

EU Borders and African Mobility

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A new Pact on Migration and Asylum is a key objective of the new Commission. This is yet another attempt to find an agreement on two questions that European policymakers have been debating since 1995: how should European borders treat African mobility? And how should the European Union (EU) engage with African states on this?

This article looks at what has shaped policy and narrative negotiations on these two questions. It looks at how internal divergences have increasingly led to framing migration as a threat to border security. It explores alternative approaches to migration as an opportunity for development in Africa and the EU. And finally, it analyses where we stand and why responses to the COVID-19 pandemic are crucial.

What Has Shaped Policy and Narrative Negotiations

Negotiations around which mobility rights should be attributed to African migrants at the EU's borders began in 1995. That year, EU Member States signed the Schengen Agreement, abolishing internal border controls and establishing an area of free movement. In parallel, they agreed to establish a common migration and asylum system (*internal dimension*) and started negotiating on its form and on the distribution of responsibilities. However, identifying common solutions has been more difficult than expected. Negotiations are still ongoing, as also shown by von der Leyen's new Commission's goal to work on a new Pact on Migration and Asylum. At the Tampere Council meeting in 1999, European states decided to engage with African and other

migrant origin and transit countries, in order to share responsibilities with them (*external dimension*). At the same time, they agreed that the external dimension of migration policy was to be supportive of the internal dimension. Consequently, from the beginning and over the years, negotiations on the internal dimension have been key for negotiations on the external dimension.

From the beginning, the policy question of how EU borders should *deal* with African mobility has been linked to a more narrative question of what this mobility *means* for them. Two main lines have emerged. One line has been based on a narrative of migration as a threat to border security and has been mostly supported by policymakers in favour of national approaches. The other line has been based on a narrative of migration as an opportunity for development in countries of origin and destination and has been mostly supported by policymakers in favour of transnational approaches (see also Lavenex and Kunz, 2008). Linked to these two lines are also two different conceptualizations of borders: "solid," or based on fixed national borders, in the first case, and "liquid," or based on less fixed territorial structures (cf. Bauman, 2000) in the second case.

Negotiations inside the EU: National Divergences Have Led to Framing Migration as a Threat

Both national- and security-oriented and transnational and development-oriented lines have been present from the beginning, reflecting the different positions of actors intervening in negotiations. However, during the years the balance between them has shifted according to contextual political and socioeconomic changes, particularly *within* the EU and its Member States (Schöfberger, 2019). From 1999 (Tampere



Council Summit) until 2011 (revised Global Approach to Migration and Mobility, GAMM), both lines were fairly balanced in EU policies on African migration, such as the 2005 Global Approach to Migration. On the one hand, policymakers adopted measures based on more “solid” border approaches and affirmed that all external policies were to support immigration control functions, including return (see e.g. 2002 Seville Conclusions). On the other hand, they also foresaw measures based on more “liquid” border approaches and aimed at facilitating migrants’ contribution to development in countries of origin, transit and destination, for example through better integration and a facilitation of diaspora investment (see 2008 Communication on a Common Immigration Policy for Europe).

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However, starting from 2011, national- and security-oriented approaches have gained more relevance. This shift has been linked with EU Member States’ increasingly different interests regarding migration. Divergences have augmented as a result of the economic downturn following the 2007-2008 financial crisis and increased migrant arrivals in 2015, which affected European countries differently. As a result, different interests, particularly labour market needs and the sharing of responsibilities beyond countries of first arrival, have hindered the identification of common positions on regular and irregular migration. They have furthermore increased Member States’ reluctance to give up national competencies and engage in shared approaches within the EU. In 2011, the GAMM argued that skilled, South-South and environmental migration could be considered opportunities for development, but at the same time introduced more solid border approaches for non-skilled and irregular migration. A further shift occurred in 2015, when the European Agenda on Migration framed migration as a symptom of development failures in countries of origin and as a threat to border security. On the contrary, references to the contribution of all migrants to

transnational resilience and development have lost visibility.

In recent years, an exacerbation of these dynamics has also appeared to put the Schengen acquis at risk, with the reintroduction by some Member States of temporary border controls. As a consequence, national- and border security-oriented approaches have gained relevance on the internal dimension and have also been increasingly mainstreamed into the external dimension. Upscaled efforts to cooperate and establish partnership frameworks with countries of origin against irregular migration have accompanied this shift.

Negotiations with African States: A More Balanced Narrative Is Needed

On the external dimension, negotiations between European and African policymakers have been influenced by the policy and narrative shift regarding the internal dimension. During the first decade, both measures addressing migration as a threat to border security and measures addressing migration as an opportunity for development were present in policies such as the 2006 Joint Africa-EU Declaration on Migration and Development. However, after 2011, policies such as the 2015 Valletta Political Declaration and Action Plan put a stronger emphasis on migration as a threat to border security and as a consequence of development failures in countries of origin. This shift has, however, encountered resistances from African countries. Divergences have emerged within African regions and between these and their European counterparts. Member states of the Economic Community of West African States (ECOWAS), for example, have diversified interests with regard to migration, depending on factors as diverse as their internal political processes and public debates, the migration destinations of their citizens, the remittance flows they receive and their geographical positions. They have also diversified relations with the EU and its Member States, for example regarding development aid and investment.

EU narratives where migration is a result of development failures are a difficult starting point for negotiation with many ECOWAS member states, where remittances of migrants in regular and irregular situations are an important contribution to livelihood

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resilience and constitute a relevant share of the GDP. During the 2008 economic downturn, remittances were more resilient than official development assistance (ODA) and foreign direct investment (FDI) (Gagnon, 2020). They have, furthermore, been increasing in recent years. In countries such as Nigeria and Senegal, remittances are higher than the sum total of ODA and FDI. A recognition of migrants' contribution to development is also reflected in the increasing adoption of diaspora policies in ECOWAS member states, as well as in the 2008 ECOWAS Common Approach to Migration and in the 2018 revised African Union Migration Policy Framework for Africa (Schöffberger, 2020).

African states also have an interest in regular migration opportunities, due to the economic importance of migration and positive public perceptions of migration. Debates on forced return and readmission have, moreover, been salient in domestic public debates, making it difficult for African states to engage in international approaches dedicating increasing attention to them. In addition, an externalization of EU immigration control functions poses a challenge in West Africa, which is an area of free movement as per the 1979 Free Movement Protocol and where long-standing mobility practices such as transhumance and semi-nomadism have always been key for resilience (Walther and Retailié, 2008). Issues of state sovereignty have also been raised by some countries. Such divergences between European and African states have made the identification of shared approaches on migration difficult. They are also currently impeding wider EU-Africa policy negotiations, such as on the future of the Cotonou Partnership Agreement and Joint Africa-EU Strategy.

Responses to the COVID-19 Pandemic Will Be Crucial for EU Migration Policy

During the last decade, the EU's engagement with African countries on migration has increasingly shifted

towards national and solid border approaches. The augmented focus on migration as a threat to border security and as a consequence of development failures has led to paying less attention to former efforts supporting migrants' contributions to transnational development. This shift has been linked to increasing divergences between EU Member States on the internal dimension and increasingly mainstreamed into the external dimension. At the same time, it has hindered effective negotiations between European and African states.

In 2019, the new Commission took up office in a Union marked by national divergences and an unprecedented focus on migration as a threat. Furthermore, nationalist parties have gained relevance in the new European Parliament. During the mandate of the former Commission (2014-2019), Member States could not agree on a shared *system* on migration and asylum. The new Commission's plan to work on a pact on migration and asylum appears to be based on a recognition that coordinated solutions may currently be more achievable than shared ones. This somehow less ambitious approach will still need to overcome existing divergences, which are and will be increasing due to old and new challenges, including the COVID-19 pandemic and increasing arrivals through the eastern Mediterranean migration route. In addition, provisions on migration contained in the Commission's Work Programme 2020 appear to take up the previous Commission's greater inclusion of national concerns in its measures. Renewed efforts to preserve the Schengen *acquis* are combined with maintaining solid border approaches on the external borders. Conditionality in other areas of EU external policy, including development aid, is intended to encourage African countries' willingness to support these. The establishment of more regular migration channels is also aimed at facilitating cooperation and is in line with the labour market needs of some member states. More solid border approaches appear to have also been taken up by other European institutions, judging by the recent ruling of the European Court of Human Rights on the case of the immediate return to Morocco of two West African nationals who had attempted to enter the Spanish enclave of Melilla irregularly.

At the time of writing (April 2020), the COVID-19 pandemic is still too recent to foresee the impact it may have on European and African countries and on

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their engagement on migration. As a result of the pandemic, several EU Member States have reintroduced border controls and suspended some asylum and migration-related operations, such as asylum procedures and relocation. The EU's external borders are also closed. In the EU, national divergences on migration are likely to increase between countries that are differently affected by the pandemic and by its longer-term economic, social and political consequences. This can be expected to further hinder the identification of shared solutions on the internal dimension of EU migration policy. At the same time, identifying such solutions will remain essential for the preservation of the Schengen area of free movement and for wider European integration. EU Member States' and institutions' decisions on how to approach these challenges on the internal dimension will be crucial for the further development of the external dimension and of their engagement with African countries on migration. They will determine whether this engagement maintains a strong focus on EU border security or be widened to dedicate more attention to shared interests in terms of migrants'

possible contribution to transnational resilience and development. At the same time, supporting this contribution will be crucial, especially if the pandemic has the expected negative socio-economic effects in Africa and in Europe.

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