

# New Pact of Migration and Asylum in the European Union: What Stakes for the Maghreb and Africa?

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## Abstract

The proposal for a European Union New Pact on Migration and Asylum, submitted by the European Commission on September 23, 2020, for approval by the European Parliament and the European Council, aims to provide a comprehensive response to the challenges posed to EU countries by migration and asylum. It is another step in the politically toxic attempts to reconcile the many fractures dividing Europe around the issue of migration: between the Mediterranean countries of first arrival of most irregular migrants (Spain, Italy, Malta, Greece) and those countries of final destination preferred by migrants themselves, between hosting countries and those Eastern European countries (Poland, Hungary, Czech Republic and lately also Slovenia) that are not ready to host refugees, and between the politically-motivated refusal to admit more migrants and the economic reality of the need for migrant workers in European labour markets. As such, the New Pact on Migration is largely inward-looking, a policy package dealing mainly with 'internal' EU affairs. But the way European countries sort out their internal affairs concerning migration may have substantial repercussions for third countries, in particular African and Maghreb countries, and this is the main focus of this Policy Brief.

The New Pact on Migration and Asylum<sup>1</sup> is a complex set of legislative and policy proposals. Its approach and content is summarized in a Commission Communication<sup>2</sup>, accompanied of a whole set of documents specifying the “nine instruments” put forward by the European Commission: five legislative proposals and four recommendations. The five legislative proposals concern:

- A new Asylum and Migration Management Regulation “establishing a common framework for EU management, a mechanism for solidarity, and criteria for examining asylum applications”, which would replace the so-called Dublin Regulation last revised in 2013 and which regulates the management of asylum applications within the European Union<sup>3</sup>,
- A Regulation introducing a screening of third country nationals at the EU’s external borders (including the engagement of 10,000 additional FRONTEX officers),
- Asylum Procedures Regulation to determine the status of asylum seekers (including border procedures, asylum applications and appeals),
- A reinforced EURODAC (common asylum and migration database),
- And a new Regulation providing for asylum procedures in case of crisis or force majeure and a management database for better checks at EU external borders.

The four recommendations refer to:

- A new Migration Preparedness and Crisis Blueprint within the EU;
- A new recommendation on resettlement and complementary pathways,
- A new recommendation on search and rescue operations, and
- New guidance on the definition and prevention of the facilitation of unauthorised entry, transit and

residence (‘Facilitation Directive’ 2002/90/EC), aiming at non-penalization of humanitarian activities.

None of these proposals, whatever the outcome of the legislative and policymaking process, really affect third countries. They concern internal policy areas relating to EU border control, asylum, and migration management. The issue that has attracted most public attention is the thorny issue of ‘solidarity’ among EU countries, which derailed the previous set of proposals submitted by the European Commission to redistribute newly-arrived migrants or asylum seekers among member states. The solution found by the European Commission now is to provide for “return sponsorships”, allowing EU countries unwilling to receive any newly-arrived migrants to “support” (to fund) the return to their countries of origin of irregular migrants who arrive in other member states, i.e. to pay for not receiving migrants as part of the solidarity mechanism.

Notwithstanding the internal focus of the package, the Communication acknowledges that “this common response needs to include the EU’s relationships with third countries, as the internal and external dimensions of migration are inextricably linked: working closely with partners has a direct impact on the effectiveness of policies inside the EU”<sup>4</sup>. The main message is very clear: the external dimension is instrumental to ensure the effectiveness of the internal dimension. One has to wait to page 17 of the Communication (of a total of 28 pages) to find section 6 on “Working with our international partners”. This Policy Brief reviews the content of this external dimension of the proposed New Pact, and how it might affect neighboring countries in the Mediterranean, specifically the Maghreb countries.

## A Change of Paradigm in EU Cooperation With Third Countries?

In the public presentation of the proposal for a New Pact on Migration and Asylum, the European Commission referred to “A new paradigm in the EU’s engagement with external partners”<sup>5</sup>. To justify this statement, it explained

1. The first European Pact on Migration and Asylum was adopted by the European Council in September 2008, <https://data.consilium.europa.eu/doc/document/ST-13440-2008-INIT/en/pdf>.

2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Council and the Committee of the Regions, COMM(2020)609 final of 23 September 2020, on a New Pact on Migration and Asylum, [https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC\\_3&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF).

3. On This issue, see “Le Pacte sur la migration et l’asile de l’Union européenne : avancée ou nouveau revers ?”, Opinion by Hamza M’jahed published by the Policy Center for the New South on the 19 October 2020, (<https://www.policycenter.ma/opinion/le-pacte-sur-la-migration-et-l%E2%80%99asile-de-l%E2%80%99union-europ%C3%A9enne-avance-ou-nouveau-revers#.X.GpGdhKg2w>).

4. Page 2.

5. New Pact on Migration and Asylum: Questions and Answers, Brussels, 23 September 2020, [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_20\\_1707](https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1707).

“The Pact signals a change of paradigm in the EU’s engagement with international partners on migration, centred around comprehensive, balanced and tailor-made migration partnerships, deepening, broadening and consolidating the trust already built. The focus will be on key partner countries of origin and transit, based on an analysis of EU and partners’ interests”. However, for experts on EU cooperation with third countries in the field of migration and on EU development cooperation action, the true change of paradigm took place already in 2016, more precisely on June 7, when the Commission published its Communication on “establishing a new Partnership Framework with third countries under the European Agenda on Migration”<sup>6</sup>. This was the culmination of a process that had started with the adoption of the European Agenda on Migration in May 2015, and in a more intense way with the EU-Africa La Valletta Summit on migration held on November 11-12, 2015. The 2016 Communication explained how the EU’s external action would contribute to the response to the “unprecedented migration flows” and the consequent “humanitarian crisis” in a way that would “address the fate of migrants and refugees [and] show its citizens that migration, including on the scale we see today, can be managed in a sustainable way”<sup>7</sup>. The main instrument to achieve these goals would be the so-called Partnership Framework, “a coherent and tailored engagement where the Union and its Member States act in a coordinated manner putting together 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 obligations”. Regarding those compacts, one paragraph of that Communication was particularly relevant:

*“Each compact will be designed with appropriate packages which combine different policy elements within EU competence (neighbourhood policy, development aid, trade, mobility, energy, security, digital policy, etc.), leveraged towards the same objective.*

[...]

*“Increasing coherence between migration and development policy is important to ensure that development assistance*

6. Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank, COMM(2016)385 final, [https://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2016/0385/COM\\_COM\(2016\)0385\\_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0385/COM_COM(2016)0385_EN.pdf).

7. Ibid. page 2.

*helps partner countries manage migration more effectively, and also incentivises them to effectively cooperate on readmission of irregular migrants. Positive and negative incentives should be integrated in the EU’s development policy, rewarding those countries that fulfil their international obligation to readmit their own nationals, and those that cooperate in managing the flows of irregular migrants from third countries, as well as those taking action to adequately host persons fleeing conflict and persecution. Equally, there must be consequences for those who do not cooperate on readmission and return. The same should be true of trade policy, notably where the EU gives preferential treatment to its partners: migration cooperation should be a consideration in the forthcoming evaluation of trade preferences under GSP+”*

In its Conclusion, the European Commission summarized as followed:

*“Against this background, the European Council is invited to endorse:*

- *“The establishment of a new Partnership Framework to mobilise and focus EU action and resources to better manage migration with third countries. The full range of EU and Member States’ policies and instruments should be used to achieve this objective. A mix of positive and negative incentives will be integrated notably into the EU’s development and trade policies to reward those countries willing to cooperate effectively with the EU on migration management and ensure there are consequences for those who do not cooperate.”*

In this way, the legal objective of EU development cooperation was overturned. According to the Treaty on the Functioning of the European Union (article 208), “Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty”, thus making it the only EU common policy not exclusively designed to serve the “community interest”, and it goes even as far as specifying that “The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries”, including of course the migration policy, the legal basis for the policy coherence for development approach adopted by the European Union<sup>8</sup>. This notwithstanding, the new approach

8. See <https://ec.europa.eu/international-partnerships/policy-coherence-development.en> and the EU 2019 EU Report on Policy Coherence for Development, [https://ec.europa.eu/international-partnerships/system/files/swd-2019-20-pcdreport\\_en.pdf](https://ec.europa.eu/international-partnerships/system/files/swd-2019-20-pcdreport_en.pdf).

made development cooperation conditional on, and instrumental in, achieving the objectives of EU migration policy, an incentive for those partner countries “that cooperate in managing the flows of irregular migrants from third countries”.

This was explicitly confirmed in the mission letter addressed by the President of the European Commission, Ursula von der Leyen, to the new Commissioner for International Partnerships Jutta Urpilainen, at the beginning of their mandate in November 2019<sup>9</sup>: among the eight main tasks specifically mentioned, after working “on a new comprehensive strategy with Africa” and “concluding the negotiations for an ambitious post-Cotonou agreement”, the third one reads as follows:

*“You should support efforts to reach comprehensive partnerships with countries of migration origin and transit, bringing together all instruments, tools and leverage. You should therefore be ready to adapt bilateral funding to achieve our objectives on migration management.”*

Migration control conditionality is clearly defined in this paragraph.

The New Pact on Migration and Asylum uses the same language and inserts itself in this very same logic:

*“The EU needs a fresh look at its priorities, first in terms of the place of migration in its external relations and other policies, and then in terms of what this means for our overall relations with specific partners. In comprehensive partnerships, migration should be built in as a core issue, based on an assessment of the interests of the EU and partner countries. It is important to address the complex challenges of migration and its root causes to the benefit of the EU and its citizens, partner countries, migrants and refugees themselves. By working together, the EU and its partners can improve migration governance, deepen the common efforts to address shared challenges and benefit from opportunities.*

*The approach needs to deploy a wide range of policy tools, and have the flexibility to be both tailor-made and able to adjust over time. Different policies such as development cooperation, security, visa, trade, agriculture, investment and employment, energy, environment and climate change, and education, should not be dealt with in isolation. They*

9. [https://ec.europa.eu/commission/commissioners/sites/commissioner-cwt2019/files/commissioner\\_mission\\_letters/mission-letter-urpilainen-2019-2024\\_en.pdf](https://ec.europa.eu/commission/commissioners/sites/commissioner-cwt2019/files/commissioner_mission_letters/mission-letter-urpilainen-2019-2024_en.pdf).

*are best handled as part of a tailor-made approach, at the core of a real mutually beneficial partnership.*

[...]

*“Strategic, policy-driven programming of the EU’s external funding will be essential to implement this new comprehensive approach to migration.”*

As a matter of fact, to ensure a sufficient flow of funds, the Regulation creating the new Neighbourhood, Development and International Cooperation Instrument (NDICI), which will be the main financial instrument to fund EU development cooperation in the period 2021-2027, establishes a target of 10% of total budgetary resources earmarked for migration-related actions. Based on the agreement reached on December 14, 2020 for the EU Multiannual Financial Framework 2021-2027 (the EU budget)<sup>10</sup>, this will amount to roughly €1 billion per year during that period for migration-related development cooperation actions, on top of the €22.6 billion (more than €3 billion/year, more than double the budgetary allocation for the former budgetary period 2014-2020) allocated for migration and border management within the European Union, including the Asylum and Migration Fund, which also provides for a limited percentage of funds for external actions.

In contrast, there is uncertainty around the role the Mobility Partnerships and Common Agendas on Migration and Mobility play in the new architecture of cooperation with third countries in the field of migration. Mobility Partnerships were first developed for Eastern Partnership Countries (Moldova in 2008, Georgia in 2009, Armenia in 2011, Azerbaijan in 2013, and Belarus in 2016) as complete frameworks for bilateral cooperation between the EU and its member states and its partners in the field of migration, based on mutual offers of commitments, and project initiatives covering mobility, migration and asylum issues, and typically aiming to sign visa facilitation agreements and readmission agreements<sup>11</sup>. This model was extended to Mediterranean countries after the Arab Spring, with Mobility Partnerships concluded with Morocco (2013), Tunisia (2014), and Jordan (2014), plus a stalled negotiation with Lebanon since 2016. But in those cases the parties did not

10. See details on budget allocations in [https://www.consilium.europa.eu/media/47567/mff-2021-2027\\_rev.pdf](https://www.consilium.europa.eu/media/47567/mff-2021-2027_rev.pdf).

11. See the official description in [https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/mobility-partnerships-visa-facilitation-and-readmission-agreements\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/mobility-partnerships-visa-facilitation-and-readmission-agreements_en).

conclude the negotiations on establishing visa facilitation and readmission agreements. Common Agendas on Migration and Mobility are similar instruments but are addressed to non-neighborhood priority countries in the field of migration, and so far they have been signed with Nigeria (2015), Ethiopia (2015), and India (2016). These partners benefit from a Mobility Partnership Facility, with a total budget of €5.5 million for cooperation projects, but surprisingly this is not even mentioned in the Commission Communication.

## How Will the New Pact on Migration and Asylum Affect African and Maghreb Countries?

The aspects of the New Pact on Migration and Asylum that may have a bigger impact on neighboring countries are the provisions contained in the sections on an “effective and common EU system for returns”, on “Protecting those in need and supporting host countries”, and on “legal pathways to Europe”.

### “Effective and Common EU System for Returns”

Regarding the return of irregular migrants to their countries of origin, in 2018 the European Commission already submitted a proposal amending the Return Directive (2008/115/EC) to close loopholes and streamline procedures so that asylum and return work are part of a single system. This amendment has not yet been approved. On the external front, at least since 2015, the EU has been exerting very strong pressure on neighboring and African countries to sign readmission agreements. In this regard, the EU links the further liberalization of visas (and the visa facilitation agreements under the Mobility Partnerships signed in 2013 and 2014 with Morocco and Tunisia respectively) to the simultaneous signature of readmission agreements, with clauses covering the readmission not only their of their own nationals, but also migrants from other states who accessed the European territory via them (for instance, sub-Saharan African citizens transiting through Tunisia or Morocco on their way to Europe). However, these pressures do not seem to have yielded much success so far: not a single Southern Mediterranean or African country has signed such a

readmission agreement with the EU in the last five years (in the Mediterranean, only Turkey signed it in 2014 in the framework of the Visa Liberalization Roadmap with the prospect of receiving a visa exemption for Turkish citizens (which has not yet materialized), and in Africa only Cape Verde that same year). In practical terms, for the North African countries this does not change much, since they already have bilateral agreements with European countries (for example, Spain-Morocco, Italy-Tunisia) that have similar concrete effects.

In any case, the rate of implementation of return orders of irregular third-country nationals in Europe is under 30%. In 2019, there were 491,000 expulsion orders for third country nationals from EU countries, of which 34,800 were citizens of Morocco, second only to Ukraine with 37,100. There were also 28,100 Algerian citizens (5th in the ranking), 12,000 Tunisians (11th), close to 11,000 Nigerians and between 8,000 and 10,000 from Guinea, Mali and Côte d’Ivoire<sup>12</sup>. Only 142,300 of the expulsion orders were actually carried out. While it is clear that any state has the right to decide who is entitled to remain on its territory or who is not, and hence to decide about expulsion of third-country nationals irregularly staying on its territory, it seems that the European Union has not managed to find the incentives for third countries to facilitate readmission even of their own nationals<sup>13</sup>.

The New Pact may provide more incentives and more resources to support return to and readmission in Maghreb and sub-Saharan African countries (in the words of the Commission Communication: “This approach would benefit from the process proposed under the Asylum and Migration Management Regulation to identify measures if required to incentivise cooperation with third countries. The common EU system for returns should integrate return sponsorship and serve to support its successful implementation”), but it is not clear what is the theory of change underlying the Commission’s initiatives in this regard. More resources may also be available for reintegration support for returned migrants in their countries of origin (the EU is already the main donor funding reintegration measures, for instance, in

12. See Eurostat, Enforcement of immigration legislation statistics, [https://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics\\_on\\_enforcement\\_of\\_immigration\\_legislation?oldid=264452](https://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation?oldid=264452).

13. On this issue, see Iván Martín (2017), “Nine points and a conclusion for a safe, orderly and regular governance of return, readmission, integration and reintegration”, Communication to the Third Informal Thematic Session of the preparatory meetings of the Global Compact on Safe, Orderly and Regular Migration, Geneva, 19-20 June 2017, [https://refugeesmigrants.un.org/sites/default/files/t3\\_p3\\_ivanmartin.pdf](https://refugeesmigrants.un.org/sites/default/files/t3_p3_ivanmartin.pdf).

Morocco and Tunisia for returnees from Europe, and in Ethiopia for returnees from Saudi Arabia).

## “Protecting Those in Need and Supporting Host Countries”

The second element in the New Pact on Asylum and Migration that might have a direct impact in particular on Maghreb countries is the section on “Protecting those in need and supporting host countries”. The European Union is not only the main development cooperation donor globally, but also the main humanitarian aid donor; the New Pact on Migration and Asylum confirms that role. As a matter of fact, the EU humanitarian aid budget for the period 2021-2027 was the only external action budget item to be increased in the final negotiations on the EU budget in November-December 2020, to a total of €10.26 billion, almost a 20% increase over 2014-2020. To this extent, the EU is a key partner for Africa to cope with the multiple refugee crises the continent must face<sup>14</sup>.

However, the New Pact seems to enshrine the principle of ‘refugees/irregular migrants for money’: if you keep refugees or irregular migrants, you receive funding from the EU budget; if you do not want them, you can pay for it (this is the rationale of the ‘return sponsorships’ included in the New Pact for those EU countries that are not ready to host refugees or irregular migrants in the framework of the intra-EU solidarity mechanism: they can compensate for this by financially contributing to returns to countries of origin).

And this generosity may have counterproductive effects in some Maghreb countries, in particular in Tunisia and Morocco. Both countries host a relatively low number of vulnerable migrants in situations of irregularity, as well as refugees and asylum seekers (by the end of 2020, in Morocco there were close to 12,000 refugees and asylum seekers, more than 40,000 migrants regularized in the two regularization campaigns of 2014 and 2017 and an undetermined number of irregular migrants in the range of several scores of thousands; in Tunisia there were almost 5,000 refugees and asylum seekers and probably not more than another 5,000 irregular migrants). Both countries have committed to adopt asylum laws: Morocco

14. See Iván Martín (2021), « Gouvernance des migrations et libre circulation des personnes en Afrique après la pandémie Covid-19 : facteur de développement, d’accommodation ou de déstabilisation ? », dans Larabi Jaïdi, Rapport sur l’économie de l’Afrique 2020, Policy Center for the New South.

as one of the three laws to be adopted according to the National Migration Strategy approved in 2014, and Tunisia even as a constitutional mandate according to the 2014 Constitution. But both countries have not yet adopted these laws seven years afterwards, and instead leave it to the United Nations High Commissioner for Refugees (UNHCR) to determine status and provide support to refugees and asylum seekers, and to mainly international NGOs (including Caritas, Médecins du Monde Belgique, and Terre d’Asile) to provide support to vulnerable migrants, largely financed by the EU and its members. Should Morocco and Tunisia adopt the promised asylum Laws, they would acquire obligations to assist vulnerable migrants, even if European donors withhold their funds, so they have a clear incentive not to do so. This perverse incentive is well explained and illustrated in a June 2020 report by the Forum Tunisien des Droits Économiques et Sociaux and Migreupe, titled *Politiques du Non-Accueil en Tunisie : Des acteurs humanitaires au service des politiques sécuritaires européennes*<sup>15</sup>. However, one perspective should not be missed: whatever the EU’s motivations in providing assistance to vulnerable migrants and refugees in Maghreb countries, and even if the main reason is to help them to remain in the neighborhood countries, humanitarian aid to this group is not first and foremost a tool for the externalization of EU migration policies. It is first and foremost assistance to people in need. It is thanks to that assistance that thousands of vulnerable migrants in very dire living conditions (in terms of health, access to housing and even food, and psychosocial assistance) have some chance to improve their situations, and this should not be overlooked.

## “Developing Legal Pathways to Europe”

Finally, the New Pact on Asylum and Migration also contains a series of proposals on legal migration to Europe. On the one hand, it is clear that this responds to a change of discourse on legal migration in Europe: whereas in 2015-2016, legal pathways for labor migration were a political taboo, national policy changes in Germany, France, and other countries, which have developed migration policy mechanisms to admit and attract the labor skills that they need for their labor markets, and the advocacy work of the European Commission in this field, have paved the way for a different context in which

15. “Non-hosting Policies in Tunisia. Humanitarian Actors do the Job for European Securitization Policies”, June 2020, <http://ftdes.net/rappports/ftdes.migreu.pdf>.

legal migration is considered, at least in principle, to be part of the migration policy equation.

Nevertheless, in the Communication on the New Pact one has to wait to page 22 to see a mention of legal migration (16), and the only novelties are the “Talent Partnerships” and the commitment to explore the potential of an “EU Talent Pool” as a labor migration policy tool. In other words, legal migration is only envisaged in an instrumental way as part of the policy of “Attracting Skills and Talent to the EU”, as the title of Section 7 of the Communication reads, i.e., as part of the global competition for talent, rather than as a tool to boost development in countries of origin. All the evidence that European countries also need low-skilled migrants (in sectors such as care, agriculture, and hospitality) is ignored. No legal proposal in this field is submitted (in June 2016, the European Commission already submitted a proposal to reform the EU Blue Card Directive to attract highly skilled talent to the EU, which has not yet been approved), even if new proposals are announced in the near future to reform the Long-term Residents Directive (2003/109/EC) to give the right to intra-EU mobility, and the Single Permit Directive (2011/98/EU) to establish a single procedure and a single permit for people coming to the EU to work, including “for low and medium skilled workers”. As a clear indication of the weight of this part of the Communication, in the 107 pages of the Staff Working Paper accompanying the Commission Communication<sup>16</sup> presenting the evidence on which the Pact was proposed, no single reference to legal migration is made.

The Communication on the New Pact also provides that “Support may also be targeted at maximising the positive impact of migration and reducing the negative consequences for partner countries, for example by reducing the transfer costs of remittances, reducing ‘brain drain’, or facilitating circular migration”. However, no detail or initiative is provided in these fields.

Despite these limitations, this part of the New Pact provides some new opportunities for Maghreb and some sub-Saharan African countries. The main novelty of the Pact in the field of legal migration is the Talent Partnerships “in the form of an enhanced commitment to support legal migration and mobility with key partners. They should be launched first in the EU’s Neighbourhood, the Western Balkans, and in Africa, with

a view to expanding to other regions. These will provide a comprehensive EU policy framework as well as funding support for cooperation with third countries, to better match labour and skills needs in the EU, as well as being part of the EU’s toolbox for engaging partner countries strategically on migration”. Tunisia and Morocco, as well as some sub-Saharan African countries such as Nigeria, Senegal, and Ghana, are in line to become pilot countries for the development and implementation of those Talent Partnerships, as they are already focus countries for the pilot legal migration projects launched by the European Commission in 2017 with Asylum, Migration and Integration Fund (AMIF) funds<sup>17</sup>. However, it should not be forgotten that this new model of cooperation between the EU and third countries in the field of legal migration, inspired by the Global Skills Partnerships first proposed by the Global Development Centre already in 2016<sup>18</sup>, requires the cooperation of EU countries, which have the exclusive competence in the field of admission of migrant workers. Furthermore, these projects typically involve a very small number of beneficiaries, may pose some brain-drain issues, and are quite expensive (in terms of cost per beneficiary). As such, they can hardly bring about any significant flow of migrants with any meaningful impact on development in the countries of origin.

## Pending Questions: Regional Approach, Partnership Procedures and Development Nexus

By way of conclusion, the external dimension of the New Pact on Migration and Asylum is not really new and it displays an unbalanced mix of repressive measures for migrants, negative migration conditionality for countries of origin and transit and mobility facilitation, and very limited legal pathways to migration. It basically confirms the EU policy to do all it can to keep refugees and

17. See, for instance, PALIM Project between Morocco and Belgium, <https://mobilitypartnershipfacility.eu/what-we-do/actions-pilot-projects/pilot-project-addressing-labour-shortages-through-innovative-labour-migration-models-palim>, “Young Generation as Change Agents between Spain and Morocco (<https://mobilitypartnershipfacility.eu/what-we-do/actions-pilot-projects/young-generation-as-change-agents>) or “HOMERe”, High Opportunity for Mediterranean Executive Recruitment, involving France, Morocco, Tunisia and Egypt (<https://mobilitypartnershipfacility.eu/what-we-do/actions-pilot-projects/high-opportunity-for-mediterranean-executive-recruitment-homere>), Digital Explorers between Nigeria and Lithuania, <https://mobilitypartnershipfacility.eu/what-we-do/actions-pilot-projects/digital-explorers>.

18. See description in <https://www.cgdev.org/page/global-skill-partnerships>, as well as a preliminary analysis of Talent Partnerships by Michael Clemens and Helen Demster in <https://www.cgdev.org/blog/eu-migration-pact-putting-talent-partnerships-practice>.

16. SWD(2020) 207 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0207&from=EN>.

irregular migrants in neighboring countries, including through the principle of ‘money for refugees’, increasing economic incentives for neighboring states to control migration flows. The only innovation in the field of legal pathways to migration is a kind of micro-scheme for legal migration of exclusively highly-skilled workers (Talent Partnerships).

The regional approach so often proclaimed by the European Commission (in relation to Africa, or to the Mediterranean) is completely absent from the way the European Union endeavors to deal with migration. The individual, country-by-country approach is highlighted throughout the Communication, which focuses on “EU cooperation with partner countries” and on “broader partnerships with key third countries”. The African Union or Africa as a region are mentioned only three times:

- Two general references to regional dialogues and to the new Comprehensive Strategy with Africa in the section “Maximising the impact of our international partnerships”: “The EU should build on the important progress made at the regional level, through dedicated dialogues and frameworks and through partnerships with organisations such as the African Union. [...] The specific context of the post-Cotonou framework with States in Africa, the Caribbean and the Pacific is of particular importance in framing and effectively operationalising migration cooperation”; “Migration is an integral part of the approach under the Joint Communication towards a Comprehensive Strategy with Africa to deepen economic and political ties in a mature and wide-ranging relationship and give practical support”;
- in relation to countering migrant smuggling: “The Commission will also include this in its cooperation with the African Union (AU)”.

The Mediterranean, in turn, is mentioned only three times in the Commission Communication, in relation to irregular migration routes, search and rescue capacity, and Common Security and Defense Policy operations and missions. But neither the Mediterranean nor Africa are mentioned as spaces for regional cooperation.

In this respect, the African Union should claim to integrate the external dimension of the New Pact, mainly addressed to Africa, in the framework of the continent-to-continent dialogue on migration displayed over the years. Highlights of this dialogue in the last few years were

the EU-Africa Summit on migration held in April 2014, where a Roadmap for 2014-2017 was adopted<sup>19</sup>, and the La Valletta Summit in November 2015 which adopted a Joint Action Plan, including the establishment of the “EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa”. The negotiation of the EU Comprehensive Strategy with Africa launched by the European Commission on March 9, 2020, with the strategy due for adoption at the EU-Africa summit scheduled to take place in 2021, offers an excellent opportunity to do so. The bilateral migration ‘partnerships’ with individual African countries should not be disconnected from the “joint framework for the Continent-to-Continent Migration and Mobility Dialogue [...] to advance the implementation of the Joint Valletta Action Plan and the Khartoum and Rabat processes together with the AU, the UN, the EU Member States and regional organisations” (as recalled in the framework of the Partnership on Migration and Mobility of the Comprehensive EU Strategy with Africa, one of the five partnerships that make up that initiative)<sup>20</sup>. Regional engagements and processes cannot be a simple “complement”, as stated in the Communication of the Pact<sup>21</sup>.

The decision-making procedures in the partnerships with third countries are another facet conspicuously absent from the European Commission’s proposals. Its proposals are addressed to EU institutions and countries and will be negotiated within and between them. Whereas one of the key dimensions of the Pact is “mutually beneficial partnerships with key third countries of origin and transit”, no scope is left to negotiate them and integrate the interests of third countries, and an assumption permeating the whole communication is that third countries have the same interests as European countries in the field of migration.

However, the New Pact does not strike a fair balance between the “security and protection” European approach and the focus on the migration-development

19. [https://africa-eu-partnership.org/sites/default/files/documents/2014\\_04\\_01\\_4th\\_eu-africa\\_summit\\_roadmap\\_en.pdf](https://africa-eu-partnership.org/sites/default/files/documents/2014_04_01_4th_eu-africa_summit_roadmap_en.pdf).

20. See Joint Communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council, “Towards a Comprehensive Strategy with Africa”, JOIN(2020) 4 final of 9 March 2020, [https://ec.europa.eu/international-partnerships/system/files/communication-eu-africa-strategy-join-2020-4-final\\_en.pdf](https://ec.europa.eu/international-partnerships/system/files/communication-eu-africa-strategy-join-2020-4-final_en.pdf).

21. “Launch work immediately to develop and deepen tailor-made comprehensive and balanced migration dialogues and partnerships with countries of origin and transit, complemented by engagement at the regional and global level”, page 24.



nexus of African countries. The voluntarist engagement in the Commission's Communication to "Increase support for economic opportunity and addressing the root causes of irregular migration" contradicts the de-facto freezing of the funds allocated for the Neighborhood and sub-Saharan Africa in the 2021-2027 Multi-annual Financial Framework approved on December 14, 2020: €17.22 billion for the Neighborhood (against €17.69 billion in 2014-2020) and €26 billion for sub-Saharan Africa (against €26.1 billion in the former budget period). This is slightly over €3 per inhabitant and per year in total<sup>22</sup>, hardly the amount or the approach to make a difference in terms of development in the countries of origin, especially if compared to the flows of migrant remittances to sub-Saharan Africa, which amounted to €44 billion in 2020 alone, despite the contraction induced by COVID-19.

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22. See the Opinion published by the Policy Center for the New South "L'Union européenne approuve son budget face à la crise : « Eppur si muove », [https://www.policycenter.ma/opinion/union-europeenne-approuve-son-budget-face-a-la-crise-eppur-si-mouve#.X\\_ImbNhKg2w](https://www.policycenter.ma/opinion/union-europeenne-approuve-son-budget-face-a-la-crise-eppur-si-mouve#.X_ImbNhKg2w).

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## About the Policy Center for the New South

The Policy Center for the New South: A public good for strengthening public policy. The Policy Center for the New South (PCNS) is a Moroccan think tank tasked with the mission of contributing to the improvement of international, economic and social public policies that challenge Morocco and Africa as integral parts of the Global South.

The PCNS advocates the concept of an open, responsible and proactive « new South »; a South that defines its own narratives, as well as the mental maps around the Mediterranean and South Atlantic basins, within the framework of an open relationship with the rest of the world. Through its work, the think tank aims to support the development of public policies in Africa and to give experts from the South a voice in the geopolitical developments that concern them. This positioning, based on dialogue and partnerships, consists in cultivating African expertise and excellence, capable of contributing to the diagnosis and solutions to African challenges.

The views expressed in this publication are those of the author.



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