

## **Understanding African and European Perspectives on Migration-**

**Towards a better partnership for regional migration governance?**

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### Key messages

<p>Between Africa and Europe, large differences exist in how the issue of migration is perceived and how it should be managed. Yet, within these divergent narratives, there exist areas of convergence between Europe and Africa, which can be built upon.</p>	<p>Within Europe, the emphasis more strongly lies in the containment of unregulated and irregular migrant flows into Europe and reducing the numbers of arriving refugees. The African position puts more emphasis on facilitating and better managing intra-African migration and mobility as well as creating legal migration opportunities to Europe.</p>	<p>In practice, the strong security and containment framing of these discussions from Europe and the new approaches to achieve better cooperation on migration with third countries, including the perceived undermining of African processes, has led to a degree of discontent within the African continent and contributes to a weakening of trust.</p>	<p>A "listening more and better" approach could be beneficial if Europe aims at restoring trust, especially with African regional and continental bodies. Europe's focus on short-term interests and bilateral deals should be re-balanced to also include long-term cooperation with African organisation in support of a comprehensive African migration agenda. Both sides need to invest in unpacking different interests and invest in bridging divergent narratives regarding migration.</p>
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## Table of Contents

List of Boxes.....	iii
Acknowledgements .....	iv
Acronyms .....	v
1. Introduction .....	1
2. Legal and policy frameworks and on-going policy processes on migration .....	2
2.1. Continental processes .....	2
2.1.1. Legal instruments and formal mandate of the African Union .....	2
2.1.2. Policy frameworks and processes.....	2
2.2. EU-Africa processes.....	5
3. Perspective Analysis.....	6
3.1. Narratives, values and beliefs .....	6
3.1.1. Main narratives in use.....	6
3.1.2. How do these narratives relate to evidence? .....	8
3.1.3. Relative use of these narratives by different actors within Africa and Europe.....	11
3.2. Interests, competing commitments and divergence between key actors within Africa .....	16
3.3. Analysis: Convergence and divergence around the perspectives .....	18
3.3.1. Differences in emphasis.....	18
3.3.2. An agenda framed by Europe? .....	19
3.3.3. A weakening of trust? .....	20
3.3.4. An undermining of continental and regional approaches? .....	21
3.3.5. Short-term interests versus values and long-term interests .....	22
4. Added value of engaging regionally .....	23
4.1. Main issues requiring regional or continental approaches .....	23
4.2. The state of play within the RECs .....	24
4.3. The roles of the AU and the RECs .....	25
4.4. The added value of the AU and the RECs .....	26
5. Conclusions and Way Forward.....	28
Conclusions .....	28
A way forward .....	29
Bibliography .....	31

## List of Boxes

Box 1 Manifestations of divergent views and narratives during the Migration Summit in Valletta.....	15
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## Acronyms

ACP	Africa, Caribbean and Pacific
AIR	African Institute for Remittances
AU	African Union
AU COMMIT	African Union Commission Initiative against Trafficking Campaign
AU JLMP	African Union Joint Labour Migration Programme
AU- HOAI	African Union Horn of Africa Initiative on human trafficking and smuggling of migrants
AUC	African Union Commission
CIDO	Department of Citizens and Diaspora Organizations of the AUC
COMESA	Common Market for Eastern and Southern Africa
CSDP	Common Security and Defence Partnership
DG DEVCO	Directorate General Development and Cooperation
DHA	Department of Home Affairs
EAC	East African Community
ECCAS	Economic Community of Central African States
ECDPM	European Centre for Development Policy Management
ECOWAS	Economic Community of West African States
EEAS	European External Action Service
EU	European Union
EU MS	European Union Member States
FAO	Food and Agriculture Organisation of the United Nations
GAMM	Global Approach to Migration and Mobility
GDP	Gross Domestic Product
HR/VP	High Representative/Vice-President
ICMPD	International Centre for Migration Policy Development
IDP	Internally Displaced Persons
IGAD	Intergovernmental Authority for Development
ILO	International Labour Organisation
IOM	International Organisation for Migration
IRFMA	Intra-Regional Forum on Migration in Africa (Pan-African Forum)
JLMP	Joint Labour Migration Programme
LDC	Least Developed Countries
MIDCAS	Migration Dialogue for Central African States
MIDSA	Migration Dialogue for Southern Africa
MIDWA	Migration Dialogue for West Africa
NEPAD	New Partnership for Africa's Development
OAU	Organisation of African Unity
RCP	Regional Consultative Processes
REC	Regional Economic Community
SADC	Southern African Development Community
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime

# 1. Introduction

In September 2016, ECDPM organised a Conference in The Hague around the role and ways of partnering with the African Union and its regional bodies on peace and security and migration.<sup>1</sup> What came out clearly in these conversations is a perception among some African actors that there is a lack of knowledge and appreciation of what African institutions have been doing on migration, as well as a misinterpretation of African realities and perspectives on migration. On the European side, there were questions on the capacity and effectiveness of the African Union and its regional bodies, and the added value they may or may not have on specific issues in relation to migration. The research conducted for this paper served as the background to this conference on the thematic area of migration.

The aim of the paper is to contribute to a better understanding on the interests, narratives and priorities held by African and European actors in the area of migration, as well as to explore the added value of the African Union and its regional bodies to address its dimensions. Global challenges and opportunities related to migration require new or updated partnerships, based on cooperation and negotiation between equals. Understanding each other better is an essential component in trading interests and finding synergies.<sup>2</sup> A deeper understanding of these interests and perspectives can help policy makers in identifying points of convergence and issues for negotiation more accurately. This, in turn, would provide them with the opportunity to identify potential areas of engagement with respective regional partners (both in terms of financial support and in terms of political dialogue and alliances) while being realistic on what to expect. In areas where convergence is more rare, a deeper insight into the perspectives of the other party can still lead to an improved – and more respectful - dialogue on these issues. This paper aims to contribute to these goals.

The paper will first, in section 2, briefly summarize the legal and policy frameworks and on-going policy processes with relevance to migration at the level of the African Union and its member states (Section 2.1) as well as policy processes between the EU and Africa (2.2). It will then describe the narratives, values and beliefs that emerge from these frameworks and the use of these narratives in Europe and Africa (3.1), briefly highlight diverging interests and commitments between key actors within Africa (3.2) and analyse the convergence and divergence around the perspectives between Europe and Africa (3.3.). Section 4 sets out to explore the added-value of engaging with African institutions at the regional level versus bilateral engagement to improve migration governance. The paper concludes with a brief summary and reflections for the way forward.

The methodology used for the study was a combination of desk-review of key policy documents and statements; review of literature, and a dozen semi-structured<sup>3</sup> interviews with African and European Officials, International Organisations and Implementing Agencies. Finally we incorporated views expressed and statements made during the Conference in The Hague.

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<sup>1</sup> The conference "A world of opportunities: Charting the course for a modern partnership with the African Union and its constituting regional bodies on peace & security and migration" was organized by ECDPM, held in collaboration with the Netherlands' representation to the African Union and hosted by the Knowledge Platform Security & Rule of Law.

<sup>2</sup> This ambition was for instance clearly formulated in the speech of the Dutch Foreign Affairs Minister of 7 November 2015: *"er is een groeiende samenhang tussen Afrikaanse problemen en Europese problemen. We hebben elkaar in de houdgreep en de vraag is nu: kunnen we synergie vinden tussen Europese oplossingen en Afrikaanse oplossingen? Om die vraag te kunnen beantwoorden moeten we ons eerst afvragen wat we van elkaar willen. Wat wil Afrika, in al zijn grootsheid en diversiteit, van ons? Allereerst: Afrika wil serieus genomen worden, dat we luisteren en niet dicteren, dat we ruimte bieden voor de opbouw van eigenwaarde en respect hebben voor de eigen waarden van Afrika."* Koenders (2015).

<sup>3</sup> 12 interviews were specifically conducted for this study, yet the paper also draws on information obtained from interviews for other ECDPM projects.

## 2. Legal and policy frameworks and on-going policy processes on migration

### 2.1. Continental processes

#### 2.1.1. Legal instruments and formal mandate of the African Union

The African Union has a strong vision on continental integration and free movement on people. On free movement of people it goes back to the vision of African economic integration outlined in the Abuja Treaty (1994) that established the African Economic Community, and which has been mentioned in numerous declarations and action plans since. Continental integration and the free movement of people is also an important component of the Agenda 2063, adopted by the AU Assembly in January 2015, which aims to achieve that free movement of persons and goods/services within REC member states is in place by 2023; that all visa requirements for intra-African travel are waived by 2018 and that a legal framework for the issuance of African Common Passport is adopted by 2023.

On protection of refugees the AU has committed itself to abiding by international law and has developed a number of specific conventions, including the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (the OAU Refugee Convention, 1969). Within the African Union, it was felt that an Internally Displaced Persons (IDPs) Convention was also needed alongside the OAU Refugee Convention.<sup>4</sup> In 2009, the AU adopted the African Union Convention for the Protection and Assistance of IDPs in Africa, the Kampala Convention, which is the first legally binding document on internal displacement worldwide and has thus been a norm-setter on IDPs.<sup>5</sup>

#### 2.1.2. Policy frameworks and processes

Within the African Union (AU), the overarching migration policy frameworks are the **African Common Position on Migration and Development** and the **AU Migration Policy Framework for Africa**, both adopted by the Executive Council of the AU in 2006 in Banjul, Gambia.<sup>6</sup> Neither policy document is binding on AU member states or the RECs. The documents are intended as guidelines to assist governments and their Regional Economic Communities (RECs) in the formulation of their own national and regional migration policies. Member States and RECs can borrow elements as they deem fit, appropriate and applicable to their country-specific or region-specific migration challenges and situations.

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<sup>4</sup> Klavert (2011).

<sup>5</sup> Maru (2014).

<sup>6</sup> These two documents followed from the Lusaka declaration, adopted by the AU Assembly in 2001, which called upon the AU member states to develop a strategic framework for migration policy in Africa. (see African Union Council of Ministers (2001). The Migration Policy Framework for Africa (African Union 2006a) includes 9 key migration issues and the African Common Position on Migration and Development includes 11 policy issues ranging from labour migration, remittances, diaspora to migration, peace, security and stability (African Union 2006b).

As a follow up, the AU has launched **four “key flagship programmes”** in relation to various aspects of migration.

- One flagship programme is the 2009 **AU Commission Initiative against Trafficking (AU.COMMIT) Campaign**, as a means to work towards the implementation by the RECs of the 2006 Ouagadougou Action Plan to Combat Trafficking in Human Beings.<sup>7</sup>
- To strengthen these efforts the AU Commission (AUC) in 2014 established another flagship programme, the **African Union Horn of Africa Initiative (AU-HOAI) on human trafficking and smuggling of migrants** in direct response to the irregular and concerning migration flows within and from the Horn of Africa to different destinations. It has been formally launched through the signing of the Khartoum Declaration in October 2014. The core countries of the AU-HOAI are Egypt, Eritrea, Ethiopia and Sudan, and the neighboring countries of Djibouti, Kenya, Somalia and South Sudan also are taking part.<sup>8</sup> The AU-HOAI was adopted as a flagship program by the AU Assembly of Heads of State and Government in June 2015, and in June 2016 the second ministerial meeting was held in Sharm El-Sheikh.<sup>9</sup> The latter recommended the establishment of a Technical Working Group on Law Enforcement for the AU-HOAI, launched in July 2016 in Nairobi.
- Also in 2014, the AUC established the **African Institute for Remittances (AIR)**, with the aim to reduce transaction costs of remittances while encouraging Member States and migrants to leverage remittances for socio-economic development of the continent.<sup>10</sup> To further engage African diaspora members, strengthen the framework of outreach and achieve effective diaspora contribution to the development agenda of the continent, the AUC organises a number of activities.<sup>11</sup>
- In January 2015, the AU Assembly adopted the ‘Labour Migration Governance for Integration and Development in Africa’ Programme (also known as the **Joint Labour Migration Programme (JLMP)**),<sup>12</sup> within the AU Framework of the Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development (Key Priority Area no 5).<sup>13</sup> The JLMP, as fourth flagship programme, is anchored in the AU Migration Policy Framework and aims to support objectives of Agenda 2063 and Agenda 2030.<sup>14</sup> The programme focuses on critical areas of facilitating free movement of workers as a crucial means of advancing regional integration and development in Africa.<sup>15</sup> The Kigali Roundtable on Intra-Regional Migration and Labour Mobility within Africa of March 2015 further strengthened the commitment to free movement by governments, and recommended the elaboration of a roadmap to strengthen the implementation of the JLMP.<sup>16</sup>

<sup>7</sup> The Ouagadougou Action Plan was adopted in partnership with the EU as described in Section 2.2. See AU and EU (2006a).

<sup>8</sup> There also exist a number of partner countries of the AU-HOAI: Libya, Tunisia, Norway, Italy, Malta, Switzerland, Saudi Arabia and Yemen. The AU-HOAI Secretariat is led by the AUC in close cooperation with IOM and UNHCR. See Jusu (2016).

<sup>9</sup> See IOM (2016a) and AU (2016a).

<sup>10</sup> The project of the AIR was signed in December 2009 and a Secretariat had been established within the AUC, funded by the World Bank, to work on setting up the institute. The project has also been co-financed by the European Commission, the African Development Bank and the International Organisation for Migration.

<sup>11</sup> These are organized by the AUC Diaspora Division of the Department of Citizens and Diaspora Organizations (CIDO) following a formal mandate given in 2002 by the Executive Council to work with the African Diaspora and support their involvement in the programs of the AU. During the Maputo Summit in July 2003, the Assembly of Heads of State and Government endorsed this decision and included a new clause in the AU Constitutive Act to “invite and encourage the full participation of the African Diaspora in the building of the African Union”. See AU (2006a).

<sup>12</sup> All AU member states have signed into the JLMP, which can be seen as a commitment to achieve effective governance of labour migration across national borders at the continental level. See Fioramonti and Nshimbi (2016).

<sup>13</sup> The JLMP is undertaken together with the ILO, the IOM, the Economic Commission for Africa and UNDP. See IOM, AUC and UNDP (2015).

<sup>14</sup> UNGA (2015).

<sup>15</sup> AUC, ILO, IOM and UNECA (undated).

<sup>16</sup> IOM, ILO, AUC, UNECA and SDC (2015).

In January 2015, the AU Assembly called on the Commission to **develop a Common African Position for the Summit on Migration between European and African Heads of States in Valletta, Malta in November 2015, the Valletta Summit**. This was reiterated at the AU Summit in June 2015.<sup>17</sup> A number of meetings were convened, and ultimately the outcome of these consultations was a Common Perspectives Paper,<sup>18</sup> rather than a Common Position Paper formally endorsed at the Permanent Representatives Council, as not all African Union member states were involved in the pre-Valletta discussions.<sup>19</sup> Although the pre-Valletta process has not lead to a formal common African position, progress is still being made towards a more common vision. Post-Valletta, the African Union Commission determined that the outcomes of the Valletta summit needed to be further discussed, especially considering that 20 AU Member States and 6 RECs had not been invited to the Valletta summit. These post-Valletta consultations<sup>20</sup> were designed to provide a forum for all 54 AU Member States and Regional Economic Communities (RECs) to discuss the Migration Agenda and identify key priority areas.

The **Intra-Regional Forum on Migration in Africa** (IRFMA or the Pan-African Forum) also aims to promote and deepen inter-state dialogue and intra- and inter-regional cooperation on migration providing a platform for the Regional Economic Communities (RECs), Regional Consultative Processes (RCPs)<sup>21</sup> and other consultation mechanism on migration to exchange information.<sup>22</sup> The first Pan-African forum on migration held in Accra in September 2015 provided inputs towards the preparation of the Valletta Summit and gave an opportunity to all RECs to input to the Common Perspectives Paper. The second Intra-Regional Forum on Migration in Africa took place in Zambia in May 2016, with the aim to contribute to the implementation of the African Union Common Position on Migration and Development. Its theme was on facilitating trade and human mobility through enhanced border management.

At the AU Summit in June 2015, the AU Assembly also adopted a Declaration on Migration encompassing mobility and displacement including trafficking in human beings and requested the AU Commission to organise a retreat of the Executive Council to consider the development of a Protocol on Free Movement of Persons.<sup>23</sup> The Executive Council then decided to set the deadline for developing this Protocol by January 2018.<sup>24</sup> Consultations are underway for the development of this free movement protocol.

The 2006 Migration Policy Framework for Africa has recently been evaluated and a workshop to present findings to AU Member States and the RECs is planned in Zanzibar at the end of November 2016. A second workshop on formulating and integrating migration policies into national and regional frameworks in Africa will precede the presentation of the evaluation.

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<sup>17</sup> AU (2015c).

<sup>18</sup> AU (2015a).

<sup>19</sup> Although not all AU member states were part of the process, a source with inside knowledge contacted for this study noted that all RECs contributed to the Common African Perspectives paper.

<sup>20</sup> The first post-Valletta Consultation took place in Nairobi, Kenya from 14-15 December 2015 and was inclusive of all AU members, the RECs as well as international partner organisations and civil society. See AU (2015b).

<sup>21</sup> RCPs are informal regional dialogue venues bringing together representative of states and international organisations and in some cases non-governmental NGOs. There are numerous RCPs that exist across the world. These include the COMESA RCP, the Migration Dialogue for Central African States (MIDCAS), the IGAD-RCP, the Migration Dialogue for Southern Africa (MIDSA) and the Migration Dialogue for West Africa (MIDWA) for the African continent and the Rabat and Khartoum Process between European and African states. See IOM (2016b).

<sup>22</sup> IOM (2016c).

<sup>23</sup> AU (2015c).

<sup>24</sup> AU (2016b).

UNECA and the AUC have also recently decided to set up an African High Level Panel on Migration in response to Resolution ECA-L3, which has been adopted at the AUC/UNECA Conference of African Ministers of Finance, Economic Development and Planning. The Panel is currently in the process of being constituted and will be established in 2017.<sup>25</sup>

## 2.2. EU-Africa processes

The African Union has also long been engaged in a partnership with the European Union (EU) on issues in relation to migration. Out of this partnership flowed inter alia the Joint Africa-EU Declaration on Migration and Development of 2006 (The Tripoli declaration),<sup>26</sup> and the Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children.<sup>27</sup> The Joint Declaration forms the basis for the **Migration, Mobility and Employment Partnership of the Joint Africa-EU Strategy** out of which an Action Plan 2011-2013 emerged.<sup>28</sup> The 4th Africa-EU Summit in 2014 adopted a specific declaration on Migration and Mobility, as well as an **Action Plan 2014-2017**.<sup>29</sup>

In parallel, and in response to a large influx of irregular African migrants into the EU, Spain and France initiated a Euro-African Conference on Migration and Development in Rabat in 2006. This launched the **Rabat process**, a mechanism of cooperation among countries of origin, transit and destination of migrants coming from West and Central Africa.<sup>30</sup> Four ministerial conferences have so far taken place, with the last one culminating in the adoption of the Ministerial Rome Declaration and Programme<sup>31</sup> in 2014, with four pillars: i) organising mobility and legal migration, ii) improving border management and combating irregular migration, iii) strengthening the synergies between migration and development, and iv) promoting international protection. The Economic Community of West African States (ECOWAS) is a member of the Steering Committee of the Rabat Process. The AUC is not formally involved in the Rabat Process.

In 2014, in response to the serious social and human consequences of irregular migration and trafficking, the EU-Horn of Africa Migration Route Initiative was launched in Rome, better known as the **Khartoum Process**,<sup>32</sup> on the initiative of Italy as part of its then EU Council Presidency. The objective of the Khartoum Process is to establish a long-standing dialogue between the EU and Africa on particular aspects of migration and mobility in the Horn of Africa. Activities concentrate on addressing trafficking in human beings as well as smuggling of migrants. The Process is led by a Steering Committee comprised of five EU Member States (Italy, France, Germany, UK, Malta), five partner countries (Egypt, Eritrea, Ethiopia, South Sudan, Sudan) as well as the European Commission, the European External Action Service and the African Union Commission.

<sup>25</sup> UNECA (2016).

<sup>26</sup> AU and EU (2006b).

<sup>27</sup> AU and EU (2006a).

<sup>28</sup> AU and EU (2010).

<sup>29</sup> EU Council (2014).

<sup>30</sup> The Rabat Process is one of the Regional Consultative Processes. Belgium, Burkina Faso, the European Commission, the Economic Community of West African States (ECOWAS), Equatorial Guinea, France, Italy, Mali, Morocco, Portugal, Senegal and Spain are part of the Steering Committee ('Comité de Pilotage') of the Rabat Process. The other African members are Algeria (observer), Tunisia, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Gabon, Benin, Cabo Verde, Ivory Coast, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Niger, Nigeria, Sierra Leone, and Togo. European members are Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Netherlands, Poland, Romania, Slovenia, Sweden, Switzerland and the United Kingdom. The following international organisations participate in the Process as observers: African Development Bank, FAO, Frontex, ICMPD, ILO, IOM, UNDP, UNICEF, UNHCR, UNODC and the World Bank.

<sup>31</sup> Rabat Process (2014).

<sup>32</sup> Khartoum Process (2014).

Meanwhile, the levels of irregular migration into Europe and associated human tragedies led to an increase in focus on the importance of cooperation on migration between Europe and Africa. In response, the EU Valletta Summit on Migration was held in November 2015, which culminated in a **Valletta Political Declaration**<sup>33</sup> and **Action plan**,<sup>34</sup> with 16 priority projects to be implemented in 2016. The Valletta Action Plan intends to build on these pre-existing mechanisms of the Rabat Process, the Khartoum Process and of the Joint EU-Africa Strategy to monitor implementation. The EU Trust Fund was established, which partly uses the existing processes as its channels for implementation and funding of its projects – yet also relies on bilateral relations and cooperation between the EU and several African countries separately. A stocktaking meeting at expert level took place on 22 June 2016 in Brussels. The implementation of the Valletta Action Plan will be further reviewed in February 2017 during a joint stocktaking meeting at senior official level.

## 3. Perspective Analysis

### 3.1. Narratives, values and beliefs

Migration is a very complex and multifaceted phenomenon, in which different types of migrants can be distinguished. The term ‘migrants’ can be seen as a collective term, which includes refugees and asylum seekers, irregular migrants, and legal (labour) migrants. The distinction is not always very easy to make, and the migration flows are often mixed<sup>35</sup>, which complicates the picture. Broad migration policy frameworks tend to incorporate these different aspects of migration. Within these broad frameworks different narratives come to the fore; different ways of looking at the migration phenomena, and different aspects that are prioritized over others. The various existing narratives around migration also tend to concentrate on different types of migrants or different migration processes.

In the following section we will distil the main narratives that are in use. To some extent these narratives are all simplifications of a very complex phenomenon and the response strategies addressing it. Yet, they significantly influence policy making, as the subsequent sections will show. Distilling and simplifying them in this manner sheds light on some of the assumptions underpinning them, and the degree to which they are underpinned by evidence.

#### 3.1.1. Main narratives in use

In formal declarations and action plans and more informal communications on migration both in Europe and in Africa a number of different narratives can be identified. Often, they are not mutually exclusive and exist simultaneously or mix in various ways in policy agendas both in the European Union and the African Union. Yet, the relative emphasis they receive differs quite significantly. Four of the main narratives identified are shortly outlined in the following:

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<sup>33</sup> Valletta Summit (2015a).

<sup>34</sup> Valletta Summit (2015b).

<sup>35</sup> Contemporary migration flows, specifically irregular migration, are mostly ‘mixed’ consisting of individuals moving for different reasons yet sharing the same routes. The ‘mixed’ nature of migration also refers to the status or motivation of migrants that can change in the course of the migration experience (e.g. migrants that set out to migrate to find work abroad can become displaced in case their destination country slides into conflict and instability, as has been the case for many migrants in Libya. For more information see Mixed Migration Hub: [http://www.mixedmigrationhub.org/about\\_trashed/what-mixed-migration-is/](http://www.mixedmigrationhub.org/about_trashed/what-mixed-migration-is/)

1. *Migration as a threat to national security, socio-economic welfare and cultural survival*  
This narrative is built on the belief that the inflow of migrants brings instability, security risks and competition in labour markets as well as threats to socio-cultural stability and social cohesion. The main objective of this narrative – although not always explicitly stated – is to reduce migrant flows. The preferred strategies are containment strategies, such as combating irregular migration and smuggling of migrants, improved border management, strengthening surveillance and counter-terrorism mechanisms, and expanding cooperation with recipient countries on return and readmission of returnees. This narrative focuses mostly in irregular migrants, including asylum seekers.
2. *Migration as a symptom of poverty, conflict and weak governance*  
In this narrative, migration is caused by push-factors, such as poverty, conflict and instability and the wage and opportunity gap between poorer and wealthier countries. The main goal here is to reduce the ‘root causes’ of (irregular) migration, such as lack of economic opportunity, governance and long-term development prospects. The preferred strategies are development assistance, notably in the areas of employment generation, in particular for the youth, strengthening governance, preventing conflict and building resilient and peaceful societies.<sup>36</sup>
3. *Migration as an opportunity for livelihoods and long-term development*  
Here migration is viewed as a source for development and increased (labour) mobility as a driving force for development. The main goal is for migration to be well governed and facilitated, in order to maximize and distribute long-term benefits for the countries of origin and/or destination, while minimizing the potential negative aspects. The associated strategies revolve around mechanisms to enhance possibilities for legal migration, both regionally and internationally. This entails efforts to increase regional economic integration through advancing orderly and freer flow of people and harmonizing policies and regulations. It further involves strategies to maximize the economic benefits of remittances, to make effective use of the diaspora for the development agenda as well as to integrate migrants (including refugees) in the host communities so to enhance the development benefits of migration. Mechanisms to minimize acknowledged potential negative impacts on development include ensuring good relationships between migrants and host communities or avoiding societal resentment over economic competition.
4. *Migration as a humanitarian /protection issue*  
This perspective views migrants as highly vulnerable people that need to be protected, in accordance with international law. They are seen as victims of human trafficking, of inadequate humanitarian support, and of inadequate adherence to human rights in their treatment by smugglers, host or transit governments. The main goal is adequate and rights-based protection of migrants, including refugees and IDPs. Strategies relate to rescue missions for those in acute peril, the provision of humanitarian aid to provide basic essentials for IDPs and refugees, diplomatic efforts to broker agreements, and enhancing livelihood opportunities for both IDPs/refugees and host-populations in order to enhance their social and economic integration.

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<sup>36</sup> The EU Emergency Trust Fund for Africa for example intends to do so by focusing on greater economic and employment opportunities, strengthening resilience of most vulnerable communities, and improving governance, rule of law, human rights and preventing conflicts. Other European countries also address similar issues through newly set up funds or through putting more emphasis on ‘root causes’.

### 3.1.2. How do these narratives relate to evidence?

**The first narrative** is particularly strong in Europe, and is based on a fear that migrant flows from Africa to Europe are increasing. In 2015, the number of international migrants worldwide – people residing in a country other than their country of birth – was the highest ever recorded, at 244 million (up from 232 million in 2013). As a share of the world population, however, international migration has remained fairly constant over the past decades, at around 3 percent.<sup>37</sup> The highest number of migrant inflows in 2015 was not from Africa however, but rather from Syria.<sup>38</sup> At the same time, migration flows are changing. Countries that were once destination countries, such as Libya, are increasingly becoming transit points on a journey to Europe, and many of the new entrants first spent time in refugee camps in the region.<sup>39</sup> An increasingly interconnected world, aspirations of individuals and large global disparity could be seen as structural factors that will continue to drive migration from African countries.<sup>40</sup>

Predicting future migration patterns is very challenging, as it requires a detailed understanding of the factors driving migration flows. Critically, while conflict, political unrest and fragility are drivers of displacement; migration patterns are intertwined with development, economic advancement as well as cultural factors. While existing conditions can be a cause for the desire to migrate, it is often future life prospects and a feeling of ‘inescapable stagnation’ that motivates people to migrate linked to governance and rule of law situations in African countries.<sup>41</sup> A demonstration effect of ‘successful’ migrants that return from Europe relatively wealthy can also provide incentives for young Africans to take risks and engage in adventurous journeys.<sup>42</sup> Emigration is likely to increase as a country’s economy grows as more people have the necessary financial resources and information to make the journey. Possible scenarios suggest a steady increase in migration from Sub-Saharan Africa, the Middle East and North Africa to Europe, with a likely increase in circular migration.<sup>43</sup>

While “*migration, security and development are inextricably linked*”<sup>44</sup>, and the growing smuggling business does raise concerns for stability and security, there exist a number of misperceptions about the causal link between migration and security risks, threat to employment and socio-cultural stability – issues on which the first narrative is based. Perceptions of migration being a vehicle for criminals and terrorists, that migrants pose health risks through spreading infectious diseases or that they are disproportionately more criminal are often widespread yet are often unfounded or misleading.<sup>45</sup>

The first narrative is also based on the assumption that blocking the entry of irregular migrants, and returning them together with unsuccessful asylum applicants will reduce irregular migration and break the business model of smugglers. Research shows that this is not necessarily the case, as it overlooks the reasons why a person migrates, which cause migrants to seek alternative – and often more dangerous – entry channels and may in fact increase irregular migration.<sup>46</sup> Furthermore, while it is important to address transnational criminal smuggling networks, crackdowns on smuggling business could also have the effect of strengthening the most criminal elements of such networks or could fuel instability by disrupting power balances of groups profiting from such trade.<sup>47</sup>

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<sup>37</sup> IOM (2016d).

<sup>38</sup> Followed by Eritrea and Afghanistan, see Cummings et al. (2015).

<sup>39</sup> Cummings et al. (2015).

<sup>40</sup> Horwood and Reitano (2016); Carling and Talleraas, (2016).

<sup>41</sup> Akesson (2004); Hernandez-Carretero and Carling (2012).

<sup>42</sup> Source: Interviews.

<sup>43</sup> Cummings et al. (2015).

<sup>44</sup> Koser (2014).

<sup>45</sup> Koser (2011).

<sup>46</sup> *ibid.*

<sup>47</sup> Tinti and Reitano (2016).

**The second narrative** is based on an assumption that long-term development and improved governance reduces migration. Economic studies point out that increase in income levels in fact lead to *increases* in migration, up to a middle income level (of around \$6,000–8,000 GDP per capita). Within Africa it is only South Africa that falls within this range (\$6800) and the Seychelles above it (\$14120). Individuals realize migration experiences based on aspirations to migrate as well as the ability to do so. Development *‘fuels both the formation of migration aspirations and people’s ability to turn those aspirations into actual migration’*<sup>48</sup> as with growing incomes people have rising aspirations and greater capacity to plan for a future that includes a greater range of life-choices.<sup>49</sup> The fact that conflict induces (forced) migration is clear. Yet, the vast majority of refugees and IDPs stay within the region or country,<sup>50</sup> which shows that onward migration must also be linked to other factors, often linked to individual or family aspirations and a lack of prospects in their first destination for refuge.

Another interesting complication is that autocratic and nationalist states have in the past been the most able and willing to control migration. More liberal and democratic regimes do therefore also not necessarily reduce emigration; this depends to a large extent on what they view as their main interest (such as acquiring remittances or controlling brain drain) and whether successful policies are in place that can influence mobility outcomes.<sup>51</sup>

A connected **assumption is that development assistance can tackle these ‘root causes’**.<sup>52</sup> Experience shows that addressing issues of conflict and governance requires long time horizons and sustained engagement, which transcends a purely developmental approach and considers a more comprehensive use of instruments and increased policy coherence (consider for instance trade policies, illicit financial flows, consumption patterns). Yet, European development cooperation programs that specifically aim to address the ‘root causes’ of migration, such as those under the EU Trust Fund for Africa, have a more short-term focus. Interviewees with inside knowledge stated that initial projects were developed with little involvement from local partners, which raises questions about their effectiveness to achieve the ambitious long-term objectives set out in the strategic framework.<sup>53</sup> The newly adopted European External Investment plan to address such ‘root causes’ may take a longer-term outlook,<sup>54</sup> yet investments seem to be part of the EU’s new Partnership framework which aims to integrate positive and negative incentives, or conditionality, as regards cooperation on readmission and return – areas of high political interest to European member states. A blurring of political interests with development objectives in turn could make the instrument less effective with regards to supporting long-term country- and locally driven development.<sup>55</sup>

Further complicating this narrative is that there often is a strong ‘business case’ for both legal and irregular migration. This brings up a number of political economy questions in contexts in which the facilitation of irregular migration is strongly integrated in the functioning of local economies, providing livelihoods and making significant contributions to the towns along migration routes. The Chief of Mission at the IOM in Niger points out *“Compared to the level of funding generated by [the informal smuggling] economy, plans proposed via foreign aid through trust funds and multilateral and bilateral cooperation look like pocket*

<sup>48</sup> Carling and Talleras (2016): p.15.

<sup>49</sup> *ibid.*

<sup>50</sup> In 2014 Ethiopia became the fifth largest refugee population hosting country in the world, with Kenya, Chad and Uganda is 7th, 8th and 9th place. Ethiopia has the highest number of refugees per GDP/capita world wide. UNHCR (2014).

<sup>51</sup> De Haas and Vezzoli (2011).

<sup>52</sup> See for instance Hammond (2015), Clemens (2016).

<sup>53</sup> See also Castillejo (2016).

<sup>54</sup> European Commission (2016b).

<sup>55</sup> *ibid.*

*money for these communities*".<sup>56</sup> A Reuters report on the same country showed how an initial government crackdown on smugglers quickly led to a resurgence and further criminalization, with alleged involvement of government officials.<sup>57</sup> In Libya, smuggling networks have become stronger and the 'militia groups who control them translate their wealth into political power' through demanding seats at negotiation tables.<sup>58</sup>

For other countries the large amount of received remittances determine incentives. One interviewee for this report elaborated on the irrationality of a 20 million Euro assistance package in Senegal, which seems like a lot of money but is in fact dwarfed by the remittances received by the country (an estimated 1614 million US\$ in 2015).<sup>59</sup> As a consequence, a country like Senegal has little incentive to reduce migrant flows, and in effect would rather smooth passage to Europe.

**The third narrative** has the strongest evidence for it. In the political and economic history of the world today migration has always played a key role. This narrative is therefore most closely connected to reality, although it is also somewhat oversimplified. Migration comes in many shapes and forms and will have some economic benefits for some and a negative impact on others. Furthermore, macro-economic analyses on the long-term benefits do not necessarily take into account personal motivations, individual aspirations and capabilities of individuals. Migration is a fact of life and the way it unfolds is primarily dependent on individuals' actions and choices, which are shaped by numerous factors as well as 'migration infrastructures' that mediate migration outcomes at a systemic level.<sup>60</sup> Improvements in infrastructure and transportation make travel less costly and risky, technological advances increase access to information and the ability to stay connected to social networks, past migration patterns facilitate the flow of followers, and so forth.<sup>61</sup> These factors cause individuals to change their expectations and the way they interpret opportunities; whereas migration seemed unimaginable for many in the past, it has now become a realistic option for many. Effective migration policies will have to take all these – and many more – factors into account.

The **fourth narrative** is a complementary narrative, as it is embedded in international law, and therefore an international obligation. Interestingly however, the way this narrative is interpreted can still differ significantly. For instance, where does the effort to protect migrants concentrate? Currently 86% of global refugees live in developing regions and LDCs host 25%.<sup>62</sup> Efforts to improve living conditions for migrants in the region can be justified on the basis of the protection narrative, but may well be supplemented by a rationale that improved conditions in countries in the neighboring region will reduce migrant flows to third countries or regions further away, such as Europe. The renewed emphasis by the European Union and EU member states on supporting countries that host large refugee and migrant communities may well be a manifestation of the aim to prevent such 'secondary' movements.<sup>63</sup>

As always, these narratives are simplifications, both of complex realities surrounding migration as well as of the policy frameworks and action plans aiming to respond to them. Migration is a fact of life, both historically and at the present time. It can be an opportunity for long-term development, if it is well managed. Badly managed it can lead to significant economic and security risks. In order to manage

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<sup>56</sup> Loprete (2016).

<sup>57</sup> Penney (2014).

<sup>58</sup> Reitano and Tinti (2015).

<sup>59</sup> <http://www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data>

<sup>60</sup> Xiang and Lidquist (2014).

<sup>61</sup> Cummings et al. (2015).

<sup>62</sup> UNHCR (2014).

<sup>63</sup> European Interviewees also pointed out that it is considerably cheaper for EU Member States to invest in 'reception in the region' of asylum seekers rather than paying for their reception in European countries, which is in a number of EU member states taken from funds reserved for Overseas Development Assistance (ODA).

migration well, migration patterns and dynamics need to be properly understood, which requires an appreciation that none of these narratives, when taken by themselves will lead to a sustainable solution. Migration policies will need to be comprehensive, addressing and responding to the numerous aspects that influence migration dynamics.

### **3.1.3. Relative use of these narratives by different actors within Africa and Europe**

Neither the African Union nor the European Union are monolithic entities; they are hosts to a collection of different perspectives, between which some degree of convergence is reached that is rarely absolute. With regard to the different narratives described above, many of these tend to be mentioned in parallel and are used in an integrated way in strategic documents on migration. This can result in comprehensive policy frameworks, at least on paper. Yet, on paper or in practice, some of the narratives are often prioritised over others and have significantly more influence on the strategies chosen or where resources are in fact being focused. We can see this both on the European side and on the African side.

#### ***On the European side:***

For the European Union the topic of migration is at the top of the political agenda. The issue goes to the heart of European identity with the fear of far-reaching implications if no solution for the situation of irregular migration is found. While the EU's policy approach to migration, including its external dimension, has traditionally included all narratives outlined above, the overall emphasis of its approach has shifted towards a more negative framing of migration. The first narrative now clearly supersedes the others.

The EU has over the past decades developed a comprehensive approach on the external dimension of its migration policy, which has been set out in the 2011 Global Approach to Migration and Mobility (GAMM). It is based on several pillars and includes a broad understanding on the link between migration and development.<sup>64</sup> Yet, in practice the different pillars have not received an equivalent degree of attention. Strong focus always has been on fighting irregular migration, on strengthening border controls and on return and readmission.<sup>65</sup> EU development cooperation focused on a variety of objectives ranging from promoting labour mobility to protection as well as prevention and detection of irregular migration – yet also with stronger focus on the latter.<sup>66</sup>

During the past years, the EU approach and narrative has changed in the context of the refugee and irregular migration situation with the GAMM playing less of a role.<sup>67</sup> This can be most clearly observed in the recently published Communication 'Establishing a new Partnership framework with third countries under the European Agenda on Migration', which proposes some fundamental changes to EU external action. In principle, the proposal foresees to subordinate cooperation tools, such as trade or development cooperation to achieve clear priority objectives of facilitating return and readmission, effectively preventing irregular migration and fighting smuggling.<sup>68</sup> The EU's immediate reaction has been to deal with the situation of arriving migrants in the short-term acting out of a 'crisis mood' implementing short-term fixes.<sup>69</sup> Immediate reactions related to actions aiming to curb mobility of irregular migration through tightening border controls and fighting smugglers in the Mediterranean. Later, the EU turned its focus also towards the external dimension in the form of engaging with partner countries. With the most recent EU-Turkey deal

<sup>64</sup> ICMPD and ECDPM (2013).

<sup>65</sup> Andrade and Martin (2015).

<sup>66</sup> An analysis of the Thematic Programme Migration and Asylum shows that focus on these different objectives has been rather balanced. Yet, the focus of spending on migration under the European Neighbourhood Policy Instrument largely goes towards detection of irregular migration. European Court of Auditors (2016).

<sup>67</sup> The EU has instead adopted a more narrowly framed EU agenda on migration and a number of Communications on how to best deal with the migration situation, not all of which refer to the GAMM.

<sup>68</sup> European Commission (2016a).

<sup>69</sup> Vimont (2016).

and also the Valletta Summit Trust Fund, the EU is prepared to make concessions to partner countries that can help it achieve this goal and that can help contain migrants outside Europe. A tendency towards a regression to a narrow securitisation approach to the detriment of other narratives can thus be observed.

In effect, the EU Council has been in the lead in many ways since the refugee challenges became top priority, and the dossier was pushed upwards to the level of Heads of State, who may not always have a very clear knowledge on the complexities of migration and who operate in a context of increasing votes for right-based and anti-EU parties and are thus under political and internal pressure. Views of EU member states diverge, especially with Eastern European countries adopting more 'closed' and nationalistic positions than some other EU member states. The EU as a whole, however, puts a very strong focus on the first narrative in its internal policies. In member states, as well as within the Brussels-based institutions, the ministries of Interior or Security tend to be in the lead on issues of (irregular) migration and have also heavily influenced the external dimension of the EU policy agenda. Other actors, such as Ministries dealing with labour and social affairs are often not involved in discussions.<sup>70</sup> Ministries of development cooperation may be, but generally with a weaker voice and taking a different perspective that is often superseded by internal security interests.

Interviewees noted that in Brussels, the interior and justice ministries of EU member states as well as DG Home had strong influence on policy-making and that the EU Council also played a strong role. The role of the European External Action Service (EEAS) in the current refugee crisis was initially low-key, except in relation to the targeting of smugglers through the CSDP mission termed 'Sophia'. The Valletta Summit, for instance, took place under the auspices of the EU Council, not the EEAS.<sup>71</sup> However, the EEAS has been involved in establishing High Level Dialogues with priority countries<sup>72</sup> and it is taking a stronger role in the new Partnership approach proposed by the EEAS and the Commission, which aims to pool all EU external action tools. Yet, even here the overall policy line taken seems strongly influenced by those of interior and justice ministries through the EU Council.

Within the European Commission, the first narrative is put forward in particular by DG Home, with its focus on internal security of the EU, which is transposed to the external dimension. DG Home's outlook on migration tends to be short-term and focused on security threats in the EU, and its action are mostly aimed at restricting uncontrolled human mobility, stemming irregular migration through return and readmission and addressing smuggling networks.

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<sup>70</sup> Collett (2015).

<sup>71</sup> Yet, the EEAS has been more strongly involved in the approach taken at the Valletta Summit than for instance DG Home, according to some observers interviewed. This has facilitated a more diplomatic outreach.

<sup>72</sup> HR/VP Mogherini has held 29 meetings with 12 countries between July 2015 and May 2016. Other meetings were undertaken by EU Commission Officials, EU Foreign Affairs ministers and in one case the EUD. See Annex 1 to the Communication '*Establishing a new Partnership Framework with third countries under the European Agenda on Migration*', European Commission (2016a).

DG DEVCO on the other hand is a stronger advocate for the narrative of migration as an opportunity for development, with a focus on intra-African migration. The 2013 Communication 'Maximising the Development Impact of Migration' illustrates a rather comprehensive and nuanced narrative recognising migration as a 'powerful vehicle for boosting development in both countries of origin and destination' yet also with challenges that need to be addressed from a development perspective.<sup>73</sup> More recently however DEVCO has been pushed to increasingly work towards the overall objective of reducing irregular migration, through working on the root causes of migration (the second narrative) and protection (the third narrative).<sup>74</sup> They have thus become more explicit in the aim to reduce irregular migration, at least in how it is being framed and communicated. Nonetheless, they continue to take a broader perspective on migration, which can be detected from the fact that success of projects is measured by how they strengthen development outcomes rather than by measures of reduction of migration flows.<sup>75</sup>

The Commission in its most recent communication has proposed to focus its development cooperation overall more strongly on main areas of origin of migrants in priority countries to the EU and use aid as both positive and negative incentive for countries to cooperate better on readmission and return. DG DEVCO has traditionally resisted conditionality of aid with the argument that its cooperation should have the sole objective of poverty reduction. The 'more for more' approach however has been in use in previous partnerships on migration and has been part of the GAMM.<sup>76</sup>

The result of conflicting narratives has been conflicting policy goals in some instances. For instance return and reintegration actions have been in conflict with development objectives or diverted attention away from wider economic and political reform in certain countries.<sup>77</sup> Or the insertion of readmission clauses in certain agreements has complicated negotiations with third countries, as it reeks of 'buying cooperation'.<sup>78</sup> The possible tensions and synergies between these different objectives does not seem to be strongly recognised and reflected upon as yet.<sup>79</sup>

One interviewee pointed out that the EU is trying to look like a 'good partner' by making funding available for a broad migration and development narrative but that the spirit underlying is to buy cooperation for the much narrower agenda on curbing irregular flows. Interviewees have also raised concerns about the extent to which EU is abandoning a number of aid effectiveness principles, such as ownership or alignment in the context of new approaches to address the migration situation.<sup>80</sup>

#### **On the African side:**

On the African side all the narratives also exist. Take for instance the African Common Position on Migration stemming from 2006, which states that: '*Whereas well-managed migration may have a substantial positive impact for the development of countries of origin and yield significant benefits to destinations states, mismanaged or unmanaged migration can have serious negative consequences for states' and migrants' welfare, including potential destabilizing effect on national and regional security.*' The AU's Migration Policy Framework (2006) identifies nine themes, which also reflect the different narratives.

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<sup>73</sup> European Commission (2013).

<sup>74</sup> The issue of protection and forced displacement has been part of the DG DEVCO policy agenda prior to the current 'crisis', e.g. the stronger emphasis on refugee protection in the GAMM as well as the Communication '*Maximising the Development Impact of Migration*' (European Commission (2013)). Yet the focus on protection seems increasingly motivated by the objective to prevent potential secondary movement towards the EU.

<sup>75</sup> Source: interviews.

<sup>76</sup> European Commission (2011).

<sup>77</sup> Van Houte and Davids (2014).

<sup>78</sup> Faure et al. (2015).

<sup>79</sup> Source: interviews.

<sup>80</sup> See also Castillejo (2016).

Yet it is quite clear from the way these themes are prioritized in different documents and speeches where the emphasis lies, and this is clearly on the third narrative: migration as a potential source for development *if well-managed*. The African Common Position even explicitly expresses its concern that *'the emphasis on illegal or irregular migration has been only on security considerations, rather than broad development frameworks'*.<sup>81</sup>

The African long-term vision Agenda 2063 – adopted in 2015 - does not specifically mention migration, but does have as one of its priorities to facilitate free **movement of people within Africa**. Its ambition is to have all visa requirements for intra-African travel waived by 2018 and a legal framework adopted by 2023 for the issuance of African Common Passport.<sup>82</sup> At the AU summit of June 2015 the heads of state adopted a Declaration on Migration,<sup>83</sup> where the focus was on the speeding up the free movement of people, on harmonizing education, on creating economic opportunities for youth and women and on combating human trafficking.

As noted above in section 2.1, the African Union coordinated a process to establish a common position ahead of the Valletta summit, which culminated in a Common Perspectives Paper. The paper presents six themes; (i) labour migration, human trafficking and smuggling of migrants; (ii) international protection; (iii) trade in goods and services and integrated and coordinated border management; (iv) education and human capital development; and (v) diaspora and partnerships. Again, the predominant emphasis lies on intra-African facilitation of labour mobility and protection of migrants and refugees. It is noticeable however how little fundamental knowledge exists on the specific drivers of migration and how they interact. This is an issue that was regularly raised by African interviewees, that it was first and foremost important to understand the drivers of migration at a deeper level, in order to ensure that migration policies address the right issues in the right manner.

The **emphasis on intra-African migration and mobility and the protection of migrants** also emerges clearly from the geographical focus of migration and mobility patterns within and from Africa. Over 50% of formally recorded international migration is within Africa, and 13% to Asia, and 29% to Asia<sup>84</sup> (with a high likelihood that the intra-African migration figures are underreported). Whereas Europe places all its attention on the northern route to Europe, many African countries and institutions are more – or at least equally – interested in other routes, such as the eastern route (to the Gulf countries) and the Southern route (predominantly to South Africa).<sup>85</sup> This tension clearly comes out in the parallel processes of the Khartoum process (EU-AU Horn of Africa Initiative) and the AU Horn of Africa Initiative. The former focuses only on the northern route, whereas the second focuses on all three routes.<sup>86</sup> The African Union is very keen on keeping the AU Horn of Africa initiative alive, as it wants to maintain the focus on the three routes and wants to address labour migration comprehensively rather than piecemeal.<sup>87</sup>

The **divergence between the European and the African narrative** became pronounced during the negotiations at the Valletta summit as is further explored in Box 1.

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<sup>81</sup> AU (2006b).

<sup>82</sup> AUC (2015).

<sup>83</sup> AU (2015c).

<sup>84</sup> UNDESA (2015).

<sup>85</sup> Source: interviews.

<sup>86</sup> At the project level, the EU TF project 'Better Migration Management' in the Horn of Africa region, which also builds on the Khartoum process, however aims to focus on all routes.

<sup>87</sup> Source: interviews.

**Box 1 Manifestations of divergent views and narratives during the Migration Summit in Valletta**

The discussion at the Summit in Valletta highlighted participants' divergent views in a number of areas:

1. The establishment of 'processing centres' and strengthening of reception capacity in African countries, originally put forward by some EU Member States, was not supported by the AUC and African countries;
2. African partners' request to promote legal channels for migration and mobility, to respond to demographic pressure and limited economic opportunities, was only partially met through the EU's proposal of additional opportunities for non-EU students and researchers;
3. Reluctance to resort to the conditionality of the 'more for more' approach – linking development aid to agreements on readmission, stronger border controls or other actions not directly associated with poverty reduction – was also expressed, as too were doubts on the effectiveness of aid to curb migration.

The African emphasis on enhancing opportunities for legal migration was expressed clearly by the chairperson of the African Union at the summit, where she said that *'Migration in search of safety or a better life is as old as humanity itself, so 'there is no part of the world that can be a fortress,' she said. 'We should be open to legal migration'*.<sup>88</sup>

The Summit made little progress on enhancing legal migration for a variety of migrants beyond students and researchers. African leaders and civil society organizations expected a commitment to a safe, fair, responsible and legal migration in the form of increased resettlement, humanitarian visas, extended family reunifications, sponsorship programmes and educational scholarships. However, European member states were not keen to provide concrete prospects for legal opportunities for African nationals apart from a doubling of Erasmus scholarships for students.<sup>89</sup>

One of the main issues of discontent was the issue of return and readmission. African states would have liked to see the text refer to voluntary return, but the EU could not accept this, as it is looking for ways to send back irregular migrants pointing to existing agreements, like Article 13 of the Cotonou Agreement,<sup>90</sup> which calls on all signatory states to readmit their nationals – whether voluntarily or not.<sup>91</sup> A compromise was found in the negotiations that kept both, with agreement *"to give preference to voluntary return"* backed up by action on supporting reintegration.<sup>92</sup> The request by Europe for African states to accept 'laissez passer' documents in order to facilitate a swift return of irregular migrants once their nationality has been identified. This proposal did not appear in the final action plan and was dropped after appearing in initial drafts.<sup>93</sup>

After the Valletta Summit, the Peace and Security Council of the African Union held an open session on migration. Some AU member states such as Algeria and Chad more or less openly criticised the EU migration policy, which they say is too narrowly focused on security responses. Despite acknowledging the impact of 'forced migration' on peace and security, many African member states pleaded for more responses to deep-seated 'root causes' of displacement or so-called survival migration<sup>94</sup> such as poverty, lack of opportunities and governance.<sup>95</sup>

<sup>88</sup> Louw-Vaudran (2015a).

<sup>89</sup> Van Dillen (2015).

<sup>90</sup> The Africa Caribbean and Pacific (ACP) -EU Partnership Agreement, or Cotonou Agreement, has been signed in 2000 and was concluded for a 20-year period. It governs relations between the two blocks in a number of areas. For more info see [http://ec.europa.eu/europeaid/regions/african-caribbean-and-pacific-acp-region/cotonou-agreement\\_en](http://ec.europa.eu/europeaid/regions/african-caribbean-and-pacific-acp-region/cotonou-agreement_en)

<sup>91</sup> Koeb and Hohmeister (2010).

<sup>92</sup> Knoll (2015).

<sup>93</sup> *ibid.*

<sup>94</sup> Betts (2013).

<sup>95</sup> ISS (2016).

### 3.2. Interests, competing commitments and divergence between key actors within Africa

Such narratives and formal statements of priorities cannot necessarily be taken at face value. Formal declarations tend to be all encompassing and often express aspirations rather than short-term policy orientations. As we saw above for the European Union, the member states tend to have different, often short-term, interests that compete with the more long-term narratives brought forward by the more technical departments. On the African Union side something similar can be noted. The African Union is known to have a wide gap between formal commitments and implementation, a fact even acknowledged in the AU summit of January 2016.<sup>96</sup> As an earlier ECDPM study pointed out, there can be real value in signaling commitments without necessarily following through on these.<sup>97</sup> A major contributing factor to this gap between rhetoric and reality is the presence of competing commitments and interests.

Although in principle African member states welcome free flow of people, a number of competing commitments come into play. The two main commitments are issues of (national) security and the fear of economic competition. Where African states stand on these issues depends to a large extent on whether they are primarily countries of origin, countries of transit or countries of destination. It also depends on whether migration is primarily voluntary, i.e. individuals in search of better opportunities, or forced, i.e. displacement due to conflict. Many countries however, such as for instance Ethiopia, are a mixture of all of the above.<sup>98</sup>

As in Europe, in Africa security considerations are key. Migrants are seen as a security threat in a number of ways; a fear of terrorists entering; fear that human, drugs and arms trafficking may increase with more open borders; concerns that migration and displacement leads to social instability and conflict between communities; and a (perceived) sense that foreigners lead to an increase in crime requiring a law-and-order approach. Countries bordering unstable zones, such as Somalia and South Sudan, are increasingly tending towards closing their borders in view of security threats. Kenya is a good example. It has recently announced that it intends to end the hosting of refugees, citing security concerns. It intends to close the large refugee camp Dadaab by the end of 2016. It has taken this issue up to the Union's Peace and Security Council, that 'acknowledged the legitimate security concern of Kenya that the Dadaab Refugee Camps [...] have been infiltrated and have become hideouts of the Al Shabaab terrorist group.'<sup>99</sup> The evidence for this claim is however weak.<sup>100</sup> The Kenyan government further recently revoked the *prima facie* refugee status for refugees from Somalia, which means that those fleeing from the country now need to apply for asylum on a case by case basis. Between December 2014 and the end of September 2016, 30,731 Somali refugees from Dadaab were repatriated, most of them to Somalia.<sup>101</sup>

South Africa has long faced immigration challenges, in particular in relation to the high inflow of Zimbabweans, leading to South Africa becoming the world's number one asylum destination between 2006 and 2012.<sup>102</sup> Although South Africa has some of the most progressive asylum laws, it is relatively closed for economic migrants.<sup>103</sup> The vast majority of migrants therefore are undocumented. In the recent past this has led to violent outbursts of xenophobia. As a consequence, the Department of Home Affairs (DHA) has

<sup>96</sup> AU Assembly January 2016.

<sup>97</sup> Vanheukelom (2016).

<sup>98</sup> Ethiopia has also adopted differentiated positions according to type of migrants. While it is generally more reluctant to open its labour market to foreigners it has been generous in hosting refugees from neighbouring countries.

<sup>99</sup> AUC (2016).

<sup>100</sup> Hujale (2016).

<sup>101</sup> Hamer (2016).

<sup>102</sup> UNHCR (2012).

<sup>103</sup> Wellman and Landau (2015).

increasingly come to perceive immigration within a security paradigm.<sup>104</sup> In South Africa therefore we witness a similar reaction as we can see in many European member states. The South African President waged an accusing finger at African governments for allowing living conditions that push individuals to migrate to South Africa. As the ISS reports, the irony was not lost on the European diplomats, who commented wryly: *'welcome to our world'*.<sup>105</sup>

Concerns about perceived or real threat of migrants crowding local labour markets, in particular for low-skilled jobs is a broad concern for many countries, as it is in Europe. Economic competition can also lead to hostility, instability and even outright xenophobia, which was a topic of discussion at the AU Summit in June 2015, and was also recognised very explicitly as a priority issue by IGAD in its Migration Action Plan.<sup>106</sup> An interesting example is Zambia, which initially reacted to the Ebola crisis by closing its borders, which according to analysts 'smacked of xenophobia'.<sup>107</sup> While on paper, a commitment to free mobility in various RECs and at the continental level exists; it is still very difficult for Africans to move freely on their own continent. Interviewees pointed out that it is 'still much easier for Europeans to move around in Africa than it is for Africans'.<sup>108</sup>

Overall, migration is not necessarily very high on the policy agenda of national governments<sup>109</sup>, as it is generally not perceived as a problem, in particular for countries of origin. It is rather perceived as a fact of life, which – in view of other challenges countries face – is not necessarily the first one to focus on. Few countries therefore have national migration policies, yet with more countries developing national frameworks, such as Ghana<sup>110</sup> or Nigeria.<sup>111</sup> For many countries the main policy interest lies in facilitating outmigration (for instance to Gulf countries) and protecting these migrant workers. Remittances are a substantive part of the GDP of many countries in Africa. For countries like Ethiopia, outmigration is primarily to Gulf countries, where workers' rights are often not adhered to. Countries like Kenya and Ethiopia, for example, have institutions set up that facilitate labour migration, attest labour contracts and aim to protect their migrants' rights.<sup>112</sup> Yet, a number of African countries have to cope with large flows of refugees and irregular migrants and see addressing such movements, with the help of the international community, as a major key political challenge.

Similar issues of divergent interests arise in relation to the RECs. Regional organisations serve different purposes for different states and these may vary through time. Memberships of regional organisations also overlap, which offers opportunities for governments to choose on which issues to engage which regional organization. IGAD for instance is mandated to work on economic integration. Yet, Kenya and Uganda seem to favour the EAC over IGAD for these issues. Their main interest for membership in IGAD lies rather in issues of security, as both Kenya and Uganda are engaged militarily in Somalia and have long-term involvements in South Sudan. This may have implications for the ability of IGAD to engage actively on the migration agenda, particularly in relation to facilitating labour mobility.<sup>113</sup>

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<sup>104</sup> Hammerstad (2012).

<sup>105</sup> Fabricus (2015).

<sup>106</sup> IGAD-Migration Action Plan to operationalize The IGAD Regional Migration Policy Framework 2015-2020.

<sup>107</sup> Louw-Vaudran (2015b).

<sup>108</sup> Source: interviews.

<sup>109</sup> Maru (2015).

<sup>110</sup> IOM (2016e).

<sup>111</sup> IOM (2015).

<sup>112</sup> Frouws and Horwood (2015).

<sup>113</sup> Byiers (2016).

***A common position for Africa on migration; is it possible and desirable?***

A question remains whether with all these different interests, challenges and opportunities, it is possible and desirable to have a common approach to migration in Africa. Increasingly the African Union has put energy into developing common positions, such as on Climate Change and for the World Humanitarian Summit.<sup>114</sup> The advantage of doing so lies in having a stronger voice in the global arena and a strengthened negotiation position.

Some interviewees felt that Africa had not yet sufficiently developed its own narrative and position on migration, with the difficulties in establishing a unified and common position for Valletta as an example. Some stressed that Africa as a continent had not fully taken its responsibility in this regard, and had therefore lost out at Valletta. Others underlined the immensity or near-impossibility of the task of coming up with one perspective on an issue as complex as migration, and with member states having different interests depending on their specific contexts.<sup>115</sup> They would point to the fact that if 28 European member states cannot agree when it comes to asylum, it would be unrealistic to expect 54 African states with very different migration realities to come up with one narrative and position.

Others again stress the importance of choice. In this view, the presence of parallel policy processes (within the AU, the RECs and the EU-Africa processes) serves the AU member states' interests, as they can align on different issues with different processes, and pick and choose from the different sources of support that are available to them. Similarly, the recent practice by the European Union to negotiate deals with individual governments in Africa would serve their interest best, at least in the short-term.<sup>116</sup>

### 3.3. Analysis: Convergence and divergence around the perspectives

#### 3.3.1. Differences in emphasis

There is a high degree of overlap between key actors within Europe and Africa on what issues in relation to migration need to be managed better. The difference is one of relative emphasis. In short, and grossly exaggerated, the emphasis within Europe lies in the containment of unregulated and irregular migrant flows into Europe and reducing the numbers of arriving refugees, and in Africa the emphasis lies in facilitating and better management of intra-African trade and legal migration into Europe. With a closer look the nuances quickly show, and one can see real similarities between destination countries in Europe and within Africa. Nonetheless, what is clear is that overall the agenda of improving migration governance— seizing the opportunities and mitigating the socio-economic risks – is much stronger in Africa than it is in the current European approach to migration in Africa. This African narrative is the one that is most strongly backed by evidence.

The new EU Communication on the Migration Partnership Framework<sup>117</sup> signifies another shift in the European narrative, further away from the more comprehensive narrative put forward by the EU in its Communication on Maximising the Development Benefit of Migration of 2013.<sup>118</sup> The developmental imperative has been largely subsumed with the containment narrative. This has also been the top priority for the Netherlands Presidency of the European Council during the first half of 2016 and continues to be the case for the Slovak presidency for the second half of 2016. The proposed changes to EU external action are making this overarching objective very clear, by making cooperation tools, such as trade or

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<sup>114</sup> ECDPM (2016).

<sup>115</sup> Source: interviews.

<sup>116</sup> Source: interviews.

<sup>117</sup> European Commission (2016a).

<sup>118</sup> European Commission (2013).

development cooperation subordinate to objectives of preventing irregular migration, fighting smuggling and facilitating return and readmission.<sup>119</sup> The tools used – which now span all external action tools – are increasingly following the principle of ‘more for more’ and in principle also include negative conditionality.<sup>120</sup>

### 3.3.2. An agenda framed by Europe?

A number of interviewees expressed the sense that the debate on EU-African cooperation is now fully framed by the European narrative, and African actors are mostly reacting to it. There seems to be a contradiction inherent in the EU approach as it both aims to construct a ‘genuine partnership’ with partners while at the same time it ‘intends to impose its conception based on an inward-looking policy’ framed largely concerns in the field of security and home affairs.<sup>121</sup>

The Valletta outcome for instance is not seen on the continent as an African perspective on migration, it is seen as a European one.<sup>122</sup> From the outset, the Summit was perceived to be dominated by the European agenda and consultations with African partners started late. African delegates felt that their suggestions for extending invitations to other relevant actors, such as IGAD, were only approved with reluctance from Brussels.<sup>123</sup> Although within Africa there clearly is a sense that the EU agenda is pushed, a number of interviewees also said that it is primarily Africa’s own responsibility to have its own dialogue on African perspectives on migration, and put an African position more clearly forward. These interviewees were for instance critical of the fact that no full-fledged updated Common African position on migration had been reached ahead of the Valletta summit. These same interviewees also stressed that it is important for Africa to have its own agenda on migration more clearly spelled out, which could then serve as a counterweight to the European one. On the other hand, the set-up of the Valletta Summit, as one that only includes African member states selectively, has meant that pre-Valletta consultations in fact were not able to come up with such an African Common Position since 20 member states were not part of the discussions.<sup>124</sup>

As discussed above, the outcome of Valletta is skewed towards the EU’s priorities, and on issues of high importance to Africa, such as reinforcing avenues for legal migration and a preference for voluntary return only minor concessions were made. A large number of interviewees also expressed their lack of confidence in the projects funded by the EU Trust Fund. They feel that they are short-sighted, have narrow objectives, are not designed according to the good practice of strong local engagement, and fail to relate to the complex and comprehensive nature of the challenges and opportunities created by migration.<sup>125</sup> A number of interviewees noted that there is a strong sense of ‘waiting for these projects to fail’. One interviewee went as far as to say that some are watching gleefully’ or even actively undermining these projects.

More broadly there seems to be a strong resentment within the African Union and a number of African member states that the home-grown processes on labour mobility and other issues related to migration are side-lined and by-passed by the EU-led processes such as the Khartoum process and the Rabat process. A senior AU official for example called the launch of the Khartoum Process ‘a slap in the face’. The Khartoum process is a direct competitor of the AU Horn of Africa Initiative, and effectively duplicates what it was attempting to achieve (be it on three routes instead of one). This has become a matter of pride for the African Union and some member states, which manifests itself for instance in the strong push by the

<sup>119</sup> European Commission (2016a).

<sup>120</sup> Even though so far the EU has not used negative conditionality to sanction partner countries’ efforts, this has become a stronger possibility and has been part of deliberations of the EU. (Source: Interview).

<sup>121</sup> Vimont (2016, pp.20).

<sup>122</sup> Source: interviews.

<sup>123</sup> Knoll (2015).

<sup>124</sup> Source: interviews.

<sup>125</sup> Source: interviews, see also Castillejo (2016).

African Union to keep the Horn of Africa Initiative alive, and is the main reason why they recently organised a meeting in Egypt just ahead of the next EU Trust Fund meeting in Brussels.<sup>126</sup>

Successful cooperation more generally on migration, however would need to be built on a better appreciation of both narratives within the agenda going forward. As Vimont, the former envoy of the president of the European Council and first executive secretary-general of the European External Action Service, said “If no effort is made by either side to find a way to connect the two narratives, the risk is that they will run in parallel without any meeting of minds.”<sup>127</sup> The next section will explore the effect on trust between the parties.

### 3.3.3. A weakening of trust?

Trust levels between Europe and Africa, especially the African Union, seem to be lower than before, and the way Europe is handling its migration crisis seems to further erode the trust, as indicated by a number of interviewees. It is interesting to note the degree to which the Valletta Summit is perceived differently in Africa. Whereas many Europeans who were close to the proceedings viewed it as a positive example of honest and frank conversations, many African actors interviewed felt the exact opposite. Furthermore it was felt that while the Valletta Declaration and Action Plan was still quite broad, the implementation of it became narrower and narrower.<sup>128</sup> Another contributing factor to the weakening of trust is a strong sense of the use of double standards, in particular in relation to how Europe is handling the migration crisis at home, the re-introduction by the EU of aspects that African states resisted collectively in Valletta in bilateral agreements and the increased resistance against conditionalities placed by Europe on its assistance.<sup>129</sup>

Concepts that had been dropped in the Valletta Declaration due to African states’ resistance, such as the ‘laissez-passer’ document, are now reappearing in the EU’s plans concerning bilateral cooperation on return and readmission with African countries.<sup>130</sup> They may potentially even subject to conditionality according to the new EU Communication on a Partnership Framework with third countries, a real reversal of the agreements made at Valletta.

Moreover, a general trend detected in Addis Ababa is that it is increasingly hard for members of the European diplomatic community to enter into the offices of the African Union Commission. Similarly, more and more sessions are held behind closed doors, such as for instance the Peace and Security Council meetings. AU Summits are also less open to European diplomats as they were before.<sup>131</sup>

The conditions for an open dialogue are therefore probably less favorable than before, but more necessary than ever. In terms of migration, Europe is in many ways the demanding party, as it has a strong interest to reduce irregular migration. This weakens the negotiation position of Europe, and a number of interviewees mentioned that Europe does not seem to realize this sufficiently yet. Theoretically, the fact that Europe is the demanding partner could improve the quality of dialogue, as it would need to be more based on a conversation of equals, where interests and values are more explicitly named and negotiated.

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<sup>126</sup> Source: interviews.

<sup>127</sup> Vimont (2016): p.20.

<sup>128</sup> Source: interviews.

<sup>129</sup> Source: interviews.

<sup>130</sup> Council of the European Union (2016a).

<sup>131</sup> Source: interviews.

This, unfortunately, does not seem to be the reality. By contrast, the gap is widening, the resentment is growing, and the windows of dialogue closing. The June 2016 Communication by the European Commission and the following Council Conclusions<sup>132</sup> does not bode well in this regard. An interviewee also strongly expressed concerns about the ‘threatening language’ that was used by European members of delegations in their engagements with African member state governments. Others noted a perception that the EU is deploying ‘divide and rule tactics’ that are undermining regional cohesion and the role of the African Union in continental migration governance.<sup>133</sup>

### 3.3.4. An undermining of continental and regional approaches?

Different parallel policy processes are in place, which create a great deal of confusion and fragmentation. As described above, the Khartoum process and the AU Horn of Africa Initiative are very similar processes, but with different actors in the lead and – not coincidentally – a different geographical focus. AU officials feel that this competing process has taken the wind out of the sails of the AU’s own initiative; “The Horn of Africa Initiative is starved of funding, whereas the Khartoum process receives large amounts of funding from the EU Trust Fund”.<sup>134</sup> According to interviewees, the EU quite deliberately made sure that the AUC was part of the Steering Committee of the Khartoum process, in order to reduce this sentiment.

The EU initiated processes include and exclude countries according to the logic of the geographical migration routes. The Khartoum process in the Horn of Africa includes Eritrea, Ethiopia, Egypt and Sudan, Djibouti, Tunisia, Somalia, Kenya and South Sudan. The Rabat process in West Africa includes 24 African countries.<sup>135</sup> As these constellations do not match REC membership, it does create complexities for the role of the regional organisations in these processes, which has bred discontent. IGAD, for instance, was not initially invited to the Khartoum process and still is not a member of the process, and already since 2008 has a regional platform on migration – the IGAD Regional Consultative Process (IGAD RCP) on migration. The RCP has membership of the IGAD member states (Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda) and aims to strengthen cooperation with countries of transit (Chad, Egypt, Libya, Niger, Tunisia, etc.) and those of destination (principally European countries).<sup>136</sup> According to interviewees familiar with the early stages of the Khartoum process, the reason was that the Khartoum process focuses on a smuggling route involving Eritrea and Egypt, neither of which are members of IGAD, which was the reason why IGAD was initially not formally invited. In any case, discontent has grown over these parallel processes, in particular at the African Union Commission. According to a senior AU official, it may also be a symptom of the lack of trust on the EU side on the AU/RECs or in their effectiveness, which manifests itself in the EU sidelining and developing parallel processes.<sup>137</sup>

A similar situation existed initially around the EU Trust Fund, for which 23 countries are eligible. At the outset certain regional or pan-African programmes, such as the Joint Labour Migration Programme could not be funded out of the Trust Fund and projects were organised at country-level. In July 2016, the European Commission approved to take EUR 25 million from the Pan-African Programme however, in order to channel it through the Trust Fund so that trans-regional initiatives and African organisations can be

<sup>132</sup> Council of the European Union (2016b).

<sup>133</sup> Views expressed by Participant at ECDPM Conference: “Why do we need the African Union?”, 28 September 2016; <http://ecdpm.org/events/why-do-we-need-the-african-union/>

<sup>134</sup> Source: interviews.

<sup>135</sup> Burkina Faso, Cameroon, Chad, the Gambia, Mali, Mauritania, Niger, Nigeria, Senegal, Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Tanzania, Uganda, Morocco, Algeria, Tunisia, Libya and Egypt. Neighbouring countries of the eligible countries may benefit, on a case-by-case basis, from Trust Fund projects with a regional dimension in order to address regional migration flows and related cross-border challenges.

<sup>136</sup> IGAD (2008).

<sup>137</sup> Source: interviews, Conversation with AU Official.

supported.<sup>138</sup> A further sore point is the perception that most of the EU Trust Fund funding is flowing back to European implementing agencies, and that African organisations are sidelined.<sup>139</sup>

This organization around geographical routes (that matter to Europe) does lead to confusion and a weakening of trust, in particular with officials from the African Union Commission and some RECs. Ultimately, the process that is best funded will receive the most attention, and these are clearly the EU-led processes. Many interviewees expressed the concern that this may have negative implications for the alternative regional and continental approaches, which may become undermined. Other interviewees, although not disagreeing with this point, did raise the question on whose responsibility it is to ensure that the right countries are involved in the right processes. In the end it is the same African countries that are sitting around the table in these different processes, and they agree to the duplication because it allows them to pick and chose.<sup>140</sup>

The question to ultimately reflect upon is whether it is in the long-term interest of Europe and Africa to strengthen continental and regional processes for improved governance of migration, and whose responsibility it is to do so.

### 3.3.5. Short-term interests versus values and long-term interests

In general terms, one can see that the migration policy frameworks within the AU and the RECs show a comprehensive understanding of migration, which integrates the different narratives in a coherent manner. In the EU, until recently, the understanding of migration was equally broad and comprehensive, which drove its actions. During the last years this has shifted significantly within Europe, as discussed above. A similar trend may be set in motion in Africa as well, whereby concerns over security and economic competition can drive AU member states to focus on their more short-term interests.

Engaging bilaterally with AU member states on their short-term interests may converge with European short-term interests, but may go against European values of human rights and democratization, as exemplified in the case that was brought into the news of EU funds supporting border surveillance equipment in Bashir's Sudan,<sup>141</sup> or support to the autocratic regime in Eritrea.<sup>142</sup> The details of these projects are more nuanced and include strengthening of legal experts, training for human rights and the aim to foster regional cooperation on protection of vulnerable migrants.<sup>143</sup> Yet, the incentivizing of autocratic regimes - themselves known for human rights abuses - to reduce flows of irregular migration is not without risks. The public outcry that even suggestion of such cooperation and support to border guards has created speaks for itself.

In the long-term, implementing the more comprehensive policy frameworks from the AU and RECs and their mainstreaming into national migration policies could help to better serve the long-term interests of African member states. There is therefore a risk that engaging with AU member states at a bilateral level on a 'narrow' and securitised migration agenda will enable or even incentivize them to act more according to their short-term interests. This may undermine regional or continental processes that are more in accordance with the comprehensive, long-term solutions to the migration challenge. This risk was identified by a number of interviewees.<sup>144</sup>

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<sup>138</sup> Africa-EU Partnership (2016).

<sup>139</sup> Source: interviews.

<sup>140</sup> Source: interviews.

<sup>141</sup> Dahlkamp and Popp (2016).

<sup>142</sup> Van Es (2016).

<sup>143</sup> Source: interviews.

<sup>144</sup> Source: interviews.

## 4. Added value of engaging regionally

Migration is clearly a topic that spans borders, both within the African continent and outside it. This section looks at some of the main issues that may require a regional or continental approach, and where the added value of the AU or the RECs may lie in improving migration governance. In order to do so, we will also briefly describe the state of play on migration policies within the RECs.

### 4.1. Main issues requiring regional or continental approaches

The regional AU migration policy has nine themes; labour migration, border management, irregular migration, forced displacement, human rights of migrants, internal migration, migration data, migration and development, and inter-state cooperation and partnerships.

Implementation of the recommendations of the strategy for most of these thematic areas lies at national level. Yet, within these thematic areas there are issues that require regional or continental cooperation and coordination. The most important areas are:

- i. Deepening regional economic integration in Africa; through Regional Economic Communities and increasingly through continental integration,
- ii. Reinforcing regional co-operation and harmonization of labor migration policies,
- iii. Strengthening co-operation between states' sub-regional/regional agencies and the international community in border management, particular in the area of law enforcement, sharing migration-related data and information, training and sustained dialogue,
- iv. Developing common regional countermeasures and greater policy coherence on curbing irregular migration and fight transnational organized crime,
- v. Enhancing international and regional co-operation in the area of return and readmission,
- vi. Strengthening conflict prevention and mediation capabilities,
- vii. Ensuring that countries ratify and implement conventions on (protection of) migrants, refugees and IDPs,
- viii. Improving regional collection, analysis and exchange of migration data, and the promotion of policy-relevant research and capacity on migration,
- ix. Collaborating with African Diaspora and reducing brain drain,
- x. Engaging with the European Union and other international partners in increased dialogue and analysis focusing on the relationship between migration and development in Africa.

The Migration Policy Framework specifically refers to the role of the AU in promoting regional integration (through NEPAD), in mobilizing resources and harmonising policies for effective border management, in conflict prevention, management and resolution mechanisms, in fostering stronger relationships with the African Diaspora, and to engage the European Commission in increased dialogue and analysis focusing on the relationship between migration and development in Africa. Priorities for continental action that came out of the AU Assembly's Declaration on Migration of June 2015 are the speeding up of the implementation of continent-wide visa free regimes, free movement of people and the African Passport; a harmonized mechanism for higher education in Africa; and enhanced international collaboration on combating human trafficking and smuggling of migrants.

In addition to these issues that directly require a regional or continental approach, a regional or continental approach may also be necessary to encourage member states to adopt certain norms, policies and frameworks, and to assist with building the capacity of member states to develop and implement migration policies.

## 4.2. The state of play within the RECs

Most of the implementation of the migration agenda lies at regional or national level. The African Union Commission and the European Commission commissioned a study to capture the state of play migration, mobility, employment and higher education in the RECs (ECOWAS, IGAD, ECCAS, EAC, COMESA, and SADC).<sup>145</sup>

The study shows that the RECs are also moving forward with formulating their own overarching migration strategies. Intra-regional migration is prominent in West Africa, and ECOWAS was the first to recognise migration as an explicit policy area with the adoption of its Common Approach on Migration in 2008. IGAD was the first to follow the call of the AU to develop a regional Migration Policy framework based on the AU's Migration Policy Framework, which was adopted in 2012. Migration dialogues are rising in popularity among the RECs with the view to map out common positions and responses to international migration opportunities and challenges.

Whilst most RECs have free movement agreements, shortcomings remain in the implementation of these agreements. The free movement commitments have largely been state-driven and state-shaped in Africa and have not enjoyed sufficient political will from decision makers, nor has the private sector played an active role in making this come true. More evidence of the potential development results of mobility is needed to convince decision makers to put their political weight behind mobility, and this is where the private sector can play an important role.<sup>146</sup> The authors of the study also conclude that supra-national legal instruments and sanctions are necessary to ensure compliance with these agreements.

International protection is another area that requires substantial reinforcement in the RECs, according to the study. Although its importance is recognised in treaties, free movement frameworks and other documents (in the case of COMESA, IGAD and SADC), this has not translated into actual initiatives or dedicated policy frameworks. Anti-trafficking initiatives are gaining ground among the RECs. The AU Commission Initiative against Trafficking (AU COMMIT) campaign has been launched with all the RECs, apart from COMESA which is itself already quite advanced in its anti-trafficking efforts. All of the RECs aspire to strengthen border management and cooperation.

Decent work, social protection, social dialogue, job creation and productivity and youth employment are priorities for the RECs. The harmonisation and mutual recognition of academic and professional qualifications are also prominent objectives for the RECs that are deepening their regional integration agendas.<sup>147</sup>

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<sup>145</sup> See ICMDP (2013).

<sup>146</sup> Fioramonti and Nshimbi (2016) point out that bilateral or trilateral agreements between African states on specific migration issues, such as labour mobility or return and reintegration, have at times led to a disruption of uniform policies within a REC, such as in the East African Community. In addition, the proliferation of bilateral agreements in the SADC region undermines a coherent regional policy.

<sup>147</sup> ICMDP (2013).

### 4.3. The roles of the AU and the RECs

The African Union also views its role as complementary and not in competition with the RECs and with African governments.<sup>148</sup> From the points of the view of the AU itself and those of the interviewees a number of key roles that the African Union can play in relation to migration can be distilled. The AU is generally not seen as an implementer of programmes,<sup>149</sup> but rather as a norm setter and convener:<sup>150</sup>

- *A role in norm setting and norm diffusion.* The AU can hold up a mirror to its member states, reminding them of what they agreed upon in the AU constitutive acts and treaties as well as in international law, and translate this into more concrete norms in relation to migration.
- *A convening role.* Specifically, this convening role can be used for the (further) preparation of common positions and political commitments.
- *Providing policy guidance.* Through its Regional Migration Policy Framework the AU has already provided an overarching policy framework and policy guidance on migration. The challenge now is to encourage RECs and member states to develop its own migration policies accordingly. This requires a strategy of persuasion and encouragement, as the AU does not have the institutional mechanisms nor the authority to monitor compliance with agreed migration frameworks.
- *The provision of a platform for collaboration between RECs.* The harmonisation of policies related to migration will primarily be conducted at regional level, as this is the most immediate level of regional integration. To encourage further harmonisation at continental level, including its aspirations for a stronger continental political and economic union, the AU can provide the necessary platform for collaboration and dialogue between RECs.
- *Enabling dialogue with international partners and the mobilisation of resources.*
- *Potentially the AU could also play a role in developing the capacity of the RECs and member states to develop and implement migration policies, but questions could be asked about the capacity of the AU to do so.*

The convening role of the African Union in setting the norms and shaping a common position seems to be well accepted by member states – not least in the above noted consultation process on convening member states prior to the Valletta Summit and to develop a common position as a follow-up.<sup>151</sup> Yet, the AU has limited competency in the area of migration, and needs to work in collaboration with the member states and RECs for implementation. Most issues related to migration will need to be implemented primarily at national level, with only a limited implementation role for regional or continental bodies. As discussed above, the AUC does not have institutional mechanisms to hold member states or RECs accountable for developing migration policy frameworks nor for implementing them. This means that the AU will have to rely mostly on its ability to persuade, to convene and to bring RECs and member states along.<sup>152</sup>

<sup>148</sup> Source: interviews.

<sup>149</sup> From the perspective of the majority our interviewees, although some criticized the AU for sometimes wanting to get involved in implementation.

<sup>150</sup> Formally, in the domain of migration, the Statutes of the African Union Commission allow it to take action delegated by the Assembly and the Executive Council (Art. 2h), it can strengthen cooperation and co-ordination of activities between Member States in fields of common interest (Art. 2q) and elaborate, promote, coordinate and harmonise the programmes and policies of the Union with those of the RECs (Art.2t). African Union (2002).

<sup>151</sup> Source: Interviews.

<sup>152</sup> Whether it is able to do so effectively is beyond the scope of the research of this paper. Yet, for some it remains a matter of concern. According to one (international) interviewee, the 'AU does have a policy framework, but it does not have a strategy'. A number of interviewees, including the former, however did stress that the recently adopted Joint Labour Migration Programme may have some real traction in bringing the RECs and member states along, as the RECs have been well represented at these meetings.

The roles of the RECs are in many ways similar to that of the African Union, but at regional level. The RECs play a role in norm setting and norm diffusion (and have done so independently from the African Union in a number of areas), they have a convening role, they provide policy guidance, mobilize funding and engage in dialogue with international partners. They provide a platform for collaboration and policy harmonisation with member states, and they may also be able to play a role in building the capacity of their member states to develop and implement migration policies.

#### 4.4. The added value of the AU and the RECs

The added value of the AU thus lies primarily in its norm setting and convening role, as discussed above. Furthermore, it can maintain the focus on the broad and comprehensive migration agenda, which can serve as a counterweight for the more short-term and narrow interests of member states. Through this comprehensive agenda, it can work towards more policy harmonisation on essential components of the migration agenda that require continental cooperation, and keep the different parts moving in sync.

The added value of the RECs as compared to the African Union predominantly lies in their closer proximity to the realities on the ground. Although the overlapping memberships of the RECs can create some confusion it can also help countries at different stages of commitment to regional integration or policy harmonisation to choose the path that is most suitable to them. This therefore increases the likelihood of progress, and the RECs may be slightly less prone to the implementation gap. Of the ten issues described above as requiring a regional or continental approach, the RECs are probably best placed to be most directly involved in at least the first eight of these. For engaging with the diaspora, the AUC has a very concrete mandate (as previously noted in section 2.1), as well as on engaging in high-level political dialogue with the EU. Interviewees stated that the AU is and will be an important partner for dialogue between Europe and Africa.

Overall, the subsidiarity principle clearly comes into play here, with the RECs being primarily responsible for implementation of the migration agenda in their regions. This is also clearly recognised in the AU Common Position and AU Regional Migration Policy Framework. The added value of the African Union as compared to the RECs can mostly be found in issues that require deeper continental integration, such as issues related to the full free movement of people and the African passport, and on further policy harmonisation between the regions. However, a number of interviewees stated that the natural preference for issues of migration and labour mobility is with the regions, but some issues require standardization and harmonisation, for which the AU is essential. As one interviewee stated: *'One cannot focus on one REC alone, it has to be brought together'*.

In the meantime, the RECs are moving forward with formulating their own overarching migration strategies to guide those of their member states. IGAD, for example, has developed a regional migration policy framework that follows the guidance of the African Union. The ECOWAS Common Approach on Migration on the other hand was developed in parallel to the AU policy frameworks. It stems from 2008, but was mandated in 2006 and references the 2006 Tripoli declaration, but does not refer to the AU beyond this. EAC and COMESA tackle migration from the perspective of economic integration. Within the scope of this study, we have not been able to ascertain how the different RECs view the added value of the AU. The added-value of each of the RECs depend on the specific issues related to migration in question, as well as the capacity and political leverage of the RECs, which has however been outside the scope of this study

A challenge for the coordinating role of the RECs is the divergent interests of the main actors. These divergent interests can cause a gap between rhetoric and action, both at continental and at regional level, for instance when promoting continental labour migration in formal conferences while simultaneously closing their borders to economic migrants. Certain countries, such as Ethiopia, aim to contain or limit inward labour migration, while simultaneously promoting outward labour migration. Furthermore, bilateral or trilateral agreements exist between a number of African governments on specific issues related to migration. These can undermine a coherent regional policy, as has been observed in the SADC region, or lead to tensions and disruptions between member states of one REC such as in the East African Community.<sup>153</sup>

In terms of encouraging member states to develop and implement migration policies the AU and the RECs can also face an uphill battle. Generally speaking, migration tends to not be the item on the agenda that receives most attention by national governments<sup>154</sup> and only few have national policy frameworks on migration.<sup>155</sup>

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<sup>153</sup> See Fioramonti and Nshimbi (2016). Beyond the RECs, there also exist other African groupings, such as the G5, which may have an added-value when engaging regionally. Idriss Deby, President of Chad and current Chairman of the African Union, recently stated that instead of negotiating bilateral deals, the EU should focus on engaging the regional G5 grouping of Sahelian countries. See Reuters (2016)

<sup>154</sup> Source: interviews; Maru (2015).

<sup>155</sup> IGAD-Migration Action Plan to operationalize The IGAD Regional Migration Policy Framework 2015-2020.

## 5. Conclusions and Way Forward

### Conclusions

The Chairperson of the AUC, Dlamini-Zuma, concluded her speech in Valletta by saying that: *'It is important to understand that this situation cannot be resolved with quick fixes. [...] Our fate is closely interlinked. We believe that migration, and legal migration, can be an enabling factor for stronger partnership'*.<sup>156</sup>

The path that the European Union currently takes is not one that, for many, would qualify as a 'partnership'. The Valletta Summit initially set out in a spirit of creating such a partnership, yet during the implementation of its outcomes, Europe seems to have reversed this approach. While the new EU Communication speaks of partnership, it appears to be more of a reversal to old traditions of conditionality and buying support in transactional agreements. This may work in the short-term, but it is likely to backfire in the long term. The conditions for an open dialogue between Europe and the African institutions are therefore probably less favorable than before and relations become increasingly strained. This could have strong implications for European – African relations going forward. Any discussion in Europe on how to engage with the regional or continental bodies in Africa is well advised to take this background seriously.

Nevertheless, there exist sufficient areas of convergence between Africa and Europe on the issue of migration. The assessment of the different perspectives on migration within Africa and Europe has shown that in the formal documents and in the speeches most actors call upon all of the various narratives presented in this paper. The difference is mostly one of relative emphasis. Within Europe, the emphasis more strongly lies in the containment of unregulated and irregular migrant flows into Europe and reducing the numbers of arriving refugees. The African position puts more emphasis on facilitating and better managing intra-African migration and mobility as well as creating legal migration opportunities to Europe.

When these general commitments are translated into action the differences come out more distinctly, as the Valletta Summit and its implementation processes to date clearly showed. The strong security and containment framing of these discussions and the relatively weak concessions by the Europeans on the African priorities has led to a degree of discontent within the African continent and a weakening of trust between Africa and Europe more broadly. The presence of parallel processes, which is partially driven by EU interests, does not help building this trust with the African institutions. From the European side, there has been a shift from a more comprehensive and developmental view on migration, as part of its development policy, to a more short-term, national political interest focused view on migration. In practice this leads to a change in engagement with the partner countries in Africa as well; more based on short-term interests of African member states where they happen to coincide with European interests, less regard for human rights and other European values, and a way of spending large sums of money in ways that may be less likely to lead to sustainable development results in the long-term nor to a reduction in migration flows.

Many interviewees stressed the importance for the EU to learn to 'listen more and listen better'. It is not only specific plans, such as the Valletta Action Plan, that matter for successful cooperation on migration but also the process of how such deals came about. The EU – and its member states – should make efforts to avoid alienating the AU at this point in time as it fulfills an important function of injecting a long-term vision to the continental African migration agenda.

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<sup>156</sup> Louw-Vaudran (2015a).

The AU on the other hand could further build on its migration agenda and play a constructive role in coordinating and building bridges between national approaches, regional ones and those with partners such as the EU.

Questions however remain why African states jointly have to date has not been able to exercise more leverage over Europe in the discussions on migration, given that Europe is in many ways a demanding party. Partly, this stems from the highly diverse interests that exist within Africa. At the level of AU member states these are also often characterised by a dominance of short-term over long-term thinking. Incentives by partners, such as the EU, to cooperate on such short-term interests may facilitate different interests further and make reaching a joint continental agenda on migration more difficult. The added value of the AU and RECs lies primarily in its norm setting and convening role. Yet strong enforcement mechanisms to hold AU member states to account do not exist and gaps between rhetoric and implementation in AU member states persist. Furthermore, the paper has noted that EU-dominated processes can weaken regionally set-up processes on migration. These obstacles, when taken together, reduce Africa's leverage over Europe and can hamper the formulation of a strong African position on the topic of migration that could present a counter-narrative to those dominant in Europe.

The AU and the RECs can maintain the focus on a comprehensive migration agenda in a complementary fashion, which can serve as counterweight to more short-term and narrow interests that exist in African member states. This does not mean that the African Union will become a strong implementing body of migration policies. However, there would need to be a stronger recognition of its role and sensitivity towards not undermining it by European actors.

Ultimately the issue of migration is one for which known 'solutions' do not apply. In the words of one interviewee *'we do not yet know what it means to live next to a poorer neighbour in a world that is more connected and open than ever'*. Finding a solution requires dialogue and a change in mind-set towards innovative solutions in the way forward.

### **A way forward**

First, there would be a need for Europe to unpack its interests, both in the short-term and in the long-term, more carefully. The current approach is geared towards short-term interests resulting in bilateral deals to incentivize countries for better cooperation in the interest of the EU. Yet, there are two main reasons why Europe has a long-term interest in engaging with African regional and continental institutions in the area of migration. Firstly, migration is a global challenge, which can only be tackled through collective effort and governance, for which the existence of effective regional institutions is a prerequisite. Investing in effective (and legitimate) institutions is therefore in the long-term interest of Europe. Secondly, as discussed above, in the 21<sup>st</sup> century, new forms of partnerships are necessary, which are built on trust and respect; those very quantities that the topic of migration has seemed to reduce. Finding the space for longer-term approaches has been difficult so far given the current political environment in Europe. Yet, re-balancing the relationship with African actors should come higher on the agenda now before windows for opportunities close further.

Rebalancing the relationship includes reflecting on the type of cooperation that Europe would like to achieve with Africa and with its regional institutions. This will require deeper consideration of how EU policies, approaches and narratives interact with the role of African regional and continental bodies and how EU support can build on their added value, especially in convening and harmonizing migration policy. It includes support to the role of the AU and RECs in facilitating a continental and regional agenda and making stronger connections between development cooperation for migration aspects at the national level

and such regional or continental plans. In this context, better links between the different existing processes and dialogue fora could also be achieved so that they do not undermine each other but rather lead to increased synergy. Some steps in this direction have been taken, for instance through the use of some of the EU Trust Fund resources to supporting regional approaches, but these seem haphazard rather than part of a conscious policy or long-term strategy.

Furthermore, development cooperation in the context of addressing ‘root causes’ of migration, the EU Trust Fund in particular, has not strongly incorporated lessons learned from the development effectiveness agenda and would benefit from a rebalancing towards such principles, such as local partnerships, alignment and ownership. An ineffective use of resources intended to curtail migrant flows could lead to a further backlash to development cooperation in European countries, when the results are not seen to deliver on the promises made. The clear incorporation of governance and human rights principles and adopting conflict-sensitive approaches is equally essential in order to avoid a further erosion of public support for development assistance. With high priority, the process to identify, design and select projects under the EU Trust Fund needs to become more conflict-sensitive, more aligned with European values, more grounded in local knowledge and more owned by stakeholders in the south.

In this context, one of the areas that has received insufficient attention is the use of – and building on – local capacity and knowledge. The fact that European or international agencies are tasked with most of the implementation of the agenda exacerbates the sense of the projects being based on the European narrative. In order to tackle migration effectively it has to be deeply grounded in African realities, which warrants good research on the deeper drivers of migration. In this manner resources can be spent more effectively, and the ecosystem for knowledge on migration on the continent will be strengthened, which will have positive effects on the long-term ability of Africa to be an equal partner in improving migration governance. Integrating local analysis and putting more emphasis on consultations to identify needs, putting in place guidelines for fundamental rights or establishing monitoring systems and feedback loops that can identify tensions between values and interests and help improve programs could be a way forward. Such measures can help to ensure that the EU’s assistance to third countries supports achieving the SDG goal of facilitating orderly migration, while being inclusive and leaving no one behind.

This rebalancing of the relationship cannot be left to the development field alone however. It needs to be accompanied with more high-level political dialogue between Europe and Africa, in which the real key question will be addressed: ‘How will Europe and Africa live together in a way that is increasingly interconnected and distances fade?’ An open and honest exchange on where the opportunities lie, even when – in the case of the European political situation – the margins of maneuver are small.

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### **About ECDPM**

ECDPM was established in 1986 as an independent foundation to improve European cooperation with the group of African, Caribbean and Pacific countries (ACP). Its main goal today is to broker effective partnerships between the European Union and the developing world, especially Africa. ECDPM promotes inclusive forms of development and cooperates with public and private sector organisations to better manage international relations. It also supports the reform of policies and institutions in both Europe and the developing world. One of ECDPM's key strengths is its extensive network of relations in developing countries, including emerging economies. Among its partners are multilateral institutions, international centres of excellence and a broad range of state and non-state organisations.

### **Thematic priorities**

ECDPM organises its work around four themes:

- Reconciling values and interests in the external action of the EU and other international players
- Promoting economic governance and trade for inclusive and sustainable growth
- Supporting societal dynamics of change related to democracy and governance in developing countries, particularly Africa
- Addressing food security as a global public good through information and support to regional integration, markets and agriculture

### **Approach**

ECDPM is a “think and do tank”. It links policies and practice using a mix of roles and methods. ECDPM organises and facilitates policy dialogues, provides tailor-made analysis and advice, participates in South-North networks and does policy-oriented research with partners from the South.

ECDPM also assists with the implementation of policies and has a strong track record in evaluating policy impact. ECDPM's activities are largely designed to support institutions in the developing world to define their own agendas. ECDPM brings a frank and independent perspective to its activities, entering partnerships with an open mind and a clear focus on results.

For more information please visit [www.ecdpm.org](http://www.ecdpm.org)

### **ECDPM Discussion Papers**

ECDPM Discussion Papers present initial findings of work-in-progress at the Centre to facilitate meaningful and substantive exchange on key policy questions. The aim is to stimulate broader reflection and informed debate on EU external action, with a focus on relations with countries in the South.

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