

A stylized world map composed of a grid of grey dots, with several dots highlighted in red to represent specific regions or countries.

Carrot and Stick?

EU Migration Policy on Africa Now Marching to a Different Drum

FLORIAN KOCH
January 2017

- The large number of migrants and refugees who have been coming to the European Union – particularly in 2015 – has substantively changed the form of European development cooperation. While previously migration was regarded as a component of development cooperation it is now its focal point, in relation to which all approaches to cooperation take their bearings.
- The regional focus of European migration policy has shifted towards Africa. The EU is pressing its African partners for rapid solutions in order to bring down migration numbers. However, the real problems in the countries of origin and transit states, not to mention the so-called »causes of flight«, are not being addressed.
- The new European migration policy approach is characterised primarily by its introduction of new conditionalities, which makes development cooperation with certain countries dependent on their willingness to cooperate on migration. As a result the EU is moving even further away from a partnership approach to Africa.
- Europe needs to get to grips with the fact that the current measures will not halt migration. Cooperation does not mean that migration ceases automatically, but rather that a common approach has to be developed. The interest in migration in Europe and Africa has to be used in such a way that both continents benefit from it. This involves making transparent the challenges and limitations facing both sides and the actions they give rise to by engaging in enhanced and mutual dialogue and tackling them systematically.

After around 1.3 million refugees and migrants came to the EU in 2015 – about 890,000 of them to Germany alone – the EU performed a substantial shift in migration policy, declaring it a major priority. Migration is no longer regarded as merely part of development cooperation, but is now its core, in terms of which future development cooperation will be oriented.

At the same time, in the course of 2015 European priorities shifted. While initially the main focus was the Balkan route, by which in particular people from the Middle East and South Asia came to Europe, after it was blocked the focus shifted to Africa. A clear sign of this change of emphasis was given by the migration summit hastily organised in Valletta in November 2015, which also chimed with Germany's new policy priorities. Thus in June 2016 at the CDU economic forum in Berlin German Chancellor Angela Merkel announced: »the main problem is migration from Africa of 1.2 billion people«.

First of all the shift of emphasis means that in future Europe will pay its neighbouring continent more attention and to that extent this is basically a good thing. Underlying this shift are prognoses that by 2050 Africa's population will total 2 billion. Given that broad swathes of Africa have little prospect of prosperity – not least due to conflicts, rampant corruption and climate change – the likelihood is that in future migration will come largely from Africa. A strategic dialogue based on partnership between Europe and Africa is thus of the utmost importance. One year after Valletta, however, there are reasons to doubt whether the EU's chosen approach is likely to be effective.

Reference Points of Cooperation between the EU and Africa

The cooperation between the EU and Africa in the area of migration is regulated in a number of agreements and treaties, based on the Global Approach to Migration and Mobility (GAMM). The processes and formats derived from this are being implemented at the continental, regional and bilateral levels.

The cooperation at continental level is oriented in terms of the Joint Africa–EU Declaration on Migration and Mobility and the Action Plan (Roadmap), both adopted at the EU–Africa Summit held in Brussels in 2014. The Ac-

tion Plan, on one hand, outlines the intended projects up to the next summit in 2017 and on the other hand talks of a dialogue on migration and mobility. The roots of this intercontinental dialogue go back to the 2007 EU–Africa Summit in Lisbon, which launched the dialogue on migration, mobility and employment (MME).

The regional cooperation is anchored in the Rabat and Khartoum Processes. The Rabat Process was set up as early as 2006 and coordinates cooperation between the EU and Africa in terms of the migration routes in western Africa. The Khartoum Process is the latest initiative, launched as recently as 2014. The focus of the Khartoum Process is the eastern migration route. There are also bilateral cooperation processes between the EU and individual states. In addition to these three levels there is also the Cotonou Partnership Agreement (CPA) from 2000, in which the EU and others cooperate with Africa on migration issues.

Cooperation up to the 2014 EU–Africa Summit

The MME and the Rabat Process represented an important step towards adequately tackling the migration issue and discussing it among a range of partners. Previously, there had been only bilateral agreements between the EU and its member states, as well as African countries. Due to the nature and extent of the process this new dialogue format got off to a rocky start. Besides trust building, first of all common interests and approaches had to be identified. However, considerable importance was attributed to the processes on the European side, which was indicated above all in the continuous funding of the MME and the Rabat Process.

In order to address the existing challenges in 2010 the EU also launched the project Support for the EU–Africa Partnership on Migration, Mobility and Employment. The initial aim of this project was to establish a mutual understanding on migration and development. Building on that, a common vision was to be developed, that was ultimately supposed to culminate in policy recommendations, together with their implementation. The EU's commitment to promote these projects in this way was crucial because otherwise there would not have been a continuous exchange between Europe and Africa. Nevertheless the results of the two processes are mixed.

Dialogue on Migration, Mobility and Employment (MME)

With the decision to convene the MME the two continents committed themselves to working up an increasingly important issue into a political process on a partnership basis and in detail. This led to an improved mutual understanding and created trust between the actors involved. This is undoubtedly the greatest benefit of the MME. The dialogue also bolstered the political role and self-image of the AU Commission and of the responsible Department for Social Affairs (DSA) in the area of migration in Africa. The regional economic communities (RECs) and the member states take the AU and the DSA more seriously, despite continuing capacity constraints.

Against the background of a deeper strategic partnership this was an important step in line with the resolutions of the Lisbon Summit. Nevertheless, in retrospect it is evident that the MME faced a range of challenges that set in only later. One of the biggest problems was the lack of a clear mission or strategy for the MME, so that although there were topical discussions they did not pursue a commonly agreed agenda or a common strategy.

The European Commission and the AU Commission had neglected to go into more detail about the role and contribution of the member states. As a result the EU member states in particular never felt committed, did not develop ownership and in the end withdrew. In any case, most member states did not take much interest in migration until the second half of 2014. Only when the migration flows increased and there were fatal maritime accidents in the Mediterranean did they react and increase their influence over approaches to migration policy.

Without clear guidelines on mandate, topical orientation, the roles of participants and distinctions from and complementarity to other processes – especially the Rabat Process – a targeted dialogue worthy of the name was ultimately not possible. While the EU became exasperated over the sluggish implementation the AU complained that funding outside the dialogue was inadequate.

Rabat Process

The Rabat Process is aimed at the countries of origin and transit states, as well as reception countries and envis-

ages comprehensive cooperation. The political dialogue addresses such questions as how illegal migration can be prevented and reduced, but also how legal avenues for migration can be created and how the nexus between migration and development can be tackled more effectively. In contrast to the MME the Rabat Process met with few difficulties from the outset. This was primarily because the Rabat Process focussed only on the western migration route and thus had a clearer mandate. Furthermore, the member states play an important role in the Rabat Process and see more point in their involvement.¹

This not only forged trust and understanding with regard to migration, but also led to a stronger commitment and sense of responsibility among the participating actors. At the same time, however, these basically positive factors were rendered meaningless when in particular the European states used the Rabat Process as a means of bolstering migration controls. For example, while progress was made primarily with regard to border management, cooperation between security authorities and police resources, there was no discussion of the link between migration and development, never mind legal migration options. Similarly, seasonal labour migration, which, for example, had previously been possible between Spain and countries in Western Africa, was no longer on the table. In the Rabat Process Europe thus continued what individual member states had already begun bilaterally in the 1990s, namely outsourcing border management to Africa.

Between Brussels and Valletta – Emerging Change

The challenges that the MME had to cope with between 2007 and 2014 often surfaced after the EU–Africa Summit in Brussels. Although there was a separate statement on migration and mobility and an action plan – which not only outlined joint projects, but also mentioned a continental dialogue – almost nothing was actually implemented. The fact that employment was eliminated

1. In particular the countries in the steering committee see the benefit of cooperating and implementing projects directly with neighbouring states. The steering committee has representatives from Belgium, Italy, France, Spain, Burkina Faso, Equatorial Guinea, Morocco and Senegal. On top of that there are the European Commission and the regional economic community of Western Africa ECOWAS (Economic Community of West Africa). One key actor is missing, however, the AU Commission.

from the continental dialogue also indicates that by 2014 Europe was no longer interested in legal labour migration from Africa.

Quite apart from that the dialogue – now limited to the migration and mobility dialogue – was no longer a particular concern of the EU and ceased due to lack of funding. At the continental level cooperation came almost to a complete standstill. Only in one area can notable successes be discerned, with less than a year to go before the next summit in November 2017, namely the cost of remittances, which in some instances have been reduced substantially. Another achievement was the establishment of the African Institute for Remittances in Nairobi.

During the same period the Rabat Process continued and a new process brought into being. As the number of refugees and migrants newly arriving via the eastern route was growing continuously – as was the number of those drowned – the Italian Council presidency put its energies behind a new initiative, the so-called Khartoum Process, which was adopted in November 2014 in the wake of a significant deterioration in the political climate in Europe.²

The economic crisis that had gripped Europe for some time had led to high unemployment in many countries. Against this background the rising migration from Eastern Africa increased the domestic political pressure on the EU and its member states to cut refugee and migrant numbers. While the agreements underlying the Rabat Process provided for a number of legal migration options – at least in theory – the Khartoum Process slams the door on this. Nevertheless, it contains important points on tackling migration, such as improving migration management in countries of origin and transit states, as well as the protection of migrants and refugees, promoting alternative economic sectors and the fight against smuggler gangs and criminal networks.

The main aim of all these considerations, however, is to reduce migration to Europe, come what may, if not to prevent it completely. This is already evident if one

considers the partners with whom Europe is cooperating within the framework of the Khartoum Process. They are often regimes whose criminal policies and human rights violations bear direct responsibility for the flows of refugees and migrants in the first place. Nevertheless these countries' security authorities receive technical help and training in improving their border and migration management (which has been criticised by many observers as migration control). In this way Europe is further shifting border management to Africa and imposing the burden of migration management on the countries of origin and transit states. Just how dubious this is is illustrated by the close involvement of high-ranking officials and politicians in human trafficking and their enrichment from it. This will do nothing to tackle the criminal shadow economy that has established itself in the interstices between security authorities, politics and organised gangs in a number of partner countries.

Also problematic is the fact that while sole responsibility for human trafficking has been palmed off on non-state actors in this way, the complicity of state authorities has been swept under the carpet. Furthermore, the Khartoum Process and the dialogue formats provided for in it offer internationally isolated states such as Eritrea and Sudan the opportunity to obtain political legitimacy with no attached compulsion to reform their political systems. This also applies to other authoritarian states in the region, such as Egypt and Ethiopia. Instead, the EU has made itself dependent on the whims of these states; some are already trying to capitalise on European worries about refugees. At the same time, the EU has to date found no answer to the question of how refugees and migrants could be better protected, criminal networks effectively tackled and migration organised more sustainably. The EU appears to be more interested in *who* are putting people in boats than in *why* they are doing so.

Valletta – Putting an End to the Partnership Approach?

After refugee and migrant numbers increased further in 2015, along with fatal maritime accidents in the Mediterranean, Europe's politicians decided to act. While in the closing declaration of the eighth joint meeting of the AU and EU Commissions there is vague talk of cooperation on migration, things really got going in the wake

2. With the Khartoum Process the EU ignored an African initiative that the East African states and the AU had established on 16 October 2014, the so-called *AU–Horn of Africa Initiative* (AU–HoAI). This is supposed to improve cooperation in migration management and in the fight against irregular migration and human trafficking.

of this meeting during the planning stage. The hastily organised Valletta Summit in November 2015 was supposed to show the European public that Europe's politicians were up to the job. The African side was surprised by the European approach, however. On one hand, processes were already in place to deal with migration, while on the other hand, there was the action plan arising from the EU–Africa Summit 2014, which had yet to be implemented. In any case, by far the largest proportion of refugees and migrants did not come from Africa at all, but rather from the Middle East, the Balkans and South Asia.

As a result the summit gave rise to a certain friction even in the run up, particularly because it was an EU summit and not all African states had been invited. Besides important countries such as South Africa, which have much experience with regard to migration, most regional economic communities were shut out, despite the fact that they represent a structural cornerstone in Africa and negotiate on freedom of movement and mobility in their respective regions. There was little trace of the much-vaunted partnership between the continents. This continued during the summit, which was dominated by European interests and priorities, and was reflected in a new Action Plan and the newly created EU Trust Fund (EUTF). While the summit was regarded positively on the European side the African partners and NGOs took a more sober view.

Thus while AU officials and representatives of African member states confirmed that the Valletta Summit had given the dialogue on migration and project implementation new momentum, there were criticisms that it was skewed towards European concerns. For example, the Valletta Summit focused solely on the northern migration route, while internal African routes did not feature. There was also little progress on legal migration options. The summit itself was characterised as an emergency measure aimed at producing rapid results, by shifting border management to Africa and thus blocking access to Europe. African participants were also surprised by the pressure exerted by the member states on the European Commission to achieve a quick fix.

However, the summit participants noted critically that there can be no quick solutions to such a complex issue as migration. As a result the hastily launched projects funded under the EUTF are regarded more as a waste

of European taxpayers' money than a sustainable and partnership-based approach to migration. If migration is to be tackled effectively a real dialogue would be necessary that also addresses African interests and proposals. Structural deficits should also have been taken up, which play a key role in both the internal African context and in relation to the causes of flight – for example, the lack of good government and migration governance.

Finally, Valletta marked less the beginning of a common migration strategy between the EU and Africa and a more unilateral EU migration strategy determined by EU member states and first and foremost oriented towards preventing migration. This is evident in the Action Plan and the Closing Document, in which the Rabat and Khartoum Processes are mentioned prominently, as well as the fact that they are funded by the EUTF, while the MMD is not. The fact that the MMD is mentioned at all, however, is due not least to the AU, which exerted pressure for its inclusion.

The New EU Approach in the Wake of Valletta

Only in the wake of Valletta did it become clear what the specific design of future cooperation was supposed to look like. One problem with the EUTF and the Action Plan is that even sensible projects, such as boosting the resilience of local population groups, were undertaken too hastily and under a lot of pressure. For example, European implementing organisations were tasked with projects without any prior investigation with partners or civil society organisations on the ground in order to find out where and how projects could best be implemented. The interests and voices of local groups, which are essential for successful implementation of any project, thus were nowhere to be found. Furthermore, due to the considerable time pressure, European organisations were contracted with no previous experience of migration, so that there are major doubts whether the envisaged projects can be implemented properly before the next EU–Africa Summit in 2017.

Weighing even more heavily than these criticisms on the African side, however, was the somewhat fickle attitude of the Europeans and the resulting loss of trust. For example, there was considerable astonishment when in June 2016 the EU, more than six months after Valletta,

presented the New Partnership Framework for Migration. In Africa, however, not only do they take exception to the lack of consultation on the new approach, but they see a danger of a slippery slope towards attaching conditionalities to migration collaboration and development cooperation. This, the Africans fear, would be let in by the back door, the EU having failed to get its way on the matter in Valletta. A passage in the new Partnership Framework provides a clear indication that these fears are not groundless: »A mix of positive and negative incentives is included in the EU's development and trade policy in order to reward the efforts of countries that are prepared to collaborate effectively with the EU and to ensure consequences for those who refuse.«

A few weeks later the European Council confirmed this approach and concluded that in future cooperation with countries of origin and transit states »effective incentives and appropriate conditionality« would be applied. The focus here is on returns, which in the conclusions are characterised as the »key factor« of new partnerships.

The guidelines of the new partnership framework are to be implemented in so-called migration compacts with selected African states. The first states with which such a compact is to be concluded are Senegal, Mali, Niger and Nigeria.³ Other states, in particular in North Africa, are to follow. Little is known, as yet, about the precise contents of the migration compacts, but the idea is to customise programmes in order to enable countries to cope better with the challenges of migration. Specifically, the compacts are intended to reduce illegal migration by covering four areas: (i) combating smuggling; (ii) opening up legal modes of migration; (iii) stepping up deportations; and (iv) tackling the causes of irregular migration.

Federica Mogherini provided a small insight into the contents of the migration compacts on 18 October 2016 when she presented the first progress report on the new partnership framework. The projects that Mogherini mentioned, which have since been discussed in the four

countries or already launched, all lie in the area of migration control. For example, in Niger the state is now being helped in its efforts to cope with smuggling. No doubt it is important to destroy the smugglers' business model, but this approach is based on false premises. There is little interest in tackling smugglers or stopping migration because the economy that has been developed by means of the many refugees and migrants has become too important for people and the state. Until there are legal forms of migration the EU's restrictive approach only increases the profit margins and attractiveness of human trafficking because more and more dangerous routes to Europe have to be found. By contrast, the real problems facing this desperately poor country are not solved. There is a similar situation in Nigeria, where no peace is in prospect in the north of the country, which continues to produce new refugee flows. A readmission agreement is currently being discussed with Nigeria.

The African side also regards the migration compacts as violating the Valletta resolutions. While the latter were negotiated multilaterally, the compacts are based on bilateral agreements. Particular criticism is directed against making the allocation of EU development money dependent on cooperation with migration management. The European Commission, however, sees no contradiction in this and justifies its approach by pointing out that multilateral resolutions of the kind adopted in Valletta require bilateral implementation.

In particular, the AU points out that there is already a multilateral framework for this within the EU–Africa Partnership which the EU is flouting. However, African representatives, too, advocate a bilateral approach because it is more concrete, comprehensible and ultimately feasible for the countries concerned. It is a problem, however, that timing, the (European) desire for more cooperation and financial resources are tied to conditionality, which first and foremost serves the purpose of reducing refugee and migrant flows. Such an approach unilaterally benefits European interests and will encounter resistance or at best a lack of interest. It will also undermine sustainable approaches to development in African countries. Long term, this is likely to lead rather to more migration than to less and thus is far from being in Europe's interests.

In particular, multilateral or continental agreements, such as the MMD, are important in order to guarantee

3. The EU had initially planned to conclude such a compact with Ethiopia, but this met with resistance in the country. Instead, an agreement was signed in October 2016 that, like the migration compact, supports projects aimed at creating employment opportunities for refugees and natives. The agreement is based on the principle of »more for more« and does not include negative conditionalities. Support is linked to the number of returns: the more support is provided by the EU, the more returns there are supposed to be.

coherence, both in cooperation between the EU and Africa and also within Africa. The AU should thus be given a key role in the negotiations on migration. Furthermore, bilateral agreements between the EU and African states should not impinge upon multilateral agreements and treaties between AU member states. Within the framework of the migration compacts this concerns primarily Niger, Senegal, Nigeria and Mali, which should not be compelled to violate freedom of movement regulations within ECOWAS.

Summary

Despite the criticisms of the new European migration approach one positive note is that Europe wishes to step up cooperation with Africa in this area. Also important is the fact that it concerns not only the EU, but also its member states, which in the past was often not the case. This is all the more important because relations with Africa – not least because of the diametrically opposed demographic development in Europe – will gain in importance in future.

Against the background of sharply rising migration numbers reactive measures are understandable in the short term, but henceforth thought must increasingly be given to long-term and coherent solutions. A return to a strategic partnership dialogue is needed, to be conducted at all levels – national, regional and continental – and migration has to be addressed across the board. This will succeed only if Europe and Africa jointly analyse the various migration processes and forms and orient them in such a way that they are complementary and mutually beneficial.

Such a process must be accompanied by clarification of the roles of the participating actors, giving them a clear mandate and making it worthwhile. Furthermore, migration policy approaches and measures have to be embedded in the EU–Africa Partnership and integrated

more closely with other policy areas relevant to migration. In this issues such as good governance in Africa should play as important a role as socio-economic development concerns. In particular the debate on access to fair trade, which is related to the economic partnership agreements and their implementation, is of major importance.

Within the European debate, it is a matter of urgency to involve other actors in migration policy approaches. The current course is dominated by security considerations and bears the hallmarks of interior ministries and, at EU level, the Directorate-General for Migration and Home Affairs (DG Home). Instead it is important to confer more influence on foreign and development ministries, the Directorate-General for International Cooperation and Development (DG Devco) and the European External Action Service (EEAS).

Finally, Europe needs to understand that the current measures will not halt migration. Cooperation does not mean that migration will stop, but that it has to be tackled jointly. Thus the current concern with migration in Europe and Africa must be used in such a way that both continents benefit from it. To that end, enhanced and mutual dialogue can be used to make the challenges, limitations and resulting actions of the other transparent and to address them adequately.

Although Europe's politicians are aware that solutions will not come quickly or without partnership and say as much, practice looks rather different. European politics must be honest about all this with the general public and also raise the issues of legal immigration options and the provision of funding for long-term investments beyond migration controls. Finally, the time is ripe to emphasise that the development of a mutually beneficial migration management will be a protracted process, which requires a lot of patience. For the time being, however, the EU appears to be veering away from such a partnership-based approach.



About the author

Florian Koch has headed the Friedrich-Ebert-Stiftung's AU Co-operation Office in Addis Ababa, Ethiopia, since 2015.

Imprint

Friedrich-Ebert-Stiftung | Africa Department
Hiroshimastr. 17 | 10785 Berlin | Germany

Responsible:
Dr Manfred Öhm, Head of the Africa Department

Phone: +49-30-269-35-7446 | Fax: +49-30-269-35-9217
<http://www.fes.de/afrika>

To order publications:
Caroline.Lemmer@fes.de

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This publication is printed on paper from sustainable forestry.



ISBN
978-3-95861-810-7