European Union Partnerships with African Countries on Migration
A Common Issue with Conflicting Interests

Matthieu TARDIS

March 2018

OCP POLICY CENTER
THINK · STIMULATE · BRIDGE

ifri
Centre for Migration and Citizenship

Ifri is a research center and a forum for debate on major international political and economic issues. Headed by Thierry de Montbrial since its founding in 1979, Ifri is a non-governmental, non-profit organization. As an independent think tank, Ifri sets its own research agenda, publishing its findings regularly for a global audience. Taking an interdisciplinary approach, Ifri brings together political and economic decision-makers, researchers and internationally renowned experts to animate its debate and research activities. With offices in Paris and Brussels, Ifri stands out as one of the rare French think tanks to have positioned itself at the very heart of European and broader international debate.

OCP Policy Center is a Moroccan policy-oriented think tank whose mission is to contribute to knowledge sharing and to enrich reflection on key economic and international relations issues, considered as essential to the economic and social development of Morocco, and more broadly to the African continent. For this purpose, the think tank relies on independent research, a network of partners and leading research associates, in the spirit of an open exchange and debate platform. By offering a "Southern perspective" from a middle-income African country, on major international debates and strategic challenges that the developing and emerging countries are facing, OCP Policy Center aims to make a meaningful contribution to four thematic areas: agriculture, environment and food security; economic and social development; commodity economics and finance; and "Global Morocco", a program dedicated to understanding key strategic regional and global evolutions shaping the future of Morocco.

Author

Matthieu Tardis joined Ifri's Centre for Migration and Citizenship in February 2015. He graduated from the Higher Institute of European Studies in Strasbourg and he also studied at the law faculties of the Universities of Bordeaux and Oslo. Matthieu Tardis worked for a French refugee aid NGO, where he was particularly involved in developing immigration policy expertise in France, Europe and Tunisia, through studies and European and international projects.

His research areas include asylum, integration and international migration, as well as their impact on European policies.

Executive Summary

Since 2015 and the refugee crisis, the dialogue between the European Union (EU) and African countries on migration issues has assumed a new intensity. The EU, wishing to put an end to irregular arrivals in the central Mediterranean and increase the number of returning irregular migrants, proposed a new partnership framework with third countries in the wake of the March 2016 agreement with Turkey. This partnership framework is specifically aimed at African countries, as countries of origin and transit for migrants arriving in Europe. It gives a new scope to the external dimension of European asylum and immigration policy, whose effects have so far been very limited. This is now fully integrated into the EU's and its Member States' external relations. In other words, the migration issue is at the centre of European foreign policy.

The EU has a financial instrument to achieve its objectives, which has quickly become the most noticeable tool of the migration partnership policy. The Emergency Trust Fund for Africa (EUTF), introduced during the Valletta Summit in November 2015, has become the sign of a closer synergy, or even an alignment, between migration policy, security and development objectives. However, far from meeting the principles of partnership and shared responsibility, the EUTF, like the other dialogue frameworks, remains in the hands of the Europeans, who impose their objectives and control their implementation. The African countries find little leeway where they could be involved in setting the objectives and means of action.

The asymmetry of the partnership frameworks emphasises the contrast between the various partners' challenges and expectations. Indeed, the European and African countries' interests seem divergent or even conflicting, due to the two continents' different social and political realities. On the one hand, the Europeans are seeking better co-operation from the African countries on the return of irregular migrants, border control and refugee protection. On the other hand, the African countries wish to develop legal migration channels to the EU, whether for their workforce or refugees.

Although the asymmetry of the partnership frameworks allows the EU to impose its objectives, however it must be careful to better consider the interests and challenges of its African partners at the risk of further

destabilising this already fragile continent. Thus, intra-African regional dynamics have been put to the test by the problemisation and securitisation of the migration issue, whereas this has traditionally been seen as an economic opportunity by the people of Africa. The worsening situation of migrants and the people of the Agadez region in Niger is an example of the unanticipated effects of the European approach. The latter may jeopardize African countries' efforts to establish freedom of movement in Africa which however has been a factor of prosperity and peace in Europe.

Table of Contents

Introduction

The dialogue between Europe and Africa has assumed a new intensity. During the recent period, the succession of European meetings, mini-summits between European Union[1] (EU) Member States and visits by senior European politicians to Africa testify not only to the importance of this dialogue, but also to the central role it plays in the issue of migration. The issue of migration, focused on the demographic, economic, and environmental challenges of Africa's development, is nowadays increasingly organised around the European states' external activities on the continent. It is not a new dimension in Euro-African relations. However, the issue of migration has assumed an unprecedented importance since 2015, which must be questioned in the aftermath of the refugee crisis experienced by the EU.

Initially, the Europeans, who had not anticipated the arrival of a million people, were caught unawares even though these flows were predictable. The concentration of millions of refugees, particularly from Syria, at the gates of Europe was indeed a delicately balanced situation. The Europeans are now asking this question with regard to Libya and the Sahel area.

Secondly, despite an attempt to establish a common framework in a hurry, the solution to this "refugee" crisis did not originate from internal political agreement within the EU. It came from outside. Firstly, it was the closure of the Macedonian border in February 2016 which provided a response to flows from Greece to the rest of Europe. Then, it was mainly the agreement with Turkey in March 2016 which stopped the arrivals in the Greek islands. This interruption has been dramatic: from 200,000 arrivals in the islands in October 2015 – or at the height of the crisis – to 3,650 in April the following year, some days after the "EU-Turkey[2] deal".

---

1. So, for example in 2017 alone, the February, June, October and December European Councils addressed the issue of migration. At the same time, France organised an EU-Africa mini summit on immigration in August 2017. Italy brought together its southern European partners in January 2018.

2. Declaration by the EU Council and Turkey dated 18 March 2016. This declaration, commonly called the "EU-Turkey deal", provides for the readmission of non-refugee migrants to Turkey, but also those seeking asylum, leaving the Greek institutions with the task of declaring Turkey a safe third country and the first country of asylum. The EU is committed to resettling one Syrian refugee in Europe for every Syrian readmitted to Turkey within a prior limit of 72,000 people. Turkey has obtained a doubling of financial aid to improve the reception conditions for refugees

We are measuring the importance of what happened in the eastern Mediterranean to understand what is now happening in relations between the EU and Africa. With the "deal" with Turkey, the Europeans established a method for drastically curbing irregular arrivals of migrants, whether refugees or not, before solving the problem of migration policy within the EU, whose contradictions and limitations are primarily related to the political sensitivity of the issue.

Could such a scenario occur in the central Mediterranean? In any event, it was in light of this that the Europeans turned their attention to this region from early 2016, as migrants continued to use this route. 181,000 people landed in Italy in 2016. Their number decreased from July 2017, with 120,000 people throughout the year. Moreover, it should be noted that the closure of the eastern route to the Turkish border had a limited impact on flows in the central Mediterranean.[3] With the exception of the Bangladeshis, the migrants mainly come from Africa, mostly from West Africa and to a lesser extent from East and North Africa. Therefore, there is a migration-specific dynamic in this region of the Mediterranean.

(€ 6 billion), as well as a resumption in EU accession negotiations and visa liberalisation commitments for its nationals.

3. The Syrians, Afghans and Iraqis are not put off this other route to try to reach Europe. According to the UNHCR, 2,357 Syrians arrived in Italy in 2017. There were 12,395 in Greece.

Main countries of origin of people who arrived by sea in Italy in 2017

Country of origin	Population	Percentage of arrivals
Nigeria	18,158	16.1%
Guinea	9,701	8.6%
Côte d'Ivoire	9,507	8.4%
Bangladesh	9,009	8.0%
Mali	7,118	6.3%
Eritrea	7,052	6.3%
Sudan	6,221	5.5%
Tunisia	6,151	5.5%
Morocco	6,003	5.3%
Senegal	6,000	5.3%
Gambia	5,808	5.1%
Ghana	3,909	3.5%

Source: UNHCR, Operational Portal, Mediterranean Situation (http://data2.unhcr.org).

In addition, because of the distance between the two shores at this point in the Mediterranean, rescue operations at sea mobilise significant resources on the European side, in particular for the Italian navy. Unfortunately, this does not prevent the increase in shipwrecks, with 2016 having experienced the sad record of deaths in the Mediterranean, with 4,578 deaths recorded. Moreover, the EU is faced with a large number of very different actors. Finally, although the Libyan coast is the starting point for African migrants, it is impossible to reproduce with Libya the agreement reached with Turkey, due to the instability and insecurity which reign in the country.

In response to this, the EU is trying to establish a framework for managing migration flows in the central Mediterranean, based on a principle of shared responsibility between the European countries of destination and the African countries of origin to ensure the protection and safety of migrants. The fate of the latter in Libya, exposed to the general public by the broadcast of a report in November 2017 by the US channel, CNN, increased the pressure on African governments to take a stand on

migration to Europe.[4] However, although the situation of African migrants is actually a common issue for the EU and African countries, the interests of the two parties are not identical. From the point of view of the African governments, migration is involved in the economic dynamics of their countries, through the remittances that it generates, as well as through the opportunities that emigration may represent for national labour markets with limited capacities.

This then raises the question of convergence between the European interests and those of African countries. On the face of it, the EU is in a strong position to impose its objectives on its African counterparts. It has made the conclusion of migration partnerships a political priority and intends to deploy the necessary diplomatic and financial means to this end. It remains to be seen whether such agreements can withstand an asymmetry of power and interests between partners. To answer this question, we need to examine the issues of the partnerships between the EU and African countries on migration matters. To do this, we will firstly return to the partnership frameworks proposed by the EU, trying to highlight the turning point observed since 2015. Secondly, we will analyse the objectives of these partnerships by comparing the EU's priorities with the interests of its African partners.

---

4. The joint declaration by the EU, the African Union and the United Nations at the end of the Abidjan Summit on 29 and 30 November 2017 on the migrant situation in Libya is hence aimed at establishing co-operation with a view to removing and repatriating migrants in Libya to their country of origin.

Significant asymmetry in setting migration partnership frameworks

The central importance of migration issues in relations between the EU and African countries is related to the growing emergence of the external dimension of the European asylum and immigration policy. This approach has a limited effectiveness as it is caught in a poor coherence between the EU's external action and its Member States' foreign policies. After the 2015 crisis, the European countries and institutions tried to develop the convergence of their actions by making migration an issue at the heart of the EU's external relations. Yet, the partnership frameworks proposed to African countries remain set by the Europeans, leaving the former with little room for manoeuvre with regard to the objectives pursued.

The emergence of the external dimension of the European asylum and immigration policy

European co-operation on asylum and immigration emerged with the establishment of an area of free movement in Europe. Co-operation with countries of origin and transit was already an objective of the five-yearly programme implemented at the Tampere European Council in 1999. It was to ensure coherence in the EU's internal and external policies. However, this objective was put aside to construct a common European asylum system.

The Seville European Council of June 2002 illustrated the focus on security following the attacks of September 11, 2001. The Council called for an "integration of immigration policy in the Union's relations with third countries," also including "a systematic assessment of relations with third countries which do not co-operate in combating illegal immigration."

The Hague multi-annual programme adopted by the European Council in November 2004 then laid the foundations for "the external dimension of asylum and immigration." This included several dimensions. The programme also specified that "EU policy should aim at assisting third parties, in full partnership, using existing Community funds where

appropriate, in their efforts to improve their capacity for migration management and refugee protection, prevent and combat illegal immigration, inform on legal channels, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return".[5]

It should be noted that the guidelines which are now directing the immigration and asylum partnerships with third countries were set at the start of the 2000s. However already, the EU was outlining "its deep concern at the tragedies occurring in the Mediterranean Sea". These objectives were then incorporated into the Treaty of Lisbon in 2008.

The consistency of the stated objectives came up against the EU's foreign policy, which was still in its infancy, and tools for action which remained to be set. In 2005, the EU tried to conceptualise the framework of its action under the label "global approach to migration". This approach proposed setting migration guidelines in relations with third countries. This affected both asylum[6] and co-development, border control, the fight against irregular immigration and legal immigration.

After the Arab Spring, the Global Approach to Migration and Mobility[7] (GAMM) became the new general framework of the EU's external migration policy referring to the establishment of a "genuine partnership" with third countries.[8] This "global approach" is only an exchange framework based on a variety of dialogues, political, legal and financial instruments, programmes, projects and actions.

---

5. Conclusions of the Presidency, *The Hague Programme – strengthening freedom, security and justice in the European Union*, Brussels, 4 and 5 November 2004.

6. In September 2005, the European Commission proposed creating Regional Protection Programmes (RPP). The RPPs were aimed at focusing on the establishment of regional protection zones near the refugees' country of origin, as well as in transit countries, with resettlement programmes intended to bring quotas of these refugees from countries of first asylum to Europe. The first RPPs were developed in the newly western independent countries (Ukraine, Moldova and Belarus) and in the Great Lakes region in Africa (Tanzania). Two other programmes were created from 2010 in the Horn of Africa (Kenya, Yemen and Djibouti) and in North Africa (Egypt, Libya and Tunisia). They were followed by a new programme in the Middle East (Lebanon, Jordan and Iraq) in 2013. The RPPs were integrated in the GAMM in 2011.

7. According to the Commission, mobility refers to short-term travel in the EU such as visitors, tourists, students, researchers, businessmen and women or family visits. The Commission therefore intends to take greater account of the links between the European policy on short-stay visas with national immigration policies and the global approach to migration.

8. European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Global Approach to Migration and Mobility*, COM (2011) 743 final, Brussels, 18 November 2011, available at: https://ec.europa.eu.

For example, the global approach includes seven regional dialogues,[9] whose scopes may intersect, and two international processes,[10] to which should be added bilateral dialogues between the EU and third countries. These bilateral dialogues may themselves be part of other institutional dialogues, like the European Neighbourhood Policy. The dialogues are reflected in a series of tools. The Mobility Partnerships are part of this arsenal. They seal the reciprocal commitments by the EU and the third country in the areas of migration and mobility, which may then result in agreements, particularly on visa facilitation or on readmission.

GAMM's track record is poor. Only nine mobility partnerships have been signed to date, of which only three were for Africa: with Cape Verde in 2008; Morocco in 2013; and Tunisia in 2014.[11] The approach behind these agreements is based on the principle of "giving more to receive more". This means that the European countries are facilitating the issuing of visas for nationals of the countries of departure in return for the latter's help in controlling the European borders. This principle has proved to be a failure. The promise of visa facilitation against signing a readmission agreement has had no incentive effect. It took five years to conclude a readmission agreement with Cape Verde while discussions have struggled to advance with Morocco and Tunisia.

The European Commission also observed a wide disparity in the level of participation of EU Member States.[12] The most involved European countries were those that had already developed a migration relationship with the third countries. This was particularly the case of Portugal, Spain and France. However, their approach was rather aimed at ensuring coherence with the bilateral agreements that they themselves had concluded with the countries of departure. Ultimately, the Global Approach on Migration and Mobility has remained a tool guided by the specific national migration interests of each Member State and has suffered from a lack of ownership by European diplomats. Despite this track record, the partnership policy with third countries was revived in 2015. The scope of

---

9. These dialogues include the Prague Process, the migration and asylum group in the Eastern Partnership, the Budapest Process, the Africa-EU Partnership on migration, mobility and employment, the Rabat Process, the EU-CELAC Structured and Comprehensive Dialogue on Migration, the ACP-EU Dialogue on Migration.

10. The High-level dialogue on International Migration and Mobility and the Global Forum on Migration and Development.

11. The other third countries that have signed mobility partnerships are Moldova (2008), Georgia (2009), Armenia (2011), Azerbaijan (2013) and Jordan (2014).

12. European Commission, *Report for the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Report on the Implementation of the Global Approach to Migration and Mobility 2012-2013*, COM (2014)96 final, Brussels, 21 February 2014., available at: https://ec.europa.eu.

the external dimension of the asylum and immigration policy gradually shifted from the EU's neighbourhood to sub-Saharan Africa.

The new partnership framework with third countries: the EU's African priority on migration

The March 2016 EU-Turkey statement has become the template for a new type of migration partnership. The Europeans have been especially attracted by the immediate and, to date, lasting effects in terms of irregular arrivals in Greece. It is in this context that the EU eagerly launched a new partnership framework in June 2016 as part of the European Agenda on Migration.[13] This aims to "achieve a coherent and tailored undertaking where the Union and its Member States act in a co-ordinated manner, putting together the instruments, tools and leverage to reach comprehensive partnerships (compacts) with third countries to better manage migration in full respect of our humanitarian and human rights[14] obligations". This new framework combines short-term objectives (saving lives in the Mediterranean; increasing the return rate to countries of origin and transit; allowing migrants and refugees to remain closer to home and preventing them from embarking on dangerous journeys) and long-term objectives (addressing the root causes of irregular migration and forced displacements; building capacity in host societies and the relevant institutions).

On the face of it, this new partnership framework resembles the Global Approach to Migration and Mobility. The dialogue frameworks and policy instruments, such as the mobility partnerships, are maintained. However, its goal seems unprecedented. Firstly, the Union's priority is clearly stated: it is increasing the returns and readmissions of irregular migrants to countries of origin and transit.

Subsequently, the resources available are without comparison with what has already been previously undertaken. The EU created new types of financial funds (trust funds) to pool the EU and Member States' resources for a more flexible, and therefore quicker, implementation than the usual EU financial instruments. Since 2015, a regional trust fund to respond to

---

13. European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration*, COM (2016)385 final, Strasbourg, 7 June 2016.
14. *Ibid*.

the Syrian crisis, a facility for refugees in Turkey and an emergency trust fund for Africa have been created.

Furthermore, the partnership framework is also different from the Global Approach in terms of stronger political pressure on third countries and a better alignment between the actions of the EU and its Member States' diplomatic corps. The European External Action Service is more obviously in charge, under the auspices of the EU's High Representative for Foreign Affairs and Security Policy. Added to this is the intervention by European heads of state or government, who raise the migration issue during their visit to a third country, like the German Chancellor or the French President, highlighting the importance of the partnerships in the eyes of the Europeans.[15] There is a shift in migration co-operation. So far, this has been the external face of the European asylum and immigration policy under the auspices of the Ministries of the Interior. It has now become a key topic in European diplomacy.

Finally, the EU is specifying the overarching geographical scope of this policy. The Communication from the European Commission in June 2016 targeted 14 countries in Africa, Asia and the Middle East. This list was then reduced to five African countries: Ethiopia, Mali, Niger, Nigeria and Senegal. This choice was determined by their situation on the central Mediterranean migration route. The Europeans understood that it was impossible and too expensive politically to consider a similar co-operation with Libya to that with Turkey. They then turned to the countries of origin or transit which precede Libya on the migrants' route. However, these countries have separate interests in the dialogue with the EU due to differing migration situations from one country to another. So, Niger is a transit country whose nationals do not travel to Europe. Mali is a country of origin whose diaspora remittances accounted for 6.8% of GDP in 2015. These differences benefit the EU which talks bilaterally with the states which struggle to form a united whole.

However, these frameworks and objectives imposed by the EU can create a political cost, because they can also impact negatively on relationships established on the subject between the European and African countries in the context of previous dialogues, especially the Rabat Process. Since 2006, this Euro-African dialogue on migration and development has brought together 60 European and African countries, as well as the European Commission and the Commission of the Economic Community of West African Countries (ECOWAS). The Rabat Process has succeeded in

---

15. E. Collet and A. Ahad, *EU Migration Partnerships: A Work in Progress*, Migration Policy Institute, Brussels, December 2017, available at: www.migrationpolicy.org.

establishing a balanced area of exchange between the parties on both sides of the Mediterranean, although its operational effectiveness is still limited.[16]

The Valletta action plan: financial diplomacy

In November 2015, the EU and its Member States invited their African partners to Malta. The Valletta Summit was an opportunity to emphasise the principles of solidarity, partnership and shared responsibility for managing migration flows in all their aspects. Hence, the European states tried to involve the African countries in issues which they had so far remained relatively discreet about. The usual political statement at this type of summit between heads of state and government was accompanied by an ambitious and detailed plan describing five priority areas of action. This included the need to:

- address the root causes of irregular migration and forced displacement of people;

- increase co-operation regarding legal migration and mobility;

- strengthen protection of migrants and asylum seekers;

- prevent irregular migration, the smuggling of migrants and human trafficking, and combat these phenomena;

- co-operate more closely to improve co-operation on returns, readmission and reintegration.

At this summit, the EU launched the European Union Emergency Trust Fund (EUTF) for stability and to combat the root causes of irregular migration and the phenomenon of displaced people in Africa. This fund, planned for a period of five years, was provided with € 3.6 billion, with half coming from the EU's budget and the other part from Member States' contributions. The EUTF is meant to help improve migration management and to tackle the root causes of irregular migration. It is made up of three functional geographical components: the Sahel region and Lake Chad basin; the Horn of Africa; North Africa. Other African countries may be eligible on an individual basis for regional projects.

---

16. See: *Le processus de Rabat – Une décennie de dialogue sur la migration et le développement, 10 ans de dialogue*, ICMPD and FIIAP, 2015. In 2014, a similar co-operation platform was launched between the countries on the migration route from the Horn of Africa. The Khartoum Process has not achieved the same degree of exchange as the Rabat Process.

The EUTF has quickly established itself as the most noticeable tool of the migration partnership policy. It shows how financial instruments remain the main lever of the EU's external policy. It has also become the sign of a closer synergy, or even an alignment, between migration policy, security and development objectives.[17] Four strategic objectives are assigned to the EUTF: better economic and employment opportunities; building the resilience of communities, particularly the most vulnerable, as well as of refugees and displaced persons; improved migration management in countries of origin, transit and destination; and improving governance, conflict prevention and reducing forced displacements and irregular migration. So, the rationale for official development assistance is interwoven with security interests and migration issues.

A study carried out by Oxfam indicates that over the first two years of the EUTF's existence, 63% of the funds were awarded to development projects, 22% to migration management and 13.5% to security, peace-keeping, the prevention of and fight against violent extremism.[18] This proportion varies by country. While the projects supported in Senegal are mainly about job creation to prevent migration, the EUTF funds the fight against insecurity and the capacity-building of law enforcement agencies in countries such as Mali and Niger. It contributes to regional protection programmes for refugees in North Africa and the Horn of Africa, while the International Organization for Migration (IOM) is one of the main beneficiaries of the fund for return and economic reintegration projects for migrants. Finally, the EUTF is supporting an Italian Ministry of Interior project to build the Libyan authorities' capacity in border control and rescue at sea.[19]

The EUTF for Africa is involved in the successive accrual of EU financial instruments to the detriment of their rationalisation. The purpose of the EUTF is to complement the European Development Fund (EDF). Nevertheless, it is mainly provided with funds from the 11th EDF reserve and therefore mobilises expenditure which could have been specifically dedicated to development. European development assistance had its objectives politicised in the 1990s and then "securitised" at the beginning of the 21st century with the creation of the African Peace Facility.[20] The

---

17. N. Krotov-Sand, "Le Fonds fiduciaire d'urgence et son volet Sahel : l'immigration comme nouvel enjeu de sécurité et de développement", *Note d'analyse du GRIP*, Brussels, April 2017.

18. Oxfam, *An Emergency for Whom? The EU Emergency Trust Fund for Africa – Migration Routes and Development Aid in Africa*, November 2017. 1.6% of remaining funds are allocated to research and monitoring projects.

19. The list of funded projects is available at: https://ec.europa.eu.

20. D. Lecompte and T. Vircoulon, "L'aide de l'Union européenne : du développement à la sécurité, l'exemple du Fonds européen de développement", *Notes de l'Ifri*, Ifri, June 2014, available at: www.ifri.org.

EUTF is part of this development by incorporating the migration dimension. Admittedly, the majority of the projects supported to date are development projects. However, the latter must establish, albeit artificially, their impact on migration movements which becomes a criterion at least as important as the impact on the level of poverty.

Finally, the EUTF stands out from official development aid by its intervention logic and its mode of governance. Indeed, it favours project rather than budgetary support for countries. To avoid the usual slowness governing development policies, the funds focus almost exclusively on inter-governmental organisations, the large international NGOs and European co-operation agencies. Above all, the EUTF does not comply with the principles of co-management and ownership confirmed in the Paris Declaration in 2005, according to which donors commit to "respect partner country leadership and to help strengthen their capacity to exercise it," and to "base their overall support [...] on partner countries'[21] national development strategies."

The projects are reviewed and adopted by an operational committee in Brussels, chaired by the European Commission and made up of donor countries which have paid an "entry ticket" of at least € 3 million. The beneficiary countries are only observers, without voting rights, unless they pay the required amount. So, the African countries are not theoretically involved in the selection of projects that will be conducted on their territory even if, in practice, consent must be sought from the ambassador of the country concerned[22] and if, on the ground, dialogue between the European delegations and the host country is inevitable. However, the EUTF does not fit in with the rationale of partnership and shared responsibility on migration issues advocated by the Europeans at the Valletta Summit.

The latter seem rather to want to retain control of the most effective instrument of their external policy and to ensure that the objectives meet their interests.[23] However, the EU Member States do not constitute a bloc of countries pursuing identical objectives. National contributions to the EUTF emphasise very different levels of commitment. Generally, contribution by States is low. In January 2018, they contributed, with Norway and Switzerland, almost € 380 million as opposed to € 2.9 billion by the European Commission. The gap is considerable between, on the one hand, Slovenia and Romania which paid € 100,000 and, on the other hand, Germany and Italy which have respectively pledged € 154 and

---

21. High-level forum, *Déclaration de Paris sur l'efficacité de l'aide au développement*, Paris, 28 February-2 March 2005.
22. N. Krotov-Sand, *op. cit.*
23. State contributions are available at: https://ec.europa.eu.

€ 102 million France's contribution amounts to € 9 million. Finally, it should be noted that Member States can contribute directly to projects implemented under co-financing, particularly when their co-operation agencies are partners.

Conflicting objectives between the European Union and African countries

An important aspect of the partnerships, whose issues and development have been discussed in the first part of this paper, is the contrast that can be found in the different partners' objectives and expectations. On the one hand, the Europeans are seeking better co-operation from the African countries on the return of irregular migrants and border control. On the other hand, the African countries aim to obtain legal immigration channels to Europe and to achieve freedom of movement on their continent.[24]

Although, these two rationales seem perfectly compatible in the context of "giving more to receive more", the social and political realities, as well as the complexity of the issue, limit such a convergence of interests. These limits can be illustrated by three issues: the political sensitivity of returning irregular migrants to the countries of origin; the impact of the security approach requested by the Europeans on regional mobility in Africa; and refugee protection.

Returns versus legal migration channels: the issue of public opinion

In September 2016, the European Council confirmed that the objective of co-operation with third countries was intended to "lead to reduced flows of illegal migration and increased return rates". The success or failure of relations with third countries is measured in terms of net migration.

The issue of returning irregular migrants has been on the agenda for many years.[25] However, only a third of the return measures were enforced

---

24. Please note that it is obviously not possible in this paper to describe each European and African countries' interests in detail. The issues for each one can vary considerably depending on their geographical position and the nature of the outgoing and incoming migration flows.

25 In particular, it was incorporated in the ACP Agreements in 2000, including Article 13 which stipulates the states' obligation to readmit their nationals. The negotiations on the future of the ACP Agreements are due to begin in the first half of 2018 due to the expiry of the Cotonou Agreement in 2020. In a Communication dated 22 November 2016, the European Commission called for greater commitment and better operational co-operation on readmission.

in 2015.[26] This low rate is largely explained by the lack of co-operation of the countries of origin in identifying their nationals and issuing the necessary documents for their readmission. African countries are identified as the worst. Out of the priority countries in the new partnership framework, the return rates in 2016 were 26.4% for Nigeria, 9.8% for Ethiopia, 9% for Senegal, and 4.8% for Mali.[27] Indeed, negotiations on readmission agreements are proceeding very slowly.

The issue of return is indeed a sensitive subject for African countries. For transit countries, along with the difficulty of having to readmit foreign nationals and thus becoming the EU's border guards, there is also concern in the home societies about the treatment of nationals with irregular status who are subject to repatriation.

Above all, the Diasporas represent an economic contribution that cannot be replaced by official development assistance. According to the World Bank, Africa received $ 64 billion in remittances in 2015. The African people feel that these remittances benefit them directly unlike official development assistance. The money sent by the diaspora is used to settle healthcare expenses, improve daily life, send children to school and alleviate the effects of food crises in countries where social welfare is practically non-existent. Therefore, although the African countries are ready to discuss better management of migration flows with the European countries, which would avoid the dangers of irregular migration for their nationals, they would like this discussion to also include the possibility of opening up legal immigration channels to Europe.

By making the issue of returns a key to the success of partnerships with African countries, the European countries are seeking to respond to public opinion concerns about migration. Yet similarly, there are also public opinion concerns in the African countries affected by the issue of return which impacts on the institutions in countries of departure and transit. Among the latest examples to date, is the very hostile demonstration which greeted the agreement signed by Mali with the Netherlands in December 2016, stipulating the readmission of Malian nationals with irregular status in exchange for project support equivalent to € 145 million.[28]

---

26. It is the average rate across the EU. See the European Commission, *Report from the Commission to the European Parliament, the European Council and the Council – Fourth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration*, COM (2017)350 final, Strasbourg, 13 June 2017.
27. *Ibid.*
28. E. Collet and A. Ahad, *op. cit.*

More than a show of force, a balance should be sought, capable of taking the interests and issues of each party into consideration. For this reason, the dialogue frameworks are important. At European-African summits, the balance of votes enables the African governments to assert the need to open up legal immigration channels and the preference for voluntary returns and the economic reintegration of forced returns. Similarly, the Rabat Process, based on parity between the European and African countries, further aims to raise awareness of the positive dimension of migration through a more balanced narrative on migration, migrants and the diaspora as part of its multi-annual 2018-2020 programme which should be adopted in Morocco during the first half of 2018.[29]

These statements must be translated into practice. On the one hand, the African countries are showing a greater willingness to co-operate in the return of migrants newly arrived in Europe, who do not yet contribute to their communities of origin through remittances.[30] On the other hand, the Europeans do not seem willing to open a debate on the regularisation of irregular migrants who have been in their territory for a long time, or to seriously consider new opportunities for legal immigration, despite the European Commission's efforts. The latter plans to launch a pilot project by May 2018 to co-ordinate legal economic migration offers and attempt to convince member states to participate in it.[31] Nevertheless, the European Commission has little control over the European countries, as legal immigration is largely a national matter. The difficult negotiations currently under way on the revision of the EU Blue Card Directive,[32] for highly-qualified migrants, emphasise the European states' reluctance to transfer this issue to European level.

---

29. Kingdom of Belgium and the Rabat Process, *La réunion des fonctionnaires de haut niveau du processus de Rabat : façonner les nouvelles réalités de la coopération euro-africaine en matière de migration pour 2018-2020*, press release, Accra, 24-25 October 2017.

30. European Commission, *op. cit*.

31. European Commission, *Contribution de la Commission à la réunion des dirigeants sur la voie à suivre concernant les dimensions interne et externe de la politique migratoire*, COM (2017)820 final, Brussels, 7 December 2017.

32. Directive 2009/50/EC of the Council of the European Union of 25 May 2009, on the conditions of entry and residence of third-country nationals for the purposes of highly-qualified employment.

Border control versus free movement: justification for security reasons

The handling of the migration crisis has given rise to a new step in the use of civilian and military law enforcement agencies for the purposes of managing flows of people. At the height of the 2015 crisis, several central European countries and Greece used the army to control their borders or manage refugee camps.

At European level, the first measure introduced by the EU was the establishment of the *European Union Naval Force Mediterranean Sophia*[33] (Eunavfor Med Sophia) military operation. The security approach has gradually permeated the external dimension of the European immigration policy and partnerships with the African countries. At the same time, Member States' and African countries' security operations are increasingly including migration control missions, particularly in the Sahel. Thus, the mandate of capacity-building missions for internal security forces (Eucap Sahel) in Niger and Mali has been extended to the fight against irregular migration, while the statement at the EU-African Paris Summit on Migration on 28 August 2017 called for the regionalisation of European security and joint defence operations in the Sahel to be accelerated. Similarly, the EUTF for Africa supports, among other things, regional co-operation of the G5-Sahel countries, training activities of the Sahel Security College and the creation of a joint investigation team to combat networks in Niger. € 40 million is provided for building the operational capacity of national governments to enable effective control of the territory.[34]

The fight against smuggling networks and human trafficking justifies intervention by military and police forces in the migration area. However, without establishing a strong link between the smuggling networks and raw materials or drugs traffickers, or even jihadist groups, the effects of this approach may be counter-productive for migrants and local populations.

The situation in northern Niger illustrates the consequences of an overly homogeneous view of the fight against irregular immigration. According to the monitoring of population flows carried out by the IOM in the Agadez region, the outgoing flows recorded from the towns of

---

33. Created by a Council decision of 18 May 2015, the operation has "the main mandate of undertaking systematic efforts to identify, capture and neutralise ships and boats, as well as the resources which are used or suspected of being used by smugglers or migrant traffickers, to contribute to wider EU efforts to dismantle the economic model of smuggling and human trafficking networks in the southern part of the central Mediterranean and to prevent further loss of human lives at sea." See: https://eeas.europa.eu.

34. See the GAR-SI Sahel presentation available at: https://ec.europa.eu.

Seguedine, on the route to Libya, and Arlit, which is the stage of the route to Algeria, experienced a notable decline, from 333,891 people in 2016 to 52,161 in the first nine months of 2017.[35] This decline particularly affects Seguedine. It should also be emphasised that Nigeriens represent 97% of the flows from Seguedine. It is mainly traditional circular migration in this region and not migration to Europe.

On the face of it however, these data seem to illustrate the success of the national plan to combat illegal migration to Niger and the law of 26 May 2016 on the crackdown on migrant smuggling. This law stipulates prison sentences of 5 to 10 years for smugglers. It came fully into force in October 2016 with the support of the EU and resulted in a wave of arrests and confiscation of vehicles. The people arrested were mainly young truck drivers who took advantage of the economic opportunities related to migration. The end of this activity has led to greater insecurity for migrants who are now using more disparate and dangerous routes as they worry about passing through Seguedine. This has made them more vulnerable to trafficking and exploitation, as they have to rely on smugglers, depending on organised crime.[36] In addition, there have been a greater number of deaths in the desert in northern Niger, since the implementation of the national plan to combat illegal migration.[37]

These measures have also had a negative impact on the Agadez region's economy. With the decrease in business activities related to tourism and uranium mining, the region's economy was largely based on business connected with migration flows. This transit economy involved not only the carriers, but also hoteliers, restaurateurs, water carriers, and money transfer companies.[38] Although the Nigerien High Authority for Peace-building has launched a plan for the conversion of actors in the migration economy, supported financially by the EU, this plan has not yet had an impact on the economic situation of the inhabitants of Agadez and its region.

This emphasises the interaction between policies to combat irregular immigration, such as those developed in the North and the regional dynamics in the South. Although 27% of African migrants live in Europe,

---

35. OIM, "Point de suivi des flux de population – Niger", *Dashboard # 3*, September 2017.
36. The smuggling price may have tripled since the implementation of the law. See: I. Manzo Diallo, "La stratégie de l'UE freine le migratoire au Niger, mais à quel prix?", *Irin News*, Agadez, 2 February 2017.
37. Since October 2016, the IOM, together with the Directorate-General for Civil Protection, has been conducting search and rescue operations in the Agadez region to assist abandoned or stranded migrants in the desert.
38. F. Molenaar, "Feuille de route pour une gestion migratoire durable au Sahel : enseignements d'Agadez", Clingendael, The Hague, November 2017, available at : www.clingendael.org.

52% of them are in another African country.[39] 84% of migration in West Africa is regional. It is for this reason that ECOWAS adopted the 1979 protocol on free movement. However, this regulatory framework has been put to the test by border control measures supported by the EU. For example, the Nigerien plan to combat illegal migration nowadays held up as an example by the EU, introduces what appears to be a "presumption of irregular migration" by pursuing carriers of people who are still on Niger's national territory. This measure is applied indiscriminately to migrants in transit, most of whom have freedom of movement in Niger, and to Nigerien nationals. Also, in addition, there are the voluntary returns operated by the IOM from Niger to the migrants' countries of origin.

Therefore, one of the challenges of the partnerships between the EU and African countries is to better reconcile the European approach of border control and management of migration flows with the priorities of African regional integration. In its "Agenda 2063 for Africa", the African Union presents the common African passport and free movement of people as pillars of African integration and accelerated growth in intra-African trade.[40] In this respect, European integration is a model for the African Union, including free movement.

International protection: the risk of a transfer of responsibility for refugee protection

Public perceptions, which dominate debates on African immigration to Europe, describe this as mainly economic immigration. However, there are many people in need of international protection *en route* to Europe via the central Mediterranean. According to the UNHCR, the refugee status determination rate or another form of international protection was 39% for the main nationalities which came to Italy between January and August 2017.[41] Therefore, the issue of the refugees' fate is an important dimension of EU-African partnerships. It cannot be treated in the same terms as other migrant categories. Due to their status, the repatriation of these people needing protection in their country of origin, would contravene the non-refoulement principle guaranteed by the 1951 Geneva Convention.

---

39. 2015 numbers from the Population Division of the United Nations' Department of Economic and Social Affairs available at: www.un.org. "Europe should be understood here as geographical Europe".

40. African Union Commission, *Agenda 2063 – L'Afrique que nous voulons*, September 2015, available at: www.un.org.

41. UNHCR Central Mediterranean Risk Mitigation Strategy (CMRMS), *Central Mediterranean Route: Working on Alternatives to Dangerous Journeys*, Geneva, October 2017.

Furthermore, the European legal framework also obliges Member States to receive refugees when they reach their soil.

Hence, an initial approach is to improve the protection capacities of first asylum African countries. The EUTF supports capacity-building projects for national governments to deal with asylum applications, improve refugees' living conditions, as well as projects relating to refugees' economic independence and the resilience of host communities. However, capacity building for refugee protection in African countries can only be a long-term objective. At the end of 2016, one-third of refugees under the UNHCR's mandate were nationals from an African country, or 5.53 million people.[42]

Even more than other types of migration, asylum is a regional phenomenon, as refugees cannot usually mobilise the necessary time and resources to undertake a long and dangerous voyage. Therefore, Africa is among the regions hosting the most refugees in the world. For example, nearly 800,000 refugees were living in Ethiopia at the end of 2016, 450,000 in Kenya or 400,000 in Chad.[43] Between June 2016 and June 2017, the number of refugees increased from 500,000 to 1.25 million in Uganda. These countries also have to deal with massive internal displacements. So, Sudan has 420,000 refugees and more than 2.2 million internally displaced people (IDPs).

Faced with these complex situations, the UNHCR is calling for the opening of legal channels for refugees to other regions of the world. According to it, 115,000 refugees in East Africa, 130,000 in West Africa and 18,000 refugees in North Africa need to be resettled in another country of asylum. However, only 6,700 of them were resettled from this region during the first nine months of 2017.[44] The resettlement programmes developed by the European countries since 2015, have mainly involved Syrian refugees in the Middle East.[45] In September 2017, the European Commission proposed creating a new programme to resettle 50,000 refugees by October 2019[46] and called for places to be offered to refugees in Libya, Egypt, Niger, Sudan, Chad and Ethiopia. Although, nearly 40,000 places were promised by EU Member States in December

42. *Global report 2016*, UNHCR, Geneva, 2017.

43. See the UNHCR statistics available at: http://popstats.unhcr.org.

44. UNHCR Central Mediterranean Risk Mitigation Strategy (CMRMS), *op. cit.*

45. 27,739 refugees were resettled in December 2017 as part of the European resettlement programme established from July 2015.

46. European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Delivery of the European Agenda on Migration*, COM (2017)558 final, Brussels, 27 September 2017.

2017, to date only France has specifically announced a quota of 3,000 resettlement places from Niger and Chad.

The first selection missions by France, which took place in Chad and Niger in November 2017, emphasised the ambiguity in which these resettlement programmes were implemented. Among the refugee selection criteria, France favoured those who were likely to undertake "a migration project" to Europe, i.e. refugees who are likely to continue their journey to Europe by crossing through Libya. This criterion, which is not based on objective factors, excluded *de facto* the 160,000 Malian and Nigerian refugees living in the camps in Niger. Designed by the UNHCR as a tool for a durable solution for refugees, resettlement is becoming a management tool for migration flows in the recent development in European policies. Therefore, this raises questions about the externalisation of the European asylum policy, which would enable European countries to accept the number and socio-economic profiles of refugees who they would like, leaving others on the spot.

In this regard, the negotiations conducted simultaneously about the future of the Common European Asylum System will have an impact on the shape of relations between the EU and third countries in general, and African countries in particular. The Europeans want to extend the concept of a "safe third country" allowing them to reject the asylum application of a person who simply transited through a country likely to offer them "sufficient protection".[47] The vagueness of the terms opens the door to a widespread application of the concept of "safe third country", transferring the responsibility of refugee status determination to countries on the refugees' migration route.

A country like Niger, for example, has an asylum procedure and offers legal status to refugees, by showing some flexibility towards them. In keeping with a safe third country, it would be its responsibility, both to protect the refugees and to ensure that they do not seek to reach Europe. It is a transfer of the responsibility of the "burden" of refugees onto the African countries which seems to be introduced. On the one hand, this takes the form of developing accommodation capacity for refugees in third countries through financial assistance. On the other hand, legal barriers are erected mainly through the concept of a "safe third country." These projects contradict the principles of solidarity and shared responsibility which have governed the global refugee protection system since the end of the Second World War.

---

47. European Council on Refugees and Exiles, "Debunking the 'Safe Third Country' Myth – ECRE's Concerns about EU Proposals about Expanding Use of the Safe Third Country Concept*", Policy Note #8*, Brussels, October 2017, available at: https://www.ecre.org
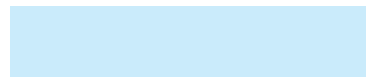
Conclusion

Since 2015, the EU has mobilised unprecedented diplomatic and financial means to establish migration partnerships with African countries on terms that it has specified itself. The EU has made it an internal political priority which is nowadays permeating its relations with Africa. The Union is trying to draw on lessons from the weaknesses of the Global Approach to Migration and Mobility, by strengthening the coherence of the different instruments at its disposal, as well as co-ordination with Member States. Several aspects of the EU's external policy are now seen through the lens of their impact on migration flows. This is particularly the case for defence and security policy, particularly in the Sahel, but also development policy. Finally, it is mainly through financial instruments that the EU has managed to bring the African countries to the table. The Valletta Summit in 2015, was not the first European-African summit dedicated to migration issues, but the introduction of a comprehensive action plan and the creation of the Emergency Trust Fund for Africa (EUTF) illustrated the determination of the Europeans to obtain concrete, and if possible, quick results.

In this context, the principles of solidarity and shared responsibility promoted by the EU can be examined. Admittedly, the funds are entirely European, however the EU and its Member States decide their objectives as well as their use. These funds are intended to end irregular arrivals in Europe and to increase the number of people returning to countries of departure. However, by ignoring African countries' and societies' interests, particularly the people's aspirations of legal migration opportunities and the intra-African regional migration realities, the European policies are likely to further destabilise the region's social and economic dynamics and, ultimately, help to increase the outgoing flows.

Finally, the question arises whether the bilateral framework is the most appropriate for building migration governance that is balanced between the European and African partners. The refusal of EU Member States to ratify the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families emphasises a reluctance to make binding commitments on the subject. A sign of an era, which is turning a new leaf that started with the Universal Declaration of Human Rights in 1948, the process initiated by the New York declaration of 19 September 2016 for refugees and migrants, aims to lay the foundations

of global governance of migration. The Global Compacts on Refugee and Migration, which have to be adopted before the end of 2018, are an opportunity to rebalance the partnerships and to respect the interests of each party and the fundamental rights of migrants and refugees.