

Migration and Mobility. External Borders of the EU

# The Failure of European Policy on Africa and Migratory Movements

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Migration remains a crucial element of cooperation between Europe and Africa, as highlighted in the EU Strategy with Africa released by the EU Commission in March 2020. Migration cooperation between the European Union (EU) and African countries has been ongoing in various formats and venues, all targeted towards achieving similar objectives, with the EU in the driving seat of most of these discussions (d'Humières, 2018). The cooperation between the EU and African countries first focused on those countries in the immediate Southern neighbourhood (Mediterranean countries) and later on in West Africa. The EU has struggled to decide how its borders should treat African mobility since 1995, with the introduction of free movement of persons and goods and the removal of internal borders within the Union (Schöfberger, 2019). This dilemma and other factors, including a lack of agreement on the internal aspects of asylum within the EU, has contributed to an increased focus on the external aspects of the EU's migration policy and cooperation with partner countries.

Schöfberger (2019) notes that “the making of EU migration policy has been interlinked with intense negotiations on what African mobility means for EU borders.” Consequently, European policies towards African migratory movements have focused on readmissions, returns and reducing the number of irregular migrants from Africa. But this is not commensurate with actual data on African migrants moving

within Africa or from Africa to Europe. African migrants account for 14% of global migration, much lower than migration from other regions. A significant proportion of African migration occurs within the continent, across land borders and through regular channels. IOM estimates that irregular migration accounts for about 15% of African migration (Achieng, El Fadil, & Righa, 2020). However, irregular migration from Africa through the Mediterranean in the direction of Europe has received considerable news coverage. It has been a more important policy focus than the ongoing, daily, regular migration occurring within the continent, and compared to the migration of highly skilled African migrants, especially in the health and technology sectors, to developed countries through regular channels. Other forms of regular migration occur within and outside the continent; for example, student migration, labour migration and family reunification.

This paper analyses the various EU policies to address migration in Africa and the mobility of Africans to the EU. It provides an overview of policies from 2005 until the present. It explains how these policies have contributed towards changing mobility patterns in certain parts of the continent – mainly in North and West Africa, where the influence of EU migration policy interventions has its strongest impact. The following section provides an overview of important EU migration policy instruments and their impact on African mobility. Section three analyses some of the policy failures that have emerged in migration cooperation between the EU and African countries. Section four proposes recommendations on how the perspectives of African countries can be emphasized in migration cooperation to promote a more balanced partnership approach.

## An Overview of Important EU Legal and Migration Policy Instruments and Their Impact on African Mobility

The European Union's migration toolbox consists of many instruments reinvented over the years with increased funding opportunities, especially concerning third countries. The instruments are multilateral, regional and bilateral and are used depending on their success. There is a pressing demand for new migration cooperation formats between the EU and third countries, as previous and current ones have not "worked."

### Legal Framework

The EU's approach to migration from third countries can be traced back to the Treaty of Maastricht in 1992, which established free movement and residence for EU citizens. Articles 79 and 80 of the Treaty on the Functioning of the European Union (TFEU) grant competencies to the EU over the following areas relating to migration and asylum. These include:

- Regular immigration; however, Member States retain the right to determine volumes of admission for people coming from third countries to seek work.
- Integration.
- Combating irregular immigration through an effective return policy consistent with fundamental rights.
- Readmission agreements concluded with third countries for the readmission of their nationals and third-country nationals who no longer fulfil the conditions to remain in a Member State.

In addition, the revised Maastricht treaty increased the role of the Commission in harmonizing migration policies. Beyond intra-EU migration, changes in EU laws and procedures also sought to harmonize how EU Member States respond to the migration of third-country nationals into the EU. For example, despite states maintaining prerogative over aspects of migration policies, the first Dublin Convention introduced harmonized processing procedures for asylum applications. This harmonization trend was sustained with the Treaty of Amsterdam which sought to provide an overall perspective on migration policy within

the more general framework of an "area of freedom, security and justice" (former Articles 61-69 TEC).

### EU Policies with Third Countries on Migration

The EU introduced the Global Agreement on Migration Management in 2005 to improve legal migration channels and reduce human trafficking and irregular migration. This marked the shift from "controlling migration" to "managing migration." Expanding on this initiative, the Global Approach on Migration and Mobility in 2012 emphasized the need for cooperation with third countries to achieve the EU's migration agenda and to craft win-win solutions for all parties involved, including sending, transit and host countries, and migrants. These agreements aimed to partner with third countries, especially cooperating in returns and readmissions and reducing the number of irregular entrants to the EU. Consequently, a Common Agreement on Mobility and Migration (CAMM) was signed between the EU and several countries, including Nigeria and Ethiopia.

In 2007, the EU introduced mobility partnerships as a framework for migration relations between EU and non-EU countries. In signing the mobility partnerships, countries undertook to making commitments to reduce irregular migration towards Europe through signing readmission or return agreements and increased cooperation with Frontex (now European Border and Coast Guard Agency) or EU Member States' border agencies. The mobility partnerships also aimed to increase opportunities for regular migration to Europe through increased labour mobility schemes (including circular mobility), recognition of qualifications, cooperation between academic institutions, scholarships and exchanges. The partnerships also highlighted the migration and development nexus by encouraging diaspora relations and noting the need for remittances (Reslow, 2012). It also considered the need to facilitate the return and reintegration of migrants. The mobility partnerships were political declarations between the partner state, the EU Commission and the interested EU Member States. A mobility partnership was concluded between Cape Verde and the European Union. Negotiations with Senegal and Ghana broke down for different reasons (Reslow, 2012).

The EU's Common Agenda on Migration in 2015 led to the introduction of the migration partnership

framework and “compacts” by the European Commission as a flexible instrument for addressing the “crisis” governance of migration in 2015 and 2016. The 2015 Valletta summit identified five priority countries in Africa for negotiations of compacts. These were Ethiopia, Nigeria, Senegal, Niger and Mali. These countries were selected based on the political will of the states to engage in the dialogue on migration, the number of irregular migrants in Europe from these countries, and previous cooperation on migration, including return and readmission with these third countries. The introduction of compacts under the migration partnership framework and the European Union Trust Fund (EUTF) for migration increased the use of conditionalities and “tied aid.” However, no compacts were successfully concluded with any of the priority countries.

**To achieve the migration benefit for all parties involved, it is imperative that the EU and third parties balance short-term goals with long-term development goals**

In 2021, the EU introduced Team Europe Initiatives (TEI) on migration as part of the multiannual financial framework – the Neighbourhood, Development and International Cooperation Instrument (NDICI). Based on the new EU pact on Migration and Asylum, these TEIs aim to boost migration cooperation between the EU and specific countries. The external dimension of its migration policy remains a political priority for the EU, and TEIs on migration would contribute towards the effective implementation of several EU migration initiatives. TEIs built on customized and balanced partnerships prioritize addressing migration and its external impacts, benefiting all parties involved.

But uncoordinated funding will not address issues that require strategic long-term planning. The quick-fix approach of the EUTF and the current TEIs has been criticized as likely to fail because addressing the drivers of migration requires a long-term, coherent and sustainable approach, which current initiatives still need to address. To achieve the migration

benefit for all parties involved, including sending, receiving and transit states, as well as migrants themselves, it is imperative that the EU and third parties balance short-term goals with long-term development goals.

### *The Impact of EU Migration Policies on African Mobility*

African migration governance is shaped by Eurocentric perspectives on migration, which are prevalent in African national and regional migration policymaking processes (Achieng, Fadil and Righa, 2020). “The EU, meanwhile, employs lofty rhetoric to promote cross-border cooperation, but it undermines its efforts by isolating individual states to use as buffers against migration” (Long, 2016). The intense focus on irregular migration and the return and readmission policies springing up across African countries represent this narrative. Also, the securitization of borders and criminalization of migration in some regions, especially in West Africa, reflects the EU’s focus on stemming migration flows and ensuring, through regional security programmes, that migration through irregular channels is curtailed.

But for African countries, migration remains an integral part of their development strategies, as can be seen in the African Union (AU) policies and programmes on migration – such as the Migration Policy for Africa, the Joint Labour Mobility Programme (JLMP), the AU Free movement protocol (FMP) and Agenda 2063 –, which all highlight the development potential of migration for the majority of African countries. Moreover, mobility, especially cross-border mobility, has positive development impacts on communities and livelihoods. However, within African regions and among African countries, there are varying perspectives and approaches to migration and migration governance (Bisong, 2022).

### **Some of the Policy Challenges that Have Emerged in Migration Cooperation**

The paper suggests that European migration policies towards Africa have encountered serious challenges. European migration policies towards Africa have failed to address the root causes of migration, which they were intended to tackle. Instead, they

have created more problems for African mobility in general and intra-African mobility specifically. The prevailing perspective of the EU and its member countries concerning African immigration remains focused on security, the foreclosure of its external borders and prevention, which are all questionable and bound to fail.

## To stop migration flows, the EU and its Member States have engaged in bilateral relations with countries whose dominant political values are not aligned with the EU's proclaimed values of democracy, human rights, freedom, inclusion and participation

Although the EU's migration policies are crafted holistically to address all aspects of migration, implementing these policies towards Africa has largely focused on curbing irregular migration and ignored other aspects of migratory movements, resulting in the securitization and criminalization of migration, including intra-regional mobility. While there are attempts by the EU and its Member States to promote regular migration, by providing pathways such as education and jobs for targeted young Africans in Europe, these pathways are too narrow and do not respond to the needs of those whom the EU seeks to stop in migrant routes. The EU's inability to develop effective development policies that can accommodate migrants seeking entry into Europe through irregular routes has translated into a securitized response to irregular migration.

Return and readmission of irregular migrants is another dimension of the EU migration policy process where there have been significant challenges. In this domain, the EU has mostly sought to negotiate informal agreements with African states, incentivizing these states to take back their nationals deported

from Europe. However, African states also make strategic choices in deciding whether or not to accept these readmission agreements, often comparing the incentives from the EU and its Member States to remittances sent home by migrants. Also, the local population see remittances as a means of social protection that the national government often does not provide. Thus, in a bid not to create tensions within their societies, African governments are careful not to be seen by their people as facilitating the deportation of their citizens. This has undermined the EU's focus on return and readmission.

Another policy challenge has emerged from mixed migration flows in Africa and how African countries have responded to migration.<sup>1</sup> Research has shown that African migration is diverse and cannot be grouped as a single, uniform movement with identical origins, reasons for moving and destinations. It is also inaccurate to view African migration solely as a response to poverty and conflict. Several factors are at play when addressing mixed migration flows within the continent. Large displacements within Africa due to conflicts, especially in the Sahelian countries, have resulted in movements of people within and across national borders. Conflicts in Sudan, Ethiopia, Somalia, Eritrea, South Sudan and DRC, and violence in Mali, Nigeria and Burkina Faso, amongst others, have resulted in massive internal displacements and higher numbers of refugees in neighbouring countries. Furthermore, circular migration based on seasonal patterns and the availability of work in neighbouring countries is important in providing remittances and improving social and economic development. Also, transnational migration and social networks play an increasing role in determining migrant destinations, the trafficking and smuggling of migrants across borders, and new emerging destinations in the Middle East and Asian countries, amongst others. Consequently, responding to these mixed migration flows is a complex issue that requires a variety of responses and approaches. Restrictive border policies aimed at limiting migration can have negative impacts on the livelihoods and protection of different groups of migrants.

<sup>1</sup> Mixed migration refers to “cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. MIXED MIGRATION CENTRE (MMC), *MMC's Understanding and Use of the Term Mixed Migration and Human Smuggling*, MMC, July 2021. [https://mixedmigration.org/wp-content/uploads/2021/07/terminology\\_mixed\\_migration\\_smuggling\\_MMC-en-fr.pdf](https://mixedmigration.org/wp-content/uploads/2021/07/terminology_mixed_migration_smuggling_MMC-en-fr.pdf).

The failure of other policies to stop migration has seen the EU and its Member States move towards engaging in bilateral negotiations with African states with limited democratic institutions. These engagements, which have seen the empowerment of armed forces and other armed groups operating in countries that enter into such agreements with the EU and some of its Member States, violate the human rights of migrants and their families in transit. In essence, to stop migration flows, the EU and its Member States have engaged in bilateral relations with countries whose dominant political values are not aligned with the EU's proclaimed values of democracy, human rights, freedom, inclusion and participation.

**There are also very limited reflections on the fluidity of borders and interconnections between border communities in Africa, with all the attempts focused on stopping the movement of people even within the continent**

The EU's engagement with Tunisia captures the contradictions inherent in the bloc's migration policies and values. Tunisia's political establishment, led by its President, has offered a racist and xenophobic portrayal of migrants, positioning itself as a gatekeeper that can stop migrants, mostly from sub-Saharan Africa. Despite this position, the European Union offered Tunisia more than one billion euros in aid to boost its crisis-hit economy and reduce the flow of irregular migrants across the Mediterranean Sea (The New Arab Staff and Agencies, 2023).

Overall, it can be argued that the EU's migration policies, agreements and attempts to stop irregular migration, including the externalization of its migration policies and borders, have undermined regional mobility within Africa, particularly in West Africa, where people depend on cross-border labour mobility for their livelihood. Also, these migration policies of the EU have not considered climate-related and conflict-induced migration. The EU's migration policy to-

wards Africa is meant to keep Africans in one place. This fundamentally contradicts the nature of life and society in the continent where, historically, Africans and their societies have been migratory in origin. The contradiction between the EU's migration goals and the nature of African societies has a devastating impact on the people in the region. Despite the rhetoric of the EU and its Member States, the impact of EU migration policies on African lives shows that these policies do not reflect the EU's values.

### **Moving forward: Bringing African Interests to the Fore of the Discussions**

When reflecting on the EU's migration policies, it is also important to touch on African perspectives regarding these issues. While the EU and its Member States have sought to present a unified goal – to manage irregular migration, even though there are discrepancies between rhetoric and approach –, African states have not collectively demonstrated a unified perspective. Even when African migration debates are shaped by Pan-Africanism and shared African values, collective positions often break down because of national interests and political pressure. For instance, while all African states are members of the African Union (AU), we have seen some African countries take a different approach, often acting in line with the expectations of EU partners instead of upholding shared consensus reached within continental institutions.

One area where there has been a shared consensus among most actors – African and EU – has been the promise of labour mobility. The labour needs in Europe have made several countries reflect on how best to attract migrant workers. Yet, due to the contentious nature of migration, significant progress remains to be made in this area. However, the potential promise of labour mobility seems to be a pathway for shared consensus between the EU, African States and Africans in general.

Overall, it is clear that the EU's migration policy towards Africa has focused largely on limiting the flow of irregular migrants. However, there are very limited reflections on what creates irregular migrants. There is no recognition of the value of labour, irrespective of the skill level of the irregular migrants. There are also very limited reflections on the fluidity of borders

and interconnections between border communities in Africa, with all the attempts focused on stopping the movement of people even within the continent. There is, therefore, a need to reassess the partnership between the EU and Africa towards genuine cooperation that addresses the shortcomings discussed in this paper.

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