



**The EU and Multilateral  
governance of migration in North  
and West Africa**

**Michela Ceccorulli & Emmanuel Fanta**

**Working Paper N° 20**

**August 2010**



UNIVERSITY OF  
GOTHENBURG



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EU-GRASP Working Papers

EU-GRASP Coordination Team: Luk Van Langenhove, Francis Baert & Emmanuel Fanta

Editorial Assistance: Liesbeth Martens

United Nations University UNU-CRIS

72 Poterierei – B-8000 – Bruges – Belgium

Email: [fbuert@cris.unu.edu](mailto:fbuert@cris.unu.edu) or [efanta@cris.unu.edu](mailto:efanta@cris.unu.edu)

Additional information available on the website: [www.eugrasp.eu](http://www.eugrasp.eu)

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## Abstract

The aim of this paper is to investigate the type of security governance that the EU puts in place when it deals with the question of migration by focusing more specifically on North and West Africa. The topic of migration serves here as an example of how the EU struggles to achieve its own security. For this purpose the paper will first investigate how migration has evolved as a security issue within the EU also pointing out the reasons for and the phases leading to the 'external' dimension of migration. The concept of "security governance" will be mobilized to grasp the multiple ways in which migration is regulated within the EU and towards external actors. The second part of the paper will focus on the different layers and frameworks of migration regulation that have been developed for and with West Africa and North Africa. This will allow us to see if and how the European Union deals consistently with origin, transit and destination countries, as well as the likely results and the possible inefficiencies.

## About the Authors

**Michela Ceccorulli**, PhD, is Researcher at the Forum on the Problems of Peace and War (Florence). She works on IR theory, security studies, Transatlantic Relations and Migration.

**Emmanuel Fanta** works at the United Nations University Institute for Comparative Regional Integration Studies (UNU-CRIS) as a Project Researcher. At UNU-CRIS he is part of the EU-GRASP coordination team and also conducts research on regional peace and security. He is also a PhD candidate at the Université Libre de Bruxelles (ULB).

**Table of Contents**

Introduction..... 1  
A security governance approach to migration ..... 2  
Explaining and understanding the rationale behind the external dimension of security governance 4  
The external dimension of migration in Europe: relevant phases and key problems ..... 6  
The EU and North Africa: transit migration and the out-sourcing of border controls..... 10  
EU-West Africa: the Migration-Development-Security nexus ..... 15  
Conclusion ..... 21

# The EU and multilateral governance of migration in North and West Africa<sup>1</sup>

**Michela Ceccorulli & Emmanuel Fanta**

Florence Forum on the Problems of Peace and War & UNU-CRIS

## Introduction

The topic of migration is symptomatic of the EU's struggle to achieve security. While migration is usually analysed through the lens of humanitarian, economic or social concerns, its association with security requires adapted analytical tools. Thus, in referring to 'security governance', this paper will consider and examine the multiple ways in which migration is regulated within the EU and with respect to external actors.

First, the reasons for choosing a 'security governance' approach in order to analyse migration, will be explained. The literature on the topic will be covered briefly, and both new and traditional aspects of this 'security governance' as an analytical tool will be emphasized. The concept of migration within the EU as a security issue will be outlined, pointing out the reasons for and the phases leading to the 'external' dimension of migration. This will allow light to be shone on the coordination frameworks set up by the Union to narrow down potential risks arising from outside its borders.

Second, the analysis will focus on the different layers and frameworks of migration regulation that have been developed for and with West Africa and North Africa, both constituting two important basins of migration flows. Also, the choice of these two geographical contexts will enable us to see if and how the European Union deals consistently with origin, transit and destination countries, the likely results and the possible inefficiencies. Thus, a governance approach will demonstrate the multiple relations existing between different actors and the challenge to coordinate different priorities. Meanwhile, the emphasis on security will underline both the necessity of cooperation with third countries and the 'restrictive' approach, which is so prevalent at present.

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<sup>1</sup> An earlier version of this paper was presented at the ECPR General Conference in Potsdam in September 2009.

## A security governance approach to migration

The focus of this paper on the governance of migration through a security perspective sheds light on two points: first, migration has been upgraded to a security risk as the European Security Strategy of 2003 clearly assesses. Thus, a preliminary step would be to consider how security as a concept has changed, to the extent that it now encompasses migration as an issue-area. Then, the ways in which migration handling has been affected can be explored. Second, a governance approach is better tooled to catch the multiple actors and layers characterizing the topic. Accordingly, security governance would be a useful tool to investigate and analyze the whole migration framework through a security lens.

There is a broad theoretical debate around the new or partially re-framed understanding of security after the end of the Cold War.<sup>2</sup> In particular authors have emphasized that security is not necessarily linked to the survival of the national state, but rather to the possibility of pursuing independence or protecting basic interests, as “genuine security requires not only the absence of or protection against a military threat, but also the management of a multitude of risks concerning the political economic, and social well-being of states and their peoples” (Aftendorn; Keohane & Wallander 1999:2). What is deemed to have changed considerably is the nature as well as the agent of the challenge: it is neither necessarily driven by the military nor the state. Also, the referent thereof is under debate: the ability of the nation state to perform its traditional functions, the values of society and its identities, or a ‘de-territorialized’ human being.<sup>3</sup> Thus, for the topic in question “security...is considered as against unwanted foreign intrusion: the defence of physical and psychological security, of economic interests of language and cultures” (Wallace 2002: 241). Indeed the flow of migrants towards the territory of the Union does not represent a military threat. Instead, the perception has grown that massive and unwanted flows of foreign people are likely to endanger the stability of the Union, and policies are conceived in order to reduce the likelihood of this happening. Thus, there exists a ‘migration-security nexus’ that enables migration to be investigated as a security issue, given the potential problems it can pose to the ‘security’ of Europe.

This reflection on security and on its wider understanding has spurred lots of studies on ‘securitization’, that is, on the role of actors (securitizers) in rendering a particular issue a security

<sup>2</sup> See among others: Booth 1991a; 1991b; Buonfino 2004; Buzan 1983; 1991; Buzan, Wæver & de Wilde 1998; Campbell 1998; Ceyhan 1998; Cha 2003; Gärtner 2003; Gray 1992; Haftendorn 1991; Human Security Report 2005; Huysmans 1998a; 1998b; 1998c.

<sup>3</sup> See among others: McSweeney 1996; Buzan 1991; Buzan, Wæver & de Wilde 1998; Wæver, Buzan, Lemaitre & Kelstrup 1993; Wæver 1995; 1998; Bigo 1998; Huysmans 1998.

concern through discourses and speeches, depicting the issue in question as a potential threat to the survival of an undefined target. Indeed, the audience should accept this logic. Adding to that, other scholars draw attention to the role of practices, specific agencies for internal and external security and bureaucratic structures in emphasizing and ‘institutionalizing’ the security dimension of the matter.<sup>4</sup> Therefore the way in which an issue is managed contributes to its understanding and perception.

These kinds of approaches fit the theoretical attempt to explain how a previously low-politic matter has turned into a socially-tailored security one. Indeed, European discourses are full of references to migration as a security concern, emphasized by the association between illegal migration and terrorism (the so-called security continuum). In the same way, agencies for the collection of fingerprints, sharing data on movements or Consular offices abroad underline the ‘security’ facet of migration without actual speeches or discourses. Hence, notwithstanding a general decrease in inflows and irregular migration in the last years from North Africa in particular, the perception is that of an exponential risk and of an established security concern (Monzini 2009). These approaches, however, do not address the straightforward question of why migration has turned into a security concern. In this case, a historical analysis of the matter would show mounting concern associated with particular external facts that led to an increase in the flows of ‘non-economic’ migrants towards Europe (implosion of the Soviet Union, Balkan wars, Iraqi refugees...) and impacted on the internal economic project.<sup>5</sup> The loss of control over persons crossing borders was likely to undermine the creation of an area of freedom, justice and security and more generally of overall European stability. A firm attitude on control and inflow restrictions that create filters or barriers at the EU’s physical and political borders has developed from the ‘70s onwards.

This new security awareness must be contrasted with two empirical facts: on the one hand you see the transnational character of the threat creating security interdependences among states; on the other hand you see the ‘post-Westphalian’ nature of the European states (Kirchner & Sperling 2007a). Both tendencies reinforce each other and require encompassing and concerted efforts by various actors at various levels.<sup>6</sup> Thus, the regulation (governance) of security dynamics through Europe should foresee an internal dimension – multi-level coordination processes among different structures and actors dealing with the matter and related aspects within the EU –and an external one – multilateral coordination efforts with other external actors in a broad array of policies.

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<sup>4</sup> The school of Paris with Bigo and Huysmans among others (see above), represents this kind of orientation.

<sup>5</sup> See for example Monar 2001 and Sciortino, 2000.

<sup>6</sup> On the need of broader framework of coordination to face trans-boundary threats see: (Lake & Morgan 1997: 12).

Against this backdrop, the use of ‘security governance’ as an analytical tool seems appropriate to depict and investigate the ongoing reality of new security risks, such as migration, and complex regulation schemes. Kirchner defines security governance as an ‘intentional system of rules that involves the coordination, management and regulation of issues by multiple and separate authorities, interventions by both public and private actors, formal and informal arrangements and [is] purposefully directed towards particular policy outcomes’ (Kirchner & Sperling 2007b: 3). This definition is appropriate to analyze a European landscape in which nation states are supported by other actors and in which coordination in order to face security threats is a complex and multi-layered process, “it is a heuristic device for recasting the problem of security management in order to accommodate the different patterns of interstate interaction, the rising number of non-state security actors, the expansion of the security agenda and conflict regulation or resolution” (Kirchner & Sperling 2007a: 18). Authors emphasize that notwithstanding the new dimensions that this analytical tool is able to grasp compared to older and prevalently state-centric approaches, it is not to be overlooked that the state still maintains important prerogatives (Webber *et al.* 2004: 6). Kirchner and Sperling maintain that the policies of protection, of which migration governance is an example, are particularly difficult to handle (Kirchner & Sperling 2007a). These policies are envisioned to address the penetrability of the post-Westphalian state, and thus the ability of external threats to create internal security challenges. As threats originate abroad it is necessary to consider all efforts to limit their effects by shaping external relations in a consistent and effective manner.

### **Explaining and understanding the rationale behind the external dimension of security governance**

According to the transnational nature of existing challenges, neighbouring actors are exposed in a similar way to potential threats. This implies that some sort of ‘security interdependence’ arises that makes states very sensitive to policy choices of states in geographical proximity in spite of their own provision (Lake & Morgan 1997: 12). The only way to overcome this situation and to have the chance to manage risks is through collective action, a coordinated approach aimed at avoiding a common security challenge. The harmonization of procedures within a cluster would mitigate the effects of security interdependence through the enactment of coordinated paths (Buzan & Waever 2003).



What can firstly arise from a coordination attempt within a cluster is a 'closure' reaction against the outer world. This is so because while the region would profit from a joint approach to a defined matter it would not be able to control and manage external events that may impinge on its overall stability. Nevertheless, closure policies are inefficient because by not addressing directly the reasons spurring the challenges, they only encourage alternative solutions to overcome existing controls. Thus, sooner or later it becomes clear that a restrictive policy should be accompanied by a more farsighted approach considering coordination and regulation patterns with third actors, third regions and International Organizations. This is even more true in the case of origin countries, where outflows are not conceived as security problems in need for a regulation. As a result, a multilateral cooperation process may reduce the probability of security threats arising, or may weaken the probability that negative effects will spread out (Thakur & Van Langenhove 2006). Indeed, predicting the creation of multiple and variegated cooperation patterns does not inform us about the character of these latter; in this case, a specific focus on the relevant actors engaged in the governance process is necessary as interests and power relations may have a say on the coordination path emerging (Newman 2007). Ideally, a fair and efficient regulation pattern should be broad enough to encompass all the relevant actors touched upon by the issue or potentially able to address it. It should also be broad enough to draft a set of proposals and strategies to manage all facets of the issue consistently and to manage all the topics that may have an impact on it.

If the key to deal with challenges is there, what complicates the achievement of effective policies? First of all, a thorough coordination at the internal level is necessary to bring about a credible and effective external policy. Nevertheless, the security nature of the issue at hand renders the harmonization process problematic as no actor is eager to compromise on an overriding interest. Thus, cooperation will be pursued as long as it strengthens states' security while not impinging significantly on internal arrangements. Likewise, states are likely to express different views and priorities because their strategic cultures are different. Hence, the preferred coordination points to be agreed upon would probably diverge: for example, the exigencies of border countries are different from the landlocked ones, and this has created huge complexities in the coordination process within Europe. The end result of diverse priorities is likely to be a coordination path based on a basic common-denominator. Second, multilateral cooperation cannot be conceived or based only or principally on a 'security' dimension. In fact, a uni-directional and security-driven approach

will reduce room for manoeuvre and opportunities to work out tangible results, especially when different security governance systems interact.<sup>7</sup>

## **The external dimension of migration in Europe: relevant phases and key problems**

The security understanding applied to the issue of migration has emerged in the form of bluntly restrictive policies, as the reference to the 'Fortress Europe' clearly reminds us of. Time and again, though, and witnessing the inefficiencies of restrictive policies, proposals have been made to deal with the issue by addressing the root causes of migration, that is, by engaging in a long-term multi-layered strategy encompassing and speaking to third countries, Organizations and other actors in a multilateral context. Thus, it was made clear that the migration-security nexus could work the other way round: the security (again, broadly intended) of third countries was a preliminary condition for reducing migration levels.

The belief that engaging with countries of origin and transit countries was necessary to handle migration properly began to gain ground in the mid '90s. The thought was first outlined by the High Level Working Group on Asylum and Migration (HLWG, 1999), a cross-pillar body. As time passed, the opinion emerged that aside from a common EU asylum and immigration policy an 'external dimension' of EU cooperation in justice and home affairs (JHA) had to be envisioned. From the very first coordination attempts, though, it was apparent that the external projection of migration policies was essentially imbued with security concerns (Pastore 2007: 3). As it emerged as an essential feature of European foreign relations, migration policy developed in two directions: it endeavoured to 'externalize' traditional instruments of EU borders control by (sometimes) engaging third countries in controls on illegal flows, trafficking and smuggling, by drafting re-admission agreements and establishing carriers sanctions. Also, it attempted to address the causes of the migration flows through variegated and many-sided policies and plans (Boswell 2003).

The European Council held in Tampere in 1999 strongly supported the belief that a broad partnership with countries of origin and transit had to be settled, "this requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights" (European Council 1999). Thus, while migration was the topic under discussion, the Union could have explored different instruments and

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<sup>7</sup> On the idea of different systems of security governance see Hallenberg, Sperling & Wagnsson 2009.

tools within its pillars and tailored them so as to contribute to weaken the reasons pushing migration flows. As was emphasized by European institutions, “the external dimension of justice and home affairs contributes to the establishment of the internal area of freedom, security and justice and at the same time supports the political objectives of the European Union’s external relations, including sharing and promoting the values of freedom, security and justice in third countries” (European Commission 2005a: 4). The proposal for a multilateral and cross-pillar agenda was put forward also in the 2005 ‘Global Approach on migration’. The tragic events in Ceuta and Melilla showed once again that the ‘wall’ built around Europe was not only unable to prevent desperate people departing towards Spanish or Italian coasts, but also that restrictive policies meant jeopardising the security of other people, thus casting shadows on the Union rhetoric and innovative security governance system. The first priority envisioned by the global approach was to deepen relations with Africa and the Mediterranean countries, pooling both Member States and the Union’s effort to strengthen dialogue and cooperation (Council of the European Union 2005). Member States and North African countries should jointly patrol the frontiers and the Mediterranean through FRONTEX, an agency created to coordinate multinational operations. Also, the EU should train personnel for control supervision and provide support and financial assistance in the fight against illegal migration. Adding to that, networks of immigration liaison officers should be created in origin and transit states: this would have contributed to reporting on illegal immigration and trafficking in specific countries (European Commission 2005b: 5). The link between migration and development had to be taken into account while models of circular mobility and mobility partnership to manage forms of legal migration opportunities between countries of origin and destination had to be encouraged.

The changing geography of the Union pushed towards an extension of the scope of the global approach to migration towards the Eastern and South-Eastern regions bordering the Union (Council of the European Union 2007a). While this was an indicator of European commitment to broaden the way migration was handled and multiply coordination channels, some authors emphasized that this could somehow divert resources from Mediterranean and African plans and provisions (Pastore 2007: 7).

The ways to ‘multilateralize’ the migration issues are several. Some of them are specific agreements for migration handling: in these cases the relations are essentially bilateral (meaning in this case

EU-nation state), as readmission<sup>8</sup>, visa facilitation, mutual legal assistance and extradition agreements show. Nevertheless, due to specific interests, individual European countries have also signed readmission agreements with third countries.<sup>9</sup> Other bilateral agreements are undertaken through Association or Partnership and Cooperation agreements and external aid programmes (CARDs, TACIS, MEDA, Thematic Cooperation Programmes): in these cases migration is inserted in a broader plan encompassing different issues. European Neighbourhood Policy (ENP) Action Plans, foreseen for countries bordering or close to the EU were extended to Mediterranean states in 2003 (exception made for Libya).<sup>10</sup> Inter-regional levels of cooperation are assuming an increasing importance in European foreign policy strategies. The Commission maintains that cross-border challenges as migration or other border controls problems can be better tackled through combined regional approaches (European Commission 2005a). The reason for this is that migration concerns not only the movement of people from one region to another, but also (and particularly in the African case) intra-regional routes. Thus, regional approaches could control flows of migrants between countries of origin and transit so that an overall vision of the phenomenon is gained. At The Hague in 2004, an external dimension for asylum was emphasized: Regional Protection Programmes (RPPs) were proposed with the aim of providing protection and durable solutions (repatriation, local integration or resettlement in a third country) (European Commission 2005c).<sup>11</sup> To date, the Union engages in regional cooperation especially with ASEM (Asia-Europe Meeting) and ECOWAS (Economic Community of West-African States). Indeed, a global level of cooperation is pointless on this issue: strategic interests and preferences diverge significantly and flows are likely to persist until specific pull and push factors exist. Global forums on migration underline the 'development' facet of migration, trying to point out the values and rights to be respected in the management of the issue. The European Union believes that its participation within global forums can help advance its position and interests: that's why, for example, it participated in the work of the 'High Level Dialogue on International Migration and Development' of the United Nations in 2006. Its membership within the Council of Europe, the UNHCR (United Nations High Commissioner for Refugees) and other UN bodies guarantees a platform to promote common

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<sup>8</sup> Between 2001 and 2008 the Commission was authorized to negotiate Community readmission agreements with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Hong Kong, Macao, Montenegro, Moldova, Russia, Serbia, Sri Lanka, Ukraine. Negotiations are underway with Algeria, China, Morocco, Pakistan, Russia and Turkey.

<sup>9</sup> As an example, Italy has signed readmission agreements with Albania, Tunisia, Egypt and Turkey.

<sup>10</sup> Nevertheless, negotiations between the European Union and Libya for a Cooperation agreement are ongoing.

<sup>11</sup> Pilot RPPs have been started in Ukraine, Moldova and Belarus (Western Newly Independent States) and in Sub-Saharan African countries that experienced huge inflows from East Africa and the Great Lake region. Other regions for consideration are North Africa, the Afghanistan region and the Horn of Africa.

values but also to mitigate accusations concerning human rights respect and conformity to the Conventions signed.

As seen above, 'protection' policies are complex to deal with because of the blurred distinction between internal and external dimensions: security within the Union cannot be achieved without security outside. Coordination within and between each dimension is fundamental. Internal coordination helps manage security interdependence and external coordination is the better way not only to manage and control the problem, but also to understand it.

The reluctance of nation states to relinquish their prerogatives on certain facets of migration has prevented the formulation of a thorough common internal policy: states refuse completely harmonized measures on asylum, on refugees' qualification and on legal immigration. Thus, the sole common ground on which they all agree and that prevails in external governance is the strengthening of security measures and the fostering of policies prioritizing security dimensions over economic or development ones.<sup>12</sup> If a uniform approach cannot be achieved internally, then security has to be strengthened at the borders so as to avoid the security interdependences emphasized by an internal common space. Moreover, the lack of common procedural standards or guarantees at the European level on some provisions allows that degree of discretion and flexibility at the member-state level that puts some doubts on the tenure of the rule of law, upon which the EU build up its external policy and image (Rijpma & Cremona 2007: 23). The externalization of controls as one of the facets of the external governance of migration, is the preferred option most of the time: long-term impact multilateral cooperation paths addressing migration-related issues and covering more than one the European pillar are scaled-back in favour of 'control' measures aimed at preventing migrants from reaching the European border, making sure that they remain as close as possible to the place where they came from and ensuring through international agreements that once they arrive in Europe the possibility exists to repatriate them (Ibid.: 12). Thus, "the aim at rescuing people from drowning is frequently put forward as a reason for pre-border checks, yet many have put [a] question mark against this humanitarian component..." (Ibid.: 20). The evaluation of the Global approach to migration drafted in November 2008 underlined all the above mentioned limits, emphasizing the need for thorough internal coordination and for reliable and

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<sup>12</sup> In the realm of security controls the European Union shows the most important achievements; see for example the provisions regarding visa, sanctions to carriers, expulsion, the setting of the FRONTEX agency, the European Fund for readmission and the European Fund for External Borders. Also, the Return Directive adopted in 2008 and setting standards for sending illegal immigrants back home goes in the same direction.

timely plans to foster coordination in overall external relations and specifically with the interested countries of the region in question (Council of the European Union 2008).

The second part of the paper will consider the EU's engagement and cooperation with North Africa and West Africa. This will shed light on how migration is dealt with in regions of 'origin' and region of 'transit'. The main shortcomings of these cooperation approaches will be underlined and the preferred multilateral path will also be duly considered.

## **The EU and North Africa: transit migration and the out-sourcing of border controls**

The question of migration in the relationship between Europe and North Africa is nothing really new as linkages have been long and sustained since the end of WWII. In fact, since the '50s there has been an interrupted, although fluctuating, flow of North African migrants travelling to Europe. Two major waves can be identified. The first one occurring in the '50s and '60s saw several thousand immigrants from Morocco, Tunisia and Algeria moving to France, Germany and Belgium where the booming economies had a voracious appetite for a cheap labour workforce. The important scale of this migratory movement was also facilitated by the existence of several agreements favouring the northbound journey to join the workforce in the European states. For example, until Algeria gained its independence in 1962 it was considered to be an integral part of the French territory and as such, free movement of people existed between the colony and the *Metropole* (Liauzu 1996: 122). Moreover, Germany also had signed several bilateral recruitment agreements with Mediterranean countries including Morocco in 1963 and Tunisia in 1965 (Pierrot, Meunier & Abrams 1999: 30-31). The economic downturn following the oil crisis in 1973 did affect this migration trend as European states moved toward a more restrictive immigration policy. Nevertheless, the family reunification programmes in the '70s and '80s meant that the migration flows still remained relatively important. The '80s also represented a shift in the migration route as southern European states such as Spain, Portugal and Italy increasingly became destination countries for North African immigrants. This trend increased during the '90s and even more significantly in the 2000s. "Spain and Italy recently acted as new magnets for migrant workers from the southern Mediterranean. Since 2003, Spain has received the largest amount of immigrants flowing to the EU. Of the 1.6 million people migrating into the EU in that year, 594.300 fled to Spain. This was more than twice the number of migrants that Germany (144.900) and France (55.000)

combined received. On the other hand, Italy attracted 511.200 migrants in 2003” (Eylmer & Semsit 2007).

The 2000s also witnessed the development of a migration flow from sub-Saharan Africa towards Europe passing through North Africa. A migration route linking North Africa with sub-Saharan Africa had already existed for a very long time. Moreover, the number of sub-Saharan immigrants in North Africa is very high and estimates consider that there could be between 65 000 and 120 000 sub-Saharan Africans migrating to North Africa every year (de Haas 2008a). By contrast, the use of North Africa as a spring board to migrate to Europe is a more recent and still a more modest phenomenon. Although still small in number (around 30000 sub-Saharan Africans are estimated to take this route out of a total of 120 000 travelling the same way) (Simon 2006: 42), this migration flow saw a sharp increase in the early 2000s. The fact was amplified by the media and policy-makers’ coverage of the issue despite its marginality in the overall flow to Europe (de Haas 2008b: 17-18)<sup>13</sup>.

The ‘90s and 2000s also correspond to the period that witnessed a securitization of migration by the EU and its member states. Immigrants coming from or through North Africa increasingly came to be seen as a source of insecurity especially after the terrorist attacks in London and in Madrid. The rising power of far-right parties in several European countries also pushed for a more robust approach to migration. The understanding of migration from the South as a security threat was also accompanied by the belief that the question could not be solved by the EU and its member states alone. In each new collaborative framework signed between North African states and the EU, the question of migration increasingly became linked to the security of Europe: the clearest consequence of this new approach has been the signing of agreements and collaborative frameworks with various external actors creating a multilateral web focussing on the management of migration.

As mentioned above, the agreements reached at the European level emphasised the importance of dealing both with transit and origin countries. As such, one of the action plans that were drawn up focused specifically on Morocco which was believed to represent a clear case of a country serving as the North African transit base for many sub-Saharan Africans. For this purpose, the EU wished to make use of the already existing EU-Morocco Association Agreement signed in 1996 which had already opened the door for managing migration by including it in the matters to be discussed as

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<sup>13</sup> Ironically the media attention that has been given to this particular type of illegal entry to Europe is also the result of the EU’s programme to raise awareness in the perils of such a voyage in order to discourage would be migrants.

part of the Social Dialogue (Art.69). Despite initial disagreement on the Moroccan part (Van Selm 2003: 12), the Association Agreement facilitated the setting up of a working party dealing with social affairs and migration. This framework allows for regular discussions between the EU and Moroccan officials on various questions relating to migration, such as co-development, social integration, visas, illegal migration, transit migration, information sharing, and practical cooperation projects. Eventually, an Action Plan with Morocco was signed in 2005 as part of the extension of the European Neighbourhood Policy (ENP) to North Africa.

The extension of the ENP to North Africa has in fact represented an important step in what concerns the management of migration. Under this framework, Egypt, Algeria, Tunisia and Morocco were to benefit from various EU programmes which are part of the Global and cross-cutting approach the EU has adopted in order to deal with migration. Libya refused to join the ENP framework and continues to deal with the EU on a bilateral level. The fact that the relationship between the EU and the Maghreb countries is now regulated by the ENP has also had important consequences with regard to the policing of migration flows. Although the previously existing frameworks such as bilateral agreements were useful in certain areas, they offered few possibilities for an extensive collaboration on migration. In other words, they were of little use for the introduction of a more securitized handling of migration issues, as they were mostly perceived as socio-economic provisions. Most importantly, the enlargement of the ENP to the North African states opened the way for a more intensive cooperation between these states and the EU on the Justice and Home Affairs elements of the ENP.

One of the major outcomes in this regard has been the setting up of FRONTEX, the abovementioned agency, tasked to coordinate joint efforts to control migration to Europe. The participation of third countries to the working of the agency patrolling functions is paramount to fulfil that objective. The agency aims at establishing a working relationship between law enforcement authorities in charge of border controls. Thus, several programmes have been set up in order to build or strengthen the capacity of North African border guards. In addition, several joint activities, especially focussing on border patrolling, have also been established under the guidance of the structure.

The ENP has also facilitated the setting up of various projects focussing on migration. One such example is the Aeneas programme which provided financial and technical assistance to help third countries manage migratory flows. It was initially budgeted for 2004-2008 but was eventually replaced in 2007 by the Thematic programme on migration and asylum that will cover the years between 2007 and 2013. This new programme covers the links between migration and



development, economic migration, the prevention of and fight against illegal migration, the return and reintegration of migrants as well as issues related to international protection. Both the Aeneas programme and the Thematic programme make fund available for countries that have signed a European Neighbourhood and Partnership Instrument. The main difference between Aeneas and the Thematic programme is the fact that the latter dwells on the Hague Programme, which sets out 10 priorities for the EU with a view to strengthening the area of freedom, security and justice. As a result, the new funding programme used by the EU has a more profound leaning towards a securitized approach of migration.

The willingness of the EU to act in the field of migration and to coordinate the actions taken in this regard by its member states has also been further emphasised by the efforts that have been taken to streamline European actions and their collaboration with third countries. In this regard, in June 2008 the Commission's Communication "A common Immigration Policy for Europe" was published. It focuses on five key components: the links between migration and socio-economic development, the management of legal migration, the prevention of illegal migration, the enhancement of the effectiveness of border controls, and improving asylum policies. This Communication was reinforced by the adoption of the European Pact on Immigration and Asylum by the European Council in October 2008.

The attempts by the EU to regulate the migratory flow going through North Africa have nevertheless been hampered by an significant factor, namely the ongoing refusal of Libya to join the ENP framework. Libya has enjoyed an observer status in the Barcelona Process and has been involved in long and continuous discussions regarding its potential adherence to the ENP programme. Despite the EU's pressuring demands, Libya still maintains a tough stance towards the matter. Similarly, Libya has made a point of refusing to join the Union for the Mediterranean which Gaddafi labelled as an "imperialistic project that would divide Arab and African Unity". For the EU this has essentially meant an inability to use the same instrument with Libya that it has been able to deploy with the rest of the North African states. This has in fact been very problematic as the migration route going through Libya has been one of the most used by illegal migrants<sup>14</sup>.

Libya has in fact shown very little interest in the securitized approach of migration which has been pushed forward by the EU (European Commission 2005d). Libya itself is a country that attracts a large number of immigrants. Some estimates put the number of immigrants living in that North

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<sup>14</sup> M. Lahlou for example estimate that 80% of sub-Saharan migrants reaching the Maghreb through the Sahara aimed for Libya while the rest travelled to Algeria, see Lahlou 2004.

African state to be close to 1,5 million, most of whom originate from neighbouring countries and sub-Saharan Africa (Bredeloup & Pliez 2005). In fact, most of the migrants coming to Libya plan to stay there and only a small minority intend to use it as a gateway to Europe. This also partly explains the reason why Libyan authorities have shown little interest in increasing their efforts to control the route to Europe. In 2005 an ad hoc European Parliament delegation on a visit to Libya to investigate the question of illegal migration found out to its great surprise that Libya only used two of its vessels to patrol its 2000km-long coast line (European Parliament 2006). In addition, FRONTEX missions have been denied the right to enter Libyan waters and could not collaborate with Libyan coast guards, thus making it even more difficult to catch the boats bringing illegal migrants to the island of Lampedusa or to Malta.

Faced with this dilemma the EU and its member states have had to find other ways to collaborate with Libya on the question of managing migration. After seeing Libya's lack of interest in serving as the EU's coast guard and increasing its patrols in the Mediterranean, EU officials have turned their focus to the Southern border of Libya where it is believed that Libya will share its interest in curbing the number of northern bound migrants. But the most successful strategy has been the signing of bilateral agreements which then include provisions on such issues as collaboration for migration control and most importantly on the return of illegal migrants. This has been the case for the Treaty on Friendship, Partnership and Cooperation between Italy and Libya signed in August 2008. Interestingly, Article 19 of the treaty, which focuses specifically on the question of managing illegal immigration, calls for the collaboration of the two signing states but also makes room for the involvement of the EU (although mainly financially) in this regard.

Of course, the difficulties the EU encountered with Libya have not been replicated in relations with other North African countries. Nevertheless, the Libyan case epitomizes the fact that each of the North African states have a very different understanding of the migration problematic. Even if the other states of the Maghreb have not resisted with such force, this does not mean that they have all whole heartedly accepted the EU demands for more controls on migrants heading for Europe and playing the role of the EU's coast guard. In fact, it is quite evident that the question of migration is not perceived in the same way on both shores of the Mediterranean. And this concerns both the perception of migrants originating from North Africa and those from sub-Saharan Africa transiting through the Maghreb on their route to Europe. Regarding North African migrants leaving for Europe, they have, in many cases, been considered an economic asset most notably through their remittances to their country of origin. Morocco for example had a long tradition and policy in

favour of emigration essentially because of the economic interest it could offer to the Hashemite Kingdom (Baldwin-Edwards 2006: 2). Therefore, it has been difficult for these North African states to consider that the emigration of their own population should be considered as a security threat. In regard to sub-Saharan migrants going through North Africa, there has been a different approach to the problematic. Most of the sub-Saharan migrants entering North Africa end up staying in the region rather than moving further north towards Europe. All too often the term “transit migrant” is being applied to migrants who have already settled in North Africa (Düvell 2006). Therefore, for the North African states the main problem is not so much patrolling the Mediterranean to prevent migrants from going to Europe but rather patrolling their own Southern borders to prevent immigrants from entering their borders in the first place (Baldwin-Edwards 2006: 11).

These differing approaches to the migration issue have also been apparent when North African states have complained about the one-sided view that the EU tends to adopt when dealing with this issue. On numerous occasions, the officials from Morocco, Tunisia and Algeria have denounced the fact that the EU tries to impose its own security predicament upon its partners and take little account of their own needs and demands. Similarly, North African states have condemned the lack of reciprocity in the programmes and projects established by the EU in what concerns the movement of people. “From the Moroccan side, the EU’s intention to come to a common Euro-Mediterranean space is perceived as hypocritical in the light of the increasing efforts to stop Moroccans from entering Europe, while Europeans have almost unlimited access to Morocco and in fact European entrepreneurs do increasingly settle in Morocco - this is generally seen as a ‘lack of reciprocity’.” (Hoebink *et al.* 2005: 55) All in all, North African states have the impression that the only interest of the EU is to delegate its dirty work of controlling migration passing through the Mediterranean Sea. Thus, North African states have denounced the fact that the EU essentially views the question of migration as a security issue that needs to be dealt with through police and military control, thereby totally ignoring the development aspects of migration (Ibid.: 56).

### **EU-West Africa: the Migration-Development-Security nexus**

It is interesting to contrast the EU’s approach to dealing of the migration issue with North Africa with its approach with regard to West Africa. Whereas the EU considers North Africa as an important partner in regard to its role as a country of transition for north-bound sub-Saharan immigrants, this is not the case for West Africa which is essentially viewed as a region of origin. Therefore, the overall approach of the EU has been different and the emphasis has not been so

much on the controlling of movements across the borders but rather on trying to address the incentives that push the migrant to leave their homeland. This in fact reflects the proposition that had been made during the Austrian presidency in 1998. In a draft strategy paper submitted by the Austrian Presidency, the idea was put forward that the EU should shape its cooperation in the field of migration according to the 'circles' the partner country belonged to. While the Schengen area represented the first centre at the core, a second circle was to be composed of the associated states, the third circle, which would include North Africa would have to concentrate on transit checks and combating facilitator networks while the fourth and last circle which includes sub-Saharan Africa would essentially focus on eliminating push factors (Austrian Presidency of the Union 1998).

In the EU's relationship with West Africa the central question still remains development and it stays so even when it deals with migration. Of course, this also affects the different projects and programmes that are set up by the EU in the West African region. This is mainly the case because the contacts and discussions that already existed have primarily focused on development and it has only been at a later time that the issue of migration came to be associated with it (Lavenex & Kunz 2008). While there has been a long history of cooperation between Europe and Africa, at the same time as migration from West Africa mainly to France and the UK was occurring, it was only in the late '90s and in the 2000s that the two issues were linked together. On the EU side this was officially recognised in the Conclusions of the European Council in Tampere presented above. The view that the EU adopts in regard to the migration question in sub-Saharan Africa is closely tied to development. The belief is therefore that there is a direct link between the level of economic development and the pressure to emigrate. "Such interpretations reflect equilibrium push-pull models of migration, which see migration as a linear function of spatial differentials in development levels between the origin and destination areas, generally seen in dichotomous terms." (de Haas 2007: 47). As a result, the best way to reduce the push factors of migration is said to be the economic development of the region of origin. The EU has embraced this approach of the migration conundrum in regard to West Africa which itself is considered as an important region of origin. In doing so the EU has benefited from the support of African states who readily accepted this justification for receiving development aid. But more interestingly, the EU could count also on the support of its institutions and agencies already working in Africa in the field of development. In fact, the elements that are stated in the Tampere Council conclusions are the same ones that are promoted by DG Dev and DG Relex in their relationship with the African continent. It therefore comes as no surprise that the preamble of the 2006 Joint Africa-EU Declaration on Migration and Development starts with the recognition that "the fundamental causes of migration within and from

Africa are poverty and underdevelopment, aggravated by demographic and economic imbalances, unequal terms of global trade, conflicts, environmental factors, poor governance, uneven impact of globalisation and humanitarian disasters” (Joint Africa-EU Declaration 2003).

But this focus on the developmental aspect of migration does not mean that the security considerations are left aside. If the collaboration with North Africa has taken on an evident security character with the usage of police force, navies and coast guards, in the case of West Africa the issue of migration has mainly been tackled with an emphasis on the development aspect of the question. However, this does not mean that the security aspect is completely absent but rather that it is less obvious and does not always appear as the primary concern. In fact, the securitization of migration is still very present in the EU’s discussions with its partners in the region of origin of migrants. It suffices to come back to the Joint EU-Africa Declaration of 2003 to realise that migration is still considered as essentially linked to security as proven by the inclusion of a specific set of measures to be implemented under the heading “Peace and Security”. Under this title it is understood that “large spontaneous and illegal or irregular migratory flows can have a significant impact on national and international stability and security, including by hindering states’ abilities to exercise effective control over their borders, and creating tensions between origin, transit and destination countries in Africa and within local host communities” (Joint Africa-EU Declaration 2003). It is also important to point out that in this regard there is an important difference with the migration-security nexus that exists in the EU-North Africa relationship. The EU does not pay much attention to the internal security of North African states and if it refers to security, it generally relates to the security of Europe and Europeans. By contrast much more consideration is given to the security predicament of West African states. In the case of West Africa, the EU sees the high level of insecurity existing in this region, combined with the low capacity for law enforcement of the states in the region, as a root cause of emigration. Therefore, European efforts in terms of support provided for conflict prevention and conflict resolution and the consolidation of stability are also considered as part of the effort to reduce the number of West Africans migrating every year to Europe (European Council 2002: point 33). All in all, the question of migration and the role of West Africa as a region of origin can be said to be dealt with by the EU as part of a development-migration-security nexus where all the three issues are tightly linked together.

The existence of this development-migration-security nexus is also reflected in the institutional relationship between the EU and West Africa. The relationship between the EU and sub-Saharan Africa is still to this day essentially managed under the framework of the EU-ACP agreements.

These partnership agreements have traditionally focused on the questions of development and trade but a slow evolution has led them to increasingly incorporate issues such as human rights, security and migration. As such, the Cotonou Agreement that has framed the relationship between the ACP countries and the EU since 2000 includes a specific reference to the management of the migration issue. This Agreement marks a turning point for EU-ACP relationships in many ways and it certainly does so in regard to migration as it is the first time that the issue has been formally included. Article 13 of the Cotonou Agreement thus calls for in-depth dialogue on migration between the parties and the §5 even allows for the question of migration to be discussed as part of the political dialogue of the Council of Ministers. The consequences of this novelty in the EU-ACP relationship has been the opening up of the opportunities for the EU to include projects focussing on migration in its cooperation frameworks with the ACP regions and the ACP states. This was so for the major financial instrument used by the EU for its development policy, and the European Development Fund (EDF) devoted part of its package specifically to actions related to preventing migration. The 10<sup>th</sup> EDF also required an extensive study of the migration policy and actions of the main countries of origin in the ACP to be included in their Country Strategy Papers. Moreover, five African countries (Cape Verde, Ghana, Mali, Mauritania and Senegal) have had action tackling the issue of migration directly included in their Country Strategy Papers.

But it is not only through the broad framework of the EU-ACP relationship that the EU has tried to tackle migration with the African continent. In June 2006 the Euro-African ministerial conference on migration and development was held in Rabat. The major outcome of this ministerial conference was the adoption of an Action Plan that was to guide the European and African strategy and collaboration in addressing the issue of migration (Euro-African Ministerial Conference 2006). The majority of the Rabat Action Plan focuses on the development aspect that accompanies migration issues but there are also specific provisions in terms of cooperation in the fight against illegal immigration including specific references to the reinforcement of the national border control capacity of countries of transit and departure. Just a few months later the first EU-Africa Ministerial Conference on Migration and Development was held in Tripoli, which this time focussed on the collaboration with the EU<sup>15</sup>. The conclusion of this conference set out an agenda for common actions in issues pertaining to migration and development, but also stressed the importance of addressing issues of peace and security, brain drain, human rights, protection of refugees as well as regular migration.

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<sup>15</sup> The Rabat Ministerial Conference also included non-EU member states as Switzerland, Iceland and Romania (which was only to become a full EU member a few months later).

Officially, the relationship between the EU and ECOWAS is also managed by the EU-ECOWAS ministerial troika meeting. These annual meetings allow EU representatives to meet with their ECOWAS counterpart and Ministers of ECOWAS member states in order to discuss a wide range of issues. Given the increasing importance that the migration question has acquired in the relationship between the EU and West Africa, the issue has also come under the radar of the ministerial troika meetings. The 11<sup>th</sup> ECOWAS-EU Ministerial Troika Meeting in Luxembourg in December 2007 went even further in deciding to establish an ECOWAS-EU Working group on Migration (Council of the European Union 2007b). This working group has consequently been tasked to facilitate the political dialogue between the EU and its West African partners in the field of migration. Essentially, the working group provides regular reports on the ongoing collaboration between the EU, ECOWAS and its Member states and on the status of advancement of the Rabat Action Plan.

One of the major differences between North Africa and West Africa has to do with the existence in the latter of a rather strong regional organisation. North Africa has no regional organisation that includes all the countries in the region and even the existing organisations – such as the Arab Maghreb Union – are institutionally weak and with limited capacity. By contrast, the Economic Community of West African States (ECOWAS) is an organisation with wide ranging policies both in the field of security and in migration issues. As far as migration, is concerned, ECOWAS' establishing treaty already included reference to the free movement of persons in the region as one of its aims. Furthermore, in 1979 its 'Protocol on Free Movement of Persons and Goods, the Rights of Residence and Establishment' was signed. More recently, ECOWAS also adopted a 'Common Approach on Migration' where its member states "reaffirmed their willingness to combat all entities, in the North and South, which promote the recruitment, transportation and exploitation of irregular migrants, particularly women and children" (ECOWAS 2007: 5).

But it is maybe for its achievement in terms of peace and security that ECOWAS is the most renowned for. The ECOWAS missions (known as ECOMOG) deployed in Liberia and Sierra Leone in the '90s marked the beginning of an era for regional organisations deployment under Chapter VIII of the UN Charter (Pugh & Sidhu 2007: 1). And since then, ECOWAS has continued to take steps forward in regard to its capacity to intervene in the field of peace and security. In this area, an important step was also reached with the adoption at the African Union level of the African Peace and Security Architecture (APSA) in which ECOWAS is the regional component for West Africa. And given that the EU has recognised that peace and security is a central issue in its relationship with Africa (Council of the European Union 2007c) it has devoted an important portion of its attention in

providing support to the APSA (Pirozzi 2009). This support that the EU gives to ECOWAS can very well be considered as part of the strategy to reduce conflict risk and instability in West Africa and thus directly address the push factor of migration.

The EU strategy in West Africa in the field of migration has also had to accommodate the fact that Senegal and Mauritania are not only countries of origin but also increasingly a springboard from where migrants can reach the shores of the Canary Islands. The recent increase in the number of migrants using this route to enter Europe has prompted many European officials to reconsider the projects established in collaboration with Senegal and Mauritania. It was considered insufficient to solely address the push factors and increasingly demands were made so as to adopt a similar strategy as the one in use with North African states. Spain, which is the EU member state that is primarily concerned with this migration route, has thus pushed for the signing of an agreement with Senegal. Thus, in 2006 a bilateral agreement was agreed between the two countries wherein Senegal would allow Spain to patrol its coast in order to prevent illegal migration. A similar agreement was also signed with Mauritania which included the possibility for the Spanish navy to divert would-be immigrants' boats back to their points of departure. These bilateral agreements with Senegal and Mauritania thus opened the way for the use of FRONTEX in order to coordinate the efforts in regard to the prevention of illegal immigration. In fact, the operation that was established via FRONTEX to deal with the migration route going to the Canary Island represented one of the major missions undertaken by the European agency in 2006 (FRONTEX 2006).

However, the EU and its member states' relations with Senegal are hampered by the fact that Senegal is a member of ECOWAS and signatory to its free movement of person protocol. As a result the EU has very little capacity to reduce the role of Senegal as a transit country for migrants embarking on the route to the Canary Islands. Senegal itself cannot impose limitation on West Africans entering its borders and therefore is unable to follow the same strategy as the one that North African states have adopted, namely using restrictive migration policies in order to reduce the number of migrants entering their territory. Essentially, in the case of Senegal, this means that the EU is unable to "push its border forward" as it has done with North African states. The EU spent part of its effort in successfully providing support for legislative measures on migration and capacity building of migration control in the Maghreb because these states had an interest themselves in controlling their southern borders. But in the case of Senegal the EU can only ask for its partner to set up controls for migrants leaving Senegal and not entering it. This means that Senegal, which has very little interest in enforcing strict control on out-going migrants, has better



leverage in regard to migration. Senegalese authorities have in fact been able to make use of this to negotiate a 'Mobility partnership' with the EU.

## Conclusion

The aim of this paper was to investigate the EU multilateral governance of migration with North Africa and West Africa. The choice for these two geographical contexts is motivated by the fact that the first region is frequently considered to be a group of 'transit' countries, while the second are considered to be 'origin' countries. The objective, then, was to see how the EU deals with these two contexts, the preferred cooperation frameworks, the prominent approaches undertaken and their limits.

In order to understand different migration strategies this paper has firstly introduced a theoretical parenthesis, in which the concept of 'security governance' was advanced. On the one hand, the broadening of security as a term has shown that even migration can be considered as a security risk when foreign and unwanted persons are likely to endanger the stability of Europe (migration-security nexus). On the other hand, a governance approach emphasizes the need for a variegated process of migration management, and underlines the multiplicity of actors involved and different coordination levels that co-exist. Thus, a security governance approach is a useful analytical tool to investigate the handling of migration in all its new and traditional facets: in particular, to explain why coordination was to be attempted with third actors, so as to downplay the root causes of flows. The focus on the 'external dimension' of migration was then aimed at considering the multilateral processes of cooperation in which the European Union engages. Nonetheless, security prerogatives render internal coordination (basic for any external EU policy) difficult and external coordination based on restrictive policies.

In assessing the management of migration with North Africa, the paper has stressed many relevant points. The countries of the Northern tier of Africa are considered most of the time as 'transit' countries, even though they may well be countries of origin and at the same time destination points for people coming from sub-Saharan Africa. The way in which the EU has framed its approach towards North Africa is influenced by the security understanding behind migration flows: this means that most of the efforts have been made either in preventing migrants from reaching European coasts by promoting collaboration between these states or by extra-territorializing controls. The extension of the ENP to these states has permitted cooperation on the migration issue focused on the Justice and Home Affairs package to be introduced, thus underlining the security

implication of the matter. The security approach of the Union has not passed unnoticed among North African countries, which time and again have complained about the uni-directional approach of the EU. Finally, given that the North African states did not whole-heartedly support the European approach on migration and at the same time had no cooperation among themselves, the EU had to envision different patterns of negotiations to face the migration issue, for example, by focussing on state-to-state relations.

West Africa is considered to be a region from which migrants depart. Thus, the approach the EU has undertaken has been quite different from the one towards North African countries: here the control of borders is pointless. Whereas the EU managed to cooperate with North African states that were also interested in preventing sub-Sahara Africans from entering their territory, it faced many difficulties in trying to convince West African states from instituting controls to prevent their citizens from leaving the region. Instead, an approach focused on tackling the push factors of migration seemed more promising. While it was assessed that the leading cause behind migration was underdevelopment, the point was made that security within a country and in the region was a paramount condition to reduce the pressure to migrate. Thus, aside from cooperation on economic plans through traditional measures (EU-ACP Agreements), other provisions more linked to security started to be promoted. Moreover, also in traditional cooperation frameworks, chapters linked to migration, human rights and security were inserted. The existence of a developed regional Organization (ECOWAS) in West Africa with mandates in the areas of migration and security has opened an inter-regional path of discussion with the European Union.

The EU approach to migration is nevertheless flawed in different ways. The emphasis that the EU puts on distinguishing countries of origin and countries of transit is misleading as the reality on the ground is much more complex. For example, both Morocco and Senegal are simultaneously origin and transit countries. Similarly, the EU takes insufficient account of the fact that African countries may very well be countries of destination. Morocco and Libya in North Africa, Cote d'Ivoire and Ghana have all been destination countries for African migrants. Indeed, the fact that countries can be origin, transit and destination countries refutes the one-size-fits-all strategy by the EU. Moreover, the unequal levels of pressure that migration patterns have exerted on different European countries means there is little incentive for coordination at the European level, while promoting bilateral solutions. This can be detrimental to the effectiveness of the European policies given that on an issue such as migration where security interdependences arise, the security of one state often means an increased insecurity for the other one: thus, for example, the closure of traffic

routes in Morocco and Tunisia towards Spain has re-directed most of the traffic to the Libyan-Italian one.

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## EU-GRASP

Changing Multilateralism: the EU as a Global-regional Actor in Security and Peace, or EU-GRASP in short, is an EU funded FP7 Programme. EU-GRASP aims to contribute to the analysis and articulation of the current and future role of the EU as a global actor in multilateral security governance, in a context of challenged multilateralism, where the EU aims at “effective multilateralism”. This project therefore examines the notion and practice of multilateralism in order to provide the required theoretical background for assessing the linkages between the EU’s current security activities with multi-polarism, international law, regional integration processes and the United Nations system.

## Partners

EU-GRASP is coordinated by the United Nations University – Comparative regional Integration Studies (UNU-CRIS). The other partners of EU-GRASP are based worldwide and include: University of Warwick (UK), University of Gothenburg (Sweden), Florence Forum on the Problems of Peace and War (Italy), KULeuven (Belgium), Centre for International Governance Innovation (Canada), Peking University (China), Institute for Security Studies (South Africa) and Ben-Gurion University of the Negev (Israel).

## EU-GRASP Working Papers

Contact: EU-GRASP Coordination Team  
72 Poterierei – B-8000 – Bruges – Belgium  
Email: [faert@cris.unu.edu](mailto:faert@cris.unu.edu) or [efanta@cris.unu.edu](mailto:efanta@cris.unu.edu)

Additional information available on the website: [www.eugrasp.eu](http://www.eugrasp.eu)

