



Supporting or Thwarting? The Influence of European Union Migration Policies on African Free Movement Regimes in West and North-Eastern Africa

Summary

The European Union (EU) approach to migration in Africa has significantly shifted in the last few years. Notably since 2015, it has focused on preventing irregular migration and privileges engagement with the main countries of origin and transit of migrants. In the context of the 2015 Joint Valletta Action Plan (JVAP), a funding instrument – the EU Emergency Trust Fund for Africa (EUTF) – was created to channel development aid in support of EU interests in curbing migration.

As reflected in historical and more recent policy agendas, economic integration and free movement within the continent and its regions constitute key elements of African development ambitions and narratives. But an increasing body of research suggests that EU activities (in particular the EUTF) sideline or even undermine African stakeholders and interests in decision-making and programming on migration.

This paper analyses the effects of EU political dialogue and programming on regional free movement (RFM) in two African regions: the Intergovernmental Authority on Development (IGAD) in the Horn of Africa and the Economic Community of West African States (ECOWAS) in West Africa. These regions receive the greatest amount of EUTF funding. While both IGAD and ECOWAS have frameworks on RFM, these are at very different stages of development.

The analysis, based on literature review and field research, shows that EU approaches to and impact on RFM differ significantly in the two regions. In the IGAD region, the EU is not undermining but rather supporting free movement – albeit not as significantly as it could. In contrast, in the ECOWAS region the EU's focus on preventing irregular migration is undermining progress on RFM.

At least three factors drive this difference: 1) institutional coherence and decision-making powers vary considerably in the two regions; 2) whereas some powerful member states in the IGAD region consider free movement to be a barrier to their hegemonic role, member states in the ECOWAS region largely see it as positive; and 3) EU migration programming in these regions is driven by different levels of urgency – with the largest number of irregular migrants coming from West Africa, the EU's objective of curbing migration is more accentuated in the ECOWAS region.

A number of policy processes between and within the EU and Africa are currently underway that could reshape how the EU engages with Africa on migration issues, provided existing tensions are acknowledged and addressed. Since RFM is in the long-term interests of both parties, given its potential value to contribute to growth, development and stability within Africa, the EU should pursue the following programmatic steps for its support:

- *Supporting regional organisations.* This includes tailored capacity support in strategic direction, analytical capacity and outreach to member states. This should build on lessons from existing EU projects in support of RFM.
- *Enhancing coherence between security and development.* This means for example that existing programmes addressing irregular migration are examined regarding their impact on free movement.
- *Improving capacity of EU delegations.* This requires linking the regional EU delegations more effectively to EU delegations in member states to support joint regional and national level actions on RFM.

Background: The EU's post-2015 migration agenda

The EU's approach to migration in Africa has shifted significantly since 2015, moving from multilateral engagement that focused on both African and EU interests in relation to migration, to more bilateral forms of engagement that focus strongly on EU interests in curbing irregular migration – with a strong emphasis on preventing movement and returning irregular migrants. This post-2015 agenda has been driven by intense political pressures from EU member states.

The Joint Valletta Action Plan (JVAP), agreed at the 2015 Valletta Summit on Migration, contained references to African interests in relation to migration, including the promotion of regional free movement (RFM) within Africa. However, in practice such African interests have been largely overlooked by the EU in its implementation of the JVAP and its activities under the EUTF. Established in 2015, the EUTF with its two funding windows "Sahel and Lake Chad" and "Horn of Africa" – which are not completely identical with IGAD and ECOWAS member states (see Figure 1) – has become the main vehicle for EU migration programming in Africa. It has six priority areas, all related to reducing irregular migration, and currently stands at more than EUR 3.2 billion. The EUTF has been widely criticised for its underlying theory of change, its governance and management, and the fact that it channels development aid in support of EU interests in curbing migration. Moreover, it seems that the creation of the EUTF has limited the possibilities for providing migration funding through other more development focused instruments, as well as reduced the space for funding long-term, African owned migration agendas that do not fit Valletta priorities, such as RFM.

An analysis based on desk-review and interviews with 50 individuals on EU political dialogue and programming on RFM in the IGAD and ECOWAS regions during December 2018 to March 2019 demonstrates, that the EU's approach and impact vary considerably. This is true despite the fact that both regions are focal areas for EUTF programming. While both regions have frameworks on RFM these are at very different stages of development. This Briefing Paper explains the different policies the EU pursues, and discusses their consequences.

The significance of RFM for Africa and its regions

Although implementation has consistently lagged behind ambition, the vision of a united and borderless Africa has been part of pan-African narratives for decades. Several African policy agendas, such as the Abuja Treaty of 1991 and the African Union (AU) Agenda 2063, identify free movement as an essential prerequisite for the achievement of a borderless and economically integrated continent. In 2018, the African Continental Free Trade Area was agreed upon and the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment was adopted and signed by approximately two thirds of AU member states. According to the Continental Free Movement Protocol, the process of implementing free movement should begin with Africa's regions. The significance of RFM is backed by a growing body

of academic literature emphasising the positive economic and societal impacts, if mobility is adequately governed. But the emphasis on free movement at AU level is in sharp contrast to diminishing support for RFM by the EU, in favour of a stronger focus on curbing irregular migration towards Europe. This dynamic manifests itself differently in the ECOWAS and IGAD regions.

ECOWAS adopted its Protocol Relating to Free Movement of Persons, Residence and Establishment in 1979, reflecting the historical significance of migration within the West African region. With the intention of facilitating economic and trade liberalisation between its 15 member states (see Figure 1), the Protocol ranges from visa-free entry to the liberalisation of employment and business establishment rights. However, implementation has been challenging, particularly in relation to the right of establishment, due to limited political commitment, capacity and funding.

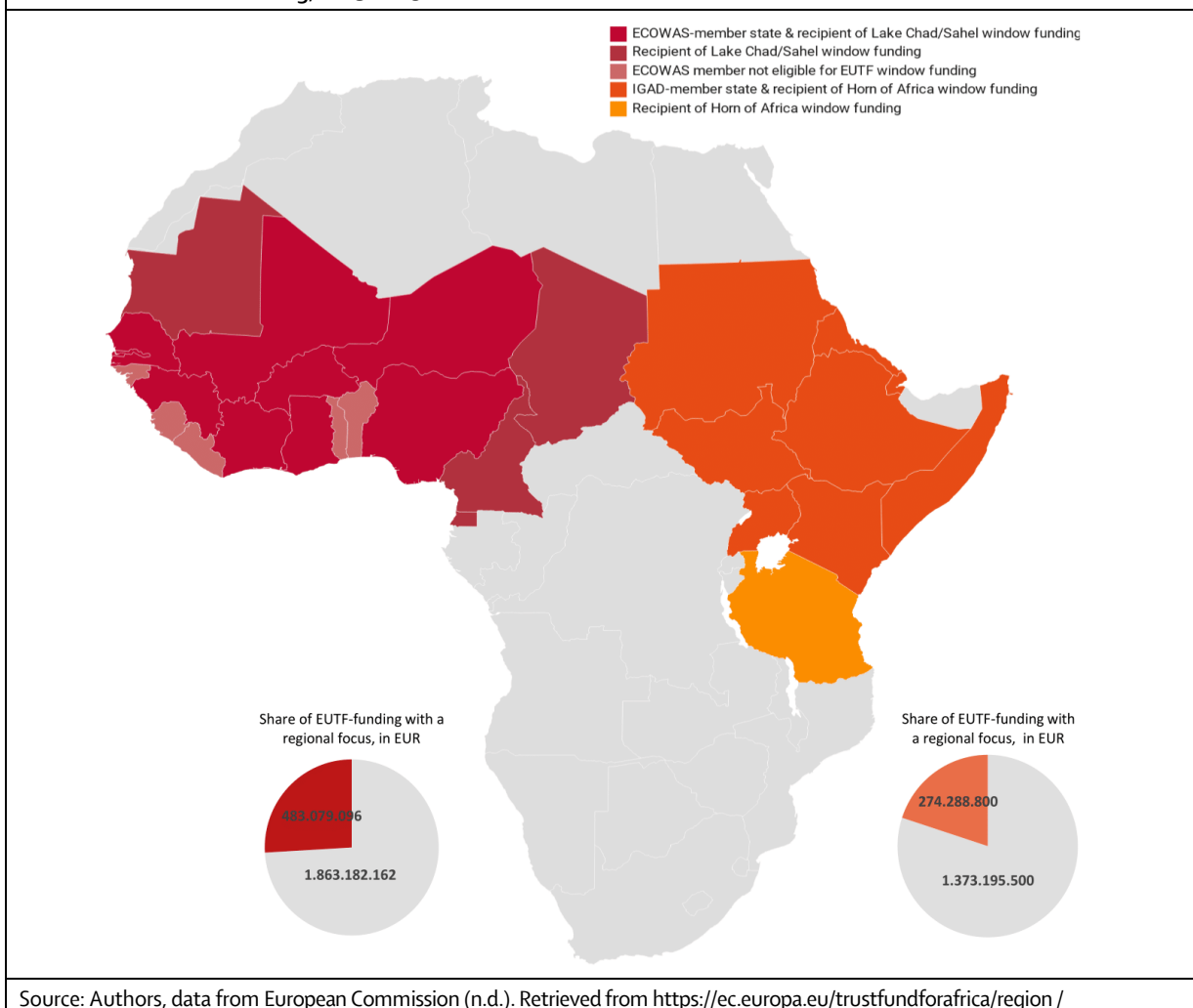
IGAD committed to establishing an RFM regime in its agreements with the AU under the Minimum Integration Programme in 2008. While little tangible process has been made, efforts have regained traction in the last few years. Notably, IGAD's two main normative frameworks, the Regional Migration Policy Framework and the Migration Action Plan 2015-2020, include the establishment of a free movement regime as a strategic priority. Besides regional initiatives, bilateral agreements for visa-free entry exist between Kenya and Ethiopia, as well as Kenya and Uganda, however the latter in the context of the East African Community (EAC).

EU migration policy approaches and their impact on RFM in the two regions

The EU was previously a long-time supporter of regional integration and free movement in ECOWAS; however, since 2015 this support has increasingly diminished. Existing EU programming in support of RFM will end in 2020 and no further support is planned. None of the 18 EUTF-funded projects with a regional focus involves ECOWAS or has a focus on free movement. The EU's strong focus on securitising borders and preventing movement is particularly problematic. Officials report that as people moving north are suspected of irregularly migrating to Europe, citizens seeking to cross borders are increasingly harassed. Furthermore, the EU's emphasis on bilateral engagement on migration with just a few countries in ECOWAS has fostered a growing polarisation within the region on migration issues, both in terms of policy frameworks and institutional capacities. Indeed, countries like Liberia that do not receive EUTF funding are being left further behind in terms of institutional capacity on migration.

Interestingly, the EU plays quite a different role in IGAD compared to ECOWAS. EU funding through the EUTF has supported IGAD to develop a draft free movement protocol and conduct national consultations on this. That said, the EUR 10 million allocated to this project is an extremely small amount compared with overall EU funding on migration in the region. It is also the only project focusing on RFM among

Figure 1: Proportion of the EUTF's Sahel and Lake Chad and Horn of Africa windows directed to regional programmes out of total EUTF funding, 2015-2019



12 EUTF-funded regional programmes in the Horn of Africa. Moreover, the weak capacity of the EU delegation in Djibouti, where IGAD has its headquarters, but the EU has no staff dedicated specifically to IGAD, suggests that the EU gives low priority to its regional as opposed to bilateral programming.

Summing up, EU approaches to, and their impact on RFM are quite different in the ECOWAS and IGAD regions. In terms of approaches, in the IGAD region the EU is not undermining, but rather supporting free movement, although it could certainly do more of this and do it more effectively. In the ECOWAS region the EU's focus on preventing irregular migration is undermining progress on RFM. That said, the EU argues that there is no innate tension, as strengthening rules, institutions and practices to curb irregular migration helps facilitate efficient, orderly and rules-based free movement.

How can these differences in EU engagement and impact in the two regions be explained? At least three factors are key:

- *Institutional histories and settings.* RFM is currently not a reality in the IGAD region. Since its foundation in 1996, member states have not awarded the organisation with a solid decision-making mandate and have shown little financial commitment. As a consequence, there is little regional collaboration in place that the EU could

undermine. Meanwhile, against the background of decade-long ambitions to consolidate regional integration across national and language borders, in ECOWAS free movement is an (albeit imperfect) reality. There is also significant (although again imperfect) regional coherence within ECOWAS that can be put at risk by EU bilateral engagement on migration.

- *Internal barriers based on security and economic concerns.* In the IGAD region, shifts in the geopolitical dynamics, such as the peace agreement between Ethiopia and Eritrea, offer important positive momentum. However, member states continue to associate "deeper" regional integration with security and economic risks, such as a strong influx of migrants from poorer countries, who they fear will take over local jobs and burden local services. Refugee flows tend to be addressed based on a containment rather than an integration logic. In contrast, free movement in the ECOWAS region enjoys significant political endorsement – despite inadequate domestication of the regional Free Movement Protocol.
- *Different EU interests related to migration patterns.* While the EU's major objective to stem irregular migration from Africa to Europe applies to both regions, it is clearly more

accentuated in the ECOWAS region. West Africa – and in particular Nigeria – is a major source of irregular migration to the EU. According to the European Border and Coast Guard Agency, in 2017 almost 143,000 migrants irregularly crossed borders via the Western Mediterranean and Central Mediterranean routes to Europe. The fact that ECOWAS citizens can travel freely in the region by implication facilitates these journeys. Meanwhile, in the Horn of Africa the numbers are less pressing and there is no RFM regime in place to facilitate movement. Thus, the EU views RFM more through a development rather than an irregular migration lens.

Conclusions and recommendations

Currently a number of processes are underway that may reshape how the EU engages with Africa on migration issues at policy and programming level. These include negotiations over the next EU budget and the establishment of the future framework for EU development-related engagement with countries of the African, Caribbean and Pacific Group of States (ACP). Likewise, on the African continent and despite mixed commitment among states in practice, ambitions on regional integration and RFM are growing, as manifested in the continental Protocol on Free Movement agreed in 2018. Both in the EU and Africa, the potential of RFM in Africa and the value of long-term regional level engagement in this context are being recognised in principle.

On a programmatic level this would mean:

- *Providing more support to regional organisations for RFM.* Tailored capacity support (e.g. on political leadership vis-à-vis member states, strategic direction, analytical capacity, outreach, data collection and analysis, etc.) should be provided for both regional bodies, while recognising that the challenges they face are very different. Since these are long-term aims, traditional development programming rather than EUTF-funding should be prioritised.
- *Ensuring that efforts to tackle irregular migration do not undermine RFM.* Existing programmes to prevent irregular migration should be examined in order to assess how they affect both regional coherence and RFM. Action needs to be taken to mitigate negative impacts. That should also mean developing follow-up programmes to build on the work of existing EU projects in support of RFM. These should learn from what has worked and focus on supporting national level implementation.
- *Improve EU delegations' capacity to support RFM.* This requires linking the EU delegations in Djibouti and Nigeria more effectively to EU delegations across the respective regions in order to support both regional and national level actions on RFM in a joined-up way. The EU delegation in Djibouti also requires further human resources in order to effectively support free movement and, more generally, the organisation's internal and external agency.

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Published with financial support from the German Federal Ministry for Economic Cooperation and Development (BMZ).

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DOI: 10.23661/bp18.2019