

# Euro-African Relations in the Field of Migration, 2008

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The attention of the European Union was dramatically focused on migration between Africa and Europe by the fatalities on the borders of Ceuta and Melilla in October 2005, which demonstrated the terrible consequences of the growing inequalities between Europe and its neighbours to the south. The resulting “Global Approach to Migration,” which the European Commission drafted in December 2005, continues to frame the practices and politics of migration management across the Mediterranean and beyond. Although this approach was expanded at the end of 2007 to cover migration relations with the EU’s eastern neighbours, particularly the Balkans, it is apparent that throughout 2008 the Euro-African relationship remained the primary axis of concern. Concerns of governments and civil society are motivated above all by the large numbers of migrants who continue to lose their lives crossing the Mediterranean or the Sahara. Available information suggests that more than 1,500 people died while trying to reach Europe during the year. This included a number of large-scale tragedies, some of them apparently involving border control forces. Although data on apprehensions is uneven, it appears that on some routes, particularly to Lampedusa, the number of people attempting to reach Europe increased, after a widespread fall in 2007.

There were two significant developments in 2008 that point to longer-term changes in the EU’s Global Approach. First, the overwhelming emphasis on dialogue that has characterised the Global Approach so far is beginning to result in some concrete policy initiatives. Second, although the EU remains the dominant instigator of these policy developments, often with much less “partnership” than the Global Approach

calls for, there are signs that African partner countries are increasingly involved as their particular needs are identified, separately from a control-focused European agenda. Developments within the Economic Community of West African States (ECOWAS), in particular, suggest the beginnings of a more collaborative approach. This paper examines data on migration from Africa to Europe before turning to dialogues and resulting policy developments.

## Migrations

Probably more than any other single factor, it is the continued high profile of clandestine migration across the Mediterranean, and increasingly across the Sahara, that has emphasised the importance of the Euro-African migration relationship. As a proportion of all undocumented migration to Europe, movements across the Mediterranean are not significant. Studies of undocumented migrants conducted in Spain and Italy have estimated that between five and 10% enter the country in a clandestine manner, compared to the vast majority who arrive with a visa and overstay (Collyer, 2008). Nevertheless, the power of the images of trans-Mediterranean migration that have circulated across the world over the past decade emphasise the urgent humanitarian need to respond to the desperation and suffering of migrants involved and have increased the concern of governments keen to demonstrate that they are in control of their own borders.

European governments have therefore faced apparently contradictory demands, emphasising their capability to reinforce their borders on the one hand, while responding with the compassion that is demanded by international legal obligations and widespread public concern on the other. This is the difficulty that has underpinned the Global Approach to Migration. It has involved limiting access to European territory,

through reinforcing the system of “remote controls” that had been established from the early nineties, instituting controls at sea and coordinating patrols between Members States, primarily through the establishment in 2005 of the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), the Europe border control agency, and emphasising the obligations and increasing the capacity of border control agencies of neighbouring states. Many of these measures have been controversial and are continually criticised by civil society organisations. The impact of these border control measures is always difficult to estimate. The only statistics available are for those migrants apprehended while attempting to reach Europe, or in rarer cases, attempting to cross a more distant border, without documentation. These statistics are not universally collected, and it is unusual for them to be made regularly, publicly available. Data must therefore be pieced together from a variety of different sources. Even when data can be obtained, interpretation varies considerably. The most easily comparable data are produced for the various FRONTEX operations, though EU Member State ministries also publish some data. Beyond the Mediterranean, data are much more patchy and are available only irregularly.

Statistics on apprehensions in recent years do not reveal a general trend for the entire region. The numbers of migrants caught at different crossing points vary quite widely as a function of the number of migrants attempting to cross and the intensity of control operations in the area. Annual apprehensions for the entire region gradually increased until 2006, when there was a slight decline in the central and eastern Mediterranean but an increase in apprehensions in Spanish waters. This was particularly dramatic on the crossing to the Canaries, where apprehensions increased from 4,715 in 2005 to 31,678 in 2006 in response to the FRONTEX operation Hera, which began in that year. In 2007, apprehensions as a result of Hera II fell just as dramatically to 12,478 and those due to Hera 2008 fell further to 9,615. Apprehensions around all other Spanish coasts fell by a similar proportion to just under 7,000 for 2008.

Apprehensions on routes in the central Mediterranean witnessed the opposite trend. Having fallen substantially in 2006 and stabilised in 2007, apprehensions around Italy's coasts more than doubled to 37,000 during 2008, 41% of the total maritime apprehensions for the year. The vast majority of these, 31,300, occurred around Lampedusa. The situation was of

such concern to the Italian Parliament that on 25 July a state of emergency was declared in response to undocumented migrations. Apprehensions in seas around Malta increased from 1,700 in 2007 to 2,800 in 2008 and in the eastern Mediterranean apprehensions also doubled to 29,100.

Crossings at land borders were similarly varied. The most significant for undocumented crossings were the Greece-Albania border and the Greece-Turkey border, though Ceuta and Melilla, with a fraction of the border length, recorded 7,500 undocumented crossings, the third highest and more than the entire eastern border of the EU. Spain also reported 400,000 denials of entry to Ceuta and Melilla during the year, indicating the unique status of this border. This compares to 140,000 refusals of entry at all other European borders during the year (FRONTEX, 2009).

## Dialogues

Establishing dialogue among “countries of origin, destination and transit” is a key part of the EU's Global Approach and probably the most successful element to date. Since 2006, three separate high-level processes have become established for dialogue between Africa and Europe. Discussions were initiated in July 2006 with the Euro-African Ministerial Conference on Migration and Development in Rabat. The Rabat meeting involved the EU27 plus Norway, Iceland and Switzerland and 27 African countries from the north, west and centre of the continent, though the absence of Algeria was unfortunate.

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The Rabat meeting resulted in an action plan concerned with facilitating legal migration, combating irregular migration and promoting migration and development, subsequently referred to as the Rabat Process. This meeting was quickly followed by an EU-African Union (AU) meeting in Tripoli in November 2006, also on migration and development, which resulted in a

much more comprehensive nine point plan, referred to as the Tripoli Process. Finally, the first Ministerial Meeting on Migration was held amongst states belonging to the Euro-Mediterranean Partnership in Albufeira in November 2007.

Each of these meetings has led to further high-level discussions. The next meeting of the Rabat Process occurred in Madrid in June 2007. Discussions on migration between the EU and the AU were continued at the general summit in Lisbon in December 2007, which adopted the EU-Africa Partnership on Migration, Mobility and Employment. These meetings did not substantially change the content of the earlier declarations but offered a further chance for relevant officials to meet and monitor any progress. The bilateral or multilateral work necessary for implementation of these declarations typically occurs between more junior officials on a much more regular, often quarterly, basis.

In 2008, there were two further meetings in this series. The French Presidency of the EU was particularly active in this area. In July 2008 President Sarkozy hosted an inaugural meeting of the Union for the Mediterranean, a new initiative designed to replace the Euro-Mediterranean Process, which assembled 43 heads of state from Europe and around the Mediterranean in Paris. In November, Paris hosted the next round of the Rabat Process, renaming it the Euro-African Process. The conference declaration largely kept to the three themes of the Rabat action plan. The first theme, "organising legal migration," emphasised bilateral and multilateral labour agreements and called for improved information exchange on possibilities for legal migration. The second theme, "the fight against irregular migration," covered four sub-points: improving coordination and support for regional programmes in Africa; reducing document fraud; strengthening the control of borders, including the ambitious objective (5.2) to "improve controls along all borders in Africa," and finally readmission and voluntary return. The third objective, as in Rabat, was "strengthening synergies between migration and development."

Quite apart from this range of regional discussions, many of the states forming part of the Euro-African Process, the EU-AU dialogue of the Union for the Mediterranean, are also involved in the Global Forum on Migration and Development, which held its second meeting in Manila in October 2008. These meetings cover much of the same ground as discussions in the three regional processes. In addition to glob-

al processes, the EU's Global Approach now emphasises intra-regional discussions, promoting dialogue within sub-Saharan Africa and between sub-Saharan Africa and the Maghreb. These elements were clear in the declaration of the Paris meeting and form one of the most interesting regional policy developments of 2008.

## Policies

Relations with third countries were first introduced as an element of common EU migration and asylum policy at Tampere in 1999, but received much less policy attention than other elements of the Tampere agenda. They appeared again as a priority in the Hague Programme in 2004 but again received relatively little attention until the fatalities in Ceuta and Melilla in 2005 shocked the British Presidency into action. Since then the Global Approach has provided a framework allowing the external aspect of EU policies to receive much greater priority. Nevertheless, for the first few years there was little to show for this in terms of policy outcomes, as the emphasis on dialogue and discussions dominated. Developments in 2008 suggest that this has begun to change and some concrete policies are now emerging; although most of these relate to EU policy, there are signs of developments elsewhere too.

The most significant development outside Europe was the adoption of the ECOWAS Common Approach on Migration in January 2008. Although this was influenced by dialogue with European partners, after Rabat, it goes well beyond relations with Europe, dealing with the much more significant intra-regional mobility. An estimated 90% of international migrants in ECOWAS do not leave the region (Bensaad 2009), and 7.5 million people, 3% of the region's population, are thought to live outside their state of citizenship (ECOWAS 2007). This compares with five million people in the EU, barely 1% of the region's population. The Common Approach recognises the significance of this movement, initially establishing provisions for free movement of citizens within ECOWAS. It sets out a six point agenda, which partly echoes but also goes beyond dialogue in the Euro-African Process: free movement within ECOWAS, the management of regular migration, policy harmonisation, controlling irregular migration and human trafficking, protecting rights of asylum seekers and refugees and actions to take into account the gender and migration dimension.

In contrast to what appears to be an extremely progressive migration agenda developing in ECOWAS, 2008 also saw what many consider to be far more regressive policy developments within the EU. In February, the Commission published two discussion papers on external border management. The first (COM 2008 68) set out an agenda for establishing a united European border control system, the European Border Surveillance System (EUROSUR). It would involve the integration of existing systems with the deployment of new technologies to create a unified picture of the border zones, principally in the Mediterranean. The second (COM 2008 69) examined the “next steps in border management in the EU,” including the introduction of expedited checks for EU citizens. These developments would substantially transform the ways in which European borders are managed, yet they “do not appear to stand up to the tests of proportionality and reasonableness that are essential for any new EU legislation in light of the general principles of EU law”, principally because there is no provision for independent monitoring of their likely impacts (Guild et al 2009: 8).

Operations of FRONTEX were significantly expanded in 2008. The agency has seen its budget increase from 19 million euros in 2006 to 41 million euros in 2007 and just over 70 million euros in 2008, signifying the increase in its operating capacity. In 2008,

FRONTEX managed five separate maritime operations across the Mediterranean and between West Africa and the Canaries. Also in 2008, the Council finally approved the Return Directive (OJ 24.12.2008), which had been under discussion since 2005. Most controversially, this legislation fixed a maximum term of detention of 18 months for undocumented migrants in the EU before return and received widespread criticism from around the world. In December, in the most recent analysis of the Global Approach, the Commission went some way towards acknowledging the lack of partnership demonstrated in the adoption of this directive: “The animated discussions accompanying the adoption of the Return Directive in the summer of 2008 are a clear reminder of the need for the EU to better communicate its policies.” (COM 2008 611, p12).

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#### SECOND EURO-AFRICAN MINISTERIAL CONFERENCE ON MIGRATION AND DEVELOPMENT

The second Euro-African Ministerial Conference on Migration and Development was held in Paris on 25 November 2008 under the French Presidency of the Council of the European Union.

The conference drew inspiration from the conclusions of the three meetings of experts held within the framework of the implementation of the Rabat Action Plan. Specifically, these meetings were held in Rabat in March 2008, to discuss legal migration, Ouagadougou in May 2008, to discuss the fight against irregular migration, and Dakar in July 2008, to discuss the link between migration and development.

The first Euro-African Ministerial Conference on Migration and Development, held in 2006, primarily addressed the emergency situation along the West African migratory route. It adopted the main tracks of the ‘Global Approach to Migration’, proposed by the European Commission, which addresses all aspects of migration flows: the organisation of legal migration, the fight against irregular migration and the synergies between migration and development.

At the second conference, measures were taken to ensure the follow-up and assessment of the Euro-African Process and, particularly, of the Rabat Action Plan. Moreover, the commitment to promoting a Three-Year Cooperation Programme that specified the lines of action and defined the concrete measures to be taken and that would be implemented in the 2009-2011 period was renewed.

Attendees at the second conference likewise agreed to provide sufficient financial resources to fund the actions defined under the Three-Year Cooperation Programme, within the framework of the Partnership between the Commission of the African Union and the Commission of the European Union, who were urged to speed up the examination, as set out in the Tripoli Declaration, of the feasibility of setting up a fund.

For further information:

Paris Conference on Migration and Development

[www.ue2008.fr/PFUE/lang/en/accueil/PFUE-11\\_2008/PFUE-25.11.2008/conference\\_de\\_paris\\_sur\\_la\\_migration\\_et\\_le\\_developpement.html](http://www.ue2008.fr/PFUE/lang/en/accueil/PFUE-11_2008/PFUE-25.11.2008/conference_de_paris_sur_la_migration_et_le_developpement.html)

Paris Three-Year Cooperation Programme

[www.ue2008.fr/webdav/site/PFUE/shared/import/1125\\_conference\\_immigration/Paris\\_Conference\\_Migration\\_Development\\_Final\\_statement\\_EN.pdf](http://www.ue2008.fr/webdav/site/PFUE/shared/import/1125_conference_immigration/Paris_Conference_Migration_Development_Final_statement_EN.pdf)

Africa-EU Partnership on Migration Mobility and Employment: Tripoli Declaration

[http://ec.europa.eu/development/icenter/repository/EAS2007\\_action\\_plan\\_migration\\_en.pdf](http://ec.europa.eu/development/icenter/repository/EAS2007_action_plan_migration_en.pdf)

Rabat Declaration and Action Plan: Euro-African Ministerial Conference on Migration and Development

[www.maec.gov.ma/migration/En/default.htm](http://www.maec.gov.ma/migration/En/default.htm)

Implementation of the Rabat Action Plan

[www.dialogueafricainmd.net/project/ht](http://www.dialogueafricainmd.net/project/ht)

The Commission is right to critically examine the passage of the Return Directive, since it has significantly damaged the trust on which the partnerships essential to the success of the Global Approach depend. Policy initiatives that are potentially much more positive have been met with suspicion and negotiated with much more difficulty by the Commission than may have been the case otherwise. Mobility partnerships, an essential element of the Global Approach, are a good example. Essentially, these establish a framework for exchanging greater rights, such as visa facilitation agreements, with obligations of readmission and control and, well managed, there is potential for African states to benefit. They are currently piloted in Moldova and Cape Verde, where the partnership was implemented in June 2008, though discussions are currently underway with Senegal. The Migration Information and Management Centre (CIGEM) in Bamako was also inaugurated in 2008. According to the EU, this centre was financed as a way of assisting Mali in responding to various migration demands. There is a real need for this, given the specific context of migration in the region, set out in the ECOWAS approach, for example, yet there is widespread suspicion that this centre will be used to gather information to support EU migration control efforts. By the end of 2008, the global financial crisis was already forcing a re-evaluation of some of the developing elements of the Global Approach, as falling demand for migrant labour, particularly in sectors such as construction, may undermine some provisions of the key elements, such as the mobility partnerships. The introduction of the European Blue Card, for example, received support in the September European Council but was delayed for a future date and though it seems likely that developments will continue in this area, progress appears likely to slow in 2009.

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