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Migration Policy-making in Africa: Determinants and
Implications for Cooperation with Europe

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Abstract

This paper focuses on African policy positions on migration to Europe and towards cooperation on migration with the EU and its Member States. It draws on existing research to discuss the key features and drivers of migration policies in Africa.

Paying attention to both commonalities and variations across different national economic and political contexts, the paper discusses seven inter-related factors that inform, influence and determine the policy approaches of African countries: (i) the common view that migration and development are intrinsically linked; (ii) the political regime type and domestic politics (both of which can influence governments' responsiveness to human rights issues, public demands related to bilateral agreements on migration both from within the country and outside); (iii) the financial gains to be made from cooperation with the EU in the form of development aid as well as remittances; (iv) diplomacy, geographic proximity and routes to Europe; (v) policy and capability limitations of current migration governance structures; (vi) lobbying by migration facilitators and, in some cases, corruption; and (vii) the pan-African agenda of integration, especially on the mobility of persons.

Considering the dynamics of past and existing Africa-Europe agreements, I argue that the power asymmetry (financial and diplomatic) between Europe and Africa has distorted the priorities of Africa and created pressure to implement policies that give precedence to Europe's interests over those of African countries and migrants. The paper further discusses the implications of these dynamics in the Africa-Europe migration partnership, including the challenges and opportunities for more effective cooperation in the future.

Keywords

Policy-making, migration, cooperation, Africa, Europe.

Table of Contents

<i>I. Introduction</i>	1
<i>II. Determinants of migration policy-making in Africa</i>	3
The root cause approach: migration and development as a single agenda	5
Regime type and developmental level: responding to constituency politics	7
Development aid, access to foreign currency, and remittances	11
Geography and diplomacy: migration as a foreign policy tool	12
Capability gap and competition for resources	15
Fraudulent acts and impact on migration policy-making	17
Pan African integration agenda	17
<i>III. Learning from the past: Factors critical for the success of African-EU partnership on migration</i>	19
Realities and conditionalities	19
Risks and Incentives	19
Legal pathways	20
Implementation capabilities	21
Migration and Mobility Dialogue	21
Human rights of migrants	22
<i>IV. Conclusions and recommendations</i>	22
Partnership: balancing values and interests	23
Research gap: legal pathways of migration policy-making in Africa	24
The implementation gap: institutions established by law with regular budget	25
<i>V. References</i>	26

I. Introduction¹

Unlike the European Union (EU), which identifies migration as a top priority, African governments accord low levels of urgency and importance to migration on their national policy agenda.² The migration agenda in many African countries, particularly those from which migrants originate and transit, is set by Europe and international organisations. Previously of little or no interest, national migration governance debates began to get much attention around 2005 with the development of the Migration Policy Framework for Africa.³ Since then, the African Union (AU) and its Member States have grappled with creating continent-wide policy and effective governance frameworks for implementation at AU, Regional Economic Community and national levels.

With increased pressure for cooperation and financial support from Europe, the migration agenda became more widely discussed after the establishment of the Africa-EU Strategic Partnership in 2007.⁴ The 2015 Valletta Summit brought the migration agenda to greater prominence in African countries.⁵

Following the 2015 Valletta Summit, new and aggressive migration diplomacy emerged as the EU began to employ a mix of persuasive and coercive measures to compel African countries to contain or stop migration to Europe. Financial incentives, partnership on aid, development, peace and security, governance, and international diplomacy were repurposed as subservient to the migration agenda.⁶ Presently, migration is a leading issue in bilateral and multilateral discussions between the EU and its Member States on the one hand and the AU and its Member States on the other.⁷

The EU's footprints on migration issues are massive and extensive in Africa. This wide reach is attributed to the European Union Trust Fund for Africa (EUTF). Signed by 25 EU Member States (plus Norway and Switzerland) and launched by the European and African partners at the Valletta Summit on Migration in November 2015, EUTF amounts to Eur 5 billion. It supports 204 projects in 26 African countries.⁸

The EU also released other funds related to African migration management before 2015. They include the European Development Fund (Eur 30.5 billion)⁹, Internal Security Fund focused on borders and visa (Eur 3.6 billion)¹⁰, Return Fund (Eur 676 million)¹¹, and External Borders Fund (Eur 1.8

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² Maru 2018b; Maru and Geddes 2020b; Mouan et al., 2020; Maru 2015a, 2015b

³ African Union 2006; African Union 2006; Inter-Governmental Authority on Development 2012

⁴ Council of the European Union 2007; Maru and Geddes 2020a; Barana and Toaldo 2016; International Organization for Migration 2020a; Mangala 2013

⁵ Parshotam 2017; The Africa-EU Partnership 2015; Council of the European Union 2015

⁶ Dennison et al 2019; Akkerman 2018; Tardis 2018

⁷ Bartels 2019; Shilhav and Tuuli 2020

⁸ European Commission 2021a

⁹ European Commission 2020

¹⁰ European Commission 2020

¹¹ European Commission 2020

billion).¹² These projects are supported by more than 63 agreements and memoranda of understanding¹³, including the Migration Partnership Framework.¹⁴

In a bid to intensify migration diplomacy, a Contact Group for the Central Mediterranean route¹⁵ has been established. The European Border and Coast Guard Agency (FRONTEX)¹⁶, EU Border Assistance Missions¹⁷, the G5 Sahel Joint Force¹⁸ and EU migration officers¹⁹ have moved their assets to Africa and are operating on the ground there. FRONTEX has moved its areas of operation deep into Africa. Europe's cooperation on migration with Africa has led to competition among branches of local governments to work with the EU and FRONTEX in order to access financial and diplomatic support for their respective institutions.

While these migration agreements (both bilateral and multilateral) focus on the operational dimension of migration, the partnership extends to norm-setting and norm-diffusion. As a result, more than 39 African countries²⁰ have developed or are in the process of adopting policies, strategies, migration profiles and action plans, with particular emphasis on countering irregular migration, trafficking in human beings and people smuggling. As part of the implementation of these agreements, many African countries have ramped up their prosecution and sentencing of traffickers and smugglers.²¹

While all these partnerships aim to govern migration in Africa better, questions remain on what they consider the critical determinants of African migration policy-making.²² Besides, questions remain on how far these partnerships take African migration policymakers' concerns and aspirations into account, and if such considerations would have enabled the partnerships to achieve more.

This paper discusses the determinants of migration policy-making in Africa and their implications for cooperation with Europe. By doing so, the paper aims to contribute to more effective, cooperative policy-making on migration, especially on irregular migration, between European and African countries. In addition to discerning the core and shared preferences among migration policymakers in Africa, the paper identifies the opportunities for and obstacles to more effective and sustainable policy-making on irregular migration. It also advances concrete policy proposals that can help unlock the necessary policy reforms in this area.

Drawing on the existing literature on migration policy-making in Africa, the analysis concentrates on irregular migration from Africa to Europe. I conducted extensive desk-based research and reviews of existing literature. Most of the literature reviewed are case studies analysing those political economy factors that affect the evolution of migration policy-making in Africa. In particular, the literature review identifies the key determinants of migration policy-making. It also discusses the constraints involved in addressing irregular migration from Africa to Europe and the Africa-Europe partnership.

¹² European Commission 2015a

¹³ European Commission 2020

¹⁴ Oxfam 2020

¹⁵ Federal Department of Justice and Police 2017

¹⁶ European Border and Coast Guard Agency nd

¹⁷ European Border Agency Missions nd

¹⁸ France Diplomacy nd

¹⁹ Migration and Home Affairs nd

²⁰ African Union nd, Migration Data Portal nd. Angola, Botswana, Eswatini, Gambia, Ghana, Kenya, Lesotho, Malawi, Morocco, Nigeria, Tanzania, Seychelles, South Sudan, Uganda, Zambia and Zimbabwe have drafted or adopted national migration policy. In contrast, others have strategies that deal with aspects of migration such as diaspora and trafficking and smuggling of persons. See also African Union 2020.

²¹ Bird 2020; El-Sheikh 2018

²² Lucke, Ruhs, and Barslund 2019; European Commission 2018; Zanker and Jegen 2019

The review and discussion are also informed by personal observations and reflections resulting from extensive work on policy and dealings with experts and officials of African governments during more than 16 years of engagement in Africa and with pan-African platforms.²³

The paper begins, in section 2, with a discussion of seven key factors that influence African policies and policy positions on migration to Europe and toward cooperation with the EU and its Member States. Each of these factors is discussed in terms of how they inform and influence policy-making, paying attention to commonalities and differences across different national economic and political contexts. This is followed, in section 3, by a discussion of the critical lessons from past and existing EU-Africa partnerships on migration and of the factors that are critical for the success of these partnerships in the future. The conclusion briefly highlights essential gaps that remain in our knowledge and understanding of the dynamics and drivers of African policies on migration to the EU and on cooperating with European countries on migration issues.

II. Determinants of migration policy-making in Africa

Seven key and mutually reinforcing factors influence African migration policy-making as it regards the partnership with Europe. Some of these factors have also been identified by case studies in various parts of Africa.²⁴

Migration and development: two sides of a coin

The first and most pervasive factor relates to the view that African policymakers see migration and development as two sides of the same coin: one cannot be addressed without the other. It is a widely held view among African governments that to address irregular migration, including trafficking and smuggling, poverty needs to be eradicated.²⁵ Extreme poverty is considered the leading cause of migration of African youth along dangerous and sometimes even fatal routes that involve an illegal crossing of borders without proper documentation.

Regime type

The second determinant of policy decisions and levels of cooperation on migration is the regime type (democracy, transparency and accountability). As other areas of public decision-making, migration policy is calculated against the costs or benefits associated with constituency-based domestic politics and the financial gains to be made from cooperation. Such cost-benefit calculation, in turn, largely depends on the regime type and how it responds to political pressure and diplomatic risks.

In democratic countries, governments face stiffer challenges to decisions on migration that are considered to violate international human rights law. The constitutional democratic institutions and constituency pressure keep the government's actions in check. Lacking such constitutional and electoral accountability mechanisms, less democratic regimes rarely face accountability and pressure for their decisions on migration, including return.²⁶

Accountability to the public and responsiveness to the media and other stakeholders affect the degree of cooperation and policy implementation. The type of regime also influences the calculations

²³ The analysis also reflects my work experience as a former Programme Coordinator for Migration at African Union, former Chief Drafter and Lead Migration Expert at IGAD, and a former member of the AU High-Level Advisory Group other roles in African migration-related platforms. During this period, I have drafted policy and legal documents related to migration, chaired, met and discussed with many African policymakers and experts on migration issues and officials of international organisations and civil society leaders working with or on migration.

²⁴ Arhin-Sam and Zanker 2019; Foresti et al. 2020; de Haas 2009

²⁵ African Union 2006; United Nations Development Programme 2019; Knoll and Sherriff 2016; Karagueuzian et al 2014

²⁶ Castillejo 2017

authorities make on domestic risks, the human rights violations migrants may face, and the responsiveness of the government to pressure from countries of transit or destination.

The nature of the countries of destination from where migrants return (democratic or authoritarian, economically developed or not) impact decision-making on the African side. This is why some migration routes are more important than others.²⁷ For example, the East Mediterranean routes enjoy much political attention, media coverage and resource allocation despite the enormity, gravity and implications of the other more critical routes. Diplomatic pressure and legal accountability work more effectively in European destination countries with established democracies and strict rule of law than in the Middle Eastern routes with less transparency, and less legal and political accountability.

Financial and development aid

Related to the second factor, and perhaps the most forceful incentive in migration policy-making, is financial and development aid and remittances.

Many African policymakers would prioritise any agreement that might alleviate the foreign currency shortage faced by their economies—these shortages, taken with the associated inflation and high youth unemployment, can push governments to the brink of collapse. In this regard, aid transfers and remittances can serve as a stable source of foreign currency and a steady source of development finance. Access to finance and hard currency play critical, if not the most fundamental, role in the formulation of African migration policies. Thus, European migration diplomacy significantly influences policy-making processes in many African countries that are either origin or transit players in irregular migration to Europe.

Diplomacy and geographic proximity

A fourth factor relates to diplomacy and the geographic proximity of African countries to Europe. Colonial, historical, social, geographic, religious, and family relations form special ties between African origin and European destination countries. Culture and diaspora networks of migration also impact migration policy-making.²⁸ These unique relations also play a role in migration determinants, particularly the routes, trends and frequencies. These factors profoundly shape migration policy-making process in Africa. European countries with such specificities have more leverage in influencing and informing the decisions of African policymakers than do those without such relationships.

Capacity to control borders

Fifth, a genuine concern that African states factor into their migration policy-making is the limit on their capacity to govern (or, more narrowly defined, control) borders.²⁹ In general, many African states lack the resources necessary to govern migration effectively on the continent.

Lobbying, advocacy and fraudulent practices

Sixth and closely related to the regime type (democracy, transparency and accountability), advocacy, lobbying, and fraudulent practices play a part in shaping policy decisions and implementation related to migration, particularly at local and border areas and their implementation.³⁰ Labour migration agencies, brokers, smugglers, traffickers, hospitality and transportation businesses often have close links with government officials, including members of parliament and ministers in charge of migration-related decision-making, particularly at the local level. Lobbyists and other business owners frequently develop close relations with ministers, parliamentarians, city mayors, border officials, and other government officials, and are therefore able to influence the course of migration policy-making.

²⁷ Lucke et al 2020

²⁸ King, Russel, and Aija 2016

²⁹ Zanker and Jegen 2019; Maru 2019

³⁰ Jegen 2019; Akkerman 2018; Maru 2018b

Pan African integration agenda

The pan-African integration agenda, such as the establishment of free movement regimes³¹ and the African Continental Free Trade Area (AfCFTA)³², shape national migration policies. The free movement regime and the AfCFTA offer an overlapping area of interest for cooperation with Europe. As initiatives that are legally binding and which constitute a long-standing Pan African aspiration, free movement regimes and the AfCFTA could prove more effective than previous efforts in the implementation of partnership on migration with Europe.

The remainder of this section discusses each of these factors in more detail, drawing on existing research, case studies, and empirical examples.

The root cause approach: migration and development as a single agenda

With the 2005 negotiations towards the Migration Policy Framework for Africa (MPFA), African governments and decision-makers begun tying migration to development.³³ MPFA and its consultative process informed the negotiations between Africa and the EU culminating in the Africa-EU partnership of 2007.³⁴ Since then, the partnership has been marked by opposing priorities — of Europe's focus on containing migration and Africa's insistence on addressing the root cause of migration which is underdevelopment.³⁵ African policymakers firmly believe that generating job opportunities in decent conditions at home helps ease the root causes of irregular migration and that education and provision of skills and employment training promotes business and attracts investment.

The EU has demanded that irregular migration be addressed, and the return of failed asylum seekers accelerated. In contrast, Africa insists on confronting what it sees as the root causes of irregular migration through development cooperation and expanding legal pathways for African migrants into Europe. The dominant view from the African side is that the EU's migration agenda is focused on containment of migration. Previously, migration was associated with security threats. "Security concerns can be seen as a trend that came up as a containment of population movements after the end of the Cold War."³⁶ The view of African policymakers is that 'migration containment' undermines the Africans' effort to address poverty as a root cause and to promote free movement arrangements in Africa as one of the roads to prosperity.³⁷

In the general public, and among African government officials, there is a widely held belief that extreme poverty and unemployment are the leading causes of irregular migration.³⁸ With high levels of youth unemployment even amongst the educated, youth migration becomes a favoured resort to elevate living conditions. African policymakers view migration as a poverty reduction tool and an opportunity to address high levels of youth unemployment and boost remittances—both poverty and youth unemployment present threats to the political stability of regimes and countries. Fighting extreme poverty, it is contended, would curb both out-migration and internal migration.³⁹

A corollary of this view is that no sustainably effective migration governance could be introduced to resolve irregular migration except large-scale developmental interventions. As an alternative to

³¹ AUDA-NEPAD 2020

³² The Africa-EU Partnership 2019

³³ African Union 2006; African Union 2006; Inter-Governmental Authority on Development 2012

³⁴ Mangala 2013

³⁵ African Union 2006; African Union 2015

³⁶ Maru 2009 P. 86

³⁷ Maru 2019

³⁸ Sanny et al., 2019

³⁹ Maru 2016b

migration, Africans and Europeans have been promoting entrepreneurship development, establishing urban medium and small-scale enterprises and rural job creation programmes. Indeed, tackling poverty is not only in itself a worthy global and national objective, but it also remains a critical means of improving livelihoods, job creation and political stability. With improved livelihoods, addressing irregular migration at home would be more achievable.

In its preparations for the Valletta Summit in 2015, the Pan African Forum on Migration in Accra subtly criticised the focus of the EUTF on return and readmission. Since then, return, and readmission has been the bones of contention at multilateral and bilateral level.⁴⁰ The AU expressed reservations on the EUTF's single-minded focus on containing migration from Africa to Europe through border controls and return and readmission processes, failing to link migration with development as the main agenda of the Summit.⁴¹ It further criticised the Valletta Summit as deflecting the attention of political leadership from the resources needed effectively to implement the existing AU-EU partnership and its varied projects.⁴² For a long time, the AU and its Member States placed emphasis on increased development aid to address the root causes of migration.⁴³ The EU too refers to the 'root causes' in many of its partnership agreements and pacts.⁴⁴ However, the relationship between migration and development is highly debated.⁴⁵ This position was a direct reflection of the stance of African governments on the achievement of practical cooperation as a way to curb irregular migration. Unlike the common viewpoint in many countries in the global North, in most parts of Africa, migration is rarely regarded as a cultural threat; nor is it seen as a grave problem likely to create stiff competition for employment among Africans. Thus, many African policymakers argue that addressing the development problems is the solution to irregular migration within and from the continent.

With the aid of developed countries, many African governments have made significant efforts to reduce unemployment and address the root cause of irregular migration. This includes the establishment of Technical and Vocational Education and Training (TVET), small-scale urban enterprises and rural job creation programmes.⁴⁶ For example, the first and second Five Year Growth and Transformation plan of Ethiopia promoted TVET, micro and small-scale enterprises as part of the goal to reduce unemployment.⁴⁷ To prevent secondary migration, the EU is also supporting the local integration of refugees in countries of transit in Africa.⁴⁸ Such support includes introducing legislation that simplifies the procedures for accessing residence, education, and health services and meeting the specific livelihood needs. While many reasons have been identified for the relative inadequacy of these policies promoting local integration, research suggests that a misguided focus on low value-added industries has been one of the major drawbacks of the approach.⁴⁹ Livelihood support to address irregular and secondary migration ranges from the provision of loans to establish small businesses such as hair salons and 'shade' shops to the provision of land sites for bakery and small industrial processors. However, these schemes are not adequate or sufficiently enticing to persuade potential migrants from taking the

⁴⁰ Barbière 2017

⁴¹ African Union 2015

⁴² Maru 2015b; African Union 2015

⁴³ African Union 2006

⁴⁴ European Council 2015; Council of the European Union 2007; Chadwick 2017

⁴⁵ Lanati and Rainer, 2018; Lanati and Rainer 2017; Clemens 2014; Martin-Shields et al. 2017

⁴⁶ The African Capacity Building Foundation 2018

⁴⁷ Ermias et al. 2017

⁴⁸ Maru and Geddes 2020b

⁴⁹ Ermias et al. 2017

dangerous illegal routes of migration.⁵⁰ Many Africans cite poverty and unemployment as the cause of their decision to migrate.⁵¹

For potential migrants to abandon the allure of migrating irregularly, the incentive infrastructure for staying needs to be almost equal or more attractive to the expected reward in terms of income and other benefits the migrants aim to gain from migrating. Such incentive infrastructure needs to consider the cost of migration that also depends on the country or region of destination. While efforts to reduce poverty can reduce the pressure to migrate, and migration may also reduce poverty⁵², research also shows that it is not the poorest of the poor who usually migrate – especially to Europe – because the process of migration and reaching the destination often incurs very high costs.⁵³ Some reports also indicate that despite impressive economic growth in Africa (including Ethiopia), regular and irregular migration has increased.⁵⁴ Migrants with less financial capital tend to migrate to the nearest destinations on dangerous migrant routes (e.g. the Middle Eastern migration route through Yemen to Saudi Arabia). Between 2006 and 2016, some 813,683 primarily Ethiopian and Somalian irregular migrants transited through Yemen.⁵⁵

Depending on their length (understood broadly in terms of distance, need for fake visas, control in and the number of border crossing, means of transportation, kind of shelter, and level of risk), different migration routes are associated with varying financial costs for migrants.⁵⁶ While irregular migration from the Horn of Africa, for example, to the Middle East (Saudi Arabia) could cost from USD160 to USD 1,000, in 2017⁵⁷, the southern route to South Africa costs around USD 3,000⁵⁸ and the Mediterranean route to Europe ranges from USD 1,000 to USD 9,500 with the average being USD 6,000.⁵⁹ In other words, the EU or South Africa are destinations for the relatively well-off migrants. Arab countries, South Sudan, Sudan, Djibouti, Gabon and others are destinations for the relatively poor. Migrants from Nigeria through the Mediterranean routes spend between USD 4,000 and USD 6,000 during the first months of their migration.⁶⁰ This is not considered a small amount in many African countries. Highly educated and more qualified migrants who travel to developed countries outside Africa can add to Africa's brain drain. In contrast to the other main routes, the overwhelming majority of migrants to Middle Eastern countries are less-educated women who serve as domestic workers.⁶¹ These are all factors African policymakers take into account when they adopt migration policies and make decisions that treat the countries of destination distinctively based on regime type and the level of economic development of the country or region of destination.

Regime type and developmental level: responding to constituency politics

Political governance (including the prevailing regime type in countries of origin, transit and destination) and the level of economic development (of the countries of origin, transit and destination) are among the foremost determinants of migration policy-making in Africa.

⁵⁰ World Bank 2017

⁵¹ Campbell 2019; Naude 2010

⁵² European Commission 2017; Department for International Development 2007; Ikuteyijo, Lanre and McLean 2019

⁵³ The Migrant Project nd

⁵⁴ Baker and Vergalla 2015

⁵⁵ Frouws and Horwood 2017

⁵⁶ Hagen-Zanker, Jessica, and Mallett 2016

⁵⁷ Meraki Labs 2019

⁵⁸ Frouws and Horwood 2017

⁵⁹ United Nations Office on Drugs and Crime 2010

⁶⁰ The Migrant Project nd

⁶¹ Laiboni nd

Pressures from the domestic constituency on politicians, and those arising from bilateral and multilateral diplomatic activities on the bureaucracy, can cause political leaders to act on migration issues even though they otherwise were not national priorities.⁶² The level of government responsiveness to pressure from their domestic constituencies and the diplomatic and media campaigns by EU-funded programmes depends on the regime type, which also determines sensitivity to demands from the diaspora. In democratic African countries, as in Europe, constituency politics and domestic political pressures take pride of place in driving policy and decision-making, including on migration partnership. Democratic governments also respond faster to the demands of their citizens in the diaspora than do authoritarian regimes.

Regime type and return of migrants

The return of migrants is an excellent example of how the nature of the regime and its domestic constituencies can affect cooperation on migration. In Western Africa, constituency politics may play a more prominent role than any other factor in determining the policy of a country. In this regard, a distinctive role of politicians, bureaucrats and civil society actors is made. As Trauner et al⁶³ write:

“...administrative actors, who seek bureaucratic expansion and tend to hold the most favourable view of EU priorities and funding opportunities; and societal actors, whose diverse stances range from a total rejection of the EU's agenda to the embracement of the new opportunities brought on by cooperation. Overall, migration policy-making in West African democracies is characterised by tight political constraints and diversified interests – not only those of international donors but also of elected politicians, recently empowered administrative entities and civil society organisations, the diaspora, and an increasingly active citizenry at home.”

The return of irregular migrants from less democratic or less developed countries such as those in Africa or the Middle East is much higher than that of Europe (with relatively more democratic, legal and political accountability).^{64b}

For example, in 2012, Norway (a democratic and developed country of destination) and Ethiopia (a country of origin with an authoritarian developing state) concluded agreements for the return of migrants. Until 2014, there was high-level support from the governments of both countries. Nevertheless, with media coverage and reports from human rights organisations, public resistance, particularly in the diaspora, to the return agreement sharply increased. The impact was a drastic decline in the rate of returns.⁶⁵ While the responsiveness of the governments in countries of destination (deporting or returning migrants, in this case, Norway) was probably higher than the country of origin, the Ethiopian government also tried to avoid negative domestic and global public image.⁶⁶ In 2013-2014, the Kingdom of Saudi Arabia was much less responsive to pressure from migrants and international outcry when it forcibly returned hundreds of thousands of migrants to Africa.

Similarly, between April 2014 and March 2015, some 54,169 African irregular migrants in South Africa were deported.⁶⁷ Norway returned only a small fraction of the number of migrants deported by Saudi Arabia but encountered more significant legal challenges, political opposition, and public pressure. These cross-country discrepancies in the challenges governments face for their decision to

⁶² Trauner et al. 2020; Arhin-Sam 2019

⁶³ 2020, p. 7

⁶⁴ International Organization for Migration 2020; International Organization for Migration 2019; International Organization for Migration 2020; Mixed Migration Centre 2019

⁶⁵ Slagter 2019

⁶⁶ Janmyr 2015

⁶⁷ Frouws and Horwood 2017

return migrants can be partly attributed to the constituency, transparency and accountability differences between regimes.⁶⁸

An important factor influencing African migration policy-making is the number and nature of returns. While public demand in Europe for stopping irregular migration and returning failed asylum-seekers is high, pressure is exerted on African governments by their citizens and media aims to reject the forcible return of their nationals from Europe and other developed nations.⁶⁹ The lack of transparency concerning agreements with European countries, particularly on the return and reintegration of migrants and the resources allocated for such a programme, gives rise to controversy among the general public and government entities alike.⁷⁰

Responsiveness and political sensitivity shape the policies of governments on whether or not to cooperate in the return of nationals. Agreements on the return and readmission of migrant citizens present a severe political problem on the incumbent due to their effect on politics, electoral constituencies, and public opinion. In some African countries, the return of migrants is a peace and security, as well as an electoral, question. This is because the diaspora and its activists play a crucial role in elections through support for or opposition to candidates.⁷¹

As a result of cost-benefit calculations, and in an attempt to avoid backlash from domestic constituencies while gaining goodwill and financial aid from Europe, African governments tend to sign return agreements quickly but often fail to implement them.⁷²

For instance, return or, in some cases, mass deportation of migrants irregularly present in the Middle East is facilitated chiefly by African countries of origin. Such responsiveness from the African government emanates from the need to avoid severe risks to the human rights of their nationals at the hands of repressive regimes and the ensuing distressing media coverage that dents their public image. For this reason, in countries of destination where migrants face human rights violations and harsh living conditions, African policymakers are ready and willing to process the return of their nationals faster than from destinations with democratic accountability and judicial checks and balances. In contrast, Israel as a democracy is an exception. In the absence of cooperation from the migrants and their countries of origin (mainly Sudan, Eritrea and Ethiopia) in facilitating return, Israel was legally unable to deport tens of thousands of irregular migrants. Unlike in Saudi Arabia, the media in Israel carried considerable news about the plight and status of these irregular migrants.

Media and routes of migration

Freedom of the press is highly related to democratic governance and accountability.⁷³ Unequal media coverage means that migrants using routes such as those to southern Africa or Yemen face worse situations but rarely get the same attention as those heading to Europe. For example, returns, even deportations, from countries with authoritarian governments in the Middle East (except Israel) rarely attract the same amount of media coverage as do those from Europe.

Furthermore, media coverage plays an essential role in the responsiveness of African governments. The media extensively and dramatically covers the tragic death and conditions of migrants in the Mediterranean Sea route. Press reports of the killing by ISIS of Ethiopian irregular migrants in Libya⁷⁴

⁶⁸ Collett et al 2017; Lucke et al. 2020

⁶⁹ Castillejo 2017

⁷⁰ Arhin-Sam and Zanker 2019

⁷¹ Lucke et al. 2020

⁷² Castillejo 2017

⁷³ UNESCO 2016

⁷⁴ Baker and Vergalla 2015

and the auctioning of irregular migrants⁷⁵ forced African governments to act quickly to evacuate thousands of their nationals.⁷⁶ Heavy media coverage easily translates into domestic political pressure on governments to act, a process shared across Africa and Europe.

African governments are under pressure to facilitate the safe return of nationals from authoritarian regimes that abet the violation of migrants' human rights. In such cases, even for authoritarian African governments with limited responsiveness and accountability to public opinion, failure to facilitate such returns is a politically explosive domestic issue. In 2013-2014, Ethiopia received more than 174,200 returnees from Saudi Arabia — media coverage of the gross violation of human rights at the hands of the Saudi government was the primary reason for the government of Ethiopia taking rapid action to mobilise returns. The same factors apply to many returns and evacuation of migrants from Libya and other countries in Africa and the Middle East.

Policy influence of migrants and regime type

More essentially, the democratic nature of the regimes of the destination countries influences the impact of migrants' participation both in the countries of origin and destination.⁷⁷ The more democratic the countries of destination are, the more demand and impact the migrants have on their countries of origin. Forcible return of migrants gets more media coverage and legal review in democratic regimes.⁷⁸

African migrants in European countries have significant influence back home compared to those in other regions of the world, such as the Middle East and within the African continent itself.

Associated with the higher cost of migration to developed countries as compared to other destinations such as the Middle East, only relatively well-to-do families can afford to invest on routes to developed countries such as Europe and North America.⁷⁹ These relatively endowed families are more active and assertive in their demands and participation in the political economy of the countries of origin and destination.⁸⁰

For this reason, some of the literature asserts⁸¹ that fear of loss of remittances due to the return of migrants is a significant factor contributing to the reluctance of African governments to implement agreements on return and readmission. As Kwaku and Zanker rightly point out, “the reasons for the political discord surrounding return in countries of origin are related to their interest in upholding a right to migrate, the often-violent procedures of forced removal, and the mixed outcomes of reintegration governance”.⁸² Forcible return of a large number of migrants without their consent brings media coverage and arouses public reaction in countries both of destination and origin.

There is a need to conduct further research on how far the return of a small portion of failed asylum-seekers and migrants affects overall remittances and, consequently, the policy preferences and positions (especially on facilitating return) of African governments. The inadequate amount of (mainly financial) reintegration support contributes to resistance to return from migrants and governments alike. Given that migrants and their families have invested in the migration and their families' livelihoods depend on remittances, African governments face intense opposition from the families affected. If the returnees are large in number and the resources available to integrate them are inadequate, the resistance is not limited

⁷⁵ Athie 2017

⁷⁶ Baker and Vergalla 2015

⁷⁷ Lodigiani 2017

⁷⁸ UNHCR 2015

⁷⁹ Meraki Labs 2019; The Migrant Project nd

⁸⁰ Altrogge and Zanker 2019; Togunde, et al 2009; Tuccio et al. 2019; Chauvet and Mariah 2014; Antwi-Boateng 2011; Whitaker and Inyanji 2015; Akesson et al 2015

⁸¹ Arhin-Sam and Zanker 2019

⁸² Arhin-Sam and Zanker 2019 P. 12; Maru 2018b

to the public but also arises from some branches of government in charge of employment and welfare. Occasionally there have been protests⁸³ from those demanding more resource allocation or even a need to rescind the agreement.

For these reasons, even if governments conclude agreements of return at the macro-level, countries in Africa have been reluctant to cooperate with the EU return agreements.⁸⁴

Development aid, access to foreign currency, and remittances

The impact of financial and development aid on the formulation of African migration policies is immense. The Africa-EU partnership of 2007⁸⁵ included some of the ‘more for more, less for less’ elements of the EU’s New Partnership Framework on Migration with Third Countries.⁸⁶ In this context, African governments use migration cooperation as a bargaining chip for procuring finance through renting inherent powers of state sovereignty to control entry and exit. Thus, the effectiveness of multilateral and bilateral diplomatic negotiations depends on leveraging EU financial instruments.

A shortage of foreign currency for their various development projects, including their urge to address the problem of youth unemployment, has forced many African countries to forage aggressively for any external assistance regardless of the conditionalities and their expected deliverables.⁸⁷

Following the same logic of the need for foreign currency, migrants' remittances constitute an important factor in Africa's migration policy-making and decisions, though to a varying degree across countries. The part played by migrant remittances and their impact on governments in formulating policies is well recorded. Remittances in African policy-making are often cited as the foremost positive contribution migration can make. African governments encourage their emigrants to send back remittances to support their families at home. Most importantly, the funds are a source of foreign currency and development finance for the government. African countries ‘are particularly reluctant to cooperate with the mandatory return and readmission of their migrant citizens, especially at a time of high youth unemployment at home’ because benefits at the household level from migrant remittances are much higher than those from EUTF funds.⁸⁸

For example, in countries such as Nigeria, Ethiopia, Egypt, Somalia and Eritrea, actual remittances are thought to be several times higher than the official estimate by the banks. Furthermore, mobile money remittances are on the increase, such as the Kenyan MPESA.⁸⁹ For instance, the National Bank of Ethiopia reported in 2014 that migrant remittances through formal channels constituted almost three times the value of a foreign direct investment and export earnings, and amounted to 5.5 per cent of GDP.⁹⁰ Remittances through unofficial channels were estimated to be twice the number of official transfers (in one study, they constituted 78 per cent of remittances through formal channels), making overall remittances twice the value of overseas development aid.⁹¹ While the average remittance to GDP ratio is 0.93 in Ethiopia⁹², the total amount of remittances has been increasing fast.⁹³

⁸³ UNHCR 2020

⁸⁴ Arhin-Sam and Zanker 2019

⁸⁵ European Commission 2015b; Mangala 2013

⁸⁶ Kipp et al 2020; del Biondo 2015; M'hamdi 2015; Strange and Martins 2019

⁸⁷ UNHCR 2019

⁸⁸ Lucke et al 2020 P. 42

⁸⁹ MasterCard Newsroom 2016

⁹⁰ Isaacs 2017

⁹¹ Isaacs 2017

⁹² Maru 2016b

⁹³ Isaacs 2016b

Communities with large numbers in the diaspora, which receive more remittances and host more diaspora businesses, tend to encourage – and sometimes pressure – members of their community to migrate. Relatives in the diaspora, individually and collectively, promote support for and finance the migration of close and distant relatives.

Having targeted remittances as a source of hard currency and important to poverty eradication, African governments have put in place institutions and laws to encourage the flow of remittances. In some countries, the diaspora is expected to remit tax payments to the government of origin in foreign currency.⁹⁴ Migrants are encouraged not only to send more money to their families but also to engage in business and purchase government bonds, and they are allowed to operate a local bank account in foreign currencies.⁹⁵ For many families and communities in Africa, the loss of remittances could mean an increase in unemployment.⁹⁶ Nevertheless, African countries rarely synchronise their policies on remittances with migration policy and decision-making processes. In most cases, migration and remittances are treated differently – so much so that governments seem to forget that remittances are migrants' own money.

Geography and diplomacy: migration as a foreign policy tool

Geographic proximity

Another important factor driving migration policy-making in Africa is geography. The location of a country in relation to the migration routes decisively determines its leverage in diplomacy. For instance, South Africa, a destination country for many African migrants, is also a robust democracy and a significant economic and political power in Africa. Its role, however, in migration diplomacy with the EU is limited because of its geopolitical location at the foot of the continent, far from the EU zone. It is neither an origin nor transit point in the African migration route to the EU or the Middle East. Hence geography makes South Africa irrelevant in the EU migration diplomacy except through its influence in decision-making in the AU and the Southern African Development Community (SADC).

Morocco is another example of how geographic proximity to Europe can dictate a direct and indirect role in migration partnership. Morocco's prominence in migration diplomacy does not emanate mainly from the size of the migrants⁹⁷ that originate and transit through it but from its foreign policy that promotes active engagement on migration issues.

National migration diplomacy

Geographic factors complement African leaders' views on using migration as a foreign policy tool to promote their global standing and foster their country's national interest in international and regional relations.

In an attempt to avoid being isolated from the hottest new diplomatic game in town, some African countries are fast adjusting to the global attention bestowed on migration and the financial and diplomatic capital that comes with it. Some policymakers have pushed their leaders to assume a leadership role in migration negotiations and issues at a global level, representing both Africa and their region. Benin, Libya, and Ethiopia, and more recently, Morocco are good examples of countries employing migration diplomacy for the purposes of domestic and foreign affairs.⁹⁸

⁹⁴ Jones 2015; Buysse et al. 2017

⁹⁵ Maru 2016b

⁹⁶ Maru 2016b

⁹⁷ Castillejo 2018; Garavoglia 2015

⁹⁸ Castillejo 2018; Garavoglia 2015

Due to its proactive diplomatic posturing, which makes use of its geographic proximity, Morocco has become a key player in migration partnership with Europe and within Africa.⁹⁹ “Morocco provides a concrete example of how migration can be a strategic component of diplomatic efforts to help achieve significant foreign policy objectives”.¹⁰⁰ According to a Financial Times recent report, about 6000 migrants, with 25 percent of them children, “entered Spain after Morocco scaled back the policing of its border following a diplomatic rift between the two countries.”¹⁰¹ This is not the first time and has been happening on a small scale before when diplomatic tiff arises, mainly due to disagreements on the political front. “Morocco's apparent use of migrants to exert pressure on Spain follows years of deploying a similar policy on a smaller scale, when it alternately loosened and tightened controls on migration in a bid to influence policy in Madrid and the EU. ... The north African country is deeply unhappy with Spain's decision to provide medical treatment to Brahim Ghali, head of the Polisario Front, a group that has fought for the independence of the Western Sahara region for years. Ghali is being treated for Covid-19.”¹⁰² This is a clear case where migration cooperation between Morocco with EU and Spain is employed to induce certain behaviour in Europe and Spain.

As noted earlier, in recent years, Morocco has become a leading champion of the migration agenda by hosting Pan African and global summits, migration research centres, and tabling various agenda items on migration in the AU. Organisationally, this is evidenced in the location of migration affairs within the remit of the Ministry of Foreign Affairs. “[...] Morocco is today the AU’s migration lead and is spurring the development of an ‘African Agenda on Migration’”.¹⁰³ The hosting of the Marrakech Intergovernmental Conference, which endorsed the Global Compact for Migration in 2018, and a successful bid to host the headquarters of a new African Observatory for Migration and Development in Rabat, are considered as “the most tangible outcome of Morocco’s efforts to show leadership within the region”.¹⁰⁴ These initiatives took the form of some AU-endorsed representational duties in international forums or as champions or chairs of AU continental platforms or regional forums on migration governance.

Given their geographical location and new-found leverage on the EU’s eagerness to address what it sees as a migration crisis, some African countries (e.g. Libya, Morocco, Niger) have employed migration as a foreign policy tool. While migration is first and foremost a domestic policy issue, many other key countries have followed Morocco in employing migration policy as a diplomatic tool in the service of broad foreign policy objectives. Mali, Libya, Benin and Ethiopia have tried to use the migration agenda to acquire funding and leadership on diplomatic platforms.¹⁰⁵ In a way, this is a form of migration diplomacy.¹⁰⁶

Other considerations in migration policy-making related to geographic proximity and migration diplomacy include historical and colonial legacies and post-colonial dependency.¹⁰⁷ Historical, family, linguistic, educational, religious and cultural links have heavily influenced migration from Africa to various destinations – mainly to Europe, but also to the US and the Middle East, including Israel and Saudi Arabia. Colonial (mainly with countries in Europe), religious (with the Middle East), and regional

⁹⁹ Castillejo 2018; Garavoglia 2015

¹⁰⁰ Foresti et al. 2020 P.9

¹⁰¹ Financial Times 2021

¹⁰² Financial Times 2021

¹⁰³ Baida 2019 cited in Foresti et al. 2020, p. 20

¹⁰⁴ Baida 2019 cited Foresti et al. 2020 p. 20

¹⁰⁵ International Organisation for Migration 2006

¹⁰⁶ Castillejo 2018; Garavoglia 2015

¹⁰⁷ Sadiq and Gerasimos 2021; Ayoob 2012

ties (with Sudan, Djibouti, South Africa) significantly shape the decisions of migrants and, equally important, those of politicians.¹⁰⁸

Tensions between multilateral and bilateral tracks

Migration partnerships with the EU have also spawned new tensions between AU's Pan African migration position on the one hand and that of bilateral cooperation agreements the EU concluded with the AU Member States on the other. Essentially, Member States of the AU, like those of the EU, are sovereign entities with the power to enter into bilateral agreements. Nonetheless, the EU bilateral cooperation agreements do not necessarily reflect the collective positions Member States have taken under the AU's umbrella. The European migration interests supersede the African aggregated interest. This is done in a manner that undermines international solidarity and regional or Pan African collective positions. Despite the divergence of interests of African countries of origin and transit with those of EU's, the need for financial aid coincides with the EU's primary containment policy of deterrence of secondary migration to its Member States.¹⁰⁹ The Member States of the AU and RECs also override the Pan African agreement that they have signed when they are offered a better deal bilaterally by the EU and other entities. The result is that the AU and RECs are undermined and seen as a bureaucratic impediment in the face of EU and other partners due to the significant asymmetry in the financial and diplomatic power relations between the EU, AU, RECs, and African countries.¹¹⁰

Since the Valletta Declaration,¹¹¹ many African countries have conducted a series of negotiations with the EU and bilaterally with European countries, the World Bank, IOM, and the UN High Commissioner for Refugees (UNHCR).¹¹² As a result, several African countries have revised their laws related to refugees and the trafficking of persons, smuggling of migrants, and labour migration, and have aligned them with pledges made under the Valletta Declaration, the New York UN Comprehensive Refugee Response Framework, and bilateral agreements with the EU and its Member States.¹¹³

Accordingly, the financial support from the international community to countries hosting refugees, and global appreciation of the difficulties involved, have become factors in the calculation of migration governance.

For example, as part of its pledges, Ethiopia — a country known for hosting one of Africa's largest refugee populations¹¹⁴ — intends to ensure that refugees benefit from local integration and participate in infrastructural, education, health, and natural resource development.¹¹⁵ New laws are expected to contain irregular migration to Europe by encouraging and financing local integration.¹¹⁶ Ethiopia has allocated 10,000 hectares of land for refugee's agricultural cultivation¹¹⁷ and is also set to offer jobs to them in industrial parks.¹¹⁸ In the same manner, Rwanda has pledged to admit irregular migrants stranded in Libya, as have Uganda and others for their citizens. These highly liberal approaches focusing mainly on local integration and resettlement within Africa have been hailed as a “model for other refugee-

¹⁰⁸ Fyfe 2000

¹⁰⁹ Maru 2018b

¹¹⁰ Boffey 2019; Strange and Martins 2019

¹¹¹ Africa-EU-Partnership 2015

¹¹² Maru 2019

¹¹³ UN General Assembly 2016

¹¹⁴ UNHCR 2018

¹¹⁵ UN General Assembly 2016

¹¹⁶ United Nations 2016

¹¹⁷ Maru 2019

¹¹⁸ Maru 2019

hosting nations around the world”.¹¹⁹ In return, those African countries have gained access to sources of much-needed foreign currency.¹²⁰

The EU has historically been accused of going multilateral with AU when possible and bilateral with the Member States when necessary. Disregarding the primacy of the AU and REC mandates, including on the integrative migration agenda in Africa¹²¹, such approaches by EU eclipses AU’s mandate and undermines ownership of urgent continental, national and local priority issues such as security, livelihoods, human rights of migrants, locust plagues, drought and the public health (COVID-19 pandemic). The EU has followed the same approach on migration as with Economic Partnership Agreements.¹²² Whenever the EU fails to convince the AU, it signs bilateral agreements with AU member countries to leverage its negotiation muscle. In the same manner, when formal agreements failed to bring the required outcomes — for example, an increase in the number of returns and readmissions — the EU and its Member States sought and concluded informal agreements.¹²³ The informal agreements were signed with countries of origin and transit who were more comfortable implementing deals without publicity or legal accountability.¹²⁴ The levels of sustainability, transparency and accountability attending these agreements have since has come under severe scrutiny.¹²⁵

In the same vein, in RECs such as IGAD and the ECOWAS¹²⁶, the migration agenda of the EU trumps other equally important, if not more strategic, regional agenda such as cross-border trade and free movement regimes. At national levels too, countries with weaker economies or facing serious fragility problems such as Niger are more prone to influences from the EU in their policy-making than countries with greater financial capacity at their disposal.

Capability gap and competition for resources

Due to the meagre national resources allocated to migration governance and institutional inadequacies, many African governments feel under pressure to partner with the EU. This, however, has invited interventions of a plethora of extra-national and extra-regional entities and international organisations such as UNHCR, IOM, EBCGA, the UN Office on Drugs and Crime (UNODC) and non-state private contractors and agencies.

Established primarily for migration containment in Africa, some projects are being funded by the EU to perform functions that are inherently proper to states. For example, immigration officers and police forces from European countries are operating in border areas of African countries, arresting traffickers and smugglers.¹²⁷ Some of these extra-regional entities are also conducting border surveillance.¹²⁸ IOM provides a significant part of the processing, transportation and support delivery, and UNHCR conducts the determination of refugee status, and several UN agencies are involved in drafting legislation related to migration.

¹¹⁹ UNHCR 2019

¹²⁰ UNHCR 2019

¹²¹ Maru 2009

¹²² ECDPM and ODI 2009

¹²³ Cassarino 2007

¹²⁴ Diez 2019; Agunias and Newland 2013

¹²⁵ Council of Europe - Parliamentary Assembly 2010; Uzelac 2019

¹²⁶ Arhin-Sam 2019

¹²⁷ Zanker and Jegen 2019

¹²⁸ Jegen 2019; Akkerman 2018

Some of the legislation developed for African countries by the partners is so restrictive and out of touch with realities on the ground that it has required several amendments.¹²⁹ Ethiopia, for example, has amended its migration-related proclamation and policies more than three times since 2007.¹³⁰ “While external actors continue to fund projects, they should be aware that the role of international organisations and their predominance in dictating migration management is becoming a concern for national actors”.¹³¹ Some transit countries (e.g. Niger, Djibouti, Libya, Mauritania, Senegal, Chad, Burkina Faso, Sudan and Ethiopia) host a growing number of stranded migrants and asylum-seekers, while facing an acute shortage of resources to provide protection and humanitarian assistance in their jurisdictions.¹³² In effect, they are being turned into ‘migrant containment countries’. Consequently, the EU has externalised its borders. This has meant that migrants are contained in countries of origin and transit, a process administered by state and non-state actors such as immigration departments, airlines, private security companies and international organisations.¹³³

The presence of external actors managing migration on behalf of governments and organisations is more visible in countries facing state failure. Libya, as transit in the Central Mediterranean route to Europe, and Somalia in the Eastern Yemen Route as a transit to the Gulf region, are major migratory channels from the Horn and the broader Africa.¹³⁴ Libya and Somalia lack strong central authorities and have pockets of territory that are controlled by rival authorities with geographic, religious, and cultural bases. Their national governments are weak and fledgeling, with limited administrative control and most often face external forces playing more significant roles in migration management than domestic *de facto* authorities. The war economy in these countries survives on the continued presence of conflict involving domestic and external state interests and non-state armed groups, and private military and security companies.¹³⁵ War economy incentivises state failure, enabling and multiplying the intricate web of war profiteers, armed groups, criminal syndicates, including traffickers, smugglers, and migration detention centres, reducing Libyan politics marketplace sellers and buyers.¹³⁶ Migrants have been detained in facilities run by armed groups in countries with state failure.¹³⁷

The cross-cutting nature of migration demands a practical collaborative framework among several national and regional authorities that possess a relevant mandate. These include foreign affairs, interior and home affairs; national security; police; border control; customs, social welfare and labour, tourism, immigration and gender authorities. However, animosity and internal competition among mandate-holders undermine the implementation of agreements reached with the EU, especially those concerning return and readmission that require significant horizontal and vertical cooperation between government branches. Fearing the impact of such competition for resource and diplomatic clout among ministers, some government leaders have centralised migration task forces or national coordination mechanisms in the office of the president or prime minister (Gambia, Niger, Kenya, Somalia, Sudan, South Sudan, and Ethiopia are few examples).

In the face of such capacity mismatch and internal competition between various mandate holders, the implementation of the partnership with the EU is severely affected. More essentially, such mandate-related conflicts and resource-based competition also inform or affect the policy-making process in Africa.

¹²⁹ Maru 2019; Arhin-Sam 2019

¹³⁰ Mangala 2013

¹³¹ Arhin-Sam and Zanker 2019 p. 12

¹³² Arhin-Sam and Zanker 2019

¹³³ Stock, Üstübcici, and Schultz 2019

¹³⁴ FRONTEX 2020

¹³⁵ Eaton 2018

¹³⁶ Kingsley, Patrick, and Willis 2020

¹³⁷ Michael et al., 2019

Fraudulent acts and impact on migration policy-making

A worrying trend relates to the increasing power and influence of labour migration agencies, smugglers and traffickers over the legislatures and regulatory and law enforcement authorities in many African countries of origin or transit. It is also worth mentioning that, in some countries, corruption extends to the issuance of documentation such as passports and visas for transit countries.¹³⁸ Employing the wealth generated from illicit activities, smugglers and traffickers threaten victims of migration-related crimes and even the authorities.¹³⁹

In some hotspots of irregular migration, notorious smugglers and traffickers detained after arduous investigative processes have been released without proper legal procedures due to their relationships with corrupt officials.¹⁴⁰ Enforcement officers are bribed by criminal networks in many migration hotspots and border areas.¹⁴¹ In the case of Ethiopia, once ready to testify against accused persons, many witnesses withdraw their testimony for fear of reprisals by smuggling or trafficking networks.¹⁴² Fear of retaliation is not limited to civilian witnesses and government officials but is common among law enforcement personnel.¹⁴³ Such practices not only undermine the will and effectiveness of officials but also threaten the very lives and livelihoods of those government officials who strictly and honestly discharge their duties within the framework of the law. In effect, this leaves some criminals with almost total impunity. Policymakers consider these fraudulent acts when making decisions.

Pan African integration agenda

Albeit with varying degrees of commitment, most African policymakers consider the continental integration and associated free movement regimes at AU and RECs levels as essential factors in their decision-making on migration partnerships.¹⁴⁴ The free movement protocol for the AU and many RECs such as IGAD was delayed for more than two decades due to a lack of budget allocations from the governments and institutions concerned.¹⁴⁵ Protracted delays and failure to dedicate budgets to migration issues reflect the low priority accorded to migration issues at the member state level.¹⁴⁶

Free movement regimes

After the 2015 Valletta Summit and the EUTF — five decades after establishing the AU's predecessor Organisation of African Unity (OAU) and 30 years after the Abuja Treaty¹⁴⁷ — Africa saw a revival of the integration and free movement agenda through the AU and its RECs, including IGAD. With the financial support of the EU and other entities, the 1991 Abuja Treaty that sought to establish the African Economic Community is being kept alive by the overwhelming ratification of the AfCFTA and the adoption of free movement protocol.¹⁴⁸ Free movement regimes are particularly relevant to the EU in easing migration pressure to Europe as Africans move on the continent.¹⁴⁹ It can be argued that the free

¹³⁸ Maru 2016b

¹³⁹ Bhalla 2018; Eaton 2018

¹⁴⁰ García 2020

¹⁴¹ Jegen 2019; Akkerman 2018

¹⁴² United States Department of State 2019; Maru 2016b

¹⁴³ Maru 2016b

¹⁴⁴ Dick and Schraven 2019; Nita et al. 2017; Okunade 2021; Zanker 2019

¹⁴⁵ Castillejo 2019; Byiers 2016

¹⁴⁶ Maru 2015a, Maru 2015b

¹⁴⁷ Organization of African Unity/African Union 1991

¹⁴⁸ African Union 2019

¹⁴⁹ Parkes, Roderick, and McQuay 2020

movement of persons within Africa would be mutually beneficial for both Africa and the EU and would represent a win-win outcome for migration diplomacy.

Indeed, there are a few concerns about policy coherence with regard to the long-term goals and ‘end states’ of the free movement regimes in Africa and EU migration policy.

The same can be said about national migration policies. Since the adoption of the 2005 Migration Policy Framework for Africa, the AU has advanced solid recommendations for the Member States to develop blueprint national policy documents. Despite such calls, until recently, many countries did not have national migration policies. Now, many African countries have developed national migration policies due to the financial support from partners, mainly the EU.¹⁵⁰

Policy incoherence

With financial support from the EU and other entities, technological know-how, and diplomatic pressure, new, strict migration management policies have been introduced in many African regions that are considered areas of origin of migration to the EU zone. The criminalisation and securitisation of migration (particularly in transit and destination countries) has severely impacted free movement arrangements. The focus is on strengthening border controls and border posts, with prohibitive stipulations which criminalise infringements and impose punitive measures that have led to changes in the way Africa’s borders are traditionally governed.¹⁵¹

In this regard, two further examples shed light on the divergence between African and EU policymakers’ conceptualisations of migration governance and the impacts of the European migration management approach.

The first relates to the impact on Africa’s border governance strategy that is anchored on community engagement and a soft border with limited control by the state. The African border governance strategy¹⁵² aims at transforming Africa’s colonial borders, making them integrative people’s bridges.¹⁵³ The introduction of strict border management, similar to that in the EU and centring on criminalisation, is incompatible with these objectives.

The second case relates to the securitisation of traditional cross-border movement, including those of pastoralists and informal cross-border traders.¹⁵⁴ Pastoralists and traditional kin communities that have long freely crossed borders without any checks are now increasingly under pressure. The more severe effect of EU interventions on migration issues, however, is on long-standing traditional and informal cross-border movements.¹⁵⁵ Border areas previously unreachable, far from the purview of the state and long governed by traditional customs, are now a significant focus of attention and resources, and a new urgency infused by EU migration policies.

More essentially, with a low capacity to implement controls, European-like border management formalities create more barriers to traditional cross-border movements, including those for informal trading and pastoralist livelihoods. These, in turn, undermine traditional community support, conflict with early warning systems, and undermine trust and understanding in conflict-prone border areas.¹⁵⁶

¹⁵⁰ African Union 2021; Migration Data Portal

¹⁵¹ Zanker and Jegen 2019; Akkerman 2018

¹⁵² African Union 2017

¹⁵³ Jegen 2019

¹⁵⁴ Akkerman 2018

¹⁵⁵ Akkerman 2018

¹⁵⁶ Carrington 2009

III. Learning from the past: Factors critical for the success of African-EU partnership on migration

To engage in successful and sustainable partnerships on migration management with African countries, European policymakers need to take into account the above-discussed factors influencing African migration policy-making. Understanding why the partnership faces serious challenges is critical to finding more effective and sustainable cooperation methods in the future. This section briefly discusses a number of additional considerations and factors that affect the success and stability of Africa-Europe cooperation on migration. They arise from experiences with past and existing migration partnerships between African and European countries.

Realities and conditionalities

Currently, the EU-Africa partnership does not reflect realities on the ground and faces serious implementation gaps such as those in return and readmission.¹⁵⁷ Since the Valletta Declaration in 2015, some essential dimensions of migration governance, namely development, have been de-emphasised, contributing to the mixed performance of the partnership. Proposals on disembarkation were advanced, while the AU criticised them.¹⁵⁸

First, the post-Valletta cooperation between AU and EU heavily relies on financial incentives presented both in a negative (conditionality) and positive (more for more) form.¹⁵⁹ By placing finance ahead of the convergence of priorities and institutional set-up for a migration governance architecture, the EUTF put the cart before the horse. Reflecting development as a priority, the EUTF budget allocation has devoted more than 60 per cent of its development projects to addressing root causes of migration, including underdevelopment.¹⁶⁰ Implementation of these projects, however, has been skewed towards border control and media campaigns to combat irregular migration.¹⁶¹

Emphasising the finance and visa sanctions as the main incentive instruments, EU funds lack focus on building long term strategy-led migration governance in Africa and instead focus on short-term containment through criminal justice and border control mechanisms. Above all, the single-minded focus of the EU on countering irregular migration by employing money has undercut African concerns, aspirations, priorities and challenges. This, in turn, undermines local expertise, disregards local priorities, diminishes legitimacy, and fosters a lack of transparency and mutual accountability.

In comparison, in the 2007 Africa-EU partnership¹⁶², the linkage between development aid and migration governance was clearly articulated and contributed to a higher buy-in from the African side.¹⁶³ Agreement in priorities and allocation of adequate resources will be necessary to motivate African partners to take such risks and to act upon agreed priorities.

Risks and Incentives

Second, for many African countries, the associated risks of cooperation with the EU and its Member States, for instance, on return and readmission, are far higher than the financial benefits. The risks may

¹⁵⁷ Castillejo 2017; Lucke et al. 2020

¹⁵⁸ Boffey 2019

¹⁵⁹ Miller, Miranda Macaulay 2019

¹⁶⁰ Shilhav and Tuuli 2020

¹⁶¹ Abrahams 2017; Conte 2018

¹⁶² Mangala 2013

¹⁶³ Mangala 2013

relate to political, in terms of loss of constituency¹⁶⁴, negative media coverage and political diaspora backlash¹⁶⁵, and economic and social risks, such as reduction in remittances and related effects to foreign currency source, and livelihood incomes.¹⁶⁶ The incentive infrastructure from the EU is not sufficient to induce African governments to take risks in discharging their part of the agreements. For instance, international responsibility-sharing for hosting refugees needs to consider the cost host countries incur in their economic, environmental, and social ecosystem. For this to be taken seriously, the cost for host countries needs to be quantified and accordingly shared by the international community.¹⁶⁷

Legal pathways

Legal migration avenues to Europe in the form of visa facilitation, faster family reunification, and increased labour migration are yet to materialise despite repeated pledges from the EU.¹⁶⁸ Indeed, increased legal migration pathways may help governments influence public views on repercussions related to return.¹⁶⁹ The expansion of the legal migration avenue may help the partner governments justify the return and readmission of failed asylum seekers. Nevertheless, without significant financial and diplomatic support, this alone is unlikely to increase cooperation from African policymakers on migrants' return because the associated benefits of pathways are too low to outweigh the domestic political and economic risks associated with the return.

Other additional constraints make legal migration pathways less impactful as an incentive for countering irregular migration from Africa. In some African countries, the number of Africans who could benefit from more legal pathways to Europe may simply be considered too limited to justify the 'cost' associated with supporting the return of migrants from Europe. The EU New Pact on Migration and Asylum and the new rule for the entry and residence of highly skilled workers from outside the EU under the revised Blue Card Directive may not change the incentive structure much.¹⁷⁰ It will attract only the most skilled workers that are not necessarily those travelling irregularly to Europe. The majority of potential irregular migrants may not benefit from legal avenues because well-to-do families might fulfil the requirements much more quickly and faster than those aiming for labour migration. For example, the current effort by the EU member states to establish job information centres on migration routes to the EU has not led to a significant impact on the migrants who intend to move irregularly to Europe.¹⁷¹ Hence, facilitating more legal pathways may not necessarily reduce the movement of irregular migrants from Africa significantly. Limited numbers of people with skills required in European labour markets would benefit from the current legal migration avenues because skill development and skill matching remain low in both priority and funding.¹⁷²

Building the capacity to train African skilled labour needed by EU countries requires training centres, which, in turns, requires significant resources. In the absence of such facilities and priorities, some African policymakers tend to assume that countries of destination are paying only lip-service to legal routes and, as a result, rarely mention "legal migration" as a priority.¹⁷³ Though not limited to this reason, it is financial aid and not legal pathways for emigration that is demanded more emphatically and often

¹⁶⁴ Castillejo 2017; Lucke et al. 2020

¹⁶⁵ Hunt 2020; Lodigiani 2017; Chauvet et al 2013

¹⁶⁶ Zanker 2017; Mbiyozo 2019; The Economist 2020; Olga Sheen 2012

¹⁶⁷ Inter-Governmental Authority on Development 2019

¹⁶⁸ Ruhs 2020; Claros et al. 2019; Beirens et al. 2019; Lucke et al. 2020

¹⁶⁹ Castillejo 2017

¹⁷⁰ European Commission 2021b

¹⁷¹ Arhin-Sam and Zanker 2019

¹⁷² Clemens et al., 2019, International Organization for Migration 2020

¹⁷³ Arhin-Sam and Zanker 2019; Trauner et al. 2020; Collett and Ahad 2017; de Haas et al. 2019; Maru 2015b

by the African governments. It seems that the moral argument for legal pathways is more persuasive than the actual impact it has on curbing irregular migration.

Implementation capabilities

Third, incentives that fail to consider limitations in implementation capabilities on the ground rarely succeed. Limited capacity on the part of the African government creates a wide gap between pledge and delivery.¹⁷⁴ For instance, as one of the five signatories to Common Agendas for Migration and Mobility (CAMM), Ethiopia has received more than \$500 million since the Valletta Summit, which makes the country the most significant single migration fund recipient.¹⁷⁵ Under CAMM, 26 per cent of the EUTF's €500 million was allocated to Ethiopia, but so far, less than 30 per cent has been utilised. While Ethiopia clearly made a commitment to the partnership, the operational and technical modus operandi was not well established. In other words, the partnership did not begin with a foundational dialogue on core normative principles built on participation and ownership. In the Ethiopian case, the EU put the cart before the horse in not allowing the implementation capacity to build organically. The partnership also failed to motivate action through its dedicated resources.

On the African side, the absence of budgetary allocation and a well-resourced national agency is an additional factor for the slow pace of implementation. Hence, many of the African countries partnering with the EU heavily depend on the EUTF and other donors for their migration-related projects. Bureaucratic procedures and delays in the release of EUTF funds contribute to the limited success in delivering the partnership.¹⁷⁶ In addition to failure to disburse resources on a timely basis, even those initiatives with resources could lead to unintended results. EUTF funding modalities, for example, encourage a quick-wins approach that rewards institutions of control such as immigration, police, border control instead of sustainably resolving problems. At the national level, with the multiplicity of agencies and departments involved in migration, competition among mandate holders on the migration governance is partly a result of the EUTF's 'finance heavy' approaches. Criminal justice and border management institutions have the upper hand at the expense of other entities working on job creation, training, and victim protection.

Furthermore, with the aim of mitigating foreign currency shortage, EUTF may have encouraged African governments to conclude agreements with the EU without fully considering their capacity to discharge the respective duties stipulated in the pacts. Unsurprisingly, agreements concluded without commensurate institutional capability fall short of effective execution of deals. Moreover, the expectations of the EU are too high for the limited implementation infrastructure many African governments have.¹⁷⁷ For these reasons, the slow pace of implementation and the divergence in expectation between Africa and the EU constitutes part of the shortcomings of the cooperation.

In essence, effective implementation of these partnerships amounts to transforming the behaviour and capability of the partner African governments with regard to migration governance.

Migration and Mobility Dialogue

Fourth, the absence of regular dialogue limits mutual understanding that fosters overlapping priorities. Again, the 2007 Africa-EU partnership reflected a desire and an intention by both sides to establish a consultative and cooperative approach through dialogue.¹⁷⁸ The initiatives and programmes with an

¹⁷⁴ Maru 2015b

¹⁷⁵ Castillejo 2017

¹⁷⁶ European Commission 2019

¹⁷⁷ Castillejo 2018

¹⁷⁸ Mangala 2013; Crieiking 2010

unambiguous political commitment by both the African and European side produced substantial outputs; they were more visible, and they achieved results despite limited funds available.¹⁷⁹

In contrast, though with significant funding sources, the Valletta Summit was less consultative. It was as a result considered by the AU¹⁸⁰ as biased or disproportionately weighted in content towards European perceptions, interests and needs. In EUTF, the European partnership with Africa relies too heavily on money as a tool. Despite substantial financing, the partnership faces serious challenges, mainly concerned with the return and readmission of migrants and with addressing the root causes of irregular migration. The EU-Africa partnership has done little to improve the rate of return and readmission of migrants. Political and economic realities on the ground in countries of origin, transit, and destination determine the success – or lack of it – in its implementation, including return and readmission. For example, to place return and readmission as a litmus test for Africa's commitment to partnership on migration does not just indicate reliance on a simplistic single factor but is also a less effective, linear calculation. The idea of legal pathways as a credible deterrent to return and irregular migration is Eurocentric, and defies the experience of repeated return-migration which is experienced by those deported to Africa from other regions such as the Middle East, where migrants are treated degrading manner.

Human rights of migrants

Fifth, post-2015 Valletta partnerships relegate the protection of human rights of migrants to a secondary place. Debates and consultation and, to a large extent, policy documents have avoided using human rights and seem to have effectively decoupled it from migrants. The implication is that migrants, especially those missing, do not really enjoy human rights to the fullest extent.

Sixth, by emphasising European-style border management, the EUTF has introduced formal and informal restrictive measures on new and traditional forms of free movement. African policymakers encourage free movement as an aspiration. As discussed earlier in the paper, an as-yet-unfinished Pan African agenda that began with the establishment of the OAU in 1963 included border governance that fosters integration.¹⁸¹ With that aim, softer borders that facilitate the free movement of people was central to the continental integration agenda. Disruption of traditional cross-border mobility, including pastoralists and free movement of labour and persons in Africa, could negatively impact food, water, and energy security on people in the borderlands.¹⁸² These insecurities may trigger more migration.¹⁸³

IV. Conclusions and recommendations

The Africa-EU Valletta Summit in 2015 introduced a new and aggressive EU migration diplomacy to compel African countries to stop – where possible – and otherwise contain irregular migration to Europe. The post-2015 Valletta partnership is highly resourced by the EUTF, while lacking in robust and frank political dialogue.¹⁸⁴ In contrast, the 2007 Africa-EU partnership was characterised by high-level sustained collective dialogue even without the adequate funding required to implement projects. Dialogue is now increasingly overshadowed, to be called upon only when the partnership faces

¹⁷⁹ Maru 2016a

¹⁸⁰ European Centre for Development Policy Management 2015

¹⁸¹ African Union 2017

¹⁸² Jegen 2019; Akkerman 2018

¹⁸³ Zanker and Jegen 2019

¹⁸⁴ European Centre for Development Policy Management 2015

implementation challenges. The limited buy-in on the details of the agreements in the post-2015 Valletta partnership is an outcome of the absence of frank and sincere dialogue.¹⁸⁵

Furthermore, the power (financial and diplomatic) of Europe creates asymmetrical concentration on the implementation of these policies and partnership agreements in a manner that prioritises Europe's interests over those of Africa. On the African side, there has been neither the urgency nor the resources to match the enormous pressure deployed by European and international organisations. In response, Africa's migration policy-making has been significantly informed, influenced, and shaped by the EU's employment of a mix of persuasive and coercive diplomatic and financial measures. Europe's influence on migration decisions in Africa, therefore, works more effectively in weaker African countries than on those with more robust economic, regulatory and diplomatic powers.

To please Europe, some African policymakers merely profess to care about the issue of migration and the concerns of Europe. In order to avoid isolation, African states with limited capabilities and facing power asymmetry with European counterparts often rush to sign and later on drag their feet in the implementation of the same agreements.¹⁸⁶ This helps them avoid any diplomatic fallout from outright rejection of agreements. Though reluctant to enter into agreements with Europe, African policymakers are forced into a 'perpetual balancing act, juggling domestically-derived interests with the demands of external donor and opportunity structures'.¹⁸⁷ As a result, many African governments lack genuine ownership and commitment to the partnership.

Partnership: balancing values and interests

As discussed above, the policy position of African decision-makers varies depending on the regime type and economic development status of the countries of destination and transit. The primary interest of African countries lies in securing financial aid and diplomatic leverage. When possible African countries and their leaders use migration as a tool for promoting self-image and national interest in their foreign relations, such an approach also offers them negotiating leverage over Europe. In terms of domestic politics, the partnership with the EU is also used to build a positive image of cooperation with significant global powers from Europe. Indicative of the inadequacy of the current EU incentive infrastructure, African policymakers are not fully persuaded to take the political risks of losing some of their constituencies associated with the partnership on migration. Despite signing the EU Common Agenda on Migration and Mobility, African countries have backpedalled on their pledges due to likely negative political repercussions and consequent instability in their constituencies, and, more importantly, due to the following factors:

First, democratic regimes offer a more enabling environment (such as freedom, access to institutions, and communications technology) for migrants to organise and voice their concerns and address their human rights issues than less democratic governments.¹⁸⁸ Migrants may use both mainstream media such as radio and television and social media such as Facebook to mobilise, reach out and penetrate even remote areas of Africa.

Second, African migrants in democratic and developed countries of destination oftentimes sway the political preferences of their extended family members back home.¹⁸⁹ They may also employ such influence in building constituencies in domestic politics. African migrants and nationals in the diaspora are able to leverage their political freedoms and access to institutions and relatively better financial income to galvanise and pressure policy-making back home. Such mobilisation would be more taxing

¹⁸⁵ European Centre for Development Policy Management 2015; Crieikingo, 2010

¹⁸⁶ Strange and Martins 2019

¹⁸⁷ Trauner et al. 2020

¹⁸⁸ Mohamoud 2009

¹⁸⁹ Lodigiani 2017

in less democratic countries of destination. At the same time, in democratic countries of origin, support for political parties back home may have more impact on policy-making than in those countries of origin that are less democratic. For these reasons, migrants in the diaspora can and often have a more significant political influence in domestic politics than resident citizens may have. For a long time, to garner or retain political and financial support, African governments have actively engaged their citizens in the diaspora to tap into the resources (political and diplomatic influence, remittances and know-how). In this regard, domestic politics and remittances and skill transfer motivate governments to engage the diaspora proactively.

Third, and as a result of the above, most countries of origin led by democratic governments react quickly to the demands of their citizens in the diaspora, particularly in the developed and democratic countries of destination. However, repressive regimes, for example, Eritrea, respond to migration issues in an antagonistic manner. Facing the dilemma between demanding respect for fundamental human rights, on the one hand, and seeking an end to the outflow of migrants, on the other, Europe has had strenuous relations with such regimes on migration partnership.¹⁹⁰

Fourth, in many African countries of origin, return (voluntary or forcible) may have a limited deterrent effect at the level of overall societal discourse and its seeping impact on changing the attitude of youths who intend to migrate.¹⁹¹ At the moment, constituency politics, media coverage and the scale of financial incentives (i.e. development cooperation) make return and readmission a low-level priority and yet a most contentious issue among African policymakers.¹⁹² Greater coordination between Africa and the EU on financial aid programmes may work better in reducing irregular migration. The incentive infrastructure for return and reintegration needs to focus mainly on bolstering financial aid to African governments either through budgetary support or large development projects, with their associated measures of mutual accountability. What is more, the size of the financial aid needs to be attractive enough to persuade decision-makers to take associated risks.

Research gap: legal pathways of migration policy-making in Africa

Little has been achieved regarding the legal pathways for migrants' mobility to Europe.¹⁹³ Moreover, Africans demand legal pathways for emigration to developed countries, but less emphatically than the other issues such as development aid. Many African policymakers feel that European countries of destination are paying only lip service to legal routes. Yet, and more importantly, legal avenues for mobility to Europe does not sufficiently incentivise policymakers to take risks associated with the migration partnership, including return and readmission.¹⁹⁴ There are also challenges related to the mismatch between the skills supplied and demanded and the quality of education. For the legal pathways to be effective, it needs to extend beyond the relaxation of visa issuance rules. Building the capabilities of African states to align their education and training programmes to meet Europe's demand requires significant investment.

The main questions related to legal pathways remain to be answered¹⁹⁵: visa for whom? For officials, investors, skilled labour, or low skilled labour? How many African potential irregular migrants stand to benefit from more legal pathways to Europe? Does that number outweigh the risk associated with supporting the return of migrants from Europe? Will legal avenues become a faster visa process for well-to-do families that fulfil the requirements much more quickly and faster than those aiming for

¹⁹⁰ Castillejo 2018

¹⁹¹ Altrogge and Zanker 2017; Castillejo 2017; Lucke et al. 2020

¹⁹² Altrogge and Zanker 2017; Castillejo 2017; Lucke et al. 2020

¹⁹³ Castillejo 2018

¹⁹⁴ Castillejo 2017; Lucke et al. 2020

¹⁹⁵ Buscaini 2018; Knoll and Cascone 2018

labour migration? Are there sufficiently resourced initiatives in Africa to develop skills required in the European labour market and matching them?

These questions, therefore, call for a further study of the potential impact of legal pathways on the reduction of irregular migration from Africa and African countries' policy preferences.

The implementation gap: institutions established by law with regular budget

Given that migration is not necessarily a top priority in the agenda of Africa governments, it is often the case that insufficient resources are allocated to it. The absence of a well-resourced and fully empowered permanent migration coordination mechanism among the various stakeholders have undermined the coherent implementation of EUTF projects. Initiatives with adequate resources and those established by law with a budget and management structure are more impactful and sustainable than those without resources and institutional backstopping.¹⁹⁶ If not for the EUTF, some projects in Africa would not have been operational. For example, the drafts of the AU and IGAD documents were shelved due to a lack of financing, but now with EUTF money, they are back on track and moving fast towards adoption and ratification. The EUTF enabled the resuscitation of the African free movement agenda and negotiations towards the adoption of free movement protocols in Africa. There seems to be a new sense of urgency to Africa's arrangements for free movement, exemplified by the IGAD free movement protocol currently being finalised.

¹⁹⁶ Maru 2016a

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