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## ANALÝZA MANAŽOVANIA MIGRÁCIE MEDZI EÚ A AFRIKOU

### MIGRATION MANAGEMENT IN EU – AFRICA RELATIONS: AN ANALYSIS

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Už v roku 2000 bolo riadenie migrácie dôležitou oblasťou spolupráce medzi Európskou úniou (EÚ) a Afrikou. Tieto dva regióny a ich zastupujúce kolektívne orgány spoločne prijali a implementovali niekoľko politických nástrojov zameraných na potlačanie nelegálnej migrácie z Afriky do EÚ. Článok sa snaží kvalitatívne analyzovať spoluprácu medzi EÚ a Afrikou v oblasti migrácie. Odráža účinnosť prijatých politických nástrojov, pričom venuje pozornosť aj ich rétorike a prebiehajúcej migračnej kríze. Konštatuje neúčinnosť politických nástrojov a úvadža, že spolupráca medzi EÚ a Afrikou v oblasti migrácie zlyhala. Uvádzajú sa dôvody tohto neúspechu a vypracúvajú sa v oblasti migrácie odporúčania pre lepšiu a efektívnejšiu spoluprácu EÚ a Afriky.

**Kľúčové slová:** Európska únia, Afrika, riadenie migrácie, nelegálna migrácia

As far back as the year 2000, migration management has been an important area of collaboration between the European Union (EU) and Africa. The two regions and their representative collective organs have jointly adopted and implemented several policy instruments aimed at curbing irregular migration from Africa to the EU. Using a qualitative approach, this paper seeks to analyze the EU – Africa cooperation on migration. The paper reflects on the effectiveness of the policy instruments adopted, paying attention to their rhetoric and the ongoing migration crisis. The paper finds the policy instruments to have been ineffective and concludes that EU-Africa cooperation on migration has failed. The reasons for this failure are presented

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and recommendations for a better and effective EU – Africa cooperation in the field of migration are made.

Keywords: European Union, Africa, migration management, irregular migration

JEL: F22, F50, K38

## 1 INTRODUCTION

The EU cooperates with Africa on many issues, one of which is migration management. Migration management has received considerable political and academic interest over the last decade. However, the term “migration management” remains theoretically contested (Ansem de Vries & Guild, 2019). This, however, has not prevented its usage by international or inter-governmental organisations in global migration governance (see Geiger & Pecoud (eds.), 2014). Some scholars have attempted a definition of migration management. For example, Ann Beduschi, holds migration management to be “different strategies, policies, processes and procedures, negotiated and adopted by relevant actors at the international level to provide a framework to manage migratory flows in an orderly and predictable manner” (Beduschi 2020, p. 3). While this definition is a good one, it should be noted migration cannot be easily managed. Stephan Castles had made this observation as far back as 2004 when he pointed out that “the political will and assumed capacity to manage migratory flows is often contradicted by reality, as migration is a complex phenomenon that cannot be easily ‘managed’.” (Castles 2004b, p. 214) Yet, states, international organisations and even intergovernmental/supranational organisations such as the European Union (EU) and the African Union (AU) have remained adamant on their wish to manage ‘large movements of people’ through the ‘implementation of planned and well – managed migration policies’ (see e.g., Valletta Action Plan 2015).

As far as Africa – Europe migration management is concern, the two regions and their representative collective organs have since 2000 jointly adopted and implemented several policy frameworks categorized as soft laws. This paper seeks to assess the effectiveness of these policy frameworks in curbing irregular migration from Africa to the EU. This paper poses and answers the question “has the EU – Africa cooperation on migration succeeded in curbing irregular migration from Africa? To answer the question, this paper relies on an analysis of the various policy instruments adopted by the two regions since 2000. The year 2000 is selected as the starting point because it was in that year that the first Africa – EU summit took place, under the auspices of the EU and the Organisation of African Unity (OAU), now African Union (AU). The paper is structured as follows:

- section two explores the EU – Africa regional migration policy instruments, paying close attention to the rhetoric used and goal of the various instruments. This section asserts that the policy instruments are ineffective.

- Section three explores how and why these instruments have failed to achieve their intended goals.
- Section four offers a conclusion and recommendations which if taken into consideration will ensure a migration management which will be beneficial for both the EU, Africa and the migrants themselves.

Before diving into the exploring the issues to be discussed in each section, a brief note on the EU global migration management strategy is important. In 2005, 13 migrants were killed, and hundreds were wounded as they attempted to climb over the fenced border into the Spanish enclaves of Ceuta and Melilla located on the northern shores of Morocco's Mediterranean coast. These two enclaves are the European Union's (EU) only land borders with Africa. These tragic events not gravely tarnished the image of the EU earlier described by Ian Manners as a 'force for good' and 'normative power' (Manners 2002, p. 235-258), but equally highlighted the need for a global strategic approach to managing migration. Consequently, the EU adopted the Global Approach to Migration (GAM) that same year. This was later clarified in 2011 to include "Mobility". It became the Global Approach to Migration and Mobility (GAMM). This is essentially an EU policy document; yet it is of importance to this paper because it offers a new and an overarching framework for the EU's external migration and asylum policy. The GAMM pursues four goals of equal importance:

- managing legal migration.
- preventing and combating irregular migration.
- maximizing the development impact of migration.
- promoting international protection.

It should be highlighted that apart from pursuing four goals, the GAMM also describes the EU's transnational migration policy by first of all recognizing that migration cannot be managed by the EU alone and that dialogue and partnership with non – EU countries is fundamental to is fundamental addressing the challenges and reaping the benefits of migration. Since 2005, the GAM(M), has been the EU's framework for dialogue and cooperation with non-EU migrant – source, transit, and destination countries. It allows migration and asylum issues to be managed in a comprehensive way (European Commission Department of Migration and Home Affairs, 2013). The GAMM lays the groundwork for a new framework for EU migration and asylum policy. This shift in policy was reflected in the EU's call for maintaining a balance between the various aspects of migration and was formally introduced in a communication titled "Strengthening the Global Approach to Migration: Increasing Coordination, Coherence and Synergies". According to this communication "the Global Approach reflects a major change in the external

dimension of the European migration policy over recent years, namely the shift from a primarily security-centred approach focusing on reducing migratory pressures, to a more transparent and balanced approach guided by a better understanding of all aspects relevant to migration, improving the accompanying measures to manage migratory flows, making migration and mobility positive forces for development, and giving greater consideration to decent work aspects in policies to better manage economic migration” (European Commission 2008, p. 3).

The result of the EU’s GAMM was the introduction of mobility partnerships. These were seen as invaluable instruments to put into action the rhetorical objective of the new ‘Global approach’ under which the European Union set out developing an innovative way to addressing migration issues in all their complexity’ (Manners, 2002). The first of these partnerships (the EU-Africa Partnership for Migration, Mobility, and Employment) was launched in Lisbon (2007), together with an action plan and framework for dialogue and cooperation with the African Union as its privileged contact point. Amongst the priority actions announced by the European Council was the adoption of a Strategy for Africa, which indicated the aim to bolster migration cooperation with African countries.

## **2 EU – AFRICA MIGRATION POLICY INSTRUMENTS**

It is asserted that migration research within and with Africa, is limited, geographically and thematically, focusing only on one region or type of migration category (e. g., forced versus ‘voluntary’ migration) (Brachet 2010, Rwamatwara 2005). Migration scholars assert that whilst the literature on migration patterns in Africa repeatedly highlights the fact that most African migration is intra – African (Flahaux & De Haas, 2016), and that those moving out of Africa do not only move to Europe but also to the Gulf countries and the Americas (Bakewell & De Haas, 2007), this is not reflected in the literature on the topic, which largely focuses on South-North migration (Shoumaker et al., 2015). While this is true, it must be noted that some policy frameworks exist and acknowledge the need for Africa – EU migration to be transnationally governed. These policy frameworks shall be examined under this part of the research in the subsequent paragraphs.

The sudden increase in migration movement between Africa and Europe since the year 2000 encouraged a renewed political engagement from the EU towards the continent. This engagement, as mentioned earlier, has mostly taken the form of dialogue between the two continents and their representative collective organs or between the EU and certain migrant – source countries in Africa. Migration dialogue with African migrant source countries has been a crucial part of the external dimension of the EU’s migration policy (van Criekinge 2010, p. 4). A number of instruments have since 2000 been adopted to provide solutions to one of the challenges facing both Africa and Europe: Migration. The Cairo Action Plan (2000) which is the first

instrument to be jointly adopted by both regions, enumerated few priority action areas, mainly consisting of supporting African countries in ensuring free intra-African mobility of labour and migration and collaborating in addressing the root causes of migration and asylum-seeking in source, transit, and recipient countries. Further, the action plan discusses the reciprocal integration of migrants, migrant rights, and readmission agreements between European and African countries (UNCTAD, 2018).

Still in the year 2000, the EU – the African, Caribbean, and Pacific Group of States (ACP) agreement was signed in Cotonou. This agreement, known as the Cotonou Agreement, governs cooperation in the fields of development, political dialogue, and trade, and is set to expire at the end of 2020 (European Commission, 2020). A peculiar aspect of the Cotonou Agreement is that it contains a migration clause – Article 13 – which defined the parameters of the EU – ACP dialogue on migration. This article was the most contentious and was the result of a difficult compromise between the parties' contrasting interests and stance on migration. This divergent interest and position is highlighted by Vanheukelom et al., (2006, p. 53) viz: “on the EU side, member states were preoccupied by domestic concerns to reduce the migratory pressures from the sending ACP-partners and pushed for a readmission clause (Article 13.4). The ACP on the other hand were seeking to ensure the protection of their nationals inside the EU (Article 13.3).” Negotiations for the EU – Africa relations post-Cotonou are still on-going with migration still being a highly contentious issue among EU member states. For example, the Visegrad Group (Hungary, Czechia, Poland and Slovakia) remain opposed to migration to Europe and would prefer Africans stay in Africa.

From 2005 onwards, a number of EU – African declarations, partnership and other cooperative framework have been created to establish mutually beneficial ‘management’ of African migration. These instruments emphasize ‘migration management’ and ‘partnership’, given that they have been adopted for the distinct goal of clarifying that the EU’s intention no longer rested only on one-sided control and prevention (Hansen & Jonsson, 2011). In this case, migration management to boost Africa’s development is of prime importance and is said to be realized through such measures as codes of conduct to prevent brain drain, facilitate remittances, assist the return of highly skilled migrants, encourage the role of diasporas and migrant communities in the development of Africa, and to promote democratic governance and human rights (The Africa – EU Strategic Partnership, 2007).

This and other objectives materialized during the Euro-Africa Ministerial Conference on Migration and Development, held in Rabat in 2006 (the Rabat Process). One of the reasons for convening the conference consisted of the significantly increased entry of African migrants to the EU in 2005 and 2006. Here, both the Spanish government and the EU Commission agreed that long term solution could not be based on security measures alone, but that it also required measures reducing

inequalities between the North and the South (Mead, 2005). In line with this, the conference in Rabat adopted both the security and development dimensions of migration on its agenda, as is evident in the Declaration adopted: *“the purpose of the process was to “offer a.... response to the fundamental issue of controlling flows... the management of migration between Africa and Europe must be carried out within the context of a partnership to combat poverty and promote sustainable development and co-development”* (The Rabat Process, 2006). A brief addendum was mentioned in the Declaration to the effect that the partnership would address the migratory phenomenon from all points of view deemed relevant by the partner countries. This include making better use of the potential legal migration and its beneficial effects on the development of countries of origin and host countries (The Rabat Process, 2006). It should be noted that the Rabat Process is reviewed at regular Euro-African Ministerial Conferences on Migration and Development, with a new pillar introduced during each review process. For example, in Paris (2008) – where it was agreed that dialogue should be centred around organizing legal migration; fighting against illegal migration and focusing on the synergies between migration and development (European Commission, 2008), Dakar (2011) – where the parties reaffirmed their commitment to boost legal migration opportunities, and presented legal migration as an opportunity for the economic and social development of countries of origin and destination, and an opportunity for migrants in terms of human development, and the acquisition of resources and skills (ICMPD, 2011), Rome (2014) – where the element of international protection was added and link between migration, development and the prevention of, and fight against irregular migration and related crimes was emphasized (ICMPD, 2014), and Marrakesh (2018), They are currently five priorities of the Rabat Process, which, in the words of Dimitris Avramopolous (the then EU Commissioner for Migration (2014 – 2019) – are:

- Address the root causes of irregular migration,
  - better organization of the legal channels of migration and mobility,
  - giving protection to those who need it,
  - fight in a more effective way against the network of traffickers,
- improvement of cooperation in the field of the repatriation of illegal migrants (European Commission, 2018).

The overall aim of this non-binding and voluntary process is broadly aligned to the GAMM objectives.

Looking at the Rabat Process, one immediately notices the presence of the security and development dimensions of migration. Yet, practice on the ground points

to the security approach being given an upper hand (see Noll, 2006). For example, the very first concrete measure that emanated from the 2006 Rabat conference was the setting up of a common EU coast guard tasked with patrolling the waters between the African mainland and the Canary Islands. As noted by the then Maltese foreign minister, referring to the agreement reached in Rabat ‘fighting international criminal organization, repatriation of illegal immigrants and stopping the flow of illegal migration are indeed very important factors in addressing illegal immigration holistically’ (quoted in Balzan, 2006).

Since Rabat, there has been a number of high-level EU – Africa meetings and agreements focusing on migration, chanting the same ‘partnership of equals’, ‘win-win dynamics’, and ‘security and African development’ mantra. For example, the 2006 Tripoli Process or the Joint Africa – EU declaration on migration and development was presented as a “partnership” aimed at addressing “migration and its root causes through broader development and poverty reduction strategies”. Similarly, the EU – Horn of Africa Initiative (better known as the Khartoum Process) launched in November 2014 carry the same message and goal: “partnership to... promote sustainable development to address the root causes of irregular migration; establish a regional framework for return, including voluntary, and reintegration; and assist countries in establishing and managing established centres and providing access to asylum processes” (The Khartoum Process, 2014). Both policy instruments contain clauses emphasizing how African countries stand to reap the benefits of development if they cooperate closely with EU on migration issues. For example, the Tripoli Process lists several development strategies, policies and efforts, such as the role of foreign direct investment (FDI), support to the Millennium Development Goals (MDGs) and the New Partnership for Africa’s Development (NEPAD); the need to enhance policies in the areas of trade, agriculture and fisheries; the positive role of diasporas and remittances; and the importance of improving African access to European and regional markets.

In 2015, over 60 Heads of States and government from both the EU and Africa met in Valletta for the first time for a migration Summit. This Summit was convened due to the sharp increase in the flow of asylum seekers and irregular migrants into the EU. The outcome of this Summit was the Valletta Action Plan. Apart from introducing a trust fund – the European Union Emergency Trust Fund for Africa (EUTFa) – the Valletta Action Plan remained fundamentally similar to previous instruments adopted. With an initial budget of EUR 1.8 billion, the EUTFa is key to the issue of the relationship between migration and development. These relationships are complex, yet the EU’s policies have in the past tend to present them as superficial, entirely grounded on countering the root causes of irregular migration. This same approach is repeated in the Valletta Action Plan wherein both parties (the EU and Africa) reiterated their commitment to “address the root causes of migration; to advance legal migration and

mobility possibilities; to strengthen the fight against irregular migration; to prevent and fight migrant smuggling, eradicating trafficking in human beings; and to strengthen international protection and step-up assistance” (European Commission 2015, p. 1-17).

As Pastore (2016) contends, one objective of this document is to strengthen the external projection of European control and protection policies in order to keep many migrants and asylum seekers as possible in Africa. This is the interpretative key to the measures set out in the last three sections of the Action Plan, which range from support for reintegrating deported illegal migrants to the struggle against trafficking and the associated corruption, to strengthening the protection capacities of African countries. Another set of objectives involves the promotion of legal migration (mainly for studies) and mobility for brief periods, both within African continent and to Europe. This line of action is based on the conviction that properly managed migration can be beneficial for both countries of origin and countries of destination.

If one takes a closer look at the EU-Africa policy instruments adopted, it is evident that these instruments focus more on irregular migration towards Europe. This indicates that the EU’s area of interest is irregular migration, given the prevalence of the term ‘illegal’ and ‘irregular’ migrants and the insertion of a South – North dimension in the said instruments. In other words, the documents show the EU’s tendency to perceive migration from Africa to be a security issue. This perception of migration has prompted the EU to adopt several border management practices, notably in terms of capacity building of border control on the African continent – a practice also known as ‘externalization of migration controls (see Bourbeau 2015, Volker 2014). With this practice migration management practices are directed at “where the migrant is” (Cobarrubias et al. 2014, p. 19). The controversial agreement signed in 2017 between Italy (an EU member) and Libya’s coast guard echoes this practice of externalization of migration management or border control: By this agreement, Italy (with the blessings of the EU), has, since the collapse of the Ghaddafi regime, been supplying technical support to the Libyan coastguard as well as information on migrant vessels. Therefore, goal of this practice of externalization is to intercept migrants before they approach Europe. This has been criticized by some scholars and politicians in both regions. For example, back in 2015, the former AU Chairperson – Nkosazana Dlamini Zuma – during the Valletta Summit stated that “the problem that we are facing today is in part because some countries in Europe have taken a fortress approach... the African Union expresses concern about the militarization of its shores and airspace” (African Union, 2015). The security terms found in the various policy documents are used in relation to human trafficking and smuggling which is seen to be in violation of national sovereignty. As noted by Maria DeVargas and Stefania Donzelli (2014, p. 241), “in the EU there is a tendency to conflate crime and terrorism with migratory movement”. Inserting the words ‘fighting’, ‘combatting’, ‘illegal’, with respect to

migration in the various policy documents, constitutes a ‘linguistic action’ or a ‘speech act’ and convey a sense of ‘urgency’ and ‘priority’(see Waever & Buzan 1993, p. 3).

Another observation one could make from the various instruments is that development issues have always occupied an important position in EU – Africa cooperation. While development issues had from the beginning been imposed on the agenda by African partner states, the EU and its member states had clung to security issues. However, looking at the various policy instruments, a change in perspective over the years can be observed: the ‘root causes approach’ initially provided the main frame for understanding the migration – development nexus. Irregular migration was perceived as a negative phenomenon to be stopped via development cooperation. However, over the last decade, the analysis has come to be much more differentiated and the potential impact of migration on development has taken a front seat, due to the increasing realization by a number of EU member state of the importance of this aspect. The change in perspective ushered in a more holistic view of migration and equally offered a common frame to discuss legal migration, irregular migration and labour migration from an overarching perspective. For example, discussions during the Rabat Process started with debate on irregular migration particularly between Spain and Morocco, but it soon became clear that a security – driven approach could neither help both parties understand the dynamics of irregular migration nor contribute to sustainable solutions. It was realized that if linked to sustainable development, it would become clear that well – managed migration could make a positive contribution to the economies of both origin and destination countries of migrants. As pointed out by a participant at the Rabat Process in a report by Perchinig and Noack (2016, p. 30), *“one important thing about the Euromed Migration framework is the development of partnership as far as possible with countries of origin and transit as well. And also, to develop new concepts of migration. That could be circular migration, it could be other types of migration, but we have to develop efforts to study new ways that migration could be a way to support development in both countries. (...) Because we have to show migration in a positive way.... Migration will never stop, that is for sure. And we have to make the most out of it for all of us and also show it to the public opinion. Because nowadays migration is only misery and poverty and it is not all of that. ...”*

Legal migration was presented as alternative to irregular migration and as something beneficial for Africa. One can assume the decision to migrate irregularly/illegally is often tied to the existence of very restrictive legal channels for migration, or the lack of information about legal migration channels. Therefore, opening legal channels for migration, providing better information on legal migration possibilities and on the risks of irregular migration would be pivotal to managing migration flows. However, legal migration was and is still a contentious issue between the EU and Africa. The different perspectives between the EU and AU or African states on this issue remains visible: while the EU advocates restricting mobility to the

African continent and returning irregular migrants back to Africa, African states are more interested in opening channels for legal migration to Europe. Interestingly, the rhetoric of legal migration in the policy instruments tends to be vague, referring frequently to educational programs. This vagueness and limited avenue for legal migration presented in the documents demonstrates the disagreement between the parties as to where legal migration channels should let to. In a way, it also highlights the asymmetric power dynamics between the two parties, with the EU being the stronger power, dictating the terms to the weaker African side.

The various policy documents adopted indicates that migration has become increasingly accepted as a tool for development (Zanker, 2019) and that development may be considered as a territorialized process leading to the adoption of migration policies that favour development at home in order to '*prevent*' migration (Nijenhuis & Leung, 2017). In other words, the EU – Africa policy instruments analysed adopt an approach aimed at limiting migration from Africa by first of all engaging in or supporting development activities and poverty reduction strategies in Africa so that African youths can stay in Africa and not seek for employment opportunities in Europe. Evidence of this position could be found in 2018 at the High-Level Forum Africa – Europe held in Vienna and jointly hosted by the Austrian Presidency of the EU, notably Austrian Chancellor Sebastian Kurz, and Paul Kagame, President of Rwanda and Chairman of the African Union for 2018. During this Forum, the then President of the EU Commission – Jean – Claude Juncker reiterated Europe's ambition for a true and fair partnership among equals between Africa and Europe. He stated "Europe and Africa share a long history and a bright future" and proposed a new "Africa-Europe Alliance for Sustainable Investment and Jobs, to help attract both European and African investment and create 10 million jobs in Africa over the next five years..." (European Commission, 2018). This pronouncement re-echoed another made in his 2018 State of the Union Address (European Commission, 2018). Another evidence of the EU's interest to keep Africans in Africa could be source from the statement "the future of African is in Africa", recently made by the Hungarian Prime Minister – Viktor Orban as he commented on the recent terrorist attack in Nice, France (Hungary Today, 2020). If Africans could not be made to stay in Africa and seek employment there, then as a last resort, encourage legal migration (to Europe) through various schemes such as the liberalization of visa regimes for certain categories of people (students, businessmen and businesswomen, etc). This approach complements the securitized approach (fortification of EU borders, externalization of migration control, etc).

From the above analysis, one notices that the policy instruments are all premised on a trade-off between greater cooperation in controlling illegal flows and the protection of forced flows and greater opportunity for legal circulation (Pastore, 2016). This off – set is never materialized (as will be discussed later) because the EU treaty

grant member states “full powers to determine volumes of admission of third country nationals coming from third countries in search of work, whether employed or unemployed” (Art.79 (1 & 5), EU Treaty). Additionally, member states, in times of crisis, have never wanted to include in their negotiations with African partners any significant quotas for legal entries or more flexible visa regulations.

Steps have been taken to implement the above analyzed policy instruments. However, looking at current issues in the field of migration, international politics and international law, it can be asserted that these instruments have failed to achieve their desired goals. In other words, there is an implementation gap. How and why these instruments have failed are explored in the third section of this paper.

### **3 FAILURE OF THE POLICY INSTRUMENTS: HOW AND WHY THEY HAVE FAILED?**

According to Welz (cited in Francesca et al. (ed), 2015), notwithstanding multiple summits and meetings, the achievements of the EU-Africa instruments on migration have been few and far between, depending on the political commitment of individual states. This claim has received support from other scholars. For instance, Reitano (2016) contended that the Rabat Process has had few tangible results despite running for more than a decade.

The implementation of the EU – Africa migration instruments has been varied (Zanker, 2017). For instance, the Khartoum Process is reputed to be even more difficult to implement considering the lack of mobility available there and also compounded by the fact that the Sudanese and Eritrean citizens are not allowed to leave their country without permission (Article 28.3, Passport and Migration Act, 2015 of the Republic of Sudan); and the lack of trust between the countries participating (Reitano, 2016). While supporting Zanker’s assertion on the varied nature of implementing the instruments, this paper argues that these policy instruments have failed both to stop the inflow of irregular migrants into the EU, and have equally failed to offer international protection to migrant as will be discussed in the following paragraphs.

As to how these instruments have failed to stop the inflow of irregular migrants to the EU, one has to look for evidence no further than the continuous arrival on the EU’s shore by boats filled with sub-Saharan African migrants. The borders of Europe are increasingly presented in the media and political debates as the setting for a perpetual emergency: boats packed to the brim, crowds gathering at fences, chaotic scenes outside reception centres, etc (Andersson, 2016). Efforts to contain, control and combat irregular/illegal migration from Africa to Europe have only made the situation more acute. The number of boat arrivals at the shores of the European Union is indicative of this acuteness. From 1 January – 6 November 2019, 89,997 migrants/refugees entered Europe through the sea (IOM, 2019). This represents a about 11 % decline from 101,185 that arrived during the same period of the previous year.

The death record for that year stood at 1090 individuals, representing about 52 per cent decline from the previous year's figures for the same period (2,098 individuals) (IOM, 2019). Though this indicates a decline, it can not be considered or registered as a success because the boats keep coming on daily basis. For example, from January to April 2020, the International Organisation or Migration (IOM) reported that 16,724 migrants and refugees have entered Europe by sea. This represents a 16 per cent increase from 14,381 arriving during the same period in 2019 (IOM, 2020). This number dwindled during the general lockdown imposed by states across the world as a result of COVID19. However, it has been observed that migrants have recently been arriving on the EU's shores and land border, sometimes with the help of states like Turkey who have since 2016 been using migrants as a weapon to extract concessions from the EU, with the most recent threat to allowing Middle Eastern migrants in Turkey to enter the EU via Greece in March 2020. It suffices to say that the above mentioned figures have been repeated in the media and conferences, but it makes no difference as a deterrent to migration. Neither does it, to the EU's response.

On the issue of failure to protect the rights of irregular migrants, one cannot deny the fact that the human rights of those trying to enter the EU illegally are crushed by the zeal to preserve EU security. As some migration scholars argue, the EU's border control efforts have tightened the noose around the North and Horn of Africa, making dangerous journeys even more perilous (see Zanker 2017, Reitano 2016).

A substantial sum of money from the EU have been poured into refurbishing detention facilities and training of guards in Libya. The horrible conditions of these centres no longer remain a secret ever since CNN aired a video of migrants being auctioned at Libya's network of detention centres. It is alleged that the EU leaders were aware of these horrible conditions but did nothing. However, faced with public outcry, they shifted their position to become saviors (Reidy, 2017). As contained in an open letter from the President of Medecin Sans Frontiere International to European government leaders, the EU's initial response to the horrid slave trade video from Libya was the allocation of EUR 100 million to the International Organisation for Migration (IOM) to return people to their homes through country partnership. The United Nations High Commission for Refugees (UNHCR) also received some funds to evacuate some people to Niger for asylum screening and resettlement (Medecin Sans Frontier, 2017). While evacuating people from horrific detention centres is a humanitarian imperative, Chandler (2018) argues that this move by the European leaders does not address the fundamental issue that the EU's continued support for the Libyan coast guard has forced vulnerable people directly back into the same detention centres where they are bought and sold.

The EU border control projects have also received much critique. For example, the former UN High Commissioner for Human Rights – Zeid Ra'ad Al Hussein, in a November 2017 statement, held that the European Union's policy of assisting the

Libyan coast guard to intercept and return migrants in the Mediterranean is inhuman (UN office of the High Commissioner, 2017). Migration scholars like Castillejo (2016), Prediger and Zanker (2016) have equally submitted that EU border control projects not only contradicts European foreign policy and diplomatic actions, but also basic European human rights standards.

Moreover, the use of the words “to prevent and fight migrant smuggling”, “eradicating trafficking in human beings;” and “to strengthen international protection and step up assistance” in the policy instruments seemed to ignore the fact that smuggling and trafficking flourish with the complicity of the certain North African and Horn of Africa governments officials, police and border guards (Davy 2017, Frouws & Horwoods, 2017). There is documentary evidence in support of this assertion. An investigation by Refugees Deeply (an independent digital media project dedicated to covering refugee issues around the world) documented the involvement of Sudan’s high-level government officials in trafficking (Suleiman & van Dijken, 2018). This validates the claim made by the US Department of State that Sudan does not meet the minimum criteria for the elimination of trafficking (US Department of State, 2018).

From information provided by the above paragraphs, one cannot help but pose the question: why have these policy instruments failed to achieve their desired goal? It is not enough to simply assert that implementing the EU-Africa migration instruments have registered limited success neither is it enough to provide evidence of such failure. It is essential to understand the reasons why and propose recommendations. Looking at the content of the policy instruments and the various summits during which they were adopted, it can be said these instruments were designed to fail. This is due to the following non-exhaustive reasons:

- **Divergent approaches towards migration management.** While the EU adopts a much more restrictive/securitized approach towards migration, African states advocate for easing mobility restriction for development (Van Criekinge, 2010). Even though the EU – Africa instruments show strong rhetoric in favour of developing legal migration, for EU institutions, this migration is restricted to the African continent. This difference in approach is further compounded by the use of vague terms regarding legal migration. Zanker (2019) notes that legal migration has been packaged and sold by the EU as “alternative to irregular migration” without detailing what these alternatives might be. When they are more specific, education (Erasmus +) is presented as the primary form of legal migration, followed by labour migration. The preference of education signals the preponderance of temporal understanding of legal migration. Through its policies, the EU highlights illegal migration and prioritizes returns, yet their practice on legal migration

stands in contrast to their strong rhetorical stance on this matter (Castles, 2004).

- **Migration management is not an institutional matter. It is a national one.** According to Castles (2004), migration governance approaches still follow national logics despite the transnational nature of migration. This claim has been re-echoed by other migration scholars such as Czaika & De Haas (2013), and Zanker (2019). With governance approaches still in line with national logic, policies developed become subverted. It would seem logical for national interests on immigration to dictate policy direction and practice (Hampshire, 2016). In addition, there has been an increasing focus on bilateral agreements between the EU, member states and individual African countries. This breaks down any further chances of institutionalization and a strengthened regional migration agenda (Bisong, 2018). The result, as stated in a report authored by Friedrich-Ebert Stiftung (FES) and Center for Citizens Participation on the African Union (CCPAU) is inconsistency (FES & CCPAU, 2016). As stated in the report, “the EU oscillates between bilateral and multilateral, lacks consistency and gives AU member states ‘too many masters’” (FES & CCPAU 2016, Zanker 2017, p. 35). Conflicting and sometimes competing interests within the EU or between its member states further bolsters this inconsistency (Hampshire, 2016).
- **Too many players with different goals.** Migration and asylum is a field of shared competence. The lack of alignment with the EU and its member states’ policy objectives can result in the so-called vertical policy incoherence (Frasca, 2019). In the external dimension, vertical policy incoherence is quite common: member states, depending on previous bilateral relationship or interest have a preference for bilateral cooperation and often question the value added of collective action. Regarding migration cooperation with Africa, several member states (guided by historical ties with Africa and power structure) are active: Portugal, Spain, France, Italy, and Germany. On the other hand, some member states are less interested in the external dimension to which they contribute to a limited extent to third countries cooperation activities or emergency funds. The Visegrad Group (Hungary, Slovakia, Czech Republic and Poland) within the EU used to be examples of such member states. There is therefore a lack of solidarity/political will to address common issues among EU member states. This lack of political will sends the message that migration is not a strong priority, despite the rhetorical commitment to addressing the issue. It can be asserted that the rapid growth and expansion of human trafficking and smuggling is a consequence of this lack of political will,

manifested through a denial of responsibility and blame for the failures of the instruments. Europe's leaders continue to place the blame elsewhere. For example, the French President – Macron, while responding to a question asked by a student during his visit to the University of Ouagadougou in November 2017, blamed Africans for being responsible for human trafficking between Nigeria and Libya. He stated: *“It is not the French who are the traffickers, it's the Africans... Show me a French, German or Belgian person who carried out trafficking between Nigeria and Libya. This person doesn't exist”* (“Who are the Traffickers?“, 2017).

- **Civil society organization/local actors have been excluded from decision-making.** One of the shortcomings of the EU-Africa instruments is the absence of civil society organizations or local actors at the decision-making table. For example, during the Valletta Summit, although civil society organizations were invited, they were not included from the very beginning. They were excluded until the eleventh hour when two representatives were allowed to participate as ‘observers’. Consequently, Valletta did not take actions on civil society's demands such as the lifting of carrier sanctions as a means to ensure safe migration and counter people smugglers or to facilitate the important role of migrants and the diaspora in development (Van Dillen, 2015). Since Valletta, civil society organizations have been noted to be excluded from high-level AU-EU summits despite recognition of their importance in the Joint Africa-EU Strategy (JAES), launched in 2007 with a mandate to encourage mutual cooperation and move beyond the donor-recipient relationship. Not only were civil society organizations and local actors excluded from the decision-making table at the time of adoption of the various policy instruments, but they have also equally been excluded from decision-making processes relating to the various EUTFA projects. An initial inquiry by CONCORD (a European network of aid NGOs) of Trust Fund projects in three countries- Ethiopia, Libya, and Niger- revealed that “local actors are barely consulted and only once decisions have been taken” (CONCORD, 2017). Therefore, “projects could be disconnected from needs in partner countries and lack a holistic view.”

The above reasons explain the implementation gap between rhetoric and practice in the EU – Africa migration policy. The EU's migration policy emphasizes addressing the root causes of irregular migration through projects targeting the creation of jobs and building resilience in communities across 3 priority regions in Africa (the North of Africa, the Sahel and Lake Chad regions, and the Horn of Africa). However, as Frasca (2016, p. 8) submits, “EU migration policies are too often victims of

eurocentrism, posing unrealistic goals and expectations towards cooperation with Africa”. It is a well-known fact that African migration is largely intra-African, with only a tiny percentage of Africans migrate to Europe. Moreover, the EU is not the only player in Africa: China, Russia and the US as well have their interests on the continent. For this reason, the EU should consider reassigning due weight to cooperation with Africa. Cooperation with Africa is bigger than migration cooperation and as seen, attempts to ‘stop’ migration from Africa has proven to be futile.

#### 4 CONCLUSION AND RECOMMENDATIONS

Over the years, migration has moved up the EU – Africa cooperation agenda. As this paper has demonstrated, the migration management policy instruments jointly adopted since 2000 are all premised on a trade-off between greater cooperation in controlling illegal flows and the protection of forced flows and greater opportunity for legal circulation due to the fact that the EU and its member states and Africa have fundamentally different positions on migration management. The EU’s approach which emphasizes addressing the root causes of irregular migration through projects targeting the creation of jobs, does not acknowledge the differing interests of Africa. As Frasca (2019, p. 8) succinctly puts it, “EU migration policies are too often victims of eurocentrism, posing unrealistic goals and expectations towards cooperation with Africa”. It therefore goes without saying that the EU, imposing its own agendas in the policy instruments threatens to undermine Africa’s ambitions. The result has been a failure for both parties in achieving their desire goal. In other words, there is an implementation gap (Czaika and de Haas, 2013).

It is a well-known fact that African migration is largely intra-African, with only about 8 % of Africans that migrate to Europe. Moreover, the EU is not the only player in Africa. There are new players such as China, Russia and the US each having their own interest on the continent. For this reason, the EU should consider reformulate its cooperation with Africa specifically in the field of migration. As demonstrated, attempts to ‘stop’ migration from Africa has proven to be ineffective. For EU – Africa cooperation on migration to be effective, it is imperative for the EU to:

- **strive for a sustainable equal partnership Africa.** For there to be a change in the EU’s current approach, the EU, should first of all, recognize the fact that Europe will need African migration in the future. In other words, the EU must accept that demographic and socioeconomic realities mean that Africans with the aspiration and/or resources will always migrate towards other developed regions, particularly towards Europe, and Europe will need African labour. The EU must work with Africa as equal partners to explore how best to promote movements that support Africa’s economic growth and allows both continents to reap the benefits of a safe and orderly migration from Africa to

Europe. Only a partnership-led approach based on compromise has any prospect of success. Financial initiatives alone cannot create functioning migration partnerships.

- **tackle the lack of solidarity with its members on migration and asylum issues.** This requires honesty in relation to conflicting interests between member states and working towards effective common systems that can effectively manage fluctuating migratory flow and integrate incoming migrants (both irregular and regular). It will also require that EU leaders shift their current political discourse to build acceptance of migrants and migration. A change in mindset is crucial if the EU is to build a constructive and realistic engagement with Africa on migration in the future. To tackle this lack of solidarity, the following recommendations made Pierre Vimont (2016) should be considered:
  - A solid and realistic migration policy based on a common understanding of the type of migration the union needs. This will provide evidence that Europe can effectively address issues of importance to the average citizen.
  - EU members will have to address some of the bones of contention they have ignored for long. Such issues will include whether burden sharing should be mandatory or voluntary, whether migration should be permanent or temporary, etc.
  - The EU must adopt a different narrative with third countries. The EU's current approach that focuses too much on return and readmission has been unable to convince Europe's partners (specifically African partners) to initiate true collaboration for lack of trust.
- **change from addressing the 'root causes' of migration with short term emergency funds.** It is difficult tackling the 'root causes' of involuntary movements through development cooperation and other measures. As Angenendt, Martin-Shields and Schraven note, given the international community's limited success in addressing fragile statehood and growing number of violent conflicts, more honesty is needed in the effectiveness discussions (Angenendt, Shields & Schraven, 2017).
- **recognize and enhance the role of society organizations.** Civil society organizations are often step up to assist or complement the role of governments on issues related to protection, integration, research, and advocacy for migrants' rights. As Le Coz and Pietropolli (2020) note, cooperation between civil society organizations and governments often result

in progress in terms of delivering services to vulnerable migrants and better information on what works on the ground. It is necessary to have civil society organizations at the decision-making table and throughout the implementation phase of projects designed to reduce irregular migration from Africa to Europe.

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