





## POLICY PAPER


# European Migration Diplomacy: Is it Jeopardizing the Partnership with the African Union?

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## 1. Background: Migration as a Risky Factor in EU-AU Relations

Under the auspices of the current von der Leyen Commission, Africa has seemingly become a cornerstone of Europe's geopolitical aspirations. Besides being perceived as a continent of opportunities, the two blocs have common challenges that need to be tackled such as climate change, the fight against inequalities, security, demographic management, the sustainable use of resources and innovation. Also migration is an important issue in EU-Africa relations, as it is the result of the non-management of these challenges which accelerates demographic instabilities, and installs conflicts, poverty and therefore forced migration.

In recent years, migration has become not just a priority for the EU, but increasingly an obsession that constitutes more and more the heart of EU-Africa relations. Although the Commission's president Ursula von der Leyen reiterated the EU's commitment to build a "partnership of equals" when she visited the African Union's (AU) headquarters in 2019, policy processes vis-à-vis migration keep on containing an asymmetry in favour of European interests compared to those of their African partners.<sup>1</sup>

The EU's migratory policies seem mainly intended to serve the Union's internal objective of curbing migration flows. To stop the flow of migrants from Africa coming to Europe, the EU tends to take a 'whatever works approach'. Instead of spending money on tackling migration's root causes as promised, the focus is rather on securing borders. Although migration has increasingly been tied to the policy area of development, the migration-development nexus seems therefore to be more mentioned than explored.<sup>2</sup>

In light of this, this policy paper will attempt to find out how migration governance affects the EU's foreign policy vis-à-vis the AU and will explore what possible impact this approach could have on its partnership on the longer term. To do this, recent documents and policies on migration governance will be compared to the actions taken, to see if there is an eventual gap and to find out what the strategies are from both sides and why. Although a gap between political rhetoric and implemented policies is by no means uncommon, this has not yet been considered in any depth in terms of the EU-AU relationship on migration governance.

In any case and considering we are entering a critical moment for global geopolitical competition, EU-Africa relations, and the African continent itself, the necessity arises that European leaders rethink their relations with Africa in order to forge a true strategic partnership. With the 6<sup>th</sup> AU-EU Summit being postponed to 2021 due to the COVID-19 pandemic, the timing to do so could not be better.<sup>3</sup>

Although the relationship between the EU and the AU can certainly not be reduced to migration management, it is important to address this 'forgotten' asymmetry in our EU-Africa relations. This must therefore be seen in the framework of the EU's New Pact on Asylum and Migration, which has

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<sup>1</sup> Remarks by President von der Leyen at the joint press statement with Moussa Faki, Chairperson of the African Union Commission, Speech, December 2019 ([https://ec.europa.eu/commission/presscorner/detail/en/speech\\_19\\_6697](https://ec.europa.eu/commission/presscorner/detail/en/speech_19_6697)). Consulted on 4 December 2020; F. ZANKER, 'Managing or restricting movement? Diverging approaches of African and European migration governance', *Comparative Migration Studies*, 7 (17), 2019, 1.

<sup>2</sup> B. VENTURI, 'The EU and the Sahel: A Laboratory of Experimentation for the Security-Migration-Development Nexus', *IAI Working Papers*, 17 (38), 2017, 5-12.

<sup>3</sup> M. ZEISS, 'Europe's pivot to Africa: shaping the future of the strategic partnership', *EPC*, October 2020 (<https://www.epc.eu/en/Publications/Europes-pivot-to-Africa-Shaping-the-future-of-the-strategic-partners~381954>). Consulted on 4 December 2020.

put migration again on the EU's agenda and would be the perfect opportunity to stop externalising responsibilities.<sup>4</sup> Only by doing this and by bringing the relationship truly into balance, EU-Africa relations could become a building block in Europe's quest to obtain geopolitical power.

## 2. State of Play

### 2.1 EU migration governance: beyond good intentions?

Following the migration 'crisis' of 2015, the EU started to sharply focus renewed attention onto EU-African relations.<sup>5</sup> With 34% of Europeans considering immigration as the most important issue facing the EU, migration hence became a factor shaping foreign policy vis-à-vis Africa. Yet, challenges remain as EU and African interests and priorities often diverge.<sup>6</sup> While the EU tries to save its relationship with the AU by using a similar discourse to that of its African partners, reality often does not seem to coincide with this.

Just like the AU, the EU for example presents in its documents on migration governance a strong rhetoric in favour of developing legal migration. The Valletta Action Plan of 2015 with its EU Emergency Trust Fund (EUTF) for Africa, and the Migration Partnership Framework launched in 2016 both express the wish to ensure legal pathways to Europe for those in need of international protection and to manage or control migration more efficiently.<sup>7</sup>

Yet, in reality, the European donors' approach to migration governance is far more geared to containment and control.<sup>8</sup> The EU consequently falls short of commitments made not only under the Valletta Action Plan, but also under the Strategic Development Goal target 10.7 to "facilitate orderly, safe and responsible migration and mobility of people".<sup>9</sup>

Following the same rationale, many of the projects of the EUTF for Africa respond to a European political sense of urgency to stop irregular migration to Europe. Rather than reducing migration, restricting irregular migration will simply force migrants to take more dangerous routes when there is insufficient investment in opening more safe and regular mobility pathways.<sup>10</sup>

Thereby, instead of addressing the root causes of irregular migration by connecting development to migration policies, aid flows seem to be largely allocated to areas with enhanced border controls and

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<sup>4</sup> Joint Statement: 'The Pact on Migration and Asylum: An Opportunity Seized or Squandered?', *ECRE*, February 2020 (<https://www.ecre.org/wp-content/uploads/2020/02/PACT-Statement-February-2020.pdf>). Consulted on 4 December 2020.

<sup>5</sup> K. HUGHES, 'EU-Africa relations: strategies for a renewed partnership', *Friends of Europe*, 2017 (<https://www.friendsofeurope.org/wp/wp-content/uploads/2019/06/Friends-of-Europe-EU-Africa-report-FINAL.pdf>). Consulted on 21 December 2020, 10.

<sup>6</sup> A. MEDINILLA and C. TEEVAN, 'Beyond good intentions: the new EU-Africa partnership', *ecdpm*, March 2020, nr 267.

<sup>7</sup> Action Plan, Valletta Summit, 11-12 November 2015 ([https://www.consilium.europa.eu/media/21839/action\\_plan\\_en.pdf](https://www.consilium.europa.eu/media/21839/action_plan_en.pdf)). Consulted on 4 December 2020; Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, European Commission, COM(2017)471, September 2017.

<sup>8</sup> E. KERVYN and R. SHILHAV, 'An Emergency for Whom? The EU Emergency Trust Fund for Africa – Migratory Routes and Development Aid in Africa', *Oxfam Briefing Notes*, 2017, 5.

<sup>9</sup> 'SDG Indicator 10.7.2', United Nations: Department of Economic and Social Affairs, Data Booklet, 2020 ([https://www.un.org/en/development/desa/population/publications/pdf/sdg/SDG\\_10.7.2\\_2019\\_Data%20Booklet.pdf](https://www.un.org/en/development/desa/population/publications/pdf/sdg/SDG_10.7.2_2019_Data%20Booklet.pdf)). Consulted on 4 December 2020.

<sup>10</sup> E. KERVYN and R. SHILHAV, *Idem*, 2-5.

other security measures.<sup>11</sup> This needs to be understood in line with the European conviction that development is a territorialised process, which results in migration policies that favour development at home in order to prevent it.

Moreover, as a securitised vision of migration prevails, development is often understood as a trade-off to security concerns.<sup>12</sup> This trend of development cooperation being hijacked for migration-related interests is also very much evident in the EU's 2016 Global Strategy and proposals to renew the European Consensus on Development.<sup>13</sup>

In the meantime, the portrayal of (irregular) migration as a security problem has been normalised in the current discourse at both EU and domestic level. The question hence arises how we should best understand the EU's 'borderisation' of the Mediterranean which gives migrants two different identities. While on the one hand they are seen as threats to border security, they are on the other objectified as victims of human trafficking.<sup>14</sup>

In addition to these divergent attitudes towards African migrants, the EU also seems to be falling victim to its own soft power. Its aggressive moves to block migration causes much confusion since its soft appeal (protection of human rights, economic prospects...) is an important pull factor for many refugees to seek protection in Europe.<sup>15</sup>

These differences in discourse and the gap between policy and reality must in a sense also be linked to the fact that migration governance remains mostly a national matter. Since governance approaches still largely follow national logics, they often stand in contrast to rhetorical commitments made at institutional levels – despite the transnational nature of migration.<sup>16</sup>

Not only does this undermine policies that are developed at EU level, but it also risks having a destabilizing effect on cooperation with the African Union. Using the rhetoric/practice gap to achieve the contradictory goal of moving migration controls and prevention away from Europe's borders to the African continent, while at the same time strengthening its African relations, is not a sustainable way to build a strong strategic partnership. In recent years, this already led to growing AU-EU tensions and frustrations among African partners and will only get worse if not addressed differently.

## 2.2 The AU paying lip-service

In the Migration Policy Framework for Africa and Plan of Action (2018-2030) of the African Union, the frustration with the EU's migration governance from Africa is clearly visible. The document for

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<sup>11</sup> B. VENTURI, 'The EU and the Sahel: A Laboratory of Experimentation for the Security-Migration-Development Nexus', 5-9.

<sup>12</sup> F. ZANKER, 'Managing or restricting movement? Diverging approaches of African and European migration governance', 2.

<sup>13</sup> Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy, *EEAS*, 2016 ([https://eeas.europa.eu/archives/docs/top\\_stories/pdf/eugs\\_review\\_web.pdf](https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf)). Consulted on 7 December 2020; The new European consensus on development 'our world, our dignity, our future', *Council of the EU*, 2017 ([https://www.consilium.europa.eu/media/24004/european-consensus-on-development-2-june-2017-clean\\_final.pdf](https://www.consilium.europa.eu/media/24004/european-consensus-on-development-2-june-2017-clean_final.pdf)). Consulted on 7 December 2020.

<sup>14</sup> V. MORENO-LAX, 'The EU Humanitarian Border and the Securitization of Human Rights: The 'Rescue-Through-Interdiction/Rescue-Without-Protection' Paradigm', *Journal of Common Market Studies*, 56 (1), 2018, 120-121.

<sup>15</sup> P. KUGIEL, 'End of European Soft Power? Implications for EU Foreign Policy', *The Polish Quarterly of International Affairs*, 1, 2017, 64.

<sup>16</sup> F. ZANKER, 'Managing or restricting movement? Diverging approaches of African and European migration governance', 15.

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example underlines that the “global trend towards the securitisation of migration threatens to jeopardise the protection and rights of migrants”. As a result of these global dynamics, donor funding for migration initiatives in Africa has multiplied, as African countries are encouraged to control migration.<sup>17</sup> African countries are moreover dissatisfied with the European approach, as its activities and funding for migrants are largely focused on migration routes to Europe and relatively less on the ones within Africa.<sup>18</sup>

Although the document tries to be nuanced and takes into account the European vision on migration governance, the reality is that both parties are far from a common approach. While the European discourse underscores more the potential negatives associated with migration (brain drain, potential for inflation...), the AU elaborates instead on the opportunities that it contains. In its Plan of Action it even strongly emphasises that Africa should drive its own objectives and policies that address migration realities in support of its development goals.<sup>19</sup>

Furthermore, while Europeans often associate migratory flows with a threat to their identity and security, most Africans tend to see migration instead as an opportunity for economic security and humanitarian protection. People from Africa have in fact always moved for economic, cultural and political reasons. The borders inherited from colonisation do thus not exactly correspond to a reality of the living area.

The predominant African view is moreover that mobility enhances development. African states and institutions would therefore rather focus on easing mobility as primary beneficiaries of migration for development.<sup>20</sup> According to Jean Constantinesco, political officer of the EU Delegation to the AU, this way of thinking led the AU to adopt the Free Movement of Persons Protocol in 2018, which is however not yet signed by all member states.<sup>21</sup>

Despite the strong African discourse in favour of easing mobility for development, there is in practice an unexpected level of defending borders and restricting mobility. While Mr Constantinesco connects border security to the African border areas that are far from the capitals and have a very low level of governance, other policy makers also see different reasons.<sup>22</sup>

According to Maria Arena, member of the European Parliament’s delegation for relations with the Pan-African Parliament, the explanation has rather to do with the appearance of ‘nationalisms’ in Africa which goes against the grain of free movement.<sup>23</sup> Moreover, bilateral relations of African partners with ex-colonising countries are ambiguous and favour this national approach of withdrawal into borders. Take as an example bilateral agreement between the EU and third countries on the issue of migration. According to Mrs Arena, they oblige the signatory countries of these agreements to close their borders to prevent them from being perceived by the EU as crossing points for migrants. This hence leads African countries to agree to a more restricted approach to mobility.<sup>24</sup>

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<sup>17</sup> ‘Migration Policy Framework for Africa and Plan of Action (2018-2030)’, *African Union Commission*, 2018 ([https://au.int/sites/default/files/documents/35956-doc-2018\\_mpfa\\_english\\_version.pdf](https://au.int/sites/default/files/documents/35956-doc-2018_mpfa_english_version.pdf)). Consulted on October 9, 2020, 18-19.

<sup>18</sup> *Ibidem*, 18-19.

<sup>19</sup> *Ibidem*, 19-69.

<sup>20</sup> F. ZANKER, ‘Managing or restricting movement? Diverging approaches of African and European migration governance’, 2.

<sup>21</sup> Correspondence with Jean Constantinesco, 14 December 2020.

<sup>22</sup> *Ibidem*.

<sup>23</sup> Correspondence with Maria Arena, 3 December 2020.

<sup>24</sup> *Ibidem*.

Not only is the EU dependent on African partners to successfully externalise its borders further south, African countries are also very much dependent on donors for capacity building, equipment, etc. The unexpected level of wanting to control migration could therefore be explained by the overall asymmetric relationship between the two continents. African states seem to be paying lip-service to European interests on securing borders in order to achieve leverage in their relationship with the EU. In practice, however, they often purposely stall on implementation.<sup>25</sup>

European support to security forces and border controls in African countries is furthermore based on the idea that they lack the capacity, but not the willingness to fight irregular migration. The reality, however, is that local state authorities are well aware that migration leads to employment and that remittances are a key driver of resilience for local communities and development for the whole country. As a consequence, many of the local economies become highly dependent on the revenue of human smuggling. To resist foreign pressures, African authorities hence turn a blind-eye on irregular migration.<sup>26</sup>

Not only does the EU's foreign policy thus seem very ineffective regarding migration, but its short-term prioritisation of reducing migration flows and its characterisation of it as a threat also increasingly affect its relations with Africa. Without changing its migration approach, it hence risks losing an important partner, for whom the urgency of working with the EU on migration clearly varies significantly.<sup>27</sup>

### ***2.3 EU Pact on Asylum and Migration: old wine in a new bottle***

With the New Pact on Migration and Asylum, the European Commission proposed in September 2020 to create “faster, seamless migration processes and stronger governance of migration and border policies”.<sup>28</sup> With a change to the legal framework to introduce an accelerated and mandatory border procedure, the risk however exists that effective and fair examination of international protection claims would be undermined.<sup>29</sup>

Furthermore, since the internal and external dimensions of migration are inextricably linked with each other, the Commission acknowledges that the common approach needs to include the EU's relationship with third countries, and thus also with its African partners.<sup>30</sup> This continuity in shifting responsibility for asylum to third countries could, however, be damaging and counter-productive, as it will most likely go via informal deals or by instrumentalizing development assistance for achieving migration control objectives.<sup>31</sup>

A key element in the seemingly “mutually beneficial partnership” the EU seeks to develop, would hence be to support its partners in developing effective migration governance and management capacity. To do this, the Commission emphasises the need to assist partner countries in strengthening

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<sup>25</sup> F. ZANKER, *Idem*, 16.

<sup>26</sup> L. RAINERI and A. ROSSI, ‘The Security-Migration-Development Nexus in the Sahel: A Reality Check’, *IAI Working Papers*, 17 (26), 2017, 12.

<sup>27</sup> A. MEDINILLA and C. TEEVAN, ‘Beyond good intentions: the new EU-Africa partnership’, *ecdpm*, March 2020, nr 267.

<sup>28</sup> Communication on a New Pact on Migration and Asylum, European Commission, COM(2020) 609, September 2020, 2

<sup>29</sup> Joint Statement: The new Pact on Asylum and Migration: An opportunity seized or squandered?, *European Council on Refugees and Exiles*, October 2020 (<https://www.ecre.org/wp-content/uploads/2020/02/PACT-Statement-February-2020.pdf>). Consulted on 8 December, 2020.

<sup>30</sup> Communication on a New Pact on Migration and Asylum, European Commission, 2.

<sup>31</sup> Joint Statement: The new Pact on Asylum and Migration: An opportunity seized or squandered?

capacities for border management, which displays the continuity of the externalisation and securitisation of migration. The focus is thereby also put on reducing the negative consequences for partner countries, namely reducing ‘brain drain’, or facilitating circular migration, all of which perfectly fit into the strategy of keeping migrants away from Europe.<sup>32</sup>

With these well-known elements in mind, the question hence arises if the Pact is not merely old wine in a new bottle. As MEP Maria Arena rightly stated: not even the Dublin principle is called into question. This means that intra-European solidarity with regard to the demands of people wishing to access European territory is not regulated by the Pact. Yet, instead, an even greater responsibility of the partner states of origin or transit is requested in the management of migration. By evaluating the effectiveness with regard to the people who are concerned by migratory routes and by noting that the Pact did not yet cause a major turnaround in migration policies in Africa, the Pact seems to have brought little change.<sup>33</sup>

Although the Commission mentioned positive conditionalities such as legal migration, it will be very difficult for Europe to open up its labour market in times of the COVID-19 crisis. Not only in this context but also before, European actors continued to put pressure on African countries to accept return and readmission of irregular migrants and rejected asylum seekers, rather than improving conditions for labour mobility. As very few legal migration projects have been launched, many frustrations among African partners arose.<sup>34</sup>

According to Professor Florian Trauner from the Vrije Universiteit Brussel, who talked about this issue during a webinar, it consequently does not say much to have different tools in place, but more about how they will be applied. While the AU is glad that African countries will get more money to strengthen their own capacities, the risk however exists that the Pact will take a too much ‘punishment approach’, which will largely be based on negative conditionalities like visa sanctions.<sup>35</sup>

Related to this, Mrs Arena argues that the Pact does not tackle the problem that Europe is facing today on the issue of migration management. While it is indeed essential to have border controls for questions of information on who enters the European territory, it should not mainly be used to protect our borders. Instead, it should be used to build more legal migration routes between Europe and Africa.<sup>36</sup>

In recent decades, we have experienced an almost complete closure of legal channels, which has given way to ‘criminal’ trafficking circuits that put people at risk, do not guarantee any flow control and offer no information on the people concerned.<sup>37</sup> Yet, already since 2015, the EU promises to promote regular channels for migration and to focus all of its efforts on this goal.

Making progress on the legal migration front is according to Mr Constantinesco of utmost importance, as it will be difficult to stay credible if one does not provide alternatives with legal

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<sup>32</sup> Communication on a New Pact on Migration and Asylum, 20.

<sup>33</sup> Correspondence with Maria Arena, 3 December 2020; Correspondence with Jean Constantinesco, 14 December 2020.

<sup>34</sup> A. MEDINILLA and C. TEEVAN, ‘Beyond good intentions: the new EU-Africa partnership’, *ecdpm*, March 2020, nr 267.

<sup>35</sup> Florian Trauner during TAS Migration Labs’ webinar on the New Pact on Migration and Asylum, 3 December 2020.

<sup>36</sup> Correspondence with Maria Arena, 3 December 2020.

<sup>37</sup> *Ibidem*.



pathways.<sup>38</sup> By keeping on failing on the promises it makes, it would be no surprise if the EU would soon lose its credibility within its partnership with the AU - if it has not already.

## 2.4 The EU-AU partnership at risk

Under the Joint Communication towards a Comprehensive Strategy with Africa, migration was by the European Commission addressed as essential “to deepen economic and political ties” with African partners.<sup>39</sup> According to the Commission’s statement for the 10<sup>th</sup> African Union Commission of February this year, the two sides therefore recalled commitments made to deepen cooperation and dialogue on migration and mobility, and pledged to develop a joint framework for a strengthened Continent-to-Continent dialogue on it.<sup>40</sup>

Central to the joint approach to managing migration and mobility is not surprisingly again capacity building, including effective border management, for effective migration management. The EU consequently continues on the same path of externalising migration governance, by focusing on improving its partner countries’ ability to better manage borders and on strengthening capacities.<sup>41</sup>

Although it has in the last years always stressed the importance of effectively managing irregular migration “in a spirit of partnership and shared responsibility” to maximise the development potential for Africa, it still falls short of that promise.<sup>42</sup> In this way the EU’s own interests are only exposed more in an ever-asymmetrical partnership with the AU, which risks having a destabilising effect.

The African frustration about the EU’s foreign policy is furthermore clearly noticeable in the AU’s discourse as displayed in its Migration Policy Framework for Africa and Plan of Action (2018-2030). Herein, a clear distinction is made between two narratives: one on protection of refugee and migrants’ rights, and the other on the perceived security interests of ‘certain’ States which lean towards the closing of borders far from their shores.

According to the document, this growing securitisation of migration, externalisation of border controls and increasingly restrictive migration policies are contributing to irregular migration. More and more, the AU thus seems to realise that its partnership with the EU on migration has few long-term benefits for itself. Linked to this, the Plan of Action mentions that it increasingly becomes necessary “to chart and drive its own migration objectives and policies that address its migration realities in support of its development goals”.<sup>43</sup>

Another possible scenario, however, is that the dependence of the EU on African countries to externalise its borders, gives the AU a new unique position where it can gain leverage in an otherwise asymmetric relationship.<sup>44</sup> Consequently, if joint ‘cooperation’ is not taken seriously, with equal

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<sup>38</sup> Correspondence with Jean Constantinesco, 14 December 2020.

<sup>39</sup> Communication on a New Pact on Migration and Asylum, *European Commission*, 18.

<sup>40</sup> Statement for the 10<sup>th</sup> African Union Commission – Joint Communiqué, *European Commission*, February 2020, STATEMENT/20/365.

<sup>41</sup> Joint communication to the European Parliament and the Council, *European Commission*, March 2020 ([https://africa-eu-partnership.org/sites/default/files/documents/towards\\_a\\_comprehensive\\_strategy.pdf](https://africa-eu-partnership.org/sites/default/files/documents/towards_a_comprehensive_strategy.pdf)). Consulted on December 9, 2020, 14-15.

<sup>42</sup> Joint declaration of the 5<sup>th</sup> African Union-European Union Summit, *Council of the EU*, November 2017 ([https://www.consilium.europa.eu/media/31991/33454-pr-final\\_declaration\\_au\\_eu\\_summit.pdf](https://www.consilium.europa.eu/media/31991/33454-pr-final_declaration_au_eu_summit.pdf)). Consulted on October 9, 2020, 3.

<sup>43</sup> ‘Migration Policy Framework for Africa and Plan of Action (2018-2030)’, *African Union Commission*, 18-19.

<sup>44</sup> F. ZANKER, ‘Managing or restricting movement? Diverging approaches of African and European migration governance’, 16.

benefits for both sides, the risk exists that the EU will lose the African trust and willingness to cooperate, also in other areas.

The European Commission is nevertheless slightly moving in the right direction by having announced in March this year that it would step up its cooperation on legal migration. It even mentioned projects which would have improved development benefits, including through facilitation of remittances.<sup>45</sup> Yet, in times of COVID-19 and if it is true that the securitisation of migration has negative effects on legal migration, these words will once again not turn into action.

### 3. Policy Recommendations

#### 3.1 Rethinking the development-migration-security nexus

In order to preserve a constructive relationship with the AU, the next phase of the EU-Africa Strategy needs to include a more balanced relationship which is based on equality. This means that the EU has to take into consideration Africa's own understanding of its migration dynamics and the interventions required to ensure the continent obtains the development benefits of migration.<sup>46</sup>

Central to this would hence be the revisiting of the migration-security-development nexus. As the EU now primarily holds on to its unilateral understanding of security, it would be appropriate to rethink the correlation between migration and (in-)security and whose security the migration-security nexus is about.<sup>47</sup>

In line with that, it is necessary that the EUTF, as well as overall EU migration policies, should be reviewed. Although the Fund provides much needed support in many cases, an analysis of the different projects reveals much concerns as they largely reflect Europe's priorities and are disconnected from African needs. The result thereof is that African civil society organisations are largely contesting the externalisation and the securitisation of the EU migration policy and criticise the negative effects on the free movement of persons.<sup>48</sup>

The EUTF is moreover a clear example of how development cooperation is increasingly securitised to serve an internal EU migration control agenda. To counter this, the EU must adopt clearer procedures and more transparent and consultative processes in order to ensure that short-term interests (migration control and enforcement measures) do not jeopardise the long-term objectives of development.<sup>49</sup> To improve transparency, it could for example set clearer criteria for the selection of projects, so that it could be checked which funds are spent on what and for which results.<sup>50</sup>

In the framework of the migration-development nexus, the EU should also refrain from using positive or negative conditionalities on aid to accomplish EU migration control objectives. Despite the

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<sup>45</sup> Joint communication to the European Parliament and the Council, *European Commission*, 14.

<sup>46</sup> A. SONGA, 'Civil society input to EU Africa cooperation on migration: EU-AU relations', *ECRE*, nr 7, 2020 (<https://www.ecre.org/wp-content/uploads/2020/02/Working-Paper-07-EU-AU-Relations.pdf>). Consulted on 9 December 2020.

<sup>47</sup> L. RAINERI and A. ROSSI, 'The Security-Migration-Development Nexus in the Sahel: A Reality Check', 10.

<sup>48</sup> O. DE GUERRY and A. STOCCHIERO, 'Partnership or conditionality?: Monitoring the Migration Compacts and EU Trust Fund for Africa', *Concord*, 2018 ([https://concordeurope.org/wp-content/uploads/2018/01/CONCORD\\_EUTrustFundReport\\_2018\\_online.pdf](https://concordeurope.org/wp-content/uploads/2018/01/CONCORD_EUTrustFundReport_2018_online.pdf)). Consulted on 9 December 2020, 32.

<sup>49</sup> E. KERVYN and R. SHILHAV, 'An Emergency for Whom? The EU Emergency Trust Fund for Africa – Migratory Routes and Development Aid in Africa', 2.

<sup>50</sup> O. DE GUERRY and A. STOCCHIERO, *Idem*, 35.

prevalent negative rhetoric, migration offers instead many opportunities for development. The development potential of migrants coming to Europe should hence be more reflected in the EU's Partnership Frameworks with Africa and a revised version of the EUTF. Maximising the development potential could nevertheless also be achieved through the strengthening of intra-African migration, cross-continental migration and regional economic development.<sup>51</sup>

### ***3.2 Going beyond the European and African caricature***

As policy maker Constantinesco stated, migration is a topic where we can easily enter into a caricature from both the European and African side. While the European discourse highlights the fear of migrants coming to Europe, the African one portrays the other continent as a wall builder. The reality, however, is much more nuanced.<sup>52</sup>

To reconcile migration governance with strengthening the EU-African partnership, and not to fall into caricatures, we should according to Mr Constantinesco therefore try to identify more continental issues related to migration that are of interest to both sides. A first area could be 'remittances', as there is a huge diaspora from Africa in Europe that sends a lot of money back home. To strengthen EU-AU relations, the EU could therefore focus on lowering remittance transferral costs and engaging the African diaspora in Europe in the development of African projects.<sup>53</sup>

Furthermore, the EU could share its 'best practices' regarding internal migration governance. Besides cooperation with regard to the fight against trafficking and smuggling, the AU could for example draw from the European experience to improve its Protocol of Free Movement and to create a positive dialogue on migration.<sup>54</sup>

An excellent example that Mr Constantinesco gave regarding the EU-AU cooperation that goes beyond the cliché is the AU-EU-UN Tripartite Task Force in Libya, where migrants were being sold on slave markets. With this collaboration, issues were identified which were relevant for everybody. To begin with, the EU brought money to operations that the UN implemented. After that about 50.000 migrants were voluntarily evacuated to their countries of origin, the AU assured that their member states recognised their citizens and reintegrated them to the extent possible.<sup>55</sup> In the future, we should hence keep this example in mind to show that we can really go beyond the cliché of curbing migration to Europe and that we truly are a valuable partner.

### ***3.3 The New Migration Pact as an Opportunity***

The EU Pact on Migration and Asylum is the perfect opportunity to improve asylum systems in Europe, to greatly expand safe and legal channels and to mobilise EU support for inclusion. This means that the EU needs to stop externalising responsibilities, as this often undermines the rule of law and human rights and consequently also its own credibility in partnerships.<sup>56</sup> In line with the values on which it is founded, cooperation with the AU on migration management must therefore be

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<sup>51</sup> Ibidem, 34-35.

<sup>52</sup> Correspondence with Jean Constantinesco, 14 December 2020.

<sup>53</sup> Ibidem.

<sup>54</sup> Correspondence with Jean Constantinesco, 14 December 2020.

<sup>55</sup> Ibidem.

<sup>56</sup> Joint Statement: The new Pact on Asylum and Migration: An opportunity seized or squandered?, *European Council on Refugees and Exiles*.

more subject to human rights safeguards and accountability mechanisms.<sup>57</sup> The EU may not forget its international commitment regarding the international protection of persons threatened in the country of origin. Yet by its ‘push back’ of migrants, it is currently not fulfilling these obligations.<sup>58</sup>

Thereby, if the EU truly aims to develop a win-win partnership, it needs to facilitate legal pathways and mobility, through for example facilitating visa processing and addressing high visa fees.<sup>59</sup> Since this promise was already made in 2015 under the Valletta Action Plan, it is necessary to regain credibility in this area. According to MEP Arena, a greater focus on these legal migration routes would give the possibility for a country or region to obtain visas. These could then allow for a legal stay of limited duration with the purpose to study or work, and which would promote what is called ‘circular migration’.<sup>60</sup> In times of COVID-19, however, achieving this goal will be complicated even more. Sufficient attention must thus be given to the impact of this pandemic on migrant workers.

Furthermore, in order to strengthen the EU-AU relationship, including on issues beyond migration, a true partnership is needed on equal footing that avoids conditionality and makes sure that each side’s interests are addressed. For this, the EU needs to go back to the first pillar of the Joint Valletta Action Plan with which it aims to address the root causes of migration. Yet in order to fulfil this goal, support needs to be enhanced to corresponding themes. These include transitional justice, illicit financial flows, electoral governance, sustainable development and climate change.<sup>61</sup> Useful starting points for this could be the AU Transitional Justice Policy and the development of the African Ten-Year Action Plan on Human and Peoples’ Rights.<sup>62</sup>

## 4. Conclusion: not a zero-sum game

Based on these findings, migration governance is clearly a factor that weakens the EU’s foreign policy vis-à-vis the AU. By keeping on focusing on externalisation and securitisation of its migration policies, the EU unwittingly jeopardises its African partnership.

The discourse of its African partners reflects a clear frustration about the EU’s foreign policy which does not tackle the real problem at stake. Not only does the migration cooperation with the EU have no real long-term benefits for the African continent, but it also seems to contribute to increasing irregular migration instead of tackling it.

More and more, African partners thus seem to realise that the EU is only trying to seduce them with fine words, but in reality, is only focused on its own interests. European policy makers hence seem to be playing a dangerous game, with which the Union risks losing a lot if they are not willing to quickly change direction.

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<sup>57</sup> L. BODEUX, ‘Caritas Europa’s analysis and recommendations on the EU Pact on Migration and Asylum’, *Caritas Europa*, December 2020 ([https://www.caritas.eu/wordpress/wp-content/uploads/2020/12/201208\\_position\\_Paper\\_EU\\_Pact\\_migration\\_Caritas\\_Europa\\_Final.pdf](https://www.caritas.eu/wordpress/wp-content/uploads/2020/12/201208_position_Paper_EU_Pact_migration_Caritas_Europa_Final.pdf)). Consulted on 9 December 2020, 14.

<sup>58</sup> Correspondence with Maria Arena, 3 December 2020.

<sup>59</sup> L. BODEUX, *Ibidem*.

<sup>60</sup> Correspondence with Maria Arena, 3 December 2020.

<sup>61</sup> A. SONGA, ‘Civil society input to EU Africa cooperation on migration: EU-AU relations’, *ECRE*, 5.

<sup>62</sup> Transitional Justice Policy, *African Union*, February 2019 ([https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf)). Consulted on 9 December 2020; Updates on AU development of the African ten-year action plan on human and peoples’ rights: 21<sup>st</sup> October 2017, *African Union Commission*, October 2017 ([https://au.int/sites/default/files/newsevents/workingdocuments/33231-wd-updates\\_on\\_au\\_development\\_of\\_the\\_african\\_ten-year\\_action\\_plan\\_on\\_human\\_and\\_peoples\\_rights-english.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/33231-wd-updates_on_au_development_of_the_african_ten-year_action_plan_on_human_and_peoples_rights-english.pdf)). Consulted on 9 December 2020.

# EUROPEAN MIGRATION DIPLOMACY: IS IT JEOPARDIZING THE PARTNERSHIP WITH THE AFRICAN UNION?

To begin with, European countries need to understand that the AU could possibly rollback cooperation on migration with the EU and engage more with other partners with genuine intentions. An alternative, though, is that the AU becomes more demanding as it knows that the EU cannot manage migration without African partners. To ensure that these two unfavourable scenarios do not become true, its credibility and trust must however as soon as possible be restored. A beginning could be to close the gap between rhetoric and practice, and thus to fulfil the promise of effectively promoting regular channels without nullifying it through its securitisation approach.

Furthermore, the EU needs to understand that cooperation on migration is not a zero-sum game. Helping Africa with its problems will not only strengthen its partnership in other fields, but will also benefit the EU itself. Europe will for example increasingly need immigration to drive its economy as its population ages. Besides that, continental issues which are of interest for both should be taken more into account, as it will change the narrative that they cannot tackle these migratory issues alone - thus bringing the relationship more into balance.

By taking these things into account, the EU will already take a step in the right direction of a more symmetric relationship based on equality and which not only reflects Europe's priorities, but also takes into account African needs. Let the New Migration Pact and the 6<sup>th</sup> AU-EU Summit of next year be an opportunity to present its strategic vision on its partnership with the AU beyond asymmetry, which has for far too long characterised Europe's relations with Africa.

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