How Addressing Divisions on African Migration Inside the EU Can Strengthen Transnational Development

Summary

Intense negotiations about migration management policies are taking place inside the European Union (EU), and between the EU and African states. Although these two negotiation processes are often analysed separately, they are actually interlinked. Drawing on interviews with representatives of European and African states and regional organisations as well as on policy analysis, this Briefing Paper argues that negotiations inside the EU restrict EU-Africa cooperation on migration in two ways: first, by transmitting a strengthened focus on border control from the internal to the external dimension of EU migration management policies; second, by framing migration in a narrow way, which has hindered progress with regard to transnational development.

Intra-EU policy negotiations on migration are essential for the evolvement of EU-Africa cooperation on migration. Their increasing focus on border controls in Europe and Africa hinders the adoption of policies that support the potential of migration to contribute towards transnational resilience and development. Therefore, addressing the divisions on the internal dimension of EU migration management policy is a prerequisite for identifying sustainable EU-Africa cooperation pathways and supporting African migrants as actors of transnational development.

There are two important lessons that the Commission and the member states can learn from their difficulties in reaching an internal agreement on how to manage migration inside and outside the EU. The first lesson is that they need to address the challenge of balancing European national and transnational competencies and approaches. This challenge is inherent to the EU being a transnational union of nation states. The second lesson is that they need to take into greater consideration the needs of vulnerable citizens of both European and African countries.

In particular, the EU and its member states should:

- Focus on the internal dimension of migration management and rebalance the current distribution of national and EU transnational competencies on migration. This is needed to address the conflicts of competencies that are currently hindering the negotiations on common policies. In particular, they should explore the feasibility of transferring some national competencies to the EU, including through the creation of a pilot EU Agency on Labour Migration.

- Introduce effective mechanisms of transnational responsibility-sharing in the EU in order to safeguard free movement within the Schengen Area. In particular, they should foresee an EU relocation system based on incentives and sanctions as part of a reform of the Dublin Regulation.

- Take the needs of young and low-skilled workers as well as migrant European workers into greater consideration by promoting employment, job security and labour rights, with funding through the European Social Fund.

- Reintroduce policy and development cooperation measures supporting the potential of African migration to contribute towards transnational resilience and development and provide adequate funding through the Multiannual Financial Framework 2021-2027. In particular, such measures should support self-determined strategies of African migrants, for example by facilitating circular mobility and the transfer of remittances.

The EU migration and asylum management system: internal and external dimensions

The EU migration and asylum management system comprises an internal and an external dimension. The internal dimension took form in 1995, when EU member states established the Schengen Area of free movement and decided that a supranational system allowing responsibility-sharing between member states was to be put in place. The external dimension was introduced in 1999, when the European Council affirmed that cooperation and responsibility-sharing structures needed to involve the migrants' countries of origin as well. The internal and the external dimensions were intended to be mutually supportive. However, the internal policy negotiations have had a disproportionate influence on external policy negotiations.

Divisions between EU member states have hindered progress on the negotiations about the internal dimension. In particular, such divisions result from the fact that member states have different demographic and labour market needs. They therefore have different interests with regard to the establishment of legal migration channels and the management of irregular migration. These differences have increased due to the EU enlargement (2004) and the economic downturn (2008). Further divisions result from member states' hesitance to take up responsibilities on asylum, as illustrated by the stalled negotiations on reforming the Dublin Regulation. Due to such divisions, member states have also been reluctant to transmit their national competency on migration and asylum to supranational EU institutions. Following the increase in the number of asylum seekers since 2015, the existing divisions between member states and progressively reinforced national approaches have been exacerbated. This has also resulted in multiple temporary suspensions of the Schengen Agreement.

The EU has tried to overcome its internal divisions through strengthened efforts on the external dimension. In 2005, it introduced the Global Approach to Migration, an overarching framework for cooperation between the EU and third countries. The rationale behind it was that responsibility for migration and asylum management needed to be shared, not only amongst EU member states, but also with the countries of origin and transit of migrants and refugees. This approach has been applied to migration from Africa as well. In order to facilitate the adoption of transnational responsibility-sharing mechanisms, EU-Africa Dialogues on migration, such as the Rabat Process, the Khartoum Process and the Valletta Process, have been introduced. However, divisions between EU member states and African states have hindered progress on the external dimension. Indeed, African states have also been reluctant to give up their national competencies on migration and take up burdens with regard to asylum and immigration control. In addition, it quickly became clear that European and African states have different interests with regard to issues such as irregular migration, which is a source of remittances for Africa and a challenge to border control in Europe.

Internal dimension: a shift towards a Threat Approach

Two policy approaches to migration and asylum have coexisted inside the EU in the years since the Schengen Agreement (1995). A "Threat Approach" has framed migration as a threat to border control, national order and broader security issues. This approach has mainly had the support of actors advocating for the maintenance of national competency on migration and asylum, such as national Ministries of Internal Affairs, the European Council and DG Home. An "Opportunity Approach" has, in turn, framed migration as an opportunity for knowledge circulation, economic growth and development in the EU and Africa. Actors who support this approach include those who favour supranational solutions: national Ministries of Foreign Affairs, the European Commission and DG Devco. In practice, in the first decade of their existence, EU migration and asylum management policies have been based on a mixture of the two approaches.

In the last decade, however, the Threat Approach has progressively gained more relevance. At the same time, the Opportunity Approach has lost visibility due to increasing divisions between member states. These divisions have been influenced by three main factors. Firstly, they have been shaped by labour market needs. Due to the economic downturn that began in 2008, indeed, labour immigration needs have decreased in some EU countries (e.g. in Italy), whereas they have been more constant in others (e.g. in Germany). Secondly, divisions have been influenced by discussions about how to share asylum responsibilities. In particular, the number of asylum seekers grew between 2014 and 2016, exacerbating discussions on their distribution in the EU. Thirdly, divisions have been related to historical differences between member states, for example with regard to their immigration history and the resulting ethnic compositions of the populations, national processes of state formation and colonial pasts. These differences emerged, in particular, between old Western member states and new Eastern member states after the 2004 EU enlargement.

The shift towards the Threat Approach has accelerated at the national level, in parallel to a growing level of distrust in national and EU institutions among segments of the population, in particular in member states affected both by the economic downturn and the increases in migrant arrivals, such as Italy, Spain and Greece. Citizens have expressed dissatisfaction with EU-promoted policy responses. Starting in 2008, they began objecting that policy responses to the economic crisis have been based on macro-level and transnational considerations but have failed to provide micro-level solutions to unemployment, job insecurity and broader negative social consequences. Starting in 2015, this level of distrust has grown due to a perceived unpreparedness or unwillingness of the EU to manage the increases in migrant arrivals. A similar distrust has expanded also in other member states, for example in new member states, where trust in the EU has had less time to take root. As a consequence, nationalist Eurosceptic parties that have been able to ride this wave of distrust have gained in strength at the national and

EU levels. These parties have taken positions against international policy documents that refer to migration as being supportive to development (e.g. the Global Compact on Migration) and in favour of strengthened border control approaches. Significantly, the 2018 Commission proposal for the Multiannual Financial Framework 2021-2027 foresees border management costs totalling more than twice the expense for internal migration and asylum management.

The increased focus on national borders constitutes a serious danger for the Schengen acquis. It strengthens existing divisions between member states and hinders the adoption and maintenance of transnational EU policy solutions and responsibility-sharing mechanisms. EU institutions and member states have tried to limit the danger by shifting the focus from internal to external borders.

External dimension: EU Threat Approach restricting EU-Africa cooperation on migration

EU external migration and asylum management has been intended to support internal migration policy from the beginning, in line with the Tampere Council Conclusions (1999). As a result, it has evolved according to intra-EU negotiations. Therefore, in the initial years, also external policies have been based on a mixture of the Threat and Opportunity approaches. However, starting in 2008 – and increasingly after 2015 – the Threat Approach began gaining relevance. In parallel, policymakers have increasingly framed migration as a threat to European border security and a consequence of African development and security failures.

Intra-EU divisions and the resulting emphasis on external border control have led to the emergence of three lines of action regarding irregular migration, asylum and regular migration. Firstly, European policymakers have put a predominant focus on irregular migration and, accordingly, on an increase in border controls and the facilitation of migrants' returns to their countries of origin or to third countries. Secondly, they have searched for solutions to share or avoid asylum-related responsibilities (see 1951 Geneva Convention) by giving a stronger role to transit states and through measures intended to hinder asylum seekers from reaching EU territory. Thirdly, they have defined regular migration channels more selectively.

All three lines of action reflect a stronger focus on European concerns, whereas former shared interests, such as the benefits of transnational migration, have lost their relevance. In addition, the three lines of action partially go against African national sovereignty and interests. In order to ensure the cooperation of African states, the EU has increased the use of "positive and negative incentives" (European Commission, 2016). In particular, the EU has augmented its development aid provisions to African countries of origin and transit, both as a way to facilitate EU-Africa cooperation and – based on the idea that migration is due to development failures – to fight the "root causes of migration".

The EU Threat Approach restricts EU-Africa cooperation on migration. In particular, it leads to a framing of migration in a narrow way and the neglect of some important aspects. To begin with, policy approaches for cooperation with Africa that privilege domestic European interests over African interests and lack a sound evidence base risk being ineffective. They also risk serious consequences, such as the violation of international conventions on human rights and asylum. Furthermore, enacting EU-Africa cooperation that is dependent on irregular migration control risks backfiring in policy domains such as trade. In addition, framing migration as being a consequence of low development levels in Africa risks hindering the adoption of measures supporting the potential of migration to lead towards increased resilience and development in both Africa and Europe.

EU Threat Approach to African migration limits transnational resilience and development

Migration contributes to development in both Africa and the EU, in particular through the circulation of skills, labour and money. In Africa, mobility is a long-standing resilience strategy, allowing migrants to compensate for resource scarcity in their places of origin with remittances. In this sense, migration helps to maintain or improve the family incomes of those who remain at home and helps the local population become more resilient to risks such as environmental degradation. In the EU, immigration from Africa is important for labour-intensive economic sectors. However, the potential of migration to contribute towards transnational resilience and development in Africa and the EU depends on how policy measures regulate Africans' opportunities for legal migration and their access to work opportunities and remittance channels.

The EU Threat Approach tends to hinder the adoption of policies that support the potential of migration for transnational development. Indeed, the increasing selectivity of regular migration penalizes vulnerable migrants who are less skilled due to unequal education opportunities, thus limiting their resilience strategies. At the same time, reducing regular migration channels for low-skilled workers (e.g. seasonal workers' quotas) is likely to increase irregular migration and clandestine work in the EU. Since clandestine work is cheaper and less controlled than regular work, this may have a negative impact on low-skilled European workers, for example through wage dumping. In addition, a stronger emphasis on border controls limits the ability of migrants to move circularly between their home and destination countries according to changing economic circumstances. This increases their exposure to economic risks both in Africa and in Europe, for instance by hindering them from returning home during economic downturns in the EU.

Development aid cannot compensate for the negative effects of narrow migration management approaches. Espousing the idea that migration is due to development failures, EU policymakers have suggested curbing it through increased development aid. However, two findings from recent research challenge this suggestion. First, improvements in socio-economic conditions in poor countries augment international migration in the short term (Martin-Shields, Schraven, &

Angenendt, 2017). Second, development aid alone has only a limited effect on economic growth rates and the creation of local jobs for aspiring migrants (Clemens & Postel, 2018).

Recommendations to European policymakers

The analysis above leads us to the following recommendations for policymakers:

1. Address the challenge of balancing national and transnational competencies inside the EU.

Conflicting national and transnational competencies have been both a cause and a consequence of the EU's inability to manage migration and asylum effectively. Whereas the EU has tried to alleviate the crisis by shifting the focus to the external dimension, this approach risks perpetuating divisions rather than solving them. In addition, solutions for the internal dimension will still be needed, because keeping all migrants and asylum seekers outside EU territory is neither in line with international law, nor feasible. In order to overcome conflicts inside the EU, the current distribution of national and transnational competencies on migration needs to be reassessed. The feasibility of a transfer of some competencies to the EU could be explored through the creation of an EU Agency on Labour Migration. This agency could suggest solutions for migrants' relocation based on an assessment of their skills and of member states' labour needs.

2. Foresee an EU relocation system based on incentives and sanctions as part of a reform of the Dublin Regulation.

A migration management system based on a transnational sharing of burdens, risks and benefits is essential for the maintenance of the Schengen Area of free movement and for broader EU cooperation. New member states are currently hindering negotiations on relocation, due to the fact that they have fewer immigrants than old member states. Whereas it is true that these states would be penalized the most with the relocation of migrants, it is also true that they are important beneficiaries of the Schengen acquis as well as the EU budget. In this context, the EU could link migration responsibility-sharing with incentives and sanctions on further aspects of EU cooperation.

3. Mainstream the needs of vulnerable European citizens in EU economic and social policies.

In order to fight nationalism, the EU needs to become more attuned to the needs of its vulnerable citizens, including young and low-skilled workers as well as migrant workers. In particular, it should support the implementation of policies and programmes that are aimed at promoting not only employment, but also job security and labour rights. Adequate funding should be provided in the new EU budget through the European Social Fund. In addition, job security and labour rights should be mainstreamed under the heading "Single market, innovation and digital".

4. Reintroduce policy measures that support the potential of African migration to contribute towards transnational resilience and development.

In order to support the potential of migration to contribute towards transnational resilience and development, EU policymakers need to take one step back from recent approaches that frame migration as a development failure and security risk. Instead, they need to strengthen approaches that support African migrants as transnational actors. In particular, they should introduce measures that facilitate circular mobility and render access to migration more equally (e.g. education programmes). The Multiannual Financial Framework 2021-2027 should provide funding for such approaches.

References

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