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# Multilevel inter-regional governance of mobility between Africa and Europe

Towards a deeper and broader  
externalisation

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### ***Abstract***

This paper analyse the dynamics of the multilevel governance of migration flows between West Africa and Europe. Firstly, I examine bilateral, multilateral and inter-regional frames of cooperation on human mobility. Secondly, I analyse the type of governance emerging from the cooperation, focusing on his main axis -readmission and externalisation of control- and on the tools used to prompt the negotiation, and particularly on the linkage with development and the subsequent emergence of a ‘migratory conditionality’ in this field. Thirdly, I underline how, during the last decade and more clearly after the recent La Valletta’s EU-Africa summit on migration, a hegemonic European securitarian approach of human mobility had spread and has produced a *de facto* displacement of the Euro-African border. Finally, I consider the consequences of this rise of the immigration issue between Africa and Europe, from the point of view of States as well as people on the move.

### ***Keywords***

Multilevel governance, external dimension, migration policy, Europe, Africa, migration, mobility.

### ***Author’s biographical note***

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## Introduction

The mobility of populations is a permanent feature in human history. During the last decades of the 20th century, however, the political relevance of migration has risen decisively, globally as well as in the European context. Nowadays, the migratory question is a central issue in European political agendas and debates. The relevance of the issue makes it as a key mobilisation and political legitimisation factor by a large range of political parties, especially but not exclusively those with populist and nationalist tendencies. Consequently, the electoral relevance of the migratory issue makes it, very often, be treated more in a demagogic than pragmatic way and, at this regards, scholars talk of a ‘theatralisation’ of the border control (De Genova, 2013; Cuttitta, 2014; Gabrielli, 2015). In this framework we must add that, in the political imaginary of the EU countries, a more and more intense relationship has emerged between migration and security, both in discourses and practices, from the establishment of the Schengen space and beyond (Bigo, 2002; Huysmans, 2006). Until recent times, the migration phenomena was not considered as an issue of international relations and international instruments of migration policy received little attention, with some exception (Badie and Wihtol de Wenden 1994).

In the European case, an important turning point has been the progressive transformation of the Mediterranean space in a key transit zone for migrants and refugees towards Europe, following the implementation and the extension of the Schengen space. In the 80’s and in the 90’s, Spain, Italy and, in a lesser way, Greece were considered by the core Schengen members as the weak points –or the ‘soft underbelly’ in a more metaphorical formulation- of the common European border towards migratory flows. However, in the first decade of the 21st century the political focus on border and mobility control started progressively to include the African continent, first the Southern Mediterranean countries and then the sub-Saharan region. This is the result of a political process that fosters the development of an external dimension of immigration policy. This dynamics is approached by scholars through the analytical prisms of ‘externalisation’, ‘extra-territorialisation’ or ‘delegation of migration control’ towards third countries (i.e.: Casas et al., 2011; Gabrielli, 2007 and 2011; Geddes, 2009; Guiraudon, 2001; Lavenex 2006; Lavenex and Uçarer, 2004). This ‘remote control’ of migration through visa policy or external processing centres is neither particularly recent, nor specific of the European case (Zolberg, 2003). What is

extremely important nowadays is the fact that in the European case this practices “have becomes more complex, widespread and prominent in migration strategies” (Zaiotti, 2015: 4). In this context, the migration issue – increasingly framed as a threat to security – is more and more conditioning the domain of international relations, and particularly in the case of EU and Africa relations.

The existing researches on this topic, quickly growing in number and analytical depth, are generally focusing on several specific elements composing this dynamic, or on specific countries, areas or migratory corridors. My objective here is to give a large and comprehensive figure of this process and also to review with an historical perspective the development of the external dimension of migration policies in the entire the Euro-African space. Therefore, this paper aims to analyse the way migration has become an important element of the Euro-African governance, both at bilateral, regional and inter-regional level. For this reasons, I will also analyse the multilevel dynamics of the building process of theses external dimension. This will allow to understand how this process has been built, which form has given to the rising inter-regional governance of mobility in the Euro-African region, which evolution is experiencing during time and finally what kind of effects it produces. From a methodological point of view, I will build this panoramic image of the inter-regional governance of mobility in the Euro-African space through an extensive bibliographic review on this topic, as well as on strictly related issues. I will mainly, but nor exclusively focus on European action, as I consider that the main impulse to the building process of this inter-regional governance has come from Europe, both at member states and EU levels.

The first part of this paper will introduce the internationalisation of migration issue, through a review of the genesis of this dynamic in the European case, and will also consider the formation of the external dimension as a patchwork of several actions at different political level (national, supranational and regional), as well as their own dynamic of implementation. The second part will analyse how this ‘remote control’ of migration control is put in place, focusing on its main pillars (the cooperation with third countries on readmission agreements, sharing information and border control) and the different step of development. Therefore, the paper will focus on the new evolution of this externalisation dynamic, as well as on its effects in the Mediterranean and the Euro-African space in terms of a displacement of the Euro-African border. The third part will analyse the negotiation process with third countries and, in particular, will focus

specifically on the emerging configuration of the ‘migration and development’ nexus in order to highlight the emerging ‘migratory conditionality’ related to the external dimension and the development aid concessions towards third countries. Finally, the paper will concentrate on the understanding of the results and the side effects of the external dimension in the Euro-African space.

### **1. The internationalisation of immigration policies in Euro-African space: the inter-regional framework as a multilevel patchwork**

The first feature of this emerging inter-regional framework concerns the large heterogeneity of political actions in migratory field. Indeed, the growing external dimension of European immigration policies can be considered as a complex patchwork, composed by a heterogeneous and often overlapping set of actions and initiatives, performed by several actors at various political levels (bilateral, multilateral and interregional) and in different political domains (home affairs and security, justice, external relations, development aid, etc.). At this regard, some scholars talk of a ‘multilayered system’ (Kunz et al., 2011). Nevertheless, the ‘patchwork’ metaphor seems more useful to underline the overlaps and the lack of coherence of the emerging inter-regional framework.

National actors carry on multiple initiatives through bilateral instruments: it is the case of the agreements between one EU country and one non-EU country. Supranational actors foster some other initiatives, both at multilateral and ‘inter-regional’ level. At multilateral level, some clear examples are those of agreement between a EU member state with several non-EU countries – as in the case of the Euromed/Barcelona process-, or between the EU as a whole with a single non-EU country – as in the case of the European Neighbouring Policy (ENP), the Global Approach on Migration (GAM) of 2005 and the Global Approach on Migration and Mobility (GAMM) of 2011. Some of the initiatives carried out at multilateral level have a more ‘inter-regional’ focus, fostering the participation of different regional blocs. It is the case the different initiatives between the EU and the African Union (AU), for instance (the Tripoli summit of 2006, the Rabat and Khartoum process, the Valletta meeting on Migration of 2016), as well as the EU-ACP (Africa Caribbean Pacific) framework. In these last cases, the deepness of the agreements concluded at inter-regional level is lower and they have

generally no legal binding character, as they are commonly joint declarations or joint statements.

Some other initiatives are carried out by international organisations (IO), by their own initiative or, most often, in collaboration with national or EU institutional actors. Even if it is not our main objective here to analyse these organisations, it's important to underline that IOs- as IOM (International Organisation for Migration), UNHCR (United Nation High Commissioner for Refugees) and ICMPD (International Centre for Migration Policy Development) between others- have a growing role in design and implementing migration policies. At this regard, Lavenex (2016) explains that IOs have three possible strategies of institutional interplay with states: counterweight, subcontracting and rule transmission. The same author also notes that in the framework of the external dimension of European immigration policies, “international organisations [IOM and UNHCR in this case] have increasingly assumed the role of subcontractors of EU projects and transmitters European concerns to sending and transit countries” (Lavenex, 2016: 567). The subcontractors role is implemented mainly through the management of different return programs, while the transmitters role is achieved through a series of more or less formalized institutional meeting whose main objective is facilitating dialogue with non-EU countries. Geiger and Pecoud (2014) also clearly demonstrate that IOs seems to reinforce existing imbalances, due to their alignment with the interests and agenda of the receiving countries. In the Euro-African space, the supporting role of some IOs – as IOM and ICMPD for instance - in ‘soft power’ process (besides this in return programs) has been crucial in order to spread ‘common’ views and terminology. This is exemplified by the normalisation of the use of the term ‘illegal migration’ by African countries, the idea of migration as a ‘shared concern’, or the research of ‘win-win solutions’ between others.

This heterogeneity of actors, contents and levels of actions – as analysed in depth later- is linked to two different internationalisations process emerging, one inside Europe, and another one between Europe and Africa including the Mediterranean space (Lavenex, 2007). On the one hand, there is a slow and progressive deepening of the Europeanisation of immigration governance through a common European framework, at least in the field of ‘irregular’ migration flows. This happens through an extensive use of external instruments in order to manage the phenomenon at the international level (Guiraudon, 2010). On the other hand, this growing focalisation of European

immigration policies towards an externalisation dynamic of mobility control is fostering the creation of a very specific Euro-African regime of migration governance. These two processes lead to a progressive internationalisation of immigration policies first inside Europe, and then outside.

### ***1.1 - A double internationalisation process: a shifting up to EU, a shifting out to third countries***

At European level, since the second half of the 70s has started a very slow process of communautarisation of the migratory policies, more intergovernmental than supranational, in which some part of national policies tend to converge. The fall of the soviet block and the opening-up of borders in Eastern Europe raise serious concerns for the EU countries, facing a hypothetical massive arrival of migrants. This tendency has been strengthened by the growth of migratory flows towards the South of the EU, boosting further the option to set the migratory question at a community level. The communitarisation of immigration policies is far from being an accomplished process, since the prominence of labour migration, integration models and also border control as symbolic markers of sovereignty at national level. Nevertheless, in the last decades an important shift has taken place from national to an intergovernmental level, if not purely supranational.

It is also necessary to analyse how national and EU level interact during the different development phases of the external dimension of European migration policy. In particular, the cases of Italy and Spain, after the politicisation of immigration issue at the beginning of the 2000, are very paradigmatic at this regard. When immigration becomes a major political issue in Spain and, to a lesser extent in Italy, the countries changes their role concerning the Europeanisation of migration policies. During the development of their national policies in the 80's and 90's these countries were passive receptor of European norms and practices. Nevertheless, when their national debates on immigration aligned to the securitisation process in Europe (Gabrielli, 2011b; Ritaine, 2003), the countries turns into key players in the debates and agenda surrounding external dimension of immigration at the EU level. Moreover, from 'norm-takers', the counties become then 'norm-makers' and, at the same time, the Europeanization of immigration policy switches from 'vertical' to 'horizontal' (Guiraudon, 2010).

Some authors considered that, in front of their geographical situation, from the beginning of the 2000s the South European countries apply high-pressure on EU to support their tasks in controlling the 'common' border and to share the burden of readmissions and asylum reception (Ritaine, 2003; Pinyol, 2007). Moreover, during this period there is a particularly close community of interests between Spain and Italy, as Ritaine (2003) points out, and the Berlusconi government supports J. M. Aznar in his pressure towards the European authorities. In particular, at the Seville EU Council of 2002, Spain and Italy push the immigration issue and the cooperation with third countries to the forefront of the European agenda. This happens also through the idea of correlating immigration control of third countries with development aid, in other words through the proposal of introducing in development aid agreements a clause allowing to penalize third countries which do not control flows to Europe by suspending aid. It has also been the Spanish political action that gives start to the operation of the European agency Frontex (now renamed European Border and Coast Guard Agency), pushing the implementation of joint patrol operations since the end of 2005, first in the zone of Gibraltar (MINERVA) and then in the Atlantic, between the Canary island and the West African coast (HERA). This is also illustrated by the development of common forced return in the frame of the Frontex agency, as well as by the establishment of some 'burden sharing' mechanism on border control through EU funds, thanks to pressures of Mediterranean EU countries.

Therefore, it is evident that migration flows in the Mediterranean are a key element in this reinforcement dynamic of communitarian governance, as underlined by the political reactions after the cyclical migratory or refugees 'crisis' at the borders of Spain, Italy or Greece. Moreover, this rise of regional governance of migration flows at European level is mainly built following a securitisation frame and particularly towards externalisation.

However, the internationalisation of immigration policies is also taking place in relations with third countries. The progressive internationalisation of immigration policies in Europe is crucial in fostering the progressive development of an Euro-African regime of migration and mobility governance. Therefore, immigration becomes a foreign policy issue and in its turn, the foreign policy is used in order to fulfil migratory policy's goals. Nevertheless, this emerging framework is far from being clear, coherent, effective and costless, in terms of human security of migrants.



The materialisation of a specific inter-regional frame of governance in the Euro-African space follows different steps, always encouraged by European initiative. A first stepping-stone, is constituted by the Euro-Mediterranean association agreements following the Barcelona process, where in some case there is a clause on readmission: is the case of Tunisia (1995), Egypt (2001) and Algeria (2002), but not of the association agreement concluded with Morocco (1996).

Another important moment, at least as an unilateral concept framework, is represented by a 1998's Austrian presidency draft, proposing the establishment of 4 concentric circles around EU buffering migrants with a different intensity, depending from their proximity to Europe<sup>1</sup> (Gabrielli, 2011b).

A further step in the construction of the inter-regional framework is represented by the 2000's EU-ACP agreement of Cotonou, which include at art. 13 a clause on readmission, incorporated at the last minute by European partners.

The following key moment in this direction is the Seville EU Council of June 2002, where the place of migration issue in relations with third countries becomes more central. The final Declaration of the council stresses that "any future co-operation, association or equivalent agreement which the EU or the EC concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration" (Gabrielli, 2011b).

This building process of Euro-African interregional governance in the field of immigration is particularly uncommon not only for the patchwork character, but also for other reasons concerning the relations between the main actors of this process.

On the one hand, EU's member states have had until very recent times the main initiative in the field of externalisation, through bilateral readmission agreements and more large agreement on migration cooperation. This represents a direct consequence of blockage and limited competences characterising the EU Commission's action in negotiating communitarian readmission agreement with third countries (Roig and Huddleston, 2007).

On the other hand, even if a true common immigration policy is not a reality yet, EU's member states have progressively developed a common approach and some

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<sup>1</sup> EU Council, Strategy Paper on Immigration and Asylum Policy, 9809/98, 1 July 1998, Brussels.

coordination in their bilateral actions with third countries. Besides the similarity in the agreements' patterns and in the negotiations tools with African countries, a sort of division of competences on the different migratory routes (Western, Central and Eastern African routes) seems to drive this bilateral external action of EU member states. Moreover, these bilateral actions of EU members are baked, in a very discrete way, by EU Commission, in particular the 'immigration' branch with informal meetings, 'diplomatic' activity and promises of aid (in developing immigration control systems as well as in development *tout court*).

Therefore, the interregional governance emerges as a patchwork mainly composed by different bilateral initiatives, but also by some more discrete EU action with individual African third country. At least during the first decade of the 2000, multilateral initiatives are generally limited to declamatory field, as in the case of EU-Africa conferences on immigration and development (the Rabat and Tripoli summits between EU and African countries of 2005) and periodic general summits, or to some marginal EU-ECOWAS (Economic Community of West African States) initiative (as the opening of CIGEM office in Bamako, the diffusion of 'common interest' perceptions through IOs' meetings, or IOM backed program of voluntary return, between others).

## **2. The main pillars of the inter-regional governance**

Despite the heterogeneity of actors, actions and political levels of execution, the resulting inter-regional framework of migration and mobility governance has some specific features that is possible to underline.

In theoretical terms, external instruments used to manage or control migration can be divided in two different categories of actions, depending on their underlying logic. A first category is orientated by a long-term logic, focuses on the causes of immigration and has a preventive character. It is addressed to countries with high emigration rate and it is composed by development aid, international direct investment and commercial agreements. These roots-oriented policies are developed following two directions. The first one concentrates on the development aid destined to countries with a high migratory potential. The second one concerns the promotion of economic integration,

precisely a free trade zone, with these countries, and links directly the migratory dynamics to the process of regionalisation<sup>2</sup>.

A second category of external actions focuses on the arrival of migrants in destination countries and is driven by a securitarian and short-term logic. This group of measures involves forms of cooperation that essentially externalise to origin and transit countries traditional tools of domestic immigration policy (Boswell 2003). These short-term measures build through the external dimension a remote control of migrations based on the delegation of migration flows' control to the main transit countries of the African continent, in order to create a 'buffer zone' around their territories and supposedly discourage migration (Guiraudon, 2001: 46).

The emerging inter-regional framework in the Euro-African space is driven by this second short-term and securitarian logic fostering an extra-territorialisation of migration control policies towards third countries (i.e.: Anderson, 2014b; Casas-Cortes et al., 2011; Cuttitta, 2015; Rijpma and Cremona, 2007). In this frame, European governments resort to a heterogeneous set of agreements with sending and transit African countries to push and secure their collaboration in controlling migratory flows to Europe.

A first key element of the externalisation is constituted by the establishment of a common EU visa policy towards third countries' citizens since the Amsterdam Treaty of 1997, which gives a legal basis for the harmonisation of norms concerning the immigration process (the regulation of entrance conditions, as well as the prevention of and the fight against irregular flows). A second element, strictly connected to the first, is that of the Carrier Sanction Mechanism, introduced through the establishment of the Schengen space, and modified by two Council directives of 2001 and 2003<sup>3</sup>. This mechanism establish financial penalties and obligations of carriers transporting foreign nationals into the territory of the Member States without the needed documentation (Collinson, 1996). Some authors underlines the practically privatisation of the border control, through an externalisation to private actors (Lavenex, 2006; Bloom, 2015), while others questions the ethical justification of these sanctions to carriers (Bloom and Risse, 2014).

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<sup>2</sup> This political option is based on the idea that the opening up of the frontiers to merchandises and to capital, will decrease people's movement. Undoubtedly, this process of partial regionalisation, since it excludes the free circulation of persons, presents a marked asymmetry by excluding from the agreement the highly competitive products of the South.

<sup>3</sup> Council directive of 2001 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

Moreover, the main pillar of the inter-regional framework is represented by the readmission agreements (Cassarino, 2007, 2009 and 2012; Roig and Huddleston, 2007). They can be distinguished between ‘1<sup>st</sup> generation’ –including only the forced return of citizens of the signatory countries irregularly present in another country - and ‘2<sup>nd</sup> generation’ agreements – in which is also included the forced return of third countries nationals that have transited through the signatory countries before to enter irregularly into the other country. The corollary of these readmission agreements is the deportation of migrants caught while they were entering irregularly into some EU country, or already present in Europe without a valid visa or residence permits (Andrijasevic, 2010). Sometime, these readmission agreements are coupled with a reinforced cooperation on identification and re-documentation tasks, as in the case of the agreement between Senegal and Spain in 2006, when Senegalese officers were presents in the Canary Islands detention centres (Gabrielli, 2008), but also very recently in the case of the EU cooperation with Mali that we will analyse later on.

Another central element of the cooperation is the delegation of mobility control tasks to third countries<sup>4</sup>. Generally, these agreements are less structured and more operative. For European destination countries, their objective is buffering ‘transit’ mobility, controlling the exit of nationals and of third countries’ citizens at the national borders, and in some case limiting the departure of boats from coastal area (Andersson, 2014a and 2014b, Gabrielli, 2008 and 2011a). The sharing of information and the presence of European liaison officers are often included in these deals. The models are clearly those of Italy (through the agreements with Tunisia and Libya) and Spain (in the case of long-standing cooperation with Morocco and the following agreements with Mauritania and Sub-Saharan countries). One of the basic axis of this control delegation is a division of third countries, taking into account three main aspects (two geographical and one political): the proximity of this country to EU, the country’s condition as a departure or transit point of migratory flows, and the degree of institutional relation that the country has with EU (related to the possibility to include an agreement, more or less extended, on migration management).

All the agreements – readmission and larger ones- can be formal as well as informal, even though actually informal practices seem to constitute the main trend in European

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<sup>4</sup> It has to be stressed that these specific measures externalising control of migration flows and mobility are targeting only ‘terrestrial’ and ‘maritime’ flows from Africa, that represent only a part of the African flows to Europe.

action for dissimilar reasons (Cassarino, 2007). On the one hand, the ‘informal way’ of concluding these deals through diplomatic means -an exchange of letters or a *Memorandum d’entente*- is used to limit the accountability on human rights and asylum vis-à-vis the European civil society. On the other hand, this informality is also useful to reduce the impacts of cooperation with Europe on migration matter in the political arenas of third countries (Gabrielli, 2008).

### **3. The genesis of externalisation: from the bilateral momentum to the renewal of multilateralism?**

Since the beginning of the 2000, migration control became then a growingly central issue of international relations, in particular between European countries –and EU- and the neighbouring countries in the African continent. Nevertheless, the implementation of the externalisation of migration control towards Africa, follows different steps, related to different zones outside Europe where the control is delegated, in a framework that seems to be deeply inspired by the idea of concentric circles designed in the aforementioned 1998’s Austrian presidency draft. The steps of the implementation of the external dimension are linked not only to the geographical proximity of third countries to Europe, but also to the evolution of migratory paths in transit spaces.

#### ***3.1 – The bilateral momentum***

The displacement southward of the EU-African border vis-à-vis migration flows, resulting from the external dimension of European migration policies, takes place in different moments. As we have seen, initially the main initiative comes from Mediterranean EU member States, mainly Spain and Italy but also France, even if other EU countries has also an active stance. At first place, the ‘bilateral initiatives transforms the Northern African countries in buffer zones of sub-Saharan migrations flows. This initial wave of externalisation produces a displacement of the migration control apparatus to the North Africa, as well as a subsequent displacement of the Euro-African border.

In 1992, Spain and Morocco signed a readmission agreement, even if Rabat finally never accepts its validity and cooperates on readmission on a case-by-case basis (Casas- Cortes et al., 2011 et 2014; El Qadim, 2015; Ferrer-Gallardo, 2008). In 1998,

Italy signed a bilateral agreement on readmission and control of migration flows with Tunisia. The same year, Italy sign the first of several informal agreements with Libya (1998, 2000, 2003, 2008, 2011, 2012, 2013, etc.), equally during the Gadhafi regime and after his fall (Haddad, 2005; Paoletti, 2012 and 2010). Italy also signs a bilateral readmission agreement with Egypt in Rome on 9 January 2007, entered into force on 25 April 2008.

The pressure towards North African countries to control migration flows take different forms. The first is a legal change of the status of immigrants and, in some case, emigrants as it has been the case in Morocco (2003), Tunisia (2004), Libya (2005 and 2007) and Algeria (2008) (Perrin, 2012). Another consequences are the strengthening of borders' control system and the reinforcement of the systems of detention and expulsion of third countries' citizens considered as 'transit migrants'<sup>5</sup> At the same time, a material and financial assistance, through the supply of control apparatus, the formation of police and border guards officers, as well as the presence of European liaison officers are also parts of this process.

The interactions between migratory flows and policies, in other words the interactions of migratory flows with the changing political and police environment in African transit space, provokes a displacement of migratory paths in order to by-pass the new obstacles (Casas-Cortes et al., 2015). The flow's adaptation to the changing political environment in north-Africa pushes the European countries to a geographical readjustment of their external immigration policies, meaning an extension of the control's field, which generates a new displacement of the routes (Gabrielli, 2011a). This chain-reaction expands the geographical scope of delegation of migration control in the sub-Saharan countries and generates a succession of buffer zones, whose filtering intensity depends on their proximity to the EU and their position along the main migratory routes.

In the Spanish case for instance, the shift of migratory paths, as well as an highly mediatised increase of the migrants' boats arrivals to Canary Islands in 2005/6, pushes the Zapatero's government to extent the scope of its actions and consequently to 'discover' sub-Saharan Africa. Indicative of this is the elaboration of the 'Africa Plan' by the Spanish government, in 2006, and the boosting of an intense diplomatic activity towards specific sub-Saharan countries (Gabrielli, 2008 and 2011b). In other words, the

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<sup>5</sup> Concerning the concept of 'transit migrant', its use in the external dimension of migration policies and the consequences, see Collyer et al. (2012) and Gabrielli (2011a).

establishment of bilateral relations with sub-Saharan countries follow the need to negotiate a set of agreements regarding readmission and migratory cooperation not only with the countries from where the boats take depart, as in the Mauritanian or Senegalese case, but also with other third countries along the main migratory paths in Sub-Saharan Africa. Spain conceives a plan of external action on migration which clearly highlights the 'goodwill' of African countries in controlling flows. While initially there is a question of obtaining cooperation from third countries in readmissions, we have noted that the field of migratory cooperation sought by Spain is expanding considerably. For Europe, the involvement of African countries in the control of migratory flows thus becomes a discriminating factor when it comes to facilitating trade, boosting foreign investment and allocating development aid. The involvement of third countries in the control of flows is an element of 'unspoken' which is nevertheless central to relations between Europe and Africa.

Between 2005 and 2008 Spain has concluded eleven bilateral partnership with Sub-Saharan countries: a formal agreement with Mauritania in July 2007; a *Memorandum d'entente* and then an informal agreement with Senegal in August and December 2006; a migration control agreement with Gambia in October 2010; a migration control agreement Cap Verde in March 2007; an agreement with Guinea Bissau in December 2008 (a previous readmission agreement was signed in February 2003); a migratory agreement with Mali signed in January 2007; a migratory agreement signed with Niger in May 2008; a migratory agreement signed with Guinea-Conakry in October 2006; a *Memorandum d'entente* signed with Ghana in December 2005; and a *Memorandum d'entente* on migration control signed with Nigeria in December 2005 (a previous readmission agreement was signed in 2001).

In previous researches I have already analysed the contents and the negotiation process of these agreements (Gabrielli, 2008 and 2011b). In a framework of high informalisation of migratory agreements between European and African countries, it has been essential to conduct a deep labour of reconstruction of these relations, in order to understand not only the bargaining process of this externalisation, but also the content of the agreements.

The clearest example is probably this of cooperation between Spain and Senegal. To be more specific, the conclusion of an agreement, kept informal, between the two countries implies for the Senegalese government more than the acceptance of readmission of



migrants, nationals and from third countries, intercepted into, or in the route to the Canary Islands (Gabrielli, 2008). Besides collaborating in identification of migrants in the Spanish archipelago, Dakar also accepted the presence of Spanish liaison officers in the country, the extension of Frontex operations to Senegalese waters and the establishment of bilateral patrols with Spain.

What is also important to highlight here is that Spain has become a key actor in extra-territorialising migration control, through a complex web of migratory agreements with the West African countries, which *de facto* moves the border till further from Europe. Moreover, the external dimension of the Spanish immigration policy towards West Africa will become a paradigm of action for the EU, appearing in the eyes of the European partners as an effective and efficient model of outsourcing. The paradox is then obvious: Spain, which had no or no relationship with Africa, became, in a very short period of time, an actor capable of shaping what is now a fundamental axis in relations between the two continents (Bach, 2010).

Besides Spain and Italy, France is also active in the second half of the decade of 2000 in the field of bilateral agreements with Sub-Saharan African countries (Panizzon, 2011). However, depending on the absence of direct arrivals of migrants from the African continent, the agreements concern mainly readmission of irregular migrants that is always linked to the development and co-development issues. It has been the case of agreements with Senegal (in 2006 and 2008), with Benin, Congo and Gabon (all in 2007), with Tunisia and Cabo Verde (in 2008), with Burkina Faso and Cameroon (in 2009).

Other EU countries has been also very active in concluding agreements with African countries (Cassarino, 2016 and 2009), even if their role in defining the inter-regional architecture has been, at least in this first phase, more marginal.

### ***3.2 – The renewal of multilateralism?***

Until very recent times, the primacy of bilateralism in fostering ‘migration partnership’, mainly oriented towards control-focused practices has been very clear (Kunz et al., 2011). Nevertheless, during the years 2010 and particularly after the Arab springs the situation is rapidly changing.



In effect, during the years 2000, the initiatives at communitarian level were growing but still limited in number and concerning their political effects. It is the case of GAM (Global Approach on Migration) presented by the EU Commission in 2005 and also of the first Euro-African Ministerial Conference on Migration and Development, held in July 2006 in Rabat. At this meeting, 55 governments of European and African countries (North, West and Central Africa), the European Commission and the Economic Community of West African States (ECOWAS). This on-going ‘Rabat process’, starting in 2006, originate the Seahorse Atlantic Network, a framework of regional cooperation between Spain, Portugal, Senegal, Mauritania, Cape Verde, Morocco, Gambia and Guinea Bissau in order to exchange information in order to prevent irregular migration and cross-border crime (Casas-Cortes et al., 2014).

Nevertheless, during the years 2010 there has been an important revitalisation of communitarian initiatives towards third countries, even if the results in the Euro-African space seem still limited if compared to bilateral ones. The EU action has also taken a relevant place in the multi-level framework of migration management in the Euro-African space, at least concerning political initiative. Considering EU cooperation on readmission, between the 17 agreements signed with third countries, the only signed with an African country is this of 2014 with Cape Verde<sup>6</sup>. What is important to underline, in regards to the previous wave of multilateralism, is that this new one is following more sectoral lines, rather than the previous macro-institutional prerogatives (Lavenex and Wichmann, 2009).

The first example in this sense is the GAMM (Global Approach on Migration and Mobility) published by the EU Commission in 2011 as an answer to the arrival of migrants and refugees after the start of the Arab springs, that for some author represent a lost opportunity to reframe the mobility issue between Mediterranean partner (Wihtol De Wenden, 2011). The influence of the external dimension of Spanish immigration policy emerges clearly in the contents of this new global approach. The broad framework of the GAMM closely recalls the broad migratory agreements signed by Spain with many sub-Saharan African countries, including readmission agreements, flow and border controls, but also development aid and visa quotas that are elements always pushed in the negotiation by African counterparts.

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<sup>6</sup> “Agreement between the European Union and the Republic of Cape Verde on the readmission of persons residing without authorisation”, signed on 1st December 2014, [http://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:22013A1024\(02\)&qid=1464195285121&rid=4](http://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:22013A1024(02)&qid=1464195285121&rid=4)

The GAMM establish two different instruments of cooperation. A first one, the Mobility Partnerships that consist in a tailor-made partnership with, at least in a first time, a limited geographic scope: the neighbouring countries. Mobility partnership between EU and third countries are a kind of political plan of actions and common agenda, agreed between the parts, but with no legal binding character. In the EU Commission words, Mobility Partnerships provide a flexible and non-legally binding framework for ensuring that the movement of people between the EU and a third country can be managed effectively”<sup>7</sup>. The second instrument, the Common Agendas on Migration and Mobility, represents an alternative framework for cooperation when partners are not ready to enter into the full set of obligations and commitments implied by a Mobility Partnership.

Until now, in the case of Africa, Mobility partnerships are implemented with Cape Verde, Morocco (signed in June 2013) and Tunisia (signed in March 2014).

At the end of 2016, EU and Tunisia start also negotiations on visa facilitation and readmission. At this regard, the European Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, explains that “Tunisia could be the first country in North Africa to benefit from an ambitious visa facilitation agreement. At the same time, the conclusion of a readmission agreement will help to avert the risk of irregular immigration from Tunisia, and manage its consequences”<sup>8</sup>.

The ‘refugee crisis’ of the last years has also importantly fostered the EU action towards Africa. In this context, the relation with Eastern African countries concerning migration appears with force on the scene in 2014, when a meeting is held in Rome, on the 28<sup>th</sup> of November. At the end of this meeting, the participating Ministers - the 28 EU members States and of some African countries (Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Somalia, South Soudan, Sudan and Tunisia), as well as representatives of the European Union and the African Union- adopted a declaration<sup>9</sup> aiming at launching the “EU-Horn of Africa Migration Route Initiative”, since then also called “Khartoum Process” (Stern, 2015). This framework represents in some sense the East-Africa counterparts of Rabat process started in 2006 for West Africa.

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<sup>7</sup> European Commission, Press release “EU and Tunisia establish their Mobility Partnership”, 3 March 2014, [http://europa.eu/rapid/press-release\\_IP-14-208\\_en.htm](http://europa.eu/rapid/press-release_IP-14-208_en.htm)

<sup>8</sup> European Commission, Press release “The EU and Tunisia start negotiations on visa facilitation and readmission”, 12 October 2016, [http://europa.eu/rapid/press-release\\_IP-16-3394\\_en.htm](http://europa.eu/rapid/press-release_IP-16-3394_en.htm)

<sup>9</sup> See the declaration here: <http://italia2014.eu/media/3785/declaration-of-the-ministerial-conference-of-the-khartoum-process.pdf> [last visited: 28<sup>th</sup> December 2016]

Another stepping stone in this renewal of the communitarian initiative in the Euro-African space is the Valletta Summit on Migration, held on the 12<sup>th</sup> of November 2015 in the capital city of Malta, where representatives of EU countries and institution and of several African countries attends. As a result of this Summit, an action plan has been signed and, more important, EU decided to launch the EU Trust Fund for Africa (“EU Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa”). This fund, that is a tool established for a rapid and flexible response to a specific emergency or post-emergency crisis, establish a priority geographical region composed by 23 countries in the Sahel/Lake Chad region, in the Horn of Africa, and in North Africa. In its own words, the Trust Fund will support “all aspects of stability and to contribute to better migration management as well as addressing the root causes of destabilisation, forced displacement and irregular migration by promoting resilience, economic and equal opportunities, security and development and addressing human rights’ abuses”<sup>10</sup>.

The last communitarian initiative is represented by the EU Commission communication “Towards a new Partnership Framework with third countries under the European Agenda on Migration” presented the 7<sup>th</sup> of June 2016. This EU Commission initiative is following the proposal of “Migration compact” by the former Italian Prime Minister, Matteo Renzi. The model of this new partnership framework still reminds the Spanish external action developed in Africa after 2005, but with some changes. In a first place, the linkage between delegation of migration control, from the one hand, and development and trade policies on the other hand becomes explicit. The geographic focus of this framework represents another element of innovation. From one hand, Eritrea, Sudan, Chad and Niger became key partners in order to buffer mobility before Libya, where is difficult to enforce an effective agreement on mobility control, due to the country’s instable situation. From the other hand, looking outside of Africa, cooperation with Turkey, Lebanon, and Jordan also became a priority, in order to buffer flows of Syrians refugees, but also of Afghani and Iraqi refugees between other flows. The Western Mediterranean is not a priority at this moment, considering that filtering apparatus in the route is already set up and flows are not important on this route, at the moment.

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<sup>10</sup> [https://eeas.europa.eu/sites/eeas/files/factsheet\\_ec\\_format\\_eu\\_emergency\\_trust\\_fund\\_for\\_africa.pdf](https://eeas.europa.eu/sites/eeas/files/factsheet_ec_format_eu_emergency_trust_fund_for_africa.pdf)  
[last visited: 28<sup>th</sup> December 2016]

Nevertheless, it has to be pointed out that member states initiative towards Africa is still important in this field, even if bilateral initiative seems generally more integrated in the EU framework of action, even if internal political priorities can sometimes foster a different orientation. In the last years, other EU member states acquire a relevant position in externalising migration control towards Sub-Saharan Africa. In the last period, the Spanish action in the external dimension of EU immigration policy has become very marginal if compared to the past, while Italy has developed a new action in Sub-Saharan Africa, both at bilateral and multilateral level.

Italy, France and Germany have also taken an engagement with EU to conclude agreements with former French colonies, in particular with Mali and Niger<sup>11</sup>. The Malian president, Ibrahim Boubacar Keïta, promises a stronger engagement to reduce emigration, but in exchange has asked for more German helicopters for the UN MINUSMA mission in Mali.

A ‘*joint communiqué*’ between EU and Mali has apparently been signed in Bamako on 11 December 2016, by the Minister of External Affairs of Nederland, Bert Koenders (on behalf of Federica Mogherini, EU’s High Representative for Foreign Affairs and Security Policy) and the Malian Foreign Minister Abdoulaye Diop<sup>12</sup>. It is the first case of such “specific” agreement between the EU and a Sub-Saharan country, says the Minister Koenders<sup>13</sup>. Apparently, the agreement has two main axes that recall the main priorities of the projects funded through the EU Trust Fund for Africa: fighting the “deep causes of irregular migration” and to “foster the return of Malian migrants from Europe” as well as of “failed asylum seekers”. The declaration adds also that “Malian officials will visit various EU member states to help ascertain migrants’ nationalities,

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<sup>11</sup> Africa Ex-Press, “Mali, prima tappa del viaggio in Africa della cancelliera tedesca”, 10 October 2016, <http://www.africa-express.info/2016/10/11/mali-prima-tappa-del-viaggio-africa-della-cancelliera-tedesca/> [last visited: 28<sup>th</sup> December 2016]

<sup>12</sup> Netherlands Government, “Koenders concludes migrant return agreement with Mali for EU”, News item, 11 December 2016, <https://www.government.nl/latest/news/2016/12/11/koenders-concludes-migrant-return-agreement-with-mali-for-eu>; see also Le Figaro, “Migration: l’UE signe le premier accord avec un pays africain sur le retour de demandeurs d’asile”, 11 December 2016, <http://www.lefigaro.fr/flash-actu/2016/12/11/97001-20161211FILWWW00167-migration-l-ue-signe-le-premier-accord-avec-un-pays-africain-sur-le-retour-de-demandeurs-d-asile.php> [last visited: 28<sup>th</sup> December 2016]

<sup>13</sup> Ibidem

This should speed up returns”<sup>14</sup>. The cooperation will also finance nine different projects (for an amount of 145 millions euros) <sup>15</sup>.

After strong polemics in Mali towards the government of Modibo Keita coming from some opposition parties and civil society (the association of Malian expelled persons, between others)<sup>16</sup>, the same government denied to have signed any agreements with the EU on migration matters<sup>17</sup>. At this occasion, the Malian Foreign Minister Abdoulaye Diop and the Minister of the Malians abroad, Abdourhamane Sylla, explains that the document signed “has not the juridical value of an agreement” and that the document only mentions “the accompaniment of returns from Europe of people in irregular situation, on the basis of the standard procedures, concluded between the two parties while respecting their mutual obligations”<sup>18</sup>.

Nevertheless, apparently the identification missions of Malian officers in Europe have already started in Malta, where nine Malian citizens have been identified and would be expelled, as mentioned by Maltese government<sup>19</sup>.

The same Netherlands’ External Affairs Ministers also travelled to Ghana and Ivory Coast, always on behalf of the EU, during the EU Presidency in April, to “reach political agreements on tackling flows from West Africa”<sup>20</sup>.

In the case of Niger, the 18<sup>th</sup> of July, the European council extended the EUCAP (European Union capacity building Sahel) – Sahel Niger until the 15<sup>th</sup> July 2018 and approved its budget of 26,3 millions euros. Apparently, this instrument that was originally established in 2012 to support the countries in fighting terrorism and crime (drugs and weapons trafficking), has been reframed in order to assist the authorities of

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<sup>14</sup> Ibidem.

<sup>15</sup> EurActiv, “L’UE et le Mali s’accordent sur la réadmission des migrants”, 12 December 2016, <https://www.euractiv.fr/section/l-europe-dans-le-monde/news/lue-et-le-mali-saccordent-sur-la-readmission-des-migrants/> [last visited: 28<sup>th</sup> December 2016]

<sup>16</sup> See <http://www.rfi.fr/afrique/20161221-retour-migrants-mali-polemique-eventuels-accords-signes-ue/> and also <http://www.expulsesmaliens.info/Accord-de-readmission-entre-le.html> [last visited: 28<sup>th</sup> December 2016]

<sup>17</sup> VOA, “Le Mali dément catégoriquement tout accord de réadmission avec l’UE”, 19 December 2016, <http://www.voafrique.com/a/le-mali-dement-categoriquement-tout-accord-de-readmission-avec-ue/3642156.html> [last visited: 28<sup>th</sup> December 2016]

<sup>18</sup> Author’s translation; Ibidem.

<sup>19</sup> Mali Actu, “Mali: 9 migrants maliens vont être expulsés de Malte suite à leur identification par une mission du gouvernement”, 25 décembre 2016, <http://maliactu.net/mali-9-migrants-maliens-vont-etre-expulses-de-malte-suite-a-leur-identification-par-une-mission-du-gouvernement/> [last visited: 28<sup>th</sup> December 2016]

<sup>20</sup> Netherlands Government, “Koenders concludes migrant return agreement with Mali for EU”, News item, 11 December 2016, <https://www.government.nl/latest/news/2016/12/11/koenders-concludes-migrant-return-agreement-with-mali-for-eu>.

Niger in fighting irregular migration. The EU has promised five hundred millions euros for five priority countries (Niger, Mali, Senegal, Ethiopia and Nigeria), and Italy also put on the table two hundred millions euros for Niger<sup>21</sup>.

Germany has been lastly a very dynamic actor on this topic, as showed by the visit of the German Chancellor Angela Merkel in several African countries (Mali, Niger and Ethiopia, where there is also the siege of African Union) during October 2016<sup>22</sup>. In Niger, the president Mahamadou Issoufou has explained that the EU Trust Fund for his country is insufficient to reduce emigration and asked for a “Marshall plan for Niger and the entire region”<sup>23</sup>.

In November of 2016, the then Foreign Minister Paolo Gentiloni visited Niger, Mali and Senegal, accompanied by The EU European Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos<sup>24</sup>. Migration issue was at the centre of the agenda. The Italian Minister explain that “cooperation with Niger is ambitious: we will assist the authorities in the strengthening of border control and adaptation of their equipment and of course in humanitarian assistance management”<sup>25</sup>. During the visit to Senegal, where Gentiloni and Avramopoulos meet the Senegalese Foreign Minister Mankeur Ndiaye, Europeans actors ask cooperation in identification tasks and repatriation by the Senegalese government. The latter ask that who will be returned will receive a support allowing them to work and stay in the origin country<sup>26</sup>.

Moreover, German Interior Minister, Thomas de Maizière, declares in November 2016 that people intercepted in the Mediterranean sea, be they refugees or not, must be sent to ‘processing canters’ in North Africa, mainly Tunisia, but also Egypt<sup>27</sup>. There, they will

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<sup>21</sup> Africa ExPress, “Il risultato del viaggio di Gentiloni in Africa; contro i migranti finanziamo governi corrotti”, 19 November 2016, <http://www.africa-express.info/2016/11/20/nigermalisenegalgentilonielue-firmano-asegni-per-fermare-il-flusso-dei-migranti/>.

<sup>22</sup> Africa ExPress, “Niger, il viaggio in Africa della Merkel, tra promesse di sviluppo e richieste imbarazzanti”, 11 October 2016, <http://www.africa-express.info/2016/10/12/niger-la-seconda-tappa-del-viaggio-in-africa-della-cancelliera-tedesca/>

<sup>23</sup> Ibidem.

<sup>24</sup> Africa ExPress, “Il risultato del viaggio di Gentiloni in Africa; contro i migranti finanziamo governi corrotti”, 19 November 2016, <http://www.africa-express.info/2016/11/20/nigermalisenegalgentilonielue-firmano-asegni-per-fermare-il-flusso-dei-migranti/>.

<sup>25</sup> Ibidem. Author’s translation.

<sup>26</sup> Africa ExPress, “Il risultato del viaggio di Gentiloni in Africa; contro i migranti finanziamo governi corrotti”, 19 November 2016, <http://www.africa-express.info/2016/11/20/nigermalisenegalgentilonielue-firmano-asegni-per-fermare-il-flusso-dei-migranti/>.

<sup>27</sup> Independent, “German ministry wants to return asylum seekers to Africa”, 6 November 2016, <http://www.independent.co.uk/news/world/europe/german-ministry-refugee-migrants-asylum-seekers-africa-libya-tunisia-egypt-australia-a7400681.html>

apply eventually for asylum and wait for an answer; in case of a positive evaluation of their asylum application, they will be then transported to Europe.

#### **4. The negotiation of externalisation: issue-linkage and the rise of a ‘migratory conditionality’.**

As previously mentioned, the control’s delegation towards African countries is settled through agreements negotiated at different levels: the inter-regional (EU-ACP), multilateral (EU-third countries, for example in the case of ENP, or in association agreement) and bilateral level (EU member state-third country). The issue of migration control can be negotiated autonomously or, in the large majority of cases, is linked to other issues or included in a broader framework of dialogue. Depending on the content of the agreement, the particular political conjuncture and the specific third country political and geographical position, the negotiation can be switched from one level to another in order to maximise the possibilities of success.

Independently from the level at which is conducted, the negotiation of the migration management model’s transfer and its implementation follows two basic axes: a ‘comprehensive approach’ and a ‘stick and carrot’ logic. This means that different issues of the relations are strictly connected into the negotiation, a fact that allows to European actors to operate a more intense pressure to conclude the migratory deal. The use of other matters in the migratory negotiation, as a ‘stick’ or as a ‘carrot’ depends from the position of the third countries *vis-à-vis* the issue, as well as from the European priority to conclude an agreement. The materialisation of the positive and negative conditionality (respectively the carrot and the stick) takes various forms, depending on the specific framework in which the negotiation is developed and materialises through several instruments, some connected to migration, some other with different issues. In the case of Euro-African space, it has to be mentioned that the conditionality of a possible accession to the EU cannot be used, differently from what is happening in the case of Turkey or other Eastern neighbours.

Therefore, what is emerging is a ‘issue linkage’ linking migration with different policy areas of the external relations, as development, trade agreements, foreign direct investments (FDI), finance and security (Jurje and Lavenex, 2014; Lavenex and Kunz, 2008; Kunz et al. 2011; Zaragoza, 2016). In the case of the negotiation of the 2000’s UE-ACP agreement of Cotonou, a general clause for readmission has become a



precondition for the conclusion of the interregional commercial agreements. The ACP countries were forced by the economic importance of the treaty to accept this clause forcing them to accept return and readmission of their citizens found in an irregular situation in the European territory (Gabrielli, 2007; Lavenex, 2002).

Another case is this of Morocco, where longstanding cooperation with Spain, as well as the signature of a 'Mobility partnership' in 2013 has opened the doors to a closer economic cooperation with Europe, besides other political considerations linked to the Western Sahara issue (El Qadim, 2015; Zaragoza, 2016).

Although, political support from EU can also be a decisive element, as a positive or negative conditionality, concerning the conclusion of a migratory cooperation with EU. Limam and Del Sarto (2015) underlines how EU has exploited the uncertain political context in Tunisia and Morocco, after the Arab spring, in order to foster the conclusion of Mobility Partnerships. In the case of Tunisia, Ayadi and Sessa (2016: 30) underlines that

“[many] officials pointed out that such far-reaching measures were not in the interest of Tunisia, provided that the simplification of procedures for granting visas remains subject to further negotiations and availability of opportunities in the EU, while the measures engaging Tunisia in the management of migratory flows are meant to be implemented on shorter delays and without particular conditions”.

Always in the case of Tunisia, it has to be underlined that in parallel to the opening of the negotiations on readmission in 2016, the EU Commission publishes a communication on “Strengthening EU support to Tunisia”, underlining also the importance of stepping up cooperation with Tunisia in the area of migration<sup>28</sup>.

In other cases, the conclusion of a bilateral agreement is linked to the promises of an FDI impulsion to a third country, as in the case of the agreement between Spain and Senegal, as well as with other sub-Saharan countries (Gabrielli, 2008 and 2011b). More recently, it has been the case of Ethiopia, Sudan, Niger or Mali, between others, where economic incentives in terms of aid through the Trust Fund for Africa has played a key role as incentives. In the case of cooperation with Ethiopia, the 'Jobs Compact'

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<sup>28</sup> European Commission, Press release “The EU and Tunisia start negotiations on visa facilitation and readmission”, 12 October 2016, [http://europa.eu/rapid/press-release\\_IP-16-3394\\_en.htm](http://europa.eu/rapid/press-release_IP-16-3394_en.htm)



framework for the country establish 500 millions USD loan to Ethiopian government: EIB (European Investment Bank) will provide around 200 millions, 50 millions of EU grants, and the rest will come from the World Bank, the British government and others EU member states. The president of the EIB, Werner Hoyer, consider that “it’s also an excellent example of how the EU bank is helping Europe act beyond its borders to tackle the refugee and migration challenges which now affect nearly every part of the globe”<sup>29</sup>. To this regard, Francisco Carreras, head of cooperation at the Delegation of the EU to Ethiopia says that “[w]e’re putting migrant-related issues at the heart of our support to countries”<sup>30</sup>.

A linkage of migration control and readmission with visa quotas is also common in agreements (Trauner and Kruse, 2008). In the recent case of the EU-Turkey deal, the issue of visa regime for Turkish citizen was openly included in the agreement, after several years of less fluid negotiation on this issue (Kirişçi, 2014; Macmillan, 2012). In other cases, the linkage is less visible and sometimes has also concerned quotas of temporary labour visa, as in the case of the agreements between Spain and Morocco or Senegal for the recruitment of seasonal workers in the agriculture. However, after the ‘economic crisis’, the presence of labour quotas both in bilateral and multilateral agreement has quickly vanished.

Finally, but not less important in the negotiation process, the development aid concessions represent a key pressure instrument to accept cooperation on readmission and the delegation of migratory flows’ control (Kabbanji, 2013; Gabrielli, 2009 and 2012).

The case of the bargaining process on migration control’s externalisation between Spain and Senegal in 2006 is quite illustrative in this sense. In exchange of Dakar’s cooperation, Zapatero’s government approved a € 20 million development aid addressed principally to the REVA project, well publicised by the president Wade in its electoral campaign, and promised the opening of formal immigration channels for Senegalese migrants (Gabrielli, 2008). The more recent negotiation of cooperation on migratory

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<sup>29</sup> European Investment Bank, “EIB President pledges support for ‘Jobs Compact’ in Ethiopia tackling migration and refugee challenge”, 21th September 2016, <http://www.eib.org/infocentre/press/releases/all/2016/2016-212-european-investment-bank-president-pledges-support-for-jobs-compact-in-ethiopia-tackling-migration-and-refugee-challenge.htm>

<sup>30</sup> IRIN, “Europe pays out to keep a lid on Ethiopia migration”, 24<sup>th</sup> October 2016, <https://www.irinnews.org/analysis/2016/10/24/europe-pays-out-keep-lid-ethiopia-migration>

issues between EU and Tunisia, Mali and Ethiopia, between other cases, are also representative of this trend.

This new conditionality appears transversally at different levels of the Euro-African relations, always as a pressure instrument to foster the conclusion of an agreement. Particularly in the deeply unbalanced framework of the Euro-African relations, there is a rise of a new specific ‘migratory conditionality’. Therefore, it is possible to consider that in the specific Euro-African framework, this ‘migratory conditionality’ linked to development aid becomes the central pillar upon which the delegation is based (Gabrielli, 2009). In any case, this issue-linkage between migration and development, framing aid and co-development as pressure tools has several consequences.

First of all, development aid is becoming more a tool of negotiation of the cooperation in migration control with third countries than a tool of development *per se* (Nyberg Sørensen, 2012; Kabbanji, 2013; De Haas and Vezzoli, 2010). It has been the case in the past when Spain negotiated, in the frame of Africa Plan, with West African countries on readmission and cooperation in controlling migratory flows, and particularly in the case of Senegal and Mali (Gabrielli, 2011b).

Therefore, there is a clear geographical reconfiguration of the aid priorities. Countries that are along the main migratory routes become soon a priority in the field of aid. It has been the case of Mali that, just after signing a bilateral agreement with Spain in 2007, has become suddenly a priority country for Spanish cooperation (Gabrielli, 2011b). As related by a Spanish NGO worker in the country at the time, “suddenly, there was so much money for development projects that the NGOs were not enough to spend it all”<sup>31</sup>.

There is also another emerging issue related to aid concession towards third countries: the diversion of aid goals from third countries development priorities. Development funds are increasingly used for accomplish migration control priorities, through a growing amount of projects connected to third countries ‘capacity building’ in areas strictly connected to security, border control and mobility. It is the case, for instance, of the funding of an electronic passport in Senegal in 2007<sup>32</sup>, as well as of the new ECOWAS biometric ID card system implementation in the same country in 2016,

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<sup>31</sup> Personal interview with a NGO worker, Barcelona, 2009.

<sup>32</sup> See: <http://www.thestar.com.my/business/business-news/2016/05/30/iris-wins-rm346mil-deal-to-supply-id-biometric-cards-to-senegal/> [last visited: 28<sup>th</sup> December 2016]

through a project funded by European Union and carried on by IOM<sup>33</sup>. Similar projects are fostered also in the case of Mali. The digitalisation of population registries and of ID system is an issue that can difficultly be considered as a development priority concern for local populations.

The same exogenous logic of development, fostering European interests linked to buffering mobility in Africa, is also applied to the recent EU Trust Fund for Africa. First, the projects subjects to funding<sup>34</sup> are defined by the European External Action Services (EEAS) in third countries. Second, an important part of the selected projects are linked to border and mobility control and security issues, even if another part of the projects are addressed to job creation in targeted countries<sup>35</sup>. Several critics have been raised towards the contents and the modalities of this funds, both from the European side, in this case the Development committee of the EU Parliament<sup>36</sup>, and from some African representatives (Pace, 2016). Castillejo (2016) considers that this Trust Fund can be an indicator of the future trends in EU development cooperation, emphasising the limited partnership with third countries and civil society and NGOs, as well as the close links to EU interests and the use of conditionalities.

Another consequence of this use of development aid in fostering the conclusion of migration control and readmission agreements is the fact that ‘migratory conditionality’ is weakening democratic conditionality. At this regards, Lavenex and Schimmelfennig (2009: 808) remark that “the macro-policy of democracy promotion appears to be incompatible with the sectoral logic of external governance”.

Looking at bilateral level, the cases of agreements between Italy and Ben Ali’s regime in Tunisia and Gadhafi in Libya are exemplificative in this sense. More recently, the cooperation between EU and Sudan, a country whose president, Omar al-Bashir, has been charged by the International Criminal Court as a indirect (co)perpetrator of a campaign of mass killing, rape, and pillage against civilians in Darfur. To this regard, in

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<sup>33</sup> The Project that EU is funding to IOM is called “Support to Free Movement of Persons and Migration in West Africa (FMM West Africa)” but is linking irregular migration and the roll-out of the National Biometric ID Card. See: <https://www.iom.int/news/iom-supports-ecowas-meeting-national-biometric-id-cards-task-force-irregular-migration-0/> [last visited: 28<sup>th</sup> December 2016]

<sup>34</sup> The Fund amount is of 1,8 billions euros, organised following the leveraging principle in which EU is putting on the table some money and other public and private actors are called to complement the fund.

<sup>35</sup> See the selected projects here: [http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa\\_en](http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en) [last visited: 28<sup>th</sup> December 2016]

<sup>36</sup> European Parliament - Committee on Development, “Report on the EU Trust Fund for Africa: the implications for development and humanitarian aid”, (2015/2341(INI)), 29 June 2016. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2016-0221+0+DOC+XML+V0//EN> [last visited: 28<sup>th</sup> December 2016]

an interview to ARD, Sudan's Foreign Minister, Ibrahim Ghandour, explains that "the [EU] Migration Commissioner in Brussels asked me, 'We have 12,000 illegal migrants from Sudan in the EU. Are you ready to take them back?' I told him, 'Immediately. On your word, we'll welcome them'"<sup>37</sup>. The EU, under the impulsion of Germany and under the coordination of GIZ (the German development agency), is apparently planning to deliver personal registration equipment (scanners, cameras and servers) to the country for supposedly registering refugees, as well as training for border police and the construction of two detention camps for migrants<sup>38</sup>. Considering that Sudan will use this equipment to build a comprehensive population database, there are serious concerns regarding the fact that EU will boost the surveillance capabilities of a repressive regime<sup>39</sup>. But also the cooperation with other countries as of Eritrea, whose respect of human rights and civil liberties are very limited, or Ethiopia, has raised serious concerns through civil society and NGOs, both in Europe and in Africa.

Despite the ambiguous use that EU and member states make of this 'migratory conditionality', European actors always explain that the conditionality eventually used was positive and they never admit the use of a negative one. Nevertheless, the picture change after the new "Partnership Framework with third countries under the European Agenda on Migration" presented on the 7<sup>th</sup> June 2016 by the EU Commission. Then, the use of a 'negative conditionality' becomes also clear at a narrative and rhetorical level. The document says explicitly that "[a] mix of positive and negative incentives will be integrated into the EU's development and trade policies to reward those countries willing to cooperate effectively with the EU on migration management and ensure there are consequences for those who refuse"<sup>40</sup>.

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<sup>37</sup> BuzzFeed News, "Germany will help a leader wanted for genocide build detention camps for refugees", 17 May 2016, <http://www.buzzfeed.com/jinamoore/germany-will-help-a-wanted-genocide-criminal-set-up-detention?utm-term/> [last visited: 28<sup>th</sup> December 2016]

<sup>38</sup> Spiegel Online, "EU to Work with African Despot to Keep Refugees Out", 13 May 2016 <http://www.spiegel.de/international/world/eu-to-work-with-despot-in-sudan-to-keep-refugees-out-a-1092328.html/> [last visited: 28<sup>th</sup> December 2016]

<sup>39</sup> Huffington Post, "How the EU is trying to stop Africans boarding boats to Europe", 6 September 2016, [http://www.huffingtonpost.com/entry/eu-migration-eritrea-sudan\\_us\\_5759a90ae39a28acd632/](http://www.huffingtonpost.com/entry/eu-migration-eritrea-sudan_us_5759a90ae39a28acd632/) [last visited: 28<sup>th</sup> December 2016]

<sup>40</sup> EU Commission (2016), "Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration", COM(2016) 385 final, Strasbourg, 7<sup>th</sup> June. [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication\\_external\\_aspects\\_eam\\_towards\\_new\\_migration\\_ompact\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf) [last visited: 28<sup>th</sup> December 2016]

In the process of inter-regional building of the repressive and reactive migration governance, involving Europe and Africa, EU and particularly its member states are the main players, although not the only ones. The African countries see in the negotiation of migration control the possibility to obtain monetary and material assistance, as well as the opportunity to gain a more central position in their relations with Europe. Thus, externalisation of migratory control is becoming a crucial bargaining tool in the relations of some African countries with both EU and its member states. In this framework, some of these countries, and not exclusively the Mediterranean ones, sacrifice partially their relations with the continental neighbours for the sake of a good entente with the EU. The examples in this sense are numerous.

For instance, in 2009, Muammar Ghaddafi warns Italy that if they not accepts Libyan conditions about the bilateral agreement on migration control – 4 millions euros a year in exchange of its control tasks - “[t]omorrow Europe might no longer be European and even black as there are millions who want to come in”<sup>41</sup>. The same Colonel Ghaddafi was also supposed to foster departures of migrants’ boats towards Italy since March 2011 as retaliation for the military strikes against Libya.

Looking at the other side of the Mediterranean, it is not unusual then the Moroccan government decrease the level of control at the border at some very specific moments (El Qadim, 2015; Zaragoza, 2016). For instance, it was the case the 12<sup>th</sup> of August of 2014, when more than 900 migrants arrive at the Spanish coasts in a single day, supposedly due to the anger of the Moroccan king Mohammed VI for a control that had suffered from the Spanish police, occurred a few days before when it was on its boat in Spanish territorial waters<sup>42</sup>.

Looking outside of Africa, similar attitudes also come from the Turkish President Erdoğan and the Prime Minister Davutoglu, that forecast the possibility to suspend the EU-Turkey deal in case Brussels do not take a step forward in several commitments, and particularly the visa-free regime for Turkish citizens. More specifically, the President declares: “I am proud of what I said. We have defended the rights of Turkey and the refugees. And we told them [the Europeans]: “Sorry, we will open the doors and

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<sup>41</sup> N. Squires and D. McElroy, ‘Libya to unleash wave of migrants on Europe’, The Telegraph, 7 April 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8435884/Libya-to-unleash-wave-of-migrants-on-Europe.html> [last visited: 28<sup>th</sup> December 2016]

<sup>42</sup> See: <http://www.elmundo.es/espana/2014/08/25/53fa3bdfe2704ec6128b457a.html> [last visited: 28<sup>th</sup> December 2016]

say goodbye to the migrant”<sup>43</sup>, while the Prime Minister says “If the EU doesn’t keep its word, including the migrants deal we will cancel all agreements”<sup>44</sup>.

To define the game played from third countries, Greenhill (2010) coined the term of ‘weapons of mass migration’. She refers to “coercive engineered migration” as “those cross-border population movements that are deliberately created or manipulated by state or non-state actors in order to induce political, military and/or economic concessions from a target state or states” (Greenhill, 2016: 320).

Even if third countries are certainly trying to gain bargaining power through their collaboration in controlling migration, the dynamic is surely more complex and even if some countries uses migrants as a leveraging tool it seems very extreme to consider people -that are subject to physical and symbolic violence and sometimes to exploitation in their long journeys- as a weapon. And this seems even more problematic in case of refugees escaping from conflicts and persecutions.

## **5. Conclusions: results and side effects of the Euro-African framework of migration management.**

The most evident result of the Euro-African framework of migration management is a repeated displacement of the border between EU and Africa *vis-à-vis* of migratory flows every time more to the South, as well as the creation of a series of buffer zones in the African continent (Gabrielli, 2011b; Anderson, 2014b; Dünnwald, 2016; Gaibazzi et al., 2016). In terms of flows, the emerging inter-regional governance of migration in the Euro-African space has mainly displaced the migratory paths back and forth following the negotiation and the implementation of the cooperation (Gabrielli, 2011a; Casas-Cortes et al., 2015), more then curbing the arrivals of people to Europe.

Meanwhile, the ‘side-effects’ generated by the reactive process of inter-regional migratory governance’s building are significant at least in three dimension connected to the real protagonist of this framework, the people on the move: the respect of their rights, the informality/of migrants and refugees in the transit space, and the level of

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<sup>43</sup> ‘Turkish president threatens to send millions of Syrian refugees to EU’, The Guardian, 11 February 2016, available at <http://www.theguardian.com/world/2016/feb/12/turkish-president-threatens-to-send-millionsof-syrian-refugees-to-eu> [last visited: 28<sup>th</sup> December 2016]

<sup>44</sup> Agence France-Presse, ‘Turkey threatens to back out of EU migrant deal over visas’, France24.com, 19 April 2016, available at <http://www.france24.com/en/20160419-turkey-migrant-deal-eu-visa-free-travel> [last visited: 28<sup>th</sup> December 2016]

violence to which they are exposed (Schapendonk, 2012; Lemberg-Pedersen, 2016). Several evidences about the consequences of control externalisation in Africa already exist concerning the previous wave, as we will see just after, but it is possible to consider that the intense recent steps of externalisation of mobility control will seriously increase the damages.

One effect of this Euro-African migration governance framework is the production of a great informality between migrants in African spaces, in other words the production of 'invisible' individuals without any rights. Some scholars pointed out that some specific EU mechanism, as the visa policy, has also produced a greater irregularity (Czaika and Hobolth, 2014). However, externalization has foster in a decisive way this process.

Furthermore, the externalities generated by this inter-regional migratory governance enlarge the border crossing market, at least in terms of relative revenues. As in the case of all 'illegal' markets, also in the border-crossing market increasing difficulties to access the product that is offered determine an augmentation of prices. As Castells (2000: 201-202) points out, these criminal networks are counting on the political blindness and the moralistic vision of our societies, which don't seem to understand that in the case of migration, as in the one of drugs, demand defines the offer. It seem logic then that the sharp of increase in human trafficking is a direct result of the restrictive policies and the lack of alternative measures. Consequently, we could argue that such immigration policies have some direct, extremely beneficial effects for the organised crime which concentrates on a low risk and quite profitable activity: that of migrants trafficking. The concomitant presence of a high migratory pressure accompanied by a limited range of possibilities for a formal migration creates an informal market characterised by a powerful demand for alternative roads. The direct consequence is "a supply of a service of criminals specialised in moving persons from one country to another" (Savona, 1996: 8).

At the level of rights, it is necessary to consider in depth the existing tensions with the inter-regional framework of migration management that has been developed until now in the Euro-African space (Gabrielli, 2014). Some authors consider that cooperation with third countries does not constitute a good model to follow, especially when taking into account the degradation of migrants' rights. As Carrera et al. (2016) clearly underlines: "[t]he lessons learnt from the cooperation with Morocco show the limited



feasibility and appropriateness of EU approach towards third countries, and that cooperation with third countries should not come at the expense of migrants' rights".

Moreover, in the process of inter-regional building we have seen as the migratory question is becoming a crucial bargaining tool in the relations of some African countries with both EU and its member states. In this framework, some of these countries can be tempted to sacrifice the rights or the wellbeing and security of migrants and refugees for the sake of a good and profitable entente with the EU.

Indiscriminate expulsions of sub-Saharan people are operated by North-African countries by time to time, in order to shows to European actors that they are good partners. Moroccan expulsion towards the desert close to the Algerian border (Gabrielli 2011a), or Libyan expulsions to the Southern border of the country are the most common examples in this sense, but unfortunately not he only ones. The most recent case is this of Algeria that organise indiscriminate deportations of black Africans at the end of 2016<sup>45</sup>.

The delegation of migration flows' control outside Europe is also modifying the space of mobility in the African continent, besides then in Mediterranean. It must be remember that in the framework of ECOWAS, the citizens of the member states enjoys a *de jure* freedom of movement that not seems compatible with the limits on the mobility imposed by the European-driven externalisation.

The increasing externalised borders control, combined with the difficulties to distinguish between migrants and asylum seekers, produces a *de facto* restriction of the right of asylum, since this right can only be effectively exercised once arrived at the European territory (Hyndman and Mountz, 2008; Gammeltoft-Hansen, 2011).

Another paradigmatic side-effect emerge from the growingly common tendency to the informalisation of bilateral migratory agreements with third countries. If we consider this informalisation process by the prism of democratic principles, the main weak point is the limitation of the accountability of the governance. Some agreements, for instance, have taken effect before their approval by the parliament (in the Spanish case for instance), and some other agreements have never been published (as the Spain-Senegal agreement or the several Italian-Libyan agreements) (Gabrielli, 2011b).

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<sup>45</sup> See: <http://www.jeuneafrique.com/381265/politique/algerie-chasse-a-lhomme-noir-scandale/> [last visited: 28<sup>th</sup> December 2016]



Finally, this externalisation process and its interactions with migration flows in the African spaces increase significantly the risks of the migration process connected to violence exposure for migrants and refugees. If the ‘easier’ and then principal routes are under a growing control, the flows move to ‘new’ routes that are longer, more dangerous and thus less controlled. As Alonso Meneses (2002: 7) points out, this strategy aims at the optimisation of natural obstacles that would displace informal fluxes of migrants towards the zones of minor vigilance pressure, but of higher danger due to geographical and climatic conditions, as these would be considered as discouraging elements. Far from reducing the fluxes, the main result of this strategy is, as the same author proved, the rise of violence against migrants. The externalisation strategy driving the creation of an interregional framework of migration governance, seems to be proper of a low-intensity conflict using violence as an instrument of discouraging informal immigration (Nagengast, 1998). The large and growing number of deaths at the European borders during the last decades testifies the magnitude of these risks and compels to be taken into consideration at the moment that immigration policies are designed in a more serious way than rhetoric declarations (Last and Spijkerboer, 2014; Ferrer-Gallardo and Van Houtum, 2014; Jeandesboz, 2014).

It is then also necessary to reframe European policies and orientations more in depth and consider the responsibilities of EU countries and institutions for their action outside of their territory (McNamara, 2013; Hayes and Vermeulen, 2012; Carling and Hernández-Carretero, 2011; Kohnert, 2007; Lemberg-Pedersen, 2016). It is also needed a new ethical-based approach of migration and mobility policies questioning the current dominant frame of security, mainly focused on States and not on people on the move (Zapata and Gabrielli, 2017).

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