



MIGNEX Background Paper

Comparative experiences of third- country cooperation

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MIGNEX

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MIGNEX Background Papers

MIGNEX Background Papers are scientific papers containing the documentation and analyses that underpin the project results. Selected insights from background papers are also presented in non-technical form in other formats, including MIGNEX Policy Briefs and MIGNEX Reports.

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Contents

Introduction 1

Part 1. From Tampere to the New Pact: the evolution of the EU's external approach to migration 3

Instruments and tools of the EU's external approach to migration 4

Objectives of the EU's external approach to migration 5

A brief history of the EU's external approach to migration 6

The Tampere Conclusions 6

The GAM to the GAMM 7

European Agenda for Migration and the MPF 8

The New Pact 10

Key trends in the evolution of the EU's external approach to migration 10

Part 2. Conditionality and compensation in development and migration cooperation 11

The conditionality–compensation nexus 13

Conditions 16

Compensation (as conditions) 17

Political compensation 18

Legal compensation 19

Financial compensation 19

Compensation and conditionality categories as non-mutually exclusive 20

Compensation and conditionality categories as a heuristic comparative tool 21

Part 3. MIGNEX case country perspectives in comparison 21

EU partnerships in comparison 23

EU migration partnerships in MIGNEX countries 29

Cabo Verde 29

Tunisia 31

Ethiopia 33

Nigeria 35

Afghanistan 36

Pakistan 38

Ghana 39

Guinea 42

Turkey 43

Somalia 45

Part 4. Comparative experiences of EU migration partnerships 47

Closing reflections: the way forward 49

References 51

Tables

Table 1. Mapping MIGNEX countries and EU partnership frameworks 24

Table 2. Comparative indicators influencing EU migration partnerships 29

Table 3. The conditionality–compensation nexus in the 10 MIGNEX countries 48

Figures

Figure 1. EU external migration policy: short timeline 6

Figure 2. Categorising compensation (and conditions) 18

Figure 3. The conditionality–compensation nexus 21

Figure 4. ODA disbursed by EU institutions to MIGNEX countries, 2011–2020 25

Figure 5. Net ODA received (% of GNI) by MIGNEX countries, 2010–2019 25

Figure 6. Return rates in MIGNEX countries, 2016–2019 26

Figure 7. Personal remittances received (% of GDP) by MIGNEX countries, 2011–2020 27

Boxes

Box 1. The conditionality–compensation nexus from an EU perspective 14

Box 2. The conditionality–compensation nexus from a partner-country perspective 15

Box 3. Questions included in interview guide for WP5 policy reviews 22

Box 4. Hypotheses on factors influencing EU–partner-country negotiations 23

Comparative experiences of third-country cooperation

Comparing the experiences of the 10 MIGNEX countries in the EU Migration Partnership, this paper maps the evolution of the EU's external approach to migration, introduces and tests the conditionality–compensation nexus and presents a typology casting new light on diversity in EU migration partnerships.

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Over the past two decades, the notion of migration partnerships has evolved into a complex patchwork of tools and instruments designed to help the EU govern migration.

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The conditionality–compensation nexus introduced in this paper draws attention to power dynamics in EU migration partnerships.

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Different factors influence the ways in which the conditionality–compensation nexus manifests in practice; some more subtle than others.

Introduction

Accounts of the evolution of the European Union's (EU) 'external dimension' in the field of migration tend to start from the EU Summit in Tampere in 1999 (Boswell, 2003; Lavenex, 2006). While there are earlier examples of EU cooperation with non-EU countries in the field of migration, it was in Tampere that a partnership approach to EU cooperation on migration issues was formally endorsed. Over time, the external dimension of EU migration policy has evolved into 'a toolbox of EU policy instruments, ranging from non-binding, soft policy instruments such as political dialogue and information tools, to legally binding international agreements on the readmission of irregular migrants and the facilitated issuance of visas to citizens of non-EU countries' (Reslow, 2019a: 32).

A burgeoning body of literature has focused on EU external migration policy. Some studies focus on its emergence (Lavenex, 2006; Cortinovis and Conte, 2018; Roman, 2019), identifying key trends such as the increasing use of informal soft law instruments (Vara, 2019) and the increasing interest, on the part of the EU, in return (Carerra et al., 2019). Other studies have examined some more critical aspects of the discussion, notably how the concept of ‘partnership’ disguises power asymmetries (Oliveira Martins and Strange, 2019; Strange and Oliveira Martins, 2019; Bisong, 2021a; Gazzotti et al., 2022). In this context, the use of conditionality and compensation in EU migration partnerships emerges as a relevant theme.

A commonly cited reason for the emergence of the EU’s ‘external dimension’ is the lack of progress in developing a common approach to migration internally (Lavenex, 2006; Geddes and Taylor, 2013; Roman, 2019). In other words, the challenge of gaining agreement among EU Member States on a common approach to migration has meant that much of the EU’s approach to migration governance has been conducted in cooperation with non-EU Member States (hereafter referred to as third countries). Lavenex (2006: 346), for example, argues that the external dimension can be viewed as ‘a way to make progress, in spite of internal blockages’. Hence, it is often argued that the objectives of the EU’s external approach to migration is to strengthen the European project, regardless of their impacts on third countries.

While this has been well documented from the perspective of EU actors, there is less written on the perspectives of EU migration policies from partner countries. Accordingly, there have been both increasing calls and efforts to document the voices of non-EU actors (Mouthaan, 2019; Reslow, 2019b; Adam et al., 2020). Reslow (2019b: 273–4), for example, argues that ‘there is real potential for us to learn from the perceptions of actors in non-EU countries, both in relation to what the “problem” is and what the solution ought to be’.

This paper presents the comparative experiences of third-country cooperation with the EU. Considering the paucity of literature exploring this from the perspective of partner countries, we have opted to focus the paper on an examination of the comparative experiences of all 10 MIGNEX countries. We draw on the background papers on migrant-relevant policies which were prepared in the context of MIGNEX Work Package 5¹ (WP5) and on 171 key stakeholder interviews (see Godin and Vargas-Silva (2020) for details of the methodology).

We have opted to review all 10 MIGNEX background papers that provide an overview of the key migration policies in each country and its interaction with development and development policies, although for some countries we have more data than for others. For instance, due to the coup d’état in Guinea, the data collected for the policy review were limited. Data were also limited in the Somali case. Data in Afghanistan were collected prior to the withdrawal of United States (US) troops and the seizure of power by the Taliban in August 2021. These events have inevitably had implications for

¹ These background papers will be made available here: <https://www.mignex.org/publications>

EU–Afghanistan relations and, accordingly, the data collected through the MIGNEX project should be interpreted carefully.

To better understand the comparative experiences of third-country cooperation, this MIGNEX Background Paper addresses the following guiding research questions:

- How has the EU’s external dimension of migration evolved?
- How are conditionalities and compensations used in negotiations between the EU and third countries to establish mobility partnerships?
- How should we understand what a ‘conditionality’ is, and what amounts to a compensation?
- How have EU partnerships evolved with the 10 MIGNEX countries and, from their perspective, how ‘coherent’ is the EU’s external approach to migration?

The paper is structured in four parts. Part 1 offers the reader a brief history and overview of the evolution of the EU’s external approach to migration, with a specific focus on the concept of partnership. Part 2 unpacks the concepts of conditionality and compensation in development cooperation as an increasingly relevant aspect of the partnerships between the EU and third countries. In Part 3, we draw on empirical insights from across the MIGNEX project to critically compare the experiences of EU partner countries. Part 4 concludes.

Part 1. From Tampere to the New Pact: the evolution of the EU’s external approach to migration

While the integration of migration issues in EU external policy can be traced back to a communication on immigration (SEC(91) 1855) and to the signature of the first ‘readmission agreement’ between Schengen states and Poland in 1991, it was during the Tampere Presidency Conclusions in 1999 that the notion of partnerships with countries of origin became concretely part of the EU policy agenda (Boswell, 2003; Lavenex, 2006). Since Tampere, the ‘external dimension’ of EU migration policy has evolved into a complex tapestry of policies, programmes and tools. In this opening section, we briefly review the history and evolution of the EU’s external approach to migration since Tampere, with a focus on the evolving concept of partnership and the potential factors that have led to different approaches to such partnerships. To understand and contextualise the discussion that follows, it is useful to first reflect on some core features of the debate: 1) the types of tools and instruments that the EU employs; and 2) the objectives of EU external migration policy.

Instruments and tools of the EU's external approach to migration

MIGNEX
Background
Paper

First, what kinds of tools and instruments does the EU have at its disposal? It is not possible to discuss the external dimension of EU migration policy without due consideration to the evolution of the overall policy framework on migration and asylum in the EU – hereafter, the internal approach. The eradication of internal border control fuelled the need for cooperation to manage the EU's external borders (Strik, 2017). While beyond the scope of this paper, a forthcoming MIGNEX Background Paper provides a systematic overview of the EU's legislative framework on migration and asylum focusing on four clusters: 1) legal migration to the EU; 2) irregular migration and return; 3) short stay visas and border checks; and 4) asylum (MIGNEX, forthcoming). The entirety of the EU's legislative framework on migration is relevant to its partnerships with third countries, since it governs the conditions of EU entry, stay and exit. EU legislation on migration is particularly relevant when, for instance, the EU wishes to use the promise of increased mobility options for Third Country Nationals (TCN) in exchange for cooperation on irregular migration. However, the internal approach is also the product of – often difficult – negotiations between different Member States which has resulted in a somewhat piecemeal approach to migration at the level of EU policy-making (ibid.).

Next to the various directives, particularly those on legal and irregular migration, two legal instruments have become especially relevant in the external dimension of EU migration policy: Visa Facilitation Agreements and Readmission Agreements (VFAs/RAs). Increasingly paired – with the former generally conditioned on the conclusion of the latter – VFAs/RAs have become 'a standard EU foreign policy tool' (Kruse and Trauner, 2008). However, signing an RA with the EU does not guarantee that a VFA will follow. The EU has signed 13 VFAs to date, mostly with countries on the eastern borders of the EU (European Commission, n.d.a), and 18 RAs which also include countries further afield (e.g., Pakistan and Sri Lanka) (European Commission, n.d.b). In addition to the formal legal instruments, the external approach to migration also relies on less formal political instruments to build partnerships with third countries on migration-related matters. This includes policy dialogues and action plans, as well as operational support and capacity-building initiatives, often in the form of programmes and projects.

Since the adoption of the Global Approach to Migration (GAM) (2005) and later the Global Approach to Migration and Mobility (GAMM) (2011), partnership frameworks have been increasingly used as a tool to bring together these various formal and informal instruments in a bid to develop a more comprehensive approach to migration. Although, generally speaking, the EU has favoured the more informal political instruments and tools. The main partnership frameworks are the Mobility Partnerships (MPs), Common Agendas on Migration and Mobility (CAMMs) and the Migration Partnership Framework (MPF). Each of these is further elaborated upon below.

Objectives of the EU's external approach to migration

MIGNEX
Background
Paper

Next to the specific tools and instruments that are at the disposal of the EU, it is also relevant to consider the broad purpose and objectives of the external dimension of EU migration policy. Boswell (2003) defines two broad approaches to the external dimension of EU cooperation on migration: control oriented and preventative. These different approaches imply the necessity of different types of policy tools. In the control approach, traditional tools such as strengthening border controls, tackling migrant smuggling and trafficking, and developing asylum systems are dominant. The general goal is to control migration flows. In the preventative approach, the focus is on addressing the reasons why people move, the 'root causes' of migration and refugee flows. Accordingly, a different set of policy tools comes to the fore including development assistance, foreign direct investment and other tools of foreign policy.

While it can certainly be argued that the relative importance placed on each of these approaches has varied over time, in practice, these different approaches have generally co-existed as complementary elements of the EU's external approach to migration: 'the engagement of third countries in the control of migration flows to Europe has obvious advantages for the EU Member States. If successful, it reduces the burden of control at their immediate borders and increases the chances of curtailing unwanted inflows before they reach the common territory' (Lavenex, 2006: 337). In reflecting on how these differing views of external cooperation on migration might evolve, Boswell (2003) references a strategy paper on immigration and asylum policy submitted by the Austrian Presidency in July 1998 (Council of the European Union, 1998). In the paper, the Austrian presidency suggest a 'model of concentric circles of migration policy' as a replacement to the notion of 'fortress Europe' (para 60). In essence, the proposal suggests that the approach to externalisation should depend on how far a country is from the first circle (Schengen states) with countries in the second circle (neighbouring states) aligning with the centre on visa, border control and readmission. The third circle (Commonwealth of Independent States (CIS), Turkey, North Africa) in turn focuses more on transit checks and disrupting smugglers and human traffickers, and finally the fourth circle focuses on addressing the root causes of migration. While a simplistic reading of a complex phenomenon, the notion of geographical proximity does present one explanation for variation in EU partnerships with third countries. In trying to understand the comparative experiences of third-country cooperation, therefore, it is useful to consider variation in the types of partnerships formed with third countries, as well as variations in the types of instruments used.

However, thus far, this explanation primarily focuses on the interests of the EU in the partnership, with the interests of the partner country often relegated to the position of an incentive to comply with EU migration-related objectives. This has been one of the main critiques levied towards the EU's external approach to migration. Reslow and Vink (2015) propose a 'three-level game framework' to better understand the EU's external approach to migration. In this framework, there are two sets of negotiations that influence how partnerships play out in practice: between the EU and its Member states, and between the EU and third countries, with the

negotiations between the EU and its Member States influencing the negotiations between the EU and third countries. If the incentives to cooperate during negotiations between the EU and its Member States do not align well with the interest of third countries, then tools that incentivise cooperation become more relevant. Hence, after providing a brief overview of the evaluation of different kinds of partnerships in the remainder of this section, Part 2 of the Background Paper delves into the concepts of conditionalities and compensation to further build the necessary conceptual basis to critically examine the comparative experience of the 10 MIGNEX countries in their cooperation with the EU.

A brief history of the EU's external approach to migration

While it is beyond the scope of the paper to provide an in-depth historical account of the evolution of the EU's external approach to migration, the following paragraphs consider five key moments between 1999 and 2020 in which the concept of third-country cooperation on migration through partnerships evolved: (1) the Tampere Conclusions; (2) the GAM; (3) the revised GAMB; (4) the European Agenda for Migration, specifically the MPF; and (5) the New Pact on Migration and Asylum (the New Pact). As the primary focus of the paper is on comparative experiences of EU migration policy, a selected history of key partnerships frameworks is presented in this section.



Figure 1. EU external migration policy: short timeline

Source: The authors.

The Tampere Conclusions

As noted above, it was during the Tampere Presidency Conclusions in 1999 that the notion of partnerships with countries of origin became concretely part of the EU policy agenda (European Parliament, 1999). The Tampere Conclusions called for the development of a comprehensive common EU policy built on four pillars: 1) partnership with countries of origin; 2) a Common European Asylum System; 3) fair treatment of third-country nationals; and 4) management of migration flows. In the context of these Conclusions, partnerships with third countries were 'a key element for the

success of such a policy, with a view to promoting co-development' (Tampere Conclusions, Para 11).

Following Tampere, in November 2000, the European Commission published 'On a community immigration policy', which laid out 'all key elements of today's debate on partnership with third countries in the field of legal migration' (Lavenex and Stucky, 2011: 119). Notably, the Communication presented a holistic approach to partnership:

Partnership with countries of origin and transit is considered crucial to ensure the regulation of migration flows. The development of differentiated cooperation policies with the various types of countries of origin (e.g., applicant countries, countries parties to regional programmes funded by the Community, other countries) will be necessary. In the longer term, such partnerships should also help to mitigate the effects of emigration by co-ordinated efforts to promote development in the countries concerned, particularly by mobilising migrants themselves in this process. They would provide support for the new patterns of mobility which are developing and facilitate migrants' contacts with their countries of origin as well as their participation in the development of these countries (European Commission, 2000: 22).

Over the years to come, the relevance of partnerships with third countries for European migration policy was affirmed on several occasions (Collyer, 2020). The broader view, captured in the Tampere Conclusions, and particularly the discussion of the creation of new mobility channels, were quickly side-lined in the interest of a focus on the control approach: 'while the comprehensive partnerships approach reached its rhetorical peak at Tampere, it soon faded in the misty regions of long-term cooperation' (Lavenex and Stucky, 2011: 119). Despite the rejection of the aforementioned Austrian proposal, the emphasis was often on defining partnerships that could be used to achieve the EU's migration management related goals. At the Seville conference, in 2002, for instance 'it was decided that there could be some degree of linking association and cooperation agreements with migration control policies' (Lavenex, 2006: 342). This view was reaffirmed in December 2002, with a Communication on integrating migration in the European Union's relations with third countries (European Commission, 2002; Boswell, 2003). In the process, the 'notion of partners had now become embedded in a conditionality framework' (Lavenex and Stucky, 2011: 120). However, it was not until 2005, with the adoption of the GAM, which became the GAMM in 2011, that a more clearly defined policy on partnership based on conditionality and compensation emerged (Collet and Ahad, 2017).

The GAM to the GAMM

The GAM was first adopted in December 2005 (COM (2007) 247) and became the GAMM in 2011 (European Commission, 2011a: 7). The GAMM consists of four equally important pillars:

- (1) organising and facilitating **legal migration and mobility**;
- (2) preventing and reducing **irregular migration and trafficking in human beings**;
- (3) promoting **international protection** and enhancing the external dimension of **asylum policy**;

(4) maximising the **development impact** of migration and mobility (original emphasis).

MIGNEX
Background
Paper

The addition of ‘mobility’ is reflective of a broader shift towards the use of conditionality in EU external migration policy, with visa facilitation (or exemption) and labour migration, on the one hand, and the partner country’s performance on asylum, border management and irregular migration, on the other hand’ (Strik, 2017: 317).

The most elaborated bilateral cooperation frameworks under the GAMM are the MP and the CAMM. Nine MPs have been signed: Armenia (2011), Azerbaijan (2014), Belarus (2020), Cape Verde (2008), Georgia (2008), Jordan (2014), Moldova (2013), Morocco (2013) and Tunisia (2014). MPs generally include a declaration of intent to cooperate and contain an overview of specific projects designed to achieve progress in the four pillars of the GAMM. These are accordingly tailored to the specific partner country. EU Member States may also opt out of the agreement, as has been the case for Austria, Finland, Ireland and Malta who have opted not to participate in MPs (Reslow, 2015).

One of the main limitations of the MPs has been the EU’s lack of authority to concretely offer mobility opportunities in return for cooperation on other aspects of the agreements (Reslow, 2015; Strik, 2017). This has ultimately meant that, in practice, the focus of the MPs has been on addressing irregular migration and return, and in the countries prioritised by EU Member States (Strik, 2017). However, as demonstrated by the case of Senegal, the EU’s desire to sign an MP, does not necessarily guarantee that negotiations will be successfully concluded, particularly, if the EU is not able to offer an agreement that aligns with the interest of the partner country (Reslow and Vink, 2015).

Another partnership instrument introduced under the GAMM are CAMMs, of which three have been signed to date: with Ethiopia (2015), Nigeria (2015) and India (2016). The main difference between an MP and a CAMM is that the MPs include RAs and VFAs, while the CAMMs do not.

European Agenda for Migration and the MPF

Despite the challenges of realising the comprehensive partnerships envisaged by the GAMM, the EU has continued to promote partnerships in its external approach to migration. Described by Collet and Ahad (2017: 4) as ‘the second-generation partnership approach’, the MPF was an output of the European Agenda for Migration in 2016 which emerged in the context of the 2015 ‘migration crisis’. The European Agenda for Migration was launched in June 2016 (European Commission, 2016a) as the ‘EU’s comprehensive approach to address the challenges of irregular migration and its root causes as part of its broader cooperation with (its) partners’ (European Commission, 2017a: 2). While touted as new and innovative, the MPF reflects a continuation of the approach to partnership first conceptualised in the Tampere Conclusions and later operationalised in the GAM(M) (Collett and Ahad, 2017; Graziani, 2017; Reslow, 2017). The main difference has been an increased emphasis on conditionality and compensation (Strik, 2017).

The MPF itself was elaborated in a European Commission Communication on 'Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration' in 2016 (European Commission, 2016a: 6):

The ultimate aim of the Partnership Framework is a coherent and tailored engagement where the Union and its Member States act in a coordinated manner putting together instruments, tools and leverage to reach comprehensive partnerships (compacts) with third countries to better manage migration in full respect of our humanitarian and human rights obligations.

Like the MPs and CAMMs, the MPF envisaged the elaboration of 'Compacts' with selected third countries to achieve its goals. These compacts are defined in the first progress report on implementation of the European Agenda for Migration as:

a political framework for continued and operational cooperation, pulling together the different work strands in order to develop a comprehensive partnership with third countries, combining the instruments, tools and leverages available to the EU and Member States to deliver clear targets and joint commitments (European Commission, 2016b: 3).

Although the initial documentation relating to the MPF identified several relevant countries (European Commission, 2016a), the priority countries are explicitly identified in the first progress report (European Commission, 2016b) as Niger, Nigeria, Senegal, Mali, and Ethiopia because of their relevance to the migratory routes towards the EU. Of those countries, Nigeria and Ethiopia had already signed CAMMs with the EU, and the negotiations of an MP with Senegal had previously failed.

Strik (2017: 310) argues that one of the main changes that occurred between the GAMM and the MPF is a rhetorical shift from 'the "more for more" to the "less for less" mechanism'. In the elaboration of the MPF, there are five mentions of 'positive and negative incentives' (European Commission, 2016a: 6,7,9,17). For example:

For each partner country, the development of a mix of positive and negative incentives, the use of which should be governed by a clear understanding that the overall relationship between the EU and that country will be guided in particular by the ability and willingness of the country to cooperate on migration management (ibid: 17).

Positive and negative incentives should be integrated in the EU's development policy ... there must be consequences for those who do not cooperate on readmission and return (ibid: 17).

Attention is accordingly placed on developing a 'common understanding of the EU's and partner countries' interests' (European Commission, 2016b: 3). Next to the elaboration of agreements, and underpinning the centrality of incentives, the MPF was also established in 2016 to support the implementation of the EU's external dimension of migration, through supporting dialogues, but also managing a grant for projects that further the implementation of the MPF.

The New Pact

MIGNEX Background Paper

Most recently, the New Pact has continued to place emphasis on partnerships with third countries. On 23 September 2020, the European Commission published a press release in which they announced that the New Pact would reflect ‘a change of paradigm in cooperation with non-EU countries’ (European Commission, 2020a). However, in the very same press release, the description of what this means is reminiscent of what had come before:

The EU will seek to promote tailor-made and mutually beneficial partnerships with third countries. These will help address shared challenges such as migrant smuggling, will help develop legal pathways and will tackle the effective implementation of readmission agreements and arrangements. The EU and its Member States will act in unity using a wide range of tools to support cooperation with third countries on readmission (European Commission, 2020a).

One concrete initiative within the New Pact is the Talent Partnerships. The Talent Partnership initiative was launched on 11 June 2021 by the European Commission with the goal of helping ‘to address skills shortages in the European Union and to strengthen mutually beneficial partnerships on migration with third countries’ (European Commission, n.d.c). While a relatively new initiative, some pilots were implemented under the context of the aforementioned European Agenda for Migration.

Key trends in the evolution of the EU’s external approach to migration

As this section has shown, the centrality of partnerships, manifested in the negotiation of political agreements, has played a key role in the evolution of the EU’s external approach to migration. From the ambitions of the Tampere Conclusions to develop a holistic and comprehensive approach to the external dimension of migration, this short discussion has demonstrated a shift towards a narrower focus on irregular migration and return with a greater number of partner countries. From an earlier focus on countries to the east, the geographical focus of the EU’s partnership approach has expanded from the east to the south, primarily to countries in Africa. Over time the focus has become more on informal political instruments, with the increasing use of conditionality and compensation to further the EU’s migration interests, albeit with questionable impacts, both in terms of their effectiveness in managing migration flows, but also normatively from the perspective of migrant rights and protection.

Next to the specific partnership framework, certain bilateral deals, such as the EU–Turkey deal (Perchoc, 2022) and the Joint Way Forward (JWF) on Migration Issues between Afghanistan and the EU (European Union, 2016), have followed a similar approach to cooperation on migration. There has been an overall tendency towards a topical focus on irregular migration and return, with limited movement in terms of the provision of mobility channels.

It is evident that different factors influence the characteristics of partnerships between the EU and partner countries including geographical proximity, level of development, historical ties and bilateral relations with

individual Member States, and the nature of migration flows particularly with respect to the relevance of the partner country in irregular migration routes towards Europe. Based on the discussion above, we might expect that the partnerships with countries further from the EU focus more on addressing root causes, with those closer to the EU more concerned with migration management, and the control of migration flows. Accordingly, we might anticipate differences in the characteristics of the partnerships between the EU and our 10 MIGNEX countries. Before we turn to explore the nature of partnerships between the EU and the MIGNEX countries in Part 3, however, it is useful to first disentangle what is meant by conditionality and compensation in the context of EU migration-related partnerships.

Part 2. Conditionality and compensation in development and migration cooperation

Against the backdrop of how EU migration partnerships have developed over the past decades with various countries, and the increasing use of conditionalities and compensations as tools to underpin these agreements, this section is devoted to the further conceptualisation of conditionality and compensation. The section is guided by the following questions: how is conditionality and compensation used in the context of negotiations between the EU and third countries on migration and how should we understand what a ‘condition’ is, and what amounts to a ‘compensation’?

To gain an overview of key scholarly discussions on the question of conditionalities and compensation in the field of EU migration and development policies, we first conducted an exploratory literature review to identify key discussions and trends. Historically, conditionality has been used in the context of EU efforts to influence the behaviour of partner countries and as a means of transferring EU values and norms. Tittel-Mosser (2018: 352), for instance, referring to the definition first put forward by Schimmelfennig and Sedelmeier (2004), writes that:

The use of conditionality by the EU in its relations with third countries is a way to disseminate its norms and stimulate third countries to adopt new laws or different behaviour on specific issues.

It is evident that the legacy of this historical understanding of conditionality has manifested in its application in the field of migration with the core feature in contemporary discussions still relating to questions of power. However, increasingly over time, new ways of thinking have emerged about conditionality in the context of migration which reflect more subtle uses of power.

Assessing the way that conditionalities and compensations have manifested themselves in practice over time reveals some noteworthy trends. While a shift to an increased focus on return agreements has been noted in recent years (Godin et al., 2022), the MPs have long been understood as the expression of a shift from conditionality and coercion, towards more cooperative forms of international migration governance, based more on

persuasion (Kunz and Maisenbacher, 2013). In other words, as the effectiveness of conditionality has been questioned, particularly in terms of the EU's ability to secure formal legal commitments from its Member States (such as EU Membership, closer association and other formal agreements that would facilitate mobility), the need for more creative forms of conditionality has emerged.

Accordingly, the literature shows us that there has been a shift from the EU using different forms of membership as a possible incentive, towards promising policies revolving around visa-free travel arrangements. As Trauner (2009: 774) puts it, 'the EU managed to compensate for less credible membership rewards by substantially increasing the value of the policy reward of visa-free travel'. The author further explains:

In defining the liberalization of the visa regime as a gradual process to be achieved through the signing of a European Community (EC) readmission agreement and reforming domestic justice and home affairs, the EU managed to counterbalance the possible weaknesses of the pre-accession strategy and divert the candidate countries' calculations of the non-adaptation costs (ibid: 775).

It has also become increasingly commonplace to interweave development, security and trade collaboration with migration management (Stocchiero, 2021; Papademetriou and Hooper, 2022). Coupled with this, we also observe considerable discussion regarding the EU increasingly resorting to less formal agreements on migration, such as joint statements and memoranda rather than legally binding international treaties (Cassarino, 2007; Carrera et al., 2019; Slominsky and Trauner, 2020). It is evident that the manifestation of conditions and compensation in EU migration partnerships varies across time and space. This naturally leads to the question of what influences the shape that the conditionality–compensation nexus takes? Answering this question inevitably leads us back to issues of power.

Power – or perhaps more accurately, power asymmetry – is inevitably a key feature of these discussions. Conditionality remains at its core a 'lever to influence the behaviour of states' (Kipp et al., 2020: 2). It is common to read that the prioritisation and agenda-setting with various migration partnerships reflects a Eurocentric bias (Olakpe, 2022; Papademetriou and Hooper, 2022), which focused on two primary policy goals: the management of (irregular) migration flows at the borders of the EU and, ideally, the prevention of irregular migration in the first place (Boswell, 2003). Strange and Oliveira Martins (2019) point out that behind the oft-repeated claims of 'equal partnerships', lies a fundamental imbalance of power that colours the domestic political migration agreements. Fengler et al. (2020) contrast the salience of migration in the media and political debates in the global north with the media climate and political agenda on migration in countries in the global south, demonstrating a mismatch between priorities regarding migration which is then mirrored in migration partnership agreements.

While much of the focus on conditionalities and compensation is necessarily on how the EU sets the premises for these partnerships and agreements, it has also become clear, especially after the EU–Turkey deal in 2016, that third countries can also bargain with the EU. As the EU is in demand of cooperation in the area of migration, this can put third countries in a good

bargaining position, depending on the conditions. Additionally, migration has also become one of the most contentious and politically sensitive issues within the EU, which further strengthens the bargaining power of third countries. Attention to situations where a third country conditions cooperation with the EU on migration management to further domestic agendas has been described in the literature as ‘reverse conditionality’ (Cassarino, 2007). However, it is also of relevance to note that the boundaries between conditionalities and compensations can often be blurred such as in the case of ‘security’ and ‘terrorism’ where there can be common interests that incentivise cooperation, rendering the framework of conditionality/compensation less analytically useful. To further disentangle these various observations, we now turn to a closer examination of the concept of conditionality and compensation and demonstrate how these concepts necessarily become blurred depending upon the perspective one takes.

The conditionality–compensation nexus

Given the centrality of conditionality to the EU’s approach to foreign policy more broadly, and cooperation on migration more specifically, we start by looking at what conditionality and compensation look like from the EU perspective. In

Box 1. The conditionality–compensation nexus from an EU perspective, we propose a working definition of the conditionality–compensation nexus, from an EU perspective.

Box 1. The conditionality–compensation nexus from an EU perspective

A conditionality from the EU perspective can be understood to be what the EU requires a third country to accomplish, in order to receive a given compensation.

Conditionality = you must do [X] to get [Y]

Compensation = we will give you [Y] if you do [X]

X (positive) = If you, for example, make these policy reforms, sign this RA, achieve this outcome (e.g., reduced irregular migration) then we will give you [Y]

X (negative) = if you do not, for example, make these reforms, sign this RA, achieve this outcome (e.g., reduced irregular migration) then we will not give you [Y]

Y = if you, for example, sign an MP or enter a visa liberalisation dialogue (VLD), we will give you EU candidate status

From an EU perspective, conditionality can fall into two broad categories: **positive conditionality** and **negative conditionality**. According to Kipp et al. (2020: 2):

...the former [positive] reward a state if it fulfils the imposed conditions (“more for more”); the latter [negative] concentrates on punishing or sanctioning a state for the lack of – or no – cooperation, for example by reducing, suspending, or terminating benefits (“less for less”). However, the effectiveness of restrictive measures is difficult to measure and is highly controversial in academic discourse.

The idea of ‘more for more’ was particularly put forward by the EU after the Arab Spring, vis-à-vis countries in North Africa and the Middle East that seemed to embark on paths towards democratic reform processes. The idea was to use the momentum to offer a more attractive package of incentives, which could include financial and technical assistance or trade and facilitated mobility arrangements for those successfully implementing democratic reforms – summarised as ‘more for more’ (Balfour, 2012).

It is also critical, however, to view conditionalities and compensation from the perspective of partner countries. Box 2 therefore presents a preliminary working definition of the conditionality–compensation nexus from the perspective of third countries. While the constructions of the definitions are similar, the key difference is that what can be defined as compensation from

the perspective of the EU can be defined as a condition for third countries. In other words, a partner country can choose to walk away from a negotiation if the offered compensation is not deemed to be in their interest, or sufficient to change the cost-benefit calculation of cooperating with the EU. Accordingly, the distinction between a condition and compensation becomes more blurred in this working definition.

Box 2. The conditionality–compensation nexus from a partner-country perspective

From a partner-country perspective, conditionality (sometimes described as reverse conditionality) can be understood as the necessary changes, compensation or policies that need to be implemented or provided by the EU and its Member States in exchange for its cooperation with the EU to achieve a desired aim.

Conditionality = you must do [X] if you want us to do [Y]

Compensation = we want [X] in exchange for doing [Y]

X = If you, for example, provide us with visa liberalisation, financial support for e.g., reintegration, mobility channels, offer trade facilitation, then we will do [Y]

Y (positive) = We will cooperate on migration management (e.g., signing an RA) if you give us [X]

Y (negative) = We will not cooperate on migration management (e.g. signing a RA) if you do not give us [X]

In line with the idea of reverse conditionality (Cassarino, 2007), partner countries derive their power to set conditions from their relative importance in achieving EU migration policy goals (e.g., reducing irregular migration). The power to request compensation can also relate to the extent to which the country is obliged to take a certain action (e.g., readmitting non-nationals). Not signing an RA, for example, can increase the power of a partner country in negotiations with the EU. As Tittel-Mosser (2018: 353) describes: ‘given that the EU prioritises the control of migration, third countries that cooperate with this control agenda gain a more strategic position from which to negotiate their own conditions’.

It is, however, important to already flag a limitation of this working definition. As currently presented, the definition remains framed in the EU’s

language of conditionality. While this paper is largely focused on mapping the conditionality and compensation used in the partnerships forged (or not) with the 10 MIGNEX countries, we also begin to examine how this is viewed from the perspective of said partner countries. This is largely captured through interview data collected during WP5 of the MIGNEX project during which key informants in each of the 10 countries were asked to reflect on how coherent they found EU migration policies. In addition, we conducted 15 exploratory interviews with key stakeholders working in the field of migration in the global south. We will further develop this line of questioning in MIGNEX Background Paper 9.4, in which we will select case study countries that highlight different configurations of the conditionality–compensation nexus, and dive more deeply into how the process of EU negotiations has evolved in each context, and how this is viewed from the partner country’s perspective. In the context of this paper, we primarily focus on the first definition (Box 1) to compare how different tools have been used in the context of EU partnerships with the 10 MIGNEX countries. We then use the overview presented in this background paper to identify case studies that will allow us to examine different types of cooperation more closely. Before doing so, however, we can also further break down each component concept: what is a ‘condition’ and what kinds of ‘compensations’ can be offered? Answering these questions allows us to further develop our typology of the conditionality–compensation nexus in EU migration partnerships to aid a systematic comparison of experiences of EU cooperation in the 10 MIGNEX countries (Part 3).

Conditions

From the perspective of the EU, a few different conditions emerge in the context of migration partnerships. Conditions may be more or less related to the migration policy field. For instance, the EU may request that a partner country signs a political agreement, amends its legal framework, or upgrades its borders. Conversely, a partner country may require the EU – or the EU may offer – to provide favourable trade conditions, sign agreements that facilitate mobility, or provide financial compensation in return for their cooperation. In terms of policy implementation, conditions could relate to outcomes such as actual reductions in, for instance, (unfounded) asylum applications in the EU or increased return rates.

Historically, the most common condition set by the EU relates to **policy reform**. There is a broad literature discussing EU conditionalities that considers the conditions set by the EU to countries in Eastern Europe when they sought access to the EU, and how the EU then used its power of attraction to impose a number of conditions relating to alignment with the EU *acquis*² (Mitsilegas, 2002; Schimmelfennig and Sedelmeier, 2004). In recent years, third-country agreements and partnerships, however, have mostly revolved around cooperation in the field of limiting ‘irregular migration’: by requiring the partner country to limit outward emigration towards the EU, as well as to facilitate the return of migrants without a right to stay in Europe, in exchange for promises of other forms of compensation,

² The EU *acquis* is ‘the body of common rights and obligations that are binding on all EU countries, as EU Members’ (European Union, n.d.a).

such as visa liberalisation, favourable trade agreements and development aid.

Overall, the most common type of condition found in the literature is that of **third-country collaboration on migration management**, through, for instance, **improved emigration control**, such as in the case of agreements between Afghanistan and the EU (Quie and Hakimi, 2020; Slominski and Trauner, 2020). Here, the JWF agreement is key, one of the first such agreements between the EU and a third country and which it concluded in 2016 with Afghanistan. The JWF tried to address irregular migration from Afghanistan into the EU through cooperation in two areas: first, preventing this irregular migration from happening in the first place, and second, securing the return (voluntary as well as involuntary) to Afghanistan of irregular migrants who had been denied access to the EU (Quie and Hakimi, 2020).

Another condition often set by the EU is **strengthened border security** and the management of transit migration movements through a third country's territory, such as that seen in Libya as well as Libyan territorial waters, particularly in the years since the 2011 Arab Spring and the period of increased migrant arrivals across the Mediterranean in 2015–2016 (Palm, 2020; Thevenin, 2021). The Valletta Memorandum between Italy and Libya (supported and partially financed by the EU), signed on 2 February 2017 and building on previous bilateral migration management agreements from 1998 and 2008, is an example of this (Odysseus Network, 2017). The Memorandum was renewed for an additional three years in February 2020 and has been credited with drastically reducing migration to Europe across the so-called Central Mediterranean Route, to the detriment of migrants returned to a precarious life in limbo in Libya by the Libyan Coast Guard, in part trained and financed by the EU and EU Member States (Palm, 2020; Thevenin, 2021).

Another common condition is the signing of **return migration agreements** between the EU and third countries, speeding up the process of returning migrants denied stay in EU Member States to their country of origin, such as the agreements between the EU and Cabo Verde, Pakistan and Turkey, among others (ECA, 2021). These agreements have been met with many obstacles, such as in the case with the EU–Pakistan return agreement, dating back to 2010. In 2015–2016, it was suspended by Pakistani authorities, amid claims that many Afghan nationals had wrongly been identified as Pakistani and had subsequently been returned to Pakistan. In addition, the agreement was hindered as biometric systems required for correct identity verification were not properly deployed and even connected (Carrera, 2016).

Compensation (as conditions)

Compensation in the context of conditionality from the perspective of the EU is defined as the return to the partner country for cooperating in the achievement of a specific migration-related policy objective. In other words, what the EU will give the partner country in return for a specific action (condition). It is, therefore, not possible to disconnect the concept of compensation from the concept of conditionality. However, increasingly, examples are emerging of partner countries stipulating specific 'compensations' as conditions of their cooperation with the EU. While this

section refers to compensations, we emphasise the blurry line between a condition and a compensation by referring to ‘compensation (as conditions)’.

Compensation can take many forms and over time we see increasing complexity in the packages of compensation agreed upon in the context of EU partnerships with third countries on migration. In a large part this is driven by partner countries during negotiations (compensation as a condition of cooperation). While not mutually exclusive, three broad categories of compensation can be defined as political, legal and financial (Figure 2). As further elaborated below, in many of the EU’s early partnerships, promises of closer association with the EU (political compensation) alongside visa liberalisation and mobility channels (legal compensation) were offered in return for cooperation on matters such as return and readmission, and border management. Often this also included a financial component such as financial support to upgrade border management infrastructure and train border guards (financial compensation). The forms of compensations involved are, therefore, manifold, and they range from formal legal instruments, to informal agreements to financial compensation. In the following paragraphs we discuss several compensatory instruments that have been developed over time using these broad yet overlapping categories.

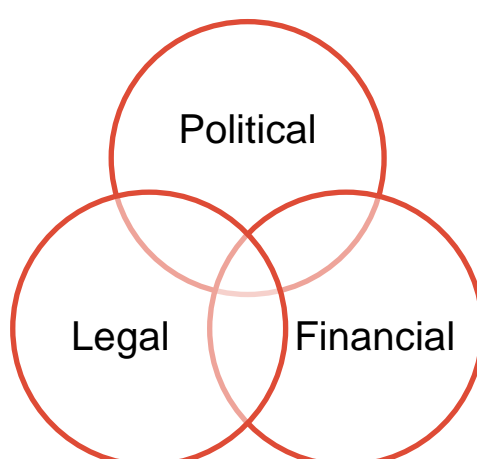


Figure 2. Categorising compensation (and conditions)

Source: The authors.

Political compensation

Political conditionality, as defined by Smith (1998: 256 in Tittel-Mosser, 2018: 353), can be understood as the ‘perceived benefits for another state (such as aid [trade concessions, cooperation agreements, political contacts, or international organisation membership]), to the fulfilment of conditions relating to the protection of human rights and the advancement of democratic principles’. Embedded in this definition are a few different examples of political compensation. While the ‘conditions’ outlined in this definition relate to broader normative goals, in the context of migration partnerships, we can still see evidence of the use of political compensation in

return for cooperation of specific conditions related to migration management.

Perhaps the most common example of **political compensation** relates to the promise of **increased association** with the EU. This could take the form of formal EU membership negotiations, such as in the case of Turkey, which received the status of Candidate Country already in 1999 (European Commission, 2022a). However, it could also be less formal, such as the EU Neighbourhood Partnerships which exist between the EU and Algeria, Egypt, Morocco and Tunisia, to name a few examples.

A more fluid and less tangible but nonetheless important form of political compensation is **EU recognition and engagement**. Libya is a case in point. There have been international attempts at securing lasting peace in Libya, chiefly through the Libya-led and United Nations (UN)-backed Political Dialogue Forum, itself evolving from prior peace initiatives. Two conferences held in Berlin in 2020 and 2021 gathered national Libyan players such as Egypt, France, Germany, Italy, Russia, the African Union and the EU, among others. The Dialogue Forum has so far only secured a tenuous ceasefire, but for the internationally supported Tripoli-based Libyan government, which finds itself challenged and beleaguered by several other actors in Libya, the fact that the EU continues to give it political recognition and engages in the peace process still carries weight.

Legal compensation

Legal compensation is defined as a distinct category, because even although it overlaps significantly with political compensation, it is relevant to consider how far promises of cooperation in terms of, for instance, access to legal migration routes have translated into concrete legal agreements.

Membership of the EU is perhaps the most concrete example of legal compensation. The prospect of future (im)migration as an outcome of EU membership have thus been central to negotiations with various countries in the (then) EU neighbourhood. Where EU membership is not on the table, the EU has also included promises of visa liberalisation for some countries cooperating in certain areas, notably to limit irregular migration and to sign Ras. Hence, legal compensation is used to define cases where the EU and/or its Member States have reformed legal frameworks with respect to, for example, easing **travel restrictions**, allowing visa-free travel. Where these become informal agreements, you could make the argument that they become political. The case of Turkey is relevant in this instance, where both promises of visa-free travel and the resumption of talks with the EU regarding membership were promised as compensation if Turkey delivered its part of the EU–Turkey agreement of March 2016. Owing to internal EU dynamics, however, and the resistance of some of its Member States, the EU has not often been able to make use of legal compensation in its partnerships.

Financial compensation

A frequently seen form of compensation put forward from the EU's side is **financial compensation**. Perhaps the most contemporary example of

financial compensation, albeit not an EU-specific example, is the current discussions between the United Kingdom (UK) and Rwanda where the UK is offering financial compensation to Rwanda in return for accepting and processing asylum seekers (Beirens and Davidoff-Gore, 2022). Financial compensation can be ‘conditioned’ to varying degrees. As the discussion of ‘more for more’ and ‘less for less’ has revealed, the promise of financial compensation can incentivise cooperation, particularly for countries with a higher level of dependence on overseas development aid (ODA).

In the EU context, financial compensation within the conditionality–compensation nexus could involve tying European development aid to migration management conditionalities, such as through financial instruments like the EU Emergency Trust Fund (EUTF) for Africa for instance. Examples of this kind of quid-pro-quo being stipulated can be found in EU dealings with Ethiopia and Ghana, among others (Slagter, 2019; Abebe, 2020). In 2016, Ethiopia was designated by the EU as a priority country needing ‘support to reduce the arrival of migrants and refugees in Europe in return for various incentives like development aid and trade’ (Abebe, 2020: 2). An additional agreement expanding returns from the EU to Ethiopia beyond voluntary returns to include enforced returns was added in 2018.

Compensation and conditionality categories as non-mutually exclusive

The configuration of compensation packages in terms of legal, political and financial compensation may differ by partnership and is ultimately the product of negotiation. This makes these categories non-exclusive despite being broadly useful as a heuristic comparative tool. The case of the 2016 EU–Turkey Joint Statement is illustrative of how different forms of compensation may be applied within one set of negotiations. In exchange for curbing outbound migration across from Turkey to Greece and the Schengen area, the EU put forward €6 billion for a Refugee Facility, promised to invigorate the visa liberalisation process for Turkish citizens and to advance accession negotiations (Moreno-Lax et al., 2020; Erdal et al., 2021). The EU–Turkey statement represents an example of a case where legal, political and financial compensations were provided by the EU in return for cooperation on addressing migration flows towards the EU.

Certain forms of legal and political conditions can also have financial implications, making it hard to define specific subcategories of conditions. This again points to the non-exclusivity of these categories. For example, offering eased access to the EU’s internal market for goods from a third country cooperating with the EU’s migration conditionalities is another form of compensation put forward which has clear financial implications. An illustrative example of this is the case of Jordan where the Compact signed (and highlighted in the MPF as discussed in Part 1) relaxes trade regulations between the EU and Jordan through facilitating the export of goods from 18 Special Economic Zones (Lavenex and Fakhoury, 2021).

Furthermore. Technical cooperation on the upgrading of border management infrastructure could be viewed as a combination of financial and political compensation, but it may also be a stipulated condition of

cooperation. An example of this kind of compensation is the security and stability support the EU and its Member States can offer cooperating third countries. However, in some cases, entering these negotiations can lead to actions that are incoherent with EU-purported values. A case in point is Libya, where security force financing and training has been given to the Libyan Coast Guard (LCG) by both the EU through FRONTEX, as well as through bilateral initiatives of the same nature, offered to Libyan security forces both on land and at sea, by Italy and the UK, among others (Ferstman, 2020; Phillips, 2020). The LCG is a much-disputed entity with alleged ties to human trafficking across the Mediterranean and a frequently documented lack of respect for migrants’ rights (Tondo, 2019). Despite this, EU support has been ramped up in recent years, as direct official European involvement in naval patrol and rescue operations have been scaled back.

Compensation and conditionality categories as a heuristic comparative tool

It is apparent that there is no one-size-fits-all formula for EU migration partnerships. The various partnership frameworks that have evolved have served to obscure some of this diversity, and, to a certain extent, depoliticise what are ultimately political negotiations that do not take place in a vacuum. Hence, understanding the negotiation dynamics at play and how various agreements and partnerships between the EU and third countries are shaped requires us to appreciate that there are several layers of negotiation (Reslow and Vink, 2015). The first step in unpacking this complex landscape is to examine the types of conditionality and compensation employed in the partnerships forged with the 10 MIGNEX countries. Accordingly, we now map the definitions developed in this section (summarised in Figure 3) against the experiences of each of the MIGNEX countries.

Conditionality/ compensation	Positive			Negative		
	Legal	Political	Financial	Legal	Political	Financial
Country X			X			x

Figure 3. The conditionality–compensation nexus

Source: The authors.

Note: The example provided shows a country in which the traditional ‘more for more’ and ‘less for less’ financial compensation approach is applied.

Part 3. MIGNEX case country perspectives in comparison

We used the MIGNEX migration-relevant policy reviews prepared for each of the 10 MIGNEX countries to gain insight into potential variation in the types of partnerships negotiated by the EU and third countries, and to select cases to take forward into MIGNEX Background Paper 9.4. We have comparatively assessed the experiences of EU migration policies with a focus on the nexus on conditionality/compensation and (in)coherence from a third-country

perspective. To facilitate this comparison, two targeted questions were included in the data collection tools developed for the policy reviews. These questions assess perceptions of the coherence in EU (and/or EU Member State) approaches to migration from a third-country perspective and have enabled us to investigate possible sources of policy incoherence (Box 3).

Box 3. Questions included in interview guide for WP5 policy reviews

1. Has development cooperation money been used for migration, asylum or border management? What incentives were given to the government when negotiating with the EU on border- or migration-related issues?

2. How coherent are the EU (or EU Member State) approaches to migration in your country? Can you provide some examples?

Source: Godin and Vargas-Silva (2020: 14).

While it is evident that irregular migration flows through and from a third country are likely to influence the interest of the EU in securing cooperation, data on irregular migration are challenging to obtain. Accordingly, irregular migration is often proxied using apprehension statistics, looking at naturalisation rates of previously undocumented residents, or failed asylum application. For this report, we consider the EU's own rhetoric in identifying countries as important sources of irregular migration flows towards the EU. In addition, we supplemented the policy reviews with four proxy indicators that may influence the negotiations of partnerships between the EU and partner countries. These indicators are: (1) ODA as a percentage of gross national income (GNI); (2) remittances received as a percentage of gross domestic product (GDP); (3) asylum applications in the EU; and (4) return rates. While these indicators only represent a superficial assessment of factors that may influence the negotiations between the EU and its partner countries, they do allow us to conduct a preliminary examination of potential differences in the types of partnerships forged by the EU. In MIGNEX Background Paper 9.4, and in line with the three-level game framework proposed by Reslow and Vink (2015), we will explore the additional dynamics presented by EU Member State interactions with respect to different partner countries.

In line with Part 2, we make three hypotheses that can help understand the three-level game between the EU, Member States and the third country and the degree of leverage that third countries have in defining the conditionality–compensation nexus (Box 4).

Box 4. Hypotheses on factors influencing EU–partner-country negotiations

Hypothesis 1: Partner countries where ODA represents a higher proportion of GNI are more likely to accept conditions that require specific policy changes that support EU migration management objectives in return for financial compensation.

Hypothesis 2: Where remittances represent a higher share of GDP, particularly when compared to ODA flows, the partner country may be less likely to accept the use of conditions related to legally binding migration agreements (such as Ras), particularly where irregular migrants are the source of significant remittance flows.

Hypothesis 3: Countries that are significant origin or transit countries for irregular migrants to Europe will be more likely to negotiate more complex compensation packages that include a combination of legal, political *and* financial compensation.

Where possible, we have looked at trends, keeping in mind when specific agreements were signed. While we cannot definitively determine cause and effect, it is possible to observe some correlations between these different indicators and the types of partnerships that have emerged in the 10 MIGNEX countries. Before discussing this further, we first offer some general comparative information on the 10 MIGNEX countries before going into each country in more detail. We then describe the partnership agreements in place between the EU and the country; synthesise observations from the policy reviews on the coherence of EU policies from the perspective of policy-makers in the country; and review relevant literature discussing the use of compensation and conditionality, from the perspective of the EU and how it is perceived in these countries.

EU partnerships in comparison

Table 1 maps the EU Partnership Frameworks currently in place in the 10 MIGNEX countries. It is clear from this table that the scope of EU partnerships has increased over time, with eight out of 10 MIGNEX countries being identified in the MPF; three as priority countries (Ethiopia, Nigeria and Somalia); and five as non-priority countries (Afghanistan, Ghana, Guinea, Pakistan and Tunisia). MPs have been signed between the EU and Cabo Verde (2008) and Tunisia (2014), and CAMMs were signed with Ethiopia and Ghana in 2015. Cabo Verde has both an RA and a VFA in place, while Pakistan (2010) and Turkey (2014) have signed Ras.

Table 1. Mapping MIGNEX countries and EU partnership frameworksMIGNEX
Background
Paper

	Afghanistan	Cabo Verde	Ethiopia	Ghana	Guinea	Nigeria	Pakistan	Somalia	Tunisia	Turkey
Mobility Partnerships		2008							2014	
Readmission Agreements		2014					2010			2014
Visa Facilitation Agreements		2014								
Common Agendas on Migration and Mobility			2015			2015				
Migration Partnership Framework	NP		P	NP	NP	P	NP	P	NP	

Source: The authors. Notes: NP = non-priority country; P = priority country.

There are many factors that influence the type of relationship that a country has with the EU as a multilateral entity, and with individual Member States, not least of which include past colonial relations, and both historical and contemporary migration patterns (Erdal et al., 2021).

Given our focus on conditionality and compensation in the context of EU partnerships, it is relevant to consider trends and patterns in ODA disbursements to MIGNEX countries (Figure 4). Although volumes are presented in absolute terms, it is also of relevance to note that the relative importance of specific financial flows to a country will depend on other factors, such as the relative importance of ODA for the country in terms of the overall public purse (Figure 5). A comparison of these figures shows that, both in absolute and relative terms, Afghanistan has received the highest levels of ODA disbursements from EU institutions, and that ODA has represented a significant proportion of Afghanistan's GNI. As already noted, however, Afghanistan is a very specific case. While ODA flows to Somalia – and to a slightly lesser extent to Cabo Verde, Ethiopia and Guinea – are much lower in absolute terms compared to other MIGNEX countries, their significance in relative terms becomes evident in Figure 5.

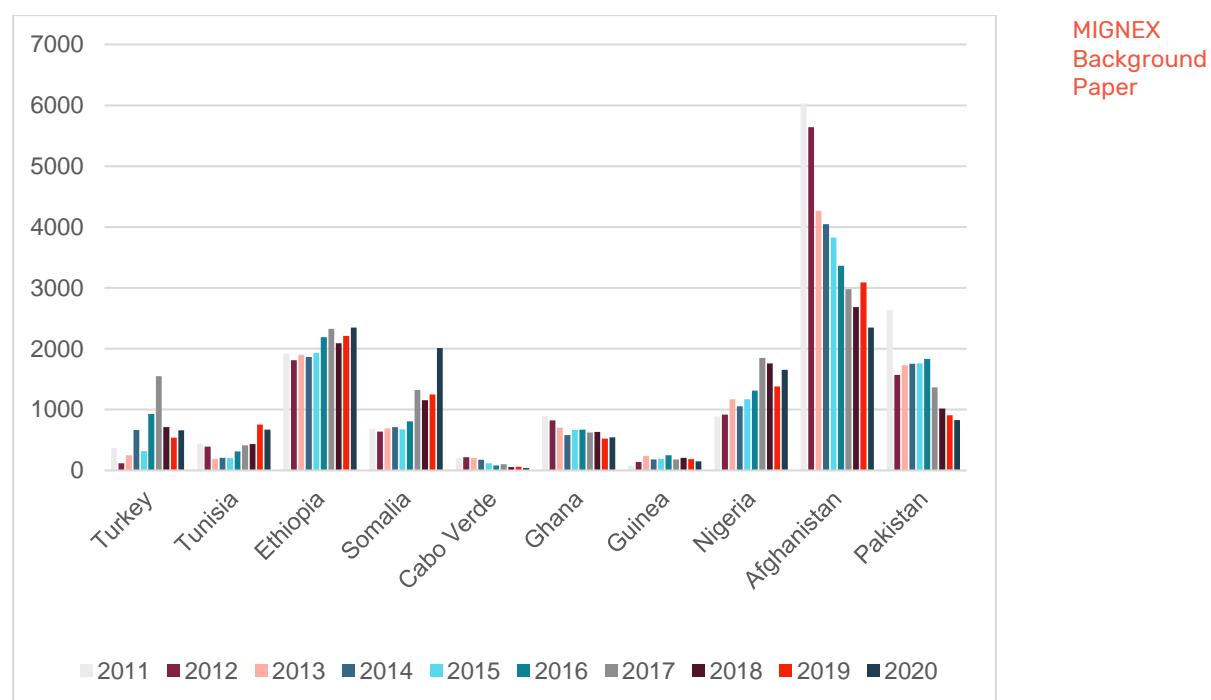


Figure 4. ODA disbursed by EU institutions to MIGNEX countries, 2011–2020

Source: Organisation for Economic Cooperation and Development (OECD) dataset: Aid (ODA) disbursements to countries and regions (DAC2a).

(<https://stats.oecd.org/viewhtml.aspx?datasetcode=TABLE2A&lang=en>)

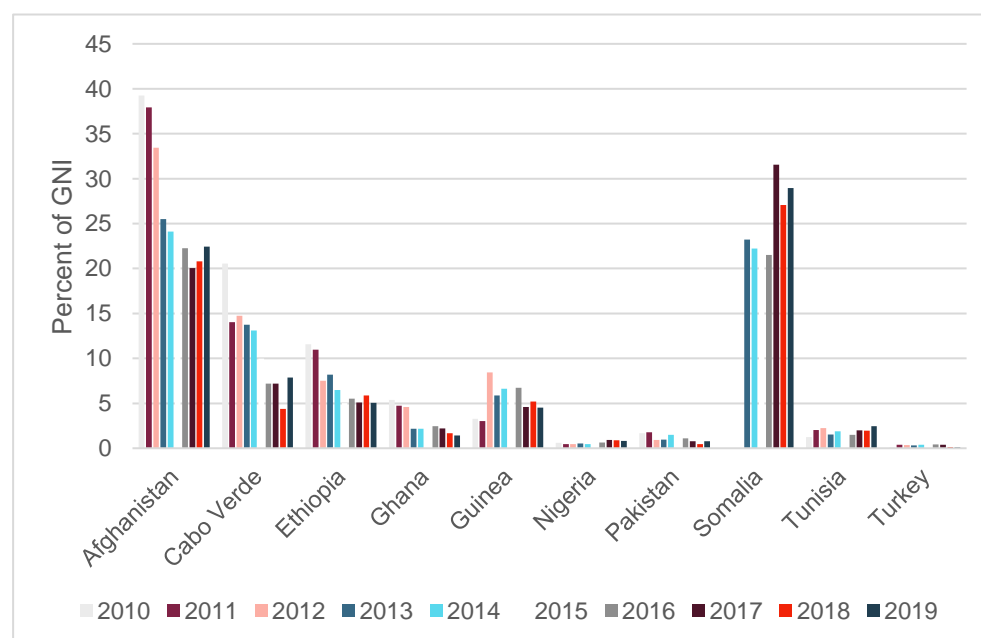


Figure 5. Net ODA received (% of GNI) by MIGNEX countries, 2010–2019

Source: World Bank (2022).

It is also relevant to consider the relative importance of the country to the EU in terms of achieving the EU's migration-related policy goals, particularly with respect to the type of partnership that the EU may seek to forge with the partner country vis-à-vis either a more control-oriented or a preventative approach to migration (see Part 1. From Tampere to the New Pact: the evolution of the EU's external approach to). We would, for instance, expect that a country viewed by the EU as having a significant role to play in the management of transit migration would make use of this power to negotiate compensation from the EU – although this may not necessarily take the form of ODA. A country with high levels of remittance inflows may be less inclined to cooperate on returns, if the proposed incentives do not outweigh the benefits of maintaining the status quo. We thus examine return rates and remittance flows.

Figure 6 shows EU-reported statistics on return rates from MIGNEX countries from 2016 to 2019. While we can only point to potential correlation (not causation), we do see that return rates in several African countries in the MIGNEX sample did increase between 2016 and 2019 (Cabo Verde, Ethiopia, Ghana). We see a clear decline in Afghanistan, which has likely further decreased in 2020–2021, as well as in Pakistan. Afghans have represented an average of 6% of all persons ordered to leave the EU between 2016 and 2019 (the highest of all MIGNEX countries), with Pakistan representing just short of 5%. Accordingly, the declining return rates in these two countries already explain much of the decline that we can see in the overall EU numbers.

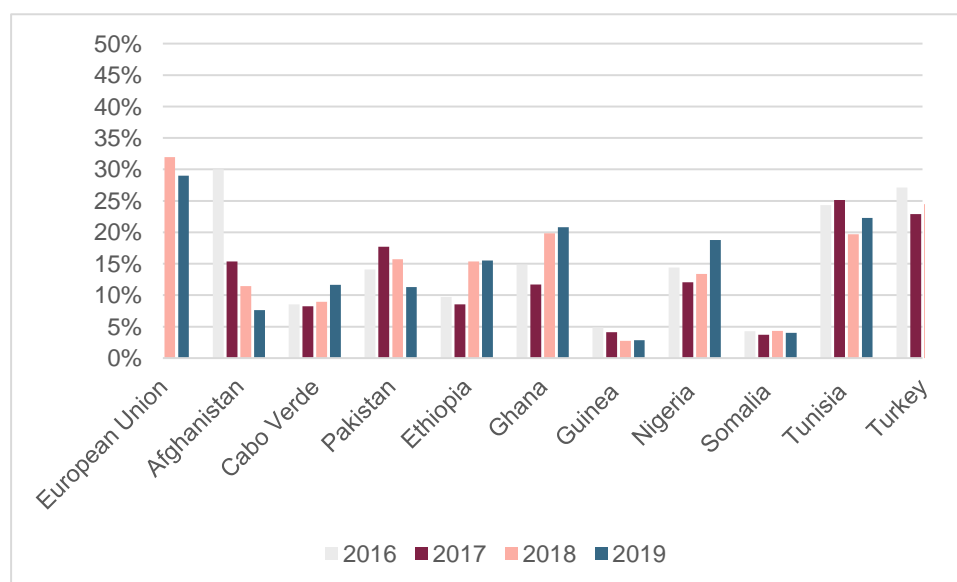


Figure 6. Return rates in MIGNEX countries, 2016–2019

Source: Data extracted from EU Atlas (<https://migration-demography-tools.jrc.ec.europa.eu/atlas-migration/>).

Figure 7 shows the relative importance of remittance flows, as a percentage of GDP from 2011 to 2020. This highlights that remittance inflows from abroad represent a more significant proportion, particularly for Somalia, (although data is only available from 2018), and to a slightly lesser extent for

Cabo Verde. For Somalia, between 2018 and 2020, remittances reflected an average of 24.8% of GDP, while for Cabo Verde this was 11.6% between 2011 and 2020. While slightly lower, remittance inflows also represented an average of 7.1% of Pakistan's annual GDP between 2011 and 2020, and 5.6%, 4.8% and 4.6% of the annual GDP of Ghana, Nigeria and Tunisia, respectively.

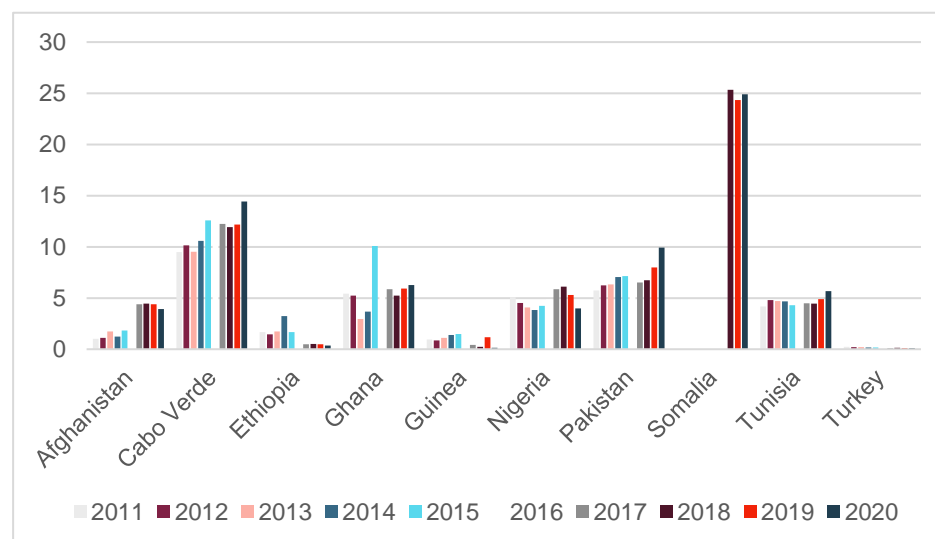


Figure 7. Personal remittances received (% of GDP) by MIGNEX countries, 2011–2020

Source: World Bank (2022).

Before examining each country in turn,

Table 2 presents a summary of the latest available data for each of the four selected indicators.

MIGNEX
Background
Paper

Table 2. Comparative indicators influencing EU migration partnershipsMIGNEX
Background
Paper

	Net ODA received (% of GNI)	Personal remittances received (% of GDP)	Return rates to MIGNEX countries (%)	Asylum applications in EU per MIGNEX country
	2019	2020	2019	2021
Afghanistan	22.4	3.9	7.6	97,815
Cabo Verde	7.9	14.4	11.7	13
Ethiopia	5	0.4	15.5	3,191
Ghana	1.4	6.3	20.8	1,862
Guinea	4.5	0.1	2.9	9,909
Nigeria	0.8	4.0	18.8	15,414
Pakistan	0.8	9.9	11.3	24,594
Somalia	29	24.9	4	16,359
Tunisia	2.5	5.7	22.3	9,266
Turkey	0.1	0.1	24	23,737

Sources: ODA and personal remittances (World Bank, 2022); return rates (EU Atlas); asylum applications (EUAA, 2022).

EU migration partnerships in MIGNEX countries

Building on our discussions in Parts 1 and 2, we now examine each of the MIGNEX countries in turn. Based on our preliminary observations we have opted to cluster countries by partnership framework, to first tease out some of the potential differences that may be attributable to the timeframe within which the partnership agreement was negotiated. We start with countries included in the GAM(M). We first examine Cabo Verde and Tunisia, as two countries that have signed MPs with the EU, before moving to Ethiopia and Nigeria, which signed CAMMs before also subsequently becoming priority countries in the MPF. We then look at countries identified, but not prioritised, under the MPF and group these regionally first: we examine Afghanistan and Pakistan, then turn to look at Ghana and Guinea. We conclude the section by reviewing the Turkish and Somalian cases. Each country summary consists of three parts: 1) we describe the partnership agreements in place between the EU and the country; 2) we synthesise observations from the MIGNEX policy reviews on the coherence of the EU's external policies from the perspective of the third country; 3) we review relevant literature pertaining to conditionality and compensation.

Cabo Verde

Cabo Verde has a long history of migration cooperation: a first migration agreement was signed with Portugal in 1976, just one year after Cabo Verde's independence, and a labour migration agreement with Portugal has been in place since 1997 (Reslow, 2013). In 2008, Cabo Verde signed an EU MP and is the only sub-Saharan African country to date to have agreed on such a partnership with the EU. The MP comprises project proposals in six areas of

action: 1) monitoring and awareness of migration flows, 2) employment and facilitation of legal migration and integration, 3) mobility and short-stay visas, 4) linking migration and development, 5) asylum and immigration, 6) cooperation on border management, identity and travel documents, and the fight against irregular migration and human trafficking (ibid.). Five EU Member States participate in this partnership: France, Luxembourg, Portugal, Spain and the Netherlands.

The MP paved the way for two legally binding agreements, an RA and a VFA which both entered into force in 2014. The VFA allows for short-stay, multiple-entry Schengen visas and is unique in several ways. Cabo Verde is the only country other than Balkan and Eastern European countries that has concluded a VFA with the EU (European Commission, 2022b). The Cabo Verdean VFA is also complemented by the EU Common Visa Centre in Praia, the first of its kind on the African continent (Hennessey, 2021). The Centre is jointly run by Portugal, Belgium and Luxembourg and issues short-term Schengen visas for seven EU countries: Austria, Belgium, the Czech Republic, Finland, Luxembourg, Portugal and Slovenia (Reslow, 2013). The VFA was amended in 2020 to further simplify visa application processes, reduce visa application costs, and to include 'lack of cooperation in the field of readmission' as a reason to suspend the VFA (European Commission, 2020).

The RA obliges Cabo Verde to readmit not only own nationals and their non-national spouses and underage children, but also third-country nationals who entered the EU through Cabo Verde (European Commission, 2013). With the end of the Modernizing and strengthening secure identity chains and documental security (GESTDOC) project (2019–2022) which focused on travel documentation fraud, no active EUTF-funded migration cooperation project is in place.

From the perspective of Cabo Verdean policy-makers, the partnership with the EU bears incoherencies and mismatches in their political aims. Cabo Verde entered the MP with the aim of negotiating labour mobility agreements but has been unsuccessful in this regard. This mismatch of political aims not only illustrates the power imbalance of this partnership, but it is also a source of incoherence: not offering long-term visas incentivises overstaying of short-term visas and thus fuels irregular migration. Moreover, the RA allows for the deportation of third-country citizens of the Economic Community of West African States (ECOWAS) to Cabo Verde, which may lead to tensions within ECOWAS and contradicts the Cabo Verdean commitment to regional integration (Hennessey, 2021).

Cabo Verde has little bargaining power vis-à-vis the EU for several reasons. First, migration flows from Cabo Verde towards Europe are not a major concern for the EU. In 2021, the number of asylum applications in the EU from Cabo Verdeans was just 13, while the total number of asylum applications was 617,800 (EUAA, 2022). Second, the geographical location of Cabo Verde is not of crucial strategic importance to the EU since it is not located on a major migration route to the EU. Third, Cabo Verde is highly dependent on development aid and trade relations, of which the EU is its most important partner (Tittel-Mosser, 2019). In the period 2010–2019, the percentage of GNI represented by ODA disbursed by EU institutions was 7.9% (World Bank, 2022). From an EU perspective, the MP with Cabo Verde

mostly functions as a tool to externalise its ongoing efforts to curb irregular migration to the EU (Reslow, 2013). Although development goals are presented as a central element of MPs, a closer look at the EU–Cabo Verde MP reveals that development goals are nearly absent. There is, in contrast, a strong focus on migration control (Van Stokkum, 2015). More generally, EU interests overshadow the Cabo Verdean interests in the MP.

The most straightforward conditionality represented in the EU–Cabo Verde partnership is the signing of an RA, in return for a VFA. The VFA functions as a form of compensation for Cabo Verde. In other words, the Cabo Verde–EU partnership can be categorised as positive and legal within the conditionality–compensation nexus. Crucially, Cabo Verde signed the RA even though the country lacked the capacity and the logistical infrastructure to receive returned and readmitted migrants (Tittel-Mosser, 2019). This illustrates the asymmetrical power balance between the EU and Cabo Verde.

Under the MP, many of the projects related to migration in Cabo Verde revolve around the enhancement of border control and security. Although capacity-building projects for border control and combating irregular migration are priority concerns for the EU, it would be too simplistic to categorise these solely as conditionalities. Indeed, Cabo Verde was at the time slowly becoming an important transit country, so increased support in border control and migration management was also beneficial to Cabo Verde (*ibid.*).

Recently, in March 2022, Cabo Verde and Switzerland via the Federal Councillor Keller-Sutter and the Minister for Foreign Affairs, Cooperation and Regional Integration of the Republic of Cabo Verde, Rui Alberto de Figueiredo Soares, signed two migration-related agreements (Schengenvisa, 2022). The first one, signed by the Head of the Department of Justice and Police and the Minister of Cabo Verde, will simplify the issuance of short-stay visas for Cabo Verde nationals wishing to travel to Switzerland and vice versa. The second one aims to improve the readmission process and speed up the procedures for identifying and issuing travel documents for citizens of Cabo Verde who remain in Switzerland without a valid permit. In this bilateral agreement, the two partners, Cabo Verde and Switzerland, managed to both get something out of the partnership with the former in a better position to negotiate a direct form of compensation that will be potentially beneficial to the development of the country.

As part of the EU MP, Cabo Verde signed a VFA, which came into force at the end of 2014. Overall, as mentioned by Hennessey (2021) the impact of the VFA and various bilateral agreements with EU Member States on emigration flows is minimal, despite Cabo Verde's high hopes for increased mobility opportunities through the EU MP (Langley and Alberola, 2018). Nevertheless, we can see that Cabo Verde has been negotiating with the EU as well as with EU Member States to increase its benefits and level the playing field.

Tunisia

The foundation for today's migration cooperation between the EU and Tunisia was laid in the aftermath of the Tunisian revolution in 2011 (Limam and Del Sarto, 2015). As a response to the so-called Arab Spring, the EU

published a communication in 2011 titled ‘A partnership for democracy and shared prosperity with the southern Mediterranean’, which, among pledges to support democratisation and economic development, also devoted an entire section to migration (European Commission, 2011b). Framing migration cooperation as ‘Tackling the challenges of mobility’, the communication called for the swift launch of MPs, the strengthening of border security and law enforcement, and promised visa liberations for students, researchers and businesspersons. The MP with Tunisia was concluded in March 2014. It envisaged five goals: (1) to better manage the movement of regular migrants, (2) to strengthen cooperation on migration and development, (3) to prevent and combat irregular migration, (4) to promote an effective return and admission policy, (5) to better integrate regular migrants, in particular through anti-discrimination policies (European Commission, 2016c).

Two years after the conclusion of the MP, the EU and Tunisia started negotiations on VFAs and Ras (European Commission, 2016d) but until today, no legally binding agreement has been concluded. However, partnership with Tunisia continues to be an EU priority, as evidenced by a report from 2017 which includes Tunisia in the MPF. As such, Tunisia hosts a European Migration Liaison Officer and receives financial aid through the EUTF. The focus of actions lies on ‘reducing the number of crossings and saving lives at sea, stepping up the fight against smugglers and traffickers, protecting migrants, increasing resettlement, and promoting assisted voluntary returns [...] and increased cooperation’ (European Commission, 2017b). One national project and six regional projects are funded through the EUTF. The national EUTF project is concerned with the implementation of Tunisia’s National Migration Strategy. However, the EU might have been involved in more than the drafting of the National Migration Strategy: not only are descriptions of the National Migration Strategy on the EUTF’s page identical to the ones on the Tunisian Government’s website (République Tunisienne Ministère des Affaires Sociales, n.d.), the strategy text itself states that it was revised in 2017 with the help of international partners (but without explicitly naming which ones).

Tunisia and the EU are currently negotiating a Talent Partnership which is due to be implemented by the end of 2022. The Talent Partnership consists of the inclusion of registered Tunisian job seekers in a European job platform, the EU Talent Pool (European Commission, 2022b). It will thus create a long-awaited legal pathway for labour migration.

From the perspective of the Tunisian policy-makers interviewed for the MIGNEX project, the migration cooperation with the EU is incoherent with its own Constitution. The 2014 Constitution guarantees Tunisian citizens the right to leave the country, which is incoherent with the EU’s push against irregular migration (MIGNEX, forthcoming).

In 2019, 2.5% of Tunisia’s GNI came from ODA, and personal remittances constituted 4.9% of its GDP (World Bank, 2022). Tunisia has a relatively high return rate, at 22.3% in 2019, and the total number of asylum applicants in the EU that year amounted to 9,266 individuals (EUAA, 2022). The EU’s partnership strategy with Tunisia can be most accurately described as positive, political conditionality. Positive political conditionality, as we define

it, offers compensations for policy changes (see Part 2) – in the case of Tunisia, rewarding the state for the fulfilment of the envisaged policy goals under the MP. As the aforementioned MP illustrates, the EU uses an attractive package of incentives that includes financial assistance and mobility arrangements. Building on the typology developed under Part 2, Ras form the key conditionality for the migration cooperation between the EU and Tunisia, facilitated under the MP. Prior to the 2011 revolution, the former Tunisian government resisted the attempts to launch negotiations for an EU-wide RA (Abderrahim, 2019).

The negotiation dynamics at play during and leading up to the signing of the MP have been the subject of scholarly discussion. The politically and economically vulnerable conditions under which the MP was signed is underlined within the literature to support the hypothesis of the Eurocentric-slant of agenda-setting and the fundamental power imbalance that colour the domestic political migration agreements (see Part 2). For example, Liman and Del Sarto (2015) argue that the EU exploited the politically vulnerable situation following the revolutionary events of 2011 to push through the conditions for an uneven MP which paved the way for the imposition of readmission negotiations. Zardo (2017), in a similar vein, points out that in the wake of the revolution, Tunisian attitude while interacting with the EU was affected by institutional puzzlement, economic weakness and regional instability. According to Zardo, this prevented the Tunisian government from putting forward its own agenda during the negotiations which preceded the signing of the MP.

As mentioned under Part 2, multiple compensations are often involved in migration cooperation. In the case of the EU–Tunisia mobility agreement, increased association with the EU is one of them. The second form of compensation that has been put forward under the MP is in the form of visa facilitation, although, to date, no legally binding agreements have been concluded.

Ethiopia

In 2015, the EU and Ethiopia signed a CAMM. While not being a major country of origin itself, Ethiopia has been an important country of destination and transit for large numbers of refugees from the neighbouring countries of South Sudan, Eritrea and Somalia. The EU's interest in partnering with Ethiopia stems from this significant role for refugee routes from the Horn of Africa. European Commission President Jean-Claude Juncker made this clear in his statement on the joint declaration for a CAMM:

Ethiopia is the largest refugee-hosting country in Africa, accommodating over 733,000 refugees. Its Government needs and deserves EU support. Ethiopia is also a country of origin and transit for irregular migration to Europe. We need to work together to better manage these flows in full respect of human rights (European Commission, 2015).

One year later, in 2016, Ethiopia became a priority country within the MPF, making it one of the five countries initially included (together with Mali, Nigeria, Niger and Senegal). Under this Framework, the EU promised bilateral agreements, so-called compacts, 'to reward those countries willing

to cooperate effectively with the EU on migration management' (European Commission, 2016a: 17).

While no compact appears to have been signed under the MPF, the 2018 Job Compact is an agreement between Ethiopia, the World Bank, the UK Department for International Development (DFID), the European Investment Bank and the EU under the Comprehensive Refugee Response Framework of the United Nations High Commissioner for Refugees (UNHCR). The Job Compact is funded through the EUTF (€30 million), and its main objective is to enhance economic opportunities in Ethiopia through the creation of jobs for both refugees and nationals. The Job Compact is not the only EUTF-funded project, however. Ethiopia is a major recipient of financial support through the EUTF: in 2020 Ethiopia received a total of €270.2 million through the EUTF, making it the third-ranked recipient (Abebe, 2020).

The overall objectives of the EUTF in Ethiopia are congruent with the Job Compact's objectives: 'addressing the long-term development and protection need of refugees and their host communities' and 'tackling root causes of instability and internally forced displacement' by supporting the economic integration of vulnerable people in Ethiopia irrespective of their nationality (European Union, n.d.b). As a reaction to Ethiopia's Tigray conflict, the EU announced in January 2021 the freezing of €88 million until humanitarian agencies are granted access to Tigray. In March 2021 the Council of the EU nevertheless stressed 'Ethiopia's important role as a strategic partner' (Council of the EU, 2018).

The partnership between the EU and Ethiopia is marked by the EU's determination to reduce arrivals to Europe from the Horn of Africa. (De Guerry et al., 2018; Crawley and Blitz, 2019). At the same time, the partnership is also marked by Ethiopia's reliance on foreign aid: while for a long time not in the focus of aid donors, Ethiopia has become a major recipient of aid since the end of its socialist regime in the early 1990s (Borchgrevink, 2008; Furtado and Smith, 2008). In 2019, 5% of the Ethiopian GNI was represented by ODA (World Bank, 2022).

The EU's partnership strategy with Ethiopia can best be described as positive, political conditionality, as the aforementioned Job Compact illustrates. Positive political conditionality, as we define it, offers compensation for policy changes (see Part 2). Within the MPF, the EU had quite explicitly promised to compensate, or, in EU terms, 'to reward', countries with bilateral compacts for their cooperation on migration management (European Commission, 2016a). The Job Compact seems to be a concrete manifestation of this type of compensation. The policy change that the compensation is linked to in the case of Ethiopia is a changed stance on refugee integration (Abebe, 2020). In 2017, Ethiopia became one of seven African pilot countries implementing the Comprehensive Refugee Response Framework. During the pilot, Ethiopia changed from a restrictive, camp-based refugee framework to socioeconomic integration of refugees – at least on paper. In 2019, Ethiopia adopted a Refugee Proclamation that gave refugees the right to work and freedom of movement (Betts et al., 2019; Abebe, 2020). However, it is questionable how seriously Ethiopia has been willing to implement the Proclamation: 'In theory, [the refugee proclamation] creates the right to work and freedom of movement. In practice, however, the Proclamation

contains a number of possible restrictions on those rights, and their implementation depends upon follow-up legislation' (Betts et al., 2019: 5).

This would not be the first time that Ethiopia does not follow through on conditionalities. In fact, Ethiopia has a long history of accepting conditionalities for donor money but not implementing the conditions (Borchgrevink, 2008; Furtado and Smith, 2008). As Borchgrevink (ibid: 215–216) puts it:

... donors have been relatively powerless to influence Ethiopian policies. Whether conditionality has been applied – as when aid levels were halved between 1992 and 1997 – or not applied [...] the outcome has consistently been that the Ethiopian regime has been able to stick to its own policies, without making significant concessions.

The strategies through which Ethiopia has been able to resist donors' conditionalities include: a) the strategic use of Ethiopia's federal system: Ethiopia holds high-level dialogues between donors and federal agencies on topics where the regional level holds authority; and b) the country's avoidance of reliance on one donor by working with both 'traditional' donors and new donors like China (Furtado and Smith, 2008; Hackenesch, 2013). It seems herein lies Ethiopia's tactic to counter the undeniable economic power imbalance in its partnership with the EU.

Nigeria

Nigeria was the first country to sign the CAMM with the EU, back in 2015. One year later, the EU and Nigeria launched their MPF, whereby Nigeria is one of the five priority countries in the EU's attempt to manage and reduce the flow of migrants and asylum seekers from Africa (Zandonini, 2020). Nigeria's priority status is mainly due to the high number of Nigerian asylum seekers and irregular migrants in Europe, reaching up to 15,414 asylum applications in 2021 (EUAA, 2022).

Besides the CAMM and the MPF, the EU has funded various migration-related projects in Nigeria. Most of these projects have been funded through the EUTF, but some of them have been funded through the European Development Fund (EDF) (Arhin-Sam, 2019). The EU-funded projects mainly revolve around the issues of reducing irregular migration and return and reintegration policies. For instance, the EU's ongoing efforts to externalise its border control to third countries is reflected in the deal that FRONTEX signed with Nigeria (FRONTEX, 2012).

The EU has been cherishing the ambition of an RA with Nigeria for years, but these negotiations have not been successful thus far. Nigeria is not so much interested in Ras with the EU, as a lot of returnees simply proceed with emigrating after they are returned to Nigeria (Castillejo, 2017). Moreover, remittances are an important source of income for many Nigerian people; they are more beneficial to the Nigerian economy than returned migrants, who often face daily economic struggles and stigmatisation (Zandonini, 2020).

The main incoherence in the EU's external policies arises from conflicting interests between the EU and Nigeria. As mentioned before, the EU focuses heavily on reducing irregular migration and the returning (readmission) of

migrants. Nigeria's interest, by contrast, can rather be found in the opening of legal migration channels, attracting remittances from its big diasporic community, and sustainable development support (Arhin-Sam, 2019). The increased border control of FRONTEX, as stipulated in the FRONTEX–Nigeria deal mentioned above, is in contradiction with the regionally established freedom of movement in the ECOWAS area (Zanker et al., 2020). Besides the incompatibility of the EU's external policies with regional ECOWAS freedom of movement protocols, the EU's pursuit of its own interests is often in tension with international conventions like the Global Compact for Safe Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR). For instance, the focus on increased returns of irregular migrants is at odds with objective 21 of the GCM (facilitating safe and dignified returns). Finally, many EU projects in Nigeria fail to meet local interests and priorities, and often lack local ownership (Castillejo, 2017; Bisong, 2021b).

Nigeria has a particularly strong bargaining position vis-à-vis the EU. This is demonstrated by the EU's inability to conclude an RA with Nigeria despite ongoing efforts. In response to the deadlocked negotiations for the RA, the EU attempted to sanction Nigeria by revoking a planned vocational training project in Nigeria worth €50 million, funded through the EUTF (Kipp et al., 2020). In short, the EU's partnership approach in Nigeria is characterised by the use of both positive and negative financial compensation.

In addition, Nigeria is not very dependent on EU development aid, which further strengthens its bargaining position vis-à-vis the EU. Due to a large diasporic community, remittances play a far greater role for Nigeria than development cooperation (Zanker et al., 2019). In 2019, 5.3% of the Nigerian GDP was represented by remittances (World Bank, 2022). Consequently, the EU's approach of negative conditionality – i.e., sanctioning Nigeria by revoking projects – failed to put pressure on the Nigerian government. Put stronger, an RA would in fact undermine one of the most fundamental sources of income for many Nigerians. Indeed, increased returns would come at the expense of remittances. Accordingly, the EU has little leverage to enforce an RA with Nigeria, despite the signing of the CAMM and MPF.

Furthermore, the EU is not the only economic partner of Nigeria since China has recently become an important investor and trading partner (Adunbi and Stein, 2019). Between 2015 and 2018, Chinese investments in Nigeria are estimated at US\$26 billion (Kipp et al., 2020). The combination of, on the one hand, Nigeria's heavy dependence on remittances and, on the other hand, the increasing investment of China significantly reduces the bargaining power of the EU vis-à-vis Nigeria.

Afghanistan

Afghanistan is of crucial strategic importance for the EU since it is one of the main countries of origin of migrants coming to Europe. Although the recent takeover of power by the Taliban may have significant consequences for its relationship with the EU, the EU and Afghanistan have built an important partnership when it comes to migration over the years, particularly during the European 'refugee crisis' of 2015 and its aftermath. It is therefore still relevant to consider the case of Afghanistan from a historical perspective.

The EU's migration-related activities in Afghanistan were primarily operationalised through two core frameworks: the Cooperation Agreement on Partnership and Development (CAPD), and the non-legally binding Joint Declaration on Migration and Cooperation with Afghanistan, which was preceded by the JWF on Migration (Samuel Hall, 2021).

Although the negotiations for the CAPD already started in 2011, the JWF was concluded in October 2016, notably four months prior to when the CAPD was adopted (Warin and Zhekova, 2017). Due to prolonged and difficult negotiations for the legally binding CAPD, the EU's immediate need for the return and readmission of Afghan nationals led to the signing of the non-legally binding JWF. The return and readmission of Afghan nationals who had been refused protection and settlement in the EU was the core element of the JWF. In other words, the traditional model of negotiating an agreement was too slow, so the EU sought an alternative way – through soft law – to ensure return and readmission (*ibid.*). On 26 April 2021, the JWF was replaced by the Joint Declaration on Migration and Cooperation. The new Declaration indicated a few changes, such as a maximum number of 50 returnees per flight and up to 500 returnees per month,³ increased focus on voluntary return, better protection of vulnerable groups and a provision enabling all EU Member States to participate in joint return operations (*ibid.*).

At the time of the signing the JWF in 2016, the Afghan government had poor bargaining power due to internal conflict and a heavily weakened state combined with high dependence on foreign aid (Quie and Hakimi, 2020). Those in power had no other choice than to sign the JWF. Consequently, from the perspective of Afghan policy-makers, there are two major incoherences in the EU's policies worth mentioning here. First, like we have seen in other countries, third countries are not interested in the EU's strong emphasis on return and readmission. Returnees often face stigmatisation, marginalisation and economic struggles, and fail to reintegrate into their original communities. As a result, they often re-migrate and are displaced repeatedly. After being returned to Afghanistan, the EU does nothing to support returnees and no monitoring mechanism is in place. From an Afghan perspective, the EU fails to provide effective reintegration mechanisms (*ibid.*). Return without any corresponding support for reintegration, therefore, does not align with Afghan interests.

A second incoherence is the discrepancy between the EU's central target of migration management and the deep historical embeddedness of mobility and migration in Afghanistan and the surrounding countries (Quie and Hakimi, 2020; Crawley and Kaytaz, 2022). In other words, migration is not so much a problem to be solved or an issue to be managed and controlled, but rather a regional strength to be reinforced (Marsden and Henig, 2019).

Afghanistan is the largest recipient of European development assistance. The net ODA disbursed by EU institutions amounted to 22.4% of the GNI in 2019 (World Bank, 2022). Furthermore, the EU has made development aid to Afghanistan contingent upon the number of returnees Afghanistan accepts. It does so by using soft law (the JWF). In the context of the so-called refugee

³ Although it is not clear whether a limit existed before.

crisis of 2015, the EU increasingly focused on the swift return of Afghans to Afghanistan. Accordingly, the EU conditioned its development support on the number of returns of Afghans to Afghanistan (Quie and Hakimi, 2020). The Afghan Minister of Finance, Eklil Hakimi, tellingly stated: 'If Afghanistan does not cooperate with EU countries on the refugee crisis, this will negatively impact the amount of aid allocated to Afghanistan' (ibid: 11). At first sight, it might appear as a form of compensation in that the more returnees Afghanistan accepts, the more development aid it receives. In this regard, however, it is crucial to point to the power imbalance. Afghanistan, being heavily dependent upon EU development aid, is clearly not in the position to make demands. Considering Afghanistan's significant dependence on EU development aid, it becomes clear that the EU employs a rather strong form of negative financial conditionality ('less for less') in Afghanistan.

Interestingly, this form of conditionality is imposed upon Afghanistan through soft law. The main instrument through which conditionality is used to link cooperation on return to the disbursement of development aid is the JWF, which is not legally binding (Warin and Zhekova, 2017). The recourse to soft law can be placed within a broader trend of increasing use of non-binding agreements, a trend that can be traced back to 2015 and particularly used in return policies (Slominski and Trauner, 2020). The JWF, and soft law more generally, can be seen as a tool of the 'stronger states' (i.e., the EU and its Member States) to impose terms on 'weaker states' (i.e., Afghanistan) (Warin and Zhekova, 2017).

The JWF agreement between the EU and Afghanistan provides an illustration of how the EU seeks to apply different forms of conditionality. However, the effectiveness of the EU increasingly resorting to soft law remains to be seen. From the signing of the JWF in 2016 until 2019, return rates declined by around 20%, from 30% in 2016 to 10% in 2019 (EUAA, 2022).

Pakistan

The emergence of the partnership between the EU and Pakistan can be traced back to 2005, when the first concretisation of the preceding negotiations – starting at the end of the 1990s – entered into force: the CAPD. Subsequently, the RA between the EU and Pakistan entered into force in 2010. However, in the context of the European refugee crisis in 2015, a controversy led to the temporary suspension of the agreement. After a number of Afghan deportees carrying Pakistani identification documents were sent to Pakistan, the government reportedly revoked the RA (Carrera, 2016).

Pakistan participated in the Budapest Process on migration in 2013, through which dialogue and cooperation on migration management along the Silk Routes – between Europe and Asia – were strengthened and promoted (ICMPD, 2022). Furthermore, the EU has funded various projects in Pakistan through UN agencies like the International Labour Organization (ILO) and the International Organization for Migration (IOM). These projects mainly revolve around return and readmission, labour migration, and discouraging irregular migration, trafficking and smuggling (Qaisrani et al., 2021).

From the perspective of Pakistani policy-makers, a few incoherencies in EU policy can be found. First, the EU heavily focuses on irregular migration from Pakistan, whereas the majority of migrants go to the Middle East and through legal pathways (ibid.). Accordingly, the main friction can be found in the incompatibility of the EU's approach – focusing on the control of irregular migration and returns – with the local culture of migration in certain areas in Pakistan. Instead of focusing on control and accepting undocumented deportees from the EU's external borders, the Pakistani government would rather see more legal and safe pathways to the EU for potential migrants (ibid.). second, the coordination of labour recruitment is badly arranged, which is detrimental to both the EU and Pakistan. In other words, the labour market shortages in the EU and the Pakistani labour skills pool could be better aligned. Finally, the EU's efforts to ensure safe and fair recruitment and employment requires more strict regulations in destination countries.

As mentioned before, the EU and Pakistan signed a CAPD in 2005 (Warin and Zhekova, 2017). This Agreement has played a pivotal role in the cooperation between the EU and Pakistan. When the negotiations for an RA started a few years later, the implementation of the CAPD had still to be set in motion. As a result, the EU was in the position to opportunistically exploit the lack of a practical strategy by making the implementation of the CAPD conditional upon the signing of the RA by Pakistan (European Commission, 2009a).

In the case of Pakistan, the EU thus employs a form of negative conditionality through which it forced the Pakistani government to sign the RA (Billet, 2010; Warin and Zhekova, 2017). Seen from the perspective of policy-makers in Pakistan, the implementation of the CAPD may appear as a form of compensation for signing the RA. In this regard, however, it is important to point to the historical sequence of events. The CAPD had already been signed long before the RA. Thus, the EU did not adhere to its own end of the bargain and then used this to force the Pakistani government to sign the RA. In short, the EU–Pakistan partnership can be categorised as a combination of negative financial and negative political conditionality.

Ghana

Not a single migration agreement has been signed between the EU and Ghana, nor has a Member State been able to bilaterally sign an RA with Ghana (Adam et al., 2020). EU policy documents do not report on failed negotiations which makes it difficult to trace the migration partnership negotiations of countries like Ghana (Reslow and Vink, 2015). We know from a 2010 Staff Working Document that the Commission did reach out to Ghana, 'to explore the possibility of signing a [Mobility Partnership]' (European Commission, 2010: 19). Such a partnership has never been agreed on, however.

Yet this lack of any formal agreement does not mean that Ghana refuses to cooperate with the EU on migration questions. It rather indicates that the democratically elected Ghanaian government cannot afford to sign international agreements on such unpopular issues as forced return and readmission (Mouthaan, 2019; Adams et al., 2020). Consequently, the EU has increasingly been seeking informal channels of cooperation and non-binding

arrangements (Adams et al., 2020). Indeed, the EU has both been facilitating the drafting of Ghanaian migration laws and financing migration projects in Ghana through multiple channels. Since 2012, Ghana has been drafting its MPF, consisting of three policies – the National Migration Policy, the Labour Migration Policy and the Diaspora Engagement Policy – and all three policies have been written with financial and technical support from the EU.

In 2017, the Commission briefly mentioned Ghana in its MPF progress report as one of three non-priority countries (European Commission, 2017a). While there is no explicit explanation of what exactly this non-priority partnership entails, the report suggests that it comes with increased EUTF funding: The overall level of resources available across the three regions covered by the Fund [EUTF] has increased to around €2.8 billion and its reach has been expanded to include Guinea, Cote d'Ivoire, and Ghana (ibid). Indeed, since 2017 Ghana has been included in seven regional EUTF projects, and in 2019 two national EUTF projects were adopted. From those nine EUTF project, eight have a migration angle. The two national projects respectively focus on border security and addressing root causes while the regional projects cover a wide array of migration policy areas: migration management, border management, and anti-trafficking policies to prevent irregular migration, business, and employment programmes to address root causes, as well as one project that aims to create a legal pathway through the Erasmus+ programme. Regarding return, funding comes from the German Federal Ministry for Economic Cooperation and Development for a returnee reintegration project implemented by the main German development aid organisation GIZ (German Corporation for International Cooperation).

From a Ghanaian policy-maker perspective, three main incoherencies arise from the EU–Ghana migration cooperation. One, the EU's border management partnership with ECOWAS Member State Niger interferes with the ECOWAS free movement protocols and is thus incoherent with the EU's support to ECOWAS. Two, promoting development projects as migration projects is incoherent, as improved livelihoods will lead to increased outmigration. Three, using multiple funding channels has the potential for inter-ministerial competition for EU funding.

The partnership between the EU and Ghana is marked by a lack of formal agreements but a close collaboration, nevertheless. The fact that the EU has played a major role in the shaping of Ghana's MPF (2016) illustrates how closely the EU is involved in the writing of Ghana's national policies. Not only did the EU support this policy process financially, it also contributed to its drafting and partially to its operationalisation (Arhin-Sam, 2021). Since the EU's collaboration on the policies was not part of any officially announced deal, the Ghanaian government can present the policies as its own achievement and maintain an image of independence and sovereignty vis-à-vis its voters. Nevertheless, this intervention in national policies in combination with increased EUTF money points to positive, legal conditionality.

At the same time, the Ghanaian case also has an element of negative financial conditionality to it. During the EU's intervention into Ghana's national MPF, the conditionality–compensation *modus operandi* used by the EU can be described as generating competition for finances among actors

involved in the Ghanaian migration governance landscape. The migration governance field in Ghana is highly competitive with many different government ministries, actors, agencies and international actors. In particular, three ministries play a major role in the field of migration policy: the Ministry of Interior (MOI), the Ministry of Foreign Affairs and Regional Integration (MFARI) and the Ministry of Employment and Labour Relations (NLMP). These different ministries compete with one another in terms of leadership of the MPF and especially regarding EU funding. In that respect, the MOI and its Immigration Service are being perceived as ‘Europe’s darlings’ due to the share of funds it has received so far (ibid.). This competition for compensation among Ghanaian policy-makers might have helped the EU to impose their own agenda. Examining Ghana’s National Migration Policy, Arhin-Sam (2021) indeed argues that it does encapsulate more European interests than Ghanaian priorities.

Ghana’s interests differ from the EU’s and rather concern economic growth, health, poverty reduction, food security and education. Ghanaian actors are therefore constantly involved in ‘a perpetual balancing act, juggling between domestically derived interests with the demands of external donor and opportunity structures’ (Adam et al., 2020: 3104). For instance, the Diaspora Affairs Bureau (DAB) has moved from MFARI to the office of the Presidency after the 2016 presidential elections (Kandilige et al., forthcoming), reflecting the increased political salience of diaspora affairs in Ghana. In that respect, Vives (2017) describes the EU’s funding of Ghana’s diaspora policies as alternative ‘currency’ in exchange for returning migrants from the EU. Ghana is thus exercising some leverage in the negotiations with the EU by not signing an RA and convincing the EU to fund more popular diaspora policies. This is a concrete example of reverse conditionality where Ghanaian authorities are conditioning migration management on EU cooperation to further a domestic agenda (see Part 2).

It seems that Ghana is trying to enhance its negotiating power by seeking this kind of more informal cooperation and arrangements. This would also explain why the Government of Ghana is inclined to negotiate with EU Member States at the bilateral level rather than with the EU. For instance, Germany, through its agency GIZ, established the Ghanaian–German Centre for Jobs, Migration and Reintegration (GGC) to support job creation for the youth as well as to discourage irregular migration to Europe. The Centre also provides ‘on-site counselling’ for returnees regarding job and vocational training opportunities in Ghana (Kandilige et al., forthcoming). Since 2017, it has provided counselling to more than 60,000 Ghanaians. More recently, Ghana and the German state of North Rhine-Westphalia (NRW) are considering a training partnership for construction workers which would offer legal pathways, and tackle Germany’s labour shortage and Ghana’s youth unemployment (Rother et al., 2021). Such a programme could potentially benefit the country of origin and of destination as well as migrants (also known as the ‘triple-win solution’) (Kandilige et al., forthcoming). Ghana’s strategy of informal and low-level cooperation might be a fruitful way to successfully confront EU conditionalities.

Guinea

MIGNEX Background Paper

Between 2014 and 2018, the European Court of Auditors (ECA) reported that Guineans were the tenth largest population of migrants living irregularly in the EU (ECA, 2021). Like Ghana, Guinea has not signed a migration agreement with the EU but has been named in a report on the MPF as one of three non-priority countries to receive EUTF support (European Commission, 2017a). Three national projects are financed through the EUTF and Guinea is part of seven regional EUTF projects also. These projects mainly address three migration policy areas: tackling root causes, migration prevention and return. Measures include economic development programmes, return and reintegration programmes, the digitalisation of the Guinean civil registry, the provision of migration research data, information campaigns to raise awareness of the perils of irregular migration, tackling human trafficking through capacity-building with the security services and justice system, as well as creating a legal pathway for students with the Erasmus+ programme (European Union, n.d.c).

While Guinea has not signed a legally binding agreement on readmission with the EU, it has agreed to a 'legally non-binding arrangement' with the Commission which entered into force in 2017: 'The Commission was successful, with the EEAS' support, in negotiating the three legally non-binding readmission arrangements covered by our audit (with Bangladesh, Afghanistan and Guinea)' (ECA, 2021: 23). Part of that arrangement seems to be that the IOM, through the EU–IOM Joint Initiative for Migrant Protection and Reintegration in Guinea and financed by the EUTF, oversees the implementation of return and readmission to Guinea (IOM, n.d.). The non-binding character has an effect on the internal workings of the EU: as the arrangement was done entirely by the Commission, and did not have to go through democratic oversight, as the EU Parliament criticises:

Since the adoption of [the Communication on establishing a new Partnership Framework], several informal arrangements have been concluded with third countries, including Gambia, Bangladesh, Turkey, Ethiopia, Afghanistan, Guinea, and Ivory Coast. The Rapporteur regrets that such informal deals are concluded in the complete absence of duly parliamentary scrutiny and democratic and judicial oversight that according to the Treaties the conclusion of formal readmission agreements would warrant (European Parliament, 2020).

Apart from the readmission arrangement, the EU and Guinea also agreed on a joint multi-annual programming document setting out their cooperation for 2021 to 2027. That document names migration control as second of five main policy objectives (Republique de Guinee, n.d.). The EU condemned the 2021 Guinean military coup; it is, however, not clear how that condemnation affects the EU–Guinean cooperation on migration. During a previous Guinean coup in 2008, the EU only partially withdrew its aid to Guinea (European Parliament, 2021).

Like the case of Afghanistan, the Guinea–EU cooperation can be placed within the broader context of an increasing recourse to soft law by the EU (Slominski and Trauner, 2020). As a report of the ECA itself states about the so-called readmission 'arrangement' (rather than 'agreement'): 'The focus is on the swiftness of the negotiations and on finding pragmatic solutions to improve readmission cooperation' (ECA, 2021: 23). The 'swiftness of

negotiations' allows the EU to circumvent standard democratic procedures and control, since the arrangements are usually negotiated solely by the European Commission, which is the executive organ of the EU. Readmission arrangements, in other words, form a way through which the EU can bypass the control of the European Parliament and hence to directly, and swiftly, negotiate with third countries.

In the ECA report, the EU confirms that the legally non-binding readmission arrangement was subject to a negotiation process, yet further details were not given. It says:

Technical issues that presented a challenge during the negotiations included the use of the EUTD (in all three cases) and charter flights (two cases). Sticking points were solved on a political level by positive incentives, alignment with MS (including joint EU-Member State high-level missions, see paragraph 45), and, in one case, by the possibility of applying visa restrictions (ECA, 2021: 23).

It seems, however, that Guinea receives a significant amount of development aid as compensation for the readmission arrangement. In 2019, the percentage of GNI represented by ODA was 4.5% (World Bank, 2022). Besides development aid, the EU and Guinea have jointly expressed their ambition to further intensify cooperation on migration for the period 2021–2027. Building on the typology of compensation provided in Part 2, the joint expression of intensified cooperation can be categorised as political recognition and engagement of the EU vis-à-vis Guinea. To summarise, the EU–Guinea partnership at large can best be categorised as both positive financial and positive political.

Turkey

In 2009, the European Commission listed Turkey as one of the main countries of origin for irregular migration: 'Some third countries are the source of large flows of illegal immigration into the EU. Morocco, Albania, and Ukraine would be the three main ones, followed by Serbia, Turkey [...]' (European Commission, 2009b: 35). The report further specifies that negotiations of an RA with Turkey were well-advanced but 'have been blocked since December 2006' (ibid: 11); however, without further explaining for what reason. Only in 2014, was the EU–Turkey RA concluded. The Agreement states that both parties are obliged to readmit their own nationals, including minor unmarried children, spouses holding another citizenship and people who have lost or renounced their citizenship. Moreover, both parties agreed to readmit third-country nationals and stateless persons if they hold a valid visa or residence permit from one of the parties, or if they 'illegally and directly entered [...] after having stayed on, or transited through' one of the parties (European Union, 2014: article 4 and 6).

Crucially, however, article 24 of the RA sets out that the return on third-country nationals and stateless persons should only become applicable three years later, in 2017. This provision seems to stem from the Turkish position to only implement the Agreement for third-country nationals once the EU agrees to lift visa requirements for Turkish citizens travelling on short-term Schengen visas (Yavuz, 2019). With that push for visa waivers, Turkey bypassed the EU's standard practice of concluding VFAs and RAs in parallel and

went straight into a VLD which was launched in 2013 (ibid.). The VLD has been ongoing since then. However, after three progress reports were published between 2013 and 2016 detailing the Turkish headway with fulfilling EU requirements for visa-free travel (Delegation of the European Union to Turkey, n.d.), the dialogue has stagnated since 2016. It also seems that the EU added new conditions in reaction to the 2015 refugee crisis, as the last progress report states that Turkey met the requirement to grant Syrian refugees the right to work (European Commission, 2016e).

With the Syrian crisis, Turkey became the principal country of transit for Syrian refugees. This shift from primarily being a country of origin of irregular migration to being the most central country of transit is reflected in the kind of partnership that the EU has sought with Turkey. The 2016 EU–Turkey Statement focuses on the return of third-country nationals to Turkey and Turkish border control to prevent transit migration. In return, the EU initially offered €3 billion in aid and continuous cooperation on visa liberation. While the VLDs have not progressed, the initial €3 billion has long been surpassed: the EU mobilised another tranche of €3 billion in 2018–2019 which will be distributed until 2025 (European Commission, 2021).

From the perspective of Turkish policy-makers, the main incoherence of the EU–Turkey partnership lies in the allocation of aid, which mostly helps in a humanitarian sense but does not provide long-term solutions.

Turkey's dependence on ODA and remittances is quite low, at only 0.1% of GNI and 0.1% of GDP respectively in 2019 (World Bank, 2022). The return rate is among the higher ones of the MIGNEX countries, at 24% in 2019, with also one of the higher numbers of asylum applications (23,737 in 2019) (EUAA, 2021).

The EU's partnership strategy with Turkey is a complex one as a radical shift can be observed in the types of conditionalities, some of which have diminished in significance or power over time, utilised under the cooperation. The partnership is a good example of how both positive and negative conditionalities can exist under one partnership simultaneously. On the one hand, the EU–Turkey cooperation consists of aid allocation as a reward for the return of third-country nationals, which can be most accurately categorised as a positive financial conditionality. On the other hand, what once was a positive political conditionality – visa liberalisation as a reward for the return of third-country nationals – can now be best described as a negative political conditionality, as evidenced by the stagnation of the VLDs.

The key scholarly literature discussing the EU–Turkey migration cooperation has noted a deviation from the standard approach to Ras, which typically entails the offer of a VFA and the concomitant VLD as compensation (Yavuz, 2019). Yavuz notes that the 2014 EU–Turkey RA by-passed the conclusion of a VFA which often emerges as the main tool of compensation and reciprocity for RAs, which in and of themselves have often faced resistance from partner third countries (see Part 2).

In accordance with the typology in Part 2, the EU–Turkey migration cooperation contains varying forms of compensation, beginning with the promise of increased association through membership negotiations, mobility

facilitation and financial aid allocation. Even though the 2016 EU–Turkey Statement (Council of the European Union, 2016) also includes continuous cooperation on visa liberation, there are indications that aid allocation has come to the forefront as the primary compensation under the Statement. Despite the stagnated VLDs, the continuation of the migration cooperation between EU and Turkey – and the resurgence of interest in renewing the EU–Turkey Statement following a commitment of €6 billion under the Facility for Refugees – has been pointed out as evidence of this re-prioritisation for both parties (Terry, 2021).

Somalia

In 2015, Somalia was the third largest country of origin for refugees worldwide (Crawley and Blitz, 2019). Since 2016, Somalia is a priority country in the MPF and an important partner for the EU’s central objective to reduce migration to Europe (Akkerman, 2018; Moreno-Lax et al., 2021). The MPF generally seeks to increase return rates, to improve legislative and institutional capacity for border control and migration management, and to save lives in the Mediterranean.

Apart from the MPF, Somalia has received the largest amount (€307.5 million in total) of EUTF funding (Raty and Shilhav, 2020). The EUTF is used for a wide range of areas of development and migration, including the enhancement of government capacity, humanitarian/development cooperation, awareness-raising campaigns about human trafficking and smuggling, finding alternatives to irregular migration, supporting livelihoods, and the implementation of the Migration Information and Data Analysis System (MIDAS) border surveillance system (Chapman et al., forthcoming). The implementation of the MIDAS system can be placed within the larger trend of increased securitisation of the Somali border through the active involvement of FRONTEX in Somalia. This was already stipulated in the 2015 Valetta Action Plan⁴ – which also involved Somalia – that sought to improve military and security cooperation across the African continent, including intelligence-sharing between states via the MIDAS surveillance system. In other words, investments in border management have been the primary goal of the EU’s cooperation with Somalia (Zardo, 2020).

The main point of friction within the EU–Somalia partnership stems from the EU’s heavy emphasis on curbing outward migration from Somalia. This policy of intensified migration controls and tackling human smugglers in Somalia and neighbouring countries contradicts the local Somali culture of mobility and migration (Sturridge et al., 2017). Migration is intrinsic to the Somali way of life, it is part of coming of age. The specific term of youth emigration from Somalia is ‘going on *tahriib*’, which denotes a specific form of migration characterised by the young age of the migrants and their reliance on well-organised networks of human smugglers (Ali, 2016). In Somalia, everybody knows a smuggler, and even government officials are involved in these practices. The smugglers employ a ‘leave now–pay later’ policy, which persuades a lot of young Somalis to embark on their journey as

⁴ https://www.consilium.europa.eu/media/21839/action_plan_en.pdf

it significantly reduces the initial costs. However, a lot of the young migrants are, at some point in their journey, held for ransom.

Whereas the EU has been focusing on tackling networks of smugglers and traffickers and enforcing border controls, the opening of legal migration channels would be a more effective measure. Indeed, opening legal channels of migration would alleviate the conditions of possibility for smugglers and traffickers to operate, since these networks derive their *raison d'être* from the absence of legal channels. Instead, the EU has effectively contributed to a further militarisation, criminalisation and securitisation of migration which, in turn, magnifies the disconnect between EU policies and the local Somali context.

A second incoherence arises from the EU's focus on return and readmission of Somalian migrants, while it systematically fails to provide adequate and effective reintegration assistance (Marchand et al., 2017; Chapman et al., forthcoming). Returnees are often faced with stigmatisation and socioeconomic exclusion, and are frequently inclined to re-migrate (Sturridge et al., 2017). These returns are increasingly carried out in an informal manner, which also explains the lack of adequate reintegration assistance.

A third source of incoherence is the lack of local ownership of EU-funded projects. Large-scale migration and development projects are carried out by UN agencies and non-governmental organisations, while there is no coordination between government actors and the UN agencies (Chapman et al., forthcoming). Similarly, there is a lack of coordination and cooperation between the federal Somali government and state-level political actors, which also involves clans. Moreover, there is a gap between those who develop the policies and the target group of the policies. The implementation of projects therefore falls short, as local priorities and needs are often overlooked.

The central demand coming from Somalia – among other African countries – is the opening of legal migration channels. Despite this being a top priority for Somalia, however, it has not been the focus of EU efforts in the country. Instead, the EU has been funding many projects that revolve around border security and migration management. In exchange, the Somali government receives large amounts of development aid as a form of compensation. Although key informants have suggested that the EU is starting to consider engaging in 'skills partnerships' with Somalia, concrete steps still need to be taken (Chapman et al., forthcoming). The conclusion of a skills partnership would partially satisfy the demands of Somalia regarding the opening of legal pathways, but it remains to be seen whether Somalia and the EU actually reach an agreement.

In short, the EU–Somalia partnership can be categorised as a combination of positive political and financial conditionality. The EU engages in a political dialogue with the Somali government by the inclusion of Somalia in the MPF, and it has funded a wide range of projects in Somalia through the EUTF. In return, Somalia is expected to support the EU in its pursuit of reducing as well as preventing migration towards Europe.

Part 4. Comparative experiences of EU migration partnerships

Due to the challenges posed by the search for consensus on a common approach to migration among EU Member States, the EU's approach to migration governance has progressively shifted to cooperation with third countries. However, the goal of this shift has been primarily to strengthen the European project, with far less concern for the interests of third countries. In fact, externalisation has become the central plan of EU migration policies (Frelick et al., 2016), and has moreover become the global approach to migration governance (Üstübcici, 2019). Nevertheless, those processes are far from homogenous, leading to the development of different kinds of partnerships across countries (see Part 1).

While extensive literature has been produced on the EU perspective in relation to its migration partnerships, less work has been done on the perspectives of third countries. Over the last few years, a small but growing body of literature has begun to address the perspectives of non-EU countries, and it is to this growing body of literature that this study contributes. It does so by comparatively examining the experiences of the 10 MIGNEX countries.

Various EU migration partnerships have developed over the past decades with partner countries and over time the EU has increased its use of conditionalities and compensations as tools to reach these agreements (see Part 2). A shift has been observed from coercion towards more cooperative forms of international migration governance, based more on persuasion. This reveals different configurations of what we term the conditionality–compensation nexus. Within this framework we identify both positive and negative use of conditionality and further categorise these in three non-exclusive categories (legal, political and financial). Addressing the conditionality–compensation nexus in this way allows us to take heed of the fact that the concepts of conditionality and compensation can become blurred depending upon the perspective one takes (i.e., from an EU perspective or a third-country perspective). After defining the conditionality–compensation nexus, Part 3 of this paper presented three hypotheses (Box 4) regarding circumstances that could affect the configuration of conditions and compensation applied in migration partnerships.

First, we hypothesised that partner countries in which ODA represents a significant inbound financial flow would be more likely to accept conditions relevant to achieving EU migration goals in return for financial compensation (Hypothesis 1). Second, we hypothesised that countries with higher levels of remittance inflows compared to ODA would be less likely to accept conditions in return for financial compensation (Hypothesis 2). Third, we hypothesised that countries representing a more significant position in terms of (irregular) migratory routes would be more likely to negotiate complex packages of compensation that are more reflective of partner-country interests than is often presented in the literature (Hypothesis 3). In comparing the experiences of EU cooperation across the 10 MIGNEX countries, some preliminary support for these hypotheses has emerged.

Although it is an exceptional case, Afghanistan is a country where ODA represents a significant financial inflow. Similarly, Cabo Verde emerges as a case where both ODA and remittances represent significant financial inflows. Yet migration flows, particularly in terms of irregular migration, remain of little concern to the EU. In reviewing the experiences reported from each of the MIGNEX countries, several observations become apparent that both confirm observations identified in the existing literature and offer avenues of exploration for further research.

Table 3 summarises the application of the conditionality–compensation nexus to the 10 MIGNEX countries. Overall, this presents a diverse picture with a few noteworthy differences. From this comparative exercise, we develop a first typology of EU migration partnerships to aid the selection of different examples to explore further in MIGNEX Background Paper 9.4. Before explaining our selection, we first define five ‘approaches’ to EU migration partnerships: 1) carrot and stick; 2) work around; 3) pick and choose; 4) façade; and 5) reversed. These are further explained below.

Table 3. The conditionality–compensation nexus in the 10 MIGNEX countries

<i>Conditionality</i>	<i>Positive</i>			<i>Negative</i>		
<i>Compensation</i>	<i>Legal</i>	<i>Political</i>	<i>Financial</i>	<i>Legal</i>	<i>Political</i>	<i>Financial</i>
Afghanistan						x
Cabo Verde	X					
Ethiopia*		X				
Ghana*	X					x
Guinea		X	x			
Nigeria*			x			X
Pakistan					x	X
Somalia		X	x			
Tunisia*		X	x			
Turkey*	x	X	x			

Source: The authors (Part 3). Notes: *Candidate case study.

Carrot and stick: The ‘more for more’ and ‘less for less’ approach comes to the fore here. Usually this relates to conditioning financial compensation on specific actions; however, we could also envisage this relating to, for example, the number of visas offered in more formal legal agreements or political arrangements.

Work around: Here, the partner country seeks to circumvent formal partnership with the EU by negotiating directly with Member States in bilateral agreements. Such approaches are evident in, for instance, the Western Balkans where several countries have pursued agreements with

Germany, but also, in the context of the MIGNEX countries, in the case of Tunisia.

Pick and choose: In this approach we can classify several different configurations of the conditionality–compensation nexus which do not neatly fall into other categories. However, it can also be used to capture cases where no specific partnership agreement has been made, yet cooperation still exists. This is the case in Ghana, for example.

Façade: Here, the partnership acts more symbolically than practically. Agreements may be made, but implementation is lacking, and any form of negative conditionality does not seem to concretely transpire.

Reversed: In this approach we see a manifestation of the conditionality–compensation nexus that represents a negotiation in which the partner country presents compensation as conditions to the EU. This is best represented by the case of Turkey and is a rare approach that is likely to only be successful for bordering countries with significant scope to influence migration flows towards, in this case, the EU. Mexico would be another example in the Americas.

Closing reflections: the way forward

The comparative exercise undertaken in this report serves to identify relevant cases for examination in the next MIGNEX Background Paper (9.4), which will present an in-depth review of selected migration corridors. Background Paper 9.4 will also review EU policy coherence regarding different aspects of migration, development and migrant integration, as well as non-migration sectoral policies where relevant. Based on the present Background Paper, we have selected the following potential migration corridors that exemplify the five different ‘approaches’ to EU–third-country partnerships identified above: EU–Turkey (*reversed*); EU–Nigeria (*carrot and stick*); EU–Tunisia (*work around*); EU–Ghana (*pick and choose*); and EU–Ethiopia (*façade*). Briefly, the main reasons for identifying these migration corridors as candidate case studies are as follows:

Turkey–EU: A radical shift took place following the so-called European ‘migration crisis’, rendering migration governance a more explicit bargaining tool (Üstübcü, 2019). This demonstrated how power relationships between the EU and third countries can change over time depending on the political context. The EU–Turkey deal is therefore crucial to analyse and understand, as it defines new forms of migration diplomacy and establishes a new *balanced approach* based on different forms of negotiated conditionalities as well as compensations (including reverse conditionality).

Nigeria–EU: The negotiation process for this partnership has been particularly interesting, since Nigeria remains unconvinced by the EU’s *carrot and stick approach* to third countries. Compared to other partner countries, Nigeria is far less reliant on ODA from the EU. In addition, domestic interests are often a predominant concern for Nigeria’s substantial diaspora abroad. This puts Nigeria in an interesting position when it comes to negotiating with the EU.

Tunisia–EU: Tunisian authorities remain alert to and wary of the legacy of the EU’s failed and misleading migration partnerships with other third countries. The partnership between the EU and Cabo Verde is especially relevant here, as the EU failed to fulfil its promises to that partner country. This case study will highlight the importance of considering the impact of the legacy of EU partnerships with third countries, and the ways in which that legacy can influence how new potential partners approach negotiations. Adopting a *work around* approach, Tunisia has opted to give prominence to bilateral relations with individual EU Member States to gain leverage in what Reslow and Vink (2015) have defined as the three-level game framework.

Ethiopia–EU: It is too early to judge the effectiveness of Ethiopia’s liberal Refugee Proclamation of 2019, which seems to have been the major condition for EUTF activity in Ethiopia. However, Ethiopia’s history of accepting but not implementing donor conditions shows that Ethiopia’s general approach to aid has been the creation of *facade* partnerships with donors. One should therefore remain cautious of calling the Refugee Proclamation a major policy shift or a successfully implemented conditionality.

Ghana–EU: Although Ghana has never signed any partnership agreements with the EU, it continues to allow the EU migration framework to penetrate its own migration governance framework. At the same time, Ghana is moving responsibility for certain policies, such as the diaspora policy framework beyond the mandate of those institutions charged with implementing Ghana’s migration policy framework. In doing so, the country aims to maintain influence over the most politically significant migration policies. This method could be categorised as a *pick and choose* approach from the perspective of the Ghanaian authorities.

In-depth analysis of these EU partnerships will go beyond the idea of a ‘third-country perspective’ and reveal a heterogeneity of realities towards the externalisation of EU migration policies. On the one hand we have Nigeria and Tunisia as third countries that more openly resist EU pressure – though in different ways. On the other hand, countries like Ethiopia and Ghana with less power at the negotiation table nevertheless find ways to resist. In the case of the EU–Turkey deal, the bargaining power between the two political entities is unique and makes it a case apart from the rest of the countries.

On the coherence of the EU’s approach to migration seen from the perspective of third countries, the following general observations can be made. First, regardless of partnership type, the EU’s failure to provide adequate legal pathways has been consistently reported as an example of policy incoherence. ODA-targeting of areas not in greatest need of development financing has also been highlighted as an incoherent element of the EU’s external approach to migration. In the modern era, the EU’s interests lie mainly in preventing migration through border externalisation, tackling root causes, and return and readmission. These goals have a direct impact on development policies and how the migration–development nexus is understood (Godin et al., 2022). The importance and success of development programmes are increasingly judged based on their ability to prevent migration. As an example, from that perspective, the reallocation of

development funds into the EUTF is a major source of policy incoherence for many third countries when applied as a form of negative financial conditionality. Finally, in several contexts, there is a concern that the imbalanced focus on EU interests undermines regional integration projects, including those in the ECOWAS region and the advancement of the African Union Free Movement Protocol.

Lastly, apart from the pervasiveness of migration objectives in development policies, another major source of incoherence highlighted by third countries is the EU's poor cooperation with them. For example, the EU's approach to migration is incompatible with the priorities and interests of a lot of African countries, both in terms of focus and in terms of relative importance among other political priorities. Issues like youth unemployment, combined with profits from emigrants' remittances, are instances that recalibrate their focus on migration-related questions. If migration is a concern for these countries, then it is mainly at the internal level, from rural to urban areas as well as at the regional level (i.e., the ECOWAS Common Approach on Migration).

Recently, with the development of the New Pact, policy focus has been increased on border security and forced return, with fewer references made to legal pathways in comparison. In that context, it remains to be seen whether the Talent Partnerships as stated in the New Pact will lead to the meaningful creation of new legal pathways, or whether they will simply represent a new instrument in the EU's negotiating toolkit with third countries on migration-related matters.

Such policy focus can lead to partnership gridlock since legal pathways are often the main interest of third countries. This can lead to the increasing reliance on political and financial negative conditionality by the EU, which can, in turn, further exacerbate incoherence, particularly when ODA is allocated conditionally. Moreover, the EU's border externalisation policies tend to curb intra-regional mobility, particularly in Africa. A matter for further discussion and investigation, therefore, is to see what a fair, balanced and sustainable migration partnership would look like from the perspective of third countries.

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