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## The Evolution of EU-Africa Migration Partnerships: Lessons in Transnational Migration Governance

Oreva Olakpe

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## **The Evolution of EU-Africa Migration Partnerships: Lessons in Transnational Migration Governance**

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## **Abstract**

The COVID-19 pandemic put a halt on all return and reintegration measures between Europe and Africa so what is the current situation of migration partnerships and governance and how has it evolved? The perceived rise in migratory movement of African migrants towards Europe created legal and policy chain reactions in Europe focused on stemming irregular migration. These changes include the establishment and externalisation of an EU-led migration governance in Africa and increased EU-African political engagement through migration dialogue and partnerships. This paper takes a deep dive into the evolution and the state of play of EU-Africa migration partnerships to unpack lessons learned on transnational migration governance. Drawing from interviews conducted with different stakeholders and experts including officials in the EU and other international organisations, policy analysts at think tanks as well as academics, this paper aims to make empirical contributions to the discourse on migration partnerships and governance.

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## Acronyms

AU- African Union  
CAMM- Common Agenda for Migration and Mobility  
ECOWAS- Economic Community of West African States  
ECDPM- European Center for Development Policy Management  
EDF- European Development Fund  
EPC- European Policy Center  
EU- European Union  
EUTF- European Union Trust Fund  
FMM- Free Movement of Persons and Migration in West Africa  
GIZ- Deutsche Gesellschaft für Internationale Zusammenarbeit  
ICMPD- International Centre for Migration Policy Development  
ILO- International Labour Organisation  
IOM- International Organisation of Migration  
MIDAS- Migration Information and Data Analysis System  
MIDWA- Migration Dialogue for West Africa  
MGF- Migration Governance Framework  
MPF- Migration Partnership Framework  
NAPTIP- The National Agency for the Prohibition of Trafficking in Persons  
NCFR- National Commission for Refugees, Migrants and Internally Displaced Persons  
NIDCOM- Nigerians in Diaspora Commission  
NLMP- National Labour Migration Policy  
NMP- National Migration Policy  
National Policy of Diasporal Matters (NPDM)  
WAEMU- West African Economic and Monetary Union  
UNDP- United Nations Development Programme

## Introduction

The European Union's need for migration cooperation with Africa became notable in 2005, with the arrogation of a Strategy for Africa by the European Council. D'humieres (2018) traces EU-Africa partnerships from 2005 onwards with the EU-Africa Partnership for Migration and Employment in 2007, and the signing of mobility partnerships and agreements from 2008 to 2014. Initiatives including the Rabat and Khartoum processes brought the EU-Africa cooperation on migration to a regional level. Nevertheless, irregular migration concerns in Europe heightened. Fanned by the war in Syria, conflict in Libya and other parts of the Middle East and Africa, the perception of the rise of irregular migration and a 'refugee crisis' has increased in Europe since 2015.<sup>1</sup> Stemming irregular migration and returning undocumented migrants became key political and policy priorities of the EU.

With migration issues becoming a centre piece in EU-Africa relations, there was a need to create a specific approach towards African countries of migrant origin and transit. As a result, on the one hand the EU began to externalise its migration policy, getting origin and transit countries to play a role in stemming irregular migration to Europe. On the other hand, origin and transit countries became stakeholders in the fulfillment of EU migration policy goals. This set the stage for the creation of new migration governance initiatives including cooperation with African states through formal and informal partnership agreements, funding targeting migration control, a slew of migration-related projects implemented by international organisations, etc. The EU-Africa summit in Valletta was the first step towards interfacing with African states to address migration challenges in Europe. To combat the 'root causes' of irregular migration, the EU Emergency Trust Fund (EUTF) was created to channel more funding towards migration since 2015 (see Carrera, Radescu, and Reslow 2015).

It was from this point onwards the migration partnerships between the EU and African states of migrant origin and transit were created. Since 2015, several negotiations for return and readmission have taken place between the EU and priority countries (i.e. top sources of migrant origin and transit which are Nigeria, Ethiopia, Senegal, Niger and Mali) seeing varying degrees of failure, which forced the EU to change its approach to migration partnerships. Additionally, there have been numerous EU-funded migration projects implemented by international organisations and development agencies. There have also been several capacity building exchanges with actors ranging from regional organisations like ECOWAS, government agencies, ministries, state agencies and civil society. Finally, there has been extensive political dialogue between all these actors to enhance cooperation on migration control.

This paper does not focus on the timeline or an account of the development of migration partnerships and EU-Africa migration governance because a lot of work has already been done in that area. Instead, this paper seeks to understand the current status of migration partnerships by looking at how they have evolved through an aggregation of stakeholder interviews and a case study. This is of significance because EU-Africa partnerships are entering a new phase with the upcoming EU-AU Summit in October, and 2020 is a year of reflection on the current state of migration governance and the way forward. The COVID-19 pandemic affected return and reintegration activities (returns stopped in March and reintegration activities have been affected because face to face community reintegration has stopped), giving the EU and other stakeholders time to rethink and reconceptualize migration governance cooperation. Additionally, 2021 is a new financial year, indicating new programming in the EU.

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<sup>1</sup> See Special Meeting of the European Council, 23 April 2015: Statement', available at: <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/>.

With the above context in mind, the paper intends to address the following questions:

- i) In what ways have EU-Africa migration partnerships evolved?
- ii) What lessons can be learned from the current state of play on transnational migration governance?
- iii) What can these lessons show about the future of migration partnerships?

By attempting to answer these questions, this paper has two objectives. Firstly, this paper intends to understand how and why EU-Africa migration partnerships have changed. This will be done by first discussing the role of migration partnerships in migration governance, followed by an analysis of the key challenges of EU-Africa migration partnerships and the ways in which it has evolved. The aim is to draw out insights from experts and stakeholders on the current state of play of migration governance and what can be learned from it. These insights will also shed light on what the future of EU-Africa migration cooperation will be.

Secondly, this paper takes a Southern outlook on migration governance. This objective is inspired by the work of Altrogge *et al* (2019), Adam *et al* (2020), and Strange and Martins (2019), and Bisong (2019) that shifts focus from the EU's policy objectives and actions to the interests, objectives and experiences of African stakeholders in the processes of migration governance. Adam *et al* (2020) argue that 'non-EU countries that cooperate with the EU are not merely passive recipients of EU policies; rather, they actively react to, interpret, and adapt the EU policy agenda to their own domestic contexts.' As a result, they focus on West African policy preferences instead of multilateral dynamics that tend to centre the role and the preferences of the EU.

This paper uses Nigeria as a case study example to achieve this aim; looking to understand how Nigeria is positioned in its partnership with the EU, the factors shaping how negotiations are handled and how strategic interests are protected. The case study will also shed light on the impact of the evolution of migration partnerships, as well as the lessons learned from Nigeria's engagement with the EU on migration issues. The significance of this objective is rooted in the discussion on the asymmetrical relationships between countries of origin or transit and countries of destination, which is one of the key characteristics of EU-Africa migration partnerships. Research that contextualises African approaches to migration partnerships and migration governance is vital because numerous aspects are still quite understudied, as identified by Adam *et al* (2020).

This paper aims to contribute both empirical and theoretical insights. Empirically, it gives stakeholder insights and draws examples from Nigeria to show how EU-Africa partnerships have evolved. It also draws conclusions on lessons learned about transnational migration governance. Theoretically, it reviews relevant literature (studies and policy documents) to also unpack how EU-Africa migration partnerships have evolved. First, I give a brief overview of EU-Africa partnerships as the context for research and highlight the research questions, objectives, significance, and methodological considerations. Second, I analyse the concept of partnerships as a form of migration governance, reviewing relevant literature. Third, I highlight what a southern perspective on migration governance is and why it forms the underpinning of this research. Fourth, I use the insights from stakeholders and experts to unpack the key challenges of migration governance in EU-Africa relations and to trace the evolution of EU-Africa migration partnerships. Next, I use Nigeria as a case study to draw out lessons learned in migration dialogue and the asymmetries of migration governance. Finally, I draw conclusions from Nigeria and stakeholder and expert insights on the future of migration governance.

### ***Methodological considerations***

This paper intends to analyse migration partnerships using stakeholder insights in addition to the case study example. Stakeholders' insights demonstrate the ways in which different players in the processes of migration governance are engaged, how they think migration partnerships have evolved (based on their type and level of engagement), and what they perceive as challenges or opportunities and lessons learned. Documenting the opinions and perceptions of experts and different actors involved in the real-life processes of migration partnership expands the empirical analyses and supports my theoretical interrogations.

I conducted informal and semi-structured interviews with 12 respondents who are government officials, policy analysts, and academics with expertise on migration governance in West Africa. I created a questionnaire that addressed both comprehensive questions about the state of migration partnerships, as well as specific questions about African (Nigerian in particular) perspectives and preferences. Even though there was a question guide, the interviews were informal and organically followed the direction of the responses of interviewees. All interviews were conducted on Zoom, WhatsApp, and Skype (with or without video and depending on the requirements of interviewees) because face-to-face meetings were not possible due to the COVID-19 pandemic. All interviewees have been anonymised and de-identified for ethical purposes.

### ***Migration partnerships as a form of migration governance***

Since the Second World War, migration governance has been growing, from an amorphousness of 'a fragmented tapestry of institutions at the bilateral, regional, inter-regional, and multilateral levels, which vary according to different types of migration.' (Betts 2011) According to Betts, migration governance is a process with several actors involved in setting priorities, negotiation, implementation, monitoring and enforcement. This conceptualisation of governance sees no single rule maker and shifts authoritative policy making from individual nation states to institutions that exist beyond the nation-state. For example, the role of the United Nations takes on global governance, through the institutions within its structures. However, regional level institutions, like the EU and African Union (AU) play a similar role as well. According to Betts, migration governance involves both formal or informal institutions and functions at different levels, in reference to Koser 2010; Newland 2010; Hansen et al. 2011; Kunz et al. 2011.

Migration governance has no top-down multilateral structure regulating how states engage with international migration issues. As a result, states are involved in a wide range of 'bilateral regional, and inter-regional institutions are emerging, enabling states to selectively engage in different forms of informal cooperation with different partner states.' (Betts 2011) Since the 2000s, migration governance has taken new forms designated as 'partnerships', which are between states of destination with states of origin and transit. Lavenex and Kunz (2008) trace the history of the concept of partnerships from the field of development, as a form of cooperation and analyse partnership as an approach that 'combines a discursive component with an institutional one relating to the creation of supposedly horizontal and inclusive settings of dialogue and cooperation' and identifying that the partnership approach 'describes new forms of North–South and aid relations.' This is particularly the case of the EU, due to the externalisation of EU migration policy, which relies heavily on third party states to achieve their policy goals and provides aid funding from the EUTF and European Development Fund (EDF) to control migration from the Middle East



and Africa (Davitti & La Chimia 2017). Initially a bilateral exchange, it has expanded to involve other actors including the International Organisation for Migration (IOM) in 2016, as well as the International Centre for Migration Policy Development (ICMPD), and regional actors including ECOWAS (Strange and Martin 2019).

According to Likić-Brborić (2018), the events following 2015 in the EU exposed the fragmentation of international migration governance, highlighting the absence of normative standards and power asymmetries between countries of origin and countries of destination. This harks back to Betts (2011) analysis of the global governance regime for migration, which highlights that there is no coherence because of the existing 'multiple global and regional initiatives and deliberations on global migration governance.' Betts differentiates between the governance of transnational corporations including the World Trade Organisation, UN agencies, developed states, developing states, and other actors who are both informal and formal. According to Betts (2011: 23), global migration governance is characterised by asymmetries of power and delineates power in international migration as being

'closely related to states' structural position on a predominantly migrant 'receiving' or 'sending' states. Migrant-receiving states are generally able to determine their own migration policies in accordance with their own interests. Migrant-sending states are generally unable to influence the policy choices of receiving states. In that sense, in the absence of formal regulation, receiving states are the implicit 'makers' of migration governance and sending states are 'takers' of migration governance. This fundamental power asymmetry plays out in both North–South relations on migration as well as in the dynamics within regions, in which regional hegemonies are often able to shape regional migration governance on their own terms if they are the preponderant 'receiving state.'

By marking out asymmetries of power as a hallmark of global migration governance, Betts analysis is arguing that power imbalances are innate in migration governance initiatives. This is because origin and transit versus destination/ receiving mimics post-colonial hierarchies. For the most part, the Global North creates the priorities, rules, frameworks and funding for migration governance, while the Global South is the site for implementation.

Partnership connotes voluntary cooperation and equality among partners who are supposedly pursuing common agendas (Laakso 2007: 118) and creates a shift of power to and augments Southern agency, ownership and participation in governance processes (Abrahamsen 2004: 1455). For example, the European Global Strategy proffers partnership agreements as a 'win-win' relationship that bolsters cooperation with special or priority countries through the Migration Partnership Framework (MPF). However, some scholars argue that partnerships as a concept exists only on paper and in rhetoric. In reality, they shroud the power asymmetries between the Global North and South (Harrison 2002: 587).

In the context of migration, this sustains and institutionalises the domination of countries of origin and transit by countries of destination (who have benefited from colonialism and post-colonial structures in the international system), and international organisations. D'Humieres (2018) shows evidence that even though EU rhetoric calls for 'partnerships and 'Euro-African dialogue'', African countries were not represented or involved in any of the processes of the drafting of the EU's external policies, which have been implemented within their borders. Nevertheless, D'Humieres does not focus on migration governance from the actions and responses of African states, but rather by looking solely at the EU context and processes. This paper takes a look at insights on the actions

and responses of African states in the processes and evolution of migration partnership and seeking to draw out significance from there.

### ***A Southern perspective on migration governance***

The greatest impact of the externalisation of migration governance is felt in African countries (Van Crienkinge 2015; Zanker 2019; and Arhin-Sam 2019). Additionally, the processes of migration governance are largely EU-initiated and funded and as a result, the migration governance process is dominated by EU interests. Migration policy research focuses a great deal on Western liberal states (Natter 2018), therefore, there is a need for research that centres the Global South, and particularly African countries where global migration governance initiatives are targeted the most. There are two schools of thought regarding perspectives on migration governance. Some researchers have focused on the EU and member states and their influence and policy interests in African countries and how the relationship has an asymmetric and postcolonial nature (DeGuerry & Stocchiero 2018; Beauchemin 2018; Brambilla 2014).

Scholars including Van Crienkinge 2009; Paoletti 2011; Cassarino 2018, Strange and Martin 2019, and Adam *et al* 2020 on the other hand, argue that non-EU countries involved in EU-led migration governance processes are not powerless because they are actively engaging with and making sense of migration governance domestically. For example, Adam *et al* (2020) try to understand the policy goals of West African actors and to highlight the factors that shape West African migration policy preferences, using Ghana and Senegal as case studies. This study shows the real-life differences between different policy actors and differentiates between domestic migration policy goals and international ones. Adam *et al* look at electoral pressures, cultural perceptions of migration and the economic implications of migration in Ghana and Senegal as pointers to West African migration policy interests. This is notable because it highlights the ways in which the role of migration policy and migration governance is evolving and leveraged by West African countries to achieve their goals. While the relationship between countries of destination, transit and origin remain greatly unbalanced, there are ways in which countries of transit and origin have gained influence in the governance process.

Adam *et al* find that in the West African context, political interests relating to migration are not driven by the same ideals in Western countries. Traditional and religious leaders have significant roles, and judicial systems do not significantly impact immigration policy. Most importantly, because African borders are not strict demarcations of identity, migration is not seen as a negative thing and West African countries benefit largely from emigration and intra-regional migration because of remittances. Through the case studies, Adam *et al* identified migration policy priorities in West Africa, which include promoting legal migration, avoiding forced returns, protecting migrants in their paths of migration, and engaging with the diaspora. Newer priorities due to international influence include building border capacities and the reintegration of returned migrants.

Similarly, Van Crienkinge (2010, p. 6) holds that for African governments, migration cannot be separated from development. As a result, the African agenda focuses on 'the facilitation and institutionalisation of remittance flows; encouraging human capital gains and promoting economic growth; engagement with the diaspora, facilitating the forging of trade, investment and development links between origin and destination countries; more assistance in tackling 'root causes' of migration, such as poverty, unemployment, political and economic instabilities, overpopulation, and natural disasters; and assistance towards national capacity building and training to better cope with migration at the domestic level.' In this conceptualisation, in order for states of origin and transit to exert their agency, they must

constantly negotiate using some form of leverage. The partnership process becomes a political 'game' where African states look out for their domestic, regional and international interests and at the same time collaborate to a certain extent with the EU and other foreign actors on their priorities.

Notwithstanding these two sides of the argument, there is a need for research to highlight the position of African actors in the EU-led process and the real-life implications of migration governance. This is especially important as EU-Africa partnerships progress into a new phase. This paper takes a Southern perspective by focusing on African positioning and participation in migration governance processes, highlighting African interests and domestically driven goals by using Nigeria as an example. I insert insights gathered from my interviews that illustrate this perspective in the sections below. As the insights and the case study will show, the 'game' is what has determined the levels of success or failure, as well as the formality or informality of migration partnerships as a form of migration governance.

### ***The evolution of Africa-EU migration partnerships***

The establishment of the Schengen area in 1994, while crucial and historic moment in Europe also had an impact in Africa. A policy expert on EU-Africa partnerships recalls that the softening of internal borders meant the hardening of external borders; the hardening of external borders changed the relationship between Africa and Europe and created the need for EU-Africa migration governance and particularly, migration partnerships. Prior to 2015, EU-Africa partnerships were mainly bilateral, between EU member states and African states (for example, the bilateral partnership between Senegal and Spain in 2006 after the 'Cayucos crisis' to combat irregular migration).

Although return and readmission was a priority, there was a much broader agenda, which included diaspora engagement and development. Additionally, the policy expert states that early partnerships were written in the form of MOUs and exchange of letters for example and that EU-level engagement was more focused on cooperation with West African States to implement the ECOWAS Free Movement Protocol. The evolution of migration partnerships also varies from country to country. A migration governance analyst saw Morocco as a positive example, where the partnership has been long standing and goes beyond migration. It is a more equal partnership, which is based on trust and cooperation that has existed for several years. Morocco aside, the trend in other African countries has been generally negative.

After the 'crisis' of 2015, migration governance changed drastically. Firstly, there was a shift in focus mainly to return and readmission because of the halt in the discussions of responsibility-sharing in EU internal migration policies. Also, there has been a shift from written partnerships to non-formal unwritten agreements due to the lack of cooperation of many countries to sign return and readmission agreements. According to Castillejo (2018, p. 7), the shift was also because of 'the limited results in the pilot countries, and the desire to avoid creating further unrealistic expectations. It is also because member states are unlikely to agree on priority countries, with each keen to prioritise the regions from which they receive most migrants.'

According to a policy officer at an EU think tank, even when the partnerships are in written form, they are hard to access both from the European and African end. Migration partnership negotiations post-2015 have stalled because the EU agenda does not align with the interests of African states. For example, return and readmission agreements between Nigeria and the EU stalled because Nigeria was not interested in the return of Nigerian

migrants (to be discussed in the case study). In Senegal, it was hindered because Senegal already had a better deal with France.

The analyst noted that no one knows what goes into the MOUs anymore; most of the informal agreements are not available for public perusal. For example, Germany and Nigeria cooperate on numerous issues but there is no specific agreement on migration partnerships. Migration partnership in this context is set within a broader structure of cooperation, including development cooperation arrangements. ECOWAS also has no formal migration partnership with the EU but has development cooperation-based interactions and increased support from the EUTF on issues ranging from border governance, border management, harmonised border systems like MIDAS, etc.

Furthermore, cooperation is largely driven by the number of arrivals in the EU. The larger the numbers of migrants, the greater the level of cooperation with EU member states. Overwhelmingly, there are now more informal partnerships with African countries than formal ones; about 7 out of 12 informal agreements are with African countries, while one (Cape Verde) is formal.

#### EU Informal Migration Partnerships

Country	Year	Type of Agreement
Gambia	2018	Good Practices
Ethiopia	2018	Admission Procedures
Guinea	2017	Good Practices
Bangladesh	2017	Standard Operating Procedures
Côte d'Ivoire	2016	Joint Migration Declaration
Belarus	2016	Mobility Partnership
India	2016	Common Agenda on Migration and Mobility
Afghanistan	2016	Joint Way Forward
Ghana	2016	Joint Migration Declaration
Turkey	2016	Joint Statement
Mali	2016	Joint Migration Declaration
Nigeria	2015	Common Agenda on Migration and Mobility

Sources: Sundberg Diez (2019; 7) and Jean-Pierre Cassarino's inventory of European Union Agreements linked to Readmission

Nigeria was one of the first countries approached by the EU for a formal agreement in return and readmission in 2015. After negotiations stalled, nothing has been put on paper since then. Most of the EU's priority countries are in West Africa (with the exclusion of Ethiopia) and there was a drive to secure formal agreements with countries in the region, however, since 2016, there has been no update on these formal return and readmission agreements. With the exclusion of Cape Verde, none of the other informal partnerships are under the framework of the EU. As a result, it is difficult to have democratic and judicial accountability. Also, the rate of readmission is not impacted because these informal agreements are non-binding and there is very little monitoring on how these agreements are agreed on or applied.

Because the details of formal agreements are contentious, it works better to keep them informal (Cassarino 2007, 2018). According to Cassarino, a reason for informality is to 'secure bilateral cooperation on readmission and to avoid defection as far as possible by responding flexibly to new situations.' Cassarino also identifies four reasons why informality is preferred: their low visibility enables countries of origin to avoid political backlash domestically, flexibility removes the difficulties of renegotiation, the cost of defection is limited, and adaptability to domestic and regional security issues.

Another post-2015 change is the growing use of conditionality. Conditionality can be positive, which is a more-for-more approach, where states that cooperate on return and readmission get benefits that increase based on the number of returns. It can also be negative, which is a less-for-less approach, where states that are unable to meet up with return and admission requirements are denied support. For example, Cote d'Ivoire and Guinea have received a great amount of funding because of their cooperation on return and readmission. Nevertheless, return rates are still very low (Sundberg Diez 2019 p.6), showing that conditionality does not really produce the results that the EU and EU member states want it to. Conditionality also perpetuates post-colonial power asymmetries between the West and African states because it positions the EU and EU member states as the creators of the conditions or terms of benefits with the African states on the receiving end. Sundberg-Diez adds that there is no investment in visa facilitation and legal pathways in conditionality. It is more focused on funding and as a result, the rewards for compliance are superficial. Additionally, conditionality may have a negative impact on human rights, where states with poor human rights records receive rewards because of their cooperation with the EU and member states on return. This calls the EU's position as a champion of human rights globally into question.

Finally, because of the EU's push for the adoption and implementation of anti-irregular migration measures in Africa, the priorities of African countries have been impacted. Because of the availability of funding for projects focused on stemming irregular migration, not only has the interest of international organisations and governments been kindled, at the local level, there are more non-governmental organisations now focused on these projects. As a result, even though historically, African states did not consider migration as a threat or problem (see Altrogge et al 2019), it is gradually becoming key to accessing funds needed for economic development and shaping regional, national and local responses. A migration governance expert gave an example of the impact of EU funding, which organisations including the IOM and UNHCR use to implement various projects. This funding has a negative impact at the national level and state levels in African countries. In Nigeria, there is a struggle between national agencies like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the Edo State anti-trafficking agency. At the local level, the state agency needs funding but the funding from the EU only gets to the national agency.

### **Challenges of migration governance in EU-Africa relations**

All the participants in the research were asked to identify what they believed were the key issues and challenges of migration in EU- Africa relations. The purpose of the exercise was to understand institutional perspectives on the issues shaping the need for migration partnerships and migration governance. This is significant because it illustrates the areas that each organization lays emphasis and where policy interventions are or could be made in the future.

On the EU side, it is common knowledge that the key issue is how to stem irregular migration flows from the continent to Europe, which has led to a focus on return cooperation, people smuggling, human trafficking, and border control initiatives. A policy officer at an EU think tank believes that the unilateral and unequal relationship that characterises the current system of migration governance poses a challenge. Because stemming irregular migration dominates the agenda, there is little focus on legal pathways like ERASMUS scholarships for Africans. Irregular migration dominates summits and decisions at the EU level do not involve consultation with African partners.

An EU official held that one of the major challenges of migration the EU- African relations is that migration has become a political issue due to the 'migration crisis' in Europe and as a result, it has become contingent to manage migration in order to maintain good relations in the Union. This perspective is noteworthy because it reveals that behind the push for migration governance is not only politics and also the cohesion of EU member states. Without an institutional response to the perceived migration crisis, the EU relations might be threatened. This is also linked to why the EU has not been able to deliver on promises on legal pathways and visa facilitation to African stakeholders; different member states have varying numbers of irregular migrants and this shapes their priorities and interests. Also, depending on the West African country, specific EU member states have more interest in working together than others, as a result, coordinating between diverse political interests is a challenge.

There has also been a need to address root causes of irregular migration through development funding, as well as reintegration programs. Altrogge *et al* (2019) recognize four challenges to the EU's goal of stemming irregular migration from West Africa, which include lack of local ownership of the migration governance processes, competing institutional mandates, domestic legitimacy problems and how to strike a balance between migratory rent and reduced remittances. Another EU official also identified that lack of ownership of migration governance initiatives in countries of origin and transit as a challenge because not only is the process EU-led, also external agencies (e.g. IOM and UNDP) and development agencies of EU member states implement migration governance initiatives. As a result, the migration control mechanisms implemented may be unilateral. Altrogge *et al* (p. 36) use Niger and an example of the impact of lack of ownership, where EU funding and support has impacted domestic laws and policies but largely excludes Nigerien civil society input. When civil society is excluded, issues like the human rights conditions of return will be ignored in favour of more security-focused approaches.

Van Crienkinge (2010) delves into the impact of lack of ownership on EU-Africa partnerships and identifies that when the EU engages external agencies to implement projects, it is perceived by African stakeholders as 'failing to strengthen the government's own capacity in migration management, undermining ownership, and has led the government to engage more closely with these agencies rather than with the EU.' Van Crienkinge holds that ownership in the implementation stage of migration governance is crucial because it galvanises proactiveness in enhancing capacity in migration management and enables migration dialogue to move forward. Lack of ownership has led to non-compliance and resistance in negotiation processes, which has in turn led to the general

ineffectiveness of migration partnerships in Africa. Lack of ownership, according to Van Crienkinge has also led African countries not to engage with the EU but rather with EU member states and intermediary agencies.

Lack of local ownership is tied to competing institutional mandates and lack of cohesion. Van Crienkinge (2010, p. 14) delves into the tensions between the EU-led migration dialogue and member state-led bilateral dialogue with West African countries. According to this analysis, member state-led agreements or cooperation tend to overshadow EU-led agreements because the EU leans on external or intermediary agencies like the IOM and UNDP instead of dealing directly with African governments in project implementation. Van Crienkinge adds that the EU is bypassed because member states are perceived to be 'more closely converging' with the migration interests of African governments. Because the EU provides funding to intermediaries like the IOM and development agencies, rather than directly to African governments, agendas reflect the priorities or norms of the intermediaries. As a result, local approaches are ignored. Additionally, competition for leadership arises between intermediaries, as well as political actors, government institutions and civil society for EU funding for migration governance-related projects.

The policy officer at an EU think tank agrees with Van Crienkinge's opinion and identified that competition poses a challenge at all the levels of migration governance. At the EU level, there is competition in terms of what the EU can do and the mandate of the member states; the Commission can set up frameworks for migration governance and cooperation and make promises to African stakeholders like legal pathways but quotas and sectors of legal pathways are up to the member states. As a result, the EU makes promises that it is not able to follow through. When the priorities of member states do not match the EU's, there is a problem. The EU cannot increase its mandate on migration by itself, whereas member states feel like the EU has not done enough to curtail irregular migration.

At the level of international organisations, the policy officer holds that there are differing interests, values and norms. For example, the IOM and the UNHCR have different approaches towards questions relating to defining who is a migrant or refugee because mixed migration flows make this distinction difficult. Both institutions have different norms and modes of operation or implementation. UNHCR is focused on protection of rights, whereas the IOM has a more 'service provider' mentality. These factors, in addition with availability of EU funding for projects, creates some form of competition. There is also competition for available EUTF funding among member state implementation agencies.

On the other hand, a migration policy analyst at another EU think tank identified two major challenges. Firstly, a challenge is the lack of accountability of EU member states and institutions to the public, as well as to national parliaments or EU mechanisms on how migration partnerships are implemented. As discussed above, migration partnership agreements have evolved to become informal and as a result, they are difficult to take to court, they are not led by debates in the EU parliament. It is also not clear whether informal agreements are EU agreements or member state agreements. Sundberg Diez (2019) holds that the accountability gap impacts return and readmission policies because of diminished procedural safeguards during return processes, differing return practices between member states and insufficient monitoring mechanisms in return practices and readmission agreements.

Secondly, as claimed by the migration policy analyst, another challenge is the increasing use of conditionality in readmission and migration partnerships, as migration governance has evolved. Tying benefits like development, funding and visas to cooperation hinders migration governance because the countries that need the most support are usually lacking the capacity to abide by the terms of readmission agreements and migration partnerships. As a result, these countries get the least support and remain trapped in a cycle.

An official of an international organisation in Nigeria opined that ensuring the free movement of people in West Africa is a key issue in migration governance, which is part of the components of ICMPDs work with ECOWAS and governments in the region. Additionally, based on Nigeria's National Migration Policy, the official identified five key issues, which are return and reintegration, border management, trafficking and smuggling, labour and diaspora engagement. This response is notable because it centers Nigeria's migration policy to determine what the issues and challenges are. Free movement in the West African region, which is a key priority of ECOWAS and its member states and has existed long before the establishment of the EU's Schengen. According to Altrogge *et al*:

'Migration and mobility are generally not considered a threat or problem in the West African context. While concerns over dangers on the routes to Europe feature in official discourse and are mirrored in political actions, migration and mobility as such are considered a common part of everyday life. The most usual form of migration in West Africa is regional migration... Regional migration is safeguarded through the free movement protocols of ECOWAS and the rules of the West African Economic and Monetary Union (WAEMU). Furthermore, both Senegal and Nigeria safeguard the 'right to migrate' in their constitutions and relevant policy documents.

An IOM official also confirmed free movement in the ECOWAS region as a key issue in migration governance.<sup>2</sup> Like the ICMPD, the IOM is working on the 'Support to Free Movement of Persons and Migration in West Africa' project. The project is funded by the EU with the ICMPD, IOM and ILO supporting the ECOWAS Commission in implementing the 1979 Free Movement Protocol. This support includes streamlining the ECOWAS commission's reach in the region, the scope of the common approach on migration and the protocol, regional migration policy, capacity building of civil society actors and local authorities. Ironically, while the EU funds projects to promote free movement in the region, return and readmission priorities and initiatives hinder free movement. Bilateral cooperation with African states on return is targeted at limiting free movement of people so it goes against ECOWAS regional norms. The policy officer at an EU think tank agrees that the EU and EU member states undermine the free movement in the ECOWAS region that existed before the Schengen. This is notable because it highlights the fact that externally driven migration priorities may harm pre-existing regional structures, norms and values. Again, without taking African perspectives into consideration, the processes of migration governance can be damaging.

An expert on migration governance in Africa added that EU member state projects are causing migration governance implementation problems. For example, the German development agency, GIZ in an agreement with the Nigerian Ministry of Labour, promised to create jobs for Nigerians in Germany through their job centres. This initiative came as part of the measures to encourage the return of irregular migrants. However, in reality, it is impossible to apply for a job in Germany from Nigeria. As a result, while the Ministry thought Nigerians were getting job opportunities, in reality, no Nigerian was able to get a job in Germany through the job centres. GIZ later clarified that their aim was to find jobs for Nigerians in Nigeria, not in Germany. However, is GIZ really suited to find jobs for Nigerians in Nigeria? For this reason, there have been no real incentives for Nigeria's participation in return-aimed initiatives, even though there is a lot of rhetoric at the EU and EU member state level about legal pathways and other inducements.

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<sup>2</sup> *ibid.*



Migration governance has created numerous projects led by foreign organisations and EU member state nationals in the top positions, with Nigerian experts at lower level positions. According to the migration governance expert, in a way, it has become an employment platform for their own nationals in Nigeria. As a result, work is duplicated, and funds are spent on enabling foreign staff to find their feet in the country. It has also created a lack of transparency or democracy in project implementation and local researchers are unable to evaluate the impact of their initiatives. The expert describes this part of migration governance as reinforcing post-colonial relationships, which are unequal and exploitative. Here we see that lack of transparency also impacts access to data on the impact of migration governance initiatives.

From the African side the key issues and challenges differ. Within the ECOWAS region, an IOM official identified competing national interests, language differences, territorial integrity and geographical scope as challenges to migration governance in the region. Firstly, Francophone West Africa has a different system with unique economic and political characteristics that may impact free movement. There is also no unified language in the regions so governance programmes have to be conducted in the three main languages which hinders the implementation of the Free Movement Protocol. Furthermore, national interests like territorial integrity hinder the implementation of initiatives like a regional biometric passport and one identification card; states only support initiatives that advance their national interest. The geographical scope and diversity of the region complicate interventions that implement free migration.

According to the policy officer at an EU think tank, African states are in competition of who will receive EU funding. There are currently 7 compact/ priority states in Africa, that receive EU funding from the EUTF and EDF to support migration-related projects. Other African states are excluded and as a result, they open their borders to more migrants to gain the EU's attention. Local NGOs and civil society working on migration issues are also competing for funding as well. There are hierarchies forming between those who have a relationship with the IOM or the government and access to funding depends on whether their views of irregular migration align with the international organisation's views. As a result, local organisations may try to align with the mandates of the international organisations in order to access funding. This creates an interaction that has what the policy officer terms as a 'duplicity of actions and motives' in migration governance.

An expert on migration governance also pinpoints competition as a challenge of migration governance. Because there is competition for the migration dossier at different levels and these projects are externally imposed, the real impact of migration governance is diminished. Niger is an example; the large incoming funding and projects on trafficking and smuggling is led by foreign perceptions, rather than local conceptions of the situation and context of trafficking and smuggling. In Nigeria, more local organisations, state-level agencies and ministries are getting interested in migration because there is funding that is not from the Nigerian government. This causes the shaping and reshaping of the mandates of ministries and agencies to access EU funds.

An EU official identified implementation of migration policy and how implementation is followed up at different levels as the key challenge on the African side. Using Nigeria as an example, the official pointed out that while Nigeria has the sturdiest migration governance framework in the region, it has not translated to real changes. The failure of implementation has been chalked to a lack of political will and interest to implement migration policy in Nigeria, corroborated by Arhin-Sam's research on the political economy of migration governance in Nigeria in 2019.

## **Case Study: The EU's Migration Partnership with Nigeria**

### ***The EU's migration dialogue with Nigeria***

Nigeria makes an interesting case study for many reasons. Nigeria was originally one of the five priority countries in the MPF because of the high influx of Nigerians crossing the Mediterranean. Nigeria is a significant origin, destination and transit country for migrants on the continent. In terms of migration governance, the EU came in very early; since 2012, the EU has been working to establish a concrete governance partnership scheme with Nigeria. Castillejo (2018, p 7) holds that the EU saw that Nigeria seemed to be open to partnership and which would lead to 'quick results that Europe's political leaders desperately needed.' Nigeria was also the first to subscribe to the Common Agenda for Migration and Mobility (CAMM).

The CAMM in 2015 paved the way for the EU's migration dialogue with Nigeria, with a return and readmission agreement as the main priority. In addition, the dialogue pushed for the elaboration of Nigeria's migration policy and governance framework that Nigeria came up with. According to a migration governance expert on West Africa, Nigeria was targeted for funding from the beginning in order to set the pace for the dominance of EU migration policy in Nigeria, but this was ramped up after the 'crisis' in 2015. Arhim-Sam (2019) notes that funding from the EUTF and the EDF provided support for the creation of a National Migration Policy (NMP), National Policy of Diaspora Matters (NPDM), and National Labour Migration Policy (NLMP), as well as nine other migration-related projects in Nigeria. Castillejo (2018) identifies that EU engagement with Nigeria and other priority countries consisted of high-level political dialogue, security support via common security and defence missions, the inclusion of European migration liaison officers in EU delegations, etc.

While five rounds of negotiations for a return and readmission agreement stalled in 2016, return has remained a priority of the EU. As mentioned earlier, return and readmission negotiations have halted largely because they do not match the interest of the Nigerian and other African countries. As the largest recipient of remittances in Sub-Saharan Africa, Nigeria does not gain politically by cooperating with the EU's return and readmission agreements (MEDAM Assessment report 2020, p. 34). Nigeria's political interest in return and reintegration, trafficking, and irregular migration has increased due to the availability of funding from the EU. However, this interest has not translated into greater allocation of resources from the Nigerian government to fund these areas (Arhim-Sam 2019, p. 28). As a result, migration initiatives are largely foreign-led in Nigeria. Foreign funded and implemented projects imply that the process of migration dialogue and governance is still external and highly stratified.

According to an EU official, return will remain a priority of the EU in the future. The official stated that the EU cooperation is still based largely on the 2015 agreement, which is why the EU approach is still migration management-focused. However, going forward, more than migration management, other angles will have to be taken into consideration to avoid a repetition of the same issues that have held up the process.

Another EU official opined that though the EU Commission was to publish a new communication on the migration pact, the COVID-19 pandemic delayed it. However, the official confirmed that the approach to return and readmissions will remain the same, the main ideas will not change. Nevertheless, there may be more investment in supporting the implementation of national migration policy and a focus on the internal aspect of EU migration governance to improve external coherence. The official admitted that development funds will never be enough to correct the root causes of irregular migration but an investment in building a 'common positive agenda' that is not limited to migration alone, will stem

irregular migration flows. In February 2020, the EU used the threat of restrictive visa implementation rules to compel Nigeria to cooperate in the readmission agreement negotiations but the impact of this threat did not lead to any results because of the pandemic.

Due to the COVID-19 pandemic, return and reintegration activities were impeded greatly. However, there were about 102 Nigerians returned from Mali on July 28, 2020. The EU in Nigeria did not suspend any projects or cancel activities but work plans were changed and mitigation plans for the year were put forward. Some migration projects have been extended (ECOWAS and NAPTIP for example) and all stakeholders are navigating the pandemic in a similar way, according to an EU official.

### ***Nigeria's influence in migration dialogue***

Because Nigeria was one for the first countries to be approached by the EU for migration-related cooperation, the relationship is advanced. Nigeria hosts the EU office for the whole region in Abuja, the federal capital. Nigeria is perceived as playing a big brother or super power role in the region and the continent and this perception has played out in how Nigeria negotiates with the EU and other stakeholders. An EU official agreed that the EU approach to Nigeria is different in comparison to others because of Nigeria's influential disposition and targeting other countries for partnership has been easier than Nigeria. Another EU official noted that Nigeria's population, its strong relations with some EU member states, high level of economic cooperation and the large Nigerian diaspora in Europe shape how Nigeria is positioned in migration dialogue.

Both EU officials had been involved in the return and readmission processes and negotiations. They described Nigeria as a proud partner with great potential but in need of support from external parties, technical assistance and investment to address migration-related challenges. The Nigerian government is aware of its importance and influence and has thrown its weight during negotiations. EU officials as a result needed to be well prepared ahead of the negotiations on the return and readmission agreement. In the end, Nigeria's unwillingness to accept the terms of the agreement rendered the process unsuccessful. This indicates that in the dialogue and negotiation process, Nigeria (and others like Senegal, as shown in Van Crienkinge's research), are able to amplify their strategic positions and make demands that suit their interests. When these interests are not met, they are also able to create leverage by stalling the negotiation process.

According to an expert on migration governance, Nigeria's preference bilateral agreements over multilateral agreements also has an impact on Nigeria's negotiation choices. The EU is seen as a multilateral institution, which means an EU agreement will be implemented by all EU member states. As a result, if Nigeria consents to a return and readmission agreement, Nigerians will face return measures in all EU member states. Bilateral agreements on the other hand gives Nigeria leverage to negotiate on distinct issues based on the context and relationship with specific member states. Arhin-Sam (2019) shows that multilateral agreements are suitable to Nigeria on trafficking and smuggling because those issues are transnational in nature. This indicates how the EU's position is weakened in migration governance because of its multilateral nature and how it represents regional block interests. EU member states bilateral agreements undermine EU migration partnership interests.

### ***Nigeria's strategic position and interests***

Like other African countries, migration is not a top priority to Nigeria, instead, issues like corruption, economic development and security are more important issues to the Nigerian government and Nigerian citizens. Nevertheless, migration is gradually becoming an issue of political interest. According to Arhin-Sam (2019), this is as a result of the increasing pressure from the EU and EU member states, foreign aid that is embedded in migration governance, the high level of remittances from the Nigerian diaspora, and the significant population of IDPs and refugees displaced by Boko Haram. Arhin-Sam has extensively analysed the migration governance framework and the political processes behind migration governance in Nigeria. This study identified that while Nigeria is interested in legal pathways of migration to the EU and other regions, these pathways are not open to most Nigerians because they are created for extremely high-skilled Nigerians who are a minority (p. 18). Legal pathways to migration are not accessible to lower skilled Nigerians who make the majority of the population.

Because Nigeria receives the highest remittances from the diaspora in Africa, it becomes a political and strategic interest of Nigeria to preserve remittance streams and engage with the Nigerian diaspora. These economic and political interests shape Nigeria's position on both bilateral and multilateral agreements and diminish other migration governance issues. When there is an interest to maintain remittance streams, it follows that Nigeria will reject agreements that threaten to block those streams.

Nevertheless, Nigeria has signed bilateral return agreements with EU member states focused on return because these countries (Italy and Germany for example) have a large Nigerian migrant population and have stakes in return and readmission. The EU funds reintegration assistance through the EU-IOM Joint Initiative for Migrant Protection, on the other hand, which is also a challenge to the Nigerian government.<sup>3</sup> Because return and reintegration is not well coordinated, monitored or followed-up, it is not a permanent fix. Research has shown that many people who returned voluntarily or forcefully migrated again because the promises of reintegration were either not met or were insufficient to address the root causes of irregular migration (Arhin-Sam 2019, p. 27).

According to an EU official, Nigeria has developed wide-ranging migration policies and laws in tandem with EU pressure interests (the NLMP in 2014, the NMP in 2015, the NPDM in 2016, and the incoming IDP policy). However, the problem has been lack of implementation within the Nigerian system. The lack of implementation is rooted lack of ownership of migration governance initiatives, corruption and competition between different institutions and levels of government.

A migration governance expert, like the EU official, holds that it is at the level of the implementation of governance frameworks that there is a problem. The policy expert also points to weaknesses of implementation:

'The political will which led to existing impressive migration policies and governance framework in Nigeria does not correspond to the political will for implementation. This is highlighted by a lack of federal budget and funding of migration related activities. Moreover, the low synergy among different actors despite the migration framework is partly to blame for low implementation of migration related policies. Meanwhile, the role of CSOs and NGOs in existing implementation frameworks is both limited and unclear.'

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<sup>3</sup> This initiative has led to the return of 14,000 migrants between 2017 and 2019. Arhin-Sam states that reintegration is a challenge to the Nigerian government because it is not well coordinated in Nigeria.

Additionally, the migration governance expert points to the international organisations as a source of implementation hindrances. There is a conflict of roles between intermediary organisations like the IOM and the UNHCR who receive funding to implement migration-related projects. While the UNHCR is implementing irregular migration programs, IOM works on all types of projects, including on refugee projects, which is within the purview of the UNHCR. Also, both organisations compete for EU funding, as well as for state agencies or ministries and local agencies or task forces to have their attention, which creates competition and exclusion at those levels. As mentioned earlier, the tensions between NAPTIP and the Edo state trafficking agency are rooted in access to EU funding; while the Edo state task force needs funding for local level anti-trafficking initiatives, EU funding is made available directly to NAPTIP.

Finally, a migration governance stakeholder analysis on Nigeria shows the reasons why sources of conflict within Nigeria's budding national migration governance, according to the migration governance expert. In Nigeria, policies are easy to make but implementation is hard; migration is not a political issue in Nigeria. The country is divided on migration, North and South perceptions on migration differ. The destination for southerners is different from the Northerners. Northerners have become transporters and the north is a transit area for migrants from the South. Meanwhile, the political structures are created from the North and the northerners' understanding dictates the policy direction of migration. This analysis peels away the superficial veneer of Nigeria's political position and reveals the real challenges to national migration governance. The regions that produce migrants do not wield influence to impact migration law and policy. At the ministerial and agency level, funding and roles are clear so there is less conflict of roles and responsibilities at that level.<sup>4</sup>

### ***Lessons from Nigeria's Case Study***

Looking at the Nigerian example, there are numerous lessons on migration governance. First, foreign dominance through funding impacts the governance negatively because it makes the relationship uneven; where there is money, there is power. At the national level, Nigeria is not interested in irregular migration (due to the internal politics of what region influences law and policy). However, at the state level, there are irregular migration-related challenges like human trafficking and smuggling in places like Edo state where politicians are fighting over who will work on irregular migration projects. If projects remain externally imposed, how much of an impact can they really have?

Foreign-led or dominated processes reproduce post-colonial asymmetries, which are harmful to migration governance processes. Additionally, they rob partners of the ability to own the processes that are taking place in and having an impact on their communities. The migration governance expert argues that capacity building by organisations like the IOM have not been done in a way to allow Nigerian actors to take over the helm of activities and projects. Capacity building has indirectly become another way of maintaining foreign dominance in the planning and implementation of projects. Nigeria already has a sturdy migration governance architecture that brings in all players (national, regional, local) which

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<sup>4</sup> The Ministry of Labour is focused on labour migration and is key in the structure of migration governance, the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFR) is the sole coordinator of migration issues in Nigeria. The Immigration Service and the The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) also have no conflict of roles and responsibilities. The Nigerians in Diaspora Commission (NIDCOM) on the other hand, had challenges due to national politics.

sets priorities and the roles and responsibilities of different players. Implementing migration governance through already established frameworks is healthier than leaving the IOM and others organisations to set the agenda according to the policy officer at an EU think tank.

Nigeria and other African stakeholders have agency in negotiations are able to 'play the game' by stalling migration partnership negotiations and using that as leverage. At the same time, they are using funding from the EU to legitimise their position domestically and better their image. Nevertheless, having some leverage does not change the asymmetric relationship with the EU, EU member states, international organisations and development agencies. As long as Nigeria and other African states are not in charge of the processes and projects stemming from migration governance initiatives, the relationship will remain an unequal one.

Because of externally imposed interests, there is no commitment or ownership of migration management processes. As a result, even though Nigeria has institutional structures and many comprehensive migration policies and agencies tackling particular migration challenges, there is no comprehensive agenda of migration. Implementation of migration policy and how implementation is followed up at different levels remain a problem. The government is more committed to fighting trafficking, organised crime and gaining remittances and that is where local ownership of the processes has been established. An EU official believes that the challenge for the EU going forward is creating a more holistic agenda on migration to include a wider range of issues than return (e.g. investing in African youth).

Another EU official who was involved in the migration partnership negotiations noted that Nigeria shows that there is no 'one size fits all' in migration governance. Over the course of the eight years of EU migration governance, they have learned that country-specific contexts must be taken into consideration, rather than pushing the same agenda using the same methods with all partners. Cultural, social, economic and political elements of the relationship be integrated together for a more holistic and balanced relationship between the EU and African stakeholders.

Another lesson is the importance of tallying agendas in order for migration partnership to be successful. European and Nigerian interests differ on the specific priorities of governance and both parties have stuck stubbornly to their interests. The EU is only interested in stemming irregular migrant flows and increasing returns to resolve political pressures within the EU, whereas Nigeria is focused on maximising the benefits of migration for development through remittances. With hardly any legal pathways and extremely stringent visa regimes, the EU and its member states are fueling irregular migration. As long as the EU is not empowered to fulfil promises of legal pathways, there will be no progress in any migration partnership negotiations. The EU's ability to increase legal pathways is highly dependent on improving cooperation and trust between member states, as well as the political will to open up realistic legal pathways. Arhin-Sam (2019) specifies that a combination of scholarships, skill training programmes and other improved conditions for legal migrations will enable Nigerians who cannot meet work permit and student visa requirements to be able to compete for legal pathways (p. 30).

An EU official was not certain about imbalances between the EU and African stakeholders because the level of interest in different policies differ in different countries. However, the official noted that on legal pathways to migration, the EU and Nigeria are in tandem; more legal pathways are necessary to curb irregular migration. However, not much progress has been made in creating legal pathways till date. With mistrust within the EU and varying return rates between EU member states, legal pathways will be difficult to achieve.

As the Nigerian case study has shown, divergences between federal and state level agencies, and other domestic characteristics also have the capacity to hinder migration governance. In Nigeria, the interests at the national level differ from those at the state level,

regional differences are also at play, shaping whether or not and how implementation takes place, where and how funding is spent, and what issues become prioritised by the government. Inter-agency competition between federal agencies, as well as between international organisations shape how effective migration governance frameworks can be. EU collaboration with the IOM over other UN agencies gives the IOM a more substantial role in migration governance and leaves less room for other UN and non-UN agencies to operate (Arhin-Sam 2019, p. 32).

Finally, until the root causes of migration are adequately addressed, return and readmission priorities will never be achieved. To Nigeria, corruption, insecurity, youth unemployment and poor governance are the most glaring problems of the country and the root causes of irregular migration, human trafficking and smuggling. These are the areas Nigeria needs a partnership on, as an EU official points out. Going forward, the focus will need to shift from the simplistic goal of return and find concrete ways to deal with root causes.

### ***Changing asymmetries of power in migration governance***

One of the main reasons that EU-Africa partnerships have not worked is due to the asymmetrical nature of the relationship. According to a migration governance expert, there are two elements of asymmetry. Firstly, return is very contentious so countries refused to sign return and readmission agreements because of the resistance and domestic backlash by citizens and civil society. Opening up legal pathways to migration would be less asymmetrical, however, this is not going to happen, as shown in the GIZ example. The expert also holds that a change in rhetoric, from a strategy for Africa to a strategy with Africa at the upcoming EU-AU summit is a step towards a more symmetrical relationship.

On legal pathways, the policy officer at an EU think tank states that the EU should ensure coordination between member states on what they are willing to offer before presenting it to African partners. This will prevent unfulfilled promises and distrust and create an alignment of agendas in migration governance processes. Legal pathway solutions need to be accessible and realistic, recognising that the EU has to make a compromise for sustainability and recognising African political economies.

Another migration governance expert also agrees that compromise is necessary to stabilise the relationship between the EU and African stakeholders. EU interests have remained fixed and their core interests have remained the same, however, for partnership to be possible, EU stakeholders will have to compromise on a larger scale. Diminishing return as the anchor of migration partnerships will prove to be more effective in the long run.

As specified by the expert, as long as the EU is the main funder of migration activities in Africa, it is difficult to see how change can occur in these relations. However, the migration partnership experience has opened up an understanding of migration and migration policy in Africa. African states can sift through and pick out what favours their interest and capitalise on them. For example, they should concentrate on the diaspora because this is what makes sense to African governments.

Border strengthening is an EU and EU member state interest, it is not African and as a result, it should not be central to African migration governance. Additionally, the EU should re-evaluate who it funds, especially if they are reinforcing asymmetries. Projects should be funded through national ministries and agencies to give local ownership of the process and ensure sustainability of these governance initiatives. In this logic, when the Nigerian government leads and coordinates irregular migration management and coordinates return and reintegration, it will compel the government to take more financial responsibility on irregular migration (Arhin-Sam 2019, p.34). Increased levels of responsibility comes from

the roles that Africans take on and when there is responsibility and ownership, there will be an insistence on better governance, which will address the issues of corruption. When Africans own migration governance, it will be more organic, efficient and sustainable.

Finally, regional institutions also have a role to play in balancing the relationships between the different stakeholders because it cannot be done by states alone. This is a position held by the policy officer at an EU think tank who opined that:

‘At the regional level, African countries can say no to some things, some domestic priorities are more important than EU priorities like detention of refugees, which puts pressure on non-existent social systems. Within ECOWAS, states can harmonise their priorities, decide what those priorities are and stick to them. The EU can speak to states in the region as a bloc, not through the backdoor to talk to individual states. Migration is tied to ec dev in West Africa and the EU and other foreign stakeholders have to recognise this.

The African Union also has a role to play. The AU is the framework for states to build on, to call out the negative practices taking place in the name of return and readmission. For example, the AU was vocal in the case of Libya however, the AU is not really vocal on the impact of migration partnerships yet. When it responds it has to be in line with the AU framework for migration.

On the other hand, an IOM official believes that asymmetries are not really a problem because even though the EU has convening power, other stakeholders usually have a say and as a result, they are aligned. For example, the IOM combines the objectives of regional institutions (ECOWAS) into its proposals and feeds it into the strategies of the EU. The EU and other donors do numerous assessments before coming up with strategies. The Migration Dialogue for West Africa (MIDWA) is an example of how the EU is engaging with the states in the region as a bloc. MIDWA was established in 2001 and activated in 2013. Through the IOM, it focuses on migration dialogue and brings all stakeholders to the table (states, implementing agencies, civil society, and local authorities). The Support Free Movement project has been supported through MIDWA to negotiate on specific issues; it has thematic working groups, technical experts from all member states and provides input and includes ministers from all member states focused on migration, and heads of migration dialogue. According to this IOM perspective, through capacity building in ECOWAS, there will be more experts on migration that will be embedded in ECOWAS and ECOWAS member states. ECOWAS as a regional body can negotiate on behalf of the whole region on migration management.

## **Conclusion**

### ***The Future of Migration Partnerships in Africa***

This paper has aimed to unpack the ways in which EU-Africa migration partnerships have evolved, as well as the lessons to be learned from the current state of play on transnational migration governance. The methodology draws primarily from stakeholder insights from interviews conducted by the author, as well as using Nigeria as a case study. From the example of Nigeria and the contributions of stakeholders, the strengths and weaknesses of the current migration governance regime are laid bare and from them, we can make predictions about the future of migration governance. The insights of



stakeholders, policy makers and analysts led to some postulations on the future of migration governance.

First, the abuse of migrants' rights is rising. The current state of migration governance shows a trend of decreasing protections of the rights of migrants. There have been progressively lower levels of respect for the protections of migrants' rights due to the political interests behind the calls for return and the externalisation of migration policy in Europe. Anything has become acceptable as long as it keeps irregular migrants out in Europe. EU member states continually breach international law and international human rights law in the implementation of return but there is a deafening silence in response to these breaches. As a result, more states are comfortable with implementing controversial measures with little resistance because it is aimed at stemming migration. In the opinion of the policy officer at an EU think tank, this is where African states need to push back through the AU and regional institutions like ECOWAS. There is an overarching international law framework, which European countries signed up to and should be held accountable for.

Second, lack of accountability remains a hindrance. The substantial lack of control on the impact of return on fundamental rights needs to change. There is no accountability of what happens to people during and after their return or about discrimination against returnees, among many other problems. The EU will have to expand fundamental rights monitoring and must consider the types of countries it comes to these agreements with. The EU and EU member states should not be collaborating with countries that have a long history of human rights abuses, as a migration governance analyst proposes. Future migration partnership agreements should focus on safety of returns, dignity of return and sustainability after return. If there is no coherent EU return policy that addresses accountability, people will migrate again.

Third, return does not work. The disproportionate focus on return and readmission has not brought in the dividends envisioned by the EU and as a result, there needs to be a rethink about sustainable solutions. Conditionality has not led to an increase in return numbers because it is not in the interest of third countries to cooperate on return agreements. Additionally, return agreements strains relationships with African countries because it does not consider the significance of remittances and the role it plays in development. EU funding cannot do as much as remittances in reaching poor communities and individuals directly. Instead of focusing on short term or immediate political interests of the EU, long term cooperation will yield more benefits for migration governance.

Fourth, a holistic approach to migration is needed. Global interdependence is a larger context than migration and as a result, there has to be a rethinking about how globalisation is shaping relationships and how to improve globalisation. According to an EU official, migration is only one aspect of globalisation and the EU has to consider the larger context. In order to do this, the EU has to develop a more holistic relationship with migrant sending regions and third countries. Migration partnerships should be devised to suit the unique economic, political, cultural and social context of individual states, rather than a one-size-fits-all framework. Trust and political buy-in are crucial in future attempts at migration partnership negotiations. Additionally, the EU and EU member states have to fix the divergences in return and build trust, in order to break the silos and step up cooperation among themselves.

Fifth, new outcomes may arise from the EU-AU summit. The summit will likely focus on the pandemic and health structures, but migration will still be high on the agenda. An EU official held that the EU is taking stock of what has been done in the past and is interested in supporting governments to develop migration governance as part of their structures. However, funding is needed for governments to be able to implement migration policies domestically. An official from the IOM opines that it is likely that there will be donor fatigue and international organisations may get reduced funding because of the pandemic. A

migration governance expert suggests that going forward, the EU should empower civil society at the local level. International organisations have helped create domestic migration policies and after all the years of capacity building, African countries should be able to do the implementation themselves.

Finally, migration will never end, and the migration governance regime has to reflect this fact. People in Europe and other parts of the Global North can migrate anywhere without restrictions but impose limitations on the abilities of others to do the same. Rather than keeping people out to gain political wins, there should be a reshaping of rhetoric. Even though right wing voters want less migrants, the EU advocates for human rights. As a result, it is not according to EU values for people to die on the way to Europe or to be pushed back (or refouled) into dangerous places. Recognising that migration is an instinctive part of human nature and creating safe and legal pathways to migration is a more sustainable solution to irregular migration, human trafficking and smuggling.

Due to the COVID-19 pandemic, the entire world has experienced extreme limitations on migration, and we are learning lessons of how immobility feels. Immobility has been the norm for irregular migrants, refugees, asylum seekers, stateless people and IDPs. The pandemic is also teaching the world how interconnected we are, as well as how important migrant labour is to both developed and developing countries. These outcomes of the pandemic may offer the impetus for the EU, EU member states and other actors to change their approach towards migration governance, as the migration governance analyst. The shift must include a focus on safe and dignified return, as well as regularising undocumented migrants due to the role they play in key sectors.

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## **Appendix**

### ***List of Interviewees***

Interview with EU official via Zoom, June 29, 2020

Interview with EU official via Zoom, July 1, 2020

Interview with EU official via Skype, July 20, 2020

Interview with an official of a migration expert international organisation via Zoom, July 28, 2020

Interview with an EU official via Zoom, July 29, 2020

Interview with IOM official via WhatsApp, July 30, 2020

Interview with expert on migration governance via Skype, July 30, 2020

Interview with an official of a migration expert international organisation via Skype, August 3, 2020

Interview with an IOM official via Skype, August 5, 2020

Interview with a migration governance expert via Zoom, August 6, 2020

Interview with a migration governance analyst via Zoom, August 10, 2020

Interview with a policy officer at an EU think tank via Google Meet, August 21, 2020