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ANALYSIS & OPINIONS

***Externalization of Migration Control in Africa:
An African Perspective***

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Key Words

Africa – Externalization – Freedom of Movement – Partnership – Regional Initiatives

Abstract

In this contribution I analyse the initiatives undertaken to externalize migration control in Africa. While the European Union is striving to strengthen its partnership with African stakeholders, on the other hand there is a growing dissatisfaction at the African level with several initiatives because they are considered to be undertaken in the exclusive interest of the European Union. I argue that by externalising migration governance, the EU seeks to protect itself from migration, while at the same time becoming reliant on third countries to manage migratory flows, thus exposing itself to vulnerability and complicity in human rights abuses against migrants. In this scenario I believe that assistance through any migration agreement under which African countries prevent individuals from leaving their own countries should be limited. In my view, options allowing African countries to build their capacity to respect and protect human rights and to address their development needs should be widely preferred, in fact. No one is likely to have the intention to “invade” Europe if there is economic and political security at home

1. Introduction

In Europe, the externalization of migration control with several countries in Northern and Western Africa has become common.

Countries like [Algeria](#), [Mali](#), [Mauritania](#), [Morocco](#), [Niger](#), [Senegal](#) and [Tunisia](#) have become important counterparts for European countries in order to control migration towards Europe. Current European Union (EU) strategies on migration from Africa have an impact on the development of the African continent and this is clear also by the adoption of the [Africa-EU Strategic Partnership](#), that is the formal channel through which the EU and the African Union (AU) work together.

In this framework, African countries and European partners seek to prioritise [long-term migration solutions](#) through regional and continental opportunities, as these balance the benefits of migration and promote safe and regular pathways within Africa. Undeniably, the making of EU migration policy [has been interwoven](#) with the negotiations on what African mobility means for EU borders. In this respect, for a long time EU externalisation policies towards African migratory movements [have significantly focused](#) on returns, readmissions, and rigorous migration management and border control practices intended for restricting mobility from Africa to Europe. This kind of policy [has implications](#) for the sovereignty and image of African States both in terms of global migration management along with mobility and migration management in Africa more broadly.

This contribution offers an alternative point of view about the externalisation migration policies practiced by the EU in Africa: the point of view of the African countries, directly and/or indirectly involved in the externalisation process.

2. African initiatives to favour the free movement of persons on the continent

From an African perspective, promoting regional free movement of persons through regional and continental frameworks is crucial to the long-term development and economic growth of African countries.

For example, the 2018 [African Protocol on the Free Movement of Persons](#) (African Protocol) could provide long-term opportunities of regional integration, the benefits of which are possibly to be shared by citizens of the different African States. This means African state-actors need to prioritise commitments with long-term benefits over short-term priorities, that do not contribute to more sustainable change. The African Protocol [aims to promote](#) free movement of persons to tie together the benefits associated with labour migration, trade, interconnectedness, and integration.

Several migration and mobility-related provisions are covered in the African Protocol including, for example: the progressive realisation of the free movement of persons, rights of residence and right of establishment (Article 5), the free movement of students and researchers

(Article 13), free movement of workers (Article 14), the procedures for the movement of specific groups, «including refugees, victims of human trafficking and smuggled migrants, asylum seekers and pastoralists» (Article 24), cooperation between member states (Article 25), as well as coordination and harmonisation (Article 26).

Yet, to date the African Protocol has been ratified by only [four countries](#) (Mali, Niger, Rwanda and Sao Tomé) out of the fifteen required for it to enter into force (Article 33 of the Protocol). In this context, the AU necessitates to take a decisive policy direction to reinforce the collective will of African states to promote their political and economic agenda. Moreover, the African Union Commission ([AU Commission](#)) and regional organisations should take a firm position against measures restricting the free movement of people on the continent.

However, as a follow up to the African Protocol, in February 2024, the AU and the Regional Economic Communities (RECs, such as the Economic Community of West African States ([ECOWAS](#))) have developed a [draft joint continental strategy](#) to accelerate the Right of Entry for the Protocol to the treaty establishing the African Economic Communities relating to the Free Movement of Persons, Right of Residence and Right of Establishment. This strategy aims to ensure that RECs and the AU Member States popularize and promote the adopted [African Passport](#) as one of the key mechanisms through which free movement of persons will be realized.

The ECOWAS was the first organization to set the pace for migration management by developing the [Free Movement of Persons, Residence and Establishment Protocol](#) in 1979. Other supplementary protocols were developed to guide the implementation of the free movement protocol, key being the 1985 [Code of Conduct for the Implementation of the Protocol on Free Movement of Persons and the Right of Residence and Establishment](#) and the 1986 [Supplementary Protocol on the Second Phase \(Right of Residence\) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment](#). The phase which focuses on establishing the right of entry has been fully [implemented and, to a large extent, so too](#) has the phase which relates to the right to residency.

As one may know, free movement of persons is an integral part of African integration policies and is one of the flagship projects of the [Agenda 2063](#) (“The Africa We Want”). In addition to the Agenda 2063 which highlights the need for effective migration management to promote sustainable development, a policy document is also essential to the AU’s position on migration governance for sustainable development. This is the Migration Policy Framework for Africa (MPFA). [Developed in 2006](#) by the AU Executive Council and evaluated and [revised in 2018](#), the MPFA serves as the cardinal framework for AU member states and the RECs to develop and implement regional and national migration policies to manage and govern migration more efficiently. The MPFA provides guidelines on eight migration-related issues, namely human rights of migrants, border management, labour migration, migration and development, migration data management, forced displacement, irregular migration, inter-

state cooperation and partnership, and internal migration.

According to [Achiume and Landau](#), while the MPFA seems excessively ambitious, it highlights the importance of positioning international humanitarian ideals of migration within human rights law. Against this backdrop, the MPFA directs AU member states and RECs to develop programmes and policies aimed at promoting and protecting the fundamental human rights of migrants. This can be done, for example, through civic education and awareness-raising to curtail discrimination. Furthermore, according to the authors, the MPFA calls on member states to «harmonise national legislations with international conventions» to promote the rights of migrants and promote «the integration of migrants in host societies in order to foster mutual cultural acceptance and as a means of ensuring the rights of migrants are respected and protected» (p. 3). While I disagree with the authors about the alleged over-ambition of the MPFA, there is no doubt that it sets the guidelines for AU member states to act to protect the human rights of migrants.

3. African criticism of European initiatives to externalize migration policies in Africa

The engagement between Europe and some countries in Africa has been recently defined as [«asylum and protection mercenarism»](#) because, similarly to military mercenarism, territorial asylum and migration processing is increasingly being outsourced to third countries for a fee. In this sense, the monetisation of asylum and migration processing is not different from mercenary activities in distant countries. In this scenario, most discourses have been [inward-looking rather than outward-looking](#) in terms of migration dynamics within Europe. This “selfish” vision sparked an amount of criticism in Africa *vis-à-vis* to several initiatives undertaken by the EU to externalize migration policies in that continent.

One of those has been the European Union Emergency Trust Fund for Africa ([EUTF](#)) that was launched in November 2015 to support implementation of the Valletta Summit on Migration Joint Action Plan (JVAP), which laid down a [series of priorities](#) aiming at supporting Valletta Partners with the enhancement of migration governance between Europe and Africa. The JVAP became the regional framework to address migration policy.

The EUTF was created [to address the root causes](#) of instability, forced displacement and irregular migration and to contribute to better migration management. Programmes under the EUTF are implemented in [twenty-six partner](#) countries across three regions of Africa: the Sahel and Lake Chad, the Horn of Africa and North Africa. These regions face growing challenges ranging from demographic pressure, extreme poverty, weak social and economic infrastructure, internal tensions and institutional vulnerabilities to insufficient resilience to food crises and environmental stress.

In general terms, the EUTF is perceived by many African partners as part of a [European-imposed migration agenda](#) that prioritises EU interests over African ones. While experiences

vary between countries and projects, African ownership within the EUTF is weaker than within traditional European cooperation instruments. The European Court of Auditors (ECA) recently visited five countries where the EUTF has started a number of projects. Of 58 reports on EUTF projects in the five countries the ECA team visited (Ethiopia, Gambia, Libya, Mauritania and Tunisia) [only one](#) included checks of the do-no-harm (DNH) principle which [establishes](#) that the collaboration with, and the provision of, assistance to migration management institutions by the EU and Member States in third countries needs to be conducted carefully to ensure that it provides protection and assistance to migrants and refugees in need without inadvertently causing harm. In [a recently special report](#) on the EUTF, the ECA also recently stated: «There is still insufficient data to establish whether projects have helped to address the root causes of instability, irregular migration, and displacements.»

While the EU prioritises containing irregular migration flows, reducing arrivals, and ensuring African compliance on returns and readmissions, African countries prioritise facilitating legal migration into Europe, building resilience and employment, and [harnessing remittances](#) for development. African diplomats [expressed frustration](#) that the EU has offered little space to incorporate African interests. The externalisation of the migration policy, provided for in the EUTF, was considered by the African counterparts as a [political expedient](#) that was not addressing the “root causes” of the migration from Africa. Yet, Coggio [maintains that](#), due to its short-term nature, the EUTF is not an appropriate tool for addressing root causes of major African societal problems.

Until now, by externalising the migration governance, the EU [seeks to protect](#) itself from migration, while at the same time it becomes reliant on third countries (like in the case of Mauritania, [one of its most long-lasting](#) migratory partners) to manage migratory flows, thus exposing itself to vulnerability and complicity in human rights abuses against migrants. A recent confirmation of this state of affairs is the massive violation of human rights of migrants and asylum-seekers that NGOs and human rights defenders [have witnessed in Tunisia](#) at the end of September 2024. In this scenario, on 23 September, Rodney Dixon, a British lawyer representing Tunisian political detainees, sent a communication to the International Criminal Court (ICC) [asking it to investigate](#) two types of crime that could constitute crimes against humanity: the repression of President Kaïes Saïed’s political opponents; and the inhumane treatment inflicted on migrants from sub-Saharan Africa. This choice to link the two types of crime – the attack on local voices challenging the regime and the crimes against Sub-Saharan migrants – is part of the legal strategy of a team of lawyers led by Dixon. He sees correlations between them.

In this scenario, it seems clear that the EU’s migration policy towards Africa has focused almost exclusively on limiting the flow of irregular migrants. There has been limited recognition of the value of labour, irrespective of the skill level of the irregular migrants, and there is also very limited reflection on the fluidity of borders and connections between border

communities in Africa, with all the attempts focused on stopping the movement of people even within the continent, as the previous example of the refugee camps has shown. A notable exception to this general situation has been the [recent deal](#) that Germany has concluded with Kenya, allowing skilled and semi-skilled Kenyan workers into Germany in a controlled labour migration arrangement. Migration agreements are a central pillar in the German Government's efforts to curb immigration.

Another instrument that has been harshly criticized by African stakeholders has been the [Khartoum Process](#) (KP), that is a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe. The KP [aims at](#) establishing a continuous dialogue for enhanced cooperation on migration and mobility. The process also seeks to support member states in identifying concrete projects to address trafficking in human beings and the smuggling of migrants and other migration-related areas. Additionally, the KP gives a new impetus to the [regional collaboration](#) between countries of origin, transit and destination regarding the migration route between the Horn of Africa and Europe.

Moreover, Amgad Fareid Eltayed (a Sudanese human rights defender) [published](#) an article on the Sudan Tribune of 6 November 2017 entitled «Why is the EU-Khartoum Process so wrong on so many levels». Eltayed highlights that the Khartoum Process, but also the extended version of the initiative's name ([EU-Horn of Africa Migration Route Initiative](#)), is not about fighting human trafficking or smuggling, but rather to stop migration (actually refugees) from the Horn of Africa. Yet the flow of migrants towards the northern shores of the Mediterranean is far from decreasing. Furthermore, Eltayed underlines the ineffectiveness of the Rapid Support Forces ([RSF](#)), a restructured version of the Janjaweed militia that, according to him, has been fuelling the humanitarian tragedies of the Darfur conflict since 2003. He argues that "sealing borders" is not the right way to handle the "waves" of migrants heading north because, in his words «People die once, so increasing the risk of them will not push them back since they are already risking their lives. It will only increase their anger, disappointment and seed hatred in their hearts».

All in all, the KP has been judged as [essentially driven](#) by European interests and demands and as asymmetrical, with the EU and EU states providing funding, services and other benefits in return for the implementation of migration management. This equation encourages countries in the Horn of Africa to prioritise economic and political interests over attempts to undertake the necessary reforms to tackle the root causes of mixed migration. This risk is prominent [because of the absence](#) in Africa of effective democratic accountability and representation of those (migrants and refugees) whose rights are at issue.

In line with Eltayed's view, [Bosco Opi](#)'s argues that the EU externalisation policy, with its development assistance model, demonstrates a neo-colonial continuity. Opi also claims that

the EU's framework of effective protection in the African regions of origin of migrants amounts to [refoulement](#) as it has eroded the institution of asylum in Africa. Opi corroborates this view by maintaining that 33 of the 54 sovereign African states have established refugee [camps](#). These camps would function as a deterrent to prevent refugees and asylum seekers from seeking asylum outside Africa. Additionally, according to Opi, the refugee camp has become the physical and legal epitome of the state, used to control and regulate population movements, particularly by keeping the refugees in their region of origin (pp. 11, 17-18).

5. Final reflections

Africa and Europe have a [complicated historical relationship](#) with migration. While colonial ties and economic opportunities are part of the explanation for the movement of African people into Europe, this narrative fails to account for complex realities across the African continent, as well as the push and pull factors behind migration, which range from shifting life ambitions among young urban Africans to global phenomena such as climate change.

African actors – both state and non-state – operating through the AU and RECs should present a consolidated front in responding to external interests, with a view to promoting African agendas on free movement. In my view, African states should also support their interests and speak with one voice, for example through the Support Project Africa-EU Migration and Mobility Dialogue ([MMD](#)) that aims to promote the orderly, safe and responsible migration and mobility of people within Africa and between Africa and Europe. This dialogue should be also strengthened through increased participation of member states to ensure policy coherence between European and African countries.

Actors such as diaspora groups and non-governmental organisations (NGOs) are also crucial to ensure the human rights of migrants and freedom of citizens are protected. For example, [in Mali](#), the diaspora has prevented the adoption of restrictive migration policies through its engagement with the government.

In light of what presented above, I believe that assistance through the EUTF, the Khartoum Process or any other migration agreement under which African countries prevent individuals from leaving their countries of nationality or habitual residence should be limited. In my view, options allowing African countries to build their capacity to respect and protect human rights and to address their development needs should be widely preferred, in fact.

However, at least in the short term, the externalisation of migration policy will continue to be the [norm](#) in international migration, as the EU struggles to find other credible options to address the realities of migration in Africa. Yet, it should not be forgotten that African countries also have their needs to be fulfilled and, above all, their dignity to be respected. Therefore, the consequences of externalization policies should be systematically scrutinised by African political representatives, civil society organizations and the world media.

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