Analysis

EU-Africa: Fortress Europe's neo-colonial project [1]

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A clear picture has emerged of the EU demands the African states will and will not accept and the possible "compromises" at the Valletta Summit on Migration on 11-12 November 2015 in Malta.

A "Senior Officials Meeting" (SOM) in Rabat in the second week of October discussed the EU's third working draft of the proposed Action Plan. [2] After the meeting the Council Presidency issued a highly revealing "state of play" summary document on these discussions with their African counterparts. The Council's officials' assessment after initial meetings with African officials in October concluded that negotiations were at a "decisive point" and that there were five issues which required "compromise":

> *"The **points of departure of the partners are, however, quite different** and that is also obvious in the discussions held so far. While **EU Member States have mainly emphasised the need for clear progress in the area of return and readmission** as part of a strategy to curb illegal migration and reduce pull-factors, **African partners insist** on framing the Summit deliverables as elements of a wider, long-term effort to regulate migration flows and mobility between the two continents and hence **their insistence on further exploring legal channels into Europe. The issue of conditionality, or the "more-for-more" principle, namely as regards the link between visa facilitation and readmission, has also proved to be controversial."* [3]

Five substantial issues needed to be resolved in order to have a "credible text, over which both sides can claim ownership."

First, the so-called, by EU Council and JHA Council, "more for more" approach repeated *ad nauseam* in Council documents, termed in EU jargon as **"conditionality"** and in plain English a "carrot and stick" approach. If the African states agreed to the return of refugees under readmission agreements, then the EU will give Africa help and aid – but if there was no agreement then new help or aid cannot be guaranteed.

The SOM document observes that this position:

> *"in its current form, [is] a **highly contentious aspect for most African countries.**"*

The approach of Council officials was to ask the:

> *"Question: **How explicitly should conditionality appear in the text? What alternative formulations could we explore to accommodate Africa concerns while sticking to our objectives and retaining for instance non-voluntary return as an option?**"*

This can be read as how can we get around this without being spotted?

The second question concerns **legal migration**: the African states want more explicit commitments or ambition, for example, *"setting 2022 as the date for doubling the number of scholarships for students"* [4] is laughable and was later changed to 2016.

The crucial, core demand by the EU comes under the third point at issue:

> *"Establishment of centres for potential asylum seekers: this is perhaps the most controversial action in the text, to a great extent because the purpose of such centres is not clear enough in its present formulation. It would therefore be useful for Member States who have expressed their wish to see this concept in the text to provide further explanations on what they see as the main tasks of such centres. The main criticism from African partners (and also from UNHCR) is that the centres would lead to an externalisation of Europe's asylum responsibilities and, while running the risk of becoming permanent camps, would represent an extra burden for their own asylum systems which are already fragile and overburdened. Furthermore, it does not present a clear commitment from Member States to new resettlement programmes, something crucial for UNHCR."*

As we shall see it seems the EU side has had to drop this demand – or did they?

The fourth point calls for "**some actions of quick impact, "flagship actions", quick wins etc"** so that the Council can claim great achievements at the Valletta Summit.

Fifth, "**fighting criminal networks**" of smugglers and traffickers finally brought consensus between the EU and Africa. However the African side insisted on:

> *"the need for a genuine exchange/sharing of intelligence. The current state of play in this field seems indeed to indicate a shortage of information which is undermining mutual efforts to tackle the trafficking phenomenon."*

The Council negotiators put the following question to Member States: "***Are Member States ready to upgrade their cooperation in the intelligence sector?"***

There is little chance of that happening unless it is in the interests of EU.

What are the key objections of the African states?

First, permanent camps to hold refugees who are moving up the African continent towards the EU - building centres to externalise the EU's asylum responsibilities. The third draft text said:

> *"Establish **centres for potential asylum seekers where**, after **pre-screening**, they could benefit from safe and legal ways to the EU for further asylum procedure or adequate information and assistance for **their return to their respective countries of origin** in compliance with relevant national legislation, international refugee and human rights law."* [5]

This appears to have been be dropped in the latest Working Draft Four.

But built into Working Draft Four is a clear attempt to retain the notion of **permanent holding camps** by other means by increasing "protection capacities":

> *"Reinforce the **protection of refugees and other displaced persons…**. support the integration of long term refugees and displaced persons in host communities and strengthen **capacities of countries of first asylum, transit and destination …** Enhance the protection capacities of countries which are hosting large numbers of refugees and internally displaced persons, **including security in refugee camps**, support local development for host communities and forcibly displaced persons, and enable better management of forced displacement.."* [6]

The long-term logic is spelt out in an initiative to be completed "by mid-2016 at the latest":

> ***"Regional Development and Protection Programmes in the Horn of Africa and North Africa should be up and running by mid-2016. Their aim is to address the protection and developmental needs of people suffering long-term displacement and their host communities. The programmes will focus on durable solutions, enhancing protection capacities of hosting countries, and creating development and livelihood opportunities for displaced populations and host communities, including in areas such as income-generation, jobs, and education."*** [emphasis in original] [7]

"Protection" meets a humanitarian need but can also be a euphemism for creating holding camps throughout the continent.

Returns and readmission

On the second contentious issue of automatic returns and readmission agreements, the third draft says**:**

> ***"Making progress on return arrangements and readmission agreements***
>
> *Strengthening **cooperation with key countries of origin and transit in order to facilitate the return and sustainable reintegration of irregular migrants**, bearing in mind the obligation of each state under international law to readmit its own nationals in full respect of human dignity and under **art. 13 of Cotonou Agreement,** as well as the principle of non-refoulement.*
>
> *- Develop practical cooperation arrangements and bilateral dialogues on <u>implementation of returns with regard, in particular, to identification and issuance of travel documents</u>*
>
> *- Strengthen the capacity of countries of origin <u>to respond in a timely manner to readmission applications, including through missions to identify persons to be returned and support to the elaboration of updated civil registry databases.</u>*
>
> *- <u>Conclusion of ongoing negotiations and launching of new readmission agreements</u>"* [bold emphasis in original, underlining added] [8]

This, in Working Draft Four, hardly changes and adds a twist:

> "**Making progress on return arrangements and readmission agreements**
>
> *Strengthen **cooperation in order to facilitate the return and sustainable reintegration of irregular migrants**, both from EU Member States and associated countries and from African countries of transit and destination, bearing in mind the obligation of each state under international law and under **Article 13 of the Cotonou Agreement** for its signatory parties to readmit its own nationals in full respect of human dignity and of the principle of non-refoulement*
>
> *- Strengthen the capacity of authorities of countries of **origin to respond in a timely manner to readmission applications, including through support to modernise civil registry systems and fingerprints digitalisation***
>
> *- Develop practical cooperation arrangements and bilateral dialogues on implementation of returns with regard, in particular, to identification and issuance of travel documents. In this context, **enhance recognition of the EU laissez passer for return purposes** once the identification has been established. "*

First, **no African country has a readmission agreement with the EU in force**, so a returns regime cannot be enforced – there is a reference to Article 13 of the Cotonou Agreement but this is not in force. None of the African states are on the EU list of safe countries of origin and only a few are on EU Member States' national lists. [9]

Second, the EU wants the modernisation of **"civil registry systems and fingerprints digitalisation"** thus requiring the existing populations of African states to be fingerprinted and registered – and no doubt EU and its multinationals can supply and profit from the new technology needed.

Third, the EU calls for the enhanced *"recognition of the EU laissez passer for return purposes"*.

The EU's legal basis for the **so-called laissez passer for return purposes is a Recommendation adopted in 1994.** [10] This was adopted under the Maastricht Treaty when there were 15 EU Member States and when the European and national parliaments had no say at all. It is what is known as "soft law" (non-binding but enabling if Member States choose to use it).

The Permanent Representative of the African Union to the EU, Ajay Bramdeo**,** told *Afronline*:

> *"how many EU Member States have the capacity to process these people? Isn't processing them all one by one going to clog up the judicial system? This is why the Member States are pushing on the EU laissez passer. They want to fast track the returns of people."* [11]

The section on returns and readmission is summarised in Working Draft Four in a box in bold type to be implemented by the end of 2016:

> "***Strengthen the logistical and operational capacity of authorities in countries of origin to respond in a timely manner to readmission applications, <u>including through missions by immigration officials from African countries to European countries in order to verify and identify nationalities of irregular migrants</u> who are not in need of international protection with a view to being returned. Such identification missions will take place in the first quarter of 2016 with at least 10 African countries."*** [underlining added]

So officials from African states are to be sent to the EU to join the "hotspot" interrogations of refugees from their continent.

These two themes indicate the real intent of the EU's agenda: "protection" in "camps" (with the help of "private enterprise") and the control of movement through "border management" (which in turn requires the construction of citizens registers with fingerprinting in every African state).

The term the "protection of refugees" always sounds good and here is it said to mean:

> *"the integration of long term refugees and displaced persons in host communities and strengthen **capacities of countries of first asylum, transit and destination….** Enhance the protection capacities of countries which are hosting large numbers of refugees and internally displaced persons, including security in refugee camps, support local development for host communities and forcibly displaced persons, and enable better management of forced displacement."*

This initiative concerns **"long-term refugees"** in the first country of asylum or transit in Africa or in the country of destination.

This is emphasised by setting a deadline of "by end of 2016" to:

> *"**The programmes will focus on durable solutions, enhancing protection capacities of hosting countries, and creating development and livelihood opportunities for displaced populations and host communities, including in areas such as income-generation, jobs, and education.**"*

The effect of this idea is that people, from the "**countries of first asylum [and] transit**" are settled in these "hosting countries" where "opportunities" - with **"private sector development"**, stimulating **"entrepreneurship" and "responsible private investment in**

African agriculture" – are created to deter them from moving further north towards Europe. Such artificial creations can be seen in the camps in Turkey, Lebanon and Jordan where there is no long-term "hope" of a decent life.

These "protection" camps are however, just part of the story. This is underpinned and cemented into African life by "border management". For the sake of "security" border management has to be improved by "cooperation" between: "origin, transit and destination countries" including returning migrants to their country of origin.

But for this to work it is essential that **"robust Civil Registry systems"** and the issuing of "*secure national identification cards and passports"* is established across Africa, for how else will these state know who is or is not a citizen?

This will also mean that there are "national capabilities to control land, see and air borders".

"Root causes of migration"

There are a number of references to tackling the "root causes" of migration which can be simply explained by, on the one hand, war, persecution and poverty or, for example, the desire of people to join their families, and on the other that the mobility of people is a historical fact – it has always happened and always will.

The latest draft

Valletta Summit Version Five (dated 6 November 2015) contains a few changes but little of substance. [12]

First, "promoting legal channels for migration" now reads "Promoting regular channels".

Second, added under "Protection (Point 3.1)" is: *"Further engage with actors from civil society organisations on how to ensure a more accessible, equitable and effective international protection "*

There is also an additional objective before the end of 2016 under "protection" which further emphasises the intended role of "camps":

> *"Develop targeted projects to improve resilience, safety and self-reliance of **refugees in camps and host communities in countries most affected by forced displacement** in close coordination with host countries, international organisations"*

Third, under returns and readmission (p20) this paragraph has been deleted:

> *"Strengthen the capacity of authorities of countries of origin to respond in a timely manner to readmission applications, including through support to modernise civil registry systems and fingerprints digitalisation."*

But it is inserted, in a stronger form, right at the end of the document:

> *"Cooperate with countries of origin on addressing the absence of identification documents – and the absence of civil registry which is often the cause of it – as one of the main difficulties in the application of return and readmission policies*
>
> *– Strengthen the capacity of authorities of countries of origin to respond in a timely manner to readmission applications, including through support to modernise civil registry systems and fingerprints digitalisation."*

The Background Note published by the Council of the European Union, on Monday 9 November, just two days before the Summit started, sets out five key areas for the EU, the last of which states:

> *"**Return and readmission***
>
> *Leaders are expected to make progress **on return arrangements and readmission agreements**. In particular, they should strengthen cooperation in order to **facilitate the return** and sustainable reintegration of irregular migrants, both from EU member*

> *states and associated countries and from African countries of transit and destination. The summit should also call for strengthening the **capacity of authorities of countries of origin to respond to readmission applicants***. A special emphasis is expected to be put on identification and issuance of travel documents.*”*

An African negotiator told the website *Afronline*:

> *“there is no dialogue. What we are seeing from the EU is a monologue that seeks only to impose its own agenda.”* [13]

And on the eve of the Summit African reservations came into the open:

> “*Experts raise concerns over lopsided EU-Africa migrant deals*
>
> *Forced into action by its biggest refugee crisis since World War II, the European Union is pressing some northern African nations to sign lopsided deals that would send thousands back without sufficient protection, African diplomats and migration experts are warning.*
>
> *Concern is growing that the EU will use its considerable political and economic clout - including access to more than 1.8 billion euros ($1.9 billion) in aid - to buy off vulnerable countries on the sidelines of a two-day summit with African leaders starting Wednesday in Malta.*
>
> *Still wary of Europe's colonial past, some Africans believe the EU is desperately trying to outsource its refugee challenges rather than accept that people will still try to come to the continent."* [14]

The endgame

The overall strategy, which is more cleverly disguised in the latest draft, is not new, it is simply presented differently. The EU's fundamental concern is to stop people, refugees or migrants, moving up the continent of Africa until they reach the shores of the Mediterranean – where they become the EU's problem.

This goes together with the creation of civil registry systems across Africa with biometrics (fingerprinting), quick "returns", new readmission agreements and the enforcement of its neo-colonial project through the "***externalisation of Europe's asylum responsibilities"***.

Sources

Valletta Summit: Full documentation - ongoing

http://www.statewatch.org/news/2015/oct/eu-valletta-conference-update.htm

Footnotes

[1] Neo-colonialism: the use of economic, political, cultural, or other pressures to control or influence other countries, especially former dependencies and colonies
[2] Presidency, 'Valletta Summit Action Plan - Working Draft Three', 12560/2/15 REV 2, 12 October 2015, http://www.statewatch.org/news/2015/oct/eu-council-valletta-action-plan-third-draft-12560-rev-2-15.pdf
[3] Presidency, 'Valletta Summit on Migration, 11-12 November 2015, 13153/15, 16 October 2015, p.2, http://www.statewatch.org/news/2015/oct/eu-council-valletta-summit-13153-15.pdf
[4] Presidency, 'Valletta Summit Action Plan - Working Draft Three', 12560/2/15 REV 2, 12 October 2015, http://www.statewatch.org/news/2015/oct/eu-council-valletta-action-plan-third-draft-12560-rev-2-15.pdf
[5] Presidency, 'Valletta Summit Action Plan - Working Draft Three', 12560/2/15 REV 2, 12 October 2015, Section 3.1, para 2, http://www.statewatch.org/news/2015/oct/eu-council-valletta-action-plan-third-draft-12560-rev-2-15.pdf

[6] Presidency, 'Valletta Summit Action Plan – Working Draft Four', 12560/3/15 REV 3, 26 October 2015, http://www.statewatch.org/news/2015/oct/eu-Valletta-Summit-Action-Plan-Draft-ver-4-.pdf

[7] Presidency, 'Valletta Summit Action Plan – Working Draft Four', 12560/3/15 REV 3, 26 October 2015, p.9 http://www.statewatch.org/news/2015/oct/eu-Valletta-Summit-Action-Plan-Draft-ver-4-.pdf

[8] Presidency, 'Valletta Summit Action Plan - Working Draft Three', 12560/2/15 REV 2, 12 October 2015, Section 5, http://www.statewatch.org/news/2015/oct/eu-council-valletta-action-plan-third-draft-12560-rev-2-15.pdf

[9] European Commission, 'An EU 'safe countries of origin' list', undated, www.statewatch.org/news/2015/sep/eu-ms-safe-countries.pdf. The UK leads the way with 10 African countries but 6 of these are only safe for "males".

[10] K4 Committee, 'Standard travel document for the removal/expulsion of third country foreign nationals – Draft Council Recommendations', 10721/94, 9 November 1994, http://www.statewatch.org/news/2015/oct/eu-1994-recommendation-expulsion-non-EU-Member-Country-nationals-sw.pdf

[11] Joshua Massarenti, 'Valletta Summit: EU and Africa, so close but so far', *Afronline*, 10 November 2015, http://www.afronline.org/?p=40764

[12] Presidency, 'Valletta Summit Action Plan – Working Draft Five', 13768/15, 6 November 2015, http://www.statewatch.org/news/2015/nov/eu-council-valletta-version-5-13768-15.pdf

[13] Joshua Massarenti (translated by Kimberley Evans), 'EXCLUSIVE. EU-Africa: Valletta, the summit of dissent', *Afronline*, 30 October 2015, http://www.afronline.org/?p=40663#more-40663

[14] Associated Press, 'Malta summit: Experts raise concerns over lopsided EU-Africa migrant deals', *Malta Independent*, 9 November 2015, http://www.independent.com.mt/articles/2015-11-09/local-news/Malta-summit-Experts-raise-concerns-over-lopsided-EU-Africa-migrant-deals-6736144971