The 2015 EU-Africa Joint-Valletta Action Plan on Immigration: "Shared Solidarity" and its Various Meanings

In the wake of the arrival of almost one million Syrian asylum seekers in the summer of 2015 in Europe, the EU called an extraordinary summit with African Union member states in November of that year in Malta with the view of finding a longlasting solution to what has been called "the migration crisis." The Summit produced an agreement, the Joint Valletta Plan of Action (JVAP) that was said to herald a new policy era. Using policy discourse analysis, this article argues that interests defined as vulnerability interdependence were the determinants of this agreement. They are embodied in the concept of "shared solidarity." Specifically, while parties held onto their interests (security for the EU and economic resources for the Africans), there was a new sense especially on the part of the Europeans, that both parties needed each other (cooperation) to advance these interests. Unlike past agreements, concrete and immediate steps were taken with the creation of an Emergency Trust Fund.

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Introduction

Background

In the past three decades, Europe has been looked upon as a shining house on the hill for scores of African youth under the pull of factors such as quality education, better health care, political stability, individual freedoms and job opportunities. In the same period of time, it has transformed into a 'fortress' (Geddes 2000), a consequence of the tightening of admission rules and the securitization of migration. The rise of illegal immigration has been the most perverse effect of this development with one route opening after another as the figure below shows and a mounting death toll (d'Appolonia 2012). In 2015, at the height of the migration exodus, the IOM recorded a total of 3,785 deaths in the Mediterranean (IOM, 2018), the consequence of the greed and

ruthlessness with which people smugglers packed migrants in rickety vessels for optimal return on a passage costing between Euro 3000 and 5000 (Tawat 2016).
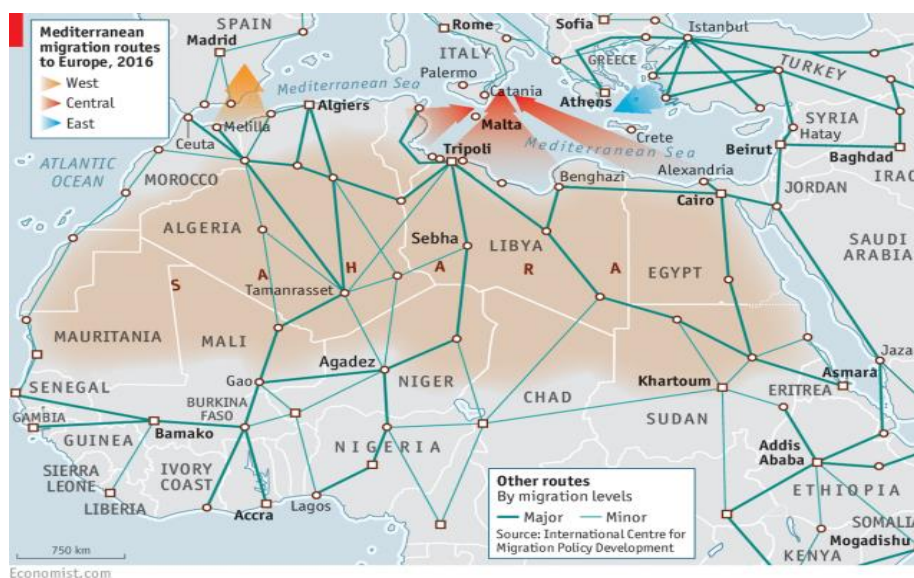
It is again this backdrop that in November 2015 the European Union (EU) called two emergency summits respectively with Turkey and the African Union (AU) member states in Valletta, Malta. The "Turkish" meeting resulted in the signing of an agreement between Turkey and the EU on 18 March 2016 earmarking EUR 3 billion for logistical support to the former, the admission of an equal number of Syrian refugees repatriated from Greece to Turkey, the prospect of a visa-free agreement for Turkish citizens against the closure of its borders. The "African" meeting culminated in the adoption of the JVAP (Joint Valletta Action Plan) to be funded by the EU Emergency Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa worth €1.8 billion. The summit official objective was to 'strengthen cooperation and address the current challenges and opportunities of migration' (EULex). However, given the long but fraught history between prominent EU member states who were once colonial powers or entrepreneurs and African states which were their former colonies, the current political and economic imbalance and differences in aspirations between them, many have questioned the motives behind this agreement and whether it represents a break with a past and how. Indeed, although being the first meeting between the African and the Europeans exclusively dedicated to migration issues, the Valletta summit was not the first forum where both parties had engaged in serious discussions about immigration. There were for example the EU Council's summit of June

2002, EU Commission's communication of December 2002 on integration and the EU Council's conclusions of May 2003.

Our research task thus is to untangle the complex web of factors that underpinned the policymaking process. Understanding it would also shed light on it chances of implementation success and contribute to research on how global actors (regional organizations, international non-govermental organizations, states) attempt to solve migration issues. As one knows, from 2003 to 2005 under Kofi Annan's term as Secretary General, the UN set up the Global Commission on International Migration (GCIM) with the goal of drafting a global compact on migration. The UN summit on Global migration held in 2016 at the behest of former US president, Barack Obama followed in the same path but after the advent to power of his successor, Donald Trump, the project lost wind with the withdrawal of the superpower's tacit support. Nevertheless, a non-binding Global Compact for Safe, Orderly and Regular Mígration (GCM) was signed in Marrakesh, Morocco in December 2018.

Literature Review and Arguments

Four years into its adoption, the academic literature on the JVAP is still limited. To the best of our knowledge, this would be the first study of its policymaking process. Existing studies are available in the form of policy reports commissioned by various stakeholders on its implementation (IOM, 2016; Martius, 2017; Genetzke, 2017), whereas policy formation informs policy failure or success. However, in the broader literature on Africa-EU relations, there is a small but illuminating body of scholarship. The crux of these studies highlight political economy factors laying at the intersection of development aid and the restriction of migratory flows to Europe. Kohnert (2007) claims that Europe shares responsibility for the continuing migration pressure for having propped up over decades corrupt and autocratic regimes that disregarded principles of good governance. Africa's economic misery, he argues, is also due to Europe's selfish external trade policies. Existing EU concepts and programmes aiming at restricting African migration are questionable and are bound to fail if not backed by sustainable immigration policies (ibid). Geddes (2012) and Mangala (2013) argue that European initiatives have been security-focused causing irritation on the part of African countries who have hoped of extending this relationship to include aid, trade, development and human rights. Initiatives are often initiated by the EU and most of its actions

geared towards the externationalization of migration control. On a different note, Gatta (2016) asserts that the European Council in 2002 has agreed that the best way to fight illegal immigration was to tackle its root causes by having closer economic cooperation, trade expansion, development assistance and conflict prevention which in the long run would result in economic prosperity hence a reduction of migration flows to EU states. Similar conclusions have been derived from research at the sub-regional country level.

It is argued that while interests continued to prevail during the formulation of the JVAP, it constitutes a break with the past insofar as a different kind of interest was issued in: "complex interdependence". This was manifest in the desire of the EU to preserve its security through the control of migration flux at its borders and to economic development resources for AU. This factor, however, was non-exclusive. It combined with discursive institutional factors about human rights such as the right to seek asylum, fair procedure and non-discrimination in the implementation of control measures. The latter were however championed more vigourously by AU member states.

Theoretical Frameworks

Complex Interdependence

There is broad scholarly consensus on the purvey of interests, ideas, and institutions on policy outcomes (Kopstein, Lichbach and Hanson 2014). Interests, the paradigmatic framework of explanation in modern international relations theory is conceived by realist scholars as driven by the preservation of security (Morgenthau 1954). However, according to neo-liberal scholars, nation-states also engage in various forms of inter-state cooperation that lessen the conflictual nature of this system (Keohane and Nye 1989). Based on theoretical considerations of these kinds, EU's actions in its neighborhood and around the world have been described invariably as a "normative power" (Manners 2002), an "ethical power" (Aggestam 2008) a "modest force for good" (Barbé and Johansson-Nogués 2008) and a "tragic actor" (Hyde-Price 2008).[1] However, Keohane and Nye have argued that with the acceleration of globalization, the binary neo-realism/neo-liberalism has become more fluid and the international system marked by "complex interdependence". The latter is "characterized by reciprocal effects among countries or among

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actors in different countries"(1977: 8) that decrease the salience of the balance of power and securitization and increase that of cooperation.

These theories have found resonance in migration research. In mainstream migration research, interests in the form of employers' pressure on governments to meet their labour needs (political economy) is the most prevalent factor of explanation. In the subfield of EU migration policy, securitization and its corollary, the externalization of migration control is the principal articulation (Tawat 2017). Following Soysal (1994), the "liberal constraint" or the liberal norms and ideas embedded in international institutions such as the 1951 Geneva Convention on the Status of Refugee and its 1967 protocol, the 1969 Organization of African Union Convention for the Protection of Refugees have been consequential on migration policymaking. Re-tooling Keohane and Nye's complex interdependence theory, Geronimos Tsourapas (2019) introduced recently the concept of *migration interdependence.* Based on his study of Egyptian labour migration to Jordan and Libya, he claimed that policy dynamics between the three states were based on two mechanisms: *restriction from the host state -* curbing remittances, strengthening immigration controls, or both—or *displacement from the host state*—forcefully expelling citizens of the sending state. Their success "depends on whether the sending state is *vulnerable* to the political economy cost incurred by the host state's strategy, namely if it is unable to absorb the incurred cost domestically and cannot procure the support of alternative host states" (2019, p. 385).

Crisis Policymaking

A main controversy surrounding the arrival of Syrian refugees was whether it constituted a "crisis". Some authors have objected against the use of this term; arguing that the Union possessed the means of dealing with it. Mary Robinson, the former Irish president and UNHCR High representative and Gro Harlem Brundtland, the former president of Ireland write that: "The top ten refugee-hosting countries worldwide host about 62 percent of the 20.4 million refugees… These figures put what some people term Europe's "refugee crisis" in perspective" (2019). Other authers have suggested that it was a moral crisis, an emergency or a policy crisis (de Bono 2017, Robinson 2019). This question is not only rethorical but has theoretical implications for a study like this one therefore the tenets of crisis policymaking and ordinary policymaking differ in some respect.

Crisis policymaking can be equated to national security policymaking. It is marked by efforts to counter threats - real or perceived - by changing the policy-making structures and processes in ways that allow the government to manage urgent and pressing challenges to its interests and objectives (Connery 2010). Nohrstedt and Weible (2010) note that "Crises are essential causal drivers for major or non-incremental policy change and the explanation for major policy change to the magnitude of the crisis, building on the maxim that 'the bigger the cause, the bigger the impacts.'" It occurs through the same stages as the ordinary policymaking process: issue identification, formulation of policy alternatives and choice of policy instruments for implementation. But it differs by the following criterias: (i) a shorter time for policymaking ; (ii) the involvement of a larger number of actors; (iii) the adoption of emergency legislations and bylaws often enshrined in legal doctrines of emergency powers and operational logistics of crisis agencies; (iv) the availability of more resources (v) the use of different policy instruments (Morse & Struyk, 2006; Connery, 2010; Trumbone & Boyer, 2000; 't Hart, Rosenthal & Kouzmin, 1993). Additionally, crisis policymaking is influenced by domestic actors and agents, external sources and mass appeal. In fine, if the JVAP was formulated under crisis conditions, many if not all these characteristics should be present during the agenda-setting stage.

Methodological Framework

Process tracing

We apply process tracing, one of the most widely used methods of policy analysis. George and Bennett distinguish four variants. The first, 'detailed narrative' is an in-depth but atheoretical account of the causal mechanisms of an event. The second, 'the use of hypotheses and generalizations', like detailed narrative, is atheoretical and may seek generalizations or an established pattern. However, it is sustained by one or many hypotheses. The third, 'analytic explanation', our variant of choice, is couched in explicit theoretical terms. The explanation may be deliberately selective, focusing on what are thought to be particularly important parts of an adequate or parsimonious explanation; or the partial character of the explanation may reflect the investigator's inability to specify or theoretically ground all steps in a hypothesized process or to find data to document every step. (2005, pp. 210-211). The rationale behind this choice is our use of theories and inability to access primary documents as most of the meeting's proceedings were held behind closed doors under the seal of confidentiality.

*Data and Information Source*s

Our primary document is the *Joint Valletta Action Plan (JVAP)*. Other primary sources include the *Political Declaration* signed at the summit, *Reports on the Valletta meeting by the European Council*. These and other official documents are available at EUR- Lex, the database of EU official documents. AU archives are also available. We have retrieved a consistent amount of information with search objects: migration, refugee crisis, migration crisis management and Valletta Summit. However, many of these documents date from 2007 when the African Union adopted the African Common Position on Migration and Development. These documents will be complemented with interviews of EU and AU policymakers. Information frm secondary sources namely media interviews and reports on the Summit will equally be gathered.

The article is divided into three main parts. The first deals with issue identification. It shows that the Summit fulfilled the criteria of crisis policymaking regarding time, actors and availability of resources and identify the issues that climbed on the policymakers' tables or agenda. The second tackles the development of policy alternatives and the third, the choice of policy instruments. The relative impact of interests as vulnerability interdependence and the norms embedded in each institution (discursive institutionalism) on the JVAP are analyzed in both the second and third parts.

Issue Identification: A Migration Crisis?

As EU and AU policymakers gathered on the 11-12 November 2015 in Valletta, there was not doubt in their minds as to the fact that they well dealing with a migration crisis. The short time frame used in convening the meeting is testimony of the urgency of the situation. First, prior to the Valletta Summit with Africa and Turkey in November 2015 (Gotev, 2015; European Council, 2015), the EU Council of Justice and Home Affairs met on the 14th of September, 2015 ahead of their scheduled meeting to make political decisions on what they called the "serious and pressing challenges…within a short period, which calls for a shared response" (European Council, 2015). The sentence shows that member states were hard pressed with time. The meeting concluded with member states agreeing to relocate 40,000 refugees from Greece and Italy who arrived or were to arrive in Europe from the 15[t] August 2015 to the 16 September 2017 to any other EU state with the exception of Denmark and Britain (ibid). The Valletta Summit itself was organized ahead of

the Africa-EU partnership summits that takes place every three years and was billed in Ivory Coast in November 2017. Moreover, the representation and numbers of actors was more than one would expect in ordinary circumstances.

There were 93 participants from the 28 EU member states, three other European states, 37 from AU member states and 25 international and regional organizations to deliberate on strategies to solve the migration crisis (European Council, 2015). This number was markedly higher than in the context of national policymaking. The delegates came from countries that were directly related to the migration crisis either as countries of origin, transit or destination such as: African States party to the EU-Horn of Africa Migration Route Initiative (Khartoum Process) and African States party to the Euro-African Dialogue on Migration and Development (Rabat Process), regional/continental organizations involved in the Khartoum and Rabat processes like the African Union Commission and ECOWAS (Economic Community of West African States Commission); European Union Member States; African countries observers to the Rabat process; European countries observers to the Rabat and Khartoum processes; the United Nations.[2] There were organizations that facilitate projects to address migration and security issues such as the International Organization for Migration (IOM) and number of other regional, continental and international organizations[3]; European Union Specialized Agencies like FRONTEX, EASO and EUROPOL and International organizations[4] who were also observers (European Council, 2015).

 The delegates were high-profile officials directly related to the formulation and implementation of laws and policies in their respective countries and organizations hence more effective in deciding on such political issues for their countries. There were Presidents, Prime Ministers, Chancellors, Ambassadors, Ministers for Foreign Affairs, International Relations, Cooperation, Interior, and Justice and Equality, Secretary Generals and Commissioners.

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[2] The UN was represented by the UN Secretary-General, UN SRSG for International Migration, UNHCR (UN High Commissioner for Refugees), OHCHR (Office of the High Commissioner for Human Rights) and UNDP (UN Development Programme);

[3] They include LAS (League of Arab States), IGAD (Intergovernmental Authority on Development), ECCAS (Economic Community of Central African States), SADC (Southern African Development Community), ICMPD (International Centre for Migration Policy Development) and INTERPOL (International Criminal Police Organization)

[4] Union pour la Méditerranée (UpM), Commonwealth Secretariat, Organisation Internationale de la Francophonie, Comunidade dos Países de Língua Portuguesa (CPLC), International Federation of Red Cross and Red Crescent Societies (IFRC) and The Sovereign Order of Malta were the organizations present at the Summit.

Although Syria's neighbouring countries received more asylum seekers than EU countries and 90% of migrants in Africa move from one country to another, the EU was not adequately prepared for such large numbers. Prior to the mass arrival of Syrians and subsequently Africans, member states were reluctant to involve themselves in the on-going migration saga or saw it as the responsibility of countries like Germany to handle the fort. The EU member states involved in granting assistance to the already increasing number of migrants needed to provide emergency care needs and services to these migrants that arrived both physically dehydrated and psychologically traumatized. The refugee camps were overcrowded and could not accommodate migrants that kept arriving at Europe border countries of Greece, Italy, and Malta (Howden & Fotiadis, 2017). Funds promised to countries like Greece and Turkey were not enough to meet the demands of migrants and refugees in the camps. Feeling abandonned, Greece and Italy paid lip service to the implementation of the First Country of Asylum rule of the Dublin Convention. This explains why although located in Northern Europe, Germany and Sweden received the largest numbers of asylum requests.

As Tawat (2016) showed, the EU first line of response to the arrival of Syrian asylum seekers consisted in mobilizing resources. This is because the countries that pledged failed to donate the monies or the countries did not provide an adequate strategy to meet the needs of these camps. EU states had to pledge or draw rainy day funds to create a pool of resources in the course of the European migration crisis calling for an Emergency fund to be established to help solve the crisis.

Formulating Policy Alternatives: "Shared Solidarity" a new concept

Interests embodied in security and development played the most significant role at the policy formulation stage. Earlier bilateral agreements signed or projects launched in countries like Niger were mostly aimed at intercepting smugglers and traffickers either through the Sahara or at sea. This quashed the dreams of many migrants of improving their standard of living and that of their families. Smugglers had to use longer and more dangerous routes and extort larger sums of money from Europe-bound migrants because of the presence of armed security officers and the risk of being arrested. Though the arrangements were for a better cause, most migrants did not have alternative means due to the more expensive and stricter immigration terms relating to legal migration. Another disadvantage of these agreements in recent times is the harsh treatments meted out on migrants intercepted at sea or living in Libya awaiting return to their countries of origin.

Protection of lives for policy makers meant preventing migrants from embarking on the journey or providing protection for them through rescue mission within international waters and upon arrival in Europe. The option of preventing migrants from embarking on the journey would be a solution to the loss of lives however a latent factor was the restriction of the migratory flows.

The then AU Commissioner, Nkosazana Dlamini, disclosed that internal migration within and between African states is higher compared to the numbers migrating to Europe (AP Archive 2016). This aimed to prove that Africa is also facing similar issues and tackling it by addressing the root causes of migration such as poverty, unemployment, underdevelopment, unequal terms of global trade and conflicts, diseases and famine (African Union, 2007). Irrespective of the fact that African states agreed to mainstream migration into their development strategies, they are dealing with other problems on the continent and internal migration issues hence the inadequate measures on its part to prevent people from using illegal channels to Europe. The policy framework on migration adopted in 2006 which had never been reviewed by the AU until 2017 was the basis for addressing migration and it was based on the resources and legislation of individual countries with no monitoring exercises (AU 2017).

Addressing the root causes of irregular migration and forced displacement is a step in the direction in fulfilling the above statement which will reduce the flow of refugees, asylum seekers and irregular migrants from Africa to Europe. The African framework on migration recognizes the need to involve the international community in addressing the root causes of migration. The interest of development on the part of AU is very evident at this point. It is also important to note that migrants have been categorized by policymakers hence attention given to each category may not be equal. European states are more concerned about the different types of migrants arriving due to the latent factor of placing their cities under security risk and pressure. The fear of terrorists posing as migrants is a continuous fear among European nations and this has influenced the collection of data of migrants that arrive and stricter processes for granting asylum and those that do not qualify for international protection or asylum are kept in detention camps to be returned home. This fear is however legitimate as the Paris attacks which happened a day after the Valletta Summit was caused by terrorists believed to have taken advantage of the migrant flows and entered Europe (The Guardian 2015).

The role of Africa in the view of Europe is to clamp down smuggling activities and the massive flow of migrants by addressing the issue of poverty and in some cases conflicts. Evidence to the statement was the signing of the Common Agenda on Migration and Mobility with Ethiopia on the first day of the Valletta summit to cooperate on measures to solve the migration flow from Ethiopia as a major country of origin (European Council 2015). The argument made here as stated by Martin Schulz was that some of the African countries felt the EU was giving them money to buy their cooperation on this and that the remittances they receive from migrants are more than the 1.8 billion euros the Union was giving them. On the other hand, some African leaders believed the fund was needed to help implement projects that will bring about development and reduce the migration flow especially of the youth (AP Archive 2016). One disadvantage of migration to African states is the increasing brain drain to Europe hence pushing their interest of development of Africa to help reduce this and gain from its elites. Frederica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy stated that it was true that EU member states were giving a huge amount to Africa to keep Africans in Africa but the ultimate aim was to solve the root causes of migration which was poverty (European External Action Service (EEAS) 2015).

While Africa depends largely on funds from Europe to develop their economies, Europe has depended on Africa to make these projects to be launched effective in order to provide employment for the youth, many of whom form the bulk of the migrant population and prevent conflicts resulting from revolts from some citizens. Also the fear of Europe, that terrorist groups may use the central Mediterranean route because of the collapse of Gaddafi Libya is reflected in the concern of preventing the high number of migrants and taking precautions because most of these migrants arrive with little or no documents to ascertain their nationality or identity except by word of mouth. Sweden for instance according to Stefan Löfvén, Swedish PM, insists that before one can be admitted into Sweden, one's identity must be verified (Malta Independent, 2015).

The next statement also confirms the security interest that Europe especially aims to achieve. "*Well managed migration and mobility management*" is of the essence to EU due to the pressures on resources and facilities. Mogherini noted that now the migration crisis is of concern to all of Europe and not just some few countries that feel the pressure of integrating and supporting migrants (EEAS, 2015). The management strategy as noted earlier is to provide a sustainable economic,

social and environmental development which will help human beings live in dignity and equality. The Swedish Prime Minister puts it better when he says, "*We encourage migration but a free one not the forced kind of migration.*" (Malta Independent, 2015).The aim of the policy is to work together with the AU states to help solve the migration crisis because EU alone cannot. Hence the Hungarian PM, Victor Orbáni stated that the once proud EU has turned into a beggar in order to protect its own borders (Kittensinurface 2015).

The Africans, on the other hand, were interested in the development of their economies irrespective of the remittances citizens receive from families from the diaspora. Most countries in Africa are facing poverty, high unemployment rates of the youth, corruption, famine, hunger, environmental hazards, conflicts, gender inequality, and income inequality among others. According to the Human Development Report of 2015, there was no African country among the Very High Human Developed countries. The most developed countries in Africa were South Africa, Mauritius, Seychelles, Algeria, Libya and Tunisia ranked among the High Human Developed countries, another 11 countries among the Medium Human Developed countries and a majority of about 35 countries under Low Human developed countries (UNDP 2015).

Individual African countries and EU Member states have signed various bilateral agreements to help in the development of Africa. Countries in Africa have undertaken projects that were funded by individual EU states or the EU Council. Various funds have been established to help address several social issues in Africa. The Emergency Fund was the first to be set up specifically for migration; however, the issues to be tackled with the fund are problems that already exist. The fund will be used as a source of funds for migration management; implement projects that will bring about employment and education opportunities for the youth. This will reduce the number of youth leaving Africa in search of better opportunities in Europe risking their lives at sea and the desert.

Dalia Grybauskaité, President of Lithuania stated that a good amount of money must be used to bring about development and creation of opportunities that will make Africans stay in Africa. She further noted that some African leaders made it clear that it was not the money they were interested in but for the EU to invest into local economies that will absorb the youth into the labor market (Malta Independent 2015). Donald Tusk in addressing the press said that projects will be launched to bring about employment in countries of origin. This is because unemployment is one of the

major reasons for the youth migrating to Europe for better opportunities (Council of the EU 2015). In addition, Nkosazana Dlamini stated that the implementation of programmes and policies will be more effective in solving the development issue rather than the amount of money the fund is providing (Malta Independent 2015). All these statements show that development is needed in Africa to help stem the flows by improving the living standard of people which is the main reason migrants move into Europe.

The ideas of solidarity, partnership, and shared responsibility also came into play. In addressing partnership, the European partners as stated by European policymakers, Donald Tusk, Federica Mogherini, Joseph Muscat, Martin Schulz and Jürgen Stock said that it was necessary to collaborate with their African partners in saving lives and keeping the migrants in Africa. The partnership was needed because, despite efforts by EU to protect its borders through the signing of bilateral agreements with individual countries and multilateral agreements with regional organizations in Africa, the numbers have rather increased instead of decreasing showing that more efforts are needed. The EU and AU have to both sit down and come up with concrete strategies for addressing the root causes of migration and its related challenges. Donald Tusk stated, "*The only way we can manage migration is by working together. Our purpose today is to agree on a joint approach and concrete steps so that migration becomes fruitful exchange between our peoples and not a tragic loss to all (interest). We have a joint responsibility, and we must deliver on it in partnership and solidarity*" (European Council, 2015).

The idea of shared responsibility was also being promoted within the EU community. The EU among its member states had a division with regards to measures to be taken to help solve the crisis. Some member states were protecting their own borders whiles others had more open borders for migrants. The shared responsibility of protecting Europe's external borders from terrorist and other organized crimes brought together European states to tackle the issue of migration. Some member states as noted earlier did not want to partake in the relocation process of refugees. Also, the resources needed to solve this issue were initially being funded by few countries. The increasing threat of security in Europe and continuous dialogue brought 26 of the EU member states agree to the relocation of some 40,000 and later 120,000 refugees in need of international protection. EU states saw the need to share the responsibility of providing the needs of the

increasing number of refugees on their territory. Africa is not able to prevent the continuous flow on its own due to problems related to social, economic and political development in individual countries and the lack of resources to tackle this issue.

Africans had their share of responsibility by ensuring that they develop projects and policies with the Emergency fund provided that will help address the root causes and alleviate poverty to increase the standards of living of ordinary citizens and provide employment to their youth. Europe needs Africa to keep Africans in Africa and accept Africans that cannot be granted asylum back and Africa needs the resources and expertise of Europe to develop their economies and provide stability and higher standards of living for its citizens.

The dialogue between the two regional organizations was based on respect and a common focus of addressing the migration crisis and not on their shortcomings that have led to the increasing flow of migrants. Also, the dialogue was conducted in a manner where both parties exchanged ideas and thoughts on the subject. Both European and African delegates stated that they did not feel superior or inferior neither were the Europeans going to push their idea on Africans but to discuss the issue for better solutions than the previous ones they had (Malta Independent, 2015). The aim of this cooperation must be based on the respect of human rights according to International laws, the sovereignty of states and national legislation. The illegal migration starts from Agadez in Niger where smugglers extort fares from Libya-Europe bound migrants. The collaborative measures must start from Africa, where governments with the help of resources put in place fight smugglers and traffickers and develop their economies to improve the living standards of its citizens. Europe, on the other hand, will provide the necessary resources and expertise to help Africa develop projects and capacity building among others. Also, rescue missions will continue in order to save the lives of migrants at sea. The idea of cooperation is very evident in the dialogue that occurred during the draft and adoption of the African framework on migration where the international community especially Europe had to be involved to finalize the draft to have better or sustainable policies to tackle migration. The EU on the other hand irrespective of its effort to prevent the flow by increasing stricter border control measures have failed and hence need the help and cooperation of African states to tackle the problem from their home countries through to transit countries before migrants cross the Mediterranean.

The idea of solidarity is evident in the dialogue between the two regional organizations. Their common interest to preserve lives, address the root causes of migration, tackle the negative effects and challenges facing both continents, uphold and abide by international standards relating to human rights and migration is very evident in the JVAP priority areas. Both parties agree that in order to stop the continuous loss of lives, the root causes of migration must be addressed. This means that Africa must be developed in order to provide the basic needs of its citizens and also prevent conflicts based on power struggles all in the name of bringing prosperity to its people and getting rid of corrupt and incapable leadership.

Another idea, which is the crisis in itself put pressure on policy-makers to come up with concrete and sustainable solutions (Nalepa, 2017). The idea of crisis makes citizens expect immediate action from its leaders and often leaves the responsibility to them. This makes their actions more legitimate. Also the issue of European crisis brought together the various EU member states irrespective of their stance to rally behind the Council to interact with their African partners to keep Africans in Africa and secure its external borders from threats as it may affect all states in the long term. The treatment of irregular migrants and their survival in Europe due to discrimination and xenophobia also appeared in the Political declaration. It was stated that "*serious humanitarian consequences and security challenges*" and "*Respect for the dignity of refugees and migrants and protection of their human rights, regardless of their status, will remain our priority at all times.*" The treatment of migrants by some border coast guards is a cause for concern which International humanitarian organizations have raised. The treatment of these migrants even before they leave the shores of Libya (Central Mediterranean route), the reception by indigenes brings to bear the disrespect of these migrants because of their vulnerability. The differentiation between refugees and illegal immigrants has also accounted for this as some scholars on migration have pointed out.

Europe has recognized that the migration problem can be solved by working with African states hence the phrase "*high degree of interdependence*". Nkosazana Dlamini (AU Chairperson), Frederica Mogherini (High representative for foreign affairs and security policy), Ali Bongo (President of Gabon), Taavi Roivas (PM of Estonia) and Jean Claude Junker (President of the European Commission) in their remarks when interviewed noted that the Action Plan can be

effectively implemented if both parties work hand in hand and do their part in ensuring that the migration crisis is resolved (Malta Independent 2015 & EEAS 2015).

Policy Instruments: The Joint Valetta Plan of Action

The policy instrument adopted was the Joint Valletta Action Plan to be funded with the EU Emergency Trust Fund (€1.8 billion) for Stability and Addressing Root Causes of Irregular Migration and Displaced person in Africa and monitored with existing mechanisms within the Rabat Process, Khartoum Process and the Joint EU-Africa Strategy (European Council 2015). The beneficiaries of the fund are Burkina Faso, Cameroon, Chad, Gambia, Mali, Mauritania, Niger, Nigeria, Senegal, Djibouti, Eritrea, Kenya, Somalia, South Sudan, Tanzania, Uganda, Morocco, Algeria, Tunisia, Libya and Egypt (Action Plan, Valletta Summit 2015).

The Action Plan outlined several measures to be taken under the five domains and the sixteen initiatives to be achieved by 2016 showing the urgency of the situation. The interests that influenced the development of the Joint Valletta Action Plan (JVAP) on the five priority domains are security on the part of Europe, the development of Africa and the common interest of protecting the basic human rights of individuals. Several institutions, physical or non-physical or informal constraints, and formal rules were to be used in the implementation process. The idea of partnership and shared responsibility runs through the JVAP for each domain or priority area.

The first domain, "development benefits of migration and addressing root causes of irregular migration and forced displacement" aims at reducing poverty, socio-economic development, promoting peace and good governance due to the presence of dictators and corrupt leaders it has among other factors. The interest in addressing the root causes of irregular migration and forced displacement is to rekindle hope, especially for the African youth as noted in the political declaration through the development of the African economy. The main aim is to mainstream migration in development cooperation; boost socio-economic development through the creation of job and skills training; support the most vulnerable in society; and enhance sustainable livelihoods and self-reliance. Other areas include exploring development benefits of migration and addressing instability and crises in the African region. The reduction of poverty, unemployment and other socio-economic challenges will encourage people to stay in Africa and work rather than risking their lives through Agadez, the Sahara desert, Libya and the Mediterranean Sea.

The second domain aimed at creating networks to facilitate the exchange of education and skills training between EU and AU. Also, the creation of opportunities in the field of employment for migrants and returnees was included in the plan to help migrants integrate both in countries of destination and origin. another topic was visa facilitation. African policymakers want their citizens to gain the knowledge, skills, and job opportunities in Europe while European government has been looking at easing readmission and returning illegal migrants than before. Donald Tusk elaborated on the above when he stated that there would be an increased number of scholarships through the Erasmus plus network for students and researchers (Council of the EU 2015). The use of legal channels would help migrants integrate with their host countries and have their rights acknowledged and prevent discrimination. Africa will benefit from its inhabitants learning improved and new technologies to develop their countries and the EU will also benefit because these beneficiaries will have to return to their home countries after training. However, a cycle was created where beneficiaries could return to Europe when the need arises. This will, therefore, lower the rate of giving permanent residency to migrants.

The third domain Protection and asylum is the common interest of Europe and Africa based on the institution of Human Rights law. Noted earlier in the Policy Alternatives section, all the policymakers from Africa and Europe are interested in saving the lives of people primarily before their individual interests of security and development. Prior initiatives based on the migration agenda focus on this. The 1951 Refugee Convention and the 1967 Protocol are the formal rules governing this priority area. The protection of refugees and displaced persons, upholding human rights of all migrants irrespective of their status and integrating long-term refugees and displaced persons is the focus of this domain. The action plan also provides for a humanitarian response to countries in urgent need of food assistance, shelter, water and sanitation and protection. This will help countries in Africa facing conflict, hunger and draught as well as displaced persons in the region.

The fourth goal was to strengthen the fight against irregular migration using existing arrangements and obligations under international law. Existing institutions had great influence on this goal. The international human rights law must be adhered to because the condition under which Europe-bound migrants live and travel is a cause of concern. Other non-physical institutions influencing this domain are the UN Convention against Transnational Organized Crime, UN Protocols on

Smuggling of Migrants by Land, Sea, and Air and on Trafficking in Persons and 2014 Protocol to the ILO Forced Labour Convention. Frontex, Interpol Europol and National Central Bureaux in Africa are the physical institutions to implement the law, train and cooperate with other African law enforcement bodies to fight crime groups. Migration is a lucrative business for middlemen, smugglers, and merchants living in Agadez and Libya.

The policy instruments under the fourth domain aside the above mentioned include developing legislative and institutional frameworks to tackle smuggling and trafficking; protecting the vulnerable; improving intelligence gathering and sharing to help track migrants before and after their arrival in either Africa or Europe for easy identification; develop alternative opportunities for smugglers and traffickers and provide information to raise awareness among the general public and potential migrants on the dangers of human trafficking and smuggling to deter illegal migrants. This goes to help the interest of the Europeans as fewer people will migrate using the Central Mediterranean route and terrorists and other criminals can be easily identified and also for easier identification to return migrants which some of the African counterparts are not open or willing to accept because of the benefits of remittances for their economies.

One way of fighting the forced return of migrants and brutalities faced from immigration personnel and coast guards is the voluntary return of migrants. The political declaration, therefore, states that these returns will be carried out in full respect of human rights and dignity and strengthen the fight against smugglers, traffickers and other organized criminal networks linked to terrorism through "*effective border management, enhanced cooperation and the implementation of relevant legal and institutional frameworks*." The political declaration further establishes the goal of both parties to protect the lives of migrants by strengthening international protection and assistance in accordance with international and regional instruments. INTERPOL as a physical institution would serve as the police officer to provide a comprehensive response to counter criminal networks and their activities and also provide capacity building for African states and coordinate their police department activities as stated by Jürgen Stock (INTERPOL 2015)

The fifth domain on return, readmission, and reintegration as noted by Frances Fitzgerald, Irish Justice and Equality Minister the topic was important and quite broad. The African partners did not want to agree outright with this aspect because most of their economies benefit from the remittances sent home from migrants in Europe. The issue is complicated and so the establishment

of camps or information centers to screen asylum seekers or migrants as well as other functions had to be revised in the course of the meeting as explained by Joseph Muscat, Prime Minister of Malta (Malta Independent 2015). Neven Mimica further stated that the camps in transit countries exist but the aim is to reintegrate migrants into economic and social life and opportunities in their countries of origin and transit states. This means that Europe has the interest of returning most migrants back to Africa rather than reintegrating them in Europe due to public opinions of its citizens (Malta Independent 2015). Those to be returned are those who cannot benefit from international protection in Europe and illegal migrants. Returnees must be provided with the necessary means to integrate into society and meet their needs of survival. The agenda of Europe is to return more migrants back home; this statement can be deduced from the speech made by Jean-Claude Junker in an informal meeting with European leaders at the Valletta Summit. Most African countries as noted by Joseph Muscat are not willing to take migrants that do not qualify for asylum because they always ask Malta, for example, to prove the citizenship of these migrants to be returned (Muscat 2015).

Conclusion

The inability of Africa and Europe to solve the migration crisis on their own brought them together at Valletta Malta. The policy-making process was a crisis policy-making process because the EU and AU had little time to come up with a policy as thousands of lives depended on the decisions that were to be made. Also, the presence of a multitude of actors ranging from EU and AU member states to national and International NGOs and lack of resources to tackle the unfolding challenges confirm that the migration flow to Europe was indeed a crisis. The Political Declaration and JVAP highlighted their interests: security on the part of EU, development for Africa and the protection of human lives for all parties. The ideas of partnership, shared responsibility and solidarity were evident as both parties needed each other to solve the issues they were facing on their continents. In this sense, ideas were used as instruments to legitimize interests.

The JVAP shows conflicting interests hence the measures stated are open to interpretations by both parties. The projects are not concrete or specific. This shows that some of the projects may fail or become redundant for lack of specification. Member states can implement projects that suit

their interests by signing bilateral agreements therefore not creating a uniform structure for all countries in Africa and Europe. Also, the funds were not apportioned which means that some domains will receive more attention than others depending on politics. On the whole, the policy-making process confirms that indeed there was a migrant crisis and Africa also being a continent of origin had to be engaged to solve this migration issue. The policy outcome reflects the parties's respective strategies.

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