10 | 0 | 0,00 | 1 | 0,11 |
| Jordan | 1 | 0,14 | 4 | 0,19 | 0 | 0,00 | 2 | 0,22 |
| Lebanon | 6 | 0,86 | 19 | 0,90 | 1 | 0,33 | 3 | 0,33 |
| Moldova | 7 | 1,00 | 21 | 1,00 | 3 | 1,00 | 5 | 0,56 |
| Morocco | 3 | 0,43 | 11 | 0,52 | 2 | 0,67 | 5 | 0,56 |
| Palestine | 2 | 0,29 | 0 | 0,00 | 1 | 0,33 | 0 | 0,00 |
| Tunisia | 4 | 0,57 | 14 | 0,67 | 1 | 0,33 | 2 | 0,22 |
| Ukraine | 1 | 0,14 | 0 | 0,00 | 0 | 0,00 | 0 | 0,00 |

Source: Own compilation.

Notes: Algeria, Belarus, Libya and Syria do not have an ENP Action Plan.

Table i: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Armenia

| Policy field | Goals | Actions |
|-------------------------------------|---|--|
| Irregular migration policies | Reinforce the fight against trafficking in human beings, especially in women and children, (as well as activities to integrate the victims of such trafficking) and smuggling of illegal migrants | <ul style="list-style-type: none"> • Implement the National Action Plan for the Prevention of Trafficking of Persons, as adopted in January 2004, in line with the two “Palermo” Protocols to the UN Convention against trans-national organised crime, on smuggling of migrants and on trafficking in persons. • Implement actions recommended by OSCE action plan to combat trafficking in human beings (approved in Maastricht, December 2003, Chapters III, IV and V) and enhance co-operation in the framework of relevant international organisations (OSCE, UN). • Promote exchange of information between Armenia and EU Member States as well as encourage co-operation between relevant law enforcement bodies (police, border guards, customs and judiciary) at regional level. • Develop mechanisms of protection, assistance and rehabilitation for victims. |
| | Enhanced dialogue on migration issues including prevention and control of illegal migration and readmission of own nationals, stateless persons and third country nationals | <ul style="list-style-type: none"> • Exchange of information and best practices on migration and asylum issues (entry and stay, integration, temporary protection, EURO-DAC system, reception conditions for asylum seekers, detention of illegal migrants) and illegal migration. • Initiate a dialogue on readmission at EU level which could possibly lead to an EC Armenia readmission agreement • Exchange of experience and expertise about the practical implications of such an agreement, pending the negotiation of an EC agreement on readmission, enhance practical cooperation with EU Member States. • Develop cooperation with international organisations and relevant agencies of main countries of origin, transit and destination in order to manage migration processes. • Develop and implement measures aimed at assisting reintegration of returnees/ repatriates. |
| | Intensify trans-border cooperation between Armenia, the EU Member States and neighbouring countries | <ul style="list-style-type: none"> • Envisage a “BOMCA type” technical assistance programme in the Southern Caucasus region in order to develop regional co-operation between relevant law enforcement bodies (State Border Service, Police, migration services and Customs). |
| | Develop cooperation on migration issues | <ul style="list-style-type: none"> • Elaborate and start implementing a comprehensive, coherent and balanced national Action Plan on migration and asylum issues. • Exchange of information and possible cooperation on transit migration. • Establishment of an electronic database for the monitoring of migration flows. • Make all possible use of existing community programs, including AENEAS and its successor, in order to support actions in the field of asylum and migration. |

| | | |
|------------------------|---|--|
| Asylum policies | Take steps to modernise the national refugee system in line with international standards and an IDP protection system that is self-sustaining and that offers integration opportunities for those who qualify | <ul style="list-style-type: none"> • Implement the principles of the 1951 Geneva Convention and the 1967 Protocol; improve national legislation on asylum and refugees to bring it in line with international and EU standards. • Implement standard procedures relating to treatment of asylum applications, in accordance with EU and other international standards. • Strengthen administrative capacities of the Migration Agency of the Ministry of Territorial Administration. • Improve protection for and support to refugees and IDPs, in particular to enhance their self-sufficiency and integration (possibly targeting the most vulnerable persons residing in temporary shelters and rural areas; possible actions: promotion of self-employment and small businesses, improvement). |
| | Develop cooperation on migration issues | <ul style="list-style-type: none"> • Elaborate and start implementing a comprehensive, coherent and balanced national Action Plan on migration and asylum issues. • Make all possible use of existing community programs, including AENEAS and its successor, in order to support actions in the field of asylum and migration. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table ii: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Azerbaijan

| Policy field | Goals | Actions |
|-------------------------------------|--|---|
| Irregular migration policies | Develop an efficient and comprehensive border management system | <ul style="list-style-type: none"> • Develop a comprehensive education and training strategy on border management, including improved understanding of Schengen rules and standards. • Enhance the efficiency of Azerbaijan law enforcement authorities (Police, State Border Service, Customs) through the provision of modern equipment, adequate infrastructures, facilities and training in order to increase in particular the effectiveness of border crossing checkpoints. |
| | Reinforce the fight against trafficking in human beings, especially of women and children, (as well as activities to integrate victims of such traffics) and smuggling of illegal migrants | <ul style="list-style-type: none"> • Implement actions recommended by OSCE action plan to combat trafficking in human beings (approved in Maastricht, December 2003, Chapters III, IV and V) and enhance cooperation in the framework of relevant international organisations (OSCE, UN). • Promote regional co-operation between relevant law enforcement bodies (police, border guards, customs and judiciary). Develop mechanisms of protection, assistance and rehabilitation for victims. |
| | Intensify trans-border cooperation between Azerbaijan and neighbouring countries | <ul style="list-style-type: none"> • Further develop regional co-operation between relevant law enforcement bodies (state border service, police, migration services and customs). |
| | Develop cooperation on migration issues | <ul style="list-style-type: none"> • Ensure adoption and proper implementation of the State Migration Programme based on the State Migration Policy Concept within the framework of the SPPRED. • Exchange of information and cooperation on transit migration. Make all possible use of existing community programmes, including AENEAS and its successor, in order to support actions in the field of asylum and migration. |
| Asylum policies | Enhanced dialogue on migration issues including prevention and control of illegal migration and readmission of own nationals, stateless persons and third country nationals | <ul style="list-style-type: none"> • Exchange of information and best practices on migration and asylum issues (entry and stay, integration, Eurodac system, temporary protection, reception conditions for asylum seekers, detention of illegal migrants) and prevention and control of illegal migration. • Initiate a dialogue on readmission which could possibly lead in the future to an EC Azerbaijan agreement in this area. • Exchange of experience and expertise about the practical implications of such an agreement. • Develop cooperation on reintegration of returned asylum seekers and illegal migrants. • Develop cooperation with international organisations and relevant agencies of main countries of origin, transit and destination in order to manage migration processes. |
| | Develop a modern and efficient national asylum/ protection system in line with international standards that is self-sustaining and that offers integration opportunities for those who qualify | <ul style="list-style-type: none"> • Implementation of the principles of the 1951 Geneva Convention and the 1967 Protocol. • Improvement of national legislation on asylum, refugees and IDPs to bring it in line with EU and other international standards. • Implement standard procedures relating to treatment of asylum applications, in accordance with EU and other international standards. • Strengthen the capacity of the State Committee for Refugees and IDPs. Provide assistance to IDPs and refugees. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table iii: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Egypt

| Policy field | Goals | Actions |
|-------------------------------------|---|---|
| Irregular migration policies | Enhance border management cooperation between Egypt and the EU Member States. | <ul style="list-style-type: none"> • Develop co-operation between relevant law enforcement bodies in Egypt and in the EU, and initiate appropriate technical contacts with FRONTEX (European Border Agency). • Cooperation in reinforcing organisational capacities of controlling and surveillance of entry and exit points, including ad hoc training. |
| | Ensure an effective management of migration flows | <ul style="list-style-type: none"> • Enhance cooperation to facilitate the legal movement of people between Egypt and the EU through strengthening of the concerned institutions dealing with the promotion of employment, capacity building, as well as providing information about the employment opportunities for labour migrants in the EU, risks of smuggling and trafficking of migrants; ensuring fair treatment of legal Egyptian migrants, and facilitate the flow of remittance transfers. • Exchange of information and promotion of co-operation on transit migration. |
| | Cooperate in combating illegal immigration into Egypt and the European Union | <ul style="list-style-type: none"> • Exchange of information and experiences on migratory movements, illegal migration including the scale of illegal immigration into and via Egypt. • Pursue and support effort to prevent and counter illegal migration into Egypt and the European Union. • Develop a dialogue and cooperation to curb illegal migration flows, including in the regional context. |
| | Improve co-operation regarding readmission | <ul style="list-style-type: none"> • Develop the co-operation between Egypt and EU on readmission, including negotiating readmission agreements between the parties, building on Article 69 of the Association Agreement, taking into account the human dimension, socioeconomic aspects and accompanying measures. • Cooperation on consular affairs and issuing of travel documents. |
| | Reinforce the fight against trafficking in human beings, especially women and children, and smuggling of illegal migrants, as well as activities to prevent trafficking in human beings and to reintegrate victims. | <ul style="list-style-type: none"> • Promote co-operation between relevant law enforcement bodies in Egypt and in the EU on this issue. • Develop legal, social and psychological support to victims aiming at their reintegration. |
| Asylum policies | Asylum issues | <ul style="list-style-type: none"> • Exchange information and best practices in the field of asylum policy, refugee status determination, and legislation, and cooperate on the inter-linkages between migration and asylum. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table iv: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Georgia

| | | |
|-------------------------------------|---|---|
| Irregular migration policies | Develop an efficient and comprehensive border management system | <ul style="list-style-type: none"> • Enhance inter-agency co-operation among state authorities involved in border management as well as co-operation with neighbouring countries, including proper border delimitation, demarcation and control. Full implementation of existing and planned multilateral and bilateral border co-operation agreements and protocols. • Develop a comprehensive education and training strategy on border management for the relevant Georgian agencies, including improved understanding of the Schengen rules and standards. • Enhance the efficiency of Georgian relevant authorities (Police, State Border Service, Customs) notably through providing modern equipment, adequate infrastructure, facilities and appropriate training in order to increase the security of the Georgian borders and the effectiveness of border crossing checkpoints. • Adopt and implement a strategy for an integrated system of border management (implementation date 2007). • Continue co-operation with the team based in Tbilisi under the EU Special Representative for the Southern Caucasus including on issues related to Standard Operational Procedures (SOPs); |
| | Intensify trans-border co-operation between Georgia, The EU Member States and neighbouring Countries | <ul style="list-style-type: none"> • Elaboration of a "BOMCA type" technical assistance programme in the Southern Caucasus region in order to develop regional co-operation between relevant law enforcement bodies (State Border Service, Police, Migration service and Customs). |
| | Develop co-operation on migration issues | <ul style="list-style-type: none"> • Elaborate and start implementing a coherent, comprehensive and balanced national action plan on migration and asylum issues; • Establish an electronic database for the monitoring of migration flows. • Improve coordination between relevant national agencies dealing with migration. • Exchange of information and possible co-operation on transit migration. • Support training activities in the field of immigration and asylum. • Make all possible use of existing community programmes including AENEAS and its successor, in order to support actions in the field of asylum and migration. |
| | Enhanced dialogue on migration issues including prevention and control of illegal migration and readmission of own nationals, stateless persons and third country nationals | <ul style="list-style-type: none"> • Exchange of information and best practices on migration and asylum issues (entry and stay, integration, Eurodac system, temporary protection, reception conditions for asylum seekers, detention of illegal migrants), and illegal migration. • Strengthen the dialogue and cooperation in preventing and fighting against illegal migration, which could possibly lead in the future to an EC-Georgia agreement on readmission; exchange of experience and expertise about the practical implications of such an agreement. • Cooperation on reintegration of returned asylum seekers and illegal migrants; possible assistance to refugees. • Develop cooperation with international organisations and relevant agencies of main countries of origin, transit and destination in order to manage migration processes. |
| | Reinforce the fight against trafficking in human beings, especially in women and children, (as well as activities to integrate victims of such trafficking) | <ul style="list-style-type: none"> • Implement actions recommended by OSCE action plan to combat trafficking in human beings (approved in Maastricht, December 2003, Chapters III, IV and V) and enhance co-operation in the framework of relevant international organisations (OSCE, UN). • Promote regional co-operation between relevant law enforcement bodies (police, border guards, customs and judiciary). |

| | | |
|------------------------|---|--|
| | and smuggling of illegal migrants | <ul style="list-style-type: none"> • Develop mechanisms of protection, assistance and rehabilitation for victims |
| Asylum policies | Take steps to modernise the national refugee system in line with international standards and an IDP protection system that is self-sustaining and that offers integration opportunities for those who qualify | <ul style="list-style-type: none"> • Implement the principles of the 1951 Geneva Convention and the 1967 Protocol; improvement of national legislation on asylum and refugees to bring it in line with international and EU standards. • Implement standard procedures relating to treatment of asylum applications, in accordance with EU and other international standards. • Strengthen the capacity of the Ministry of Refugees and Accommodation, the Department for IDPs. • Improve protection for and provide assistance to IDPs - promote integration of IDPs in their current places of residence |
| | Develop cooperation on migration issues | <ul style="list-style-type: none"> • Elaborate and start implementing a coherent, comprehensive and balanced national action plan on migration and asylum issues; • Establish an electronic database for the monitoring of migration flows. • Improve coordination between relevant national agencies dealing with migration. • Support training activities in the field of immigration and asylum. • Make all possible use of existing community programmes including AENEAS and its successor, in order to support actions in the field of asylum and migration. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table v: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Israel

| | | |
|-------------------------------------|---|---|
| Irregular migration policies | Effective management of migration flows | <ul style="list-style-type: none"> • Discuss the issues of management of migration flows, and cooperate to increase the effectiveness of measures designed to prevent or curb the flow of illegal immigration, including co-operation with the Border Police • Exchange of information concerning illegal immigration, including transit migration. |
| Asylum policies | <i>Unspecified</i> | <ul style="list-style-type: none"> • Exchange information and best practices in the field of asylum policy. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table vi: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Jordan

| | | |
|-------------------------------------|--|---|
| Irregular migration policies | Ratification and implementation of international instruments | <ul style="list-style-type: none"> • Pursue dialogue on the implementation of the United Nations Convention against Transnational Organised Crime and its Protocol on the trafficking in persons, especially women and children. • Signature and ratification of the Protocols on the smuggling of migrants and the illicit manufacturing of and trafficking in firearms. • Exchange information on the methods to fight against the trafficking of persons, and smuggling of irregular migrants including best practices on the rehabilitation of victims. • |
| | <i>Unspecified</i> | <ul style="list-style-type: none"> • Exchange of information and dialogue on relevant developments in EU and Jordan in the field of border management. • Co-operation aimed at preventing irregular migration and related cross border crime, including by promoting the enhancement of the border control capacities of Jordan authorities. |
| Asylum policies | <i>Unspecified</i> | <ul style="list-style-type: none"> • Co-operation in managing migration flows, including by developing the capacity of Jordan authorities to provide assistance to migrants belonging to vulnerable categories, in need of international protection, and to victims of trafficking in human beings. • Exchange of information and dialogue on relevant developments in EU and Jordan in the field of international protection. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table vii: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Lebanon

| | | |
|-------------------------------------|---|---|
| Irregular migration policies | Prevent and control illegal immigration into Lebanon and the European Union | <ul style="list-style-type: none"> • Exchange information and experiences on illegal migration including the scale of illegal immigration into and via Lebanon and monitor migratory movements; review policies for the return of migrants in an illegal situation; support activities to prevent and counter illegal migration, including by sea. • Strengthen co-operation with the EU, countries of the region and countries of origin to prevent and fight illegal migration; ensure close coordination with actions concerning countries of origin. • Exchange information and cooperate on transit migration. |
| | Improve co-operation regarding readmission of own nationals, stateless persons and third country nationals | <ul style="list-style-type: none"> • Improve co-operation between the EU and Lebanon on all forms of readmission including the possibility of negotiating a readmission agreement between Lebanon and the EC and its Member States. • Cooperate on consular affairs and issuing of travel documents. |
| | Ratification and implementation of international instruments | <ul style="list-style-type: none"> • Pursue dialogue on the implementation of the United Nations Convention against Transnational Organised Crime and its Protocol on the trafficking in persons, especially women and children. • Signature and ratification of the Protocols on the smuggling of migrants and the illicit manufacturing of and trafficking in firearms. • Exchange information on the methods to fight against the trafficking of persons, and smuggling of irregular migrants including best practices on the rehabilitation of victims. |
| | Enhance border management co-operation with neighbouring countries and the EU Member States | <ul style="list-style-type: none"> • Develop a strategy for an integrated system of Border Management, enhancing interagency co-operation, in particular with regard to the implementation of a common risk strategy and to the coordination of controls, as well as co-operation with neighbouring countries, including proper border demarcation. • Improve the administrative capacity at border crossing checkpoints; develop effective surveillance along the green and the blue border; ensure provision of training, modern equipment, adequate infrastructure and facilities. • Develop a comprehensive education and training strategy with regard to border management matters. • Develop cross-border and regional co-operation between relevant law enforcement agencies (police, border guards, migration and asylum services and customs). • Initiate contacts for co-operation at the operational and technical level between Lebanon border authorities and FRONTEX. |
| | Enhance international co-operation in accordance with the UN Convention against Transnational Organised Crime and its protocols on smuggling of migrants and trafficking in persons and on illicit manufac- | <ul style="list-style-type: none"> • Implement the UN Convention against Transnational Organised Crime and its Protocols on smuggling migrants, trafficking in persons and illicit manufacturing and trafficking in firearms. • Develop national provisions in line with relevant international standard and conventions. • Establish a network of contact points with EU Member States' law enforcement authorities to promote co-operation, in particular to exchange information. • Exchange expertise and experiences on best practices in combating organised crime, in particular with regard to trafficking in persons; exchange information on patterns and modus operandi, enhance public awareness, foster co-operation with countries of origin and transit, enhance police and judicial co-operation in witness protection programmes and assistance to victims. • Develop law enforcement and judicial co-operation between the EU Member States and Lebanon in this field. Cooperate in the field of |

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| | turing and trafficking of firearms | training. |
| | Establish a dialogue on migration issues with a view to maximise the benefits of migration both for Lebanon and the EU | <ul style="list-style-type: none"> • Develop a comprehensive and balanced dialogue on various migration-related issues of interest, including asylum, movement of persons, control of illegal migration and return, visas. |
| Asylum policies | <i>Unspecified</i> | <ul style="list-style-type: none"> • Exchange of information and dialogue on relevant developments in EU and Jordan in the field of border management. • Co-operation aimed at preventing irregular migration and related cross border crime, including by promoting the enhancement of the border control capacities of Jordan authorities. |
| | Establish a dialogue on migration issues with a view to maximise the benefits of migration both for Lebanon and the EU | <ul style="list-style-type: none"> • Develop a comprehensive and balanced dialogue on various migration-related issues of interest, including asylum, movement of persons, control of illegal migration and return, visas. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table viii: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Moldova

| | | |
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| Irregular migration policies | Assess the scale of illegal migration to, via and from Moldova and monitor migratory movements. | <ul style="list-style-type: none"> • Exchange information concerning, and assess the scale of, illegal migration in the EU and Moldova, including the establishment of an electronic database for the monitoring of migration flows to, via and from Moldova. • Further alignment of domestic legislation with EU standards in order to criminalise illegal migration. |
| | Supporting the efficient management of migration flows, also by rendering consultative, financial and expert assistance to the government of Moldova and promotion of its activities, in particular to increase professional level of relevant staff through study of foreign experience and internship in relevant services of EU countries dealing with migration policy. | <ul style="list-style-type: none"> • Adoption and implementation of Moldova's National Action Programme on Migration and Asylum Issues (migration issues). |
| | Improve co-operation regarding the efficient management of migration flows and on readmission of own nationals, persons without nationality and third country nationals | <ul style="list-style-type: none"> • Initiate a dialogue on readmission in the perspective of concluding a readmission agreement between Moldova and the EU, taking into account the human dimension and the socio-economic aspects. • Encourage Moldova to conclude readmission agreements with the main countries of origin and transit. • Setting up, within the existing structures, a mixed expert group to discuss legal migration to the EU, current situations in Member States, management structures for legal migration, including to explore ways to facilitate legalisation, legal migration of the labour force and social protection of migrant workers as well as programmes for voluntary return and re-integration. • Explore the possibility of inviting Moldova to participate in or observe the activities organised in the framework of the EU programmes on migration (ARGO, AENEAS) |
| | Development of a system of efficient, comprehensive state border management on all sectors of the Moldovan border, including the Transnistrian sector | <ul style="list-style-type: none"> • Implement the Concept on Border Control adopted on 4 December 2003, in particular the transformation of the Border Guards into a law enforcement agency, and make necessary amendments to national legislation. • Enhance inter-agency co-operation (among authorities involved in state border management) as well as co-operation with neighbouring countries, including border demarcation and the conclusion of co-operation agreements. • Start developing a comprehensive education and training strategy on state border management, including improved understanding of Schengen rules and standards. • Enhance equipment and develop infrastructure for efficient state border management. |
| | Intensify and facilitate cross-border co-operation between Moldova, the EU Member States and neighbouring countries. | <ul style="list-style-type: none"> • Continuation of the "Söderköping process". • Develop regional co-operation between relevant law enforcement bodies (police, border guards, migration and asylum services, customs) |

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| | Ratification and full implementation of international instruments which are of particular importance in combating organised crime. | <ul style="list-style-type: none"> • Ratify UN Convention against Trans-national Organised Crime and its protocols on smuggling of migrants and trafficking in persons and adopt and implement national legislation (including human right aspects) accordingly. • Sign and ratify protocol to the UN Convention (see above) on illicit manufacturing and trafficking of firearms. • Enhance the Moldovan law enforcement authorities (police, border guards, customs) through the provision of modern equipment, facilities and training in order to increase in particular the effectiveness of border crossing checkpoints • Prevent and fight sexual exploitation of women, children and child pornography. |
| | Reinforce the fight against trafficking in human beings, especially of women and children, and smuggling of illegal migrants, as well as activities to prevent trafficking in human beings and to reintegrate victims of this traffic (see also above under Human rights). | <ul style="list-style-type: none"> • Implement actions recommended at national levels by OSCE action plan to combat trafficking in Human Beings (approved in Maastricht, December 2003), Chapters III, IV and V and enhance co-operation in the framework of relevant international organisations (OSCE, UN). • Implement provisions on the fight against trafficking in human beings contained in the National Human Rights Action Plan of the Republic of Moldova for 2004-2008 (chapter 7b). • Promote regional co-operation between relevant law enforcement bodies (police, border guards, customs and judiciary). • Develop legal and psychological support to victims aiming at their reintegration. |
| Asylum policies | Supporting the efficient management of migration flows, also by rendering consultative, financial and expert assistance to the government of Moldova and promotion of its activities, in particular to increase the professional level of relevant staff through study of foreign experience and internship in relevant services of EU countries dealing with migration policy. | <ul style="list-style-type: none"> • Adoption and implementation of Moldova's National Action Programme on Migration and Asylum Issues (migration issues). |
| | Approximation of Moldovan legislation to the EU norms and standards, implementation of the 1951 UN Convention relating to the status of refugees and the 1967 Protocol relating to the status of refugees, including the right to seek asylum and respect for the principle of non-refoulement. | <ul style="list-style-type: none"> • Implementation of the obligations of the Geneva Convention and its Protocols, in particular through the development of an asylum system. • Develop a system for electronic information exchange between all relevant authorities (border guard, police, Migration Department). |
| | Approximation of the system of state authorities responsible for implementation and realisation of legislation on asylum and refugees to EU norms and standards. | <ul style="list-style-type: none"> • Advice on Eurodac Regulation and functioning of the Eurodac system. • Adoption and implementation of Moldova's National Action Programme on Migration and Asylum Issues (asylum issues). |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table ix: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Morocco

| | | |
|-------------------------------------|---|--|
| Irregular migration policies | Amélioration de la gestion des frontières, réadmission, mobilité des personnes et politique migratoire, protection internationale et asile par la conclusion d'un <u>partenariat pour la mobilité</u> | <ul style="list-style-type: none"> • Lutte contre l'immigration irrégulière • Gestion des frontières • Accord de réadmission vers le pays de provenance. |
| | Ratification et mise en oeuvre des instruments internationaux de lutte contre le crime organisé | <ul style="list-style-type: none"> • Mise en oeuvre de la Convention des Nations Unies contre le crime transnational organisé, et de ses Protocoles additionnels contre le trafic illicite de migrants par terre, mer et air, contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions ainsi que du Protocole additionnel visant à prévenir, réprimer et punir la traite des personnes, en particulier des femmes et des enfants. • Développement de la législation selon les normes et les instruments internationaux pertinents. • Développement de la législation sur la prévention et la lutte contre la traite des êtres humains selon les standards et instruments internationaux. • Renforcement des actions visant les groupes les plus vulnérables (femmes et enfants). • Formation en matière de mécanismes de prévention et de lutte contre la criminalité organisée notamment sur la traite des êtres humains, y compris l'identification, la protection et l'assistance aux victimes de la traite. • Amélioration des instruments d'analyse sur le caractère du crime, des méthodes de trafic, de traite et d'exploitation. |
| | Développer les méthodes pour lutter contre le trafic d'êtres humains | <ul style="list-style-type: none"> • Renforcement de la stratégie globale visant les recruteurs, les personnes qui transportent et hébergent les migrants, les exploitants, d'autres intermédiaires, clients et bénéficiaires. • Lancement d'actions de formation spécialisée pour les magistrats, les forces de police et le personnel de contrôle des frontières. |
| | Consolidation du rôle de la société civile | <ul style="list-style-type: none"> • Renforcement des instances de concertation afin de favoriser l'association de la société civile à l'élaboration, la mise en oeuvre et l'évaluation des politiques publiques, entre autre dans le domaine „migration & asile“. |
| Asylum policies | La promotion de la protection internationale et le renforcement de la politique d'asile. | <ul style="list-style-type: none"> • Le renforcement du cadre législatif et institutionnel marocain en matière de droit d'asile, conformément aux standards internationaux. et aux dispositions de la Constitution du Maroc. • La poursuite de la mise en oeuvre des principes de la Convention de Genève de 1951 et de son protocole de 1967 par exemple en ce qui concerne les modalités d'identification des migrants nécessitant une protection internationale, l'application du principe de non refoulement, les conséquences de l'obtention du statut de réfugié. • Le renforcement des politiques publiques en matière de migration prenant en compte les besoins de protection internationale et la nécessité d'offrir aux réfugiés des solutions durables, pouvant permettre aussi leur intégration. • La poursuite de la coopération avec le Haut Commissariat des Nations Unies pour les réfugiés (HCR) dans le cadre de la mise en oeuvre de son mandat au Maroc et le développement des structures nationales chargées du traitement de la procédure d'asile dans son ensemble. |
| | Consolidation du rôle de la société civile | <ul style="list-style-type: none"> • Renforcement des instances de concertation afin de favoriser l'association de la société civile à l'élaboration, la mise en oeuvre et l'évaluation des politiques publiques, entre autre dans le domaine „migration & asile“. |

Table x: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Palestine

| | | |
|-------------------------------------|---|---|
| Irregular migration policies | Promote the enhancement of the border management capacities of the Palestinian Authority. | / |
| | Support the development of the capacity to fight against the smuggling of irregular migrants and the trafficking of human beings, including to offer support for the rehabilitation of victims. | / |
| Asylum policies | Promote dialogue and cooperation in migration and asylum matters and strengthen the capacities to manage migration, including with the aim of promoting the positive effects of migration on development. | / |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table xi: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Tunisia

| | | |
|-------------------------------------|--|--|
| Irregular migration policies | Prevent and combat illegal migration to and via Tunisia | <ul style="list-style-type: none"> • Exchange of information and dialogue on illegal migration in order to promote active co-operation. • Support implementation of a comprehensive, coherent and balanced strategy for combating illegal migration. • Build operational and intervention capacity of land and sea border surveillance and control units, including in the context of improved regional and sub-regional co-operation. |
| | Develop an effective, comprehensive border management system | <ul style="list-style-type: none"> • Build organisational and institutional capacity for border control and surveillance of entry and exit areas. • Exchange information and experience of border management systems between all competent structures and provide European experience and expertise. • Develop a border management training strategy. • Develop regional co-operation between authorities dealing with border management (police, border police, migration and asylum services/authorities and customs). • -Improve the administrative capacity of the Tunisian border police by improving equipment and facilities at border checkpoints. |
| | Ensure and promote effective management of migration flows | <ul style="list-style-type: none"> • Discuss the development and implementation of the common immigration policy, including the relevant EU legislative instruments. • Set up an observatory to analyse the migration phenomenon: synergies with the EUROMED network for migration research and observation. • Transit migration: discussions on the possibilities for co-operation with countries of origin and transit. • Explore the possibility of inviting Tunisia to participate in or observe the activities organised in the framework of the ARGO and AENEAS programmes on migration and other EU programmes in the same field. • Initiate a dialogue on return and readmission with a view to concluding a readmission agreement with the EU. |
| | Develop methods to combat trafficking in human beings and to reintegrate victims of trafficking | <ul style="list-style-type: none"> • Initiate a dialogue to agree a common approach on tackling trafficking targeting recruiters, transporters, exploiters, other intermediaries, clients and beneficiaries. • Improve support to the most vulnerable groups (women and children). • Set up special training schemes for public prosecutors, police and border officials. |
| Asylum policies | Promote legislation based on international principles and standards on asylum and refugees and implement the relevant UN Conventions | <ul style="list-style-type: none"> • Implement the principles of the 1951 Geneva Convention and its 1967 Protocol. • Make available EU experience and expertise on transposing the 1951 Convention into national legislation. • Support administrative structures which handle and follow up asylum applications, including support for an asylum authority, training for the staff concerned and reception capacity. |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017

Table xii: ENP Action Plan provisions regarding irregular migration policies and asylum policies in Ukraine

| | | |
|-------------------------------------|--|---|
| Irregular migration policies | Development of an appropriate legislative and institutional framework related to migration management with the aim of fighting illegal migration, smuggling and trafficking in human beings, with the support of the EU. | / |
| Asylum policies | / | / |

Source: European Union External Action: https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans, accessed 01.02.2017