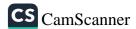# MAKING ROUTES

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# 7

# West African Migration Regimes and the Externalization of EU Migration Management Policies

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## Introduction

An estimated 281 million people worldwide are classified as migrants living outside their country of birth or origin (UNDESA 2020). Population growth, rising inequality, increasing connectivity, climate change, trade, and demographic imbalances suggest that this figure is likely to grow in the coming decades (UNDESA 2020). Migration provides enormous benefits and opportunities for migrants, their families, communities of origin, and host societies. However, it can also undermine progress and development, particularly when it is poorly regulated (Mallett 2018). In line with the recognition of the enormous potential and actual contribution of migration to development, there have been several attempts at the global, regional, and national levels aimed at establishing frameworks to realize the developmental benefits associated with migration and human mobility.

In Africa, attempts at establishing frameworks aimed at harnessing the developmental potential of migration are not new. For example, in West Africa, where intra- and intercountry migration is a central pillar of livelihood-building processes, the Economic Community of West African States (ECOWAS) established the Protocol on Free Movement of Persons, Right of Residence and Establishment in 1979 (Protocol A/P.1/5/79) as a way to promote free movement of goods, persons, and services (Awumbila, Teye, and Nikoi 2018). The overwhelming bulk of voluntary and involuntary migration in or from the region, encompassing farm laborers, traders, skilled workers, refugees, and internally displaced persons, has been essentially intraregional

(Awumbila et al. 2014; Adepoju 2015). For example, UNDESA data show that 71.8 percent of migrants from the West African region migrate to destinations within the region (UNDESA 2018). Voluntary migration within the subregion is shaped largely by real or perceived poverty, the pursuit of education and employment opportunities, and the desire for better livelihoods and income, structured along with a north-to-south movement from the landlocked and dry regions of the Sahel to the southern coast of West Africa (Kress 2006). Movement within and, in particular, to preferred destinations is shaped by factors such as common official languages, proximity, ethnic ties, and colonial legacy (Awumbila, Teye, and Nikoi 2018).

Much of the contemporary research and policy focus on migration in or from Africa has commonly focused attention on movement to Europe, at least in part, as a result of the emergence of the so-called European "migration crisis" that gained heightened interest in 2015. However, as Boswell (2003) and Düvell (2012) clearly demonstrate, attempts at curbing "unwanted" migration from third countries, especially in Africa, date back to the early 1990s. A two-pronged approach of deploying both control and preventive measures has dominated European policy and foreign relations discourse since the 1990s. Externalization control measures focus on origin and transit countries, including, firstly, "border control, measures to combat illegal migration, smuggling and trafficking, and capacity building of asylum systems and migration management in transit countries" (Boswell 2003, 622). Secondly, the EU adopted measures to return asylum seekers and "illegal" migrants by instituting readmission agreements with third countries. Prevention measures are based on a logic of changing the factors that "force or encourage migrants and refugees to travel to the European Union" (Boswell 2003, 624). To achieve this, a scheme to apparently address the so-called "root causes" of migration and refugee flows was proposed. As Boswell (2003, 624) notes, this particular approach was a rehash of debates that date back to the early 1980s. The scale of migration flows has increasingly become a contentious phenomenon in Europe, at least since the end of the Cold War, leading to further strengthening border control measures to restrict the flow of migrants into European territories. For example, in 2005, the European Agency for the Management of Operational Cooperation at the External Borders of the EU, also known as Frontex, became operational. The tightening of border controls has also been viewed in the context of fighting terrorism, particularly in the aftermath of September 11, 2001 (Léonard 2010). Accordingly, the need to control unwanted migration has moved from the EU border itself toward communities, regions, and countries of

origin and transit (Vives 2017). The excessive attention paid to the so-called migration crisis as a problem of numbers and scale has tended to ignore the fact that this "migration crisis" or "boat migration issue" was just one dimension of a trajectory of multiple crises. Crawley et al. (2018) argue that the crisis started not in 2015 but in 2008 with the global financial crisis that led to the European financial and debt crisis associated with far-reaching austerity measures. The ways in which the "migration crisis" has been presented reflect and reinforce a particular way of thinking about the dynamics of migration. Media, political, and policy narratives across Europe increasingly spoke about an unprecedented arrival of migrants, a single coherent flow of people that unexpectedly resulted in pressure at the southern border of Europe. This view has consistently permeated EU–African migration regimes for several decades, to the extent that little interest is paid to the "back stories" of migrants; instead, the dominant narrative is often generalized and makes erroneous assumptions on how and why movement occurs (Crawley et al. 2018).

The overall implication has been a very narrow view of migration, leading to the establishment of several bilateral and multilateral agreements between the EU or individual European countries and African countries to restrict the number and scale of migration from Africa to Europe (Zanker 2019; Mouthaan 2019). As noted earlier, the growing presence of migration issues in EU–African relations increasingly extends to migrant-sending and transit countries across the entire African continent. Although concerns about migration in Europe were initially largely framed and limited to internal policy, mainly through the establishment of the free movement of labor under the Single European Act of 1988 (coming into force in 1992) and the creation of a borderless Europe spearheaded by the Schengen Agreement of 1985 (coming into force in 1995), these existed alongside a notion of an "external border" fortified through a paradigm of "remote control and externalization" and also a paradigm of "fortified, yet smart external borders through technology, digitization and biometrization" (Hess and Kasparek 2017, 60). This historical external dimension of European migration policy has persisted on the agenda of the EU and individual European countries.

Externalization here is seen as a process through which the European Union outsources a share of the control and management of migration and its borders to other parties or states beyond its own territorial boundaries. Externalization practices are increasingly becoming more prevalent and an integral part of the geopolitics of mobility, including the functioning of the EU as an "ordering actor" with various border control measures

implemented widely as the external element of EU migration policy (Casas-Cortes, Cobarrubias, and Pickles 2016).

To what extent has the externalization of Europe's migration policies to Africa contributed to promoting or restricting migration within the continent itself? The application of EU externalization measures to African migration is significantly impacting both the EU's partnership with Africa and Africa's own migration and development policies (Idrissa 2019). Drawing on a review of the empirical literature, this chapter focuses attention on regional attempts at promoting migration in Africa and how these are aided or frustrated by EU–African relations, particularly the EU's externalized migration management policies. In doing so, we focus on the ECOWAS free movement protocol as an entry point to the wider debates about attempts to promote migration and regional integration in Africa. We further discuss EU policy responses to manage or control migration from Africa to European countries and their overall implications for regional integration and migration within the African continent. The central argument here is that migration policies of the EU toward Africa have contributed to restricting migration within the African context, thereby undermining the goal of free movement protocols that seek to promote intraregional mobility and socioeconomic development in West Africa.

The remainder of this chapter comprises two major sections: the first section outlines the attempts at promoting intraregional migration and integration through the ECOWAS free movement protocol debates about free movement in West Africa. The second section focuses on the EU–African migration governance agenda. Utilizing selected case studies, we outline the competing interests and power relations. We examine the externalization of the EU migration policy through specific examples of multilateral and bilateral migration agreements initiated by the EU and individual EU member states with West African countries in efforts to control or govern migration from Africa to Europe. We highlight the diverse implications of EU externalization policies, although our emphasis is on the indirect impact of how such measures inadvertently affect West African states' regional free movement objectives in recent years. Other examples are also drawn upon from other parts of the continent beyond West Africa.

## Promoting Migration for Regional Integration and Development in West Africa: Toward a Free Movement Protocol

Attempts at promoting regional integration as a pivot to socioeconomic development in West Africa are well established. Following the demise of colonial rule in the 1950s and 1960s, there were discussions among African

states to create a continental union that would strengthen the bargaining power of Africa at the global level, creating a continental federation and leveraging existing trade links and markets (Yeboah et al. 2020). In the early 1970s, leaders of the West African subregion further acknowledged the potential of regional integration as an essential primary step to the subregion's collective integration into the global capital economy (Adepoju 2009). While much recent discussion on regional integration attempts in West Africa is seen as mirroring European models, historical accounts suggest that regionalism in the subregion is fundamentally driven by local aspirations and realities: the need to harmonize, expand, and collectively leverage larger markets; political unity as a prelude to socioeconomic development, encouraging closer cultural ties, historical human, ideational and trade links; and expansion of educational attainment and outcomes (Yeboah et al. 2020). In this regard, regional integration in the subregion could be seen in the light of attempts to implement and realize a continental aspiration. The treaty establishing the Economic Community of West African States was signed in Lagos on May 28, 1975, by leaders of the following nations: Burkina Faso, Guinea-Bissau, Niger, Mauritania, Togo, Mali, Benin, Senegal, Côte d'Ivoire, Ghana, Guinea, Nigeria, Liberia, The Gambia, Sierra Leone, and Cape Verde. Article 27 of the treaty asserted a long-term goal to create a common community citizenship for nationals of all member states. A fundamental objective of the preamble to the treaty is to eliminate the barriers to the free movement of capital, goods, and persons in the subregion (Adepoju 2009). In furtherance to the commitments embedded in the protocol, in 1979, the protocol relating to the free movement of persons and the rights of residence and establishment was adopted and followed by several supplementary protocols in 1985, 1986, 1989, and 1990.

The protocol was intended to be implemented in three phases. Phase one, which focused on guaranteeing the right of entry to community citizens for an initial ninety-day stay without a visa, was ratified and implemented by member states in 1980. The second phase, the right of residence, enjoins member states to grant the right of residence to community citizens, stating the reference to compliance with established national procedures in carrying out these practices (Article 4, Protocol A/P/3/5/82 Relating to the Definition of Community Citizen). The protocol enjoins member states to ensure that migrant workers enjoy the same treatment as nationals in terms of access to sociocultural and health facilities and security of employment (ECOWAS Community 1982). The third phase of the protocol, the right of establishment, grants community citizens the right to settle in a member country

and seek economic opportunities, like that of setting up and managing businesses in accordance with the legal framework of the host country for its own nationals. In addition, in 2008, member states adopted the ECOWAS Common Approach to migration. Issues discussed in the Common Approach were informed by the challenges and lived realities of the free movement protocol. Six main principles were outlined as guidelines for effective migration management: free movement of persons within the ECOWAS zone; promoting legal (regular) migration as an integral part of the development process; combating human trafficking; policy harmonization; protection of the rights of migrants, asylum seekers, and refugees; and recognition of the gender dimensions of migration. In 2000, the Authority of Heads of State and Government adopted a uniform ECOWAS passport, modeled on the EU passport and with the ECOWAS emblem on the front cover. A five-year transitional period was foreseen during which national passports would be used in conjunction with ECOWAS passports while ECOWAS passports were phased in and became more widely available (Adepoju 2009).

Several implementation challenges are associated with the ECOWAS free movement protocol, particularly with respect to phases two and three. Issues such as lack of coherence between member state laws and provisions in the protocol have impeded the smooth implementation of the second and third phases (Dick and Schraven 2018). Also, the procedures regarding immigration and emigration have not been fully harmonized, which also negatively impinges on data collection mechanisms. Monitoring the implementation of the protocol and the status of the free movement of persons in the region has also not been implemented by all member states. This is partly due to resource constraints. As of 2018, only 55 percent of the member states had established a national committee for monitoring the free movement of persons and goods (Butu 2013; Awumbila et al. 2014). In addition, only four out of fifteen member states have ratified the supplementary protocol,[1] which leaves room for varying interpretations of the protocols by the national authorities (Awumbila et al. 2014; Teye, Awumbila, and Benneh 2015).

Despite substantial implementation challenges, one cannot underestimate the extent to which the protocol has contributed to enhanced mobility, economic growth, and regional integration in the ECOWAS region. For instance, all member states have granted visa-free access for ninety days to eligible community citizens, enabling free movement to other member states (Awumbila et al. 2014). The implementation of the protocol has also yielded large economic benefits in terms of boosting intraregional trade and supporting the livelihood of community citizens (Awumbila, Teye, and Nikoi 2018).

For example, an estimated 74 percent of migrants in Nigeria are of ECOWAS member states, and around 60 percent of non-Ghanaian residents in Ghana are nationals from ECOWAS countries. These populations are building their livelihoods in the trade, oil and gas, industrial, and service subsectors in these countries. Their livelihoods contribute to income generation, asset accumulation, and increased remittances to their families in their home countries. In effect, despite the identified implementation challenges, the ECOWAS free movement protocol has contributed to enhanced mobility and, to some extent, regional integration and economic development in West Africa. It is important to note that discussions are currently underway to further regional integration and the ECOWAS protocol, including the following: the proposal to lift the provision that restricts member state citizens to enter and stay for a maximum of ninety days; the proposal for the establishment of a common social security; and the proposal for a common currency.

The promise of further and improved integration is at risk of being curtailed by the activities of the EU in its attempt to devolve external border management responsibilities to third countries in Africa, broadly, and more specifically in West Africa.

## The EU–Africa Migration Governance Agenda: Differences in Interests and Power Relations

Even though migration within Africa and from Africa to Europe is not new, it is only in the recent past, at least since the 1990s, that the EU and individual European countries have been actively engaged in pursuing and establishing bilateral and multilateral migration frameworks with several migrant originating and transit countries in the Global South, particularly in Africa (Adepoju, Van Noorloos, and Zoomers 2010). Adepoju, Van Noorloos, and Zoomers (2010) highlight a chronology of EU externalization measures, with earlier bilateral and multilateral agreements focusing on controlling irregular migration and readmission agreements, followed by a period where agreements centered on labor migration. More recent attempts have focused on restricting movement as well as incorporating development aid as part of efforts to manage migration flows, for example, the "co-development" agreement between France and Mali (Adepoju, Van Noorloos, and Zoomers 2010). Many of the bilateral and multilateral agreements have addressed a wide range of issues, including promoting integration and return, family reunification, and social security, and preventing and combating irregular labor migration. They also seek to provide a mechanism for processes and organization of repatriation, especially of irregular African migrants

in Europe. Many of the frameworks or agreements also aim to foster an "improved migration management mechanism" via capacity building, dialogue, and cooperation between the EU and the countries involved. Others have focused on the ethical recruitment of health professionals, as well as enhancing the opportunities for regular mobility, facilitated largely by labor market conditions or needs and demographic trends in several countries (Adepoju, Van Noorloos, and Zoomers 2010).

As noted by a growing body of research literature, many of the bilateral and multilateral migration agreements between the EU and African nation-states have essentially focused on initiatives to restrict and reduce the number and scale of irregular or "boat migration" from the region (Zanker 2019; Mouthaan 2019; Vives 2017; Dover 2008; Natter 2013; Crawley and Blitz 2018). Writing about the management of the "migration crisis" between West Africa and the EU, Vives (2017) argues that labeling the arrival of a small number of West African migrants to the Canary Islands between 2005 and 2010 as a "crisis" led to the development of a combination of preventive and defensive measures by the EU to buy the cooperation of West African nation-states in implementing more stringent migration and border controls outside the EU's territory. The defensive mechanisms operated through externalization of migration control responsibilities, militarization, and the return of and removal of undocumented migrants. On the other hand, Vives (2017) reports the creation of jobs in communities of origin, cooperation for development, and temporary migration programs as the key preventive measures. The combination of defensive and preventive measures is arguably mutually dependent. Their interplay is fundamental to understanding new forms of border territoriality in the context of migratory flows directed not just to Europe but also within and between countries in West Africa.

Essentially, the EU has adopted a harsh posture toward the arrival of migrants and the stay of irregular migrants from the sub-Saharan African region in member countries. Against the backdrop of the European "migration crisis" of 2015–16, the EU's approach to managing migration has intensified. As noted earlier, increasing attempts are being made to govern the external borders of Europe from outside of its own territory (Andersson 2014). Africa is a primary focus for Europe, as a source continent, in terms of Europe's fight against irregular migration. According to Mouthaan (2019), of the sixteen "priority countries" under the EU's Partnership Framework, thirteen are African countries.[2] Using the heavy financial muscle of the EU Emergency Trust Fund for Africa, managers of the EU's migration policies seem to have adopted a two-pronged approach: prevent migrants from arriving in the first

instance and/or deport those who have succeeded in accessing the EU's territorial space irregularly. Slagter (2019) and Zanker (2019) note that the EU has changed tactics from relying on overt readmission agreements, struck with mostly developing countries of origin whose populations rely heavily on remittances, to more clandestine agreements that are mostly "out of sight" and evade domestic protestation and scrutiny. Slagter (2019) points to the interregional dialogues and return procedures initiated at the behest of the EU with their African counterparts, such as the Cotonou Agreement (signed in 2000), the Valletta Summit on Migration (2015), and the 5th African Union-European Union Summit in Abidjan (2017), which have all sought to lure third countries to readmit their nationals who are deemed to be in Europe irregularly without the need to adhere to strict deportation formalities. These are attempts to overcome earlier inconclusive negotiations with key source or transit countries such as Morocco (2000), Algeria (2002), and Nigeria (2016). Cape Verde is an exception, as a legally binding readmission agreement was concluded in 2013. Return of irregular migrants has focused the minds of European leaders irrespective of their ideological leanings (i.e., both left-wing and right-wing political parties). This rare, unified position is demonstrated, for instance, in the 2016 Partnership Framework, which overtly states that the "paramount priority is to achieve fast and operational returns," whether through formal readmission agreements or other informal arrangements (European Commission 2016a, 7; Mouthaan 2019).

A slew of informal agreements signed with some sub-Saharan African countries (e.g., Guinea in 2017; Ethiopia in 2018; The Gambia in 2018; Côte d'Ivoire in 2018) are, however, proving to have minimal effect on the actual numbers returned to these countries from the EU (Slagter 2019). In addition, individual EU countries such as the United Kingdom drafted memoranda of understanding (MoUs) with sub-Saharan African countries as a shortcut to returning undesirable African migrants. Though such MoUs were entered into with Nigeria (2005), Angola (2007), Somaliland (2007), Rwanda (2008), the Democratic Republic of the Congo (2009), Sierra Leone (2012), and South Sudan (2013), existing data suggests that there has been no discernible increase in deportations (Slagter 2019).

Some literature has argued that African governments are not "passive agents" in negotiating the EU's external migration governance arrangements despite a power imbalance between the two parties (Mouthaan 2019). This reasoning is attributed to the role of "local actors" inter alia political parties, media, civil society, and even the diaspora. While acknowledging the capacity of electoral pressures, media attention, public opinion, and diaspora

influence in dissuading African governments from signing off on restrictive migration policies from the EU, this is only possible when the details of those agreements are made public. Clandestine and informal agreements or memoranda of understanding are not easily available for such scrutiny. The "blackmail" of the EU tying development aid and visa facilitation to African countries' willingness to take back their citizens who are deemed to be living in Europe irregularly is intended to deny source countries the agency to contest such policies (Den Hertog 2016). As such, we argue that African countries commonly acquiesce to European directives fundamentally as a result of economic and political power imbalances in favor of Europe.

More importantly, picking off the weakest links, such as Niger, and entrusting them with the responsibility of policing the EU's external territory against movement by fellow ECOWAS citizens who are presumed to automatically be destined for Europe is problematic. Circulation within ECOWAS is guaranteed by the ECOWAS protocol (Articles 2 and 27 on the abolition of visa requirements and conferment of community citizenship on all members of ECOWAS states, respectively). The receipt of financial assistance from the EU and the attendant quid pro quo obligation on Niger to disrupt the migration journeys of fellow West Africans puts Niger in jeopardy of its regional legal commitments as a signatory to the ECOWAS Free Movement Protocol. However, as the poorest country in Africa and one of the poorest globally, Niger is not able to resist the lure of financial assistance needed for the basic survival of its people. As such, irrespective of Niger's intentions to respect the spirit and letter of the ECOWAS protocol, successive governments have had to make pragmatic choices in favor of collaborating with the EU in the face of abject poverty. The EU's own records[3] note that its involvement has taken the form of equipment support to the Nigerien government, economic support to the city of Agadez, and the establishment of field offices in Agadez for capacity building and provision of direct budgetary support with the hope of dismantling the activities of the illegitimate actors in Niger's migration industry. Indeed, around 45 percent of the Nigerien government's annual budget is financed by external support, mainly including the EU's Emergency Trust Fund for Africa (EUTF), the World Bank, the United Nations, the African Development Bank, and other EU countries. The EUCAP Sahel Niger, a civilian EU Common Security and Defense Policy mission launched in August 2012, has seen its budget grow from €18.4 million to €63.4 million since it began. Faced with numerous developmental and security-related challenges, the Nigerien government has been extremely desperate to receive EU aid while being pressured to initiate

anti-trafficking laws banning migrant transportation, but this has threatened local livelihoods and has thrown the economy into disarray (Creta 2020).

In addition, the declaration of migration as a crisis in 2015 led to the formulation of the Valletta Action Plan, in which Niger is the only West African country to be regarded as the key partner in the design of EU strategies in the region. Idrissa (2019) views the Valletta Action Plan as a "smorgasbord of projected initiatives" with a wide range of assistance covering support for private investment, job creation, scholarships for African students, and aid for refugees in camps. It emphasized the need to "establish and upgrade national and regional anti-smuggling and anti-trafficking legislation" through concerted action plans devised for individual countries based on their respective status as origin or transit countries. At their core, such plans focused on building the capacity of local security authorities to curb migrant transport or "human smuggling and trafficking." Under the same initiative, the EU devised what they called "effective incentives" with the view to develop legislative instruments that could enforce the adoption and implementation of its policies. Unlike Nigeria and Mali, where the adoption of migration policies in line with the EU action plan had essentially declarative rather than performative significance, Idrissa (2019) argues that, in 2015, the EU forced Niger to adopt the legislative instrument to criminalize migrant transportation. Quite unusually for a country that has a historically "lethargic rule of law apparatus," Niger soon started to implement this law in 2016, and the EU is reported to have awarded Niger funds to the tune of €640 million for the period 2014–20 and, after further appraisal, supplemented this with a further €95 million. Another support for Niger has come in the form of well-paid training sessions and receipt of equipment by Niger border control security forces; extension of electricity and internet connectivity to remote border posts; and donation of satellite phones, off-road vehicles, flat-bed trucks, and motorcycles to improve the operations of the Niger's military and gendarmerie (Idrissa 2019).

What is regarded as "progress" is focused on reducing the number of migrants presumed to be using Niger as a transit country and reducing human trafficking and smuggling activity. To the extent that some of these activities/movements are actually targeted at arrivals to Europe, they may seem to be of legitimate interest to the EU. However, ostensibly, this is a blunt instrument, as it is incapable of distinguishing between ECOWAS citizens exercising their rights under the protocol and those who actually intend to proceed to Europe. Intervening opportunities in Libya, especially prior to the Libya crisis of 2011, meant that the majority of sub-Saharan African

migrants actually sought employment in Libya rather than attempting to migrate to Europe. Therefore, the "sledgehammer" approach tends to treat all sub-Saharan African migrants (found in Niger) as collateral damage in an EU externalized migration governance system. Some research suggests a reduction of migrants transiting Niger to Libya from 400,000 recorded in 2016 to less than 10,000 in 2019 (Creta 2020). While the EU might have pushed Niger to crack down on the smuggling and trafficking of migrants, more dangerous routes have emerged, and the migrant exodus has drastically reduced. Official data from the International Organization for Migration indicate that migrant flows across Niger doubled from an estimated 266,590 in 2018 to more than 540,000 in 2019 (Creta 2020). The interception and return of some migrants south of the Niger border encompass those who had no intentions of journeying to Europe. What we see, then, is that Niger's decision to take over Europe's "dirty work" of border control and interception in the northern desert is a violation of the ECOWAS regional protocol on free movement, which the country is signatory to. Idrissa (2019) argues that in practice, Niger's agreement with the EU to take on border control measures and interception of migrants derived from the Valletta Action Plan and the Rabat Process appears to supplant the ECOWAS protocol in two ways. First, ECOWAS officials participated in the Rabat Process and willingly or otherwise endorsed the implementation of the policy measures adopted. Second, the ECOWAS guidelines are designed to provide gaps for the EU to configure them in ways that are favorable to their approach. The ECOWAS measures rest largely on member states establishing the architecture or infrastructure for border control to the extent that the region has become essentially borderless.

What appears abundantly clear is that the EU is now pushing West African states to uphold the letter of its laws in relation to border control, which has implications on endangering the status quo of what constitutes attempts at promoting regional integration in the subregion. When one looks critically at the prevailing migration patterns in West Africa and the current capacity of some individual ECOWAS countries, it becomes clear that instituting border control measures is both impractical and, more importantly, a potential source of regional instability or crisis. In this regard, what the EU–Niger agreement teaches us is that "the migration rules of ECOWAS now exist, in the Sahel, at least, under a regime largely defined by the concerns and interests of the EU" (Idrissa 2019, 35).

As Mouthaan (2019) argues, Senegal has more experience and leverage in negotiating agreements with the EU, having been designated as one of the five "compact" countries and one of the main beneficiaries of EUTF

funding since the inception of the funding mechanism in 2015. Practical "support" to Senegal has been through funding of projects to bolster job creation targeted specifically at the youth; projects to build the capacity of Senegalese law enforcement agencies and border management officials; return and readmission programs; and enhancement of Senegal's ability to fight human smuggling. These pseudo-development support packages are narrowly focused on ensuring the immobility of African migrants, especially the youthful population, and the return of the "undesirables"—irregular African migrants who work in the informal economies of Europe doing the dirty, dangerous, and dehumanizing jobs that citizens of the host societies shun until African migrants became pawns in European anti-immigrant politics. Vives (2017) also discusses securitized operations by the EU or member states along the territorial waters of Europe as well as within the sovereign territories of West African countries such as Senegal in an attempt to stem the flow of migrants from sub-Saharan Africa. Border control operations such as Frontex's HERA operation and the Seahorse and West Sahel Operations have employed satellite technology for the surveillance of what are meant to be sovereign African territories alongside a physical presence of Spanish and EU security forces and Spanish private security companies (Vives 2017, 212). Under the auspices of the preventive "root causes" approach, similar funding agreements have been reached with other West African countries such as Nigeria and Mali.

Outside of West Africa, the EU's externalized migration control policies are equally inhibiting the realization of free movement across the African continent as envisaged in Article 6 of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment. Though African states are not unanimous in their embrace of the continental free movement protocol, bilateral agreements between the EU and some member states such as Libya, Ethiopia, and Sudan make it even more difficult to conjure a united front in promoting visa-free travel within Africa. Historically, EU–Libya relations have been frosty following the Pan Am Flight 103 aircraft bombing over Lockerbie, Scotland, in 1988. Libya was accused of being responsible for the bombing, and the United Nations imposed severe sanctions. However, in the 2000s, Libya's relations with Europe started to normalize as Libya was recruited as a critical partner in combating irregular migration from Africa to Europe. The enhanced cooperation, especially starting in 2003, was premised on fears that deliberately lax controls by Libya resulted in pressure at Europe's Mediterranean borders (Perrin 2008, 2). Italy, for instance,

normalized its relations with Libya by signing multiple bilateral agreements on combating terrorism (in 2000), organized crime (in 2003), drug trafficking (2004), and irregular migration (2007). In addition, Italy and Libya signed a Friendship Pact in 2008, in which Italy agreed to pay Libya 5 billion US dollars over twenty years as reparation for colonization. As Hendow and Kandilige (forthcoming) note, the pact emphasized intensifying cooperation on combating irregular migration, which led to the practice of "pushbacks" from Italy to Libya (subsequently overturned by the European Court of Human Rights ruling, *Hirsi Jamaa and Others v. Italy* in 2012). Akin to later agreements with West African countries, the various Italian agreements with Libya embedded financial support for equipment and training programs for Libyan police and navy, construction of accommodation/detention centers for irregular migrants, payment for the return of migrants, and financing of repatriation flights as the quid pro quo for Libya serving as the ultimate gatekeeper of Europe's Mediterranean border.

The larger EU also sought Libya's assistance in combating irregular migration to Europe. Attempts took the form of a Memorandum of Understanding in 2007, followed by negotiations for a future Framework Agreement on Political Dialogue and Cooperation in 2008, and finally a cooperation agenda and Action Fiche in 2010 to the tune of €10 million covering irregular migration, border control and refugees (Hendow and Kandilige, forthcoming). In return, Gaddafi's government embarked on stringent measures to demonstrate their preparedness to address Europe's concerns about irregular migration routes from Libya. As Hendow and Kandilige (forthcoming) note, from the early 2000s, Gaddafi began to carry out large-scale expulsions of migrants (primarily sub-Saharan Africans), which grew from 4,000 people in 2000 to 43,000 in 2003 and over 64,000 in 2006 (Di Bartolomeo, Jaulin, and Perrin 2011; ICMPD 2010). Available data suggest that the most common nationalities apprehended and deported for irregular entry into Libya were Sudanese, Nigeriens, Chadians, Malians, Ghanaians, and Nigerians (ICMPD 2010). These actions contrasted sharply with earlier immigration policies by Libya, which were pro–sub-Saharan African migration: there were no visa requirements; only a medical certificate was required.

Following unsuccessful earlier attempts to halt irregular migration from Libya to Europe, in May 2015, the EU announced its military operations principally focused on the southern central Mediterranean. Its original name, EUNAVFOR-MED, was changed to Operation Sophia in September 2015, derived largely from the name of a baby born in one of the mission's ships off the coast of Libya. Operation Sophia had an overarching goal of "disrupting

the business model of human smuggling and trafficking networks in the southern central Mediterranean" and was structured to be implemented in three phases (Baldwin-Edwards and Lutterbeck 2019, 2251). Phase one commenced with gathering intelligence on the activities of migrant networks, and phase two operations encompassed boarding, searching, arresting, and/or identifying vessels deemed to be used for the trafficking or smuggling of migrants on coastal waters. Phase three focused on disposing of vessels or other resources deployed for smuggling activities. In 2016, the activities of Operation Sophia were extended by a year, with two more tasks—reinforcing the implementation of the UN arms embargo on the high seas and training the Libyan coastguard to stem the flow of migrants from further south (Baldwin-Edwards and Lutterbeck 2019). In this regard, Operation Sophia, which had a simple mandate of surveillance and rescue mission, transformed into a full-blown Chapter VII operation under the UN Charter and was further extended until the end of 2018 under a decree by the EU Council in July 2017 (Blockmans 2016, 8). In 2017, Italy wrapped up a bilateral MoU with the newly constituted Libyan government headed by Fayez al-Sarraj, with full backing from the UN. The new agreement, which explicitly referred to the 2008 Friendship Treaty that existed between Italy and Libya, aimed at equipping the Libyan security force to stem irregular migration from along the country's southern borders. At the heart of the MoU was financial assistance to facilitate economic growth in spaces affected by irregular migration and to upgrade healthcare in migrant detention centers. Informed commentators, such as Toaldo (2017), argue that the MoU is flawed on human rights concerns, as it fails to establish an independent monitoring system or mention aspects of international conventions (only referring to International Customary Law).

Overall, by any standard of measuring policy effectiveness, Operation Sophia and other agreements between the EU and individual European countries, particularly Italy, and Libya have been a complete failure. Although such operations led to the interception of tens of thousands of people at sea, such militarized operations have been done in full awareness of the systematic violation of migrants' rights in Libya, including forms of rape and torture. Amnesty International (2020) data show that at least 40,000 persons, including thousands of children, were intercepted at sea and returned to Libya, but such people were exposed to horrific suffering. Indeed, such migrants are unlawfully detained and face severe risks of abuse, torture, rape, and overcrowding (Amnesty International 2020). Moreover, official statistics from UNHCR (2016) reveal that arrivals in Italy through

the central Mediterranean route in real terms increased to reach a record high of 180,000 in 2016 after Operation Sophia was launched.

Additionally, the number of migrant deaths stood at around 5,000 in 2016. Smugglers have been reported to avoid being on boats, preferring instead to offer free passage to young minors to guide the vessels into international waters until they are recognized and rescued (Baldwin-Edwards and Lutterbeck 2019, 2251). Apart from the growing fatalities and abuse of the human rights of migrants, we argue that using the reduction in the number of migrants arriving in Libya from countries further to the south as a measure of the success of EU externalization policies indirectly contributes to restricting free movement of persons on the African continent. In fact, some research findings suggest that some African migrants arriving in Libya have no aspirations or intentions of onward journey to Europe (Crawley et al. 2018).

In addition to stepping up its patrol activities in the Mediterranean and seeking to strengthen the (re)engagement with Libya in combating irregular migration, the EU externalization control measures have been extended to countries further south along the central Mediterranean migration route, such as Niger and Mali, in order to prevent irregular migration across Libya's southern borders. In 2011, a new policy, Strategy for Security and Development in the Sahel, with an initial focus on alleviating a number of developments and security-related challenges in the Sahel region, was initiated shortly after the Libyan uprising. It aimed to combat rapid population growth, the effects of climate change, corruption, illicit trafficking, and terrorism-related security threats, unresolved internal tensions, fragile governance, the risk of violent extremism and radicalization, extreme poverty, and frequent food crises (Baldwin-Edwards and Lutterbeck 2019). Two key strategies, including the launch of a capacity-building program and the strengthening of regional cooperation in areas of government activity between the Sahel countries, were rolled out to achieve the agenda. In 2012, following the request of the Niger government, the EUCAP Sahel Niger mission, which was the first-ever mission under the Sahel strategy, was launched. It aimed "to develop an integrated, coherent, sustainable and human rights-based approach among the various Nigerien security agencies in the fight against terrorism and organized crime by providing training and advice to Nigerien authorities" (Baldwin-Edwards and Lutterbeck 2019, 2251). However, what is abundantly clear is the fact that the EU's Sahel strategy has taken an explicit focus on stemming irregular migration. There is a sharp overlap between the EU's "Partnership Framework" approach under the European Agenda on Migration and the Sahel strategy. For example, in

2014, the overarching objectives of the EUCAP Sahel Niger mission were revised, whereby curbing irregular migration from countries further south via Niger to Libya became the main mission objective (EEAS 2016). A permanent field office was set up in Agadez, whose main task was to provide training to Nigerien security forces and authorities in areas such as criminal investigation methodology, trafficking in human beings, and document forgery (European Commission 2016b; Baldwin-Edwards and Lutterbeck 2019). In 2017, these efforts were further scaled up with the deployment of the EU Migration Liaison Officer in Niamey. Under the partnership policy framework, several other countries along the central Mediterranean migration route, including Senegal, Ethiopia, and Mali, were identified as priority partners. In 2015, a comparable EUCAP mission was inaugurated in Mali. Furthermore, while the stated decree mission has been to enhance the overall efficacy of the security sector of the country, in practice, assistance has been to consolidate the capacity of the state to control its borders and stem migration flows from neighboring West African countries (European Commission 2017; Baldwin-Edwards and Lutterbeck 2019).

## Conclusion

Promoting free movement of persons, goods, and services has long been on the agenda of West African states, and the coming into effect of the ECOWAS free movement protocol marks an important advance in the commitment of ECOWAS member states to strengthen regional integration and mainstream the potentials of intraregional migration for development. We have established that the implementation of free movement protocols and frameworks has, to a large extent, contributed to enhanced mobility, regional integration, and socioeconomic progress within West Africa. However, the quest to fight against "undocumented migration" from West Africa to Europe has impelled a broadening of activities aimed at protecting the EU's external borders and transforming the relationship between the European Union and West African nation-states in migration management and control. There has been the establishment of several bilateral and multilateral agreements between the EU and/or individual EU countries on the one hand and African countries on the other. Such agreements and frameworks usually aim at combating irregular or "boat migration," promoting integration and return, improving migration management mechanisms, and enhancing opportunities for regular migration to Europe. We argue that there is an important degree of power asymmetry in developing and implementing such agreements. In most cases, it is the agenda of the EU that is spearheaded,

often with little or no agency of the African country involved. Thus, EU external migration policies have been deployed to buy the cooperation of West African nation-states in implementing more stringent migration and border controls outside the EU's territory, but at the expense of free mobility initiatives within the West African subregion.

In conclusion, we are of the view that the continued presence and involvement of the EU and individual EU countries in establishing bilateral or multilateral agreements have negatively impacted prospects for free movement, regional integration, and socioeconomic development, which have long been important goals of West African nation-states. Such agreements have further contributed to the loss of human life and the criminalization of migration and exposed many migrants, including children, to abuse, rape, and torture in detention centers. While not being overly preemptive, we foresee that the continuous establishment of these more stringent migration and border controls within African countries on behalf of the European Union would also negatively impact the continental free trade agreement of the African Union that seeks to establish and create a single continental market for goods and services, with free movement of business, persons, and investments.

## Notes

1   The Supplementary Protocol A/SP.1/7/86 is on the Second Phase (Right of Residence). Article 2 specifically requires member states to grant community citizens who are nationals of other member states the right of residence in its territory for the purpose of seeking and carrying out income-earning employment after obtaining a residence card or permit.

   Supplementary Protocol A/SP.2/5/90 is on the implementation of the Third Phase of the Free Movement Protocol (Right of Establishment). The protocol emphasizes the non-discriminatory treatment of nationals and companies of other member states except as justified by exigencies of public order, security, or health (Articles 2 to 4).

2   Ethiopia, Eritrea, Mali, Niger, Nigeria, Senegal, Somalia, Sudan, Ghana, Côte d'Ivoire, Algeria, Morocco, Tunisia, Afghanistan, Bangladesh, and Pakistan.

3   Niger action and progress under the migration partnership framework, June–December 2016.

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