POLICY BRIEF

Rethinking EU-Africa Migration Cooperation

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The effectiveness of European Union-African partnerships in managing irregular migration has been widely debated. Since 2016, attempts to form "migration partnerships" have been unsuccessful due primarily to the EU's inability to establish new legal channels for Black African migrants and its continued emphasis on border control and surveillance.[1]

While some elements of the new pact on migration and asylum put forward by the European Commission in 2020 received support, many concerns have been raised. A positive step has been the implementation of talent partnerships to match migrants' abilities with job opportunities in the EU market. However, controversial agreements have been made between the EU and certain African nations that could significantly impact the future of EU-Africa migration.

Developing partnerships between the European Union and Africa concerning migration requires a well-thought-out and collaborative strategy predicated on respecting the sovereignty of African states, safeguarding human rights, and addressing the root causes of irregular migration. This policy brief emphasizes the intricate nature of migration challenges and highlights the importance of taking a comprehensive and cooperative approach that prioritizes mutual gain and shared responsibility.

A key recommendation involves incorporating migrant perspectives in policy development to enhance the relevance and effectiveness of policies. Integrating their perspectives ensures that policies address the unique challenges and aspirations of those directly affected by migration, facilitating a more comprehensive and empathetic approach. Migration partnerships should also prioritize initiatives that enhance regional stability by addressing the underlying causes of migration, such as economic disparities and conflict while emphasizing mutual benefits that are equitable and transparent.

Furthermore, the insights that can be drawn from prior migration partnership agreements will be key to crafting effective policies adaptable to diverse regional contexts. This brief recommends a comprehensive review of past agreements to identify successful strategies and rectify shortcomings. Finally, we recommend establishing robust asylum systems that have distinct budget priority within the European Union. Such funding would ideally be directed toward reconstructing and reinforcing asylum infrastructures, thereby contributing to the protection of migrant rights.

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1   We refer to Black African migrants specifically in this brief because it specifies the identity of the migrants targeted by the EU and North African countries such as Tunisia. They are targeted for their Blackness, which is important to highlight. At borders, ethnicities or nationalities of Black Africans become invisible due to racism in North Africa. Blackness becomes the primary identity that determines how different migrants are treated.

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To effectively address the complexities associated with EU-Africa migration cooperation, it is imperative to rethink the existing approach. An alternative model that prioritizes the well-being and interests of migrants should be developed and implemented and include:

- incorporating migrant perspectives to develop better policies that reflect the realities on the ground and focus on migrant empowerment, protection, and human rights,

- using the courts and civil society to question the legality of migration partnerships and to hold the EU and member states to their human rights obligations under international law,

- making funding contingent on the protection of migrants' rights,

- refocusing migration funding to establish functional asylum systems so that asylum seekers can bring their claims safely to states, and to address structural issues which cause irregular migration,

- investing more in talent partnerships that take all skill types into account and lead to legal migration pathways, and

- creating and multiplying safe and legal migration pathways for education, employment, family reunification, and refugee resettlement.

INTRODUCTION

In recent years, the relationship between the European Union and the African continent has undergone significant transformations, shaped by a myriad of political, economic, and social factors. Externalization – a complex policy framework wherein the EU seeks to curb irregular migration by outsourcing the responsibility to third countries (so-called transit states) in exchange for large sums of money – has been central to this evolving landscape. This policy brief delves into current trends, examining the intricate interplay between EU externalization policies and the region's socio-political dynamics. Furthermore, the brief highlights that the exclusion of migrant perspectives in the broader discussion of EU policies on the African continent is a glaring omission that has not received adequate attention from scholars and policymakers, even though involving these perspectives holds much potential for shaping policies that are more inclusive, empathetic, and effective.

The European Union Trust Fund (EUTF) is the financial mechanism established by the European Union to address the root causes of instability and irregular migration, particularly in Africa. The fund's inception was in response to the challenges resulting from the 2015 migration crisis. The primary objective of the EUTF is to promote stability, resilience, and sustainable development in these regions. The fund operates by

mobilizing resources from various EU member states and institutions to finance projects that address the underlying factors driving migration, such as poverty, conflict, and lack of economic opportunities.

The EUTF for Africa has been controversial due to its approach to developing and implementing complex projects without a coherent process of policy development, project design, and consultation.

While the EUTF was established to address the root causes of instability and irregular migration, conflicting agendas and operational challenges have marginalized perspectives from African countries of origin and transit. Moreover, decision-making processes are centered within the European Commission, where strategy formulation, needs assessment, and designing and implementing projects takes place. This has resulted in differing priorities and expectations between EU member states and African partners, and which support EU domestic political interests.

Furthermore, the EUTF's operational focus on addressing root causes overshadows the importance of incorporating the perspectives and experiences of migrants themselves. The lived experiences of individuals migrating from these regions are diverse and complex, encompassing economic, social, and political dimensions.

The EU and African states are forging new migration partnerships. Yet, the emphasis is on control and enforcement to prevent irregular migration rather

than the underlying issues that lead to it and illegal pathways. This approach, compounded by power imbalances, conflicting agendas, and a disregard for African perspectives, is not achieving the outcomes the world needs and that migrants deserve. Moreover, excluding migrants' experiences and civil society participation in formulating these agreements and their lack of implementation also contribute to poor outcomes, and these gaps must be addressed.

EU EXTERNALIZATION IN AFRICA: HUMAN RIGHTS AND SOVEREIGNTY IN THE BALANCE

The EU's externalization policies have significantly impacted migration dynamics in Africa. They are multifaceted and span various domains, including managing migration flows, tackling human trafficking, and enhancing border security to achieve the EU's primary objective of reducing irregular migration to Europe.

Trade and economic cooperation have been approached through Economic Partnership

Agreements (EPAs) with individual African states, even though doing so undermines what African states have been trying to achieve with the African Continental Free Trade Area (AfCFTA). The AfCFTA is a trade agreement launched in 2018 to foster economic integration and growth across Africa. With 54 signatory nations, its objective is to create the world's largest single market by eliminating trade barriers and promoting the free movement of goods and services and people

The EU has also proposed and implemented security collaboration and counterterrorism measures with a focus on reducing irregular migration and bolstering stability in the face of evolving security threats.

A critical component of these policies is using border controls to prevent irregular migration. The EU has implemented measures such as strengthening border surveillance, developing migration management capacities in African countries, and establishing migration agreements with key transit and origin countries. The allocation of funds illustrates the emphasis on control measures, as shown in Figure 1.

The EU has entered into several agreements with countries in North Africa to strengthen border

Figure 1: EU Emergency Trust Fund for Africa, Spending by Theme
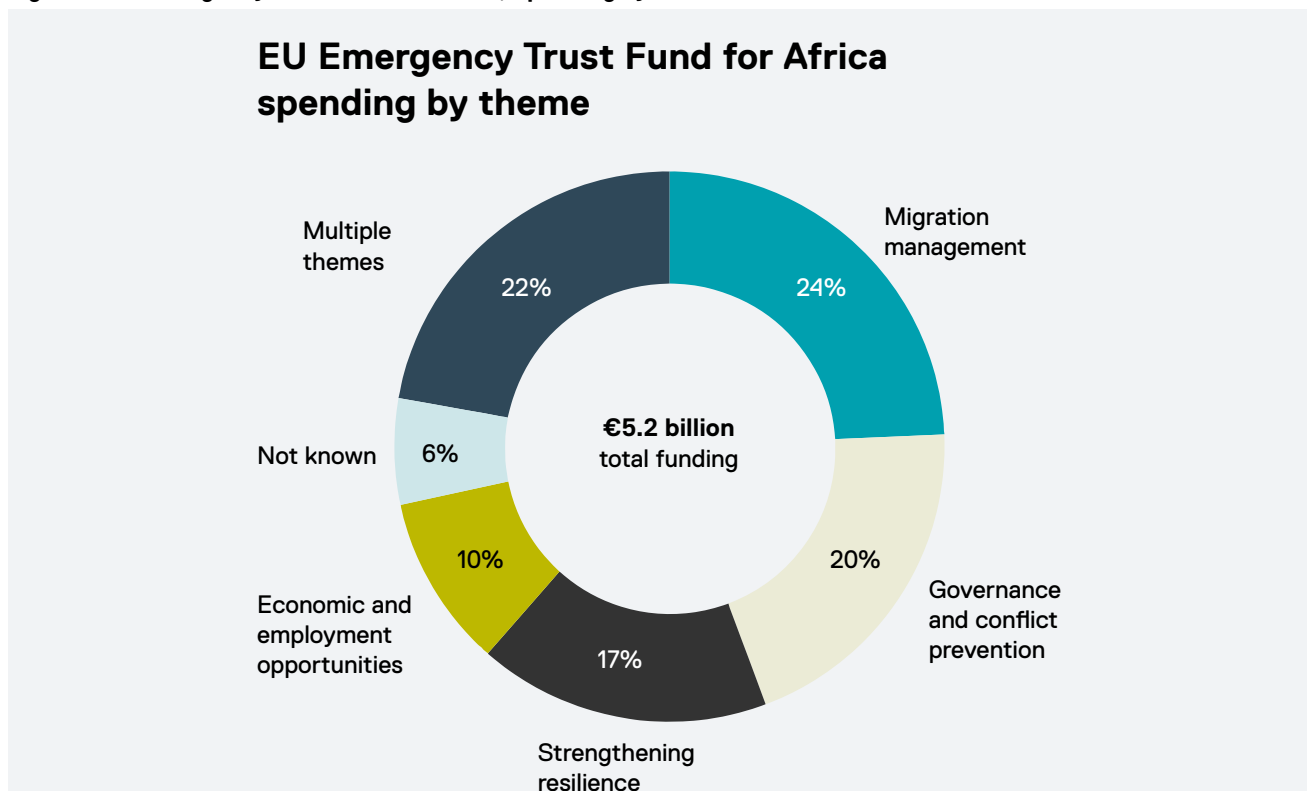
Source: Deutsche Welle (DW)

controls and migration management capacities. These agreements have provided financial and logistical support intended to help these nations police their borders effectively. This strategy has faced substantial criticisms, particularly regarding human rights violations in the countries where the EU externalizes its borders. Reports of maltreatment, abuse, and inhumane living conditions for migrants in North African nations raise serious concerns about the humanitarian impact of outsourcing border control. Detention centres in these countries, often funded or supported by the EU, have been criticized for overcrowding and inadequate facilities, leading to allegations of systemic human rights violations.

Furthermore, the externalization strategy compromises the rights of asylum seekers since the primary focus is on preventing irregular migration. The externalization approach undermines the EU's commitment to upholding international refugee and human rights conventions by prioritizing border control over humanitarian considerations. The EU continues to evade its moral responsibility to address the humanitarian aspects of migration by outsourcing border control to countries with documented human rights issues, raising concerns about the ethical implications of prioritizing security and border management over the welfare and dignity of migrants.

For example, in June 2023, the EU signed a Memorandum of Understanding with Tunisia for 1 billion euros (USD 1.07 billion) as part of a wider effort to stem the flow of migrants to its borders. The North African state of Tunisia has been at a critical juncture, striving to consolidate its democratic gains while addressing economic inequalities and youth unemployment. The EU claims to seek collaboration with Tunisia to promote democratic governance, economic development, and counter-radicalization. However, this partnership primarily aims to serve the EU's migration control efforts on the continent, taking advantage of the opportunity to fund some initiatives in Tunisia in exchange for its support in stopping irregular migration to Europe. This is evident in how the EU committed funds, putting 105 million euros toward reducing irregular migration into and out of Tunisia, compared to 10 million euros to boost exchanges of students and 65 million euros to modernize schools.

Though the EU's support in strengthening Tunisia's border controls signals a commitment to migration cooperation and Tunisia's economic stability, it raises serious human rights concerns, as hundreds of migrants, primarily Black Africans, faced violence at the hands of Tunisian security forces weeks before the agreement was finalized. This raised concerns and outrage about what the EU-Tunisian deal means for migrants attempting to cross into Europe. Tunisia also lacks domestic legal frameworks to protect migrants, asylum seekers or refugees.

On the one hand, EU externalization policies have contributed to declining irregular migration from West Africa to Europe. By tightening border controls and working closely with African governments, the EU has made it harder for migrants to reach European shores irregularly, leading to a decrease in the number of individuals attempting to make dangerous journeys through irregular channels and reducing the burden on European countries in managing irregular arrivals.

> The EU continues to evade its moral responsibility to address the humanitarian aspects of migration by outsourcing border control to countries with documented human rights issues, raising concerns about the ethical implications of prioritizing security and border management over the welfare and dignity of migrants.

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On the other hand, the implementation of these policies has had significant negative consequences. The focus on border control has led to Europe outsourcing its borders to transit and origin countries in Africa, which has placed additional strain on already vulnerable states. This has resulted in numerous human rights violations, including mass deportation and assault, as well as the exploitation of at-risk migrants, as these countries try to enforce stricter border controls and cooperate with the EU to reduce irregular migration. Furthermore, with legal migration channels becoming increasingly limited, some individuals have no choice but to turn to smugglers for help.

The EU's externalization policies have significantly impacted migration goals in African nations, often clashing with their national and regional objectives. A case in point is the Economic Community of West African States (ECOWAS) Protocol on Freedom of Movement, which grants member-state citizens the freedom to move and live in other ECOWAS countries for up to 90 days. The EU's initiatives have triggered formal measures at internal ECOWAS borders, curtailing free movement and essentially rendering the already challenged Protocol moot.

Economic, political, and social factors, such as bad governance, poverty, unemployment, and lack of

Figure 2: Africa's Mosaic of Migrants
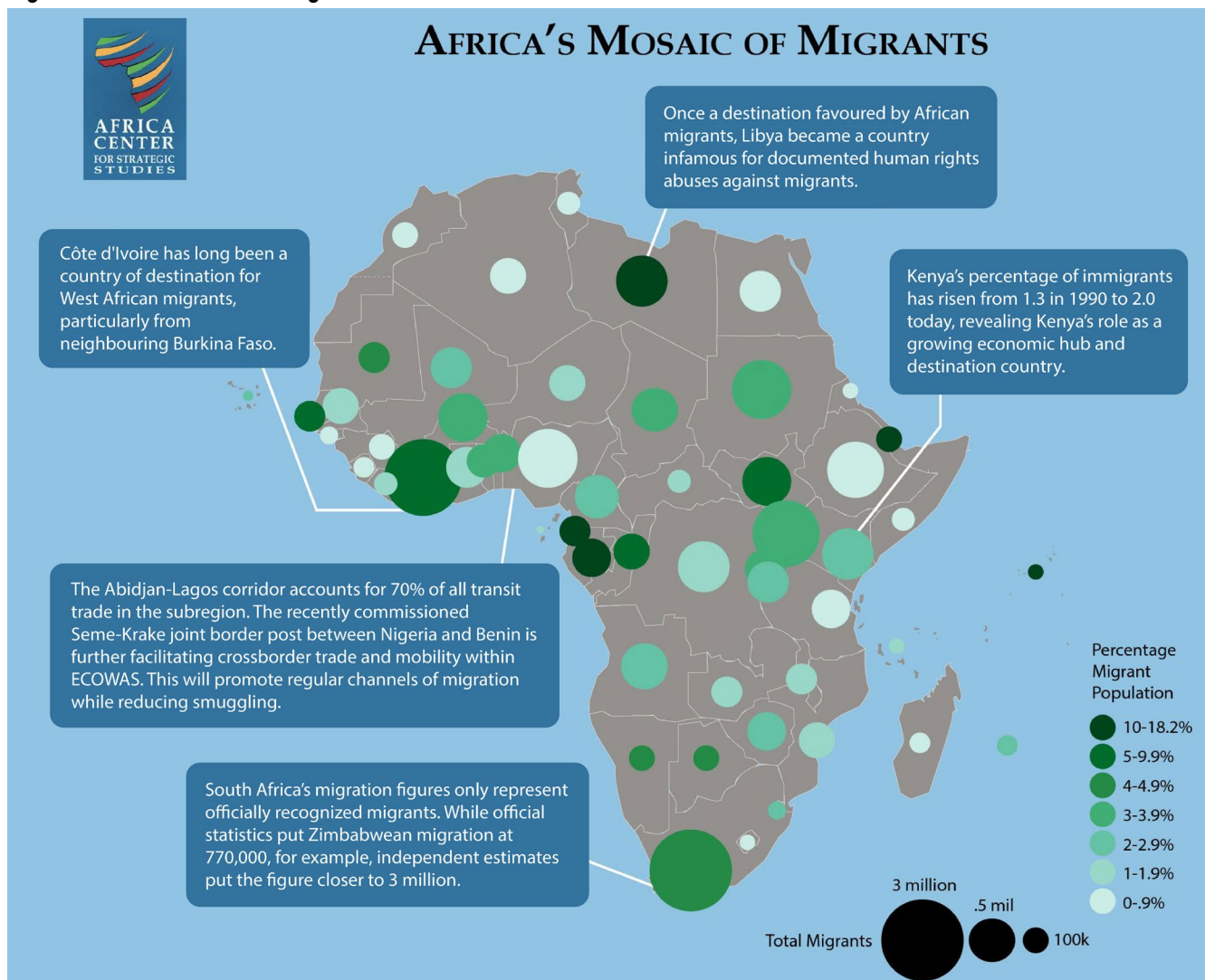
Various nations assume different roles within the migration ecosystem, acting as either country of origin, transit, or destination for migrants at different times. Source: Africa Center for Strategic Studies 2023

opportunities, are often the drivers of irregular migration from the African continent. If these problems persist, migrants will continue to resort to alternative migration routes or employ more sophisticated strategies to reach their desired destinations, often at higher risks and costs. Furthermore, EU externalization policies have prompted various responses within Africa. Some countries have actively cooperated with the EU, implementing measures to control migration and receiving financial and technical support to do so. These countries, often considered transit or origin countries by the EU, have strengthened their border controls, improved identification systems, and increased cooperation with European law enforcement agencies. While these actions may have led to a decline in irregular migration, they have also raised concerns about human rights abuses and the erosion of sovereignty, as well as the Europeanization of African migration systems.

MIGRATION PARTNERSHIPS IN 2023: NEW DEALS, OLD THEMES

There have been significant developments in 2023, characterized by four important features. The EU has struck new deals with African governments, but EU border and migration control objectives remain the same:

a) North Africa is the focal point for migration control

The EU focuses on North Africa as the region where migration from the African continent will be governed. In 2023, refugees used the Central Mediterranean route the most to get to Europe. As a result, North African states are targeted for strategic partnerships due to their location on the path to Europe.

Figure 3: Illegal Border Crossings
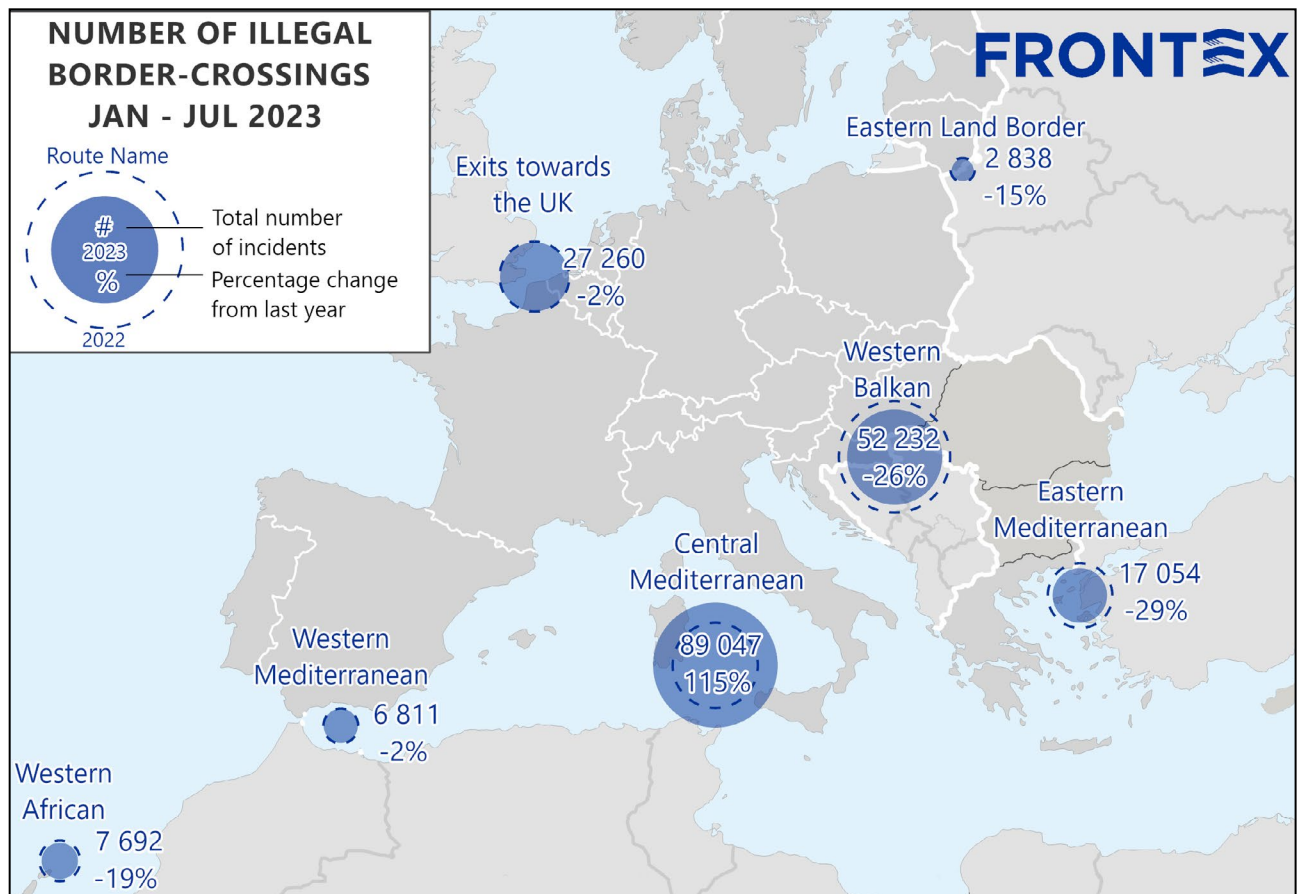
Source: Frontex (July 2023)

b) The oppression of migrants vs. migrant protection and empowerment

The emergence of migration partnerships geared towards North Africa is shaped by a surge in anti-Blackness and xenophobia caused by unfavourable economic conditions in the region, alongside an increase in migrant visibility. The funding and technical support for migration control and return provided by the EU legitimizes these racist/xenophobic attitudes, particularly as anti-immigrant sentiments were already prevalent before the availability of such resources.

For example, the EU-Tunisia agreement coincides with rising anti-immigrant sentiments, racism, and state-backed violence against Black African migrants in Tunisia. The Tunisian government has abandoned migrants in the desert without food and water and promoted racist rhetoric to justify the stringent policies and heavy-handedness. Recently, videos surfaced online showing Black African migrants intimidated by a helicopter somewhere between Sfax and Mahdia in Tunisia. Tunisian authorities claimed that the migrants committed crimes and that helicopters were used to disperse them.

> ...these partnerships perpetuate power imbalances that have existed since colonialism, where European actors wield significant influence over African counterparts who are relegated to merely executing goals and decisions made by Europe.

EU support may encourage the creation of state-sponsored anti-migrant policies. Moreover, these partnerships perpetuate power imbalances that have existed since colonialism, where European actors wield significant influence over African counterparts who are relegated to merely executing goals and decisions made by Europe.

c) The allure of delegation: Shifting asylum procedures to Africa

Another feature to note in 2023, is the increased potential of shifting asylum systems and procedures from Europe to African countries. The UK paid 140 million pounds to Rwanda to receive asylum seekers from the UK and committed additional funds to Rwanda for economic aid as an incentive. While this deal failed due to a UK Court of Appeal decision that the Rwanda deal was unlawful due to infringements on the human rights of asylum seekers, the impact is still significant. This type of partnership has already piqued the interest of some EU member states. Rwanda made a similar arrangement with Denmark. Austria has plans to replicate something similar and also aims to encourage this type of partnership in the EU to ensure that asylum procedures will be carried out outside the EU. While the deals with Rwanda are bilateral, as more EU states get on board with similar agreements, they represent increasing negligence of international refugee law obligations towards asylum seekers. It is neither legal nor legitimate to use these deals to purchase forced resettlement. Rwanda's participation and plan to benefit from this sort of arrangement also poses a problem for the African Union and its international law obligations. If more countries see the benefit of acting in self-interest, refugee protection and migrant rights will be at stake. Whether or not these deals will be implemented will depend on the role of courts, civil society, and other stakeholders in questioning their legality and holding the EU and member states to their human rights obligations under international law.

d) Actors who benefit from these partnerships

The partnerships with Tunisia and Rwanda, and with countries like Niger, Sudan, and Libya, highlight a very important fact about the current African partners in these migration partnerships. There is a tendency and potential to empower and encourage authoritarian governments and militias with funding to dictate how migration happens in Africa. When funding empowers oppressive governments, human rights abuses are

bound to happen. The EU and EU member states involved in these deals may be silent about these abuses because they benefit from reduced irregular migration. This silence will reinforce the continuing culture of the abuse and inhumane treatment of migrants and weaken international law. For example, there has been silence in Europe about the treatment of Black African migrants in Tunisia and Morocco, Rwanda's role in the eastern Democratic Republic of Congo conflict, and the deadly effects of border control in Niger. Rwanda has played a key role in funding rebels who have taken control of territory in eastern Congo, which has escalated the conflict and led to the displacement of millions of people. While Rwanda is contributing to a conflict that is displacing and killing people, it is receiving funding from European stakeholders who see Rwanda as an important partner in migration control. Niger has also implemented strong border controls with the substantial funding it has received from Europe, which has led to the deaths and disappearances of thousands of migrants. Shifting the burden of migration control and empowering oppressive governments, while not caring about human rights violations, is not in line with international law.

AN ALTERNATIVE MODEL: ENSURING THAT MORE MIGRANTS BENEFIT FROM TALENT PARTNERSHIPS

Focusing on talent partnerships is crucial to establishing a mutually beneficial migration partnership between African states and the EU. By collaborating and leveraging individuals' skills, knowledge, and entrepreneurial spirit on both continents, talent partnerships can help address the current asymmetries in EU-Africa migration dynamics. These partnerships can stimulate economic growth, create job opportunities, promote education and skills development, and help alleviate poverty in African states. Additionally, talent partnerships can establish channels for migration, allowing individuals with valuable skills to contribute to European economies while avoiding the dangers of unauthorized migration. Already, there are examples of global skills partnerships between Morrocco and Belgium, the Philippines and the United Kingdom. Relying on similar approaches will benefit migrants, African states, and the EU and serve as a better alternative to unbalanced partnerships. For example, Migration of African Talents through Capacity building and Hiring (MATCH) was a 39-month initiative funded by the European Union between 2020 and 2023, which aimed to match "skilled" talent to European private sector companies. Companies from Italy, Belgium, Luxembourg, and the Netherlands received a selection of applicants from Senegal and Nigeria who had been given training for job interviews and soft skills development, among other things. The MATCH program selected 378 CVs out of 657 for 118 vacancies in 29 hiring companies and 121 people reached the final stage, while only eight were ultimately employed by companies in the Netherlands, Italy, and Belgium. This program saw some positive outcomes but there were significant limitations to the success due to the very low number of people who eventually got recruited out of the initial 657 applications, primarily because of the criteria used.

The definition of what is considered "high skilled" versus "unskilled " or "low skilled" needs to be rethought. People with experience in blue-collar sectors such as agriculture, construction, transportation, manufacturing, and maintenance are also highly skilled and there is demand for them in Europe across sectors. Focusing on only those who have a formal education, advanced certifications or white-collar experience will not address the irregular migration challenge. This is because most of those who take irregular pathways do not have access to the resources or networks to attain those criteria. As a result, talent partnership initiatives must expand to include people with a wider variety of skills and backgrounds in order to equitably benefit migrants at risk of taking irregular migration pathways.

RECOMMENDATIONS

In reflecting on the current state of migration partnerships and the impact of externalization on migrants, we propose the following recommendations:

1. **Include the perspectives of migrants to develop better policies.**

A state-centric approach has failed; it is time to focus on migrants and learn from them. Much research on migration partnerships and externalization has been done. However, more attention has been paid to the agendas of states in the bilateral or multilateral agreements on migration than to the migrants themselves. Incorporating the perspectives, experiences, and needs of migrants who are directly impacted by these agreements will result in better policies that reflect the realities on the ground and focus on migrant empowerment, protection, and human rights.

2. **Use the courts and civil society to question the legality of migration partnerships and hold the EU and member states to their human rights obligations under international law.**

Some EU courts have protected the interests of the EU in border control efforts that impact refugees and asylum seekers negatively. However, the UK-Rwanda example has shown the critical role of civil society and the courts in stopping partnerships that can harm international law. Because some states refuse to be responsible for their obligations towards migrants under international law, it remains crucial for civil society and courts to question the legality of migration partnership deals, hold states accountable, and protect migrants.

3. **Make funding contingent on respect of human rights.**

Migration partnership deals have been made by the EU and its member states using money and other incentives to gain the cooperation of states deemed to be source countries or transit points for migrants. However, because the focus is on the removal of migrants from the path to Europe, the methods employed by the EU's partners have encouraged the oppression and abuse of migrants. Making migrant protection a core part of EU-Africa migration cooperation would be a step in a better direction and this can be achieved by making EUTF funding contingent on the respect of the human rights and dignity of migrants. The EU and EU member states must take into account their obligations in the protection of human rights and how that impacts the deals they make to address migration challenges. Initiatives that cause harm to migrants hurt the stability and peace of the international system and create further inequalities that put migrants in precarity.

4. **Invest more in talent partnerships that take all skill types into account.**

Taking different types of skills into consideration in the establishment of talent partnership programs is crucial to the goal of reducing the reliance on dangerous irregular migration pathways. However, the success of talent partnerships depends on the EU's willingness to follow through and expand on its commitments by increasing funding and programs focused on building talent and skills and the expansion of legal pathways for education and work, while shifting focus from border control. It is essential to create initiatives that specifically benefit migrants who are at risk of taking irregular migration pathways and doing that starts with getting a better understanding of the specific needs of migrants.

5. **Refocus migration funding.**

Establishing functional asylum systems in Europe and approaching migration holistically is a more effective and sustainable solution than primarily investing in border control and return programs. The hallmark of a functional asylum system is how easily or efficiently people with well-founded asylum claims can bring those claims to the state. The preference for border control and return has taken resources that could have been spent on ensuring efficiency in asylum processes. Additionally, the investment in border control and return has increased the pressure at borders and created other new challenges for migrants. Training border guards and hiring militias to detain migrants has proven ineffective in addressing the underlying structural issues that drive migration. A holistic approach, including talent

partnerships, acknowledges migrants' different motivations and contexts and recognizes the positive aspects of migration. Unless structural issues are addressed, and not exacerbated by EU externalization policies and funds, migration partnerships will not succeed.

6. Encourage multiple safe and accessible migration pathways.

The need for safe and easily accessible, legal migration pathways has been highlighted in several reports and analyses of EU-migration partnerships as well as in the UN's Global Compact for Safe, Orderly and Regular Migration. These include migration pathways for education and work, family reunification, and refugee resettlement. Legal pathways remain the most viable action that will impact migration governance positively in the long run, address structural problems, and encourage a positive perception of migration. It is also compliant with human rights law because it empowers migrants. However, even though there has been a lot of discussion and a commitment to legal pathways, tangible results are still lacking in 2023. This is an area that migration partnership negotiation and funding should focus on.

CONCLUSION

To effectively address the complexities of migration, it is crucial to prioritize the development of functional asylum systems, rather than outsourcing border and enforcement controls. Additionally, investing in safe and legal migration channels can help reduce the risks associated with dangerous journeys and irregular migration. Policymakers should also involve migrants in decision-making to promote holistic and effective policies.

By approaching migration with compassion and practicality, the EU and Africa can build bridges of understanding and cooperation. Partnerships informed by the lived experiences of migrants, and respecting their human rights have the potential to transform the migration narrative from one of exclusion and discrimination to one of opportunity and shared prosperity.

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