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Ethiopia in its Regional and International Setting
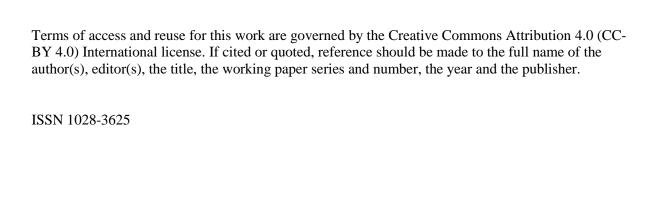
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Abstract

The paper analyses African-European diplomatic relations on migration. It looks closely at the ideas and practices that inform migration relations between the African Union and the European to explore wider links between migration diplomacy and migration governance to assess divergent African and European understandings of migration governance and the diffusion of migration issues into domestic political agendas. To exemplify the argument, we focus in particular on Ethiopia's migration diplomacy, which we understand as inter-state actions and interactions that are diplomatic in form, have a significant foreign policy dimension, and, have cross border mobility as their focus. We identify four key effects of migration diplomacy: a tension between free movement and containment that highlights divergent understandings of the causes and effects of migration and displacement between African and European countries; African engagement with the development of international norms and standards to which EU states are more ambivalent; a distraction effect away from migratory routes other than that towards the EU; and, the effects of diffusion of migration agendas into domestic politics in African countries.

Keywords

Introduction

In January 2019 Ethiopia promulgated a Refugee Proclamation seen by Filippo Grandi, the UN High Commissioner for Refugees (UNHCR) as 'historic' and a 'significant milestone' (UNHCR 2019). Behind this legislative reform lay complex migration diplomacy as Ethiopia engaged with the European Union (EU) and its member states plus international organisations, including the World Bank and UNHCR. Further revealing of the extent of international engagement, the Refugee Law also reflected the nine pledges that Ethiopia made in 2016 under the UN's Comprehensive Refugee Response Framework (CRRF) and the 2017 Nairobi Declaration on durable solutions for Somali refugees and the reintegration and return of refugees to Somalia at the Special Summit of the Inter-Governmental Authority on Development (IGAD) (UNHCR 2018; IGAD 2017; O'Callaghan et al. 2019). These efforts aimed to provide international and regional support to Ethiopia's efforts to provide 'local integration' of refugees. Ethiopia also revised its laws related to human trafficking, smuggling of migrants and labour migration (Federal Democratic Republic of Ethiopia 2019).

The paper identifies 'local integration' as the focus for the 2019 Ethiopian refugee law. It then steps back to explore wider links between migration diplomacy and migration governance to assess divergent African and European understandings of migration governance and the diffusion of migration issues into domestic political agendas. To exemplify the argument, we focus in particular on Ethiopia's migration diplomacy, which we understand as inter-state actions and interactions that are diplomatic in form, have a significant foreign policy dimension, and, have cross border mobility as their focus. We identify four key effects of migration diplomacy: a tension between free movement and containment that highlights divergent understandings of the causes and effects of migration and displacement between African and European countries; African engagement with the development of international norms and standards to which EU states are more ambivalent; a distraction effect away from migratory routes other than that towards the EU; and, the effects of diffusion of migration agendas into domestic politics in African countries.

'Localising' the integration of refugees

The idea of localisation in international relations directs attention towards congruence between international norms and standards and 'local' norms and practices at sub-state, state or regional levels. Localisation means that international norms and standards are rendered meaningful at 'local' level as a result of a 'complex process and outcome by which norm-takers build congruence between transnational norms - including norms previously institutionalized in a region - and local beliefs and practices' (Acharya 2004, 241). This raises the question of the extent to which local integration of refugees is consistent with local beliefs and practices, or could be viewed as an external imposition.

As a country of origin, destination and transit for large forced migration flows, Ethiopia is the second-largest host country in Africa and, in May 2020, hosted more than 760,000 refugees (UNHCR 2020). Most arrive from the neighbouring countries of South Sudan, Somalia, Sudan and Eritrea, with small numbers from Yemen and Syria. Consequently, Ethiopia has long been a focus of migration diplomacy, particularly from EU and UN agencies. While the previous, 2004 Ethiopian law on refugee centred on the protection of refugees, the new law of 2019 aimed to provide a 'durable solution' via local integration (Federal Democratic Republic of Ethiopia 2019). The law grants freedom of movement to refugees and ends Ethiopia's former policy of 'encampment', opening opportunities for refugees to integrate with local communities. The most far-reaching provision is Article 25, which imposes obligations on the Ethiopian authorities concerning asylum seekers or refugees selected to become involved in Ethiopian government projects funded by the EU and – potentially – other donors. For example, refugees covered under this provision are entitled to renewable five-year resident permits (ibid). Furthermore, the time prescription

for submission of asylum applications and the right to appeal was made more flexible than was provided for in the 2004 law.

The 2019 law also grants favourable treatment to refugees in terms of access to services under which the minimum right to access services accorded asylum seekers, or refugees will equal that of foreigners residing in the country. Access to health, justice, banking, telecommunications, vital events registration and certification services will be at the same level as that of Ethiopian nationals. The new law further grants the same primary education rights to asylum seekers or refugees as are accorded to Ethiopians (ibid 2019). Those rights extend to secondary, higher, technical and vocational education and training and informal education, subject to the limitations imposed by the availability of resources and national education policy. The law also stipulates that refugees and asylum seekers should enjoy equal treatment to that accorded to foreign nationals; hence refugees now enjoy employment and property rights. The rights of asylum seekers or refugees are not limited to access to health and education; they have also been granted rights to employment, including the private activities of livelihood sources such as agriculture, industry, and small and micro-enterprises. What is more asylum seekers or refugees have the same rights to conduct commercial businesses and to own and dispose of property as are accorded resident foreigners. Far-reaching revisions relate to labour policies and laws that were restrictive of employment refugees by prioritising nationals. Under the new law, such labour market restrictions will not apply to asylum seekers or refugees who are married to an Ethiopian or have an Ethiopian-born child. Employment in the 'National Defence, Security, Foreign Affairs and other similar political establishments' is the only area from which asylum seekers and refugees are excluded.

The 2019 Ethiopian Refugee Law exemplifies a governance outcome of global, regional and bilateral migration diplomacy with pledges to introduce laws that prioritise integration of refugees into local communities over resettlement to third countries or return to countries of origin. From the EU's perspective, local integration of refugees is a way to contain migration through developmental projects aimed at curbing onward migration to Europe (CEC 2018b).

Ethiopia is now considered an example of the successful impact of intensive migration diplomacy where a country renowned for less cooperative behaviour in facilitating return of nationals irregularly present in the EU, took responsibility for local integration while also attempting to implement return and readmission (European Parliament 2018).

Migration governance and migration diplomacy

This section steps back to contextualise the Ethiopian case and to identify the links that have been made between migration diplomacy and migration governance and that seek to capture the foreign policy dimension of migration policy insofar as it seeks to shape, steer, prevent or contain cross-border population flows.

Much existing work on migration relations between Africa and Europe has focused on the potential for migration, particularly from Africa to Europe (Mercandalli et al. 2017; Flahaux and De Haas 2016). In popular and media representations, this has also been represented as potentially uncontrollable migration, or as de Haas (2007) put it, a 'myth of invasion'. European and EU perspectives have been powerfully shaped by the idea that there is scope for large-scale migration from African countries towards the EU, which has also led to a focus on containment and for those that do move, return (Landau 2019; Dragsbaek Schmidt, Kimathi, and Omondi Owiso 2019; Collett and Ahad 2017; Cassarino 2007; Trauner and Deimel 2013). In the Horn of Africa, the EU and some of its member states have become critical players in migration governance with significant political effects in the region, including being used to the advantage of authoritarian governments (Koch, Weber, and Werenfels 2018).

A developing body of research identifies the essential foreign policy dimensions of migration policy, 'external governance' and 'migration diplomacy' (Adamson and Tsourapas 2018; İçduygu and Aksel 2014; Lavenex 2006; 2004; Thiollet 2011; Tsourapas 2017). Diplomatic agendas are influenced by

significant bilateral and multilateral implications of international migration and its management, coupled with migration taking a more prominent place in the foreign policy agendas of states. More specifically, this interest is in more formalised, multilateral platforms for migration diplomacy that bring together a range of state and non-state actors. In this paper, we don't focus directly on the more informal, but no less important, flows linked to migration, such as financial remittances (Ratha et al. 2011). Migration diplomacy brings an intensification of interactions, often at an official level using both formal and more informal contacts that can lead to 'everyday processes' of migration diplomacy that, as a result of relatively stable participation, can become 'an aspect of, even a function of social life' (Neumann 2012, 2). These platforms of migration diplomacy can be diverse because of divergence of the positions states on migration. States may be predominantly viewed or represented in policy debates as origin, transit or destination countries or some combination of these. The 'production' of Niger as a transit state, for example, arose from a 'polyvocal process' involving Nigerien and international actors, including the EU and International Organization for Migration (IOM) (Frowd 2020).

Adamson and Tsourapas (2018, 115–16) explore how strategies of migration diplomacy are shaped by states' economic and security interests and 'diplomatic tools, processes, and procedures to manage cross-border population mobility' are used. While migration itself represents a relatively narrow area of action, it does carry broader global impacts as evident by the link between a local decision to migrate – whether by an individual or a community – and the heavily resourced global effort to govern migration at every level. Adamson and Tsourapas (2018) emphasise the importance of 'tools' of migration diplomacy, such as bilateral agreements and memoranda of understanding. Thiollet (2011) specifies the importance of a range of state and non-state actors in Middle East migration diplomacy that includes government ministries and agencies, but also private actors such as recruitment agents. There can also be 'Track II' diplomacy conducted by civil society, media outlets, educational institutions, networks of migrants, faith-based organisations and think tanks (Kelman 2017). 'Track II' migration diplomacy is conducted on behalf of the states of destination towards containment of migrants with more effective migration governance.

While the term 'migration governance' has become ubiquitous, the meaning of governance often remains obscure. We take it to possess a dual meaning entailing; first, efforts to conceptualise the effects of change in social systems and, second, attempts to manage or steer the effects of these changes as understood and represented (Pierre 2000; Geddes 2021). Put more intuitively; governance actors must try to work out what's going on 'out there' and then on the basis of their understanding, try to work out what to do next. A key implication of this is that governance systems give meaning to migration through the conceptualisations and representations that are developed and the categorisations that are imposed. These categorisations include the presence, meaning and contestation of borders and the various categories into which migrants themselves are placed.

When considering the impact of migration diplomacy on migration governance (and vice versa), an immediate problem is the conceptualisation of the term governance itself (Pierre 2000; Levi-Faur 2012; Peters 2012; Draude 2007; Alexander Betts 2011). Three particular and linked problems can be identified. First, the term 'governance' may be Eurocentric reflecting understandings of state authority and capability that emerged from specific characteristics of the European experience in the context of European regional integration (Draude 2007). More profoundly, it can reify categories and meanings associated with borders and population mobility that arise from colonisation and that structure debates about control, order and stability (Iñiguez de Heredia and Wai 2018).

Second, the term 'governance' can be viewed as an imposition of policies and practices (Geddes and Lixi 2018; Freyburg 2012). EU 'external' migration governance has been seen as an attempt to instil European priorities and objectives into the policies and practices of countries defined as origin or transit states; hence, for example, the plans for robust local integration as exemplified in Ethiopia, or enhanced mobility in areas or regions that are also defined by the EU as problematic in terms of potential migration flows to Europe. Greater mobility can be of benefit in strengthening regional integration in Africa, but may be viewed by the EU as problematic if it stimulates increased migration to the EU. European support

for regionalised mobility can be viewed as migration containment by providing alternative migration destinations within Africa (Gumede, Oloruntoba, and Kamga 2019; Kihato 2018).

Third, while frequent reference is made to governance becoming 'multi-level' or 'multi-actor', research has drawn from work on 'international' practices to explore how and with effects new forms of interaction or new representations of migration are produced by diplomatic and para diplomatic settings (Frowd 2020). These interactions demonstrate how local expertise and the proximity to and priorities of local populations interacts with regional and international actors to produce narratives of migration management (Geiger and Pécoud 2010). Influential work on regional integration has shown the importance of localisation that occurs through 'the active construction (through discourse, framing, grafting and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices' (Acharya 2004, 245). But how is migration governance 'localized' in Africa?

Migration governance as conceptualised by African actors

This section discusses the AU agenda on migration, but also shows how EU priorities and resources have shaped the development of migration governance priorities and associated capacities.

Since the establishment of the Organisation of African Unity (OAU) in 1963, African politics has been seized with intermittent migration-related crises involving the grave plight of refugees during, for example, anti-colonial-liberation struggles, the fight against apartheid and as an effect of the Cold War. The OAU's successor, the AU, since its foundation in 2002 by the Treaty of Abuja, has committed through various frameworks and declarations to a progressive migration agenda recognising the positive contribution of migrants to inclusive growth and sustainable development. A raft of African development blueprints address migration and political, socio-economic development issues including the 2006 Migration Policy Framework for Africa (African Union 2006); the African Common Position on Migration and Development (African Union 2006); the Kampala Convention for the Protection and Assistance of Internally Displaced Persons (African Union 2009); the Niamey Convention on Cross Border Cooperation (African Union 2014); and the AU Border Governance Strategy (African Union 2018). Other AU instruments, including the African Institute for Remittances (AIR), the Joint Labour Migration Programme (JLMP), the Minimum Integration Plan (MIP) and the Protocol on Free Movement of Persons also address aspects of migration and the EU primarily financed all of them.

As an example of sub-regional development, and similarly, with EU support, IGAD with eight member states in the Horn of Africa adopted an IGAD Regional Migration Policy Framework covering a range of measures designed to strengthen the legal, institutional and policy structures for governing migration (IGAD 2012). These AU and IGAD measures create platforms that seek to mainstream migration into general development activities at national, regional and continental level. Both policy frameworks urge member states to adopt, legislate, localize, and implement appropriate national policies on migration governance, and to negotiate protocols intended progressively to achieve the free movement of persons, the right of residence and the right of establishment, including access to legal employment (Castillejo 2019).

African governments have not tended to view migration as a priority issue, not least because they face other serious problems, among them domestic and regional conflicts, terrorism, extreme poverty, and natural and human-made disasters. The migration agenda, however, has been promoted by influential and resource-rich donors such as the EU. The key impetus for development of AU-EU migration relations came with the 2007 EU-Africa partnership (Council of the European Union 2007). This was based on eight areas, laid out in the Strategy Action Plan that included creation of a Migration, Mobility and Employment Platform. Dialogue between European and African governments was the priority action for the Migration, Mobility and Employment platform. Discussions and meetings stimulated information-sharing and 'good practices' while fostering the common usage of language and

terminology; increasingly, too, participants shared the same analytical methods. Later, dialogue was replaced by bilateral diplomatic exchanges – or more accurately, diplomatic visitations by EU and its member states, which also created a degree of 'diplomatic fatigue'.

African conceptualisations of migration governance indicate visible but not entirely exclusive discrepancies between the AU and the EU. As a priority, the IGAD and its member states stipulate the following as key components of regional and national migration governance (Mehari 2016):

Pillar 1: Clear migration governance norms

Pillar 2: Capable and well-resourced migration governance institutions

Pillar 3: Effective and efficient collaboration; and

Pillar 4: Sustainable sources of funding and resources mobilisation.

In contrast, the EU policy prescription to AU is mostly focused on legislation-based border control of movements to counter irregular migration, smuggling and trafficking in human beings. African normative frameworks maintain the position that informal cross border movements such as those linking traditional kin communities, pastoralist, and informal cross border traders should be facilitated. For this reason, the 2009 AU Minimum Integration Programme (MIP), the 2018 Continental Free Trade Agreement and the 2018 Free Movement Protocol all support informal cross border movements and trade.

The impacts of migration management on traditional cross border movements including by pastoralist movements and informal cross border trade illustrate divergence in the conceptualisation of migration governance between the AU and EU (Hammond 2019). Increasing border restrictions are, for example, visible in many border towns in IGAD members. Border towns and crossings have increasingly been controlled and secured, which limits and even criminalises the traditional informal crossings that existed long before colonial borders were imposed. The implications of such divergent conceptualisation are far-reaching and can impact the livelihoods of millions of traditional communities in border areas (Ong'ayo 2018). The most significant of all the benefits and advantages of informal cross-border movements remains the human security of the borderland communities and pastoralists during drought and conflicts (Naish 2017; Catley, Lind, and Scoones 2013). Informal cross border movements alleviate the danger of famine by enhancing access by communities in deficit areas to food items from surplus areas. The introduction of migration management meaning a controlling, restrictive oversight of cross border movement has become the norm. EU-led migration diplomacy has led to the introduction of new requirements that are cumbersome and often require unnecessary documentation that stifle the smooth flow of trade. Increased requirements and empowerment of security officials at border posts means increased vulnerability of informal cross border traders to harassment and bribes.

This limitation on cross border movement lowers the commercial benefits communities can reap from collaborations and facilitates illicit trade and movement. Cross border traditional movements can enhance resilience and human security in border areas if they are supported by carefully crafted policies to enhance the food security of the populations in border areas that are usually treated as peripheries. Controls can undermine food security and conflict early warning systems, as well as trust by increasing mutual understanding and associated benefits in border areas that can also be conflict-prone. Cross-border trade and mobility can also alleviate hunger by enhancing access to food items from surplus areas by communities in deficit areas. The introduction of strict and cumbersome requirements can undermine efforts to build resilience and food security in borderlands in the Horn of Africa.

Migration governance as conceptualised by EU actors

EU priorities have powerfully shaped AU-EU migration diplomacy, and a prevailing representation in European and EU migration policy and politics of a threat posed by large scale migration flows from Africa. European Council President Donald Tusk gave a powerful sense of the urgency when he

described EU actions on migration as a 'race against time' to save the Schengen Agreement (Reuters 2015).

The Valletta Summit on Migration of November 2015 represented a peak of AU-EU migration diplomacy seeking to put the interests of EU and African countries on a common agenda. The leaders of 35 African States and the 28 EU Member States agreed on a shared set of principles on migration management (Council of the European Union 2015). The agreement indicated the extent to which migration was identified as central to European national interests to take pride of place in Europe and Africa relations, including with links to development. The Valletta Declaration further consolidates the merging of domestic priorities and foreign policy in one document with five action clusters: the developmental benefits of migration and addressing root causes of irregular migration and forced displacement; legal migration and mobility; protection and asylum; prevention of and countering irregular migration, migrant smuggling and human trafficking; and return, readmission and reintegration (ibid). In practice, however, the Partnership Framework concentrates on irregular migration, countering human trafficking and smuggling, and migrants' return and local integration. Issues at the top of the agenda for EU states - counter-trafficking, border management, return and readmission – have gained significantly more traction and resources than those highlighted by African governments, such as 'root causes', border governance and pathways for legal mobility (Jeandesboz and Pallister-Wilkins 2016). Consequently, EU migration diplomacy grounded in key EU policy documents such as the European Agenda on Migration prioritises measures to counter irregular flows and increased return (CEC 2019).

Diplomatic tools have included direct activities by EU delegations and member states and their embassies and involvement in global multilateral platforms including visits, meetings and 'give and take' agreements in multilateral bodies. Since 2016 the number of diplomatic and high-level visitations to priority countries by EU representatives and senior officials from its member states has dramatically increased. Senior representatives from Austria, Estonia, Germany, France, the Netherlands, Slovakia, Spain and Italy, including presidents, chancellors, and ministers as well as EU commissioners, have visited several African countries. Ethiopia, Senegal and Niger together have received more than 30 such visits since 2016, including by the German and Austrian chancellors. The importance of AU-EU relations were highlighted when soon after her appointment, EU Commission President Ursula von der Leyen travelled with 20 other Commissioners to meet with their AU counterparts (Barigazzi, Herszenhorn, and Marks 2020). An EU delegation sits on joint coordination bodies formed by African countries such as Niger and Libya (Teesalu 2019). Immigration liaison officers operating separately from consular services are assigned by the EU Commission to its delegations in priority countries, with the core function of coordinating EU or member states' actions on migration, including identification, return and readmission of those failing to gain authorisation to stay in an EU state (Council of the European Union 2015).

Appointed by the EU Member States, immigration liaison officers are the foot soldiers of the EU's migration diplomacy. They 'serve as crucial focal points in EU delegations to maintain … momentum, liaise and cooperate with our partners, and support the delivery of tangible results' (CEC 2016b, 4).

A direct outcome of the Valletta Summit was the EU Agenda on Migration and Partnership Framework, which made the EU's External Action Service (EAS) an essential instrument for curbing irregular migration and refugee flows into the EU zone (CEC 2016a). The EAS has worked with member states' foreign ministries to prioritise as an issue in bilateral and multilateral collaborations the curbing of irregular border crossings. After Valletta, migration became even more central to the EU's Africa-oriented migration diplomacy with all projects – including development –now framed under the terms of the agreement. The EAS has been tasked with improving migration management in specific African countries and regions. Niger, Nigeria, Mali, Ethiopia, Senegal, Tunisia and Libya were identified as priority countries.

Another direct outcome of the Valletta Summit is the focus on diplomacy on the need for return of irregular migrants. Diplomatic efforts have not been limited to migrants in Europe but also those in

transit African countries. To help facilitate the return and readmission of migrants aiming to reach Europe, the EU is working closely with African countries of transit. The EU has deployed officers from its European Border and Coast Guard Agency to various African countries, operating as international staff in border areas and ports (Bossong 2019). Experts on migration crime have been seconded to authorities in charge of investigation and prosecution. EU Border Assistance Missions have also been established for the training of regulatory and enforcement officials, especially for 'stabilisation' in origin and transit countries (Raineri and Strazzari 2019). The EU and its member states have also equipped African countries with training and technology on border control. EU migration diplomacy also facilitates diplomatic relations on migration cooperation between African countries. One case in point is the joint meetings between Chad, Libya, and Niger on border management (Tubiana, Warin, and Saeneen 2018). The 2006 Euro-African Dialogue on Migration and Development (the Rabat Process) and the 2016 inter-regional forum known as the Khartoum Process are each joint EU-AU platform for migration diplomacy, centred on migration routes from West Africa and the Horn of Africa, respectively (Oette and Babiker 2017; Thouez and Channac 2006).

In its reports on the outcomes of the Valletta Declaration the EU stresses the extent of progress of its migration diplomacy, with one success identified as being an increased understanding by African partner countries of the importance of migration to the EU, described as:

> a step change in the level of coordination between EU institutions and the Member States, with strategic planning of high-level visits to priority countries, coherent messaging through shared briefings for key opportunities such as the United Nations General Assembly, shared feedback and reporting. As a result, migration issues are now at the heart of the overall relations with the priority partners – alongside other key foreign policy issues such as security, trade and poverty reduction. The importance the EU gives to migration-related issues is now well understood by the priority countries involved (CEC 2016b, 2).

As a diplomatic tool, the Valletta Declaration and its programme employs financial aid as a strategic powerful tool for implementation: 'Financial and technical assistance is being deployed in support of the political dialogue, with flanking measures and targeted support to ensure the resilience of communities where migration and smuggling is most prevalent and to deepen the work to address … root causes' (ibid p4). African and European leaders were signatories to the 2015 Emergency Trust Fund for Africa (EUTF) set up by the EU and supported by non-member states— Switzerland and Norway, with an initial budget of €1.8 billion (rising to €4.8 billion by May 2019) (Oxfam 2017; Castillejo 2016; CEC 2018a). In 2017, the European Development Fund (EDF) and the EU's External Investment Plan pledged additional financial instruments to support EU migration diplomacy. EU and member state financial instruments, including those apportioned for development aid, resilience, peace and security, and governance were repurposed and reallocated to the migration agenda.

Some states of origin and transit with limited financial resources engage in migration diplomacy to gain funding for various developmental works, while more affluent states pay the country of origin to host and locally integrate refugees, contain irregular migration and address root causes. Financial assistance from the EU to economic projects includes foreign currency support for, among others, industrial parks in Ethiopia, development projects in Nigeria, and security pacts in Sahel region including Niger and Mali (Frowd 2018; Cuny 2018). Libyan authorities have used migration issues coercively to assert leverage over the EU and its members (Paoletti 2010; Tsourapas 2017). The G5 Sahel Joint Force (Burkina Faso, Chad, Mali, Mauritania and Niger) set up to focus on security threats such as terrorism, and organised crime is engaged in border control and security operations in Niger and Mali. EUTF funds have been used to support projects that help generate alternative incomes for those communities involved in smuggling and trafficking with, for example, €5m allocated to support a project aimed at disrupting criminal trafficking and smuggling networks in the Greater Horn of Africa (Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Uganda and Yemen) (EUTF for Africa 2018).

Focusing mainly on Ethiopia, a Common Agenda on Migration and Mobility and an EU-Ethiopia strategic engagement arrangement (CEC 2018b) have been agreed. As early as 2016 the Ethiopian

government agreed with the EU that 30 per cent of jobs in new industrial parks would be assigned to asylum seekers and refugees. The World Bank and UNHCR provided Ethiopia with US$350 million for the local integration of refugees (Mehari 2019). Under the agreements, refugees' access to jobs extends to projects in a rural or urban setting; including (but not limited to) agriculture, environment, industry, and small and micro-enterprises (Betts et al. 2019).

The 2019 Refugee Law also provided that asylum seekers or refugees who have lived in Ethiopia for a 'protracted period' can be legally integrated into aspects of Ethiopia's national system such as certification of births and deaths and access to banking and primary education. Both the Ethiopian government and the EU acknowledged via the Partnership Framework the seriousness of irregular migration including increasingly perilous routes posing grave dangers to the fundamental rights and lives of migrants with implications also for peace, security and diplomatic relations of countries of origin, transit and destination (Dini 2018). In theory at least, the Framework provides a comprehensive approach to effective migration and border governance concerning observance of migrants' human rights and dignity. In practice, however, resources – in terms of time, energy and leadership – in both Africa and Europe, and financial instruments from the EU and other partners, have led to disproportionate stress on curbing irregular migration (Marchand et al. 2016). Arrests and prosecutions of those suspected of criminal involvement in smuggling and trafficking have increased since the Valletta Summit.

A broader developmental agenda has received less attention, including ways to provide gainful employment for young people and the circulation of skilled professionals through legal arrangements. A persistent narrative stressing the dangers of migration leads to a criminal justice and criminalised approach to migration (Ayalew Mengiste 2018). The ubiquitous and unrestrained strategy of migration containment exercised by EU countries of destination has influenced an equation between migrants and criminality that can then pose grave dangers to the lives and fundamental rights of migrants (Kihato 2018). Furthermore, destination and transit countries have privatised detention arrangements for migrants, leading to severe violations of fundamental human rights without effective remedies (Sanchez and Achilli 2019). Given the absence of a central state government capable of exercising effective control over its jurisdiction, Libya, for example, is a 'black hole' in which state and non-state entities act with impunity (Bonnici Bennett 2018). Containment of migration from Libya has also led to partnerships between the EU and Libyan non-state armed elements or armed groups that have little or no formal recognition to rule and with criminal militias in Sudan. In practice, containment creates conditions that undermine the stated precepts of EU partnerships with Africa.

In this environment, human rights discourse has been relegated to the sidelines. Protection of human rights is also given a minimal place in current EU migration diplomacy. Efforts by destination countries to contain migrants within Africa, the subjection of migrants to abuse, exploitation and trafficking are on the rise.

The implication of migration diplomacy on domestic politics of countries of origin and transit is also far reaching, though to a varying degree depending on the democratic nature of the government and responsiveness to public demands. Return and readmission have, for example, created a political divide between African governments, and their citizens in the diaspora as migrants return to countries with governments accused of systemic human rights violations. Plans to return Ethiopian migrants from Norway and Malians from the Netherlands, for example, created a public uproar in their home countries and led to cancellations and a toning-down of publicity given to the projects (Slagter 2019). When these formal agreements failed to ensure the return and readmission of the agreed numbers, the EU and its Member States sought and concluded informal agreements where countries of origin and transit were more comfortable to implement without publicity and legal accountability (Slominski and Trauner 2020).

Effects of Migration Diplomacy on Migration Governance

The resuscitation of an African free movement agenda

Migration diplomacy has once again propelled the long-standing Pan African agenda of free movement of persons to the forefront at the regional and sub-regional levels. The agenda for integration and free movement had been on the table since the establishment of the OAU in 1963 and later featured as the most prominent mandate for the AU in the Constitutive Act and in the Abuja Treaty for African Economic Community. However, it only gained renewed momentum after 2015 with the AU Summit in South Africa and the negotiation for the African Continental Free Trade Area (AfCFTA) Agreement in Kigali 2016. These two meeting lead to the drafting and eventual adoption of the AU Protocol relating to the Free Movement of Persons, Right of Residence and Right of Establishment (African Union Commission 2018).

The free movement of persons regimes with Regional Economic Communities (RECs) such as EAC, ECOWAS, and IGAD include the progressive realization of four freedoms (entry and exit, labour, establishment, and residence). Increased African socio-economic integration and subsequent economic development requires improved mobility in people, goods and services, and capital. Pan-African and REC free-movement regimes offer additional, durable opportunities for the kinds of migration that could alleviate the plight of migrants and in some sectors, ease brain-drain (Dick and Schraven 2019). According to Afrobarometer more than 47 percent of the potential migrants in Africa prefer to migrate within Africa, and free movement regimes may facilitate the movement of these potential migrants within Africa.

The 2019 Visa Openness Index Report indicates that Africans need visas to travel to 51 per cent of other African countries (down from 55 per cent in 2016); 26 per cent receive a visa on arrival; and 25 per cent (increase by 5 per cent in 2016) have abolished visa requirements for African citizens altogether (African Development Bank 2019). In the IGAD region, some members could be categorised as visa-open, but others are decidedly closed. Uganda (ranking the 5th most open in Africa), Kenya (13th), Somalia (14th), Djibouti (17th), Ethiopia (18th) scored above average, while South Sudan (50th), Eritrea (51st), and Sudan (52nd) rank among the least open on the continent (Ibid). Improvements in visa-free travel arose partly from the enhanced push for the establishment of free movement regime in Africa supported by EU's migration diplomacy, which brought significant financial and political pressures to bear on African countries.

EU policies and associated diplomatic pressures and financial incentives have brought a new sense of urgency to the AU and its RECs to foster free movement that would help realise the fifty years old Pan African agenda. Similar to the push for local integration of refugees in host countries in Africa, free movement regimes at regional level offer a mechanism to reduce the pressure on migration to distance destinations. For example, the issue of how free movement regimes in Africa may help reduce numbers of potential migrants to the EU by providing alternative destinations that are easier to move in and out of. If the Middle East route or other routes to South Africa were to be closed, some of the potential migrants with the means (most may have the motive to migrate and opportunity to get services of smugglers) would try the route to the EU. Firstly, as the Afrobarometer survey of 2019 showed 47 per cent of potential African migrants wanted to move and work within their immediate region (40 per cent) and the African continent (7 per cent). Only 20 per cent preferred the EU as their destination. Free movement regimes would facilitate the movement of potential intra-African migrants.

At least at the theoretical level, EU's support to the free movement regimes in Africa could help in reducing the migration pressure to the EU zone. This serves European self-interest while also assisting Africa in achieving its long-standing interest in establishing a continental free movement regime.

Migration diplomacy does not, however, lead to consistent win-win situations between the EU and Africa. Although the contribution of EU migration diplomacy to the revival of the integration and free

movement agenda in Africa is real and has potential to be positive, EU measures to fund security and border control can undermine efforts towards free movement and regional economic integration.

Legislation-led migration management and containment

The legal entry of Africans to Europe has been curtailed by more strict migration containment policies with adverse knock-on effects at regional and sub-regional levels in Africa. Stricter migration management policies specially border securitization have been introduced across Africa. Although the UN's Protocols to prevent, suppress and punish human trafficking are long-established, in recent years many African countries have amended or formulated new legislation on trafficking and smuggling, acting as though these criminal activities were the only migration issue that needed to be addressed. Many African countries have developed policies, laws and action plans on migration with particular emphasis on countering irregular migration, trafficking in human begins and smuggling of persons. Nigeria, Niger, Ethiopia, Mali, Senegal, Guinea, Cote d'Ivoire, Gambia Egypt, Tunisia, Sudan, Djibouti, Eritrea, Kenya, Uganda and Morocco have all ramped up their prosecution and sentencing of traffickers and smugglers. Border areas that were previously unreachable and often far from the governing purview of the state are now the focus of significant attention, resources and urgency infused by EU migration policies.

The focus is on strengthening border control and border posts, with prohibitive tendencies that criminalise and impose punitive measures. These measures have led to changes in the way borders are managed in Africa meaning that the AU and RECs are pushing for free movement while national legislation-led initiatives are undermining these efforts. One consequence of this is that countries which lack the policy instruments and state capabilities in border areas to differentiate between 'good' and 'bad' mobility apply more restrictive regimes to all mobility, leading to the disruption of traditional cross-border movements of pastoralists and traders in the omnipresent African informal economy.

Furthermore, the strategy of migration containment through the rigid application of border controls is not only indicative of policy incoherence by donors, but also could undermine in various ways the continuing efforts towards free movement regimes. The current migration agenda, mainly drawn up by powerful and resourceful (foreign) donors, has been instrumental in creating the restrictive, legislative-led migration management now prevalent in Africa. The presence of immigration officials from European destination countries challenges African policy sovereignty. The deployment of private immigration agencies hired by countries destinations in African stationed in major air transport hubs such as Addis Ababa and Nairobi raises questions about private sector accountability in cases of human rights violations. Insofar as they put law before policy, in general, current African governments' responses to migration are primarily determined by border control and criminal justice reflecting EU priorities.

African commitment to the Global Compacts

Although non-binding, the adoption in 2018 of the Global Compact on Safe, Orderly and Regular Migration and Global Compact on Refugees are also indicative of the possibilities of multilateral migration diplomacy. These extensive bilateral exchanges and multilateral negotiations enabled the development of a Common African Position on Migration (Mehari 2018). Few years ago, most migrant destination countries would have considered such an initiative to be unacceptably divisive and over-intrusive. The low number of ratifications of the UN Convention on the Rights of All Migrant Workers (ICRMW) by destination countries after its promulgation in 1990, and the opposition encountered during its adoption process, is a clear indication of this stance (Mehari 2018).

Structural economic drivers, taken with entrenched political forces in destination countries, make reaching multilateral agreements on migrants' rights a challenging process. In the present age of increased attention to migration, however, even countries of destination have shown some willingness

to support a broader approach to migration. The 2018 Compact was a rare opportunity to draw the world into a social issue of great importance: it was the first time that the international community had committed financial and human resources, time and energies to leading the migration agenda. The Compacts are essentially political declarations that seeks to set agendas, shape deliberations, determine the normative framework and significantly influence the allocation of the necessary resources. Beginning with soft, non-binding principles, UN initiatives (i.e. compacts) impose moral obligations that can potentially seep into global norm-setting and interpretations of the law, and could time turn 'soft' norms into binding provisions (Mehari 2018, Newland 2010).

Routes

A key governance impacts of migration diplomacy has been the effect of EU financial and legal instruments on the differentiated attention bestowed to different migration routes in Africa.

Thanks to well-resourced EU migration diplomacy, it is the Mediterranean Sea route that tends to attract the most attention. The effects of actual and potential migration from Africa on Europe's interests and not least the tragic conditions attending migrants, and the extensive – and at times dramatic – media coverage on Mediterranean Sea route are partly due to the migration diplomacy of EU. Migrants, using routes such as those in or through Southern African or the Yemen and the Red Sea, face the same, or even greater hazards as migrants to Europe. However, other African migration routes are neglected. Little attention is given to intra-regional migration within African sub-regions such as southern Africa and Middle Eastern countries. Migrants face much higher likelihood of xenophobic attacks, , deportation, drowning, death in shipping containers, or congested prisons or at the hands of criminals (Research and Evidence Facility 2017).

Almost all of the EUTF is allocated to counter irregular migration on the routes to the EU. Despite the high risks associated with the other routes, there are no high-profile conferences and meetings of leaders between or among African states and with Middle Eastern countries mainly dedicated to the irregular migration agenda. It also the case that other human rights violations, atrocities and danger migrants have endured along routes such as those to the Middle East or Southern Africa have attracted little scrutiny, political attention and few resources (Mehari 2018). In 2013-2014, Ethiopia received more than 174, 200 returnees from Saudi Arabia, and tens of migrants were also killed by mobs of local population in South Africa and Saudi Arabia between 2008-2018; media coverage of the gross violation of human rights at the hands of the Saudi government was the primary reason for the government of Ethiopia to take rapid action and mobilise returns. Tens of thousands of migrants are currently stranded in Yemen and Saudi Arabia. Rarely do leaders of Southern and Horn of Africa meet to discuss migration affecting the two regions.

The domestic politics of migration

Migration diplomacy and funding has led to increased competition between various institutions (at national and regional level) with mandates related to migration. Ministerial portfolios that were least interested in migration such as ministries of foreign affairs, offices of presidents or prime ministers, ministers of finance are now competing with interior ministries and related agencies. Similarly, ministries of labour and social affairs, and agencies or authorities in charge of migration or refugee issues are now challenged by others to share the finance and high visibility they have received in the recent years. Institutions that used to work in 'silos' are forced to work in collaborative platforms (councils, task forces) in the implementation, coordination and financing of, migration governance. Attracted by substantial financial allocations and the enhanced diplomatic image associated with engagement on migration, national institutions are in competition for the mandates and the money. Mouthaan (Mouthaan 2019) shows how domestic political contexts in Ghana and Senegal played a powerful role in mediating the impact of EU measures and instruments.

Despite heightened political attention, the meagre levels of resource allocation devoted to migration remain formidable obstacles to migration governance. Governments in Africa rarely allocate direct funds for migration, usually including their budgets for migration under the labour and social affairs headings. This practice contributes to the present, scarce resource allocation for migration governance and its resultant institutional inadequacies. Without a fully mandated and well-funded agency in charge of migration governance, institutional responsibility – hence accountability – becomes blurred.

Conclusions and Implications

While the issues were not new, the Valletta Summit was an attempt to create a more systematic approach to migration diplomacy after which the EU began to employ a mix of persuasive and coercive measures to compel African countries to stop and contain migration towards the EU. Migration diplomacy has fostered better, in some case commonly shared, understandings and political commitment among national governments and at a regional level. It has also brought practical deliverables in the form of increased awareness of the plight of migrants, global compacts, partnerships and bilateral agreements. But, as with other forms of diplomacy, it has its limits, particularly when dealing with the return and readmission of migrants and addressing the root causes of irregular migration. EU migration diplomacy, for example, has achieved little in improving the rate of return and readmission of migrants. Political and economic realities on the ground in countries of origin, transit and destination determine the success or otherwise of migration diplomacy including return and readmission.

Towards strategic migration governance

Migration diplomacy has not led to strategic migration governance in Africa. Current African approaches to migration tend to lack a clear and comprehensive policy direction. The current approach is focused on the criminal justice system, with the emphasis on irregular migration, refugees, and the prosecution of traffickers and smugglers. Such shift from migration management through legislation toward migration governance through policy will help address the securitization of borders, the criminal approach to most of migration related public work, and in general de-emphasize a focus on the negative aspects of migration. Migration governance need a proper political compass, policy direction and strategic foresight so as to address the negative impacts and harness the positive ones.

Primacy of state responsibility

Stability and the provision of decent living standards for citizens by African states remain vital to address irregular migration and displacement. These are the primary responsibilities of states to their citizens. States bear responsibility for protecting their citizens and are expected to institute normative, institutional, collaborative and financial frameworks for migration governance. Hence, it is axiomatic that African countries should be held responsible for and assisted in providing stability and essential economic delivery for decent living standards.

Addressing the fundamental problems

The challenges related to migration are unlikely to be resolved through short-term containment strategies at the borders of countries of origin, transit and destination. Hence, migration governance must go beyond a response to irregular migration and displacement; it is necessarily linked to the African development agenda at national, local and international levels. The consequent social stability would make it possible to address the causes, triggers and accelerators of irregular migration and displacement. These require foresight and long-term strategic engagement, which can be challenging to achieve in any political system.

Unless governments get the fundamentals of migration governance right, current engagement with EU has weak foundations. African countries have yet to come up with a necessary degree of political determination and leadership for effective implementation mechanisms at national and regional levels. There is an urgent need for a nationally-owned, politically-led migration governance agenda. Effective migration governance cannot be achieved without acquiring and building the necessary capability.

National consultative conferences

An argument can be made that priority in developing partnerships should have been – but was not – placed on building migration governance structures throughout Africa to develop a comprehensive and stand-alone policies to provide strategic thinking and clarity about not only the detriments but also potential benefits of migration. To do this it would require a normative, institutional and collaborative state framework – in cooperation with non-state actors – that could facilitate voluntary, safe, orderly and legal mobility and a consequent reduction in forced or irregular migration. A first step to building such an institutional architecture could be national consultative conferences dealing with existing AU and REC's normative frameworks on migration.

More migration diplomacy

Migration diplomacy requires more diplomats trained in migration governance. Given the transnational nature of migration, effective migration governance requires well-coordinated, coherent and harmonised national and regional collaboration. Furthermore, such collaboration extends beyond organisations and member states into the development of bilateral, regional and global cooperation.

Human rights protective migration regimes

Diplomacy is also necessary to ensure the protection of migrants' rights and coordination among those involved, including the migrants themselves and the governments in their countries of origin, transit and destination. Regional frameworks and processes foster harmonised policy and shared minimum standards for consistency, cooperation and complementarity among member states.

Diplomacy can also help harmonise policies at regional and national level helps in the fight against criminal networks involved in human trafficking and smuggling, and helps protect human rights. Facilitation of regional free movement and labour migration is unthinkable without regional policy harmonisation; which at regional level could also foster complementary initiatives such as free movement, training, education and job market matching with an impact on migration, including those run by the IGAD and the AU Commission. For this reason, IGAD has initiated several regional and national level processes, all of which require dynamic migration diplomacy programmes staffed by diplomats who understand migration governance.

Moving from policy to practice

Practical steps are also required to provide resources for implementation and move away from norm-setting. The AU and EU have long been committed to a normative framework, but while progress in norm-setting has been relatively rapid, it has been very slow in its implementation. African states, however, generally still lack the will, determination, institutional framework and resources necessary to govern migration effectively. Putting into effect, the policies advanced in AU-EU policy documents demands coherent, consistent and comprehensive planning and resourcing of implementation. Governance and institutional inadequacies are attributable primarily to the meagre resources allocated to migration, and the challenges will remain for the foreseeable future unless partners devote larger

resources to plug gaps in funding, address institutional weaknesses and help implement the recommendations advanced in AU-EU policy documents.

Localization as implementation mechanism

Migration diplomacy can be a valuable tool for effective local governance of migration. Building an efficient and sustainable migration governance architecture is unthinkable without the active participation of national and local authorities and local communities. Effective implementation of migration governance depends on local authorities and communities. Community engagement considers the particularities of localities and communities, their emerging issues and the priorities of migration source hotspots and border areas. To avoid the common mistake of 'one size fits all' or EU-centric 'our size fits all' programmes, migration policy requires decentralised planning and implementation to enable migration governance to recognise the necessity of embracing proximity, local expertise and legitimacy and to tailor interventions to local contexts. Localization can encourage local entities to initiate their migration management proposals and potentially help to reduce the negative impacts of migration management that have substantially undermined the other useful components of cross-border trade, including significant opportunities for peace, mobility, integration, and regional prosperity.

A productive future path for migration diplomacy would be a focus on localisation of the migration agenda and the devolved migration governance with greater involvement by local populations co-opted as vital participants in finding solutions to the challenges of migration governance. Clearly, decentralisation demands the capacity to implement and discharge the responsibility that can be developed in the context of enabling the state and local authorities to take responsibility for the governance of migration in the regions and localities they administer. International actors therefore should not encourage – or fund – national systems that coercively replace local instruments. Migration diplomacy should have as its objective the aim of endowing local authorities with the capacity effectively to govern migration in their areas.

From a long-term perspective, the aim of a cohesive global, regional and national migration architecture should be to build better governance from the local level upwards. Thus, donors, the UN, the AU and RECs could become 'back- up generators' forming a support system for national coordination mechanisms which, in turn, could act as a back-up for local governance structures. The global compacts need to be rendered consistent with local norms and standards and not be a substitute for African, RECs or national systems. Rather, it should aim at endowing the relevant governments and institutions with the capacity and accountability to efficiently, effectively and sympathetically carry out their tasks in migration management.

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