

Trade –for –Refugee Employment in the EU-Jordan Compact

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Abstract

Up until the 2015/16 refugee ‘crisis’, the aid and visa topped the list of legal-political incentive mechanisms, which the EU throws in as its currency to solicit ‘enhanced cooperation’ in the fight against irregular migration. More recently, the EU Partnership Priorities (PP) under the European Agenda for Migration added trade preferences to the EU’s ‘sticks-and-carrots’ approach. The EU-Jordan Compact figuring as an annex to the PPs and modifying the EU-Jordan Association Agreement, implements this ‘value-based’ trade strategy by relaxing rules of origin under the WTO Generalized System of Preferences (GSP) to compensate Jordan for issuing 200’000 work permits for Syrian refugees, to ‘keep them close to home’. This article examines how the Compact hailed for its humanitarian livelihood programming’, has transformed several paradigms of EU trade, neighbourhood and migration policy frames. Firstly, and instead of incentivizing cooperation over return and readmission, the Compact is stemming secondary refugee movement, onwards to Europe. If the EU-Jordan Compact succeeds to turn a ‘crisis into a development opportunity’, at macro-level, by implementing EU Trade-for-All strategies, its preferentialism runs counter the EUGSP Everything-but-Arms (EBA) scheme under which Jordan obtained a downgrade on originating content for products produced with refugee labor. At meso-level, singling out Jordan as particularly affected, clashes with the equal level playing field dynamic of the EU Neighbourhood Policy and conflicts at micro-level with labor standards and human rights, including equal treatment among migrants and refugees. The paper contextualizes the complex issue-linkage of the Compacts within the multidimensional package it represents, interconnecting EU migration, with trade and neighborhood policies, to understand if of the revitalized ‘more-for-more’ cooperation in EU foreign affairs, stands the test of multi-level governance. It argues that while the Compact which commits Jordan to issue work permits in exchange for preferential trade, reaches a degree of policy coherence in the sense of linking ENP, the 2015 Trade-for-All strategy and the 2016 Migration Partnership Framework, it disqualifies as a system of governance.

Keywords:

Migration, Trade, EU Neighborhood Policy, Refugee Employment, Governance, Compacts

8.1. Introduction: ‘Value-Based’ Trade and Migration-*Nexus*?

"The Global Compact considers that migration is a multidimensional reality that cannot be addressed by one government policy sector alone".

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“Most diplomats, World Bank officials and the government of Jordan argue that the newness of what was being attempted meant a degree of “fixing the plumbing” was inevitable. Even those who understood the limitations of the jobs market would not have argued for slowing down the compact when it was a way of channeling much-needed development support to Jordan.”

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Since 2011, over 5 million people fled civil war in Syria and many of these stranded in the Arab Middle East, North Africa in an attempt to move further onwards to Europe via Turkey and Greece on the Balkan Route (UNHCR, 2017). Over the course of 2015, world leaders failed to fully fund the UNHCR’s Syria refugee response plan (only 35% of the budget in 2015), only but few EU Member States resettled Syrians from Turkey, Lebanon, and Jordan and far below the 2-3’000 target required for inflows of asylum-seekers to Europe to remain at pre-2015 crisis levels, and thirdly, relocation of 160’000 refugees from Italy and Greece, a plan which would have relieved some of the pressure, got stuck with Slovak Republic’s refusal to consider the EU Council decision adopted by weighted majority voting an EU legislative act binding on all Member States.¹ In this situation, under German leadership, the EU struck the 18 March 2016 deal with Turkey— conceived as a short-term humanitarian intervention, while at the same time, designing the longer-term ‘livelihood programming with refugees in protracted displacement’, also called the Compacts for Jordan and Lebanon. In both types of deals, the EU ascribes a renewed role to “issue-linkage” or “cross-sectoral bargaining”, using visa policy in the case of Turkey and trade preferences in the case of Jordan to ‘enhance the commitment’ of the respective EU partners. This chapter’s interest lies in typifying and contextualizing, but also critically assessing the EUs revitalized appetite for “conditionality” in light of trade, development and neighbourhood policy. It argues that this comeback is a logical consequence of the crisis, where “leverage” seeks to compensate EU neighbouring countries, like Lebanon (991,165 Syrian refugees registered by UNHCR on 7 April 2018, or 1 in 6 people) and Jordan (661,859 Syrian refugees, registered by UNCHR 07 April 2018 or 1 in 11 people)²; but that the drawback of compensating countries “disproportionally affected by the crisis” is a rise of preferentialism in EU-third country cooperation, which in many ways mirrors *intra*-EU exceptionalism and exits putting solidarity towards the Union and towards refugees and migrants at peril

Since the ‘crisis of numbers’ of those seeking refuge and livelihoods in Europe as a result of the civil war in Syria (Martin, 2016; Fröhlich, 2017), the EU’s asylum system has been described as melting down, due to *intra*-EU solidarity being hollowed out from within.³ The Union’s logical reaction has been to step up cooperation with third countries in what EU study literature as agrees is the emergence of a ‘new intergovernmentalism’ (Zaun and Nieman, 2018) and intensified ‘cooperation’ (Garcia Andrade, 2018 and in this volume). A key role of ‘new intergovernmentalism’ is played by conditionality, which is a neorealist bargaining strategy (Littoz-Monnet) well-known to the EU from the Cayucos crisis off the coast of Senegal 2007/08 (Bretherton and Vogler, 2008), from EU trade and migration policy towards Eastern Partnership

¹ Weber, Bodo, ‘Time for a Plan B in European Refugee Crisis’, Heinrich-Böll-Stiftung, 18. October 2016.

² UNCHR Syria Regional Refugee Response, Operational Portal, Refugees Situations, <http://data2.unhcr.org/en/situations/syria/location/71>.

³ Slovak Republic and Hungary v Council of the European Union, C-643/15 and C-647/15; in response to Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece; see Savino in this volume for a detailed discussion on how resettlement transitions from EU border externalization to becoming an incentive scheme for rewarding third country cooperation on return and readmission.

countries (Hoekman, 2016), and the Generalized System of Preferences of the WTO to combat narcotic and psychotropic drug trafficking in Pakistan and Afghanistan⁴.

Compared to these precursors, in the EU-Jordan Compact, conditionality presents itself in a new variation. Rules of origin for goods manufactured by Syrian refugee labor are relaxed for non-originating content, in exchange for Jordan committing to issue up to 200'000 work permits for Syrian refugees by the end of 2018. This 'new approach' to the crisis (Betts and Collier, 2016) is for the most part one of 'shifting the focus from short-term humanitarian aid to a strategy which secures education, growth, investment and job creation for Jordan, thus compensating its economy for the influx from Syria and turning the 'Syrian refugee crisis into a longer-term livelihood opportunities' (Barthelet et al., 2018; Lenner and Turner, 2018).⁵

Despite differences the Turkey deal and the EU-Compacts share similarities. Both have put conditionality back on the EU external action agenda as a frame for outsourcing an EU internal policy problem⁶ In the EU-Jordan Compact EU trade, neighbourhood and migration policy are three EU legal and policy frames interlinked as a 'laboratory for livelihood programming with refugees in protracted displacement' (Lenner and Turner 2018) This chapter analyses how the Compacts have transformed EU policy frames themselves. Since the EU-Jordan Compact implements the International Compact for Jordan coming out of the multi-donor and multi-stakeholder London conference Protecting Syria and the Region 2016, we capture the transformations by applying the concept of multi-level governance and thus contribute to diversify its primary application for the Europeanization of integration policies (Tortola, 2016; Stephenson, 2013), by adding EU refugee politics in times of crisis as case for MLG-in-EU foreign policy (Geddes 2009; Lavenex, 2006; Scholten and Penninx, 2016). While development and refugee studies have analysed the Compact for its implications on good governance, including refugee welfare, inclusivity of NGOs and humanitarian actors (Arrighi and Griessen, 2016, Arroyo, 2017, Lenner and Turner, 2018) we acknowledge the results as layers of governance without contributing to further fact-finding or the evidence base. Nonetheless, our document analysis on the different interactions between the layers of governance, could contribute to 'fine-tune the delivery' of the Compact, scheduled to run until 2026 subject to revision and new credit facilities.

8.2. A Chronology of Issue-linkage in EU External Action

Neo-realists describe issue-linkage as a "bargaining tactic" which ensures that agreements are negotiated effectively and parties remain in the agreements (Poast, 2013). Trade agreements, which have often gone "beyond their traditional subject matter of liberalizing market access in goods, services or intellectual property rights" (Milewicz et al., 2016:2) operate

⁴ The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 -2017, EU Document SWD(2018) 29 final, 19 January 2018.

⁵ See also Hillary Mellinger and Patrick van Berlo, The Jordan Compact: Turning the Syrian Refugee Crisis into a Development Opportunity, Leiden Law Blog, August 20, 2016; A new deal for refugees; Two Oxford academics argue that extra funds for countries near trouble spots could help solve the crisis, by James Crabtree, Financial Times 27 April 2017; more critically, How Not to Fix the Refugee Crisis – A Response to 'Refuge' Behzad Yaghmaian, News Deeply, 20 April 2017.

⁶ Jordan's Statement The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis from the London Conference on "Supporting Syria and the Region" held on 4 February 2016, reproduced in OECD, Support to the Middle East and North Africa (MENA) OECD Document DCD/DAC/RD(2016)7/RD1, 3 June 2016.

issue-linkage between tariffs and quotas, which are reduced in exchange for commitments to open services markets or for complying with phytosanitary measures or stepping up intellectual property rights protection in what is often a bargain to bring the Global South on board. In the field of migration, issue-linkage is a tactic to overcome the ‘fragmented’ (Chétail, 2016) and ‘piecemeal’ approach (Opeskin, 2015) resulting from state sovereignty over territory and admissions being diluted by market-driven liberalization of borders and admission, *non-refoulement* and vulnerability protection. Consequently, consensus for the international community to adopt a single undertaking for migration comparable to how the WTO Marrakech Agreement acts as the umbrella for all matters related to trade is missing (Hollifield, 2001). Unsurprisingly, two, not one Global Compact is in-the-making, one Global Compacts for Refugees and for Migrants (Gammeltoft-Hansen et al., 2017).

Issue linkage is not free of risk, as it can lead to policy overlaps which are subsequently difficult to untangle (Betts, 2016), and it can threaten human rights protection, in particular when linked to market-based policies like trade or investment (Hafner-Burton, 2005; Gammeltoft-Hansen et al., 2017). Yet, issue-linkage has the potential for multi-level governance regimes. And neorealist considerations encourage packaging for any field of foreign policy which inherently lacks the precondition for an exchange of reciprocal interests (Panizzon, 2017). Typically, migration, unlike refugee protection, is such a field, where countries of destination, origin and transit lack rather than share interests (Geddes, 2009). Such collective action problems have led in the past to a “missing regime” at international level (Hollifield, 2001).

In responding to the 2015/16 crisis, different EU Member States sought relief outside of the Unions increasingly dysfunctional legal-institutional framework (Panizzon and van Riemsdijk, 2018). Whereas Germany designed the Turkey deal, Britain, Norway and Germany spearheaded the efforts towards the Compacts with Jordan and Lebanon (Barthelet et al., 2018). The same EU governments advocated for stronger UN involvement in the crisis and for what became the New York Declaration for Refugees and Migrants of 19 September 2016 (Thouez, 2018). For that reason, the upcoming two Global Compacts resemble closely the International Compact for Jordan and the EU-Compacts, for their ‘holistic’ attempt to operationalize through ‘actionable commitments’ and ‘guiding principles and objectives’ to be monitored and reviewed by the community of states and regional bodies (Guild and Grant 2017) a ‘multidimensional perspective on migration’ (Zero Draft Plus 5 March 2018: Objective 2) which has also been informally achieved, by including cities and other local authorities, diaspora networks, business, academia and philanthropy in the drafting of the Compacts, as the institutions at the periphery of government, playing a key role for programming migrants’ sustainable livelihoods and towards a fact-based migration governance, even if this attempted inclusivity has been criticized for its lack of concrete venues for formalization of their status, as observers in national, global or regional policy formulation (Rother, 2018), a fact repeated at lower scale in the EU-Jordan Compact, where NGOs, the business sectors and informal economy and refugees have initially not been sufficiently heard (Barthelet et al., 2018). Despite their ‘multi-s’ approach, including different levels of governance and from different actors—humanitarian, development, business, philanthropy, faith-based organizations, migrant associations, diaspora, academia their apparent policy coherence in Compacts is not programmatic enough to deserve the label of multi-level governance (Mona, forthcoming 2018). The EU-Jordan Compact is also ‘multi-dimensional’, as it combines ‘short-term humanitarian relief with ‘livelihood programming’ (Lenner and Turner, 2018), by coupling trade preferences with labour market strategies, development with refugee

policy, and instrumentalizing relocation to Europe to incentivize cooperation on return and readmission.⁷ Yet, multi-dimensional approach does not automatically imply that the different layers and actors act towards governing migration and refugee flows; for cooperation to qualify for governance, the layers must interact coherently, in a legally compliant way (Tortola, 2017), which implies a programmatic vision as to why the linkage tactic was chosen in the first place.

Policy coherence in EU external dimension of migration policy has been well researched (Boswell 2008; Cardwell 2013, 2016). The disastrous displacement of Senegalese, Gambian, Mauretanian fishermen and their consequential conversion to smugglers of would-be migrants to the Canary Islands,⁸ has been considered a consequence of EU policy incoherence. The EU fishery policy of subsidizing Spanish vessels off the West African coast conflicted with the EU's JHA externalization of border security enforced by FRONTEX operational agreements with the Senegalese government (Bretherton and Vogel, 2008; Panizzon, 2008). In what become known as the "Cayucos crisis", was a watershed moment for the EU (Moffette, 2016). In the events following the Arab spring and Syrian crisis offered an opportunity for EU trade, development, aid and education to be used towards decreasing the drivers of migration by being designed as mutually supportive of EU migration and asylum policies. Such enhanced thematic issue linkages of EU migration policy to non-migration policies results in new legal-institutional instruments (CAMM, the Compacts) reflecting enhanced cooperation, but at cost of creating preferential deals and new divides, among ENP countries, opposing those with EU Partnership Priorities or Compacts to those without. The enhanced thematic issue linkage mirror better the multidimensionality reality of migrants' livelihoods and trajectories (EU Parliament, 2017), but re-introduce a certain asymmetry towards the partner country, whose cooperation is being sought over policy objectives primarily in the EU's interest.

As Weinar notes, intersectionality and thematic diversity has been a logical consequence for migration policy (2011:15). Thematic diversity translates, because of the supranational division of competences in the EU into even more "complex regimes" (Carrera, Geddes and Guild, 2017; Panizzon, Fornalè and Zürcher, 2015). It is not by coincidence that the EU's Trade for All strategy propagates complementarity in the sense of "synergetic effects" to other policy fields, while the EU Agenda on Migration or the GAMM are more reluctant to do so. Considering that in trade, Union competences became exclusive with Lisbon Treaty, a trade conditionality as incentive for cooperation on containing secondary refugee movement to Europe (EU-Jordan Compact) is easier than using circular migration, where the Union and Member States continue to share competences, as leverage to commit third countries to cooperate over return and readmission (EU Mobility partnerships; Trauner and Kruse, 2008, Reslow, in this volume; Zankova, in this volume). Competence allocation in the EU is one explanation for why certain areas of EU foreign policy lend themselves more easily to issue linkage than others (Lavenex, 2006).

"Issue complexity and institutional complexity" of policy activity of the EU towards national policies has been described by Stephenson as having the potential to be simplified by a system of multi-level governance MLG (Stephenson, 2013:817). In analogy, when the EU goes abroad, its

⁷ AEDH; « Partnerships», « migration compacts » ... the new dress up of the externalisation of the European migration policy, <http://www.aedh.eu/en/partnerships-migration-compacts-the-new-dress-up-of-the-externalisation-of-the-european-migration-policy/>.

⁸ The Guardian, 18 March 2017, UK steps in to help West Africa in fight to overturn EU fishing abuses <https://www.theguardian.com/world/2012/mar/18/uk-west-africa-fishing-quotas>; Equaltimes, 5 March 2018; The Senegalese fishermen trapped between hunger and exile, <https://www.equaltimes.org/the-senegalese-fishermen-trapped?lang=en#.WtBtbTMuBaQ>

cooperation towards third countries is more polycentric than “single actor”, in the sense that the method of policy transfer diverges depending on the partner involved, as discussed by Midori in this volume. At the same time, EU-third country cooperation is often multi-level, as seen for the case of the plurilateral EU mobility partnerships (Reslow, and Zankova, in this volume) overlapping with bilateral EU readmission agreements, Euromed association agreements and Deep and Comprehensive Free Trade areas. With the Syrian displacement crisis the plurality of EU legal and institutional frameworks deployed towards third countries increased. In particular, the EUs ‘new intergovernmentalism’ shook up the EU neighbourhood countries, by adding Compacts, Partnership Priorities and CAMMs to the panoply of policy interventions (Niemann and Zaun, 2018).

A “multi-policy” as opposed to single-issue based solution was called for to respond to the Syrian displacement crisis (Carrera, Blockmans, Gross and Guild, 2015:18). Such a “multi-policy” dimension was formally endorsed by the Valletta Summit of 2015 and the ensuing EU Agenda 2015 and 2017 Framework Partnership⁹ and its progress reports—the third such report calling for “refocusing other policy tools”, i.e. to “take advantage of preferential trade agreements to provide job opportunities for Syrian refugees”.¹⁰ It is also repeated in the Trade for All Strategy (2015) calling for synergies between trade across all policies. The EU crisis has seen a revitalized “issue-linkage” agenda. However not every “multi-“ policy—multi-actor, multi-level, multi-them implies governance—there can be multi-level cooperation frameworks or multi-actor schemes, which lack the transfer of power and authority associated with governance (Stephenson, 2013). For example, the EU-Jordan Compact has been associated with intensified cooperation over relocation; such by-product, albeit one not affecting the Syrian population in Jordan directly, is that relocations have progressed, of intensified cooperation is not necessarily programmatic and planned enough to qualify as governance, nor does it necessarily reflect the approximation of values or value-transfer requisite for governance.¹¹

8.3. ‘Compact’: A Legal-Political Hybrid to Promote a Holistic Approach to Migration

Compacts is the short version of what the EU defines as “comprehensive partnerships”, standing as a “new political framework of EU relations with third countries for continued and operational cooperation pulling together the different work strands in order to develop a comprehensive partnership...combining the instruments, tools and leverages available to the EU and Member States to deliver clear targets and joint commitments.” (EU Commission 18 October 2016). They are “mutual commitments between the EU and the partner country”, which “fulfill”

⁹ Communication from the Commission to the European Parliament, The European Council, The Council and the European Investment Bank Partnership Framework with third countries under the European Agenda on Migration, 7 June 2016, COM(2016) 385 final.

¹⁰ Report from the Commission to the European Parliament, the European Council and the Council Third Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, 2.3.2017 COM(2017) 205 final.

¹¹ REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Tenth report on relocation and resettlement, Eu Document COM/2017/0202 final 16 May 2017, “More than two thirds of the agreed 22,504 resettlements under the EU resettlement scheme have already been carried out. Since 10 April 2017, 671 people have been resettled; mainly from Turkey, but also from Jordan and Lebanon. This represents important progress when compared to the limited numbers Member States resettled in 2014 and 2015 via national or multilateral schemes and clearly demonstrates the added value and potential of strengthened EU-level cooperation and coordination on resettlement”

the Partnership Priorities, to which they are annexed to (EU-Jordan Partnership Priorities 2016-2018, p. 5).

Their hybrid political-legal format reflects the use of non-migration specific policies including trade, development and investment as anchors or leverages for incentivizing cooperation on refugee crisis politics in the Euro-Mediterranean. By interfacing the 'soft' policy frameworks of EU Trade-for-All Strategy promoting value-based trade policies, of the revised ENP and the partnership priorities are combined with legally binding EU GSP+ and EU EBA trade rules modifying the rules of origin protocol of the EU-Jordan Euromed Association Agreement, the Compact is creating a intersectionality cutting across trade, development, investment and refugee policies as a way to bring about a new dynamic in EU external cooperation threefold policy linkage promoting under the compact's single umbrella, a 'differentiated' ENP coming out of the 2015 revision with key cooperation priorities, and also enshrined in the PPs as the implementer of the "renewed framework for political engagement and enhanced cooperation" targeting 'specific relationships' on the basis of 'values' shared, like 'stability, peace, prosperity, differentiation and co-ownership' (EU-Jordan PP). Compared with the legally equally "ambiguous" MPs (Reslow, in this volume; Chou and Gibert, 2012:244), the Compacts' institutional origin, like the CAMMs, is the EU Commission without the implication of Parliament (Carrera, Geddes and Guild, 2017:187) while EU MPs are not only pluri-lateral because they involve aside the EU Commission representing the 27 Member States, also specifically interested Member States, they also require EU Parliamentary approval. The Compact's hybridity on the other hand, betrays the 'escapism' which the EU Commission pursued, reportedly desiring to dispose of a tool to enforce return and readmission with third countries outside the constraints of negotiating legally binding EU readmission agreements requiring EU Parliamentary approval.¹² The EU MPs embody a contrary goal, one of involving EU Member States individually and their bilateral readmission agreements with that third country, to enhance the prospects of the third country signing onto an EU readmission agreements.¹³

A Compact is annexed to a political declaration, the partnership priorities (PP), which implements an EU-Association Council decision.¹⁴ The Partnership priorities for their part are EU Association Council decisions, implementing a revised ENP, including migration and development elements and giving new impetus to it but remain soft law.¹⁵ At the same time certain Compacts amend the EU-Association agreement, in the case of Jordan, the Compact modifies by a 19 December 2016 Association Council decision on a time-limited basis (until 20126) the rules of origin protocol (RoO) of the Pan-European Mediterranean Zone (PEM), and downgrades Jordan to a least-developed country (LDC) status, so it is legally entitled to benefit

12 AEDH, « Partnerships», « migration compacts » ... the new dress up of the externalisation of the European migration policy; <http://www.aedh.eu/en/partnerships-migration-compacts-the-new-dress-up-of-the-externalisation-of-the-european-migration-policy/>, 22 December 2016; 'formal international agreements, such as readmission agreements, can flow from the compact process. But the compacts approach avoids the risk that concrete delivery is held up by technical negotiations for a fully-fledged formal agreement.'

13 AEDH, « Partnerships», « migration compacts » ... the new dress up of the externalisation of the European migration policy; <http://www.aedh.eu/en/partnerships-migration-compacts-the-new-dress-up-of-the-externalisation-of-the-european-migration-policy/>, 22 December 2016.

14 Not every PP culminates in a Compact, the latter which figures as the technical implementation of PP. For example, Egypt only has PP, and not every Compact is based on legally binding commitments (only the one with Jordan).

15 Funding for the compacts, consequentially, follows not only from migration facilities, like the MPF or the Emergency Trust Fund for Africa, but is broader and includes the new European Fund for Sustainable Development (den Hertog, 2017).

from zero-duty, zero-tariff exports to the EU under what EU DG Trade labels the Everything-but-Arms (EBA) scheme available exclusively for LDC countries derived from the WTO Enabling Clause's Generalized System of Preferences, which developed countries can apply to grant preferences to developing countries without infringing the WTO Most-Favored-Nation (MFN) Clause.¹⁶ Unlike the 2015 ENP revisions being implemented by the EU-Jordan PP—and the Compact--, the amendments in the field of trade law are legally binding, if only until 2026.

Compacts follow in the footsteps of the ENP revision of 2015, and its focus on “target[ing] countries of origin or transit of migration, or even host countries facing an acute pressure”. The type of governance aspired by the ‘partnership’ approach of EU Mobility Partnerships, follows from the GAMM and the pre-2015 revision of ENP and is more about ‘level-playing field’ rather than about targeting ‘priority’ third countries.¹⁷

The panoply of non-migration policies in a compact is broader than for EU Mobility Partnerships, since Compacts respond to the EU's “multi-sector policy approach” (Carrera, Geddes and Guild, 2017:204), and draw on migration-related leverages including trade, mobility, energy, security, development cooperation and neighborhood policy (Wunderlich, 2012). For that reason, the compacts are the logical bedrock for intensifying the trade and migration linkages. To what extent these linkages are compliant with WTO trade law not only determines over the legality of refugee employment as qualifying factor for Everything-but-Arms exception for Jordan under the WTO GSP+ rules, but it determines over the extent to which layering EU migration and asylum law on EU trade rules qualifies as migration “governance” or simply as “cooperation”.

8.4. Tracing trade conditionality in EU foreign policy

In the Sutherland Report of January 2017 issued in preparation of the GCM, we find a call for linking migration to trade and investment.¹⁸ Similarly, the EU Agenda on Migration of 2015, contrarily to the rather unspecific GAMM narrative, more pronouncedly profiles the benefits of trade in goods and services, for migration and refugees. As the EU's 2016 Partnership Framework on migration finds, trade preferences embody these “positive commitments” which the EU uses as “leverage” to obtain cooperation on irregular migration by reluctant transit and origin countries.¹⁹ In softer, less conclusive or mutually conducive terms, DG Trade's 2015 “Trade for All” strategy²⁰ document emphasizes the “synergies” which trade can have on migration policy, while its 2017 update report, emphasizes that “value-based trade policies” are more “effective” if “complementary” to “other EU policies and instruments, including funding.” (p. 11) In 2015, the EU Trade-for-All strategy refers to the EU Agenda on Migration and ‘calls for the better use of synergies across policy areas in order to incentivise the cooperation of third

¹⁶ The relaxed RoO only apply to certain products produced with Syrian refugee labor in 18 designated zones facilitate their export to the EU under an Everything but Arms status which lowered the non-originating part of the merchandise from 70% to 40% under the condition that the product is produced with 15% (and 20% as of 2018) refugee labor and that 200'000 employment are created in Jordan's special industrial zones through jobs under the EU Association Agreement (Wolff and Pawlak 2017:3).

¹⁷ AEDH, « Partnerships», « migration compacts » ... the new dress up of the externalisation of the European migration policy; <http://www.aedh.eu/en/partnerships-migration-compacts-the-new-dress-up-of-the-externalisation-of-the-european-migration-policy/>, 22 December 2016.

¹⁸ Report of SRSG on Migration, UN Document A/71/728 of 3 February 2017, http://www.un.org/en/development/desa/population/migration/events/coordination/15/documents/Report%20of%20SRSG%20on%20Migration%20-%20A.71.728_ADVANCE.pdf.

¹⁹ COM(2016) 385 final COM(2016) 385 final, pp. 9, 13,

²⁰ EU Commission, Trade for All, 14 October 2015

countries on migration and refugees issues'. The 2016 Report of the Special Rapporteur on Human Rights of Migrants on the impact of bilateral and multilateral trade agreements on the human rights of migrants, even states without bias that "preferential trade agreements are increasingly adopting governance mechanism such as visa and asylum request procedures, ...or migrant return guarantees,...(para. 20).²¹

By revitalizing the trade and migration linkage, the EU Commission is founding itself upon the reciprocity gains which trade more easily delivers than aid conditionality. Unlike aid or development conditionality, trade seems to minimize the asymmetry usually characterizing the relationship between destination and transit or origin country (Van Hear and Soerensen, 2003, Monsutti, 2008). Migration seems to be a driver of inequality, disparity and divide, thus standing in contrast to the "equal level playing field" paradigm, associated with the multilateral trade liberalization of the WTO (Hoekman, 1989). However, also trade can be used preferentially, as in the Special and Differential Treatment, which the WTO Marrakech Agreement grants to developing and least-developed countries through the Generalized System of Preferences rules, which industrialized countries can design. This exception from the WTO Most-Favored Nation (MFN) treatment clause is what the EU used to design the preference for Jordan in the Compact, resulting in relaxed rules of origin and a zero-duty, zero-tariff time-limited exception under the least-developed country (LDC) waiver.

Among EU conditionalities, trade has different advantages over development cooperation (technical and financial assistance), funding/aid (El Qadim, in this volume), visa relaxation (Trauner and Kruse, 2011) circular migration (Reslow, in this volume and Vankova, in this volume) or even resettlement (Savino, in this volume).

Visa conditionality is reserved for the EU's closest allies, including Eastern Partnership countries, and since the deal of 18 March 2016 Turkey, and any country signing onto an EU readmission agreement (Bouteillet-Pasquet, 2002). Any policy component flexible enough to be up- and downscaled to reflect the intensity of cooperation by the partner country suits the „more-for-more“ approach of the GAMM. Visa conditionality can be adjusted in terms of eligible scope of persons (investors, journalists, traders) or price of the Schengen visa and go as far as visa-free travel (Turkey deal), while trade preferences can range from relaxed rules of origin to lowered to zero tariffs which can in addition be restricted to certain product lines and even production methods, now, even resettlement quotas can be scaled over time and exchanged as a policy currency for buying third country cooperation on combatting irregular migration (Savino, in this volume). In contrast, aid conditionality is more of a 'one-time', 'ad hoc' relief, with less 'mutual commitment' and 'long-term expectation' attached to it and it has for those reasons, seen a comeback in the crisis with the EU Regional Trust Fund for Syria, „Madad“ Fund; Facility for Refugees in Turkey, EU Emergency Trust Fund for Africa (den Hertog, 2017). While the EU-Jordan Compact has an aid conditionality component, its innovative and more long-term component are how trade preferences are leveraged against the number of work permits issued by Jordan for Syrian refugees. While that number has not yet reached the target of 200'000 by January 2018, and remains rather at 80'000, with many of these issued to the same person switching jobs (Lenner and Turner, 2018), compared to preceding models of conditionality, and with the exception of circular migration, the Jordan Compact's trade conditionality is the first

²¹ Report of the Special Rapporteur on Human Rights of Migrants on the impact of bilateral and multilateral trade agreements on the human rights of migrants, UN Document A/HRC/32/40 4 May 2016.

such EU humanitarian intervention, which immediately targets refugees' day-to-day lives and improves their livelihoods by providing access to education and formal employment.

Trade conditionality had originally a different meaning. Rather than incentivizing refugee employment and catering to the EU's containment and deterrence strategy, trade preferences were used to incentivize respect for human rights and core labour standards, including wage and working conditions, within the EU's economic partnership and trade agreements or in EU Deep and Comprehensive Free Trade Areas (DCFTAs) which liberalize the mobility of investors, business visitors, ICTs and other specific categories of third country nationals under GATS mode 4 (Hoekman and Oezden, 2011; Hoekmann, 2016) and where the conditionality ensures that this 'mobility' occurs without putting EU domestic workforce at risk of foreign competition (Koch, 2015, Velluti, 2016, European Parliament, 2017). Countries benefiting from the General System of Preferences plus Scheme (GSP+) by the EU needed to ratify 27 international human rights, labour standards, environment, democratic governance convention and agree to monitoring (Koch, 2015).²² In case of massive and systemic human rights violations and infringements of labour standards, trade concessions are withdrawn. Jordan, eligible for the regular GSP scheme as a not particularly vulnerable developing country, was affected by the refugee crisis in such a way to permit it to slide to the topmost position on the WTO GSP scale, the so-called Everything-but-Arms (EBA) status. In most GSP positions, a penalty is attached, for the EU-Jordan Compact it appears unclear if the EU withdraws the trade preferences by 2018, if the 200'000 target of work permits is not reached by 2018 or simply does not renew the preferences in 2026, when the Compact runs out. In the case of the Jordan Compact, the 'good governance' rationale attached to the scheme is less about complying with a UN convention against torture, drug trafficking or the like, but rather complying with the EU's externalization of borders, security and asylum policies by keeping Syrian refugees in the region. In a turn away from the first two out of the three GSPs goals of 1) "contribute to poverty eradication by expanding exports from countries most in need 2) promote sustainable development and good governance, 3) ensure that the EU's financial and economic interests are safeguarded", the Compact comes closest to 3) ensuring the EU's "interests", even if those are the EU's security ones instead. Refugee employment of course, promotes sustainable development and eradicates poverty, but with the afterthought that if the EU's resettlement and relocation policies were to efficiently function, and if the EU's borders were open, there would be less Syrian refugees closer to home and stranded in transit in Jordan or Lebanon. As an afterthought, trade preferences to compensate Jordan's economy for the intake and building a development opportunity would not be necessary if EU migration and asylum policy focused more on legal pathways to asylum and work in Europe. If trade can simply securitize the EU's borders, we question how 'sustainable' and 'good' governance such as deal is and how compliant it is with the GSP's *ratio legis*.

Conversely, the EU-Jordan Compact uses the flexibilities of the Special and Differential Treatment (SDT) chapters of its Euromed Association Agreements to bring about cooperation over refugee settlement²³ and is the price the EU paid for externalizing its borders and outsourcing its internally unresolved refugee allocation system. The Compact's conditionality

²² Trade conditionality *stricto sensu* means that "sufficient levels of democratic governance and respect for human rights are considered pre-conditions for more beneficial aid or trade concessions".

²³ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A European Agenda on Migration, Brussels, 13.5.2015 COM(2015) 240 final pp. 2, 15.

upsets some longer-term “mobility” rationales of the ENP and the EU MPs (Carrera, Parkins and den Hertog, 2012).²⁴ In this context, trade might even sabotage earlier EU foreign policy efforts to increase respect for human rights and labour standards in its neighbourhood, since the work permit system Jordan is required to introduce was only attached *ex post* and informally to respect for ILO labour standards, and many skill-sets of tertiary-educated Syrian refugees are wasted, as the permits targets sectors, including textile production, where Syrian skills are wasted or fail to compete with cheaper Thai and other foreign workers in Jordan or are in the Special Economic Zones (SEZ) with poor working conditions and lower wages than in the informal economy (Barbelet et al., 2018; Verme et al, 2016).

Hoekman argues that the Euromed and now DCFTA’s trade in services provisions are tools to suppress migration of lower-skilled workers into the EU.²⁵ The hypothesis of this paper is a similar one, if used as leverage in the EU-Jordan Compact, trade serves towards the purpose of keeping Syrian refugees from reaching Europe rather than to increase their mobility and prospects of better livelihood (Barbelet et al. 2017). The EU-Jordan Compact creates jobs for refugees in SEZ and thereby keeps these from moving onwards to Europe, thereby potentially infringing on the refugees right to leave and right to choose their country of destination. Similarly, the EU buys potatoes from Lebanon to keep the potato pickers in Lebanon (EU-Lebanon Compact), rather than to facilitate their movement towards Europe (Pänk, 2016, Seeberg, 2016). In that sense, both the EU Jordan/Lebanon compacts are a European version of NAFTA’s US-Mexican “tomato-*versus*-tomato” picker dilemma where trade-in-goods is used to securitize the US borders and thus to deter Mexicans from moving to the US to pick tomatoes. In reality, however, the ‘substitution’ theory of trade and migration developed by Stolper-Samuelson, 1941 and Mundell, 1957, fails and, as seen with NAFTA, the ‘complementarity’ theory is at work, with tomato exports into the US prompting more, rather than less migration over time (Mahendra, 2014).²⁶ Thus, if Jordan’s government and the EU hail the compact as a long-term incubator of a market-based humanitarianism aimed at improving the livelihoods of Syrian refugees, and their ‘labour market integration’ into the Jordanian economy (Lenner and Turner, 2018), trade theory suggests that another long-term effect of liberalizing more trade with Europe, might be more porous borders towards Europe, rather than less.

For these reasons, the linkage or “synergy” between a “value-based” trade policy becomes also a question of governance (Cardwell 2016) and of which ‘long-term’ values the EU and Jordan are pursuing. The most recent implementation report of the EU Commission’s Trade for All strategy (2017) expressly mentions the example of the EU-Jordan compact, as one for illustrating the EU’s version of a “value-based trade policy”. The EU Commission defines value-based as a “trade policy”...that is more “effective”, in a way that it “address not just interests but also values”. The shift away from pure “interest”-based, which might entail a departure from “conditionality” or unleashing the linkage potential of trade for achieving “strategic interests” in another region, towards a trade policy which is about “[e]xpanding measures to support sustainable development, fair and ethical trade and human rights, including by ensuring

²⁴ EU Council Decision on Jordan 16 June 2016 COM (2016) 403 final.

²⁵ Literature finds that the “human rights conditionality of trade”, however, has “repressed”, rather than enhanced protection (Hafner-Burton 2005; 2016 Report of the Special Representative on The Human Rights of Migrants).

²⁶ Edo Mahendra, Trade Liberalisation and Migration Hump NAFTA as a Quasi-Natural Experiment, IMI Working Paper, Oxford University, Paper 98, August 2014; who quotes how, when negotiating NAFTA, which liberalizes trade in goods only, with side agreements on investment and person, Carlos Salinas de Gortari, President of Mexico 1988-1994 saying “we want to export goods, not people”.

effective implementation of related FTA provisions and the Generalised Scheme of Preferences.” In that sense, the “value-based policy”, contrasts with EU-Jordan Compact’s strategic use of the EU GSP+ to reward Jordan for every refugee kept employed. Not only are the human rights of Syrian refugees to leave Jordan at stake, but also their refugee status is at peril, when they take up employment in Jordan (Arroyo 2017). Moreover, the EU-Jordan Compact squares less well with another postulate of “Trade for All”, which is the one of “supporting mobility of experts, senior managers, and service providers”, meaning that tertiary-educated Syrian refugees are not only unlikely to find employment in Jordan due to the quota-based-employment system for foreign labour in place there, but the employment scheme caters scarcely to tertiary-educated Syrian refugees who will find their qualifications mismatched and are often unable to switch to more rewarding jobs, even if this is a policy recommendation for the second period of the Compact (Lenner and Turner, 2018). “The agenda also calls for the better use of synergies across policy areas in order to incentivise the cooperation of third countries on migration and refugees issues. Trade policy should take into account the policy framework for the return and readmission of irregular migrants.” In that sense, the “Trade for All” combines a pro-mobility agenda, reserved for highly-skilled workers and self-employed third country nationals with a trade conditionality used to repress the mobility of irregular migrants and, implicitly of lower-skilled third country nationals. In that sense, the EU-Jordan Compact fits with this new value-based trade strategy, which in itself reveals some contradictory elements of skill-segmented two-class mobility, which EU-trade policy further cements, since it can be used to either liberalize through trade in services, the cross-border movement of the highly skilled or to contain, through trade in goods/EBA, the secondary movement of refugees from transit countries to Europe, or be used to reward the return movement of third country nationals in irregular stays in Europe.

8.5. EU-Jordan Compact: ‘Trading’ Rules of Origin for Refugee Employment

In the spotlight is the Jordan Compact coming out of the London Donor Conference on Syria of 4 February 2016, where the EU relaxed rules of origins (RoO) in return for Jordan pledging to employ Syrian refugees. The EU Jordan Compact of 19 December 2016 implements the International Jordan Compact. Unfortunately, the same deal was not offered to Lebanon, even though Lebanon together with Turkey and Ethiopia were candidates for similar deals in London, probably because Lebanon is not yet a WTO Member and would not benefit from the Generalized System of Preferences, which the EU like other industrialized countries can apply, as a deviation from the MFN principle under WTO/GATT Art. I. As Arroyo reports (2017) Turkey has requested under similar grounds of a “humanitarian crisis”, for preferentially relaxed export conditions under WTO’s Waiver provision with the WTO Secretariat (Arroyo 2017:5). With the crisis, the trade-migration linkage has thus been revived, less under the mobility paradigm of trade in services, but in a more radical refugee-export conditions variation of the *nexus*. Trade preferences play a pivotal, compensatory role in priority countries of the Syrian crisis.

Trade is the more transparent conditionality than or visa relaxations, the latter which are accessible to only a happy few. However, its drawback is to disadvantage other countries in the EU neighbourhood without large refugee populations, those that are not WTO Members (e.g. Lebanon), and that it dismantles the EU’s democratic Euromed ENP policy, exemplified by the Pan Euro-Mediterranean system of diagonal accumulation of RoO, enshrined in the Convention signed by 23 European and Mediterranean countries in 2013 (Arroyo 2017:2). The advantage is that WTO GSP requires compliance with various UN Conventions and rule of law. This is where

the EU Jordan Compact GSP+ or EBA scheme becomes problematic in governance terms it is attached to compliance with “soft” EU migration and refugee policy, for example the “keeping refugees close to home” paradigm, but not with overarching public international law.

Trade preferences under the WTO GSP have the advantage of “scaling”, depending on the degree of cooperation by the counterpart, and the level of development of a country. The Jordan compact uses “benchmarks” (p. 24 Jordan Compact). For example the refugee employment *ratio* for the products benefitting from RoO and duty free /quota free exports is scaled at 15% in the first two years 2016-18; to 25% thereafter; for job creation the sequencing applied is: 50’000 by 2016; 75’000 by 2017 and 100’000 by end of 2018 provided there is sufficient demand for work permits. A second benchmark is that the RoO are further relaxed if Jordan creates 200’000 jobs.²⁷ Finally the attainment of benchmarks is monitored, coupled with a review mechanism in place by the EU-Association Committee, with a first mid-term review taking place in 2018 before the scheme ends 2026. Prematurely the governance aspect the Compacts and the nexus to trade in particular fulfil a “whole-of-government” approach, in the sense that the EU-Jordan Compact, implements the “Economic Response to the Syrian Refugee Crisis: Piloting a Holistic Approach” which Jordan initiated at the International Protecting Syria and the Region Conference (p. 13 Jordan Compact), testifies to some degree of symmetry usually absent from EU aid or trade conditionality towards third countries. Secondly, the government of Jordan labels its own contribution to the compact as a “holistic” approach and is working implementing a whole-of-government approach. Yet, to what extent the issue-linkage between trade and refugee employment in the EU GSP+ EBA scheme of the Jordan Compact is more than a legal institutional cooperation framework and qualifies as governance is discussed below.

8.6. A Multi-level Governance of Trade, Migration and Neighbourhood Policies?

The London conference of February 2016, jump-starting the International Compact for Jordan and the EU-Jordan Compact implementing it, hailed the Compact as “turning the Syrian refugee crisis into a development opportunity”.²⁸ One way to achieve this goal was to bring the EU countries involved (UK, Germany, Kuwait, Norway) and the UN to shift from short-term humanitarian aid to education, growth, investment and job creation for both Jordanians and Syrian refugees (Barbelet et al., 2018). The issue-linkage thereby proposed was coupled to a multi-level strategy linking the International Compact to the EU-Compact, and the EU-Compact to the EU association agreements and the Partnership Priorities, which for their part modified certain aspects of EU neighbourhood, trade, and development policy frameworks. Yet, the presence of “multi-s” involved in the Compact—levels, actors, themes, are not sufficient to make for governance, the interactions among the “multi-s” must be organized in a programmatic way to deliver a “value” to qualify as “governing without government” (Stephenson 2013).

Literature is still undecided to what extent the interaction among layers must respond to specific values, such as the good governance ones of rule of law, democratic participation and rights protection to qualify as governance. This section discusses to what extent the Compact fulfils the elements of a programmatic, prescriptive deal and points to the values at stake.

Governance is a process of policy-formulation and implementation, which occurs when public and non-public actors cooperate (Papadopoulos 201:1031). As alternative to non-

²⁷ EU Commission, The EU-Jordan Compact Factsheet, 2016.

²⁸ Government of Jordan 2016.

negotiated decision-making attributed to “government”, governance aims to maximize trust, legitimacy and efficiency of a legal order, policy intervention and intergovernmental cooperation (Peters and Pierre 2001). In EU studies, governance introduced a more dynamic understanding of inter-institutional relationships between EU Commission, the Court, the Council and Parliament and Member States, which opened the more limited supranational vs intergovernmental paradigm (Littoz-Monnet, 2010:2). The question in this section is to what extent the EU-Jordan Compact combines elements of a more for more approach and thus of issue linkage or rather, if the three policy frames combined under its umbrella: trade, neighbourhood policy and migration stand in a relationship of multilevel governance.

Different “generations” of governance research have identified different “styles” of governance, varying depending on the policy category at stake (higher education and universities, fiscal policy, climate change) (Stephenson 2013). In the field of migration, the Berne Initiative, the Global Commission on International Migration and recently, but controversially, the Global Migration Compact have profiled global governance as the preferred governance style. At the same time, the Report of the Special Representative for Migration to the UN Secretary-General (SRSG) of February 2017 (“Sutherland Report”) has been promoting multi-level governance as an alternative way to incentivize more international cooperation over what has traditionally been a stronghold of national sovereignty. Originating in EU cohesion policy, MLG experiments with conveying more autonomy to regions within a federated system of intersecting layers of law-making. MLG is more inclusive than global governance, a fact which allows it to flexibly embrace self-governance by civil society, local actors and markets. The flexibility inherent in MLG risks diluting decision-making among too many actors and blur responsibility over rights protection. In that sense, MLG shares some affinities with network governance, which empowers collective advocacy. In migration studies, MLG made a revival not least since the “refugee crisis” of 2015/16 when “solidarity cities” and other civil society organizations, deployed migrant-friendly activities as alternative to overburdened national law-making, at times with the support of the global institutions (Rother, 2018). Such global-local networks risk to side-step national immigration law-making, a phenomenon of “de-coupling” first used for EU integration policy and also well-described for EU labour migration policy (Boswell, 2008; Lavenex, 2015). Linkage, on the other hand is more of a “re-coupling” also likened to “cooperative” style of MLG (Scholten and Penninx, 2016).

Multilevel governance theory has first been formulated to descriptively decipher (“explain and critique”) the EU as a supranational actor in an international order (Stephenson, 2013). Alternatively, and subsequently governance was ascribed programmatic and aspirational goals, which transformed the research question of “why nations diffuse authority” to a subsequent one of “how layers intersect” (Stephenson, 2013). In what we label a “second order” function, MLG would prescribe legitimacy, accountability or efficiency gains to EU-led interventions over plain national immigration policy remaining under exclusive Member State competence. Cardwell was one of the pioneering scholars to apply the first-order concept of MLG to external dimension of migration policy (Cardwell, 2016), while Geddes (2009) used governance dynamically, to gauge the level of openness and closure of migration policy and to trace how originally a *domaine réservé* of interior policy, migration made its way into “foreign policy”.

“Neighbouring” concept of regime theory, would typically typify EU MPs, the CAMMs and the Compacts along antagonistic, complementarity or overlapping relationships (Caponio and Correa-Jones, 2017). Between regime theory and MLG, MLG is more of the “change-maker”, in the sense that it adds a dynamic understanding to inter-institutional relationships (Krasner,

1983, Alter, 2009). Close to federalist theory, MLG is preoccupied with connectivity among layers of decision-making and asks, which layer is most legitimate or effective for governing a given policy category. Spillover effects, as functionalists would see or cross-sectoral bargaining (Milewicz et al., 2016) and subcontracting (Lavenex, 2006), used by neorealist theory are too happenstance or one-dimensionally interest driven for MLG (Littoz-Monnet, 2010). Nevertheless, the paper argues that certain elements of how the trade and migration linkage play out in EU-Jordan Compact and other EU external migration policy are the outcome of bargaining and have a neorealist origin. Other elements are more functionalist—for example, refugee employment carries spill-over effects on trade and investment in Jordan.

This paper's hypothesis is that while EU external migration policy might aspire towards governance the erratic inter-relationships between the various policy programs of the EU Commission, ranging from the ENP—now being partially revised by the Partnership Priorities, the GAMM, the EU Agenda on Migration and the MPF is reflected in an absence of coordinated intersections among the operational products, including the MPs, the Partnership Priorities, the CAMMs and the Compacts. Notably, their undetermined connectivity and undefined sequencing and inter-temporality speaks against qualifying EU-third country migration relationships as governance. It relegates most of EU-third country cooperation and dialogue to the realm of what regime theory describes as neo-realist bargaining tools, the packaging and issue linkage tout court (Alter, 2009; Lavenex, 2015).

The GAMM frames the century-old EU practice of externalizing 'internal' policies by negotiated or hierarchically imposed package deals, also labelled as 'conditionality'.²⁹ For a while, trade liberalization implemented the mobility paradigm of "market power" Europe with respect to the highly skilled service providers, entrepreneurs, researchers (Lavenex and Jurje, 2014; Zankova, de Lange, and Jurje, in this volume), in this version, trade preferences afford humanitarian crisis-relief, and are co-opted for purpose of "securitization" of EU borders (Moreno-Lax, 2017:2), which in turn is embedded in a migration-and-development long-term optic of 'livelihood programming' (Lenner and Turner, 2018). With the crisis, the EU adopted on 7 June 2016 under the European Agenda on Migration, 2-year action plans, the so-called Partnership Priorities, which are conceived as "crisis" instruments to address "priority" ENP actions. The aim is developing tailor-made agreements (compacts) with key third countries of origin and transit in order to better manage migration." For now, Lebanon and Jordan have a compact (2016), while further ones are to be concluded with Libya, Tunisia, Ethiopia, Niger, Nigeria and Senegal. The Compacts operationalize and implement the priorities and are "comprehensive support packages", which "combine(s) different policy elements within EU competencies" to "stabilize" a transit country, whereas EU MPs, are concluded in a "long-term perspective" to enhance the "capacity" of a neighbouring country to "manage migration", both in terms of regular and irregular flows and in particular "well-managed mobility" of citizens from the priority country and EU citizens across the territories of the two, to "manage borders" and "strengthen the nexus between migration and development so that it ensures visible results to the country's population" (Decision 1/2016 EU-Lebanon Association Council 11 November 2016, p. 8).

²⁹ EU Parliament 2017: "Recent efforts to link migration and development have led to the emergence of conditionality as a means to ensure implementation.Development cooperation would then be used as leverage to secure third-country commitments related to readmissions and border control. ...Conditionality runs counter to traditional development principles enshrined in Article 208 TFEU.This is especially true of making development conditional upon the tightening of borders, which can place the rights of migrants at risk and often leads to migrants taking alternative, more dangerous, routes....

In the newest “template” of EU external migration policy, the Migration Partnership Framework (MPF), which is a time-limited (35-months) funding tool by the EU Commission, implemented by ICMPD (Moreno-Lax 2017) trade policy is more precisely addressed as a tool of EU migration policy. Unlike the Partnership Priorities, which are a 2-year political instrument for cooperation and dialogue, the MPF is limited to a funding envelope, to boost or “contributing to the operationalisation of the GAMM”. MPF is about “focused engagement”, which means “building on the European Agenda on Migration”, while its priorities are saving lives at sea, increasing returns, enabling migrants and refugees to stay closer to home and, in the long term, helping third countries' development in order to address root causes of irregular migration. Its actions are defined by the EU Member States implicated in an EU MP, a Compact or a CAMM (Armenia, Azerbaijan, Belarus, Cape Verde, Georgia, Jordan, Morocco, Moldova and Tunisia for MPs, Compacts; and Ethiopia, India and Nigeria for CAMMs).

It is the first such frame in EU migration policy to “operationalize” the link between migration and trade in practice, by suggesting that trade preferences ought to be the “positive commitments” or the “leverage” by which the EU compensates third countries which commit to cooperating with the EU on irregular and other areas of migration policy. The MPF employs a “strategy of deterrence towards partner countries which relies on carrots and sticks or, in EU parlance, on ‘a mix of positive and negative incentives’ (Bauloz, 2016). The MPF “deepens cooperation with countries of origin and transit”, a focus is on “priority” countries towards which so-called “Partnership Priorities” are defined. Insofar, the EU constructs through its Compacts, a policy intersectionality, between themes it had not previously linked, like, trade, energy or education. Despite its label, the partnership approach, which the MPF operationalizes, is one of livelihood creation and combatting irregular flows, for priority countries among neighbouring states, possibly countries with the highest numbers of irregular flows into Europe, legitimately raising the question who it is which identifies these—both in terms of countries (Niger, Nigeria, Ethiopia, Senegal and Mali) and content.³⁰ In line with the spectre of conditionality making a comeback in the Compacts, which the MPF helps to implement, the MPF narrative is one of “joint commitments”, “enhanced cooperation” and a mix of “positive commitments” and “leverage”, and echoes a certain urgency as to the intensity, and enforceability of the EU-third country cooperation which was absent from the GAMM.

The EU Compacts mirror the International Compacts for Jordan defined as the multi-donor commitments pledged in the “Protecting Syria and the Region” conferences of 2016 in London and 2017 Brussels. The ‘more for more’ principle is an operational guideline of EU ENP policy. It “underlines the EU’s commitment to its core values, but has not always contributed to an atmosphere of equal partnership, and has not always been successful in providing incentives further reforms in the partner countries.”³¹ It is a mechanism to incentivize joint ownership over EU external policies, and uses conditionality to that effect, even if the EU is careful not to label the operationalization of ‘more for more’ in those terms. In practice, ‘more-for-more’ stands implementing asymmetrically the EU terms as result of non-negotiated hierarchical norm inclusion (Bicchi, 2014).

³⁰ EU Commission, Fourth Progress Report, https://eeas.europa.eu/sites/eeas/files/4th_progress_report_partnership_framework_with_third_countries_under_european_agenda_on_migration.pdf

³¹ EC Joint Consultation Paper, Towards a new European Neighbourhood Policy JOIN(2015) 6 final, 4 March 2015.

Multilevel governance suggests that where power and norms are diffused across layers of rule-making, such levelling occurs not by happenstance, but is premised on a “value” and is prescriptive (Caponio and Correa-Jones, 2018). The question posed by this piece, is to what extent the linkage of trade to refugee employment in the EU-Jordan Compact, is a one-time package deal struck to relieve the Syrian crisis or if there is programmatic element to how trade is used across other EU external policy tools. We find that the time-limited trade preferentialism of the Compacts, which caters to a crisis-driven market-based compensatory humanitarianism of labor market integration as containment turn out to be very different from the long-term mobility paradigm of EU MPs and despite the reference to ‘values’ and ‘strategies’ in Trade-for all, the reality is that few local Jordanian business benefit from the trade relaxations and few refugees employed in the program benefit from opportunities for skill development and enhancement, and few Syrian refugees get employed by local employers or get the chance to become entrepreneurs. The fact that access to critical sectors and self-employment remains closed for Syrian refugees coupled with the fact that the “Compact design did not integrate the refugee perspective” (Barbelet et al., 2018: 4, 8) highlighted by the absence of UNHCR from the deal, underlines that a key stakeholder was missing from the International Compact for Jordan deal, thus conveying the picture of a top-down negotiated product between Jordan, the EU, the governments of UK, Germany, Kuwait and Norway and the UN and international donors with elements of multi-level governance but lacking the level of the local, grassroots basis.

The singularity of how trade preferences were linked to refugee employment in the Jordan Compact confirms that the practice is hardly replicable towards other Partnership Priority countries, including Senegal, Mali, Nigeria, Niger, or countries like Turkey or Ethiopia to which EU Compacts are proposed, since candidate countries would require WTO membership, which is a precondition for obtaining the EU’s Everything-but-Arms status, which in turn qualifies for relaxed non-originating content in goods produced by refugees or migrants. On top, a certain close-knit relationship to donors like the World Bank was the deal-breaker in the case of Jordan, as was Jordan’s government ‘commitment’ to a ‘holistic’ solution. (Verme et al., 2016, Human Rights Watch 2016)³² and was not that effective in creating Jordanian local employment or incentivizing entrepreneurship by Syrian refugees (Errighi and Griesse, 2016; ILO, 2016)³³.

Table 1. Type of Movement, Leverage and Commitment in EU External Migration Policies³⁴

[PLACE 08 Panizzon Table 1 HERE]

“Value-based trade policy” defers to “issue-linkage” technique as a mix of neorealist bargaining and functionalist spill-over effects in international relations. The Commission’s reference to efficiency gains from “synergies across policies”, or “policy packaging” signals that EU foreign policy might be moving towards “whole-of-government” or “holistic” approaches, whereby different policies are approximated towards a common goal, which signals “governance”.

³² Human Rights Watch Submission on the Lebanon-EU Partnership Priorities and the EU-Lebanon Compact
November 30, 2016

³³ Concerning ‘secondary movement’: ILO, Access to work for Syrian refugees in Jordan, A discussion paper on labour and refugee laws and policies available at: http://www.ilo.org/wcmsp5/groups/public/--arabstates/---ro-beirut/documents/publication/wcms_357950.pdf.

³⁴ Migration Partnership Framework (MPF) 7 June 2016, the quote goes on to say: “and to avoid taking dangerous journeys”.

In the case of the EU-Jordan Compact, to which the EU Commission's 2017 implementation report on the Trade for All strategy refers to, the mix lies in trade and security terms, with trade preferences not only integrating Syrian refugees on Jordan's labour market, but at the same time, relieving the EU from potential intake of Syrian refugees by way of compensating Jordan's economy for its substitutive function of diminishing the risk of secondary movement of Syrian refugees into Europe. Strategic might mean in this context a dual interest: one of relieving Jordan's economy from the intake of Syrian refugees, by downgrading its status from developing to least-developed country (LDC) by agreeing to lower originating content in goods produced by refugee labour and to a quota-free/duty-free export conditions under the Everything-but-Arms (EBA) initiative under the GSP+, a scheme at first applicable to a defined set of industrial products, and expanded to all products, once Jordan employs 200'000 Syrian refugees and one of deterrence of Syrian movement towards Europe. As Arroyo notes, "the powerful export and employment generating effects trade preferences can have, if well designed and supported by an appropriate context, and, therefore, their potential as a tool for refugee and migration policy." (Arroyo, 2017). The EU-led trade policy intervention was tailored to relieve Jordan's economy from some of the consequences of the Syrian refugee influx.³⁵ The Commission considers the Jordan Compact as a successful example of the "synergetic effect" of trade on the formulation of EU external dimension of migration policy. In an implementation report, "Delivering a Progressive Trade Policy to Harness Globalisation" (2017) to its Trade-for-All Strategy (2015), it notes that "Values-based trade policy is more effective if it is complementary to other EU policies and instruments, including funding. Simplifying the rules of origin for goods arriving from Jordan has directly helped Syrian refugees' economic integration in Jordan, consistently with the EU's 2016 Partnership Framework on migration."³⁶ In sum, the Compact's implementation is rather asymmetric, with far fewer products produced with Syrian labor, most of the Syrian refugee population remaining employed in lower-wage formal sector-jobs often mismatched to their skill-set, and outside the special processing zones requisite for the deal. However, the EU Commission hints to the fact that its Compact, even if hailed as a "win-win" between Jordan and the EU, fares less well when it comes to the good governance values of human rights of workers, by stating that it is cooperating with and seeking the support of the ILO in capacity-building of its projects and their good governance and respect of human rights.³⁷

The GAMM had operated a rather small-scale link between trade and migration, which disengaged the EU from liberalizing movement of persons within its trade agreements. Instead, the GAMM of 2011 emphasized the link between diaspora investment and trade as a factor of development and thus delegated to the private sector and local levels the task of increasing trade as a way to decrease or manage migration. It was encouraged to increase "synergies" between cultural exchange, trade, skills transfers, business, investment and to support private-public partnerships which validate efforts by migrant entrepreneurs and SMEs in source countries to "trade" or "do business" in view to increase remittances flow as a contribution to source country development. This rhetoric changed with the Syrian displacement crisis, when

³⁵ 13.9.2017 COM(2017) 491 final Report from the Commission to the European Parliament, The Council, The European Economic and Social Committee And The Committee Of The Regions Report on the Implementation of the Trade Policy Strategy Trade for All Delivering a Progressive Trade Policy to Harness Globalisation.

³⁶ Report on the Implementation of the Trade Policy Strategy Trade for All Delivering a Progressive Trade Policy to Harness Globalisation, EU Commission, Brussels, 13.9.2017 COM(2017) 491 final.

³⁷ "The Commission also joins forces with organisations like the ILO, and directs the EU's Partnership Instrument funds towards targeted capacity-building projects promoting good governance and respect of human rights." (p. 11).

the EU embarked on institutionalizing an active trade-migration nexus, whereby the movement of persons could be liberalized in view to create employment and enhance employability as a way to foster the development of transit countries like Jordan or Lebanon and deter migrants and refugees from moving onwards to Europe. More of the ‘old’ GAMM narrative could be activated to secure delivery of the EU-Jordan Compact fine-tuned with refugees’ daily lives and livelihood aspirations, the Jordanian labour market and its potential for ethnic enclave business, innovation and entrepreneurship.

Table 2. Policy (in)coherence of the EU-Jordan Compact

	Legal-Political Framework	Leverage	Commitment	Conflict
Macro	EU Everything-but-Arms (EBA) for Least Developed Countries (LDC) ³⁸ Compact annexed to PP, modifies Protocol on Pan-European Cumulation of EU-Jordan Association Agreement	trade preference ³⁹	work permits ⁴⁰	EU GSP+ ⁴¹
Meso	Revised European Neighbourhood Policy (ENP) & Partnership Priorities (PP) for Jordan	humanitarian aid, trust funds	keep Syrian refugees in the region	level playing field ⁴²
Micro	Migration Partnership Framework (MPF) & Partnership Priorities (PP) for Jordan	livelihood programming	labor market reform ⁴³	human rights & labor standards

8.7. Conclusion

The EU-Jordan Compact hailed as a new “holistic approach” by the International Conference on Protecting Syria and the Region is the EU’s most legally binding among its ‘crisis’ policy intervention tools, and was developed to respond to the Syrian humanitarian crisis in ‘particularly affected countries’. The Compact instead moves goods to Europe manufactured with refugee labour as a substitute for freer movement for Syrian refugees and follows in line of the NAFTA-model of substituting trade in goods for the mobility of persons—access to market power Europe is only for Jordanian goods, not for Syrian refugees producing the goods. The Compact thus becomes the less liberal alternative to EU MPs. EU Mobility partnerships cater to a mobility paradigm, Compacts misuse the market-based openness conjured by trade preferences in the form of relaxed rules of origin for goods produced with Syrian refuge labour in view to “close” down the prospects of secondary movement to Europe and keep Syrian refugees in the region. Certainly, the Compact is a multi-level scheme, but since not even the WTO GSP rules

³⁸ Under the WTO Generalized System of Preferences (GSP).

³⁹ Relaxed Rules of Origin.

⁴⁰ 200’000 for Syrian refugees by 2018, 2017 70’000 issued.

⁴¹ EU GSP+ and EBA are justified by poverty reduction, compliance with UN treaties, development, not about deterrence or preventing refugee movement to Europe

⁴² Is not about prioritizing countries particularly affected by the crisis.

⁴³ less employer-tied, more SEZ, more switching less informal labor.

justify trade preferences for refugee employment deal, the trade and EU migration linkage fails to qualify for good governance, just as the trade preferences clash with the level-playing field doctrine of the pre-2015 ENP strategy. It seems like the trade preferences are compliant only with the EU Partnership Priorities and with the soft law EU Trade for All Strategy.

Unlike the pluri-lateral EU MPs, Compacts were designed so as not to require EU Parliament's approval, a fact which enables their rapid deployment, outside of the technical difficulties of signing a EU readmission agreement. Compacts stand for a preferential 'turn' in EU ENP and EU asylum policy as programmed in the Partnership Approach. In so doing, Compacts sidestep the post-colonial *acquis* of ENP policy *pre-2015* revision, move away from the mobility paradigm of the GAMM and its bottom-up inclusion of diaspora and migrants as actors of development, and from the WTO trade law's MFN-clause.

At the same time, their innovative potential is high. They 'turn the Syrian refugee crisis into a development opportunity'⁴⁴ and transform the EU's 'humanitarian' intervention into an 'access to market power Europe' (Jurje and Lavenex, 2014)—but for whom? Certainly not for the Syrian refugees the Jordanian government keeps employed in limited sectors and special zones of production. Everything about the Compact is special, one-time, limited, prioritized, preferential: the zones of production, the sectors of manufacturing, the choice of Jordan, the exemptions from WTO trade law, the downgrading to an LDC country, the relaxation of rules of origin—an exceptionalism which transpires into WTO, EU migration and asylum, ENP policy, and development cooperation at all levels, global and multilateral, EU institutional, EU transregional cooperation, bilateral donors, and local work permits. Such exceptionalism even if involving plethora of levels and actors, fails to qualify as governance—a concept which requires a programmatic, participatory devolution of power. The Compact is definitely more about "linkage" than "governance", about brokering a deal, than about true concern for the 'multidimensionality' of refugee lives (GCM Objective 2). Their humanitarianism works through trade preferences made available only to select countries in the EU neighbourhood, a further factor to disqualify the Compacts for "good" governance rationales including the ENPs' equal-level-playing field doctrine (Cardwell, 2016; Wunderlic, 2016).

In many ways, the Compacts, which implement the Partnership Priorities of 2015, embody a turn away from the joined-up governance model of the GAMM of 2011 and its operationalization in EU MPs, which involve bottom-up and top-down participation, and which facilitate the mobility of migrants (Reslow, 2015 and in this volume; den Hertog and Tittel-Mosser, 2017). On the other hand, the nexus of trade, migration and refugee employment brokered by the Jordan Compact requires private sector investments, and thus relies a close interaction among governments, donors, IOs, and NGOs, evidenced in the "international compact" brokered at the multi-donor conferences for Syria in London 2016 and Brussels 2018, which evidences a step towards multi-level governance.

Yet, the EU-Jordan compact remains a singular event in EU External Migration policy, precisely because its trade-refugee employment nexus is so specific to Jordan that it will hardly be replicable on a broader scale to other EU neighbours, many of which lack the WTO Membership necessary for the EU to relax rules of origin and lower tariff quota/duties to an Everything-but-Arms status reserved to countries qualifying under WTO rules as "LDC".

⁴⁴ International Compact for Jordan, February 2016.

Even in terms of trade, it is counterintuitive that trade, one of the most significant “levelers” of foreign policy has been put to use to “reverse” the level-playing-field premise of the ENP *acquis*. Euromed cooperation had worked for years on end to remove the post-colonial preferentialism and tailor-made solutions, to secure access for the EU’s African, Caribbean and Asian partners to its single market.

While the “crisis” context might provide the justification for such time-limited ‘exceptionalism’ in terms of EU trade, neighbourhood and migration policies, the mobility of Syrian refugees, both internally regarding job-switching opportunities and externally, to exercise mobility rights to reach their country of destination—Europe remains constrained. In that sense, trade in the Jordan-Compact is being “co-opted” similarly to human rights in the Mediterranean (Moreno-Lax, 2018), to further consolidate the securitization/humanitarian paradigm of EU refugee policy. Unless the Compact, as suggested by various authors, cooperates more closely with UNCHR and ILO to preserve *non-refoulement*, access to asylum, labor rights and human rights and keep these from being dispossessed in the name of humanitarian exceptionalism, the exceptionalism of the EU-Jordan Compact will remain an exception rather than the new rule.

Bibliography

Arroyo, H. (2017), “Encouraging the Employment of Refugees through Trade Preferences”, Robert Schuman Centre for Advanced Studies, Policy Brief 35/2017.

Barbelet, V., J. Hagen-Zanker and D. Mansour-Ille (2017), “The Jordan Compact: lessons learnt and implications for future refugee compacts”, ODI Policy Brief. London.

Bauloz, C. (2017), „The EU Migration Partnership Framework: an External Solution to the Crisis?”, EU Immigration and Asylum Law and Policy Blog.

Betts, A. and P. Collier (2016), “Jordan's Refugee Experiment”, *Foreign Affairs*, 28 April 2016.

Betts, A. (2011) *Global Migration Governance*, Oxford: Oxford University Press.

Bicchi, F. (2014), “The Politics of Foreign Aid and the European Neighbourhood Policy Post-Arab Spring: ‘More for More’ or Less of the Same?”, *Mediterranean Politics*, 19:3, 318-332.

Boswell, Ch. (2008), “Evasion, Reinterpretation and Decoupling: European Commission Responses to the ‘External Dimension’ of Immigration and Asylum”, *West European Politics* 31(3): 491-512.

Bouteillet-Paquet, D. (2002) “Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and Its Member States”, *European Journal of Migration and Law* 5 359, 360.

Bretherton, Ch. and J. Vogler (2008), “The European Union as a Sustainable Development Actor: the Case of External Fisheries Policy”, *Journal of European Integration*, 30:3 401-417.

Caponio, T. and M. Jones-Correa (2017), “Theorising Migration Policy in multi-level states: the multilevel governance perspective”, *Journal of Ethnic and Migration Studies* online.

Cardwell, P.J. (2013), “New Modes of Governance in the External Dimension of EU Policy”. 51(3) *International Migration* 54-68.

Cardwell, P.J. (2016), “Rethinking law and new governance in the European Union: the case of migration management”. 41(3) *European Law Review* 362-378.

Carrera, S., A. Geddes and E. Guild (2017), "Conclusions", in: Carrera, Sergio; Andrew Geddes Elspeth Guild, and M. Stefan (eds), *Pathways for Legal Migration into the EU Reappraising concepts, trajectories and policies*, Brussels: Center for European Public Policy (CEPS).

Carrera, S., L. den Hertog and J. Parkin (2012) "EU Migration Policy in the wake of the Arab Spring, What prospects for EU-Southern Mediterranean Relations?", in: MEDPRO Technical Report No. 15/August 2012.

Carrera, S., S. Blockmans, D. Gros and E. Guild (2015), "The EU's Response to the Refugee Crisis Taking Stock and Setting Policy Priorities", CEPS Working Paper, No. 20.

Chetail, V. (2016), "Migration and International Law: A Short Introduction", in: V. Chetail (ed) *International Law and Migration*, Cheltenham: Edward Elgar Publishing, pp. i- xxiii.

Chou, M.-H. and M. Gibert (2012), "The EU-Senegal mobility partnership: from launch to suspension and negotiation failure", *Journal of Contemporary European Research*, Vol. 8, No. 4, pp.408-427.

De Lange, T. (2018), "Intersecting Policies of Innovation and Entrepreneurship Migration in the EU and the Netherlands", in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Den Hertog, L. (2017), "Money Talks: Mapping the Funding for EU External Migration Policy", CEPS Policy Brief, Brussels.

Den Hertog, L. and F. Tittel-Mosser (2017), "Implementing Mobility Partnerships: Delivering What", in: E. Guild, S. Carrera and M. Stephan (eds) *Pathways for Legal Migration into the EU*. Brussels: Center for European Public Policy (CEPS), pp. 95-105.

El Qadim, N. (2018), "The Funding Instruments of the EU's Negotiation on External Migration Policy: Incentives for Cooperation?", in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Errighi, L. and Griesse, J. (2016), "The Syrian Refugee Crisis: Labour Market Implications in Jordan and Lebanon", EU Commission Discussion Paper 029.

European Parliament (2017), "Growing impact of EU migration policy on development cooperation", Briefing 2017.

European Parliament (2017), "Human rights in EU trade policy, Unilateral measures", Briefing January 2017.

Fakhoury, T. (2018), "Multi-level Governance and Migration Politics in the Arab World: The case of Syria's displacement", JEMS special issue.

Gammeltoft-Hansen, Th., E. Guild, I. Roele, M. Panizzon and V. Moreno-Lax (2017), " 'Migrants' Rights and State Responsibilities regarding the design of The UN Global Compact for Safe, Orderly and Regular Migration", Raoul Wallenberg Institute Working Paper Series, Lund.

García Andrade, P. (2018), "EU External Competences in the Field of Migration: How to Act Externally When Thinking Internally", *Common Market Law Review* 55:1 157-200.

Garcia Andrade, P. (2018), "The Duty of Cooperation in the External Dimension of the EU Migration Policy", in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Geddes, A. (2009), "Migration as Foreign Policy? The External Dimension of EU Action on Migration and Asylum", Swedish Institute for European Policy Studies (SIEPS).

Guild, E. and S. Grant (2017), "Migration Governance in the UN : What is the Global Compact and What does it Mean?" Queen Mary University of London, School of Law Legal Studies Research Paper No. 252/217. London.

Hafner-Burton, E. (2005), "Trading human rights: How preferential trade agreements influence government repression", 59(3) *International Organization*, 593–629.

Hoekman B. (1989), "Determining the need for issue linkages in multilateral trade negotiations", 43(4) *International Organization* 693–714

Hoekman, B. (2016), "The Deep and Comprehensive Free Trade Agreements", EUI Working Paper, No. 2016/29.

Hoekman, B. and Ç. Özden (2010), "Euro–Mediterranean Partnership: Trade in Services as an Alternative to Migration?", *Journal of Common Market Studies*, 48: 835–857.

Hollifield, J. (2001), "Migration and the 'New' International Order: 'The Missing Regime' ", in B. Ghosh (ed), *Managing Migration. Time for a New International Regime?*, New York: Oxford University Press, 75–110.

Jurje, F. (2018), "EU's External Labour Mobility and Trade - a Multilayered Governance Approach?", in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Jurje, F. and S. Lavenex (2014), "Trade Agreements as Venues for 'Market Power Europe'? The Case of Immigration Policy", *Journal of Common Market Studies* 52(2) 320-336.

Koch, S. (2015), "A Typology of Political Conditionality Beyond Aid: Conceptual Horizons Based on Lessons from the European Union ", *World Development*, Vol. 75, pp. 97–108.

Lavenex, S. (2006) "Shifting Up and Out: the Foreign Policy of European Immigration Control", *West European Politics* 29(2) 329-350.

Lavenex, S. and F. Jurje (2015), "The Migration-Trade Nexus: Migration Provisions in Trade Agreements", in: L. Talani (ed), *Handbook of International Political Economy of Migration*, Cheltenham: Edward Elgar Publishing 259–84.

Lenner, K. and L. Turner (2018), „Learning from the Jordan Compact" *Forced Migration Review* 57, February 2018.

Littoz-Monnet, A. (2010), "Dynamic Multi-Level Governance – Bringing the Study of Multi-level Interactions into the Theorising of European Integration", *European Integration Online Papers* (EIOP), Vol. 14, Article 01.

Mahendra, E. (2014) "Trade Liberalisation and Migration Hump NAFTA as a Quasi-Natural Experiment", IMI Working Paper, Oxford University, Paper 98, August 2014

Martin, S. (2016), "The Global Refugee Crisis", *Georgetown Journal of International Affairs* XVII (1) 5-11.

Milewicz, K., J. Holloway, C. Peacock and D. Snidal (2016), „Beyond Trade: the Expanding Scope of the Non-Trade Agenda in Trade Agreements", *Journal of Conflict Resolution*, 1-31.

Moffette, D. (2018) "Governing Irregular Migration: Bordering Culture, Labour, and Security in Spain", UBC Press: Vancouver and Toronto.

Mona, P. (2018), „Caritas Schweiz: Almanach Entwicklungspolitik“. Titel der Ausgabe. Caritas, Erscheinungsjahr

Monsutti, A. (2008), “Migrations et développement: une histoire de brouilles et de retrouvailles”, *Annuaire suisse de politique de développement* 2008.

Moreno-Lax, V. (2017), “The EU Humanitarian Border and the Securitization of Human Rights: The ‘Rescue-Through-Interdiction/Rescue-Without-Protection’ Paradigm”, *Journal of Common Market Studies*, 1-22.

Pagoulatos, G. and L. Tsoukalis (2013), “Multilevel Governance in the European Union”, in: E. Jones, A. Menon, and S. Weatherill, *Handbook on the European Union*, Oxford: Oxford University Press 62-78.

Panizzon, M. (2008), “Labour Mobility: A win-win- win model for trade and development. The case of Senegal”, IDEASCentre, Geneva; http://www.ideascentre.ch/wp-content/uploads/2013/12/25-06-08-9-38-04_080620-Background-study-labour-mobility-Senegal-final.pdf.

Panizzon, M. (2017), “Trade and Migration: A Typology of the Linkage in EU Trade and Association Agreements”, in: E. Guild; S. Carrera, M. Stephan (eds) *Pathways for Legal Migration into the EU*, Brussels: Center for European Public Policy (CEPS).

Panizzon, M. and M. van Riemsdijk (2018), “Multilevel Migration Governance, Introduction to the Special Issue”, *JEMS*, online.

Pänke, J. (2016), “EU-Lebanese Relations: Shifting EU Policies in the Aftermath of the Arab Uprisings”, in: M. Felsch and M. Wählisch (eds), *Lebanon and the Arab Uprisings*, London: Routledge, 192–212.

Poast, P. (2013), “Issue linkage and international cooperation: An empirical investigation”, *Conflict Management and Peace Science* 30(3) 286-303.

Reslow, N. (2018), ‘Making and implementing multi-actor EU external migration policy: the Mobility Partnerships,’ in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Reslow, N. and M. Vink (2015), “Three-Level Games in EU External Migration Policy: Negotiating Mobility Partnerships in West Africa”, *Journal of Common Market Studies* 53: 857–874.

Rother, S. (2018), “The Global Forum on Migration and Development (GFMD) as a venue for ‘state socialization’: A stepping stone for multi-layered migration governance?”, *JEMS special issue*.

Savino, M., (2018), “On Resettlement and Border Externalization: The Challenge of Legal Pathways to Asylum in Europe” in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Scholten, P. and R. Penninx (2016), “The Multilevel Governance of Migration and Integration”, in B. Garcès-Mascarenäs and R. Penninx (eds), *Integration Processes and Policies in Europe*, Heidelberg: Springer, 91-108.

Seeberg, P. (2017), “The Syrian Refugees in Lebanon and the EU-Lebanon Partnership Compact—new strategies, old agendas”, Center for Mellemostudier, Odense University.

Stephenson, P. (2013), "Twenty year of multi-level governance: where does it come from? What is it? Where is it Going?", *Journal of European Public Policy* 20(6): 817-837.

Thouez, C. (2018), "Strengthening Migration Governance: The UN as Wing-Man", *JEMS special issue*.

Tortola, P. (2017), "Clarifying Multilevel Governance", *European Journal of Political Research* 56: 234-250.

Trauner, F. and I. Kruse (2008), "EC visa facilitation and readmission agreements: A new standard EU foreign policy tool?", *European Journal of Migration and Law* 10(4) 411-438.

Trocaire (2016), "Development Adrift The EU Migration Partnership Framework: The Emerging Paradigm of Security and Conditionality", Migration Policy Paper 3, available at: <https://www.trocaire.org/sites/default/files/resources/policy/eu-migration-partnership-framework.pdf>.

United Nations General Assembly (2016), "Report of the Secretary-General, 'In Safety and Dignity: Addressing Large Movements of Refugees and Migrations', 'Sutherland Report'", UN Document A/70/539, 9 May 2016.

Vankova, Z. (2018), "EU's Approach to Circular Migration towards Migrants from the Eastern Partnership Neighbourhood" in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Velluti, S. (2016), "Human rights conditionality in the EU GSP scheme: "a focus on those in need or a need to refocus?", in N. Ferreira and D. Kostakopoulou (eds), *The human face of the European Union: are EU law and policy humane enough?*, Cambridge: Cambridge University Press, pp. 342-366.

Verme, P., Ch. Gigliaran, Ch. Wieser, K. Hedlund, M. Petzoldt, M. Santacroce (2016), "The Welfare of Syrian Refugee: Evidence from Jordan and Lebanon", Washington, DC: World Bank..

Vitiello, D. (2018), "Agencification as a Key Component of the EU Externalisation Toolkit. Observations on a Silent Escape from the Rule of Law" in S. Carrera, D. Kostakopoulou and M. Panizzon, *The EU External Faces of Migration, Borders and Asylum Policies. Intersecting Policy Universes*, Brill Nijhoff Publishers.

Weinar, A. (2011), "EU Cooperation Challenges in External Migration Policy," EU-US immigration systems No.2011/02, EUI, RSCAS.

Wolff, S. and P. Pawlak (2017), "The Southern Mediterranean: a testing ground and a litmus test for EU JHA policies and research?" in A. Ripoll Servent and F. Trauner (eds), *The Routledge Handbook of Justice and Home Affairs Research*, London: Routledge.

Wunderlich, D. (2012), "The limits of External Governance: Implementing EU External Migration Policy", 19(9) *Journal of European Public Policy*, pp. 485-503.