

**CONTESTED COOPERATION IN THE EU'S EXTERNAL MIGRATION
POLICY: IN SEARCH OF EFFECTIVE MIGRATION PARTNERSHIPS
(WITH NIGER AND MALI)**

*Umstrittene Zusammenarbeit in der externen EU-Migrationspolitik:
Auf der Suche nach effektiven Migrationspartnerschaften
(mit Niger und Mali)*

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List of Abbreviations

ACP:	African, Caribbean and Pacific
APM:	<i>Appui-conseil en matière de Politique Migratoire</i> / Migration Policy Advice in Niger
B/WATNA:	Best/Worst Alternative to a Negotiated Agreement
CCM:	<i>Cadre de Concertation sur la Migration</i> / Consultation Framework on Migration
Council:	Council of the European Union
DG:	Directorate-General
EEAS:	European External Action Service
EC:	European Commission
ECOWAS:	Economic Community of West African States
EDF:	European Development Fund
ENP:	European Neighbourhood Policy
EU:	European Union
EURA:	EU Readmission Agreement
EUTFA:	European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa
FLO:	Frontex Liaison Officer
Frontex:	European Border and Coast Guard Agency
G5S:	G5 Sahel (Mali, Niger, Mauritania, Burkina Faso and Chad)
GAM(M):	Global Approach to Migration (and Mobility)
GDP:	Gross Domestic Product
GIZ:	<i>Gesellschaft für internationale Zusammenarbeit</i> / German Corporation for International Cooperation
IOM:	International Organization for Migration
ISF:	Internal Security Forces
MS:	Member States
MP:	Migration/Mobility Partnership
MPF:	Migration Partnership Framework
PONAM:	<i>Politique Nationale de Migration</i> / National Migration Policy
SOPs:	Standard Operating Procedures
TC:	Third Country
UNDP:	United Nations Development Programme
UNHCR:	United Nations High Commissioner for Refugees
ZOPA:	Zone of Possible Agreement

German Abstract

Angesichts der zunehmenden Bedeutung der externen EU-Migrationspolitik untersucht die vorliegende Studie deren Effektivität am Beispiel des *Migration Partnership Framework* (MPF), das 2016 mit dem Hauptziel verabschiedet wurde, durch eine enge Zusammenarbeit mit ausgewählten Drittstaaten die irreguläre Einwanderung nach Europa einzuschränken und Rücknahmequoten zu erhöhen. Anknüpfend an bisherige Untersuchungen zu *strategischer Migrationspolitik* lassen sich aus der Verhandlungsforschung in Verbindung mit Untersuchungen zum Komplex „interne Geschlossenheit – externe Effektivität“ Hypothesen zur Erklärung des Zustandekommens solcher Kooperationsformen ableiten. Diese bestätigen sich anhand eines strukturierten fokussierten Vergleichs der kontrastierenden Fälle Niger und Mali: Demnach erwägen Drittstaaten eine Zusammenarbeit anhand des Verhältnisses zwischen Vorzügen/dem Übereinstimmungsgrad mit nationalen Prioritäten und entstehenden Kosten, die insbesondere bei einer Mobilisierung innenpolitischen Widerstands und mangelnden Kompensationsangeboten an betroffene Interessengruppen mögliche Anreize überwiegen können. Folglich müssen die Kerninteressen der Verhandlungspartner kompatibel sein, d.h. das Kosten-Nutzen-Verhältnis aufseiten des Drittstaats muss dessen beste Alternativoption übersteigen, wobei sich das Kooperationsangebot im Rahmen des von der EU maximal bewilligten Einsatzes bewegen muss.

In der Praxis zeigt sich, dass diese Konstellation gerade in Herkunftsländern wie Mali mit einem gewichtigen Migrationsinteresse oft nicht gegeben ist. Selbst eine maximale Erhöhung des EU-Angebots durch Policy-Mainstreaming und eine Absenkung der Alternativoption durch eine enge Integration der EU-Mitgliedstaaten scheinen hierbei unzureichend, um die entstehenden Nachteile des Gegenübers auszugleichen. Dies hat jedoch zur Folge, dass das MPF sowohl sein Ursprungsziel (die Beschränkung der Einwanderung nach Europa) als auch seine internen Ziele (die gemeinsame Umsetzung von Kontroll- und Rückführungsmaßnahmen mit den Drittstaaten) und damit Effektivität nur eingeschränkt erreicht, wobei gleichzeitig hohe Kosten nicht nur materieller und strategischer Art entstehen, sondern auch eine Gefährdung anderer außenpolitischer Ziele und Normen sowie Opportunitätskosten aufgrund des ungenutzten Migrationspotenzials. Paradoxe Weise liegt ein zentrales Mittel zur Lösung des Widerstands in der Öffnung legaler Migrationswege, was jedoch der innenpolitisch geprägten EU-Intention der Migrationsbeschränkung fundamental entgegensteht und einen verbreiteten Einstellungswandel voraussetzen würde. Folglich setzt eine insgesamt effektive EU-Migrationspolitik sowohl eine Verschiebung des EU-Reservationspunktes als auch ein grundlegendes Verständnis der jeweiligen Partnerinteressen voraus.

1 INTRODUCTION

Against the background of the 2015/2016 ‘refugee crisis’ and quickly spreading rifts among European leaders resulting in stalemate of internal reform processes, the external dimension of the European Union (EU)’s migration policy has gained momentum with regards to finding potential ‘solutions’. In this sense, the Valletta Summit, bringing together European and African heads of state and government in November 2015, not only introduced the EU Trust Fund for Africa, but also prepared the launch of a new Migration Partnership Framework (MPF) in an official attempt to ‘address the root causes’ of irregular migration towards Europe. In fact, this strategic step extends on previous approaches to external migration cooperation developed since the early 2000s, largely focusing on controlling irregular migration and facilitating readmission of irregularly staying migrants. Ensuring the necessary approval of relevant third countries (TCs) is, however, not as straight-forward as the strategy is appealing. With regards to EU Readmission Agreements (EURAs), Coleman (2009, 184) already pointed out that accepting migration control and repatriation per se is usually not a case of ‘mutual interests’, but rather constitutes an additional burden for countries of origin and transit. The ensuing constellation in which the EU depends on the TC’s acceptance of potentially costly control measures arguably strengthens the latter’s position vis-à-vis the Union. Hence, the following questions arise: (1) When do TCs agree to cooperate on the external European migration agenda? (2) More generally, under which conditions does the EU succeed in achieving its goals concerning external migration control via cooperation with third countries (under the MPF)? (3) Ultimately, which goals and factors are necessary for the establishment of an effective external migration policy? Determining the conditions shaping the effectiveness of the EU’s external migration policy overall and of the MPF specifically furthermore requires answers to the following intermediate questions: (1) How can we define effectiveness in an analytically meaningful way? (2) To what extent do the countries covered by the MPF cooperate with the EU and how does the effectiveness level scatter among TCs?

In recent years, scholars began to investigate both the strategic use of migration movements/policy and the trend of externalising migration control. Independently, they have shed some light on the dynamics and reasons for this trend and case-specific assessments of TC reactions, while to a certain extent neglecting the interplay of these processes. This study, therefore, aims to offer an analytical understanding of this interdependence and the impact of certain constellations and processes on both sides of the Mediterranean on the ultimate

level of effectiveness. Extending on previous accounts of strategic migration policy, it extracts insights from the negotiation analysis literature, integrating the debate on a link between internal EU cohesiveness and external effectiveness into a single rational account of the Union's effectiveness in cooperating with TCs on its migration agenda. The hypotheses thus derived are applied to the cases of Niger and Mali as two structurally similar countries with whom the EU yet reached divergent levels of effectiveness. The MPF itself promises some interesting insights on overall conditions of effectiveness in the realm of external migration governance more generally since its results and constellations can be compared to those of previous cooperation frameworks.

Before introducing the exact academic and empirical context, a few conceptual or rather terminological remarks are in order: First, when speaking of the European Union (EU), this study refers to a course that can be presumed to be pursued by both (the majority of) Member States (MSs) and the relevant institutions (i.e. particularly the European Council and the European Commission (EC)) in a mutually informed way, i.e. it is assumed that their interests and objectives mostly align in the specific context of this study. Yet, as the analysis will show, such alignment of overall intentions may not necessarily result in single, unified action. Hence, the EU per se is not considered a monolithic, but rather a multiparty player in a twofold sense, referring to a variety of both MSs and domestic national players. Second, since the questions addressed by this study and its use of language may indicate a Eurocentric approach, reproducing and thus enforcing the narrative of 'mutual gains', 'shared responsibility' and irregular migration as a burden for both the EU and TC, a word of caution is due. Expressions like 'cooperation', 'collaboration' and 'partnership' are positively connotated and implicitly indicate that working with the EU on migration is a legitimate demand, while a lack of 'progress' is considered as defying the latter. Thus, while using this language due to difficulties in finding and employing alternative terms, this study explicitly recognises the sovereignty and legitimacy of interest-based state action and is to be understood as a scientific analysis of the dynamics and reasons of 'collaboration' between states rather than a (normative) recipe on how to further advance the EU's interests in international relations.

With these specifications in mind, the study continues by, first, contextualising the research project both academically – within the canon of previous studies and analytical perspectives (Chapter 2) – and empirically – against the background of a developing external dimension of EU migration policy and the specific original context of the MPF (Chapter 3). Second, Chapter 4 elaborates the theoretical framework, conceptualising effectiveness and deriving

hypotheses from the integrated literature on EU cohesiveness as well as, primarily, negotiation analysis. The research design and methodology are chosen and explained accordingly. On this basis, the main body of this thesis – the empirical analysis – is presented in Chapter 5, first identifying the goals to be attained in light of a liberal intergovernmentalist analysis of the impact of domestic pressure on foreign policy objectives (Sections 5.1 & 5.2). Subsequently, Section 5.3 assesses the overall level of effectiveness reached in implementing the MPF and specifically in cooperating with Mali and Niger in order to extract (potential) reasons for the divergent degree of effectiveness in these two cases based on the hypotheses previously formulated (Sections 5.4 and 5.5). Eventually, Section 5.6 investigates the potential and actual impact of EU cohesiveness on the negotiation constellation and thus on the level of effectiveness to be achieved. Based on these empirical observations, Chapter 6 puts the findings into perspective, pointing out the comparative results of the case studies as well as elaborating on their practical implications and constraints of the rational account derived from negotiation analysis research. Relatedly, Section 6.3 focuses on additional aspects of effectiveness pointed out in the defining chapter, investigating the costs associated with the MPF on the EU's part and elaborating on the paradoxical relationship between action-related and effect-related targets, on the one hand, and necessary conditions for advancing on the migration control agenda, on the other. Finally, the overall findings of this thesis are summarised in Chapter 7, further pointing to aspects to be addressed by prospective research.

2 *EXTENDING ON PREVIOUS RESEARCH: STRATEGIC MIGRATION POLICY*

The political and strategic use of migration has been recognised at the latest with Greenhill's (2018) conceptualisation of coercive engineered migration, i.e. a state's instrumentalization of migration to obtain concessions from other governments. Moving away from a normative understanding of such a strategic use, we learn that international migration is a still insufficiently researched and acknowledged element of bi- and multilateral bargaining that can easily be linked to additional policies. Moreover, this understanding implies that it can be used both ways – as a means for a sending or transit country to make additional gains (e.g., in the case of the EU-Turkey deal) and as a condition posed by a receiving country for collaborating on other issues (like opening an accession perspective in turn for signing an EURA) (Lohmann, Harnisch, and Genc 2018). Hence, Adamson and Tsourapas more neutrally introduced the term 'migration diplomacy' to describe 'states' use of diplomatic tools, processes, and procedures to manage cross-border population mobility' (2019, 115–16). One way of achieving this outcome is to make use of what Lujic (2019) calls 'strategic migration

policy’, i.e. ‘the linkage of economic, security and (international) reputational aims that are codified and institutionalised through bilateral migration agreements’ (p. 5). One frequent way of manifesting and implementing such strategies is through (more or less) official agreements. Generally, researchers have paid more attention to multilateral migration agreements (cf. Betts 2011) and if bilateral agreements between the EU/its Member States (MSs) and TCs were investigated, the focus mostly rested separately on the EU’s internal position-making and the reasons for TC (non-)agreement (cf. Reslow and Vink 2015, 857).

Aiming to overcome this ‘tendency to ‘black box’ either Member States or third countries’, Reslow and Vink (2015) applied a three-level-game approach to the conclusion of EU Mobility Partnerships (MPs) with West African states, also considering domestic interests and the importance of interactions between the actors concerned. Analysing the cases of Cape Verde and Senegal, they argue that the costs of non-agreement and the degree of the actors’ autonomy primarily determine the outcome of negotiations, while Adamson and Tsourapas (2019) stress the importance of the perception of migration diplomacy tools as zero-sum or positive-sum strategies and thus of expectations related to relative or absolute gains. Similarly, Lujic (2019) applied this three-level-model to agreements between Italy (with EU support) and Libya, extending it by the factor of reputation. Asking ‘to what extent domestic and international factors determine and shape bilateral migration agreements’, she reveals ‘how divides within the EU and its respective member states in conjuncture with the sending states’ long-term international reputational interests determine the substance and reasons for conclusion of bilateral migration agreements’ (p. 1). She proposes several theoretical assumptions to be subject of further research, inter alia:

P3: Third countries, EU member states as well as the EU are engaged in a continuous interactive process determined by their individual international reputational, economic and security interests as demanded by their domestic publics and/or those of other EU member states. The building and betterment of an actor’s reputation ultimately serves as an activator for further foreign and security policy aims that are codified through issue linkages in bilateral agreements. (Lujic 2019, 19)

In an initial survey of EU-Morocco migration partnership, Tittel-Mosser (2018) illustrates how the Maghreb state managed to benefit from the EU’s demands to advance its national agenda in a sense of ‘reversed conditionality’. Gabrielli (2016, 29) similarly emphasises the strategic approach of some African countries which

see in the negotiation of migration control the possibility to obtain monetary and material assistance, as well as the opportunity to gain a more central position in their relations with Europe. Thus, externalisation of migratory control is becoming a crucial bargaining tool in the relations of some African countries with both the EU and its member states.

Similarly, based on a close examination of EU Readmission Agreements (EURAs), Coleman (2009, 184–87) finds that negotiating TCs have tended to ‘hold the initiative, occupy strong negotiation positions’ (p. 184), also strategically reflecting developments in and results of EU negotiations with other TCs. Relatedly, Koch, Weber, and Werenfels (2018a) have edited a comprehensive study examining the reaction of selected African countries to the EU’s intention of establishing a profound migration-related cooperation. Based on the contributions, they distinguish between ‘proactive’ and ‘reactive’ partner countries: whereas the former bring in their national priorities, actively setting the agenda, the latter either make at least some strategic use of this opportunity, act defensively by rejecting the EU’s approach altogether or even let the EU define the terms and conditions (Koch, Weber, and Werenfels 2018b, 71–73). For instance, Morocco is perceived to have seized its strategic position, determining the scope for cooperation with the EU according to national priorities (Werenfels 2018). Algeria, on the other hand, while sharing a similar strategic position, has not used this opportunity, opting for isolation and security mainstreaming. In explaining the variety found in these and other case studies, Koch, Weber, and Werenfels (2018b, 73–77) point to the (potential) impact of the state’s current constitution (the government’s ability to act, strength of the security apparatus, the presence and extension of state structures, the centre-periphery relation, internal conflict, economic performance), colonial heritage, emigration practice, (sub)regional contexts and previous experience in working with the EU. Notwithstanding the validity of these factors, this study shall focus on the interaction of the EU and potential ‘partner countries’, thus reflecting on the negotiation constellation in a more abstract form.

Finally, applying a fuzzy-set QCA design, Stutz (2019) aims at identifying determining factors of cooperation extensity, i.e. at explaining why EU migration cooperation is more extensive with some TCs than with others (based on data from neighbouring and accession countries as well as Russia and Balkan states in 2015). He finds that existing relations as well as democratic systems and economic dependence are linked to cooperation extensity, whereas the number of people originating from or transiting through a TC is less decisive. While these results contain some information on the EU’s selection criteria for potential partners, it also implicitly conveys the impression that a lack of existing relations and economic ties as well as the important consequences and also benefits of being a sending or transit country may obstruct the establishment of cooperation on migration control. In addition, expectations towards and dependence on good relations with the EU have been found a pertinent factor with countries covered by the European Neighbourhood Policy (ENP) having more of a stake (cf. Reslow 2015, 124).

Against the background of these previous findings, this study aims to validate the explanatory power of the factors just singled out and integrate them into a widened negotiation-based research perspective applied to a more recent strategy of interstate cooperation – a case portraying a distinct constellation of actors and interests that can be examined against the background of previous EU approaches to migration cooperation, thus allowing for additional insights on factors determining the effectiveness of external migration governance.

3 *EMPIRICAL BACKGROUND: CONTEXTUALIZING THE MPF WITHIN THE EU'S EXTERNAL MIGRATION POLICY*

3.1 *EU EXTERNALISATION DEVELOPMENT (WHAT WORKS?)*

The communitisation of EU migration policy, including its external dimension, has been functionally spurred by the establishment of the Schengen zone of free movement, necessitating a shared approach to immigration (Serón Aires and Gabrielli 2019, 85–86). Menz (2015) illustrates, from a principal-agent perspective, to what extent MSs (particularly Italy, Spain and Germany) have already resorted to bilateral forms of cooperation with North and West African countries, i.e. to principal slippage in view of early attempts of developing a common external migration control strategy since the Tampere Council of 1999. Gabrielli (2016) describes the ‘extension of the European border’ or ‘extra-territorialisation’ of migration control as a process of shifting competences up to the EU and out to TCs, involving a ‘bilateral momentum’ of national initiatives followed by a ‘renewal of multilateralism’ in the late 2000s. Early attempts of externalising migration control largely focused on containment and returns, e.g. with the Euro-Mediterranean association agreements in the 1990s/2000s and the conclusion of the European Council in Seville 2002 to make joint migration management and readmission a fixed element in every TC agreement (Gabrielli 2016, 9). Likewise, the idea of partnerships had early been shaped by the Tampere conclusions of 1999 and the Berne Initiative (2001-2005) resulting in the ‘International Agenda for Migration Management’ (Weinar 2011, 4). The main pillars of interregional governance comprise a dominant securitarian logic focusing on the arrival of migrants (vs. the long-term perspective on causes), the establishment of a common EU visa policy and EURAs as well as the ‘delegation of mobility control tasks to third countries’ (Gabrielli 2016, 12).

The establishment of the *Global Approach to Migration* (GAM) in 2005 marked one of the first common steps of extending migration governance to third countries by inviting cross-national dialogues and introducing so-called ‘Mobility Partnerships’ (MPs). This concept envisioned to combine the issues of legal migration, fight against irregular migration and

fostering the relationship between migration and development, while using conditionality to establish cooperation – in fact linking EURAs to visa facilitation measures (Lavenex and Stucky 2011). In reality, control-related measures (including border controls and readmission) came to dominate the other dimensions, although not only through strategic intentions, but also due to implementation dynamics related to the distinguishable logic of control measures, resource distribution and the role of implementation partners (Wunderlich 2013a; 2013b). In addition, early attempts to shift responsibility for asylum and refugee protection to African states were deemed largely ‘Eurocentric’, ‘failing to take into account the constraints faced by African states’ (Betts and Milner 2007, 8). In view of a series of backlashes in getting relevant TCs to sign such EURAs, in many cases this new approach, however, still did not bring about the expected changes (Collett and Ahad 2017). This blockade seemed to partly result from smaller leverage of the Union vis-à-vis TCs with whom the EU has weaker ties or who have fewer incentives to embrace its initiatives – e.g. compared to countries covered by the ENP (Chou and Gibert 2012; Reslow 2015; Wunderlich 2013b). Wunderlich (2013b, 36) further argues that ‘[g]rowing fears in transit countries, of turning into countries of immigration, have contributed to NMS [non-member state] adoption of EU migration control objectives’. More generally, some pitfalls were caused by the EU’s weak position compared to single MSs due to a lack of competence and dependence on a multilateral orientation of the latter (Weinar 2011, 14). As Lavenex and Stucky (2011, 136–37) point out,

MPs reflect very much the legacy of earlier more unilaterally repressive policies. [...] Although openly embracing the notion of conditionality in the way countries are selected and in which offers are formulated, these MPs are at the same time an illustration of the Union’s turn towards more technocratic modes of external governance based on transgovernmental networking with public officials below the top level of government in the pursuit of foreign policy goals. Although as such indicative of a specific form of hegemonic outreach, internal and external constraints – including lack of political will on the part of the Member States, and a lack of staff and administrative resources on all sides – are likely to limit seriously the degree to which this influence will unfold in practice.

Partly as a reaction to the Arab Spring and ensuing migration flows towards Europe in addition to the abandonment of previous (bilateral) control regimes arranged with Maghreb leaders, the EU’s focus increasingly shifted towards Africa, a development reflected in the expansion of the GAM towards the *Global Approach to Migration and Mobility* (GAMM) in 2012 (Kipp and Koch 2018; Strik 2017). This reorganisation mirrored the lacking progress with many TCs that demonstrated a strong interest in integrating mobility into the partnerships, the rationale now being ‘development aid, temporary-entry visa facilitation and temporary migration schemes in exchange for partner countries’ effective cooperation in the fight against irregular migration and border control’ (González Enriquez et al. 2018, 7).

Overall, the toolbox of the EU's external migration governance has evolved and diversified since the early 2000s, ranging from political and legal instruments to operational instruments such as external forms of cooperation with the European Border and Coast Guard Agency (Frontex) and the European Asylum Support Office (EASO) (though underdeveloped) and Regional Protection Programmes (García Andrade et al. 2015; Kipp and Koch 2018, 9–14). Whereas legal instruments encompass both migration clauses in 'global agreements' and specific contracts like Visa Facilitation Agreements and EURAs, political instruments tend to be more informalised, tentative and less transparent. Cardwell (2013) illustrates how 'new modes of governance' increasingly adopted in the EU's external migration policy (including migration profiles, migration missions, cooperation platforms and MPs) distinguish themselves from hard law by having an indirect, transformative and flexible impact on TCs by means of latent assessment and reactivation of cooperation channels. Non-legally binding in nature, they grant the EU the potential to still cooperate among MSs in a more flexible way where legal measures would not reach sufficient approval or be hampered by formal procedures. The informalisation trend has resulted in an increasing number of non-binding arrangements established with TCs (see Figure 5 in the Appendix).

Gabrielli (2016, 10) points out how the external dimension of European migration cooperation has in fact long been a 'patchwork policy', accumulating measures and specific forms of cooperation run by the EU, its MSs and international organisations where MSs focus on specific routes and countries to which they have historic ties, coordinated and supported by the EC. In his view, the political level to advance the European migration agenda among an interregional (e.g. EU-OACPS [Organisation of African, Caribbean and Pacific States]), multilateral (EU-TC) or bilateral (MS-TC) format 'can be switched from one level to another in order to maximise the possibilities of success', while migration can also be discussed as an autonomous topic or in conjuncture with a broader agenda (Gabrielli 2016, 23; cf. Weinar 2011, 14). He, thus, specifies:

Regardless of the level at which it is conducted, the negotiation of the migration management model's transfer and its implementation follows two basic axes: a 'comprehensive approach' and a 'stick and carrot' logic. This means that different issues of the relations are strictly connected into the negotiation, a fact that allows to European actors to operate a more intense pressure to conclude the migratory deal. The use of other matters in the migratory negotiation, as a 'stick' or as a 'carrot' depends on the position of the third countries *vis-à-vis* the issue, as well as on the European priority to reach an agreement. (Gabrielli 2016, 23, emphasis in the original)

For instance, a possibility for issue-linkage has in his account been used by the EU regarding the Cotonou agreement with OACPS (formerly ACP) countries, balancing the costs of a

readmission clause with the economic advantages flowing from cooperation. Even more strikingly, the Union has been accused of exploiting the political uncertainty following the Arab Spring to advance the adoption of Mobility Partnerships with Tunisia and Morocco which are supposedly not balanced with their national interest (Gabrielli 2016, 24).

3.2 THE MIGRATION PARTNERSHIP FRAMEWORK AS A CRISIS RESPONSE

The ‘new Partnership Framework with third countries’ (MPF) was established in 2016 under the ‘European Agenda on Migration’ constituting the first strategic response of the Union to the unprecedented crisis climaxing in 2015/16 (EC n.d.; 2016a). It is part of a further diversified European approach connecting the MPF to the Valletta Joint Action Plan, the Sahel Regional Action Plan and operationally to the EU Trust Fund for Africa (EUTFA) (Council 2015a; EC 2015; European Council 2015; González Enriquez et al. 2018, 7–8). By envisioning partnerships with five ‘priority countries’ (Niger, Mali, Senegal, Nigeria and Ethiopia), the framework seeks to further extend the EU’s zone of influence, in fact seeking to extend migration control measures to West and East Africa (see Figure 6 in the Appendix).

In strategic terms, ‘[t]he partnerships are expected to contribute to saving lives, fighting trafficking, breaking smuggling networks, increasing returns while enabling migrants and refugees to stay closer to home and helping countries to address the root causes of migration’ (Zoomers, van Noorloos, and van Liempt 2018a, 3). In practice, measures may include the training of security forces, strengthening of anti-smuggling legislation, the organisation of voluntary assisted returns and fostering of alternative employment (as in the case of Niger) (Collett and Ahad 2017, 7). Initially, so-called ‘migration compacts’ were envisioned at the core of the MPF in form of documents outlining the partners’ commitments. An EU official revealed, however, the deliberate vagueness of these ‘compacts’ in order to make all potential action and results fit the original concept (Interview 4). Thus, the MPF was defined as

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

As such, the MPF intends to demonstrate the EU’s crisis-response ability by strengthening the ‘capacity of law-enforcement authorities and decision-makers to control legal and irregular migration’ (Cassarino and Giuffré 2017, 3). Yet, in doing so, it continues on a path of flexible informality, thus avoiding both lengthy legislative and ratification procedures and

public attention to concrete arrangements (Cassarino 2018). This priority also becomes visible in the abolition of the readmission-for-visa-facilitation-agreements dogma ‘to avoid the risk that concrete delivery is held up by technical negotiations for a fully-fledged formal agreement’ (EC 2016e, 3; cf. Reslow 2017b).

Technically, ‘these partnerships involve a mix of political, aid and security engagement by the EU and MSs, adapted to each country context, and with a focus that shifts over time in response to changes in context or in the quality of cooperation. The partnerships do not involve any dedicated political dialogue processes or programming instruments, but are more a general “scaling up” of political engagement and development investments on migration through pre-existing channels’. (Castillejo 2017, 7) On the one hand, the MPF is designed not only to extend to and mainstream additional EU policies (‘neighbourhood policy, development aid, trade, mobility, energy, security, digital policy, etc.’ (EC 2016a, 8)), rendering them contingent on progress regarding EU migration goals, i.e. applying positive or negative conditionality (cf. EC 2016a, 9); drawing on shortfalls of previous policy approaches, the EU also aims to overcome a lack of coordination among European actors in migration cooperation and prevent MSs from swinging out by integrating national efforts in the EU framework, making use of the latter’s bilateral connections/leverage within national competences (like mobility channels or additional financial/technical support) (Bauloz 2017; Collett and Ahad 2017, 7–9; EC 2016a, 8; Kipp and Koch 2018, 14–17; Weinar 2011). This way, assuming that ‘[t]he EU can achieve greater results only by speaking with a single voice’ (EC 2016a, 7), the EU increases the number of actors and negotiators involved. Specifically, while negotiations take place on Union level led by the European External Action Service (EEAS), pressure through high-level national visits have underlined the seriousness of the envisioned partnerships (Collett and Ahad 2017, 5). This way, additional offers (like additional financial and material support as well as potential mobility channels) can be offered that are beyond EU capacity. Vis-à-vis the TCs, the EC officially recognizes the need for the MPF ‘to reflect both the EU’s interests and the interests of our partners’ (EC 2016a, 3) in order to ‘deliver mutual benefit’ (EC 2016e, 3). In short, compared to previous approaches to external migration policy, the new MPF stands out by its policy mainstreaming ambition (particularly, links to development and trade), increased emphasis on coordination with MSs and enhanced conditionality as well as a shifted geographical focus (Gabrielli 2016, 28; González Enriquez et al. 2018, 8; Reslow 2017b). To be able to assess whether this concept has worked out in practice, the notion of ‘effectiveness’ has to be defined and conceptualised to yield transparent and comparable results.

4 THEORETICAL FRAMEWORK: EFFECTIVENESS IN PERSPECTIVE

4.1 CONCEPTUALISING EFFECTIVENESS

Conceptualising effectiveness is not straightforward since it has several dimensions: Young (1994, 143) defines effectiveness in terms of problem-solving as the ability of regimes to ‘solve the problems that motivate parties to create them in the first place’, whereas effectiveness as goal-attainment is ‘a measure of the extent to which a regime’s (stated or unstated) goals are attained over time’ (Young 1994, 144) – a distinction translated into an external and internal perspective on effectiveness by Bergmann and Niemann (2015). Although these dimensions may well co-vary, Young (1994, 106) illustrates how this might not necessarily be the case: the goals set out in a regime may, for instance, be inappropriate to solve the underlying problem or become so as the problem changes over time. Therefore, a close examination of these dimensions and their relationship is well-suited to offer insights on the appropriateness of specific political measures and to reveal a lack of congruence. In examining these dimensions, it is, furthermore, important to pay attention to side effects and the insight that besides endogenous variables there will certainly be exogenous influences, which might affect the achieved result without being directly related to the political measure or agreement (Young 1994, 152–60). Such external factors include the set of interests, the distribution of influence among the actors or the possibility to supervise outputs and outcomes related to the nature of the problem (Levy, Young, and Zürn 1995, 295). It is particularly difficult to provide the evidence that measures taken under cooperation have actually brought about (or at least contributed to) the empirical changes observed (Levy, Young, and Zürn 1995, 291; Young 2011, 19854). From a public policy perspective, Reslow (2017a) also suggests to consider not only goal-attainment, but also political success, normative justification, costs of policy, a temporal assessment and the role of external factors.

Within the literature on European integration, external effectiveness has also been conceptualised as the Union’s ability to reach its goals through its impact on other actors (cf. da Conceição-Heldt and Meunier 2014, 968). This understanding of effectiveness is related to the concept of ‘actorness’ or ‘actor capability’, originally defined by Sjöstedt (1977, 16) as the ability to work ‘actively and deliberately in relation to other actors in the international system’. Da Conceição-Heldt and Meunier (2014, 968) suggest a more negotiation-oriented definition, referring to ‘the ability to influence outcomes – that is, to obtain the result closest to one’s reservation value while minimizing the bargaining costs’. In other words, ‘high effectiveness refers to the EU’s ability to achieve its most preferred outcome’ (da Conceição-

Heldt 2014, 982). Concerning the question of ‘which and whose objectives should one consider?’ (Coning and Drange 2017, 8), they argue for making the ‘collective position, as defined by the specific EU decision-making rules applicable in a certain policy field’ (da Conceição-Heldt and Meunier 2014, 968) the point of reference. Since the objectives stated in an official declaration do not necessarily grant insight into their relative weight or can even misrepresent real or latent goals, both formal and informal aims need to be considered.

Reflecting these propositions, this study will mainly confine itself to an understanding of effectiveness as goal-attainment with the goals to be specified based on official EU documents launching and evaluating the MPF (for the formal dimension) and observations of scholars and other external observers (with regards to the informal dimension). As will be elaborated in Sections 5.1 and 5.2, for the case at hand four types of goals can be distinguished: (1) the overarching informal objective that invited the MPF’s creation, (2) formal action-related targets stated in the MPF document (both short- and long-term), (3) formal effect-related targets accordingly mentioned and (4) the internal EU aim of implementing the framework in a coherent and integrated way. These objectives can be attributed to the different aspects of assessing the effectiveness of external migration policy in the current socio-political context:

- (1) the fulfilment of action-related targets, i.e. the agreement and actual implementation of measures specified in the MPF document
- (2) the actual achievement of adopting and realising these measures, i.e. the benefits derived in light of the costs involved (the cost-benefit-ratio)
- (3) the actual suitability of the action-related measures to achieve the formal effect-related targets and the overarching informal objective.

In this perspective, the empirical analysis will foremost concentrate on the first aspect, i.e. the conditions and constellations necessary to reach agreement with relevant TCs to work on the action-related targets by adopting and implementing according measures (Chapter 5). The comparative findings presented in Sections 6.1 and 6.2 will subsequently be considered in light of the remaining aspects of effectiveness: First, Section 6.3.1 takes a look at the price of securing TC approval and of the taken measures themselves with regards to their compatibility with other EU objectives and norms. Second, Section 6.3.2 investigates the relation between action-related targets, on the one hand, and the effect-related goals and overarching informal objective, on the other. Thereby, it allows to move beyond the MPF-internal effectiveness (i.e. of implementing compacts) towards a more general assessment of the MPF’s

effectiveness per se (i.e. the framework's conceptual suitability to reach the overarching EU objective). These dimensions are closely interlinked since the conceptualisation of the approach in light of the general informal purpose influences the latter's ability to actually ensure the approval of TCs and thus the (potential) realisation of action- and effect-related targets. As it turns out, there are major inconsistencies between these dimensions since the current conceptualisation (or rather the incentives put in place), informed by the overall migration control rationale, often prove insufficient to allow for an effective implementation of the compacts envisioned. In order to overcome this hindrance, however, the overall intention needs to be changed which would, in turn, call the MPF's necessity into question. Addressing this paradoxical inconsistency means to advance from a mere goal-oriented to a problem-oriented perspective.

4.2 PROSPECTS OF EFFECTIVENESS: INSIGHTS FROM THE NEGOTIATION ANALYSIS LITERATURE

The negotiation analysis literature provides some valuable insights in factors and constellations that may impact the finding and outlook of an agreement, or, in this case, the establishment of cooperation with partner countries able to (or at least envisioned to) fulfil the EU's objectives and expectations. Applying these factors to the case at hand initially requires an analytical understanding of related negotiations and conditions for succeeding in establishing such cooperation (Section 4.2.1) as well as of the interests the negotiators pursue individually (Section 4.2.2). Section 4.3.3 explains the impact of power relations on the outcome and on respective negotiation strategies. The extent to which the actors are able to achieve an efficient outcome significantly depends on the number and constellation of actors and positions, wherefore Section 4.2.4 explores the potential effect of EU cohesiveness as a factor influencing alternative options and thus the cost-benefit-calculation of the TC concerned.

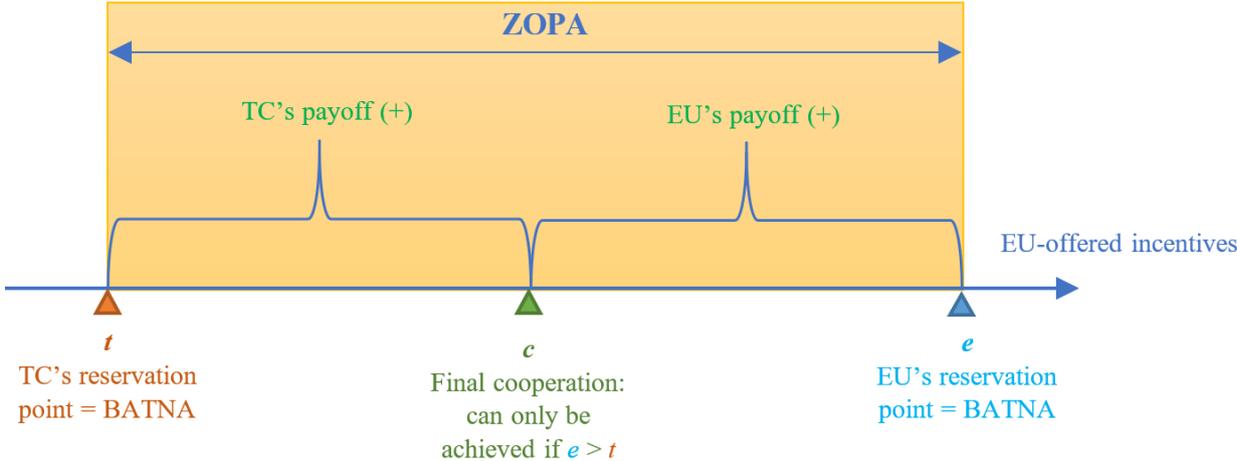
4.2.1 AN ANALYTICAL VIEW ON NEGOTIATIONS AND DETERMINANTS OF AGREEMENT

Reservations Points and the Zone of Possible Agreement (ZOPA)

In negotiation theory, each negotiator has a reservation point, i.e. the minimum bargain they would prefer to the status quo or to any alternative, commonly known as the *Best Alternative To a Negotiated Agreement* (BATNA) (da Conceição-Heldt 2011, 31; Raiffa, Richardson, and Metcalfe 2007, 110; Young 1991, 3). The combination of these reservation points defines the *Zone of Possible Agreement* (ZOPA) or bargaining range (see Figure 1). In a distributive bargaining situation, agreement is assumed to be possible only if the offering party's reservation value lies below that of the interested party, i.e. if their reservation points

are compatible (cf. Lax and Sebenius 1991, 181–82; Raiffa, Richardson, and Metcalfe 2007, 110–11). Transferred to external migration governance, a TC will merely agree to the EU’s desired migration agenda if its reservation point, i.e. in fact its BATNA, does not exceed the benefits and concessions the EU is willing to grant in return. In other words, the benefits expected from cooperation with the EU must both outweigh the potential related costs on the TCs part and be within the scope of what the EU is able or willing to grant.

Figure 1: The target constellation of negotiating migration partnerships



Source: adapted from Raiffa, Richardson, and Metcalfe (2007, 111)

Potential for Linkage and Compromise

The existence of a ZOPA, i.e. a bargaining range that exceeds the negotiators’ BATNAs, has to meet with potential linkage and compromise for an agreement to be actually found. Lax and Sebenius (1991, 182) argue that ‘joint gains’ - i.e. ‘improvements that do not come at the expense of any party’ – can be generally achieved where (1) actors have a common interest in the outcome, (2) their divergent interests are granted complementary weight, allowing for trade-offs (cf. Moravcsik 1993, 505), and/or (3) there are economies of scale, e.g. through broader alliances or the promise of additional gains. They point to evidence from the social-psychological literature showing that ‘lower conflicts of interest (1) lead to speedier settlements, (2) have higher agreement probabilities, (3) reduce the danger that one or more parties will repudiate the agreement, (4) tend to strengthen relationships among the parties, thus facilitating later agreements, and (5) contribute to organisational effectiveness where subunits (individuals, subunits, departments) with distinct needs and values engage in intraorganizational bargaining.’ (Lax and Sebenius 1991, 183)

4.2.2 DETERMINING STATE INTERESTS AND NEGOTIATION POSITIONS

In order to assess whether there is a ZOPA and compatibility of interests, the positions taken by the actors involved have to be identified. In view of the EU's emphasis on incentives (particularly via the EUTF) and potential sanctions, applying the policy conditionality model developed by Schimmelfennig and Sedelmeier (2004) seems a useful step. Originally focusing on EU accession countries, they examine contexts in which TCs are confronted with EU conditions and either rewards or sanctions depending on adaption or refusal to comply. Hence, TCs are assumed to conduct a cost-benefit analysis resulting in agreement only '*if the benefits of EU rewards exceed the domestic adoption costs*' (Schimmelfennig and Sedelmeier 2004, 664, original emphasis). According to these authors and other studies (Lavenex and Schimmelfennig 2009, 804–5; cf. Reslow and Vink 2015, 860), such a calculation consists of congruence or resonance of the policy in question with national policy goals, the TC's administrative capacity/or compatibility with EU institutions as well as domestic adoption costs (like opportunity costs and welfare or power losses for veto players) – in addition to the determinacy of conditions, the size and speed of rewards and the credibility of rewards and sanctions. Importantly, 'the EU must be able to withhold the rewards at no or low costs to itself, and it has to be less interested in giving the reward than the target government is in getting it' (Schimmelfennig and Sedelmeier 2004, 673). The same applies to the credibility of threats. While these factors deserve some practical consideration, the assumption of superior bargaining power on the EU's part (and thus power to (im)pose conditions) can be called into question in the field of external migration policy, as has been testified by the literature on strategic migration policy.

Of course, assuming a single national negotiation position is a theoretical simplification that can, in fact, misrepresent reality if the positions of the legislature, executive and societal interest groups diverge (cf. Milner 1997). Adam et al. (2019, 7) argue that interests may differ between at least three groups:

political actors, who need to win elections and care about domestic mobilisation and issue salience; administrative actors, who compete for budgetary resources and institutional standing and tend to hold the most favourable view of EU priorities and funding opportunities; and societal actors, who have diversified interests from a full rejection of the EU's agenda to an embracement of the new opportunities it sometimes brings.

From a liberal intergovernmentalist perspective, a state's foreign policy goals are derived from the interests of domestic pressure groups as aggregated via political institutions (Moravcsik 1993; 1997; Zaun 2018, 46–48). Following this assumption, this study gives credit

to the potential impact of domestic actors in international negotiations, adopting da Conceição-Heldt's (2011, 23) conceptualisation of domestic institutions as 'the power-sharing mechanisms between the executive and the legislature, the number of veto players within a political system, and the link between parties and interest groups'. According to Levi (2000), there are 'two kinds of constraints: the constitution or other rules delimiting the choice of political actors and the aggregated response of societal interests, whose behaviour influences government action' (da Conceição-Heldt 2011, 23). Therefore, in the words of Moravcsik (1993, 505), 'for a domestic trade-off to be tolerable, adjustment costs to important domestic groups must be moderate, or substantial compensation must be paid'.

The TC will thus seek valuable benefits in turn for cooperating with the EU on its migration agenda. These may consist in the cooperation itself where it aligns with national priorities – or in linking agreement to other policies and measures, mainly offering economic or security-related payoff. In addition, reputational gains are likely to be considered as they may later on be linked to economic and security-oriented negotiations, thus furthering the state's strategic goals (Lujic 2019). On the one hand, it can generally be assumed that players have an incentive to appear as a tough or strong bargaining partner in potential long-term or repeated cooperation scenarios in order to avoid repeatedly conceding potential gains to its counterparts (Myerson 1991, 79–83). Yet on the other hand, as shown by Lujic (2019), the prospect of repeated cooperation, also with regards to other issues, i.e. the establishment of bilateral relations, and the building of reputation may also incentivise the potential partner to refrain from hard bargaining and make concessions that seem to be irrational if merely applying a short-term perspective. Since experimental evidence from prisoner dilemma settings suggest that players are less likely to defect in repeated settings due to the threat of retaliation, framing a negotiation in terms of an iterated game can be expected to increase chances of cooperation (Raiffa, Richardson, and Metcalfe 2007, 301–2).

4.2.3 POWER RELATIONS AND NEGOTIATION STRATEGY

BATNAs, Bargaining Position and Power Relations

While it is generally agreed that 'who gets what in a negotiation is a function of who has the capacity and leverage to force the opponent into making concessions' (Clark, Duchesne, and Meunier 2000, 71), the sources of such capacities and leverage can be various. Most commonly, 'bargaining leverage is determined by asymmetries in the relative intensity of national preferences, reflecting the relative costs and benefits of agreements to remove nega-

tive externalities' (Moravcsik 1993, 499). Power-based explanations of EU external governance stipulate that strong bargaining power on the part of the governance provider enhances the effectiveness of external governance (Lavenex and Schimmelfennig 2009, 803–4). As the BATNA defines a negotiator's reservation point in a given bargaining situation, having a promising alternative raises an actor's bargaining leverage because they less depend on agreement and can thus threaten to walk away or credibly demand stronger concessions (da Conceição-Heldt 2013, 114–15). Conversely, lacking such an opportunity, i.e. having no particularly beneficial BATNA option, lowers the negotiator's reservation point and increases their dependence on cooperation since there are more potential bargaining results that surpass the status quo or BATNA, making concessions more likely and thus expected.

The Impact of Time (Pressure)

Furthermore, the value actors attribute to an agreement also depends on the time dimension, i.e. it generally shrinks, the longer negotiations take – yet, often to a different extent across the actors involved. In other words, it is the actor with a higher degree of impatience who is in a weaker bargaining position and who is thus expected to make concessions first (Young 1991, 6–7). Consequently, research showed that 'those bargaining parties that are willing to wait longer and that are less eager to reach an agreement will be more successful' (da Conceição-Heldt 2011, 31). This is particularly true if they have a good BATNA: da Conceição-Heldt (2011, 33) hypothesises that, '[i]f actors have a good BATNA, they are under no time pressure to concede and will make use of tough bargaining strategies by not moving from their initial demands.' Conversely, '[w]here uncertainty exists about the breakdown of negotiations or time pressure, concessions tend to come disproportionately from governments for which the failure to reach agreement would be least attractive — that is, from those governments which stand to lose the most if agreement is not reached' (Moravcsik 1993, 504–505; cf. da Conceição-Heldt 2011; cf. Raiffa, Richardson, and Metcalfe 2007, 92–93).

Negotiation Strategy and Framing

Power relations and bargaining positions also affect the negotiation strategy in another way:

actors with a worse alternative to a negotiated agreement (WATNA) will adopt integrative or value-creating strategies by moving from their initial demands or seeking alternative solutions to find agreement. [...] Negotiations are perceived as a varying-sum game, i.e. actors try to find a solution that benefits all involved parties (Walton & McKersie 1965). At the opposite pole, value-claiming or distributive bargaining strategies include high opening demands, no (or minimal) concessions during the negotiation process, and a focus on relative gains (how well states fare compared to others) (Snidal 1991). [...] If negotiators engage in integrative bargaining, the probability of deadlocked negotiations decreases, whereas the choice of distributive bargaining strategies by one or more actors increases the likelihood of deadlock (Narlikar 2010). (da Conceição-Heldt 2013, 115)

In order to offset their weak negotiation position, an actor may try to shape their counterpart's perception of interests at stake, zero sum or positive sum bargaining and room for concessions since the framing of a negotiation may distinctly alter results (Bazerman and Neale 1991, 120–22): 'Ideally, one would like to maintain a negative frame (to increase the value of one's own outcome if an agreement is reached) and negotiate with a positively framed opponent (to increase the probability of an agreement being reached).' (Bazerman and Neale 1991, 121) That is, from the EU's perspective, it is supposedly beneficial if the TC expects to possibly gain something from cooperating, while the EU negotiators may succeed in pointing to restrictions on making concessions, e.g. due to MS competences.

4.2.4 MULTI-LEVEL BARGAINING AND THE ROLE OF ACTOR COHESIVENESS

Party Arithmetic

A negotiator's BATNA reflects both unilateral policy alternatives (which enhance the credibility of threatening non-agreement) and alternative coalitions (which allow for the threat of exclusion) (Moravcsik 1993). Lax and Sebenius (1991) stress that supposedly bilateral negotiations often turn out to actually take place between multi-party actors comprised of different countries, regions, groups and even influential individuals respectively. In such potentially diverse settings, new aspects have to be considered which were irrelevant or simply impossible in simple bilateral bargaining.

The 'classical' logic of coalition dynamics implies that actors are inclined to both aim to include others in their own coalition to ensure added benefit, while both resisting their allies' inclusion in alternative coalitions and offering themselves to such alternative groupings in case they raise the expected benefits. In other words, these dynamics result in an 'interplay between efforts to lure others and offers to join them' (Lax and Sebenius 1991, 157). Importantly, the intuitive/visible 'sides' in multiparty negotiations do not necessarily refer to aligned interests, i.e. such 'de facto coalitions' have to be distinguished from 'natural coalitions' consisting of 'parties – regardless of nominal side – who have powerful shared interests, who are able to make highly valuable trades, or who, as a unit, can extract significant value from others without much risk of being split' (Lax and Sebenius 1991, 158). If such shared interests exist among actors across nominal sides, other members of a de facto coalition may find ways to sabotage the formation of such an interest-based natural coalition (cf. Lax and Sebenius 1991, 159–60). In the case at hand, diversion and alternative coalitions may emerge where the concerned TC and a particular MS manage to arrange a bilateral form of cooperation that is more promising to both sides (by means of gaining additional benefits

within MS competence or by establishing close informal working arrangements, respectively) – a threat which the EC has tried to prevent by calling on MSs to integrate their strategies into a joint EU approach.

Internal Cohesiveness as a Guarantor of External Effectiveness?

In their conceptual article, da Conceição-Heldt and Meunier (2014) approach the relationship between internal EU cohesiveness and external effectiveness. Internal cohesiveness refers to ‘the EU’s ability to formulate internally and represent externally a consistent position with a single voice, even if this is not the preferred position of all the member states’ (da Conceição-Heldt and Meunier 2014, 966). More broadly speaking,

[t]he concept of cohesiveness captures the intuition that the EU will be more effective on the international scene by being united internally. [...] When it comes to displaying cohesiveness to the rest of the world, it is the degree to which the group comes up with a single message and manages to present that message with a single voice, without members of the group breaking away and undermining the collective message. (da Conceição-Heldt and Meunier 2014, 964)

Yet, the existence of internal cohesiveness per se does not tell us much about its potential link to external effectiveness in the sense outlined above. As Niemann and Bretherton (2013, 267) note, coherence – as a major dimension of actorness (Jupille and Caporaso 1998) – ‘logically precedes effectiveness’ by placing the EU in a position to act; ‘[i]n evaluating effectiveness, however, we cannot posit a linear relationship between increased coherence and greater effectiveness in terms of goal attainment.’ Likewise, da Conceição-Heldt and Meunier (2014, 969–71) illustrate that the relationship can in fact be positive, neutral or even negative. To explain such variance, they draw attention to the role of the bargaining configuration – bargaining strategies, relative power and negotiating position of the other players – and the policy arena (da Conceição-Heldt and Meunier 2014, 971–75). Negotiation analysis offers some insights on how these factors are interlinked, as outlined above. In particular, it reveals a potential mechanism linking internal cohesiveness to external effectiveness by pointing to a potential improvement in a TC’s BATNA and thus bargaining position due to a lack of EU cohesiveness.

The Value and Pitfalls of Multi-level Bargaining

Using the example of EC-US trade negotiations, Clark, Duchesne, and Meunier (2000, 72) prove that a structural understanding of bargaining power, according to which (mainly market- or security-related) ‘asymmetries in structural power determine the winners and losers in international negotiations, while symmetry would predict a draw, or leave the door open for other explanatory factors’ is too simplified. Building on the ‘Schelling conjuncture’ they

argue that the EU's ability to reach comparatively greater gains from a negotiation in a context of structural symmetry rests on its unique institutional arrangements. The former basically holds that 'an actor operating under certain constraints might be able to better accomplish his or her goals in a negotiation than a similarly situated, but unconstrained, actor' (Clark, Duchesne, and Meunier 2000, 75): simply put, if negotiator A succeeds in convincing his counterpart B that he is unable to make further concessions due to constraints out of his hands, he is more likely to conclude a deal closer to B's reservation point. In his groundbreaking article, Robert Putnam (1988) applied this logic to the realm of multilevel diplomacy, establishing so-called 'two-level games'. Investigating the interrelation of domestic and international arenas, he stipulated that,

At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. (Putnam 1988, 432)

Hence, '[s]ince each of the actors possesses an effective veto over any agreement that would displace the status quo, Putnam's model implies that an agreement must lie at the intersection of each of the actors' "win sets" – that is, the set of alternatives that each actor prefers to a no agreement outcome.' (Clark, Duchesne, and Meunier 2000, 76; cf. Keeney and Raiffa 1991, 138–39) This logic also denotes that agreement becomes more likely where win-sets are comparatively large – yet at the expense of bargaining power, given that a negotiator with such a 'flexible' win-set can be assumed by their counterpart to make significant concessions within this range, while still benefitting from an agreement and thus being willing to accept. Conversely, 'negotiators with a narrow win-set can gain bargaining advantage by indicating a desire to accept a proposal while also pointing out that it is unlikely that such a proposal would be ratified back home' (da Conceição-Heldt 2011, 28; cf. Delreux 2014; cf. Lax and Sebenius 1991, 166–73).

In the context of migration governance, and particularly the MPF, the EU's chances of reaching cooperation in its intended aspects (while not making too strong concessions or at least ensuring agreement by credibly conveying the fact that the expected concessions are not within its competencies) may thus be expected to rise vis-à-vis the TC. On the other hand, chances are that such constraints diminish the ZOPA to a point where the TC will not see sufficient benefits for itself, i.e. the price rises above its reservation point. Consequently, the logic of demonstrating diverging interests and thus reservations points among European actors may also turn into a disadvantage. In fact, if these divergences translate into competing

actions, the probability of achieving a substantiate European agreement may shrink. Specifically, if single MSs offer distinct bilateral, and in fact alternative forms of cooperation and thus enhance the TC’s BATNA, chances are they chose their alternative option. Conversely, this logic implies that the EU’s effectiveness in concluding substantial European deals with their deemed partner is expected to rise if the Union manages to present itself in a cohesive way, conveying a shared message and shared priorities.

Considering these findings from the negotiation analysis literature and research on EU cohesiveness, this study seeks to assess the following hypotheses:

Table 1: Outline of hypotheses to be assessed

H1: Compatibility of interests	Cooperation between the EU and a certain TC can and will only ensue if the expected benefits and thus offers the EU is able and willing to make supersede the TC’s BATNA. For an agreement to be reached, divergent interests among EU and TC have to be compatible or an agreement must be able to offer ‘economies of scale’, e.g. through the promise of future cooperation and extension to additional policies.
H1a: Cost-benefit-analysis	The TC’s position vis-à-vis a compact is based on an analysis of expected benefits (e.g. in economic, security-related and reputational gains) and costs (e.g. a negative impact on other national priorities) flowing from the partnership per se and in comparison with its BATNA. This trade-off process mainly depends on (1) the resonance of envisioned measures with national policies and (2) domestic adoption costs.
H1b: Domestic opposition	The likelihood of an agreement between the EU and a TC in terms of migration governance increases if (1) negatively affected groups are sufficiently compensated, and/or (2) if their divergent interests do not translate into ‘meaningful resistance’ that could interfere with the decisive power of the TC’s negotiators (i.e. usually the government).
H2: EU cohesiveness	The lower European cohesiveness, particularly in terms of alternative conditions offered by single MSs and thus the formation of a de facto coalition, the higher the likelihood for the TC’s BATNA to supersede the EU’s reservation point and thus chances of non-agreement. The logic of concluding a more favourable agreement by pointing to domestic constraints is unlikely to work due to an asymmetric power relation in favour of the TC.

Source: own depiction

This assessment requires a suitable study design and methodology to bring about valid and transparent results as a basis for prospective research – both of which are introduced in the following section.

4.3 RESEARCH DESIGN AND METHODOLOGY

4.3.1 STUDY DESIGN: STRUCTURED FOCUSED CASE COMPARISON

The study’s overall research framework aims to follow the approach of ‘structured focused case comparisons’ as developed by Bennett (2004, 26), including the following steps:

First, the researcher must define the research objective, including the class of events to be explained, the alternative hypotheses under consideration, and the kind of theory building to be undertaken. Second, the researcher must specify the independent, dependent, and intervening variables and decide which of these are to be controlled for and which are to vary across cases or types of cases. Third, the researcher selects the cases to be studied, possibly assisted by the typological space that results from the specification of the variables and alternative hypotheses. Fourth, the researcher should consider how best to describe variance in the independent and dependent variables, considering not only individual variables but also types of cases, or combinations of variables, and the sequential pathways that characterize each type. Finally, the researcher specifies the structured questions to be asked of each case in order to establish the values of the independent, intervening, and dependent variables.

While overall aiming to shed some light on determinants of EU effectiveness in its external migration governance, the cases selected out of a tiny population of five MPF priority countries are only indicative of larger mechanisms and factors deciding over the establishment of cooperation. In particular, the conjoint preselection of ‘priority countries’ by the EU has to be considered when assessing the level of effectiveness since partners were partly selected with regards to ‘feasibility’ – hence, the former has to be determined in relative terms, acknowledging the existence of more ‘extreme’ cases, especially on the lower scale of effectiveness. Therefore, the findings can only lend a certain degree of support or pose some restrictions to the hypotheses outlined above which will have to be investigated further in the context of other cases that may introduce additional characteristics and interdependencies of explanatory variables. The case selection (Section 5.3) follows a diverse case design in which cases are selected according to a relatively low and high value on the dependent variable, here effectiveness of cooperation, respectively (Gerring 2009, 650–52; Klotz 2008). In view of the objectives identified in Section 5.1, effectiveness has to be understood as a continuous variable which can be achieved or missed to a certain extent. Moreover, comparability of measurement is complicated by different, ‘tailor-made’ approaches to each priority country, depending on its characteristics and European needs. Yet, the probability of reaching these individual aims across states can be deemed comparable itself, exactly because ‘feasibility’ has informed the EU selection process. Against this background, the level of effectiveness can still be compared according to the following operationalisation: *high effectiveness* is achieved when most or all of the objectives have been met, whereas the completion of main goals, while failing others equals a *medium* degree of effectiveness. *Low effectiveness* is attributed to an outcome where none or only minor aims have been reached.

Normally, the number of independent variables should determine the number and traits of cases under investigation by spanning a matrix of systematic variation among variables. With an increasing amount of such explanatory factors, ‘the logic of diverse-case analysis rests upon the logic of *typological* theorizing – where different combinations of variables are assumed to have effects on an outcome that vary across types’ (Gerring 2009, 651, emphasis

in the original). This logic notwithstanding, this study has to constrain itself to the assessment of two contrasting cases due to restrictions in time and scope. Furthermore, due to the limited set of cases available within the MPF, a potential selection bias via a comparison of ‘present-present’ and ‘absent-absent’ cases was difficult to rule out (Bennett 2004, 39–41). Hence, the results can merely be regarded as indicative and plausible explanations that require further investigation and systematic testing.

4.3.2 METHODOLOGICAL APPROACH AND OPERATIONALISATION

Given the often sensitive and thus partly non-public character of negotiations and actions undertaken under the MPF, a reliable assessment of their effectiveness has to embrace both an external and an internal perspective in order to ensure access to relevant information as well as perceptions which, according to negotiation analysis, may play a decisive role in shaping outcomes. For this reason, the ensuing empirical analysis is based on multiple types of sources, assembling official decisions, documents and statements – by the EU (particularly the five available MPF progress reports), the TCs in question, MSs as well as national and international organisations operating in the field or observing developments from outside –, academic literature, news articles and reports by interest groups and NGOs. In selecting these sources, I tried to ensure a balance of perspectives to a possible extent.

In order to gain insight into the implementation dynamics as well as ongoing processes and evaluations, I additionally conducted twelve semi-structured in-depth interviews (Alles, Guilbaud, and Lagrange 2018; Blatter, Langer, and Wagemann 2018, 50-51, 65-66;) with relevant officials from the EEAS, EU and MS delegations/embassies, foreign ministries, development- and security-related agencies and missions, international organisations and relevant TC ministries between 4 June and 6 July 2020.¹ (A List of Interviews as well as an Exemplary Interview Guide is presented in the Appendix.) Additional attempts were made to recruit officials of concerned Directorates-General (DGs) and divisions within the EC, MS missions to the EU, as well as additional ministries of both EU MSs and the TCs in addition to researchers and civil society organisations located in these countries. Outreach to and response by additional actors, particularly in the TCs, has been hampered by the limited availability of contact information or even difficulties in identifying actors in charge,

¹ All interviewees were granted anonymity in order to invite frank responses and create a trustful atmosphere. Hence, references in the text follow a random numbering that allows for the assignment of information to particular sources without revealing their identity. For the same reason, citations have been translated where necessary without explicit indication.

but certainly also by the greater familiarity of the researcher with European organisations and the limited capacities of certain TC authorities to cater to the interview request. Since some of these voices are thus missing and in view of a European-centred selection bias, caution is advised in interpreting the results of this paper which need further validation through access to sensitive documents, internal perspectives and a thorough consultation of different social actors within the TCs. To ensure the reliability of the accounts provided to a possible extent, the information was controlled with regards to external consistency through cross-interview comparison and reference to the other sources identified above.

The interviews' conceptualisation mainly followed the purposes of (1) extracting both facts and other information as well as personal perceptions and of (2) exploring the largely unknown negotiation process (Blatter, Langer, and Wagemann 2018, 47). Correspondingly and to allow for a certain degree of comparability, the interview guides contained several thematic complexes (like the MPF's perception, the compact-building process, EU/MS/TC positions, the coordination of actors and different aspects of migration) which were adapted according to the interviewee's position and nationality. In order to avoid any distortions like expectation-conforming or socially desired answers, the interviews aimed to follow the conversation flow, inserting and adjusting thematic questions targeting the main hypotheses where suitable and without prompting. Since unconstrained perception and the norms and expectations expressed therein were of crucial importance to assess the compacts' effectiveness under the analytical framework outlined above, interviewees were encouraged to seize on relevant aspects themselves, thus granting the conversation a process-oriented and narrative character (Blatter, Langer, and Wagemann 2018, 56–60; Kleemann, Krähnke, and Matuschek 2013, 208). For the same reason, the recruitment mails only contained vague information about the research topic (mostly citing cooperation under the new MPF, specifically the process of establishing and implementing partnerships with Mali and Niger, including coordination with MSs and across policy areas), precluding ready-made answers while enabling the interview partner to take an informed participation decision (Blatter, Langer, and Wagemann 2018, 44). Still, one has to keep in mind that 'An interview is a social relationship that involves the researcher in an immediate and interpersonal rapport with an individual who becomes both an object of research and an interacting subject' (Alles, Guilbaud, and Lagrange 2018, 110); therefore, the social interaction itself (including potential asymmetry, self-presentation of the researcher, the context of secrecy and a potential language barrier) has to be reflected in assessing the information provided through the interviewee's rapport (Alles, Guilbaud, and Lagrange 2018).

Together, the interviews and additional sources form the basis of a careful process tracing analysis to develop a stringent account of how the factors under consideration play a role in shaping the EU's effectiveness. According to Checkel (2008, 116), 'process tracing means to trace the operation of the causal mechanism(s) at work in a given situation. One carefully maps the process, exploring the extent to which it coincides with prior, theoretically derived expectations about the workings of the mechanism'. In other words, it 'focuses on whether the intervening variables between a hypothesized cause and observed effect move as predicted by the theories under investigation' (Bennett 2004, 22). To provide the basis for such a thorough analysis, Sections 5.1 and 5.2 first identify the goals pursued by the EU through the MPF, followed by an elaboration of the EU's (constant) negotiation position and strategy, providing one part of the information needed to assess the compatibility hypothesis (H1). Third, Section 5.3 assesses the global level of effectiveness in implementing the MPF and among single priority countries in order to contextualise its relative progress and identify the cases to be further investigated in Sections 5.4 and 5.5. These two sections enable us to draw conclusions on the validity of the compatibility hypothesis (H1) and particularly the cost-benefit hypothesis (H1a) and the domestic opposition hypothesis (H1b), thus revealing the process of decision-making on the TCs' part and the necessary constellation of interests and power relations among negotiators in order to enable agreement. Finally, Section 5.6 seeks to assess the validity of the EU cohesiveness hypothesis (H2) for the selected cases.

5 ACCOUNTING FOR EFFECTIVENESS IN COOPERATING UNDER THE MPF

5.1 EFFECTIVENESS IN PRACTICE: WHICH GOALS TO ATTAIN?

Starting with officially stated goals, the document launching the MPF explicitly lists the following 'short term objectives' (EC 2016a, 5–6, original emphasis):

- To save lives in the Mediterranean sea [sic];
- To increase the rate of returns to countries of origin and transit;
- To enable migrants and refugees to stay close to home and to avoid taking dangerous journeys.

Immediate action should be taken with key partners in the following areas where specific and measurable targets should be set:

- Work with key partners to improve the legislative and institutional framework for migration;
- Concrete assistance for capacity building on border and migration management, including providing protection for refugees;
- Increasing rates of return and readmission with a preference to voluntary return and a focus on reintegration;
- Stemming the irregular flows while offering legal migration channels, including increased resettlement efforts.

In the long term, the EU should continue to increase its efforts to address the root causes of irregular migration and forced displacement and to provide capacity building to the host communities and relevant institutions. The compacts will benefit from synergies with all policies, initiatives and processes that are aimed at addressing the long-term objectives, such as the political, social, economic and environmental factors that constitute the root causes (including through the facilitation of economic, social and cultural investments of the diaspora in countries of origin).

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

This elaboration in fact allows for a clustering of stated goals along an internal/external dimension, the time horizon and field of action to be distinguished from envisioned effects:

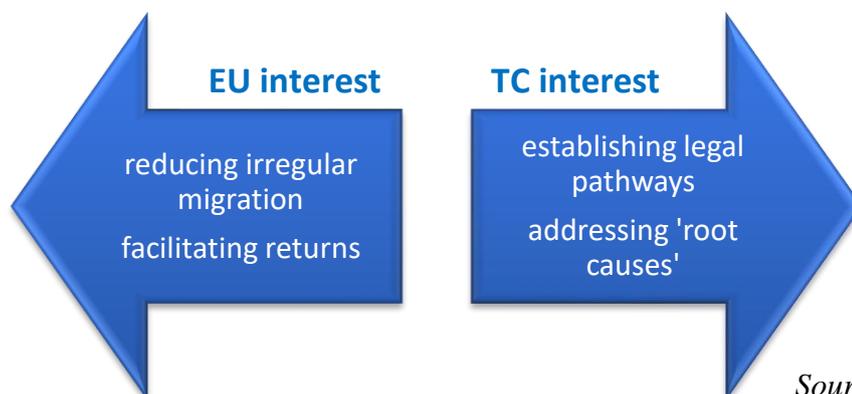
Table 2: Typology of official MPF objectives

	ACTION		EFFECTS
<i>external</i>	<u>Short-term:</u>	<ul style="list-style-type: none"> ▪ TC’s legislative framework, ▪ capacity building and refugee protection, ▪ readmission/assisted voluntary returns, ▪ legal pathways 	<ul style="list-style-type: none"> ▪ save lives, ▪ increase returns, ▪ stay home ▪ ‘better’ manage migration in respect of human rights
	<u>Long-term:</u>	<ul style="list-style-type: none"> ▪ address ‘root causes’ 	
<i>internal</i>	coherent and coordinated EU-MS approach		

Source: own depiction

Yet, it is to be assumed that the formulation of these objectives also reflects its expected perception by the targeted TCs. Hence, adding goals like increased legal pathways, addressing ‘root causes’ and ‘full respect of our humanitarian and human rights obligations’ was arguably deemed useful to ensure the approval of countries of origin and transit by evoking an impression of ‘good intentions’/equality of both sides and particularly by embracing issues whose lack has resulted in failure to realise the EU’s ambitions with TCs in the past due to an imbalance of mutual interests.

Figure 2: MPF goals - balancing divergent interests?



Source: own depiction

As demonstrated in Figure 2, four of the main objectives listed in the MPF document can actually be considered two sides of the same coin, which, however, cater differently to EU and TC needs – and, while contrasting, could potentially be merged into a balanced compact from which both sides could profit. In reality, there is reason to believe that unofficial priorities differ from official statements. As can be inferred from the development of previous instruments of external migration governance, the EU has long been keen to reduce the arrival of irregular migrants and to enforce the return of irregularly staying TC nationals – whereas (officially promoted) legal pathways to Europe (which in facts would provide the safest possibility for refugees and displaced persons to find protection in accordance with European asylum and human rights standards) were hardly extended. According to various studies and insiders, there is indeed an informal ranking order of EU objectives with irregular migration as well as return and readmission clearly in the lead – particularly in DG Home and among certain MSs (Interviews 4 & 6). This impression was confirmed by the Bratislava roadmap adopted by the European Council in September 2016, underlining that the MPF shall ‘lead to reduced flows of illegal migration and increased return rates’ (European Council 2016, 4). Moreover, other EU documents like the MPF progress reports repeatedly single out these two aspects (cf. EC 2017a, 18) and the implementing action, as will be demonstrated below, predominantly follows this logic.

5.2 DETERMINING THE EU’S INTERESTS AND NEGOTIATION STRATEGY

Public Pressure and a Weak Bargaining Position

The reason for this predominance can be derived from an analysis of the origin and mechanism constituting the aims promoted by national governments and, thus, ultimately the EU as a whole. Zaun (2018, 46–48) has laid out how national preference formation in the context of EU asylum policies is shaped against the background of the recent ‘refugee crisis’ – a crisis acting as a major trigger for enhanced activity of MSs, nationally and conjointly on the Union stage. Since most European electorates hold latent anti-immigrant attitudes and right-wing populist parties gained momentum in serving them, thus threatening to attract votes from governing parties, national governments came under increasing pressure to adopt similarly restrictive policies to maintain electoral/popular support. Due to the Schengen area of free movement, measures to restrict the inflow of migrants had to be taken at a European level if they were to be effective (cf. Interviews 5 & 11). Clearly, this constellation has put significant pressure on MSs and thus also on EU leaders to present a proactive, visible ap-

proach aimed at significantly reducing the inflow and stay of irregular migrants and particularly asylum seekers in order to demonstrate control and satisfy popular demands (Interviews 1 & 4; cf. Zoomers, van Noorloos, and van Liempt 2018b). The MPF document explicitly recognises the EU's intention 'to show its citizens that migration, including on the scale we see today, can be managed in a suitable way' (EC 2016a, 1). For this reason, most initiatives under the MPF and EUTFa have focused on the medium to short term horizon to gain quick wins, according to an EU official (Interview 4). As one observer frankly stated, the EU's priority consisted in 'keeping refugees as close to home as possible'. Given the blockade of internal reforms, one way to achieve such a reduction was to prevent EU-directed migration altogether or to constrain the most frequented routes. In other words, the EU's mainly aims at 'intercepting migrants before they reach North Africa by reinforcing border controls and law enforcement, and returning citizens and third-country nationals who reach Europe after transiting through' (Collett and Ahad 2017, 13)

The fact that the EU principally takes the role of a *demandeur* in initiating cooperation on migration management against a background of high costs induced by the effects of irregular migration on intra-European and social unity has clearly weakened its bargaining position (cf. Interview 8): considering that 'the dependence on the other party increases as agreements give greater benefits relative to the value of independent alternatives' (da Conceição-Heldt 2011, 33), the Union proved to be in a weak position – particularly since time pressure demanded the presentation of quick results and thus rendered the Union an impatient negotiator. Therefore, one should suspect that if TCs were willing to cooperate with the EU, they would do so by attaining valuable gains, i.e. concessions from the EU. Since the EU's dependence on achieving fast 'solutions' was quite visible, options for strengthening its own BATNA or pretending that it was not under time pressure (cf. da Conceição-Heldt 2011, 33–34; 2013, 114–15) were not deemed viable.

Compensating for the EU's Weak Bargaining Position through Productive Power?

As indicated in Section 4.2.3, a weak bargaining position is expected to favour integrative bargaining which points to the benefits of cooperation, mostly through an according framing. Adopting a Foucaultian approach, Kunz and Maisenbacher (2013) even point out how such a framing strategy can play a crucial role in constructing positions and reactions by means of exerting productive power, working 'through systems of knowledge and discursive practices to provide the meanings, norms, values and identities that not only constrain actors, but also constitute them' (Abrahamsen 2004, 1459, cited in Kunz and Maisenbacher 2013, 204).

Using the example of EU and Swiss Mobility Partnerships, they illustrate that ‘partnership is something that emerges through performing it’ (Kunz and Maisenbacher 2013, 213):

The notion of partnership is based on the belief that migration can be addressed in a spirit of cooperation between all affected countries through win–win–win (including countries of origin and destination and migrants alike); the understanding that migration can be effectively ‘managed’ to yield opportunities and benefits; the notion of shared responsibility for migration management; the belief in ‘common interests’; and the emphasis on capacity building and technical cooperation [...]. (Kunz and Maisenbacher 2013, 197)

As early as the GAM was established, the EU just as much as relevant MSs, and arguably in coalition with UN organisations like the International Organization for Migration (IOM) and the High Commissioner for Refugees (UNHCR), have started to shape the narrative of migration in countries of origin and transit through a network of offices, workshops and official dialogue – turning a positive, development-related perception into a securitized view portraying irregular migration as a problem and potential threat (Dünnwald 2015, 17–18), in this sense aiming for an internalisation of external interests (Schwiertz 2014). Seen from a different angle, these insights reveal how the EU can be regarded as using the framing of programmes like the MPF to shift the TC’s cost-benefit analysis in its favour. By presenting external migration control in terms of partnership and win-win-win configurations, the EU might be able to make its counterpart adopt this perspective and thus increase the attractiveness of participation relative to the TC’s BATNA. In practice, however, European actors reportedly still meet their West African counterparts on a patronizing tone, dominating or exploiting weaknesses of governments instead of ensuring national ownership and real interest-based agreement (Interview 5; Lavenex and Stucky 2011, 128; Soukouna 2011).

EU Offers and Credibility

In addition to such a constructive advantage, concrete benefits are still required to fill the concept of partnership and mutual gains with life. The EUTFA constitutes the flagship incentive offered by the EU which is not only intended to bring economic and socio-political benefits to the target countries, but also seeks to demonstrate respect for their problems by acknowledging the conditions which, following the ‘root causes’ narrative, supposedly force (young) people to leave their home countries. It is accompanied by the European External Investment Plan (adopted in September 2017 to bring investment, jobs and economic growth to states in Africa and the European Neighbourhood) and various other financial instruments like the European Development Fund (EDF) or the Asylum, Migration and Integration Fund (EC 2016b; 2016f, 14–15). By mobilising significant resources for development projects, the Union signals not to outsource a European problem via enforced border controls, but to

actually work on its eradication with partners. In practice, however, this intention might have been doubted by respective counterparts given a still strong security and migration management focus of EUTFAs projects and mostly a short- to medium-term orientation. Gabrielli (2016, 27), for instance, criticises that

The same exogenous logic of development, fostering European interests linked to buffering mobility in Africa, is also applied to the recent EU Trust Fund for Africa. First, the projects subjects to funding are defined by the European External Action Services (EEAS) in third countries. Second, an important part of the selected projects are linked to border and mobility control and security issues, even if another part of the projects are addressed to job creation in targeted countries.

This kind of divergence had already resulted from the GAMM, mirroring both the EU's de-facto priorities and the straight-forwardness of required action on the different dimensions:

From a substantive dimension, legal migration, mobility and international protection have been subordinated in relation to the control of irregular immigration, fields in which the value of cooperation seems more obvious. On migration and development, the support provided may not translate into direct benefits for migrants, while a growing confusion of development assistance and migration objectives might undermine EU credibility in this field. (García Andrade et al. 2015, 72)

Chances are, this divergence has not been hidden from potential 'partners', potentially undermining the credibility of European calls for 'burden-sharing' due to double standards as well as threatening the credibility of supposed incentives offered to TCs in turn for their willingness to 'take responsibility'. The following section provides a first general assessment of whether this distortion has impacted the decisions taken by the Nigerien and Malian governments and if the EU's framing strategy has worked out on the external dimension. The EU's effectiveness in reaching its internal goal of establishing a coherent and coordinated EU-MS approach will be discussed below in the context of EU cohesiveness (Section 5.6).

5.3 OVERALL ASSESSMENT AND CASE SELECTION: COMPARING EFFECTIVENESS AMONG PRIORITY PARTNERS

The Diverse Fruits of Establishing MPF Compacts

Generally speaking, the EU's major goals of curbing irregular flows to Europe and facilitating returns have seen some mixed results. In fact, the number of arrivals of citizens of the five priority countries via the Central Mediterranean Route has even increased to around 59.000 in 2016 (EC 2016f, 2). Moreover, while overall arrivals to Italy decreased in 2018, IOM counted over 704.000 migrants arriving in Libya in February 2018 (of which 93% originated from Sub-Saharan Africa), compared to roughly 433.000 in October 2017 (Idrissa 2019, 32). Still, it is very difficult to ascertain to which degree the latter can be attributed to the MPF's implementation itself since migratory movements are influenced by various factors ranging from developments in region conflict and local livelihood, seasonal conditions

and the level of border and territory control in transit states to social norms (cf. Attinà 2016). Yet, the picture is clearer with regards to returns: one year into the MPF's realisation, the EC (2017b) insisted that

Available instruments and resources should be expanded, Member states' commitment and the number of Member States actively engaged in the common efforts should increase. The EU will continue to step up efforts in the field of return with partner countries, aiming at stable arrangements on return and readmission.

In view of limited progress on readmission, the EC (2017e, 22) urged to address non-cooperation 'more systematically and effectively [...], mobilizing all the incentives and leverages available', including pilot projects for legal migration, additional reintegration assistance and a coordinated MS approach to 'visa measures'. Moreover, with regards to the implementation of the Valletta Action Plan closely linked to the MPF, the EC (2017a, 18) diagnosed 'a need to accelerate operational delivery'.

In any case, establishing compacts with TC's has proven an ambivalent and sometimes daunting task. Asked to assess the MPF's performance in general, an EU official revealed that 'what has been effective is that in some countries we managed to elevate the migration issue in order to incite more high-level dialogue and to actually start discussing with the actual countries of origin and transit on EU interests/objectives' (Interview 9). During the first years after the MPF's introduction, the EU started to negotiate Standard Operating Procedures (SOPs) to facilitate identification and returns with Mali and Bangladesh (2016), signed two Joint Declaration Declarations with Niger and Ghana, three Common Agendas on Migration and Mobility (CAMMs) with Nigeria, Ethiopia and India as well as a Joint Way Forward Declaration with Afghanistan (Cassarino 2018, see Table 4 in the Appendix). Steps to reach such conclusions have comprised high-level visits, enhanced support through EUTFAs projects and CSDP missions as well as the establishment of cooperative fora and dialogues (EC n.d.). Despite these achievements, another EU official rather referred to the MPF as 'work in progress', acknowledging that attempts to cooperate with TCs on specific aspects of migration often did not quite bring the expected results as it was sometimes difficult to convince them. In part, strong scepticism – nourished by the impression of an outsourcing of European problems and high political stakes/little gains – had already been discerned during the Valletta negotiations, which were thus prone to fail (Interview 4). In its fourth progress report, the EC (2017c, 2) itself noted that

[i]n most of the cases, this [the EU's approach; J.B.] has allowed to build on the joint interest and shared responsibility of EU Member States and partners to address irregular migration, often overcoming deep-seated differences. However, there have been setbacks, and in some instances long-standing resistance to cooperation has re-emerged.

Thereby, differences in the TCs' willingness to cooperate and the approaches taken by national ministries can be identified (Interview 4 cf. EC 2016e, 14). Originally, the EU named fourteen potential priority countries within the MPF of which five (Niger, Mali, Senegal, Nigeria and Ethiopia) were eventually chosen as actual focal points for external cooperation (Collett and Ahad 2017). The selection was supposedly based on criteria already considered regarding the GAM – namely a geographical balance, additional stakes involved for the EU, MS input, previous outreach to potential partners – and, notably, feasibility (i.e. willingness and capacities) to ensure that results can possibly be achieved, thus avoiding political deadlock and embarrassment (Interview 4; Lavenex and Stucky 2011, 129–30). Specific 'country fichiers' were thus created, comprising the current situation in the country, bilateral relations, the role of migration in all relevant dimensions, available resources and leverage points, potential links for cooperation and, of course, EU objectives (Interview 4; EC 2016a, 8). Therefore, the approach adopted vis-à-vis potential partners clearly varies depending on their characteristic as a country of origin or transit (ibid.). Unfortunately, I was unable to access these documents which would provide a valuable basis for identifying progress and restraints and thus for assessing effectiveness on the basis of original goals and strategies.

Case Selection: Assessing Effectiveness in Cooperating with Niger and Mali

The initial decision to focus on Niger and Mali as two contrasting cases mainly rested on initial assessments by other scholars: Collett and Ahad (2017, 1) found that '[w]hile some partners may be willing to forge partnerships but lack capacity (such as Niger), others (e.g. Mali) may be reluctant to engage in the first place'. Yet, a closer investigation revealed that, at least in the beginning, cooperation with both Niger and Mali has been considered fruitful, the process 'reaching cruising speed and [...] having an impact on the ground' (EC 2016f, 16); by contrast, the other priority countries were perceived to 'require sustained effort'.

According to praise from the EC (2016e, 5), 'Niger has shown a major commitment to develop closer cooperation on migration with the EU', thus being 'a proactive and constructive partner' (EC 2017a, 3) and 'a showcase of how the EU and its Member States can combine the various instruments and tools available in a comprehensive manner' (EC 2016f, 3). Niger was praised for its 'important efforts to prevent irregular migration and fight smugglers' (EC 2017c, 3) and described as an 'overall stable democracy which managed to control its borders quite decently' (Interview 10; cf. Interviews 7 & 9). As a result, when comparing the same time span in 2016 and 2017, transit migration via Agadez has decreased by 75 per cent (Müller 2018, 42), see Figure 10 in the Appendix. Moreover, during the same time Nigerien

efforts resulted in the seizure of 95 vehicles, arrests of 102 smugglers and IOM-assisted repatriations of 4.430 ‘migrants intercepted in irregular transit’ (EC 2016f, 2; EEAS 2016). These activities continued on a similar level in 2017 (EC 2017c, 3). Despite these notable outcomes, progress on readmission is less clear: on the one hand, an official inquiry to Frontex revealed that ‘there is no established cooperation on return issues with either Mali or Niger’ and ‘most EU Member States do face challenges in the domain of return migrants back to Niger and Mali’, while negotiations with the Nigerien authorities on common working agreements are on hold (cf. Interview 10). On the other hand, an EU official claimed that negotiations on SOPs regarding readmission are still ongoing, with DG HOME in the lead, and that compared to other West African countries, cooperation with Niger worked ‘quite well’ (Interview 9). Presumably, the fact that ‘Niger is not among the main destinations for returns from the EU’ renders potential difficulties a minor concern in the Union’s cooperation on migration with Niger, which is thus rather focusing on the containment of transit migration. Therefore, the EU still achieved a high level of effectiveness with Niger in implementing the envisioned compact and reducing flows along the major transit routes.

Cooperating with Mali, in comparison, has yielded rather mixed results: Officially, Malian representatives like Yaya Sangaré, Minister for Malians Abroad and African Integration, affirm the European narrative, claiming that, ‘Considered a strategy to counter poverty and factor of cultural enrichment, it [migration; J.B.] has become a major challenge for all states (countries of origin, transit and reception) over time.’ (cited in Maïga 2019, own translation) He also stressed Malian efforts to fight irregular migration by chasing down smuggling networks, stressing that ‘some 15 people were arrested in 2018 in Gao and Bamako’ (cited in Maïga 2019). These efforts have been confirmed by the EC (2016f, 7), praising the country’s ‘strong commitment to curb illicit smuggling activity and clamp down on criminal networks’. In addition, Mali has been attested a ‘constructive role in the follow-up to the 2015 Valletta Summit [and] as chair of the Rabat Process’ (EC 2017a, 8). Yet, a considerable backlash soon disturbed cooperation with Mali, making it ‘an example of a country where the EU has tried to force the returns agenda, but this has backfired making the issue even more sensitive and difficult to address, a fact that the EU has acknowledged and responded to by reducing the pressure on returns’ (Castillejo 2017, 23). Hence, while both Niger and Mali have signed a Migration Declaration with the EU in 2016, willingness to actively implement the agenda only prevailed among the Nigerien authorities (Dünnwald 2015; Koch, Weber, and Werenfels 2018a; Soukouna 2011).

Accordingly, EU-Malian negotiations on SOPs for returns continued to be under negotiation in 2019, but seem to follow a strategy of lip service. Cooperation on returns showed ‘no sign of progress’ (EC 2017c, 7) and ensuing frustration clearly speaks from Frontex’s official response, stating that ‘[r]eturns from the EU to Mali are very challenging due to lack of cooperation on the matter on the Malian side. The EU made efforts to approach the issue, but Mali seems to remain unwilling to discuss it.’ Only 6.5% of EU return decisions had been effectively operated in 2016, partly owing to problems with the confirmation of the persons’ nationality and issuance of consular travel documents (EC 2017a, 8). Cooperation was reported to highly depend on the consulate (EC 2016f, 7). These difficulties reflect a broader trend of ‘no or only limited improvement in return rates’ among the five priority countries (also due to problems on the MS part), leading the EC (2016f, 16) to repeatedly demand additional leverage and incentives as well as tailor-made approaches. These restraints notwithstanding, the Malian authorities portray themselves as generally concerned with repatriation with the Minister for Malians Abroad citing over 8.000 assisted readmissions in 2018 alone, mostly from Libya, Algeria, Saudi Arabia, Angola and Mozambique (Maïga 2019). In fact, the country also accepted assisted voluntary returns from Niger and Libya (over 800 persons in 2017) (EC 2017c, 7; Niamey et les 2 jours 2017). In sum, effectiveness with Mali ranges on a low to medium level as the Sahel state officially adopted the European agenda on restricting irregular migration and has taken some initial steps to demonstrate its loyalty, while the core of EU interests with Mali as a country of origin, i.e. advancing on returns, largely remained untouched.

While there might be other countries with whom the EU achieved even lower levels of effectiveness, a comparison of the two Sahel states still has particular merit for at least three reasons: first, even if not explicitly in the MPF context, case studies on the behaviour of certain relevant TCs like Senegal or Nigeria (Arhin-Sam and Zanker 2019; Castagnone 2010; Ndiaye 2020; Reslow and Vink 2015)² have already been conducted with regards to previous stages of the EU’s external migration governance policy – whose results can be compared to the findings of this thesis to develop a more systematic clustering of the reactions of TCs with certain characteristics to different strategies and concepts applied by the EU since the early 2000s. Second, the fact that the Malian government has extensively cooperated with France and Spain on migration matters prior to the MPF’s introduction seemed to yield an interesting constellation with regards to assessing the EU cohesiveness hypothesis

² For analyses centring on additional countries see Dréau (2011); Khachani (2020); Lujic (2019); Roll (2018); Weber (2018).

(H2). Third, and most importantly, a comparison of Niger and Mali promises to hold some notable insights for they are structurally similar and thus allow for some potentially crucial factors to be controlled for (as far as possible in real-world scenarios): they not only share a similar geopolitical position, French colonial heritage, security threats related to terrorism and potential rebel groups, but also state fragility and poor socio-economic development. Therefore, in both countries the EU is fostering stabilisation efforts via civil capacity building missions (EUCAP Sahel Niger/Mali) and is among the major international donors. In order to understand why the two Sahel states still reacted differently to the European initiative despite these similarities, the following two sections present the findings of the respective process tracing analysis, accounting for EU effectiveness on the basis of a general/migratory background and a detailed portrait of the compacts' implementation.

5.4 PARTNERING WITH NIGER: A EUROPEAN 'SHOWCASE'

5.4.1 GENERAL AND MIGRATORY BACKGROUND

The Republic of Niger, a country 3.5 times the size of Germany counting ca. 19 million citizens (a number which has grown on average by 3.9 per cent between 2005 and 2014, World Bank Group 2016, 197), has been ranking last position on the Human Development Index for several years, almost every second citizen living below the poverty line (UNDP 2019, 303, 351). Access to healthcare and education is limited, resulting in a low literacy rate (Fuglestad 2019). The economy is dominated by the agricultural sector (Fuglestad 2019). After gaining independence from France in 1960, the country has experienced several periods of authoritarian and democratic rule, intercepted by several coups d'état (Fuglestad 2019). After a constitutional crisis in 2009 followed by a military coup, the state returned to civilian rule with the Presidential election of long-time opposition leader Mahamadou Issoufou in April 2011, wherefore foreign aid was resumed (Fuglestad 2019). Despite first demonstrations mourning lacking improvements of living conditions, Issoufou was re-elected in February 2016. Freedom House (2020b) identified the semi-presidential republic as 'partly free', ranking 48/100 points. According to them, 'The struggle to meet security challenges posed by active militant groups has served as an alibi for the government to restrict civil liberties. Security, transparency, and gender equality are limited.'. In recent years, the Sahel zone has experienced increased economic problems and a security backlash, mainly caused by terrorist groups, ethnic conflicts and poverty-related crime (Fried 2019). Niger, just like other countries in the Sahel, suffers from the devastating effects of climate

change, weak state control (particularly in areas in the north and borders with Mali and Nigeria) and ensuing security risks related to terrorism and organised crime, including arms smuggling and trafficking of human beings. Attacks by Boko Haram in the southern Diffa region have induced the state of emergency since mid-2015 and forced 120.000 people to flee to other parts of the country (Die Bundesregierung 2016, 22). Jihadists and criminal groups from Nigeria have continued to attack both the Nigerien army and its allies as well as the local population (Freedom House 2020b).

Niger, and particularly the northern city of Agadez, constitutes the major transit hub for migrants from West and Central African states heading towards the Maghreb and/or ultimately Europe via the Central Mediterranean Route (Mahamadou 2017, 38–40; see Figure 8 and Figure 9 in the Appendix). In May 2016, 16.000 migrants had been estimated to transit through Niger per week (EC 2016a, 14). Nigeriens themselves, however, mainly migrate within their country and the West African and Maghreb region. In addition to economic needs, this kind of seasonal and circular migration is also motivated by social, cultural, conflict-related, environmental and sanitary factors (Ministère de l'intérieur, de la sécurité publique, de la décentralisation et des affaires coutumières et religieuses 2020, `25; Müller 2018, 36–37; World Bank Group 2016, 197) – just like the general movement towards urban centres, the National Statistical Institute called it a ‘survival strategy’ to make a living, while recognising a need to integrate the skills and contributions of migrants in a strategy for sustainable development (Issifou and Amadou 2012, x). In 2016, Niger was also hosting a significant number of refugees from neighbouring countries (130.000 Nigerians and 65.000 Malians; Die Bundesregierung 2016, 22), while further remaining ‘a source, transit point, and destination for human trafficking’ (Freedom House 2020b). It is part of the IOM-supported Migration Dialogue for West Africa (MIDWA) which, inter alia, was concerned with organising the reintegration of significant returns from North African states due to the continued crisis e.g. in Libya (Niamey et les 2 jours 2017).

5.4.2 STAGES OF ESTABLISHING A PARTNERSHIP

Establishing Coordinative Structures

In 2016, migration has prominently entered the bilateral agenda with the adoption of a *Joint Migration Declaration* resulting from a high-level dialogue led by the German and French Ministers of Foreign Affairs in May 2016. In fact, however, the declaration was neither publicly available, nor known to or even to be found by EU officials both in Brussels and Nia-

me (Interview 9), creating the impression that it has in fact been of minor importance, constituting a mere declaration of intentions based on the Valletta Action Plan, or was deliberately shielded from publicity to avoid criticism or simply attention. Yet, its results were reportedly further advanced by the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini on her meeting with the Nigerien Foreign Minister during the EU G5S Ministerial in June 2016 (EC 2016e, 5). This exchange was part of a series of frequent high-level visits, including (besides Mogherini) the EU Commissioner for Humanitarian Aid and Crisis Management Stylianides, the German Chancellor and Minister for Economic Cooperation and Development, the Foreign Ministers of Italy and the Netherlands, the Danish Minister for Development Cooperation as well as several bilateral talks at the UN General Assembly in 2016 – in addition to a visit of President Issoufou himself to Brussels in December 2016 (EC 2016c; 2016f; 2017a). Furthermore, the EU deployed a European Migration Liaison Officer to the EU Delegation in February 2017 to serve as a focal point exchanging with national authorities, MS immigration liaison officers, EU agencies and relevant regional and international organisations; he was joined by a Frontex Liaison Officer (FLO) in July 2017 (EC 2017a, 4). Moreover, Eurojust asked Niger to appoint a judicial contact point within the Ministry of Justice to facilitate direct exchange (EC 2017a, 3, 17). The Africa-Frontex Intelligence Community, supporting national authorities in risk analysis and flow assessment, was to establish a Risk Analysis Cell in Niger in 2017 (EC 2017a, 3). On the Nigerien side, the ministries mainly concerned with migration are those of the Interior, Exterior and Justice, while overall more than thirty ministries are dealing with certain aspects of migration. In order to institutionalise an ongoing dialogue, the so-called *Cadre de Concertation sur la Migration* (CCM) was established within the Ministry of the Interior in October 2016, bringing together representatives of both the Nigerien government/over thirty ministries, the EU Delegation, EU MSs and their development agencies, international organisations, migrant associations/other relevant NGOs and researchers (Interview 6; EEAS 2016; M.S.S. 2016).

Practical Initiatives and Results

One decisive step in the control of irregular migration and migrants support has been the establishment of a transit centre run by IOM in Agadez, significantly contributing to the conduct of assisted voluntary returns that have strongly increased from 1.721 in 2015 to 3.020 in the first eight months of 2016 (EC 2016d; M.S.S. 2016). In total, the EU supports six transit centres for migrants, providing support and information to 15.000 migrants out of

which over one third was assisted with voluntary returning in 2016 – a tripling compared to 2015 (EC 2016d; 2016f, 3; 2017a, 3). Awareness campaigns and stricter control measures have contributed to a decrease in migrants registered along the main routes through Agadez (EC 2016d). Moreover, several hundreds of irregular migrants have been returned to Agadez (ibid.). Moreover, a joint information platform, operated by the EU, some MSs and IOM under Nigerien lead was established in May 2017 in order to track a potential diversion of flows, identify trends based on data exchange and develop operational solutions (EC 2017a, 4). Furthermore, the Union helps Niger in hosting displaced persons through status determination procedures and supporting the improvement of reception conditions (EC 2016f, 4).

The Awakening National Migration Agenda

The government itself has officially worked on several aspects of migration, always with the ‘support’ of European ‘partners’. Actions include the adoption of new laws on migration and circulation as well as measures to ensure the rights of migrants, inter alia (Interview 9). On 26 May 2015 the government had already agreed on a law on human trafficking, distinguishing regular from irregular migration (République du Niger 2015). In practice, this meant that drivers offering transport to citizens of the Economic Community of West African States (ECOWAS) not carrying an ID could be charged of smuggling. In this context, border controls were enhanced both at the borders with Libya and Algeria as well as with West African neighbours – all with European support (Müller 2018, 41). By the end of 2016, the Nigerien authorities had created an agency to fight human trafficking and finalised an emergency action plan to counter smuggling and irregular migration in the Agadez region and to establish alternative economic opportunities (EC 2016d). The plan received practical support by the EU and specific MSs like Germany and Italy through equipment and technical assistance, although the EC claimed that ‘[m]ore efforts are certainly needed’ (EC 2017a, 3); it was followed-up by a medium action plan addressing existing shortcomings (EC 2017a, 3–4). In this context, the ‘Mieux’ (MIgration EU eXpertise) initiative, supported by Belgium, France and Spain, assisted the *Comité interministériel sur la migration* in developing *la stratégie nationale de lutte contre la migration irrégulière* (ICMPD 2016; Idrissa 2019, 34). This strategy, adopted by the Council of Ministers in April 2018 without major public reaction, officially aims to reduce the migratory flow through enhanced border controls, fighting traffickers and smugglers, protect affected victims and promote return and reintegration measures (Niamey et les 2 jours 2018).

In more general terms, the project *Appui-conseil en matière de Politique Migratoire* (APM, 2017-2020) conducted in cooperation with the German Corporation for International Cooperation (GIZ) aimed to establish a comprehensive national migration policy integrating all relevant actors and giving equal priority to all dimensions, thus overcoming a restrictive perspective limited to questions of irregular migration, border controls and security (GIZ 2017). Six subcommittees aimed to identify existing problems and develop possible solutions related to the dimensions of migration governance, migration and employment, the diaspora, migration and development, protection and readmission and reintegration (Interview 6). The CCM was also tasked to ensure compatibility with the ECOWAS protocols and agreements concerning the free movement of people and customs. In 2017, the focus (also within GIZ) generally rested solely on irregular migration causing distrust in or neglect of other dimensions of migration (Interview 6). Yet, according to a GIZ official in charge, this perspective has significantly changed with the implementation of the inclusive approach and recognition of additional chances and problems linked to migration in different political sectors. This inclusive approach extending to civil society representatives and migrants themselves has also weakened criticism that evolved in 2016.

The resulting *Politique Nationale de Migration* (PONAM, National Migration Policy) and related Action Plan, already drafted by mid-2017, were officially adopted in July 2020 (EC 2017c, 3; Niamey et les 2 jours 2020). Substantial problems, however, persist in the strategy's implementation which the Ministry of the Interior mainly attributes to a 'lack of vision and clear orientation on migration governance' due to an insufficient legal and institutional framework (lack of synergies and cooperation) and weak consideration of national interests (e.g. of migrant groups and host communities) (Ministère de l'intérieur, de la sécurité publique, de la décentralisation et des affaires coutumières et religieuses n. d., 33–34, own translation). The provisional PONAM evaluation report similarly laments that economic opportunities related to migration are still not seized, while the protection system for migrants remains unreliable; internal and circular migration is still not sufficiently taken charge of in the legal and development policies (ibid., 25-27). Since these weaknesses reportedly result in irregular migration and slow reconversion of smugglers, the EU is expected to demonstrate an additional interest in addressing these shortcomings. In sum, cooperation with Niger has focused on strengthening border controls, counter-smuggling and trafficking activities, support for migrants, including the option of voluntary return, and alternative employment in transit regions – all by means of capacity building, development and humanitarian programmes and legislative 'guidance'.

5.4.3 ACCOUNTING FOR EU EFFECTIVENESS

In the logic of the Compatibility Hypothesis (H1) and the Cost-Benefit Hypothesis (H1a), one would expect that in the Nigerien case, as an example of relative high EU effectiveness, the net-benefit flowing from cooperating with the Union on migration governance does outweigh the cost-benefit-calculation Niger would face in case of non-cooperation, i.e. the pay-off resulting from its BATNA, be it the status quo or an alternative coalition. In other words, the EU is expected to have (1) sufficiently served Nigerien interests or, alternatively, credibly threatened considerable sanctions in case of ‘resistance’ *and* (2) costs loaded on concerned interest groups were sufficiently compensated or domestic opposition has not translated into corresponding government action for lack of visibility/impact.

5.4.3.1 Benefits and Resonance with National Policies

Starting with the benefits of cooperation, considerable gains quickly become visible which are not only material in type, but also relate to a strengthening of the state through security support as well as to the government’s international reputation and prospective payoff.

General EU Support

Clearly, Niger’s financial dependence on European development aid (with 735 million EUR granted under the EDF) has favoured the government’s cooperative stance vis-à-vis the EU (Idrissa 2019, 31; M.S.S. 2016). With twelve EUTFA national projects worth 253 million EUR in place, Niger is among the top fund recipients. While 47 million EUR are spend on measures related to migration management (its share reflecting a global trend in EU engagement, see Figure 11 in the Appendix), the major part (101.5 million EUR) targets improved governance and conflict management with another 66.9 million EUR flowing into the creation of economic and employment opportunities and 37.6 million EUR into strengthening resilience (EC 2020b, see Figure 12 in the Appendix). Raul Mateus Paula, head of the EU Delegation in Niamey, emphasised the significant results of the EUTFA projects developed according to ‘the needs expressed by the Nigerien authorities in the action plan proposed at the Valletta Summit’ (EEAS 2016, own translation) From a Nigerien perspective, however, the pressure of conditionality has been felt – in addition to a plain need for foreign security support in order to advance on other policies: Idrissa (2019, 33) reports that

officials at the Ministry of the Interior who wish to remain un-named acknowledged quite frankly that the EU dangled the prize of development aid, which Niger needs more than ever at the present juncture. Due to wars and terrorism in surrounding countries, Niger has been compelled to devote a significant portion of its tight resources to security, at the expense of priority social sectors such as health and education.

Thiombiano (2020, 4) frames the same relationship more positively, pointing to the valuable impact of the EU:

Due, on the one hand, to Niger's heavy dependence on Official Development Assistance and, on the other hand, to Niger's financial and technical inability to deliver results in the different strategic axes of the new partnership framework, the efforts made by the EU are of considerable benefit to Niger. (own translation)

Whereas national development agencies are often executing the EUTFAs projects, the EU's support in the field is mainly delivered through the EU Delegation, EUCAP Sahel Niger and the FLO who are assisting capacity building, providing strategic advice and training police and border forces (Interview 10). Besides, the EU also contributes to efforts of IOM focusing on route monitoring, the management of transit centres and community stabilisation.

Officials of the EU Delegation expressed a belief in continued funding for Niger, expecting migration from Sub-Saharan Africa to remain a long-term constant (Idrissa 2019, 34). In fact, continuous support in other policy areas is likely to follow suit, independent of migration-related results: as an EU official admitted, 'We have to be sure of where our interests are: Niger is important – if we want a stable neighbourhood and a democratic partner, we need Niger and West Africa.' (Interview 10) In terms of standing and influence, the EU is particularly competing with China which is 'pushing forward' in the region, owning the majority of private debt and being actively engaged in construction and the provision of services (Interview 10). Accordingly, it is questionable whether development assistance offered to Niger would have been significantly cut in a scenario of non-cooperation. But 'compliant' behaviour can in fact be a catalyst of 'positive conditionality' in form of additional resources. In any case, by 2020, Niger had become the top recipient of EU assistance in Africa with aid announced to meet the one billion EUR target by 2020 – notwithstanding allegations of funding for social programmes promised in previous negotiations not materialising (Idrissa 2019, 34). Furthermore, it is the perception that counts and the kind of structural dependency connecting Niger to the EU and its MSs would arguably require significant costs on the Nigerien side to be called into question. Even more so, since the Nigerien government seemingly understood how to link migration cooperation to its security-related interests, while simultaneously gaining in international reputation, as demonstrated in the next two sections.

Security Support

Among the major concerns of the Nigerien government clearly is the fragile security situation and state authority. Since 2012 and based on contributions of 15 MSs, the EU civil

mission EUCAP Sahel Niger mainly aims at supporting Nigerien forces in their endeavours to counter terrorism and organised crime through capacity building by means of training, strategic advice and equipment. Additional focal points comprise the implementation of the internal security strategy, the establishment of a joint G5 Sahel police unit (EU support for the G5S cross-border force had been announced in June 2017; EC 2017c, 7), a strengthening of women and civil society as well as, ultimately, prevention of conflict, accompanied by trainings on international humanitarian law. Since 2015, activities have increasingly extended to the ‘fight against irregular migration’ and human trafficking through support to the Nigerien Internal Security Forces (ISF: *Gendarmerie, Garde Nationale, Police Nationale*) and in close cooperation with the National Directorate of Territorial Surveillance (Council 2015b; EUCAP Sahel Niger 2019a; official inquiry to EUCAP Sahel Niger). In order to stretch its outreach to the particularly affected north of the country, the mission established a permanent antenna in Agadez in 2016 as well as a Joint Investigation Team bringing together French and Spanish police officers with their Nigerien counterparts in March 2017 (EC 2016a, 16; 2017a, 3). Support has been delivered through the creation and equipping of border stations and checkpoints alongside main migration routes, as well as training and strategic advice for border managers on topics such as document fraud and human trafficking (*ibid.*). In particular, the EU mission assisted the Nigerien National Police to establish a second mobile border police unit, the *Compagnie Mobile de Contrôle des Frontières* (CMCF), initiated by the Nigerien authorities in August 2016 (EUCAP Sahel Niger 2019b).

While potentially disrupting the economic subsistence of citizens along the major transit routes (see below), these measures also allow the state to show its presence in more remote, local areas and, therefore, to increase state authority and territory control. Additionally, these measures are also meant to improve the security situation for the local population (Mahamadou 2017, 45–47). More generally, the missions’ contributions in terms of capacity building for both the ISF and government officials as well as a strengthening of the rule of law institutions is reportedly appreciated by the Nigerien authorities and thus provide important stakes to be considered when deciding on migration-related cooperation with the EU. Idrissa (2019, 31) illustrates practical improvements linked to European engagement:

Remote border posts that did not even have electricity in the past were connected to the Internet through the agency of the German GIZ. Donations of flatbed trucks, off-road vehicles, motorcycles and satellite phones dramatically improved the working conditions of Niger’s gendarmerie and military in the hitherto challenging northern wastes. Between 2016 and early 2018, Nigerien military personnel in the country’s desert bases increased from 200 soldiers to 450.

These benefits notwithstanding, different expectations have become visible regarding the focus of security-related activities:

even if the security focus of EU migration policies has been largely aligned with national interests, the Niger authorities highlight the need to address broader security challenges, such as recruitment by terrorist organisations and armed groups. The latter might find fertile ground in economically-challenged local contexts after the curbing of smuggling and trafficking activities, highlighting also the importance of resilience-building targeting local communities. (González Enriquez et al. 2018, 14)

Fried (2019) cites reproaches raised by Issoufou vis-à-vis Merkel related to a significant terrorist danger but lacking means to counter it and thus to progress on development. Nigerien engagement on migration can thus also be interpreted as a strategic means to ensure continued or even enhanced security support. In this sense, President Issoufou has repeatedly raised a demand for a ‘Marshall Plan’ for Niger and the whole region, claiming that 1 billion EUR alone would be needed to fight irregular migration. Hence, he declared the 1.88 billion EUR available for the entire region under the EUTFa insufficient to address the migration question, let alone other problems related to terrorism or climate change (Africa Times Editor 2016). According to the Africa Times Editor (2016), ‘Issoufou has used the analogy before, to describe the benefits of investing in Niger as a win-win for both his nation and the West’. Vis-à-vis Chancellor Merkel he emphasised the government's willingness to contribute to the country's stabilization, while asking for more German helicopters for the MINUSMA Mission in the same press conference (Toelgyes 2016). Germany, meanwhile, had just revealed its plans to establish a military base in Niger (Africa Times Editor 2016).

Nigerien Prestige

Remarkably, Niger has gained in international visibility in recent years, with prominent representation including the hosting of an extraordinary African Union Summit on 7 July 2019, membership of the UN Security Council 2020/21 and the ECOWAS Chairmanship. International engagement reportedly even becomes visible in the capital with the opening of new hotels and bars (Interview 10). An EU official attributed this beneficial development partly to the international vision of President Issoufou and partly to the EU's role as a ‘bridge-maker’ or ‘reliable interlocutor’, implying that if the Union cooperates closely with a particular country, the latter has to be reliable and proactive (Interview 10; cf. Interview 9, Müller 2018, 45). Similarly, Müller (2018, 39) points out that

the EU initiatives are perceived as an opportunity to raise one's profile in foreign policy and to promote both security and development cooperation with Europe. President Issoufou, who has been striving to present himself as a reliable partner to the EU since the beginning of his term of office, has closely linked migration policy cooperation with his own person and is resolutely pushing it forward; his most important supporter is Interior Minister Bazoum. (own translation)

Equally important, recognition as an international partner also grants the government external support that strengthens its domestic stance vis-à-vis the opposition (Jegen and Zanker 2019, 10). In this context, civil society representatives mourn a repressive atmosphere surrounding the PONAM, rendering criticism more difficult to raise (Müller 2018, 40). Meanwhile, the government has slightly adapted its approach to justifying cooperation with the EU on curbing irregular migration by pointing to the humanitarian aspect of saving migrants from exposure to violence and exploitation as well as to security-related aspects (Idrissa 2019, 33). Yet, the assumption that actors facilitating transit migration and criminal networks of human traffickers and smugglers of guns and drugs are identical, has been refuted by ethnological studies (cf. Müller 2018, 40–41).

Compatibility of Interests and Alignment with National Policies?

As has become clear from preceding exploration, it seems like ‘[t]he link between migration and security considerations has not only been fostered by external powers, but has also been evoked by the Nigerien government to gain much needed military support, state capacity building, and development assistance’ (Jegen and Zanker 2019, 10). Moreover, cooperating on the European migration agenda has allowed the government to strengthen its international prestige, thus opening channels for attracting additional resources and gaining allies against national opposition forces. Still, the question is to what extent these fruits are the result of a carefully thought-out and actively shaped national strategy, whereby the government consciously employed strategic migration policy, and to what extent Issoufou was also pressured or nudged into playing along EU rules, perhaps due to limited administrative capacities or dependence on European development and security support, perceived to be conditional on ‘migration performance’.

Notably, Nigerien authorities, as recorded by the Nigerien press, seemed to publicly embrace European demands and language and strived to present their efforts in line with EU expectations, emphasising their ambition to ‘reduce the phenomenon of irregular migration’ (cf. M.S.S. 2016). Still, whether these commitments result from the exertion of productive power or demonstrate strategic rhetoric remains a disputed question. On the one hand, Müller (2018, 39–41) holds that the development of a Nigerien migration agenda only followed pressure inserted by the EU. She argues that the former was dominated by the European officials involved in its development who took advantage of the weak Nigerien administrative capacities (cf. Mahamadou 2017, 45). Before 2015, migration had been conceived as a rather internal and regional phenomenon (Interview 10). This interpretation is supported by

the finding of Jegen and Zanker (2019) that the European engagement is threatening local ownership and risks undermining Nigerien interests, e.g. through the dominance of measures focusing on irregular migration compared to the worsening displacement situation within the country – costs which the government would arguably seek to avoid.

On the other hand, EU officials highlighted the necessity of respecting mutual interests by recognizing and aligning Nigerien priorities with what is conducive from the EU's perspective (Interview 9). From this perspective, the sophisticated cooperation between the EU and the Nigerien government can be attributed to a significant overlap of interest: as an EU official stated, 'the European Union was quite often criticized for its role in Niger because it was seen as an externalisation of EU borders – but we can't underestimate the interest Niger had in tackling these issues itself' (Interview 9). In fact, the expert found that

there have been a lot of synergies [...]. When you start to engage on a topic like migration that has a lot of attention, the country in focus knows that it has a lot of attention. It happens more or less dynamically from both sides that there are certain interests in going to some extent in the same direction, without it being one country/one part of the world having to push the process. From my perception, the migration issue is as much brought up by the Nigerien authorities as it is by the EU.

This is particularly so since the EU's migration agenda swiftly aligns with the country's interest in extending governance capacities, improving the security situation and taking control over national territory. Similarly, an Italian official confirmed that

they realise they benefit too because smuggling is in the hands of criminal networks; if you disrupt these networks, you are strengthening the country's authorities which will lead to economic development in the long term. [...] The Nigerien government is the most far-sighted government under this aspect, the authorities work very seriously. It's a win-win situation: if we work together, they get something in return: the undivided attention of the European countries to Niger. So, they will be able to receive more funding, assistance and political support. (Interview 7)

Indeed, Niger largely profited from the increased focus on migration because it put the Sahel state at heart of the EU's strategy, thus inviting close attention and the mobilization of significant resources (Interview 9). Notably, the impact seems to work in a mutual way:

The Nigerien government is also partly influencing EU positions, for example by asking for a Coalition for the Sahel which was later established. [...] So, they are quite active, providing some ideas, which is appreciated by the EU. (Interview 10)

Consequently, the government is supposed to have a major interest in

making sure that the point is kept on the agenda because it also opened up other points of political engagement for Niger. Projects going on in the country on migration have proven challenging – however, the government has also shown a lot of engagement in trying to handle challenges. Being highlighted as 'the' interlocutor (not even just on migration anymore, but on a wide range of areas) due to the role it has played on migration, it still has a high interest in engaging on it. (Interview 9)

While these accounts do not allow a final interpretation, they at least offer some indication on a strategic use of migration policy by the Nigerien government and, thus, of a deliberate decision to cooperate. According to H1 and H1a, such a decision is deemed to be based on a cost-benefit-calculation resulting in a positive pay-off compared to the alternative scenario. Therefore, some light needs to be shed on the downside of cooperation and its relative weight compared to economic, security-related and reputational benefits.

5.4.3.2 Domestic Adoption Costs and Local Opposition

The Migration Economy as a Crucial Source of Income and Social Stability

Since the rebellion of the Tuareg faction *Mouvement des Nigériens pour la Justice* from 2007 to 2009 and continued insecurity due to jihadist attacks and abductions by groups like al-Qaida in the Maghreb (AQIM) and the *Mouvement pour l'Unité et le Jihad en Afrique de l'Ouest* (MUJAO), the previously thriving tourist sector in northern Niger has slowly been replaced by economic activity surrounding the ever increasing transit migration, particularly following the collapse of the Libyan state. The inhabitants of cities like Agadez, Arlit, Dirkou and Séguédine that have become important junctions have seized the opportunity to offer transport, accommodation and all kinds of services to migrants from West and Central Africa who often stay for a certain period (Müller 2018, 37). As is clearly recognised by the relevant EU institutions, the fight against smuggling and trafficking in a transit country like Niger thus not only interferes with criminal networks, but also endangers local subsistence. González Enriquez et al. (2018, 13) highlight the importance of this economic sector and the destabilisation potentially flowing from disruptions:

In Niger the smuggling industry is one of the most profitable sectors, benefiting the entire economy and being a 'force for stability' through contributing to preventing the eruption of violent conflicts according to some analysts. UNHCR officials and local NGOs caution that these [control-oriented] policies might endanger Niger's stability by aggravating the already dire socio-economic conditions in the absence of compensatory measures for creating local income-generating alternatives.

In order to compensate for these losses, together the EU and the Nigerien government have initiated programmes on alternative employment and livelihoods under the EUTFA (EC 2017a, 4). Specifically, MS economic support has been used for projects aiming to support 1.400 transit-zone-located citizens in achieving self-employment and offer skill training for another 6.000 youth. A short-term project was designed to directly cater to the needs expressed by Nigerien counterparts (EC 2016f, 4). In the long run, a budget support programme (topped up by another 50 million EUR in June 2017; EC 2017c, 3) and livelihood-centred measures are supposed to alleviate the economic dependence on transit migration (ibid.).

This is a remarkable development since these contributions constitute a significant rise in the share of direct state funding relative to overall EU aid from one third before 2014 to 75 per cent thereafter (Idrissa 2019, 31). MSs are actively involved in addressing this challenge as well: For instance, Italy is implementing a number of piecemeal projects, e.g. on agriculture and small enterprises (Interview 7). Furthermore, the APM project also addressed the issue through discussions at regional ateliers (Interview 6).

Yet, it has been admitted that some delays in delivering these projects have hampered results, while the projects themselves are reportedly not designed, and in fact able, to replace the work of national authorities (Interview 10; EC 2017c, 4; Idrissa 2019, 32–33). According to Müller (2018), these shortcomings are foremost the result of a dominance of repressive measures to curb irregular migration at the expense of insufficient long-term solutions on livelihoods and income. In view of thus lacking compensation for the costs imposed on a potentially influential regional group, ‘the government – particularly the Minister of the Interior – took quite a risk in adopting the counter-smuggling law’ (Interview 10).

Within Agadez and other migration-dependent regions, opposition to the government’s course has prevailed based on a wide-spread belief that the job- and development-related measures supported by the EU and the government do not suffice to compensate for the population’s economic losses:

A survey on the development projects in the region taken in autumn 2017 shows that the local population is not satisfied with the first phase of implementation. Around two thirds of the respondents stressed that they had benefited from the presence of the migrants, but not from the development projects. This also applied to the municipality of Agadez as such. The projects were deemed to benefited mainly (foreign) development organisations and some local political authorities. Some of these authorities would sometimes act more in the EU’s interest than in the interests of the local population. (Müller 2018, 43, own translation).

Ultimately, as Müller (2018, 37) argues, the opportunities related to transit migration had allowed for an, at least rudimentary, economic integration of otherwise potentially rebellious Tuareg and Tubu groups in the north. Consequently, a removal of this stabilising factor risks political turmoil and to further constrain state authority in the region. Moreover, increasing unemployment contains the risk of exposing youth to radicalisation, thus potentially strengthening terrorist groups (Müller 2018, 43–44). Müller (2018, 45) concludes that

It is difficult to determine whether Issoufou has not sufficiently considered the risks of economic discontent or whether he is willing to accept them temporarily in order to transform the economy of migration born of necessity into a more stable economic development and thus also to expand the central government’s power and control over the North. (own translation)

The Impact of Regional Opposition

While it has become clear that the losers of the government's cooperation with the EU on migration control did not receive sufficient compensation (condition 1 of the domestic opposition hypothesis (H1b), agreement between the two parties is from a theoretical view still possible if local opposition does not translate into 'meaningful resistance' that could threaten the government's power. The way in which regional opposition will be considered in the decision process thus assumedly depends on at least two factors: (1) the relative weight of potential gains as well as (2) the influence of those experiencing harm. As one expert observed, cultures within the vast Sahel countries often diverge between north and south, potentially resulting in a 'big discrepancy between what the capitals might wish to see and what the regions have an interest in' (Interview 9). Beyond this question of representation, the government has to balance several fundamental interests, as pointed out by González Enriquez et al. (2018, 13):

Beyond local socioeconomic realities, the EU and Italian pressure on the Niger[ien] government to enforce control-oriented measures can have broader implications for politics and state-society relations. In particular, it might put the government in a difficult position where it needs to juggle between being a good partner to Europe, keeping the level of discontent among local populations low and not jeopardising its relations with the military and other actors vested with significant degrees of power.

While balancing these divergent demands is a challenging task, the benefits of cooperation for the government (or alternatively the external pressure exerted by the EU), are significant as outlined above, wherefore regional contestants would need to find a way to organise themselves and mobilise additional stakeholders against the government to be considered (always under the premise that the government's power rests on public support and not primarily on partisan interests or military control as is the case in other countries of origin and transit where it might suffice to cater to the needs of the political elite; President Issoufou, by contrast, has been described as more democratic and people-centred than other regional leaders, cf. Interview 8). Yet, public criticism is scarce, mostly limited to the *Alternative Espace Citoyen*, and thus unlikely to mobilise major parts of the population (Idrissa 2019, 33–34). According to Idrissa (2019, 34), '[g]overnment officials do recognise that they face criticism from their peers in regional arenas, but so far this has not translated into threats that might easily target the large Nigerien diaspora communities across the Gulf of Guinea'. Therefore, it seems that the second condition of the domestic opposition hypothesis (H1b) is fulfilled in the Nigerien case, wherefore domestic adoption costs were relatively low and the authorities were largely able to ignore local opposition in favour of the economic, security-related and reputational benefits to be gained from acting on a European agenda.

The Nigerien Case in a Nutshell

In sum, European cooperation with Niger has focused on (1) curbing irregular migration through enhanced border controls, capacity building and counter-smuggling activities, (2) development cooperation and alternative employment as well as (3) voluntary turns operated by IOM. The cooperative stance of the Nigerien government can be explained as a trade-off in which costs from curbing the migration economy and potential political destabilisation are tolerated in turn for European support to enhance state authority, address substantial security risks, ensure additional long-term development resources and gain in international reputation which provides additional room for political, economic and security-related gains in itself (cf. Müller 2018). Since Niger is mainly a transit country, despite substantial dissatisfaction among the northern population, the government still faces less public pressure contesting migration controls and readmission compared to neighbouring countries like Mali and Nigeria whose citizens are often the direct subject of negotiation. Therefore, the domestic adoption costs arguably seem neglectable compared to the stakes at play, i.e. in terms of considerable resources that are *perceived* to be endangered by non-cooperation (Niger's WATNA). Moreover, since the migration question itself is a non-significant issue for the government (apart from the related economic sector) since Nigerien emigration to Europe is a limited phenomenon, the control-oriented European agenda resonates to a notable degree with the country's security needs, releasing national resources to be spent on other internal priorities like education and the social sector. Overall, the Nigerien case lends some support to the mechanisms outlined by hypotheses H1(a & b). Since this validation is, of course, only of limited explanatory scope, a comparative assessment of the Malian case allows for an additional testing.

5.5 PARTNERING WITH MALI: DEALING WITH DIVERGENT INTERESTS

5.5.1 GENERAL AND MIGRATORY BACKGROUND

Socio-political Profile

Despite its vast territory about the size of Niger, Mali's population is relatively small, young and centred along the Niger River, amounting to 17.1 million in 2014 with an average annual growth rate of 3.1 per cent (2005-2014) (World Bank Group 2016, 177). A traditional division between the nomadic Sahel/Sahara northern region and the agriculturally dominated southern Sudanic zone still persists, with three-fifths of the population living in rural areas,

notwithstanding increased urban settlement (Imperato, Clark, and Baker 2019). Urban unemployment and limited access to education remain a factor of discontent among the population, aggravated by widespread resource mismanagement. Just like other Sub-Saharan countries, Mali ranks low on the Human Development Index, taking position 184 out of 189 in 2019 (UNDP 2019, 303). Both the education and health care system are rudimentary. The economy mostly relies on agriculture centring around cotton, livestock and fishing (Imperato, Clark, and Baker 2019). With a Gross National Income (GNI) per capita of 650 current USD in 2014, the low-income economy is ‘undiversified and vulnerable to commodity price fluctuations’, according to the World Bank Group (2020). Food security is endangered by losses related to climate change and a high fertility rate of six children per woman in 2017 (ibid.). While slightly decreasing in recent years, the poverty rate is still alarming, concerning almost half of the population (47.2 per cent between 2011 and 2015) (World Bank Group 2020). Consequently, the country is among the major recipients of international development assistance; bilateral aid is mainly provided by France and other EUMS, the US and OPEC countries (Imperato, Clark, and Baker 2019; World Bank Group 2020).

After French colonial rule and a temporary federation with Senegal, the Republic of Mali was declared an independent state on 22 September 1960 (Imperato, Clark, and Baker 2019). Mali’s transition away from an autocratic regime since 1992 has turned the country into a symbol of hope for many democratic leaders. Yet, long-lasting state fragility, a weak economy, recurring troubles with Tuareg rebellions and local conflict have culminated in a military coup and occupation of the north by Tuareg rebels and Islamic insurgents in 2012: the *National Movement for the Liberation of Azawad* (MNLA) declared the independent state of Azawad; yet, the Islamist militia *Ansar Dine* soon broke away from its alliance with the MNLA and, together with other jihadist groupings like *al-Qaeda in the Islamic Maghreb* (AQIM) seized rule over major towns like Timbuktu, Gao and Kidal, displacing hundreds of thousands (Imperato, Clark, and Baker 2019). The national dialogue and reconciliatory process that followed the occupation’s defeat by a coalition of French and Malian forces and the African-led International Support Mission in Mali (AFISMA) by 2013 and difficult negotiations in Algiers resulted in the adoption of a peace agreement with two major rebel groups (the *Platform* and the *Coordination*) on 20 June 2015 (Die Bundesregierung 2016, 19). Its implementation, focussing on decentralisation and a dedicated development plan for the north and supported by the International Community, also hinges on security-related developments (World Bank Group 2020). With progress on the peace process being slow, the overall political and security environment remains unstable as recently demonstrated with

major protests erupting against the government of Ibrahim Boubacar Keïta ('IBK') (RFI 2020). In the central and northern regions, armed Islamist groups not party to the peace agreement have continued attacking foreign and national forces and terrorising civilians ever since, including assaults, kidnappings and sexual violence, in addition to erupting conflict among various ethnic groups (Freedom House 2020a; Imperato, Clark, and Baker 2019). The ensuing instability has further facilitated the spread of organised crime.

In August 2018, IBK was re-elected President against allegations of fraud, irregularities and a general disruption by rampant insecurity. Freedom House (2020c, 14) reported a decline in global freedom by 30 points over the past ten years, while still defining Mali's overall status as 'partly free' with a score of 41/100 in 2020. Several international missions are active in Mali, including foremost the *UN Multidimensional Integrated Stabilisation Mission in Mali* (MINUSMA, since July 2014), the *EU Training Mission* (EUTM Mali), the capacity-building mission *EUCAP Sahel Mali* as well as the G5S security forces. In order to establish a coordinated approach to common threats of the Sahel zone, the EU, Germany, France, UNDP, the World Bank and the African Development Bank together founded the *Sahel Alliance* which was later joined by Spain, Italy, the UK, Denmark, the Netherlands and Luxembourg (World Bank Group 2020).

Migration Profile

With regards to migration, Mali is all: a country of origin, transit and destination. Emigration has a long tradition related to remittances which accounted for 7.7 per cent of GDP in 2014 (EC 2016e, 8), but voluntary migration has increasingly been joined by forced displacement following the 2012 conflict. In 2014, there had been over 139.000 Malian refugees (World Bank Group 2016, 177); in 2017, more than 35.000 people were internally displaced (EC 2017a, 8–9). About 3.5 million of the overall 4 million Malians abroad live in the neighbouring region (Die Bundesregierung 2016, 19). Given Mali's ECOWAS membership, regional cross-border migration plays an important role, not least in economic terms. The size of the second generation diaspora in Australia, Europe and the US amounted to 39.800 in 2012 (World Bank Group 2016, 177). Before 2015, the Malian government had already taken some steps to integrate the diaspora into national and local development, although these initiatives lacked a comprehensive approach (Idrissa 2019, 25–26). In terms of recent flows, more than 6.500 Malians irregularly entered the EU in 2015, while the return rate remained as low as 11.4 per cent that year (EC 2016e, 5). Yet, Mali only ranks #23 in first time asylum applicants 2015 (see Eurostat 2016 and Figure 7 in the Appendix).

Migration within the region, but also towards Europe has a long tradition within Mali based on several causal dimensions, including, for instance, restrained livelihood due to a degradation of natural resources, climate-related damage and the demographic development (Diallo 2015). More important with regards to Europe-directed migration is the socio-economic situation providing limited opportunities, particularly for the young population. Since catering for one's family is a major social norm and expectation, many 'successful' migrants or returnees send valuable presents and financial support, nourishing expectations of wealth awaiting upon arrival in Europe (Interview 12). In fact, families often oppose the return of their relatives due to their dependence on remittances as well as a lack of alternative employment and, thus, subsistence at home. Many young people compare their local opportunities and the functioning of the state to the European image and consider emigrating in light of misrepresented chances and risks. Thereby, emigration to Europe has become a social norm in itself which is particularly prevalent in the Kayes region (Interview 12).

5.5.2 STAGES OF ESTABLISHING A PARTNERSHIP

Insiders confirmed that a migration-related cooperation between Mali and the EU has been ongoing for several years. Already in September 2006, an agreement on migration control and development assistance worth 426 million EUR (2008-2013) was signed. Two years later, the EU funded the creation of the *Centre d'Information et de Gestion des Migrations* (CIGEM), focusing on the migration-development nexus through the definition and implementation of a Malian migration policy adapted to national, regional and international dynamics. Precisely, its tasks consist in (1) researching the migration phenomenon, (2) assisting and informing potential and returned migrants, (3) sensitising the population on risks related to irregular migration and (4) valorising the diaspora, monitoring remittances and exploring measures to reduce transfer costs (CIGEMinfo 2008; cf. Idrissa 2019, 26–27). Since 2016, attempts to intensify the migration-related cooperation have increased significantly with a row of high-level visits setting the tone, among them a senior level mission representing the EEAS/EC, the Netherlands and Germany as well as dialogues with Commissioner Mimica responsible for International Cooperation and Development as well as the German and Estonian Heads of Government, the Dutch and Italian Foreign Ministers and a meeting between High Representative Mogherini and the Minister for Malians Abroad Sylla (EC 2016c; 2016f; 2017a). The first high-level dialogue on behalf of the EU was conducted by the Dutch Foreign Minister in April 2016. In 2016, Mali appointed a focal point for migration issues as a single contact point (EC 2016d).

Joint engagement of Mali and the EU mostly focussed on border management and counter-smuggling activities: EU institutions and MSs have supported the implementation of the National Migration Policy, not least in financial terms (Interview 2), and the development of the National Strategy on Borders adopted in May 2017 (EC 2017c, 7). This includes training and capacity building offered to border police (EC 2017a, 8). The Malian unit of the project *Groupes d'Action Rapide – Surveillance Intervention* (GAR-SI), training the gendarmerie of the G5S plus Senegal with a view to countering trafficking and irregular migration, was established in 2017 (Idrissa 2019, 28).

According to an official from the Ministry of Malians Abroad,

The partnership between the EU and Mali has manifested itself in concrete actions to better manage migration, also to make migration one aspect of the country's development, with a real panel of concrete initiatives in favour of young people in terms of job creation, in terms of prevention of irregular migration, but also in terms of support for organisations of the Malian diaspora and in Europe - which is directly linked to the national migration policy that the government of Mali has adopted in 2014. (Interview 11)

Despite practical steps taken with regards to border controls and sensibilisation campaigns, stalemate on the readmission target was quickly reached: SOPs to facilitate returns on a practical level have been drafted and discussed in 2016, and – according to the EC (2016f, 17) – were finalised, followed by identification missions. Yet, contestations surrounding the Joint Migration Declaration (described in Subsection 5.5.3.2) ultimately prevented an SOP signature (EC 2017a, 8). Consequently, '[t]he missions that took place in 2016 have not yet led [to] any returns, and cooperation with some Member States seems frozen since the end of 2016' (EC 2017c, 7). Until this day, there is neither a working arrangement with Frontex in place (official inquiry) nor an official readmission agreement with either the EU or single MSs (Interview 11). Albeit controversy around the readmission question has put a strain on other fields of cooperation as well, action has been taken up again in recent months: since 2019 and the beginning of the post-Cotonou negotiations (under article 8 of the Cotonou Agreement governing EU-ACP relations), an EU diplomat observed a shift towards restarting discussions on migration-related objectives and actions (Interview 2). With the founding of the *Brigade de répression du trafic de migrants et de la traite des êtres humains* in October 2019 (Diarra 2019) and preparations for a *Partenariat Opérationnel Conjointe* (just like in Niger), Mali has for the first time in an extended period accepted operational action against smuggling and trafficking in human beings (Interview 2).

5.5.3 ACCOUNTING FOR EU EFFECTIVENESS

5.5.3.1 Benefits and Resonance with National Policies

Benefitting from General Development Assistance and Targeted EUTFAs Projects

In general, EU engagement in Mali comprises many fields, mainly in the area of security and stability, but also regarding governance in central Mali, corruption, rule of law, peace-building in the north – and migration (Interview 2). Based on EDF funding, the EU engages in traditional development aid, e.g. targeting education, climate adaptation and agriculture (EC 2017a, 8). In addition, the Union is providing humanitarian assistance for Malian refugees in Niger, Burkina Faso and Mauritania and EUTFAs programmes foster the self-sufficiency of refugee populations and facilitate voluntary returns (EC 2016f, 6–7). Officially, the Malian authorities cite good cooperation with the EU on migration, appreciating the twelve projects worth ca. 215 million EUR launched under the EUTFAs (one of the highest national contributions) following the Valletta Summit (EC 2020a). In particular, as in the Nigerien case, these projects and additional EU support assist the implementation of the national migration policy, offer capacity-building for internal and border police forces, facilitate return and reintegration, conduct sensitisation campaigns, improve civil registry and create employment opportunities in areas with a high migration potential (EC 2016d; 2016f, 7; 2017a, 8; 2017c, 7). Compared to Niger, however, a strikingly different distribution of funds becomes visible (see Figure 13 in the Appendix): only 7 per cent flow into projects targeting migration management, whereas 36 and 39 per cent are dedicated to measures to improve governance/prevent conflict and strengthen resilience respectively, mirroring the deterioration in the national security situation since 2012. Since these projects are starting to bear fruit, an EU representative appeared optimistic that the results prove to the Malian counterparts that cooperation with the EU is a rewarding exercise (Interview 2).

Security Support

Notwithstanding allegations of unfulfilled potential due to a lack of local consultation (Bøås et al. 2018), the mandate of the CFSP mission EUCAP Sahel Mali was not only renewed, but also extended in December 2016, now indirectly contributing to migration control through a strengthening and training of the Malian security and police forces (Die Bundesregierung 2016, 20; EC 2017c, 7; Serón Aires and Gabrielli 2019, 93). In view of growing insecurity in the Mopti and Segou regions from mid-2017, the EU reacted with additional social-services-centred support under the EUTFAs and stabilisation action (EC

2017d, 6): the PARSEC Mopti-Gao project, implemented by Expertise France since March 2017, aims to ‘strengthen security in the Mopti and Gao regions and to improve the management of border areas so as to prevent irregular migration, smuggling of migrants and trafficking in human beings’ (EEAS 2018). Thereby, it seems that by weaving its migration control target into the security and development assistance offered to Mali, the EU has found a way to ensure the necessary compatibility with national needs and thus to secure the government’s approval to migration-control measures. Just like in the Nigerien case, a certain compatibility with the Malian security agenda stands out: as one expert mentioned, controlling irregular migration in practice also means enforcing control of porous borders, interrupting other smuggling activities and strengthening governance capacities (Interview 9). Likewise, according to an EU diplomat, ‘the Malian authorities recognize that border controls and migration is also a question of security and stability as well as trans-border protection and precondition for more civilian projects’ (Interview 2; cf. Interview 4). Overall, security and stabilisation efforts constitute the major priority of EU activities in the country (Interview 2). Yet, to what extent does this overlap in interest translate into active support for the EU’s control agenda and where does it reach its limits?

Janus-faced Commitment

Officially, i.e. in EU-directed discourse, the Malian authorities (just like their Nigerien counterparts) embrace the targets of ‘saving lives’, ‘preventing irregular migration’ and ‘disrupting smuggling and trafficking networks’ (cf. Interview 11) – usually substantiated by the fact that it is Malian citizens who die or are severely abused during their struggle to get to Europe (an insight which has been prompted by the EU and its MSs, cf. Interview 5). Correspondingly, a Malian observer working in the field confirmed the need to raise awareness and cure false expectations which lead young citizens to expose themselves to significant risks, while spending all savings and eventually facing a lack of opportunities in Europe (in view of their irregular status and low levels of education) and, thus, often a precarious and non-integrated life (Interview 12). Therefore, the Malian authorities reportedly agree to the necessity of sensibilisation and public education, while emphasising the need to accomplish these efforts with substantive projects to create decent alternatives for the youth, enabling them to stay. In other words, cooperation on the information side is also perceived as a basis for additional substantive work and assistance – ‘for us, it’s about finding the resources to enable the youth to stay’ (Interview 11). In this sense, work within the CCM is continuously revolving around a possible extension of the EUTFA projects due to expire. It thus seems

like an officially conforming discourse is used to provide the ground for additional European commitment in terms of ‘addressing the root causes’ of migration.

In reality, given the importance of remittances for the country and public demands for migration channels, the government faces a potential need to encourage additional migration towards Europe, ensuring future subsistence. Notwithstanding the fact that remittances are usually sent by the well-established second or third generation, one observer confirmed this interest: ‘governments in this region do not necessarily have a very big interest in refraining people from moving’ (Interview 3). Reportedly, the Ministry for Malians Abroad is very sensitive to any steps advocating restraints on migration and a conditionalisation of readmission (Interview 1). Therefore, as another expert stated, ‘cooperation on trafficking and smuggling is much easier with Niger since in Mali own citizens are concerned’ (Interview 2). This conclusion was also drawn by the EC (2017c, 13) in view of overall progress under the MPF: ‘working with countries of transit has often been easier than with countries of origin’. Importantly, Dünnwald (2015, 18) observes that ‘Mali's political elite is quite adept at distinguishing when it is appropriate to follow the European discourse and when it is preferable to praise migrants, regular or irregular, as an almost constitutive part of Malian society’ (own translation). To what extent has this ambiguity shaped the national migration agenda?

The Malian Migration Agenda – Aligning with EU Demands?

Just like Niger, Mali has established its own National Migration Policy (PONAM) and related action plan (2015-2019) in May 2015 which is reportedly very important to the government (also indicated by the creation of the Ministry of Malians Abroad). It aims to ‘better manage migration so that it contributes to the poverty reduction and sustainable development in Mali’ (GIZ and Expertise France 2020, 4, own translation). This positive outline, however, is also melted with European concerns (Idrissa 2019, 28): Trauner and Deimel (2013) illustrate how the Malian migration policy has taken on a control-oriented orientation due to the enhanced involvement of the EU, single MSs and European development actors.

The PONAM comprises elements aiming to integrate and protect the diaspora, promote the right of migration, link migration to development opportunities and manage migration according to international norms, inter alia (Interview 3; Diallo 2015). Several international organisations and national agencies (including IOM, L'Agence française de développement (AFD), GIZ, Spain, Denmark and the Netherlands) have operationally and/or financially supported the policy’s implementation (GIZ and Expertise France 2020, 16–17). In June

2017, a national consultation process took place to further develop the policy (EC 2017d, 6).

The draft evaluation report points out that

any national policy, including PONAM, cannot achieve its objectives without adequate tools for planning [...], coordination, management and monitoring & evaluation. These tools are lacking at this stage in PONAM. The skills of the human resources in charge of the implementation of PONAM need to be improved and strengthened (central administration and decentralized authorities, civil society). There is a need to invest in equipment and human resources for better monitoring of the MME [Ministry of Malians Abroad; J.B.], which is out of phase in this respect given the importance of the resources and activities to be managed. (GIZ and Expertise France 2020, 36, own translation)

These elaborations indicate that the Malian government accommodates, to a certain extent, the discourse of European actors for its dependence on additional resources and expertise to improve and implement the PONAM. These concessions notwithstanding, the authorities' principal stance towards migration remains a positive one, singling out the migration-development nexus in relation with a valorisation of the diaspora. This supportive view manifests itself in a demand for extended legal migration pathways.

Limits of Cooperation: The Quest for Legal Migration Pathways

While recognising European constraints due to constraints on the labour market and public fears, insiders contend that in order to effectively and sustainably tackle the problems related to irregular migration, new legal channels for safe, professional migration would have to be opened, allowing for a real integration of migration and development (Interview 11). In fact, legal migration is regarded as a real answer to the widespread willingness to migrate irregularly – the various micro projects and initiatives focussing on sensibilisation, information and accompaniment of the youth are considered useful, but ultimately insufficient without real alternatives. The influence of the diaspora and pressure from civil society to enable migration towards Europe is clearly reflected by the Ministry for Malians Abroad, calling to open up mobility channels, facilitate the transfer of remittances and valorise the diaspora (Interview 1). Hence, the Malian authorities are keen to build on previous legal migration projects, such as the one with Spain a decade ago (Interviews 3 & 11). Instead, single projects rather focus on South-South migration, arguably promoting an alternative to EU-directed migration (GIZ 2018). Thus, given the lack of legal pathways at the time and high political costs of readmission, an EU official admitted, 'I'm not sure if we put enough on the table to incentivise really strong cooperation on returns' (Interview 9). Similarly, a national official argued that 'when discussing returns, one has to be intelligent – and legal migration is a suitable area to persuade the other side of making concessions, through intelligent offers (not conditionalisation)' (Interview 1). Quite on the contrary, another observer admitted that the

EU and its MSs have hardly worked on legal migration and the inclusion of West African states into the knowledge-based economy despite such ambitions declared at the Valletta Summit. As long as this aspect is not addressed by European decision-makers, governments of migration-oriented countries like Mali will refuse to visibly concede on returns, given their high salience and potential to undermine its power as illustrated in the next section.

5.5.3.2 Domestic Adoption Costs and National Opposition

Returns as a Disruption of a Migration-focused Development Model

Without any doubt, the situation of irregularly staying Malians in relation with returns remains a sensitive issue with the EU in view of the steadily increasing size of remittances sent by the diaspora (around 900 million USD in 2015, 7.4 per cent of GDP in 2014; World Bank Group 2016, 36). From a practical view this means that

there are regions where migration is the main source of household income, notably in the Kayes region. In Mali, the contributions of the diaspora are greater than public development aid. [...] The migration issue is also a geostrategic issue for Mali, one that is also linked to remittances which are an important financial support for the families of origin. (Interview 11, cf. Interview 3)

This dependence is historically rooted: ‘[s]ince the 1970s, the inhabitants of the western region of Mali have relied more on the diaspora to finance development than on the state: social services and infrastructure have been funded by migrants and are still maintained by the remittances they send.’ (EASO 2018) Hence, an integration of the diaspora takes a primal position in national politics as confirmed by President Keita: ‘The Malian Diaspora has an inexhaustible pool of experience and skills available to serve Mali. It is up to us to make the most of this potential by consolidating the ties that unite us and ensuring that their needs are better met.’ (cited in Diallo 2015, own translation) Related to this view is a wide-spread perception that the EU is actively segregating migrants based on their qualification and European economic needs, therefore nourishing a security-related discourse on irregular migration which criminalises migrants and their contributions (cf. Dicko 2018, 7). This kind of scepticism towards one-sided or unbalanced cooperation with the EU or single MSs dates back to their first rapprochement in the mid-2000s (Idrissa 2019, 27–28). Idrissa (2019, 28) accentuates that

Malian civil society is highly critical of European conceptualisations of migration, which they accuse of making light of structural causes, conflating migration with criminal activity in a somewhat indiscriminate way, blithely overlooking the negative impact of restrictive European policies on the potential benefits of migration, harming the regional compacts on free mobility and residence, and creating tensions between ECOWAS member states.

Due to the economic importance of remittances and the impact of the diaspora, cooperation on readmission between the EU and the Republic of Mali has stayed very limited over the

years (Interview 2). Albeit newly arrived migrants often face economic hardship and are thus unable to send major sums, they are still deemed prospective contributors. As Cassarino (2010a, 16) clarifies, ‘even discounting the input of remittances, demographic and labour market arguments will continue to maintain readmission as an unpopular measure in the long term’ (cf. Zanker et al. 2019). Accordingly, public mass returns or even the adoption of an official readmission agreement would arguably arouse social contestation among diaspora organisations and, crucially, dependent families (Interview 12).

Escalation in 2016 and the Blockade of Cooperation

More recently, this kind of reaction became visible in 2016 when there had been first moves to jointly work on migration flows: on 11 December, a Joint Migration Declaration was signed between the Malian Foreign Minister, Abdoulaye Diop, and Bert Koenders, Dutch Minister of External Affairs (on behalf of the EU High Representative, Federica Mogherini). According to European sources, this declaration focused both on ‘root causes’ and returns to be facilitated by identification missions (Gabrielli 2016, 20–21). Meanwhile, a Malian official responded that, in fact, the EU and Mali merely concluded a non-legally binding declaration signalling the willingness on both sides to work together on the five priorities concluded at the Valletta Conference (cf. ECRE 2016). According to the EEAS,

Both sides agreed to develop a Roadmap on priority actions: joint work to tackle root causes of migration, especially on the lack of economic opportunities for young people, and to reinforce civil registry systems and the issuance of secure ID and travel documents and enhance border management. It also includes the commitment to ensure protection for migrants transiting Mali, to fight against smugglers and traffickers of human beings; and to support readmission and return as well as the reintegration of migrants who return to Mali, as well as their communities. (cited in Statewatch 2016, original emphasis)³

Yet, media reports, diaspora organisations like the *Malian Association of the Expelled* (AME) and the political opposition, in the eyes of a Malian official, misrepresented this intention for a readmission agreement, inciting major protests. The government swiftly reacted by stressing the non-binding character of the declaration, the latter’s respect for mutual obligations and applicability only to irregularly staying Malians (Gabrielli 2016, 21). The flow of events indicates a straight link between public expectations and political risk:

In the Kayes region there is an expectation that the government should ensure an easy flow of migration between Mali and Europe and elsewhere. And everything that is somewhat directed at repatriation

³ The original document of this Joint Migration Declaration could neither be provided by European nor Malian officials and is not publicly available. This obscurity seems to indicate the intention on both sides to draw attention away from this incidence and move towards less sensitive, bilateral forms of cooperation without official announcements in order to avoid any repetition.

will be received very, very negatively by the population. The government representatives are thus exposing themselves to a political risk, which they would hardly want to take. (Interview 1)

In other words, in view of an already fragile socio-political environment and the significance of migration for practically all regions, the government is very careful to take such risks which could threaten its public approval (Interviews 4, 8 & 11).⁴ The experience of public contestation in late 2016 has reportedly rendered the Malian government ‘very cautious and attentive’, thus constituting a key event blocking the start of official high-level negotiations on readmission to this day (Interviews 2 & 11). Even the SOPs of December 2016 seem to not have been adopted (although some identification missions have apparently started nevertheless; cf. Council 2016; Gabrielli 2016, 21).

On Visibility and Formality

This trend indicates that resistance to cooperation on readmission is positively correlated with the degree of visibility – hence, the adoption of an official agreement, particularly when it applies to all EU MSs at once as is the case with SOPs, is unlikely since it is ‘too visible, [...] too all-encompassing’ (Interview 1). Moreover, it turns out that the impact of visible action on ensuring cooperation partly depends on the character of interests at stake: whereas the Nigerien government has largely welcomed and benefitted from the renewed European attention and image boost as an international partner, the Malian authorities were faced by contestation since attention was drawn to negatively connotated fields of cooperation with the EU. As one diplomat pointed out,

This was the problem at the time, that people tried to make a big fuss about it – also, of course, because Europe was under pressure: one had to deliver; an agreement was needed, something visible. But this was exactly the approach that did not produce results on the ground in terms of real implementation or of a pragmatic approach and the realisation of repatriation. (Interview 1)

Going even further, he criticised the simplicity of a simple quid-pro-quo strategy:

The Brussels way of thinking goes ‘we offer them something and then at some point they’ll sign’. The reality on the ground is different. The issue of migration is straight forward in some countries and very complex in others, and in Mali it is very complex. This complexity cannot be overcome by three

⁴ This mechanism already occurred when France sought to establish a readmission agreement with Mali in exchange for the legalisation of 1.500 irregularly staying Malians per year and the prolongation of assistance from the French development fund: in view of pressure by well-organised pro-migrant civil society organisations, negotiations eventually stalled, causing France to cease providing financial means through the Solidarity Fund and cut the yearly development aid from 60 million EUR in 2008 to 53 million EUR in 2009 (Trauner and Deimel (2013); Dünnwald (2015, 22–23); Soukouna (2011)). The Spanish rapprochement, on the contrary, was more successful for several reasons: not only did returns from Spain receive less public attention because of more neutral and less developed bilateral relations/a lack of colonial heritage as well as a less established Malian community, but the Mediterranean country also offered more incentives in terms of labour migration (although still very limited) and doubled financial support in the aftermath, see Dünnwald (2015, 23–24).

programmes that make a good case for making it clear to your people that this agreement must be signed by the government. (ibid.)

Vice versa, respecting the impact of public opinion also involves a reflection on the *need* to conclude formal agreements (cf. García Andrade et al. 2015, 84–85). A Spanish official promoted a more informal approach in action since ‘signing formal agreements with West African countries has a very relative value’, while practical results are the actual goal (Interview 5). This insight is likely to have informed a general informalisation trend focusing on the establishment of close working ties, practical arrangements and an informal division of labour between relevant actors on both sides (Kipp and Koch 2018, 19; Slagter 2019). In fact, the Malian retreat following public protest in 2016 led the EU to adapt its strategy towards a more careful rapprochement without direct pressure and a single focus. Hence, discussions on returns have shifted to informal talks on technical cooperation and best practices among MSs (Interviews 1 & 2). This approach is, in fact, favoured by particularly engaged MSs like France and Spain, who that a common EU agreement could spoil their good practical cooperation due to its visibility and thus public contestation (Interviews 2 & 5). In turn, this fear coincides with the Malian preference for bilateral cooperation with MSs rather than the EU as a whole (Interview 2; González Enriquez et al. 2018, 23).

Taking Administrative Capacity into Account

In practice, it turned out that cooperation on returns and other compact dimensions is not only determined by the degree of visibility and its subject, but also by the plain limitation of national capacities: for instance, an ‘insufficient consular system’ poses practical hurdles to increased readmissions, further complicating the identification of Malian nationals abroad (Interview 2). Internally, part of the difficulties in reaching measurable results with Mali is due to the inefficiencies and weak coordination and cooperation among Malian ministries: frequent changes in their layout and an inefficient distribution of tasks and responsibilities among them constitute a significant institutional problem (Interviews 3 & 12). Against a background of limited personnel, frequent rotation of senior officials and lacking financial incentives for committed work, the government reportedly struggles to meet its tasks, e.g. with regards to a regular evaluation of progress on the implementation of the national migration policy (Interviews 2 & 3). As a consequence, the Malian authorities merely demonstrate a limited degree of actorship, not actively seeking to integrate external partners in the pursuit of national priorities. This position is exemplified by a diplomat’s testimony:

In Ethiopia, for example, they call us in as EU and then they say what they would like to have from Germany, Italy, Spain etc. – and here, we rather have to coordinate a lot among ourselves and then we involve the Malian government. (Interview 1)

Against this background of limited capacity, a Spanish official admitted that the agreed practice on returns is not working any longer. According to him,

the problem is not a lack of political will in itself, but that Mali at this moment is a failed state. State structures are not working, almost at all. So, it's very difficult to work with them. Originally, they had well cooperated with us. (Interview 5)

He concludes that 'before we get any results on the migration field, we really have to make sure that Mali is a stable country with working institutions and the problem of jihadism solved' (ibid.). Against this background, compared to other areas (particularly the security situation), migration has overall not taken precedence in EU-Malian relations (Interview 9).

The Malian Case in a Nutshell

In the end, the Malian government, based on its rather limited capacities, has to accommodate several, partly conflicting, interests as summarised by Dünwald (2015, 21):

On the one hand, the European Union, France and - at least in the period from 2006 to 2012 - Spain are major donor countries of development aid as well as economic partners. Since 2006, cooperation on migration policy issues has increasingly become a precondition for the continuation of these payments, and also a way of getting more money flowing. On the other hand, Mali is one of the driving forces behind the integration efforts of ECOWAS, which stands for the freedom of movement of its citizens and seeks to promote it. Furthermore, Mali is to a certain extent dependent on qualified workers, most of whom come from Senegal or the Ivory Coast. [...] Malian migrants in France also exert not only economic but also social and political influence through remittances and investments in Mali. [...] The position of the Malian government is thus characterized by a double-edged interest in politics and discourse on migration and migration management. (own translation)

While some degree of alignment of European migration-control activities with national security needs (mostly in terms of capacity building, training and equipment) and the search for additional resources has led the authorities to embrace the European discourse where deemed useful, the political costs of cooperating on readmission and risking regional integration largely outweigh the benefit of enhanced reputation vis-à-vis European counterparts (also taking into account that cutting support for a highly unstable country in the wider European neighbourhood is not in the EU's interest, see Section 5.6.1). In other words, the incentives offered by the EU were considered insufficient to outbid the Malian BATNA of non-cooperation, confirming the compatibility hypothesis (H1) and cost-benefit hypothesis (H1a). Even though the government's ability to apply strategic migration policy by using its per se favourable negotiation position strategically to extract additional benefits was hampered by its low administrative capacities, balanced cooperation on both EU targets – control of irregular migration and increased readmission – was precluded from the outset by (1) the

EU's inability to offer legal migration pathways as compensation for returns due to the logic of public pressure determining foreign policy goals; and – for the same reason – (2) by the EU's necessity to adopt a visible approach to readmission in order to demonstrate dedicated action and please its domestic audience.

Vice versa, applying the domestic opposition hypothesis (H1b) to the Malian case provides a plausible account of the government's refusal to take visible steps to facilitate readmission: opposition groups have neither been sufficiently compensated (e.g. by means of mobility measures) nor have they remained silent. On the contrary, their organised campaign against potential cooperation on returns could hardly be ignored by the political elite in an already fragile socio-political environment. This example confirms previous research evidence that the decision to cooperate on readmission is coined by incentives provided/benefits expected, migration salience and geographical proximity (Cassarino 2010b). In sum, the Malian authorities have done well in adopting a two-track strategy of paying lip service to the European target of restricting irregular migration in order to attract additional practical support and resources, while drawing the line when it came to public contestation threatening their political survival.

5.6 *EU COHESIVENESS AS A DETERMINANT OF EFFECTIVENESS?*

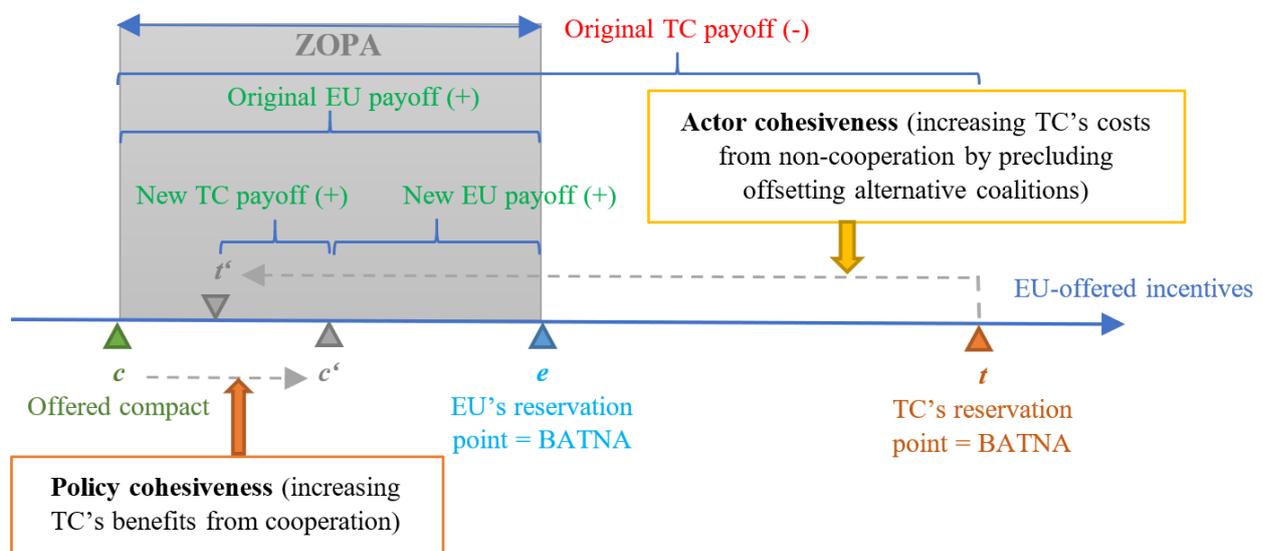
In view of the positive and negative payoff scenarios respectively identified on the Nigerien and Malian part, the question arises to what extent the EU has actually used its potential leverage to shape the constellation of costs and benefits on the TCs' part in the most efficient way (guaranteeing cooperation at minimal European cost), i.e. whether the Union has realised its full internal potential. That is, is the low-to-medium level of effectiveness reached in cooperating with the Malian authorities coined by intra-European processes? And if so, can the shortfalls be attributed to deficits in the MPF's approach per se or has the Union simply proven unable to meet its own target of a coherent and coordinated EU-MS approach as identified in Section 5.1? The answer to this question has some practical merit because it allows us to assess the suitability of the MPF's conceptualisation and thus grants some insight in how to enhance European effectiveness in cooperating with TCs on external migration governance in the future. Assessing the impact of EU cohesiveness on ensuring TC agreement to external migration cooperation relies on the Union's performance on two interlinked dimensions which form the subject of the two following sections: cohesiveness across policies and cohesiveness among actors.

5.6.1 POLICY COHESIVENESS (HORIZONTAL)

The Mainstreaming Ambition and its Reality

The level of policy coherence is relevant in this context because it determines the (credibility of) incentives (positive and negative) the TC’s government has to take into account when deciding on whether to cooperate with the EU on the migration agenda or not – and thus chances of superseding the TC’s BATNA (see Figure 3). In order to ensure substantial European leverage through a strategic mainstreaming of all available policies along migration policy targets, the European institutions counted on sustained coordination among all relevant EU institutions and specific units – particularly the EC (DGs HOME, DEVCO, NEAR, ECO etc.), the Council and the EEAS. Several experts emphasised that such coordination has significantly increased in recent years (González Enriquez et al. 2018, 9): while the established EC Partnership Framework Taskforce is meeting regularly until this day, coordination within the Council takes the form of frequent exchanges within the High Level Working Group (HLW) on migration and asylum (Interviews 4 & 9).

Figure 3: Envisioned impact of EU cohesiveness on the relationship BATNA – compact



Source: own depiction

Despite this increased coordination among EU institutions and units, differences in the approaches promoted clearly persist (Interview 4; García Andrade et al. 2015; Kipp and Koch 2018, 14–15). Specifically, while DG Home and certain working groups in the Council insist on migration control and returns, while demanding consistent migration mainstreaming, the EEAS holds a more sceptical view, warning of a single-led approach. Instead, EU diplomats give precedence to a truly comprehensive strategy, balancing migration with other interests,

i.e. not putting progress on security etc. at risk in favour of curbing migration flows (Interview 9). Meanwhile, DG DEVCO, responsible for the EUTF, and the Secretariat-General are reported to take a rather balanced and overarching position. Unsurprisingly, these divergences among responsible entities also affect policy cohesiveness, with the EEAS favouring a mere use of migration-related levers, such as EU visa policy. Additionally, the use of other policies to apply negative conditionality constitutes a highly unattractive measure in practice for any entity pursuing its own agenda, eventually undermining practical credibility (Interview 9). An EU official frankly admitted that in a country as poor and fragile as Mali, sanctioning is rather impossible and would hamper the basic exchange and cooperation needed on other crucial dimensions (Interview 2). Furthermore, whereas some MS governments reportedly seriously promote the conditionality/sanctioning agenda, the necessary approval of a more sceptical European Parliament to budgetary plans render financial cuts less likely and thus prone to be taken into account by the TC (Interview 8). As a result, other policies have not been used in a sanctuary way against states like Mali, where other concerns clearly prevail (Interview 9) – not least because other DGs follow their own priorities (Interview 4). In practice, ‘negative conditionality’ is usually restrained to diplomatic pressure, such as a reduction in issued visas (Interview 4). Other policies, like trade, have reportedly not been used to offer positive incentives either – contrary to the MPF’s cross-comprehensive claim, wherefore its practical implementation falls short of conceptual ambitions (Interview 2; Collett and Ahad 2017, 8–9; EC 2016f, 2, 14).

What about Legal Migration? A Logical Paradox

One field offering real potential to alter the calculation of ‘unwilling’ TCs is the one of legal migration and mobility as actually set out both in the Valletta Action Plan and the MPF document (Interview 4). Officially, the EC recognizes the need for the MPF ‘to reflect both the EU’s interests and the interests of our partners’ (EC 2016a, 3). In practice – and despite the rather balanced Valletta Action Plan – the focus clearly rested on migration control and returns, thus neglecting a ‘positive agenda’ related to migration which would also address chances of mobility and migration-linked development contributions as well as remittances and a sustainable reintegration of returnees. Instead, ‘there has not been much discussion on brain gain/brain drain, circular migration etc. – all these issues that the countries would probably want to have were not really the priority’ (Interview 9). In fact, ‘we want these ACP countries to commit to a very detailed returns policy, legally binding, but we have very little to offer when it comes to legal migration, or remittances or development cooperation’ (ibid.).

Thus, ‘return rates with Western Africa remain extremely low – and so it’s clear that the approach we’re using is not really working’ (Interview 9).

Importantly, the competence to regulate legal migration mostly rests with the MSs, wherefore it was upon them to substantiate the compacts by offering new mobility channels. An ad hoc query on national mobility programmes in 2017 revealed that out of 23 replying MSs only two were offering legal migration pathways to young graduates and professionals (EC 2017c, 14). Moreover, the Union Resettlement Framework envisioned when introducing the MPF has never been realised. While widespread resistance among national governments to create mobility programmes and admit refugees from UNHCR camps is totally in line with the actual reason for establishing the MPF – i.e. public contestation and right wing pressure combined with the governments’ will to stay in power, thus resulting in the goal to decrease arrivals to Europe –, in practice it also undermines its very implementation by rendering a real balance of interests and thus increased engagement on the TCs’ part more difficult to attain (Kipp and Koch 2018, 12). With this incongruence of competences and offers, ‘incentives’ in terms of mobility were often limited to Erasmus+ scholarships (also for Mali and Niger), exchange of research staff under the Marie Skłodowska-Curie Action and new residence permits (EC 2016f, 14).

Yet, while this unequal realisation of official action-related targets as defined in the MPF document (cf. Section 5.1) seemingly indicates a medium level of EU effectiveness, it actually mirrors the ‘real’ interests set out by (the majority of) MS governments and thus the European Council, reflected by the EC (cf. Section 5.2). From this perspective, ‘addressing root causes’ and opening up legal migration pathways is mainly a means to ensure progress on the actual target of reducing the presence of (unqualified) migrants with a different cultural background through the fight against irregular migration and returns. From this perspective, the purported ambition to enable intercontinental mobility becomes an empty promise, incompatible not only with the EU’s main objective, but also with one of the main interests of many chosen partners like Mali. This systemic shortfall will, therefore, prevent a ZOPA from arising and thus continue to hinder closer migration-related cooperation with countries of origin longing for legal migration pathways and having little to lose (nor to fear) from declining the EU’s invitation – unless the Union succeeds in mobilising strong additional incentives related to other policies like trade or energy (an unlikely scenario itself, given the independent policy goals pursued by the EC units in charge).

5.6.2 ACTOR COHESIVENESS (VERTICAL)

As formulated in the EU cohesiveness hypothesis (H2), the dogma calling on the EU and its MSs to ‘speak with a single voice’ is relevant in the MPF context for two interlinked reasons: On the one hand, integrated MS action could substantially enhance the incentives to be considered by the respective partner country. On the other hand, single MSs acting on their own agenda could in fact undermine the MPF’s realisation by constituting a relevant alternative and thus enhancing the TC’s BATNA (see Figure 3). A case study on the EU’s failure to establish an MP with Senegal illustrates both how ‘the existence of a public attitude favourable towards common European policies, as is the case in Spain, can favour a more positive and proactive engagement by the EUMS in such EU initiatives’ and how a ‘lack of coherence and coordination between the negotiation strategies of the EUMS and the EU might lead to the stalling of negotiations’ (González Enriquez et al. 2018, 22). In fact, in this specific case, France has reportedly refrained from supporting the EU’s ambitions and by offering bilateral action on irregular migration and legal pathways has signalled alternative arrangements to Senegal, thus contributing to the failure of negotiations (Collett and Ahad 2017, 8). Interestingly, the structurally similar offers certain African TCs have faced in French and Spanish attempts to establish bilateral migration agreements have arguably invited forum shopping in which the principal deals of readmission for development assistance and labour migration opportunities offered by both countries could be considered an alternative and thus played out against each other – with the consequence of ‘a race to the top over admission quotas and a race to the bottom over readmission quotas’ (Panizzon 2011, 224). Thereby, Panizzon argues, national agreements have in fact created functional incentives for joint EU initiatives, e.g. for pooling MSs labour market accession quotas.

Acting in Unison? Prospects of a Coordinated MS Approach

In its first progress report, the EC (2016e, 3) enthusiastically referred to

a step change in the level of coordination between EU institutions and 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.

Since 2015, although joint strategic goals have only been tentatively agreed, the migration issue has dominated many intergovernmental fora and bilateral initiatives: for instance, at the Paris Summit in August 2017, representatives of France, Germany, Spain and Italy met with selected African counterparts, thus contributing to a an interlinked approach respecting Magliveras’s (2017) advice to move from multilateral to plurilateral diplomacy (Elysée

2017; González Enriquez et al. 2018, 25). Moreover, coordination of MS activities across TCs of interest is reported to have increased as well, especially in view of the MSs role in implementing EUTFAs projects – notwithstanding the natural differences in MS positions on migration policy (Interviews 4 & 9). Although several observers acknowledge a potential superiority of national interests, which could thus interfere with joint EU action where conflicts of interest arise (Interview 9), certain MSs particularly active on the migration agenda have been observed to exchange closely on an embassy level, ‘often pooling their interests to jointly work on engaging on those points during political dialogues’ (Interview 9). A diplomat in the field revealed that coordination among MSs with regards to an implementation of the MPF took place to the extent of coordinating the focal points of active MSs and collecting information on projects in place that could be used as an argument in negotiations on a readmission arrangement (Interview 1). Besides, both the EU Delegation and EUCAP Sahel Niger confirmed their close coordination through regular meetings with other partners operating in the security and development context, particularly with international organisations like IOM and with engaged MSs. In particular, the CCM serves the joint identification and coordination of potential programmes with all relevant stakeholders, including local actors (Interview 10). Moreover, an exchange platform gathering and analysing migration data was initiated by the EU delegation, inviting further cooperation and information-sharing (González Enriquez et al. 2018, 24–25). By contrast, a ministerial official criticised a lack of MS coordination on a medium level between national ministries (Interview 7).

Potential Deviation from a Joint European Course

Although the coordinative attempts mentioned above indicate some endeavours to fill the MPF with a joint spirit, several reasons can keep MSs from lending active support to a joint European framework or even cause them to break away from this strategy. As a matter of fact, alternative coalitions may simply evolve due to different strategic orientations:

There are considerable differences between EUMS (even among the frontline countries) in willingness, resources, experience, diplomatic presence and influence in the region and in particular partners. In such a wide array of interests and webs of relations, it is likely that the solidarity links of the EU in such an alliance-building process face the risk of being replaced with bilateral or other multilateral frameworks. (González Enriquez et al. 2018, 24)

Furthermore, MSs can also refrain from actively supporting a common European agenda for plain efficiency reasons where joint engagement does not bring added value: as Lehne (2016) puts it, ‘[w]hen it comes to African partner countries, member states have sources of influence and targeted leverage not available to the EU. They can operate more rapidly, with

greater flexibility and less visibility.’ Hesitation can even turn into caution or outright opposition where European action might spoil a MS’s established forms of bilateral cooperation (Interviews 5 & 9). In practice, the EEAS’s ambition to make national representatives convey a common European message on their bilateral visits (based on a joint briefing) was not always met in practice – resulting in divergent messages which, admittedly, potentially invite exploitation (Interview 4; EC 2017c, 12). The EC (2017c, 12), while praising an ‘unprecedented level of cooperation between the EU and Member States with close bilateral relations with partner countries’, also concedes that

a coordinated and coherent EU/Member State approach has not materialised in all cases. More needs to be done to avoid lack of coordination and ensure full transparency and information exchange between the EU and Member States on actions being prepared. Positions need to be better aligned, common messaging used, and EU-level efforts and bilateral cooperation need to mutually reinforce each other. [...] So far only a limited number of Member States have been engaging proactively.

With regards to the MPF’s implementation more generally, MS alignment with EU efforts has varied considerably with the UK independently relying on its bilateral channels and Spain keen to guard its sensitive and well-established relationship with Morocco, while France actively facilitated the dialogue with former colonies in the Chad basin (Collett and Ahad 2017, 8–9; EC 2017c, 12). Against this background, the EC (2016f, 2) repeatedly called for MS support to ‘continue and be stepped up’. In such a context, Weiner (2011, 15) suggests that ‘[e]stablishing an efficient monitoring mechanism of cooperation between the EU, its agencies, the EU Member States and third countries is the only way of building the credibility of the EU as a coherent partner’. Still, there is a difference between non-engagement and a lack of coordination and intentional sabotage. The following sections will thus finally investigate the roles of the MSs which are most active in Mali and Niger.

Active Support or Sabotage – What Role for MSs with a Bilateral Migration Agenda?

Generally speaking, the agenda steering the external dimension of the EU’s migration policy is significantly shaped by four major players: France, Germany, Spain and Italy (Kipp and Koch 2018, 15). Most of the projects funded by the EUTFa are implemented by agencies of France, Germany, Spain and the UK, granting these states significant impact on the ground (Kipp and Koch 2018, 17). The extent of participation of MSs in implementing the MPF obviously depends on their respective regional priorities, national migration objectives, established ties and available resources (Interview 4). Thus, whereas France and Germany have established close exchange with both Mali and Niger, Spain is focusing more on the former, Italy on the latter (Interviews 1, 2 & 3).

France

France has very close ties with both Niger and Mali, playing a major role in security-related stabilization efforts, not least by leading the counter-terrorism military operation Barkhane (formerly Serval in Mali). In its general approach towards migration pacts, France has counted on linking securitisation efforts to labour migration and development assistance (Panizzon 2011, 231–32). Together with Spain, France is leading in terms of the breadth and impact of bilateral migration agreements concluded with African states. While similar in their structure and conceptualisation, in comparison French pacts employ fewer points of reference to EU migration policy although they have overall complemented EU MPs by integrating TCs which are neither covered by the ENP nor the Euro-Mediterranean Partnership (MEDA) (Panizzon 2011, 220). Together with Italy and Germany, France has taken particular responsibility for realising the MPF with Niger, including an intensification of high-level dialogues (Die Bundesregierung 2016, 22). Likewise, cooperation with Mali has advanced; for instance, the French International Technical Police Cooperation Department (SCTIP) has launched a border control project with the Malian Ministry for the Internal Security and Civil Protection early on (Trauner and Deimel 2013).

Given its historical links to both Niger and Mali due to colonial rule and ensuing political ties, the position France takes towards a common European agenda is potentially decisive. Unfortunately, the interview set lacks official French representatives, wherefore the following assessment rests on provisional evidence. Opinions diverge over whether France actually used its close ties to forward the European agenda: Some claim that the authorities actually paved the way for other MSs to gain better access to countries like Mali (Interview 8) and do not hide their bilateral relations due to progress they have achieved, e.g. in terms of readmission with Mali (Interview 2). Others, however, hold that, exactly because France has close relations with both countries on *multiple* dimensions, particularly on the security portfolio, it might be ‘less prone to look at the migration topic exclusively without taking other concerns into consideration’ (Interview 9).

Germany

Against the background of the ‘European refugee crisis’ and pressure to find long-lasting solutions, the German Chancellor, Angela Merkel, has visited several African states (Niger, Mali, Ethiopia) in October 2016, discussing the ‘roots of migration’ in connection with the security situation, irregular migration and German engagement in Mali (Interview 1;

Toelgyes 2016). Since 2015, Germany has strengthened its bilateral ties with countries like Niger, Mali, Burkina Faso, Sudan, Eritrea and Egypt, significantly stepping up high-level visits (Kipp and Koch 2018, 16). In particular, Merkel used several occasions to exchange with the Nigerien President Mahamadou Issoufou, including visits at *Schloss Meseberg* and the Chancellor's Office (Fried 2019). By 2019, in addition to funding for UNHCR and IOM activities, German financial contributions to Nigerien development had mounted to around 200 million EUR, drawing even with Italy (Fried 2019).

As regards Mali, classic development cooperation is ongoing for more than fifty years, with new efforts particularly seeking to foster the resilience of refugee-hosting and migration-dependent communities (Die Bundesregierung 2016, 22). In particular, Germany is focusing on youth entrepreneurship in the Kayes region. Security-wise, German soldiers and police staff play an active role within EUTM, EUCAP Sahel Mali and the UN Mission MINUSMA. In its strategic orientation 2016, the German foreign ministry expressed its ambitions to work on the following aspects:

- extension of migration-related cooperation to contain irregular migration (i.a. in the areas of border management, fight against smuggling, and returns/readmission)
- simultaneous extension of engagement related to development cooperation to improve living conditions of the local population and the possibility for migrants and returnees to stay as well as to create employment opportunities for young citizens
- [...]
- agreement on improved readmission mechanisms
(Die Bundesregierung 2016, 22, own translation)

Strikingly similar to the goals set out in the MPF, this orientation does yet not reveal whether the authorities are closely aligning their efforts with the EU agenda or if they have decisively coined the latter in the first place. In any case, it seems like the German government is actively pushing for an effective implementation of the MPF since, as a main country of destination, it has a thorough interest in achieving the framework's main objectives (migration control and returns), welcoming all contributions of other MSs in this regard.

Spain

Spain, as one of the most active countries in the region, focusses its efforts on countries of origin and those along the Western Mediterranean route. Reacting to the first significant increases in migration flows towards Spanish territory (mainland, islands and exclaves) in the early 2000s, the kingdom has established cooperation regimes with West African coastline states within the so-called *Plan África* framework (González Enriquez et al. 2018, 14–16). In 2006, it has established a partnership with ECOWAS, mostly targeting development

– an experience which led the EU to ask Spain to design some migration-related projects under the EUTFa (Interview 3). With its ‘combination of border controls, readmission, development aid, security cooperation and opening up of legal channels to immigration’ (González Enriquez et al. 2018, 15) the Spanish model has not only inspired the GAM, but also later stages of the EU’s external migration policy (although a repressive approach towards migrants in unilateral border surveillance and inter-state agreements is still discernible, cf. González García 2019).

The authorities consider the presence of officials of the Spanish Civil Guard and National Police a valuable information-exchange and trust-building tool (González Enriquez et al. 2018, 19). Additionally, Spain sustains several formal and informal agreements with West African states, including an Immigration Agreement with Niger and a Memorandum of Understanding with Mali (Cassarino 2010a; González Enriquez et al. 2018, 16; Panizzon 2011, 222). Projects with Niger are rather limited, including, for instance, the Joint Investigation Team in Agadez, established with French support (Interview 5). With Mali, however, Spain has developed deep ties since the first major migrant flows to the Canary Islands, sealed with the signature of a New Generation Agreement, comprising diverse aspects of bilateral relations, pioneering the MPF approach (González Enriquez et al. 2018, 16). Already in 2007, both countries signed an agreement based on the principles of the Rabat Process which not only served as a basis for the first guest workers programme, but also included a readmission clause allowing for higher rates of returns compared to other EUMSs (Gaibazzi, Dünnwald, and Bellagamba 2017; Idrissa 2019, 27; Trauner and Deimel 2013).

Overall, the kingdom’s engagement is well-integrated into European and international efforts, with Spain being one of the main troop contributors to EUTM Mali, part of the *Coalition for the Sahel* and the *Partnership for Stability and Security in the Sahel* (P3S) Initiative that seeks to re-engage the ECOWAS members in joint stabilisation efforts. Against a background of ‘direct exposure’ to the inflow of migrants, Spain has promoted a Europeanisation of external migration policy early on, actively engaging under the GAMM approach and advocating the creation of Frontex, the European Return Fund in 2007 and common EURAs. Yet, given experiences indicating that bilateral forms of cooperation with West African states can yield more practical results due to their flexibility and potential leverage of non-development related policies, ‘Spanish authorities advocate a more flexible approach in the European attempts to negotiate agreements with sending or transit countries, and for a stronger coordination between EU and EUMS external policies in the area in order to avoid

unnecessary duplications’ (González Enriquez et al. 2018, 17). In this sense, Spanish leaders are also sceptical of an extension of its existing bilateral forms of migration-related cooperation towards the EU or a broad set of MSs:

Migration cooperation works very well on the informal side, on the bilateral format. When international organisations/humanitarian organisations/other MSs enter in this framework, things start to not work at all, in my experience. (Interview 5)

Arguably, such diversion is particularly due to different migration-related interests among MSs: while some single out returns, for instance, Spain as an external border state is working on a more embedded form of cooperation, e.g. with Morocco, wherefore it is ‘keen to keep these agreements out of the European context’ (Interview 5). Hence, it is possible that the Malian government, for instance, has indeed considered continued bilateral cooperation with Spain (regardless of potential stalemate with the EU) an additional buffer factor compensating potential losses caused by its refusal to officially cooperate on readmission.

Italy

Italy, by contrast, promoted the idea that bilateral readmission agreements designed by Italy and Spain could form the basis for an extension to other MSs, eventually resulting in an EURA (González Enriquez et al. 2018, 26). The countries’ diplomatic ties and resources seem to have significantly facilitated the establishment of MPs on a European level (González Enriquez et al. 2018, 23). As another EU border country, Italy has evolved as a major player in Sub-Saharan Africa, responding to the ‘refugee crisis’ with new dedicated external work on migration: notably, it has set up the Italian Africa Fund worth 200 million EUR in 2016 of which a significant amount has flown into the EUTFa, dedicated explicitly to migration-related activities such as capacity building and information campaigns (González Enriquez et al. 2018, 9–12). While still entertaining close ties with the Maghreb states (particularly Libya and Tunisia), Italy’s focus has recently shifted towards the Sahel zone, particularly to Niger. High-level visits occur at a comparatively high rate, not least involving several ministers and the prime minister himself (Interview 7). With 85 million EUR in spending, Niger is the top recipient of funding under the Italian Africa Fund, a lot of it being invested into European projects on strengthening Nigerien territory control etc.

Specifically, the Italian engagement in Niger focusses on two aspects: on the one hand, migrants are assisted through funding for the IOM outpost on the Algerian border, UNHCR reception capacities in Agadez and the Emergency Transit Mechanism (ETM) for migrants returned from Libya to Niger awaiting EU resettlement. On the other hand, capacity building

efforts provide civilian equipment for the Nigerien forces and border police (Interview 7). Pressure to curb irregular migration is exerted with regards to an enforcement of border controls and the 2015 anti-trafficking law (González Enriquez et al. 2018, 9). In addition, security cooperation has developed since 2014, foreshadowing the deployment of a military mission in September 2018, tasked to enable Nigerien forces to strengthen territory control in order to ‘stem, together with Niger’s forces, trafficking in humans and migrants who cross the country to then head for Libya and set sail for our shores’, as defence minister Elizabetta Trenta claimed (ADN Kronos 2018). A bilateral security cooperation agreement was signed in September 2017, pledging reinforced support to the G5 Sahel, together with France and Germany (González Enriquez et al. 2018, 11).

With contributions to and coordination with UN agencies and the EU mission plus EUTFA, the Italian engagement is well-embedded into international efforts (González Enriquez et al. 2018, 11). In sum, it rests on ‘long-term engagement focusing on the security-migration-development nexus in order to fight the root causes of displacement’ and thus, ultimately, rendering flows of irregular migration controllable (ibid., 26). Therefore, as González Enriquez et al. (2018, 23) point out, the MPF can be understood as an integration of the Italian and Spanish approach to external migration policy:

the flexible and tailor-made format that aims to take into account the interests and cost-benefit calculations of both sides can be driven from the Spanish bilateral approach and cooperation model developed in the region, particularly in West Africa, whereas the Italian position on framing migration as a cross-cutting policy issue in EU-third country relations has fed into the ‘integrated approach’ of the MPF.

Overall, while a closer investigation of Italian bilateral relations with Niger are warranted, the country’s approach seems to actively promote an integrated European strategy that renders the EU a visible actor on the ground, rather than using national leverage for unilateral profit: in contrast to Spain’s cooperative ties with Mali, Italian bilateral relations with Niger have been established in view of the ‘refugee crisis’ and the functional shift towards a joint European approach towards countries of origin and transit along the main migration routes.

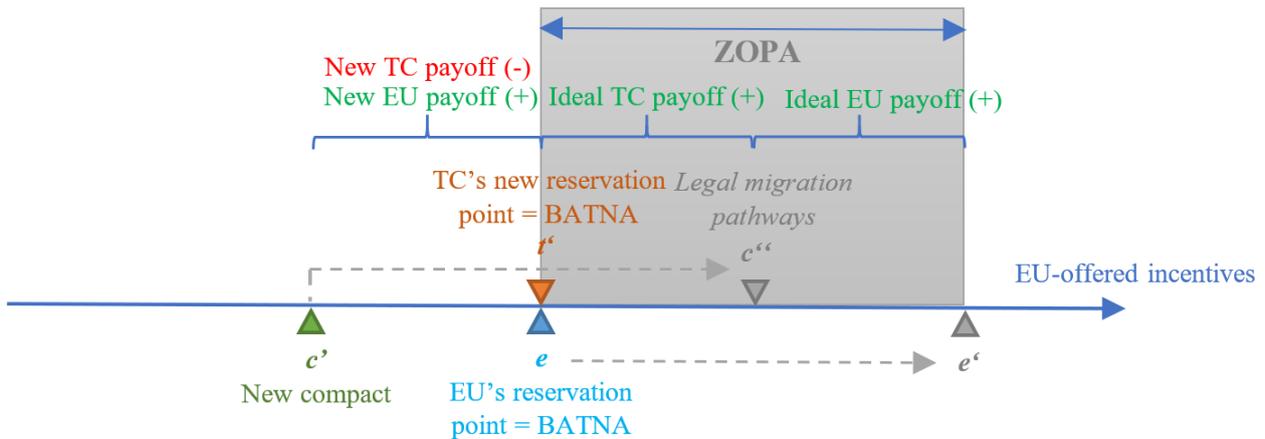
Conclusion

In sum, it has become clear that MSs have supported the MPF’s implementation to a very different extent, with France, Germany, Italy and Spain among the most active countries. While their contributions in financial, technical and diplomatic terms have certainly increased the EU’s leverage by means of enhanced incentives vis-à-vis Niger and Mali, re-

spectively, it also appears that German and Italian efforts are mostly geared towards an integrated European approach, whereas France has taken on a more plurilateral perspective. Spain, although supportive of the more comprehensive conceptualisation of the European approach per se, also fears a disruption of its carefully established bilateral forms of cooperation in the region due to the EU's visibility and obvious pursuit of control-related targets, potentially inciting public contestation and thus eventually spoiling migration-related cooperation altogether. These observations allow for two initial conclusions that require further investigation: (1) Greater involvement of other MSs (e.g. the UK) might have strengthened the EU's leverage vis-à-vis TCs like Mali by contributing additional, non-development related incentives that could potentially have shifted the latter's cost-benefit analysis in the EU's favour. (2) The existence of bilateral frameworks, particularly the one between Mali and Spain, can also be considered a potential obstacle to cooperation with the EU as a whole for they (even if unintentionally) constitute a potential alternative for the TC in question, thus lowering its costs from non-agreement/enhancing its BATNA, and thereby render it impossible for the EU to ensure cooperation at the price it is willing (or able) to pay. Hence, the MPF case lends some empirical support to the EU cohesiveness hypothesis (H2).

Overall, a certain deficit on both dimensions, policy and actor cohesiveness, becomes visible. Notwithstanding these shortcomings, however, even at maximum cohesiveness under the constraints pointed out above, it is doubtful whether this change would have actually sufficed to compensate for the domestically induced costs in a country like Mali (even if not considering potential outside options like retrieving resources from other regions/countries like China). This is largely because, in view of domestic European pressure, the Union (or rather MS governments) would arguably favour non-agreement over offering meaningful mobility channels that could evoke a further strengthening of right-wing parties and thus put their power at risk. Vice versa, such legal pathways constitute a core interest of many countries of origin like Mali and could thus be used to arrive at substantial cooperation by superseding their BATNA of non- or meaningless cooperation (see Figure 4). Yet, as long as no major additional policy offers (like a major trade agreement) are put on the table and/or one of the core interests of counties of origin like Mali, i.e. legal migration pathways remain largely untouched in reality, substantial cooperation on migration control and particularly readmission is unlikely to evolve.

Figure 4: Actual impact of max. EU cohesiveness on the relationship BATNA – compact / A logical solution



Source: own depiction

6 EU EFFECTIVENESS IN PERSPECTIVE: PRACTICAL IMPLICATIONS OF THE NEGOTIATION ANALYSIS ACCOUNT AND THE PARADOX OF COHESION

6.1 COMPARATIVE FINDINGS OF THE CASE STUDIES

As Coleman (2009, 184) already pointed out for official EURAs, accepting migration control and repatriation per se is usually not a case of ‘mutual interests’, but is rather adding further costs and risks to the TC’s list. Vague promises of ‘indirect political, economic or financial benefits through the improvement of external relations’ often do not suffice to offset these costs, wherefore concerned TCs have often opted for counter-demands, linking negotiations (or even their start) to other policies and concrete benefits like financial and technical assistance. By contrast, Schwiertz (2014, 59) argued that ‘[a]lthough the position of third countries has been strengthened due to their strategic importance for the externalisation of the European migration regime, many cannot afford to turn down an offer of European cooperation because of material inequality vis-à-vis the EU’. While valid in principle, this argument can still be differentiated according to the theoretic framework of this study and the observations from the two case studies: the significant aspect of financial assistance offered to poor countries like Niger and Mali has to be weighted in light of expected costs and other consequences flowing from cooperation.

Table 3 quite visibly illustrates how the Malian cost-benefit analysis has favoured non-cooperation in view of significant domestic costs, non-compatibility of respective migration targets and the buffering effect of a potential alternative coalition. The European productive power strategy has thus apparently coined official rhetoric more than intrinsic commitment. The Nigerien government, by contrast, was supposedly able to seize on European offers,

using migration policy as a strategic means to attract additional resources and gain in international reputation. This position was enabled by both considerable (though not complete) alignment with the national security and migration agenda and a relatively low threat from regional opposition since the ‘losers’ of EU-Nigerien cooperation do not jointly and visibly contest Issoufou’s course. Still, there is some risk of political backlash. In sum, whereas benefits from cooperation prevail in the Nigerien case, thus outbidding the alternative of non-cooperation, the domestic adoption costs clearly outnumber expected benefits in the Malian case, wherefore the government’s BATNA of non-cooperation or, more likely, alternative migration-related work with single MSs seems more attractive. Hence, while negotiating with Niger follows the desired negotiation logic illustrated in Figure 1, the Malian case is represented by the constellation of Figure 3. These findings similarly resonate with Reslow and Vink's (2015, 867) analysis of MP negotiations with Cape Verde and Senegal:

A central reason for the Cape Verdean and Senegalese governments’ different decisions on a Mobility Partnership was a different resonance with national policy objectives. The Cape Verdean government believed that the Mobility Partnership resonated with its migration policy objectives of preventing illegal migration (Interview 49) while encouraging enhanced relations with the Cape Verdean diaspora (Interview 55). By contrast, the Senegalese government has different migration policy priorities than those reflected in the Mobility Partnerships: it is not interested in preventing migration of its citizens to the EU because it generally views emigration positively (Ndione and Broekhuis, 2006, p. 9) and because the remittances sent by Senegalese abroad form a significant contribution to Senegal’s GDP (IOM, 2009).

On a more theoretical note, the two case studies and the analysis of the EU’s negotiation position and strategy largely confirm the expectations derived from the literatures on negotiation analysis and the link between internal cohesiveness and external effectiveness: in order for cooperation to arise, the EU’s offer must supersede the TC’s BATNA both through compensating organised opposition groups where necessary and through meaningful incentives that offset particular costs, provided that interests on one dimension (here: migration policy) are compatible per se (H1). The TC’s position can be considered the result of a (non-explicit) evaluation of the benefits/alignment with national priorities against expected domestic adoption costs (H1a). Due to the potentially adverse effect of pronounced organised opposition, as observed in Mali, where the necessary compensation superseded the EU’s reservation point (cf. H1b), the EU increasingly resorted to a less visible approach that, however, contradicts the original aim of publicly demonstrating control of migration flows. Finally, EU cohesiveness potentially influences the relation between the compact to be negotiated and the TC’s BATNA in two different ways: (1) policy cohesiveness may enhance the incentives put on the table; (2) by promoting a joint strategy, MSs determine the extent to which the TC can rely on an alternative coalition with one or few MSs that offsets potential

Table 3: Comparative results of the country analyses

		NIGER	MALI
BENEFITS AND RESONANCE WITH NATIONAL POLICIES	Kind of benefits	considerable <ul style="list-style-type: none"> economic (long-term development resources) security support state authority (capacity building) international reputation 	considerable <ul style="list-style-type: none"> economic (long-term development resources) security support state authority (capacity building) international reputation
	Alignment with the national policies	medium - high <ul style="list-style-type: none"> migration agenda: intrinsic interest in managing migration? (or giving in to European pressure?) considerable alignment with the national security agenda 	medium <ul style="list-style-type: none"> more positive approach to migration, but partly conforming to EU rhetoric considerable alignment with the national security agenda
	Net value	high	medium - high
DOMESTIC ADOPTION COSTS AND LOCAL OPPOSITION	Kind of domestic adoption costs	potentially adverse <ul style="list-style-type: none"> disruption of the migration economy potentially adverse effects on socio-political stability and regional integration restrictions on labour flows 	destructive <ul style="list-style-type: none"> serious threat to domestic backing disruption of the migration-based development model potentially adverse effects on regional integration restrictions on labour flows
	Compensation offered to domestic opponents	medium <ul style="list-style-type: none"> alternative employment and livelihood measures (albeit insufficient) gains in regional security 	insignificant <ul style="list-style-type: none"> no offsetting mobility channels
	Degree of mobilisation	low	high
	Net loss	medium	very high
NET RATIO		positive	negative
COMPATIBILITY OF INTERESTS		medium – high (issue-linkage & compensation = strategic migration policy)	low (conflicting positions on migration targets)
BATNA	Kind of BATNA	weak <ul style="list-style-type: none"> non-cooperation (= loss of resources and support for national policies) 	medium <ul style="list-style-type: none"> non-cooperation or alternative coalition (e.g. cooperation with Spain), not necessarily loss of resources
	Payoff compared to compact	negative	positive
LEVEL OF EFFECTIVENESS ON PRIMARY ACTION-RELATED GOALS	Migration control (weight relative to country profile)	high: <ul style="list-style-type: none"> significantly stepping up border and territory control national legislation and action plan on counter-smuggling cooperation with IOM close coordination through CCM, FLO, EU Migration Liaison Officer joint information platform (high)	medium: <ul style="list-style-type: none"> public commitment to control targets (lip service) minor action by the authorities (also in view of limited capacities) (medium)
	Returns & Readmission (weight)	medium: <ul style="list-style-type: none"> strong ETM engagement yet lacking Frontex working arrangements & difficulties with readmission(?) (low)	low: <ul style="list-style-type: none"> negotiations on SOPs quickly stalled no progress on readmission (cf. limited capacities) (high)
	Overall	high	low-medium

Source: own compilation

costs from refusing the EU's offer (cf. H2). Yet, depending on the relative value of domestic adoption costs, the impact of policy and actor cohesiveness might still be insufficient to gain the TC's approval. These insights allow for some practical conclusions on the necessary conditions for 'striking a deal' in cases in which the constellation of interests has not allowed for substantive cooperation on migration governance, i.e. due to a missing ZOPA.

6.2 LESSONS FROM THE NEGOTIATION ANALYSIS ACCOUNT

Achieving a Real Balance of Interests: The Comprehensive Approach

The empirical analysis confirmed the relevance of domestic adoption costs and thus of the social relevance of migration within a certain type of TC, i.e. a country (mainly) of origin or of transit. These factors must be accommodated in intergovernmental negotiations if cooperation is ultimately desired. Despite the diversity and balance of tools and objectives laid out on paper, however, many scholars remark that the MPF has in practice retained an EU-centred and deterrence-driven focus, resulting in a neglect of legal migration opportunities and obstruction of long-term development strategies (Ertl 2017, 2; Zoomers, van Noorloos, and van Liempt 2018a). As pointed out by Lavenex and Stucky (2011) for previous MPs, the partnership framing is rather a façade than a real principle when it comes to its implementation (cf. Ertl 2017, 2). In view of prevailing quick-fix orientations in the planning and implementation of approaches like the MPF in response to the 'refugee crisis', experts have called for a more integrated, regional and long-term-oriented strategy to establish sustainable solutions reflecting the interests of all states involved (Ertl 2017, 3). Thus, without a thorough analysis and recognition of main TC interests, a ZOPA beyond the TC's reservation point is unlikely to develop under the current approach. So, which interests need to be accommodated and how would the EU have to adapt its strategy to reach an agreement?

Based on the case studies of Ghana and Senegal, Adam et al. (2019, 7) identified

long-standing and domestically-derived West African interests such as engagement with the diaspora, the promotion of legal emigration channels and the prevention of the forcible return of own citizens. A newer priority is the protection of vulnerable migrants en route. Moreover, other migration policy interests have emerged in the context of the growing internationalisation of African migration policy-making. They include capacity building on border controls and security infrastructure as well as reintegration support for migrants, who participated in assisted voluntary return programmes.

So, while the EU's offer reflects the demands for capacity building and reintegration efforts, and to a certain degree assistance to migrants in transit, it falls short on enforced returns, diaspora integration and the opening of mobility pathways. Against this background, the insights gained from negotiation analysis substantiate the conclusion drawn by a Spanish

official that respecting and incorporating mutual interests in practice demands a truly ‘comprehensive approach’, not solely focusing on EU demands (such as enhanced readmission), but also offering additional benefits to one’s counterparts, e.g. in terms of development cooperation – something for the TC to sell at home (Interview 5). Therefore, in the past, Spain has also launched several legal migration projects for seasonal workers with countries of origin and transit, among them Mali – a ‘useful political tool’ to foster cooperation and trust, although not necessarily in line with Spain’s economic needs (Interview 5, cf. Interview 3).

EU incentives usually centre around development cooperation (under the EUTFA), capacity-building, security support, visa facilitation and assisted voluntary returns (Interview 4). Yet, other relevant instruments and policies, like legal pathways or import regulations for agricultural products, are often not put on the table. Failing to meet the TC’s interests has already proven a pitfall in the attempt to establish a mobility partnership with Morocco and Senegal (Dabo 2009; Werenfels 2018) and is yet continuously repeated. Although the limits on the ‘incentive catalogue’ are imposed by a domestic logic of public pressure, they often preclude effectiveness in building collaboration with relevant TCs from the outset. Thereby, this study eventually confirms the conclusion already drawn by Serón Aires and Gabrielli (2019, 95):

African states will not become full, willing partners in migration management until the EU proves willing to negotiate with them on a level playing ground, consider what are truly common interests and work hand-in-hand with African leaders to develop policies that benefit both parties.

Analytical Merit and Limits of the Theoretical Approach and Explanatory Account

Albeit the theoretical approach outlined and demonstrated above compellingly explains differences in goal-attainment within cases like Mali and Niger and offers practical insights into how to at a mutually beneficial agreement, the account is still an abstraction from the real world of interstate-relations. Hence, it necessarily neglects other relevant factors and distortions: specifically, Raiffa, Richardson, and Metcalfe (2007, 111) grant that ‘[v]ery often in practice the parties have but an imprecise feel for their own reservation price and make no formal attempt to assess a probability distribution of the other party’s reservation price’. In reality, research revealed that ‘actors tend [sic] to simplify their decision task by ignoring the contingent decision processes of competitive others’ (Bazerman and Neale 1991, 112), which may result in unexpected outcomes and deviations from rational win-sets altogether.

Furthermore, negotiators often think of their counterparts and themselves as monolithic actors, thus reducing cognitive complexity and cutting out the potential repercussions of having parties on one’s own side acting according to different values and logics (Bazerman and

Neale 1991, 120). This distortion might be of particular relevance here since it possibly undermines the expected logic of actor cohesiveness and consideration of alternative coalitions. Other behavioural distortions include a zero-sum bias, social-utility, reactive devaluation and negative attribution (Raiffa, Richardson, and Metcalfe 2007, 178–83). In addition, cultural differences (like an us/them antagonism or differences in negotiation style) have to be taken into account (Raiffa, Richardson, and Metcalfe 2007, 283–86). Against this background, the rational account elaborated in this thesis requires further investigation and systematic testing in order to validate and refine its explanatory power.

6.3 STRATEGIC THINKING: FROM GOAL-ATTAINMENT TO PROBLEM-SOLVING

When it comes to assessing the MPF's conceptual merit with regards to developing an overall effective external European migration policy, at least two aspects deserve particular attention: (1) the question of overall achievement (i.e. the cost-benefit ration of effectiveness) and (2) the link between action-related and effect-related targets.

6.3.1 GOAL-ATTAINMENT AT WHAT PRICE? ON POLICY COHERENCE

Effectiveness in terms of goal-attainment is a relative concept that needs to be considered in light of the costs attached to its fulfilment. Taking a closer look at the consequences of cooperating with West African countries of origin and transit on migration control and readmission under the MPF reveals a number of (potential) costs relativising the actual achievement linked to meeting its action-related goals by undermining other objectives of internal and external policies, thus threatening policy coherence.

(1) The area of free movement established by the ECOWAS members constitutes an important economic factor by allowing for labour migration within the service and agricultural sector, while still awaiting full realisation (Devillard, Bacchi, and Noack 2015). One common point of criticism raised against the EU approach of enforced border controls concerns its (potential) obstruction of traditional cross-border migration, eventually fostering poverty and undermining development goals (Interview 8; cf. Castillejo, Dick, and Schraven 2019). Furthermore, strengthened border controls in one country may provoke contestation of other members of the economic community, inciting tensions or at least hindering further regional integration (Idrissa 2019, 35; Jegen and Zanker 2019, 7). Asked how the EU approach reflects the importance of cross-border migration and ensures its continued functionality, EUCAP Sahel Niger replied that 'Migration flows in the ECOWAS region are neither affected nor addressed by the mandate of EUCAP Sahel Niger. [...] [O]ur work focuses on enabling

our Nigerian partners to better and more effectively control the country's borders' (official request, 23 July 2020). The EEAS (2016) further stated that, 'When individuals are in vehicles associated with the trafficking of emigrants, the legislative mechanism allows Niger to act without transgressing the protocols subscribed to within the framework of ECOWAS, which advocate the free movement of individuals, goods and services.' (own translation) Yet, only a fraction of ECOWAS citizens owns a passport, wherefore they, or at least their drivers, risk charges of irregular migration and smuggling activities – therefore practically hampering 'legal' cross-border migration (Müller 2018, 44). Regular violations of the ECOWAS Protocol have been reported (Idrissa 2019, 34).

(2) Furthermore, Barana (2018) elaborates on how this interference, just like previous MPs (cf. Carrera and Hernández i Sagrera 2011), might not only hamper regional integration of West Africa, but also traditional approaches to long-term EU development cooperation. A 'migratory conditionality' (Gabrielli 2016, 26), i.e. a direct issue linkage between development and migration cooperation potentially has severe consequences due to a 'geographical reconfiguration of the aid priorities', a 'diversion of aid goals from third countries['] development priorities' and a 'weakening [of] democratic conditionality' (ibid.). Allegations even go as far as portraying the Union as a collaborator on the establishment of a one-party rule system in Niger by granting the government of President Issoufou international recognition (Idrissa 2019, 34–35).

(3) Moreover, the informalisation trend that has been pursued by the EU and its MSs to achieve higher levels of effectiveness in terms of goal-attainment necessarily goes hand in hand with a lack of transparency and accountability, not least by denying the European Parliament and European Court of Justice an official say, which eventually might nourish the debate on a 'democratic deficit' and may endanger further European integration.

(4) Finally, by hindering migration towards Europe, the EU not only fails to meet its own appeal to international burden-sharing by shifting responsibility for refugees and displaced persons towards states with an insufficient protection system, thus indirectly contributing to human suffering; it also spends an immense amount of financial, human, technical and diplomatic resources on establishing the envisioned compacts with TCs, while not seizing upon the potential linked to migration in terms of both domestic economic needs and development contributions brought by circular migrants and the diaspora.

6.3.2 FROM ACTIONS TO EFFECTS: THE PARADOX OF BUILDING PARTNERSHIP

Reconsidering the conceptualisation of effectiveness as goal-attainment in Section 4.1, effectiveness in the EU's external migration governance goes beyond ensuring cooperation of chosen TCs on the actions set out in Table 2: it also requires an assessment of the link between action-related and effect-related targets, i.e. of the suitability of the pursued action to bring about the expected short- and long-term effects. A closer look at this relationship between the desired actions and effects of the MPF reveals at least three major flaws related to returns, 'root causes' and 'saving lives', respectively. First, working with TC governments on the identification of irregularly staying migrants and acquiring their consent to readmit fellow citizens would not offset internal problems among MSs in organising returns (e.g. related to 'absconding', cf. EC 2017c, 14), wherefore an increase in operational returns is not a foregone conclusion. Moreover, the idea of 'dissuad[ing] people from embarking on hazardous journeys' (EC 2017c, 13) by demonstrating the consequences of irregular migration without 'being in need' is inconsistent with scientific evidence related to the following shortcoming: numerous studies revealed that the actual link between development and migration does not match the EU's narrative of reducing migration by 'addressing root causes', i.e. by reducing poverty and creating opportunities for youth at home. As Zaun and Nantermoz (2019, 10) summarise

scholars have shown that development leads to more migration, at least in the short term. This is often referred to as the 'migration hump' (Nyberg Sørense, Van Hear and Engberg-Pedersen, 2003; Sandberg, 2006; Angenendt, Martin-Shields and Schraven, 2017; Fratzke and Salant, 2018). Indeed, economic development raises the aspirations of potential migrants and facilitates their access to the resources needed to move – thereby stimulating migration (Ascencio, 1990; OECD). Only when a country reaches an upper middle income level is the relationship reversed.

Hence, the expectation implicitly underlying the MPF that alleviating poverty will lead young Africans to 'stay home' is flawed. Eventually, Europe-directed migration might even rise further. In combination with the migration control tools established by the EU with African 'partners', the consequences are potentially: as has been recognised by the EC (2017c, 4) itself, initial evidence suggests a diversion of flows towards more dangerous routes (including transit through Mali, Chad and Algeria, EC 2016f, 7) and a use of even more risky smuggling methods, contradicting the official EU aims of saving migrants' lives and granting protection to those in need since Niger, for instance, does not have a reliable asylum system (González Enriquez et al. 2018, 12–13; Müller 2018, 42). In fact, the smuggling sector can be assumed to be even strengthened by enhanced control measures since dependence on its 'services' increases accordingly (Gabrielli 2016, 30–33). In this sense, Zoomers, van Noorloos, and van Liempt (2018a) criticise that the EU's external migration policy in

its previous and current form has not only violated migrants' human rights, but was also built on unequal power relations, while only diverting flows instead of embracing the financial and social opportunities related to migration. Not only does this miss opportunities, it also puts the EU's long-term interest at risk: as Wunderlich (2013b, 36) already remarked with regards to the GAM,

the combination of pervasive migration control and insufficient implementation of measures targeting "root-causes" has significant risks because EU interventions inadequately address emigration pressures in NMS that can erupt unexpectedly.

Likewise, a neglect of protection-oriented compared to restriction-oriented measures not only places high burdens on states already under strain, it also contradicts the Union's own appeal to 'global burden-sharing' and thus falls short of the moral standards Europe promotes, thereby undermining its international status and credibility (Lehne 2016).

From a logical point of view, the real solution for the EU to meet its effect-related goals (preventing irregular migration, fighting smugglers and traffickers, saving lives and better managing migration in line with human rights obligations) is to provide legal migration channels – both resettlement for refugees and circular migration and mobility pathways –, allowing it further to fulfil its international responsibilities and achieve a real burden-sharing by relieving poor countries without adequate protection systems. Furthermore, by taking such fundamental TC interests into account, these measures could significantly shift the former's payoff from cooperating with the EU on migration management – which in itself would follow different objectives in this case since the need to curb irregular migration and fight smugglers and traffickers would become a minor issue. Unfortunately, as already demonstrated in Section 5.6.1, this overall logical scenario is blocked by the very reason for the MPF's development, i.e. the real domestic policy objective of curbing the immigration of people who are for the most part less qualified and come from other cultural and ethnic backgrounds, in order to prevent social tensions and ultimately a loss of power by the governments in office. This overarching paradox calls for strategic thinking that proceeds from mere goal-attainment to the problem-solving dimension. Such an approach would have to consider the origins of public resistance towards immigration, i.e. to thoroughly analyse the factors determining individual attitudes towards migrants (of a certain background) and develop strategies on how these attitudes can be sufficiently changed as to allow MS govern-

ments and ultimately the EU to develop a more positive agenda on migration that both accommodates major TC interests and actually exploits the potential inherent in migration rather than spending extensive amounts of resources and efforts on curbing it all the way.⁵

7 RESUMÉ AND OUTLOOK

The ‘refugee crisis’ of 2015/16 has renewed the EU’s focus on bi- and multilateral relations with its African neighbours, turning migration into a fixed element of debate (EC 2020c). Migration-related positions themselves, however, often diverge. As argued by Zaun (2018) and following a liberal intergovernmentalist approach to foreign policy, governments of EUMSs have been confronted with widespread xenophobia among voters resulting in a rise of right-wing parties that pressured leaders, and ultimately the European Council and the EC, into making the ‘fight against irregular migration’ the ultimate goal of their external migration policy. This target, though, required TCs along the major routes to collaborate on enforcing border controls and readmitting illegally staying migrants. Hence, the question arose of how to gain their approval. Seemingly learning from previous experiences (especially related to the GAM(M)), the resulting MPF officially accommodates both measures related to European targets (migration control and returns) and measures reflecting the TC interest in legal migration and ‘addressing root causes’ (i.e., in fact, development cooperation and capacity building, simultaneously allowing the EU to present a straight-forward solution to its citizens, while signalling respect for the TCs’ concerns; cf. Zaun and Nantermoz 2019). Moreover, a closely integrated European approach that was supposed to streamline all relevant policies and build on MSs’ established bilateral links and resources was deemed to produce a convincing offer combining all available leverage and issue-linkage. The accommodating productive power strategy further provided a tempting narrative of mutual gains and joint responsibility that could potentially shape the TCs’ position. In practice, however, the compacts have often fallen short of these expectations.

Previous research on negotiation analysis provides a compelling explanation of this gap and thus of the divergent degree of EU effectiveness in terms of reaching its action-related goals with the two priority countries Niger and Mali that were the subject of a focused structured case comparison based on a wide range of sources, including twelve semi-structured, in-depth interviews. The Nigerien government, on the one hand, demonstrated substantial com-

⁵ While this task considerably exceeds the scope of this thesis, a first attempt to account for the resistance of a particularly opposed group of MSs, the Visegrád Four (V4), is delivered in Blöser (2018).

mitment in cooperating with the Union on enhancing border and territory control and conducting counter-smuggling activities. Such commitment can arguably be attributed to a positive cost-benefit ratio that outnumbered the reversed ratio linked to non-cooperation (i.e., in this case, Niger's BATNA). Specifically, while the envisioned measures themselves aligned to a great degree with national security- and migration-related goals, the accompanying material and strategic resources (mostly delivered through the EUTFA) further replenished the positive outlook. Besides, the implicit gain in international reputation not only enhances the government's ability to attract further resources in the future, it also serves as a potential back-up to shield the authorities from its opponents. This positive outlook arguably offset national costs (hindrance of regional integration and the flow of labour migration) and particularly the oppositional threat: although resentment of the northern population which increasingly centred its economic subsistence around transit migration is considerable, it did not reach a high degree of visibility, and additional projects were designed to compensate losses through alternative employment (although their effects necessarily remain limited). Importantly, the compact presented to the Nigerien government was sufficient to ensure the latter's agreement, while being within the scope of what the Union was willing to offer.

Negotiating with Mali, on the other hand, deviates from this favourable constellation. Whereas the benefits offered by the EU and an alignment with the national security agenda largely resemble the Nigerien case, fundamental differences occur in the social and political perceptions of migration. Faced with strong public demands for enhancing migration to the EU and, relatedly, significant mobilised opposition against readmission, the government would not substantially cooperate on border controls and returns for the associated benefits are unable to offset the costs of losing power, especially in an already unstable socio-political environment. The Malian BATNA – either non-cooperation itself (writing off the promised incentives in turn for public approval) or even an alternative coalition with single MSs like Spain that ensures a continuation of support linked to less risky services in return) – therefore outbids the European offer and precludes agreement. Abstracting from these two cases, the following conditions for reaching agreement can be extracted:

- (1) The interests of both parties are compatible: the incentives the EU is willing to offer offset expected costs on the TC's part and supersede the latter's BATNA (i.e. non-cooperation or an alternative coalition).
 - a. The measures to be agreed substantially align with the TC's national policies and priorities and/or are accommodated by substantial benefits.
 - b. Combined benefits outweigh both the BATNA's value (which also reflects costs from non-cooperation) and domestic adoption costs. That is, domestic opposition either lacks mobilisation/impact and/or the groups concerned are sufficiently compensated.

- (2) The TC's BATNA, i.e. its reservation value, neither supersedes the cost-benefit ratio of the measures to be agreed upon, nor does it surpass the EU's reservation point, i.e. the amount of (positive and negative) incentives the Union is able or willing to apply.

As previously mentioned, these findings are to be considered preliminary and must be checked against other cases and contexts. A comprehensive and systematic validation could inform not only theories on external migration policy, multilateral action and national preference-making, but also on negotiation theory more generally. Based on a quantitative dataset on multilateral cooperation (in the migration area), the verbal hypotheses and results of this and other studies could flow into more formal approaches to theorising, allowing for further abstraction and prediction of reactions and future actions in a certain constellation of relevant factors (Snidal 2004).

Now, effectiveness as goal-attainment goes beyond the mere fulfilment of certain action-related objectives per se. As elaborated in Section 6.3.1, cooperation with TCs on migration control comes at a price that needs to be taken into account in defining overall achievement: in this case, a threat to the socioeconomic advancement and further integration of the ECOWAS, major inconsistencies with the traditional approach to development cooperation, a significant lack of transparency and, not least, deviation from own humanitarian norms and burden-sharing rhetoric in sum considerably undermine the EU's policy coherence and harm its ambition to act as a normative power. In addition, the action-related goals defined in the MPF document are not necessarily in line with both official and unofficial effect-related goals, thus further diminishing the effectiveness of the framework's conceptualisation itself. On the one hand, enhanced border controls without balancing legal migration offers neither 'safe lives' nor 'combat smuggling and trafficking' for they further increase migrants' dependence on smugglers who in turn resort to even more dangerous routes and methods, thereby preventing 'better management of migration in line with human rights' from occurring. Moreover, projects addressing 'root causes', albeit contributing to regional development, are, in fact, more likely to increase migration in the medium term than to prevent it. Finally, even where control measures temporarily hamper migration and instate a 'migration governance system', they are unlikely to constitute a permanent, reliable solution to the effect of decreasing the arrival of migrants in Europe. As Wunderlich (2013b, 37) puts it,

Capacity-building should not be rolled out indiscriminately to NMS [Non-Member States; J.B.] security actors because their influence works to the detriment of other components and their actions are ultimately out of the EU's control. On the contrary, EU focus should be set on labour migration and "migration and development" initiatives, precisely because EU instruments are more restricted and have less reach into NMS to counter adverse implementation challenges such as insufficient resources, unclear logics of action, conflicting interests and complex organizational interactions.

Meanwhile, the inconsistency on the European approach itself poses a major problem. As illustrated by the Malian case (and likely to be detected in other priority and non-priority countries under the MPF), the EU does not succeed in ensuring the TC's substantial cooperation because the latter's BATNA often surpasses not only the cost-benefit ratio of the offer put in place, but also the EU's reservation point itself. In other words, progress on securing approval is contingent upon additional benefits/policy alignment which in many cases amounts to the opening of legal migration channels (as officially promised in the MPF document). Paradoxically, this step (while decisively contributing to the fulfilment of official targets: saving lives, fighting smugglers, managing migration in line with human rights and humanitarian obligations) would require a change in the EU's unofficial priority of curbing immigration and thus ultimately in public opinion that indirectly steers the political course of MS governments. In short: proceeding on the migration control agenda often hinges on the opening of legal migration channels that in turn would presuppose a change in public attitudes – which would, if occurring, again render the control target partly superfluous. Consequently, a thorough investigation of the very determinants of individual attitudes and the development of strategic approaches to political engineering constitute both a move from mere goal-attainment to problem-solving and a potential basis for a truly effective and consistent external EU migration policy. In this way, cooperation with TCs could proceed from an EU-centred, restrictive agenda (whose very necessity would diminish) towards a comprehensive, and mutually beneficial exchange that seizes upon the potential related to migration in terms of economic profit, sustainable development and cultural contributions. Thereby, the search for effective migration partnerships would restart on the basis of new objectives.

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APPENDIX

1 List of Interviews

2 Exemplary Interview Guide

3 Additional Tables and Figures

- Table 4: EU-wide non-standard non-legally binding agreements linked to readmission

- Figure 5: The emergence of EU-wide non-legally binding arrangements linked to readmission, 2000 - May 2019
- Figure 6: 'New borders' of the EU's external migration policy
- Figure 7: Countries of origin of asylum seekers in the EU-28 MSs, 2015 and 2016 (thousands of first-time applicants)
- Figure 8: Migratory flows to Europe and country analysis
- Figure 9: Migration flows through Niger
- Figure 10: Development of transit migration through Niger 2016-2017
- Figure 11: Allocation of funds under the EU Trust Fund for Africa
- Figure 12: National EUTFAs projects in Niger by purpose, 2020
- Figure 13: National EUTFAs projects in Mali by purpose, 2020

1 LIST OF INTERVIEWS

Interviews 1-12 were conducted via phone or web conferencing with officials from

- *Ministère des Maliens de l'Extérieur*, Bamako (7 July 2020, ca. 50 min)
- European External Action Service, Global 4 Division (9 June 2020, ca. 90 min)
- European External Action Service, West Africa Division, Brussels (29 June 2020, ca. 90 min)
- EU Delegation in Niamey, Niger (3 July 2020, ca. 60 min)
- EU Delegation in Bamako, Mali (24 June 2020, ca. 80 min)
- Spanish Ministry of Foreign Affairs, European Union and Cooperation, Directorate General for Africa, Madrid (24 June 2020, ca. 50 min)
- Italian Ministry of Foreign Affairs and International Cooperation, Directorate General for Italians Abroad and Migration Policy, Rome (23 June 2020, ca. 60 min)
- German Embassy in Bamako, Mali (19 June 2020, ca. 70 min)
- GIZ (*Gesellschaft für internationale Zusammenarbeit*/German Corporation for International Cooperation) in Mali (2 July 2020, ca. 100 min)
- GIZ in Niger (12 June 2020, ca. 90 min)
- AECID (*Agencia Española de Cooperación Internacional para el Desarrollo*/Spanish Agency for Internationale Development Cooperation), Mali (19 June 2020, ca. 75 min)
- UNHCR Brussels Mission (4 June 2020, ca. 110 min)

This listing follows a content-related order, whereas the numbers 1-12 have been randomly assigned to ensure distinguishability (thus not following the time schedule), while respecting the interviewees' anonymity.

In addition: official information provided via mail by

- Frontex (12 June 2020)
- EUCAP Sahel Niger (7 July 2020 & 23 July 2020)

2 *EXEMPLARY INTERVIEW GUIDE*

A. Introduction

1. To what extent are you explicitly **working on migration and the MPF** (Migration Partnership Framework)?

B. General assessment:

2. How would you **assess the partnerships with Niger and Mali** in general (and compared to other countries)?
 - a. Which partnership has worked **more smoothly**? **What accounts for these differences** in your view?
 - b. On which dimensions did you perceive **most progress/cooperation**? Where did you face some **difficulties**?
 - c. What are the **priorities and objectives** of the projects? To what extent have these objectives been **achieved**?
3. **Based on which criteria** do you think the priority countries (Mali and Niger) have been **selected**?
4. When announcing the MPF, specific **country analyses** have been conducted indicating objectives, bilateral relations, potential resources/leverage etc. Could you please describe the original analyses for Mali and Niger? Which aspects have been fulfilled in practice and where was the **strategy adjusted**?

C. Establishing the partnership

5. How did the national authorities **respond to the EU approach**?
 - a. Have they been **consulted before** announcing the new MPF and declaring Niger/Mali a priority country?
 - b. Have the Nigerien/Malian authorities **actively participated** in building practical forms of cooperation? To what extent have they introduced **own expectations and issues** to be included in the compact?
6. Could you please elaborate a bit on the **process of establishing a partnership**? Which steps have been taken? What forms of coordination and negotiation did you pursue?
7. How did you perceive **the EU's negotiation position** vis-à-vis the partner countries (also regarding time pressure)?

8. Have any **(in)formal agreements or working arrangements** been concluded with both countries? Which regulations and goals do they set out?
9. What has been agreed in the **Joint Migration Declarations** in 2016?

D. TC position

10. What are the **main concerns** of the Nigerien/Malian ministries in general and with regard to migration policy?
11. **Why** do you think states like **Mali and Niger would agree** to conduct migration control and cooperate more on returns, given that they both profit from the migration economy and remittances?
 - a. How does the EU **balance potential drawbacks** or costs on the partners' side? What kind of **compensation** could you offer to groups negatively affected by migration control measures?
 - b. Did they have any **viable alternatives**?
 - c. Do you think **reputational considerations** played a role in agreement? Do the Nigerien and Malian governments hope for additional cooperation, also in other policy areas?
 - d. Did you make **any concessions** towards the government's demands? [*President Issoufou called the EUTFA contributions insufficient and asked for a 'Marshall plan for Niger and the entire region'. – EUCAP Sahel Niger mission extension, 500 million EUR for the whole priority region*]
 - e. Which **consequences** would have flown **from not engaging** in cooperation as envisaged by the EU? How did you envisage sanctioning non-cooperation? Have **any steps** been taken **in this regard**?
12. How does the **public perceive** the different forms of cooperation established with the EU and its MS? Have there been opposing views or particular groups/actors demonstrating distinct support?

E. EU coordination and balancing of interests

13. To what extent are you **exchanging and cooperating with MSs** and their organisations? Are the projects run under the EUTFA and (other) bilateral actions of MS interrelated?

14. What do you think about the **coordination of diplomatic efforts** taken by both the EU/EEAS and MS? Have single MS consistently **contributed their bilateral connections and leverage to the joint European cause** or have they rather set national priorities? (FRA, ITA, GER, ESP, NL)
- a. (I read that migration-related **cooperation** has been particularly **close between Mali and France/Spain**, respectively. Do they use these relations to **facilitate cooperation with the EU** or do they try to preserve their privileged access and working agreements?)
15. Do you see any **differences** in the strategic approaches promoted by the **Commission/certain DGs and the EEAS (or the Council)**? And perhaps in priorities pursued by **single MSs** (particularly those strongly involved in migration policy)?

F. Aspects of Migration

16. Which **priorities** does the EU practically set **with its projects** under the EUTFa (EU Trust Fund for Africa)?
- a. respecting **traditional cross-border migration/ECOWAS** free movement?
 - b. providing **protection to IDPs** and vulnerable people?
 - c. creating **alternative employment** opportunities?
 - d. compensating for a **loss in remittances**?
 - e. contributing to an improvement of the **security situation**?

G. Conclusion

17. Is there anything you would **like to add**?

3 ADDITIONAL TABLES AND FIGURES

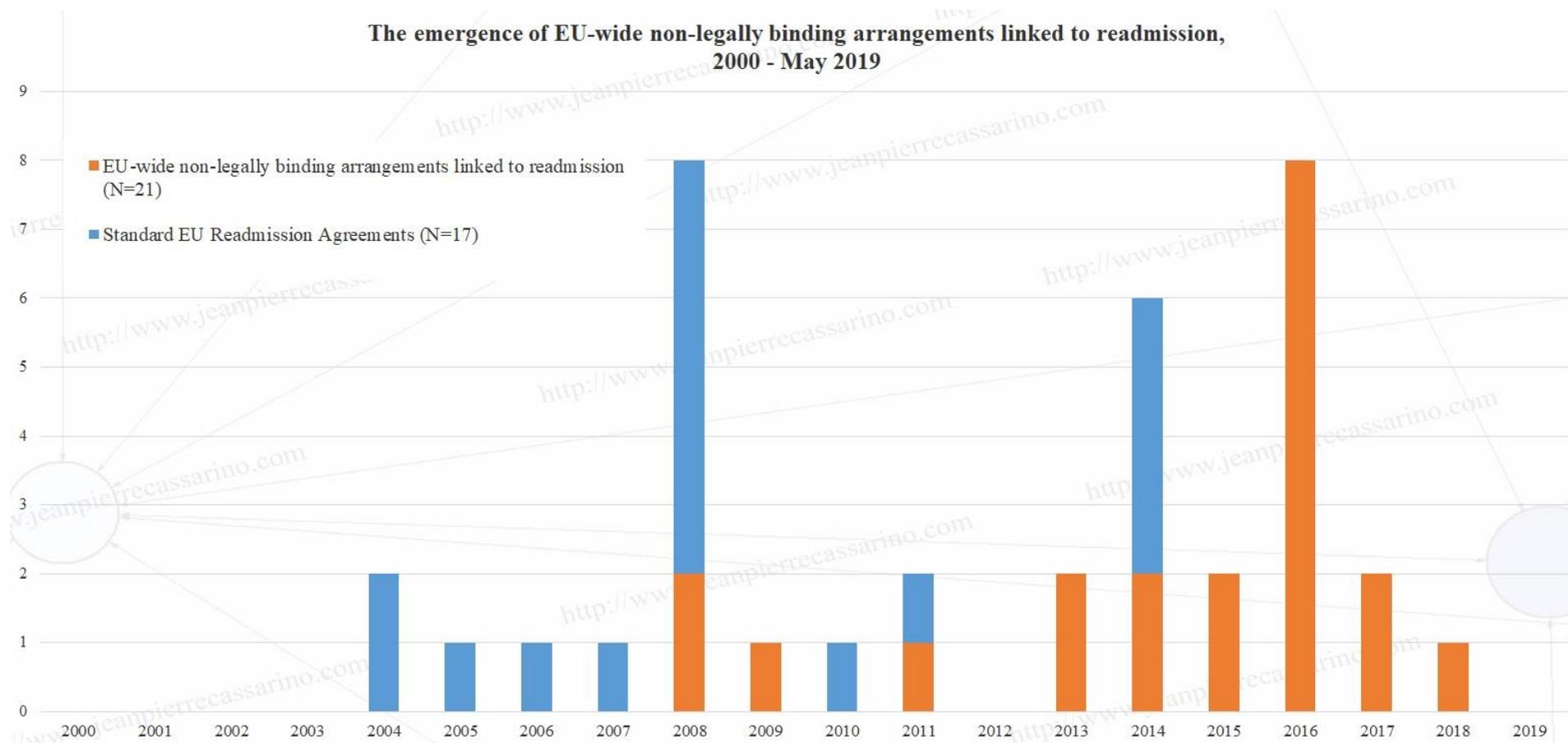
Table 4: EU-wide non-standard non-legally binding agreements linked to readmission

Countries	MP	CAMM	JWF	JS	SOP	AP	GP	JMD
Afghanistan			02/10/2016					
Armenia	27/10/2011							
Azerbaijan	05/12/2013							
Bangladesh					25/09/2017			
Belarus	13/10/2016							
Cape Verde	05/06/2008							
Cote d'Ivoire					N		N	16/04/2016
Ethiopia		11/11/2015				05/02/2018		
Georgia	30/11/2009							
Ghana							N	16/04/2016
Guinea							24/07/2017	
India		29/03/2016						
Jordan	09/10/2014							
Mali					N			11/12/2016
Moldova	05/06/2008							
Morocco	07/06/2013							
Niger								03/05/2016
Nigeria		12/03/2015						
The Gambia							N	
Tunisia	03/03/2014							
Turkey				18/03/2016				

Note: MP=Mobility Partnership; CAMM=Common Agenda on Migration and Mobility; JWF=Joint Way Forward; JS=Joint Statement; SOP=Standard Operating Procedure for the identification and return of persons without an authorization to stay; GP=Good Practices for the efficient operation of the return procedure; AP=Admission Procedures for the return of foreign nationals from European Union Member States; JMD=Joint Migration Declaration; N=Negotiations.

Source: Cassarino 2020

Figure 5: The emergence of EU-wide non-legally binding arrangements linked to readmission, 2000 - May 2019



Source: Governments' official bulletins/gazettes, EU communications and internal documents collected by the author. © JPCassarino

Source: Cassarino 2020

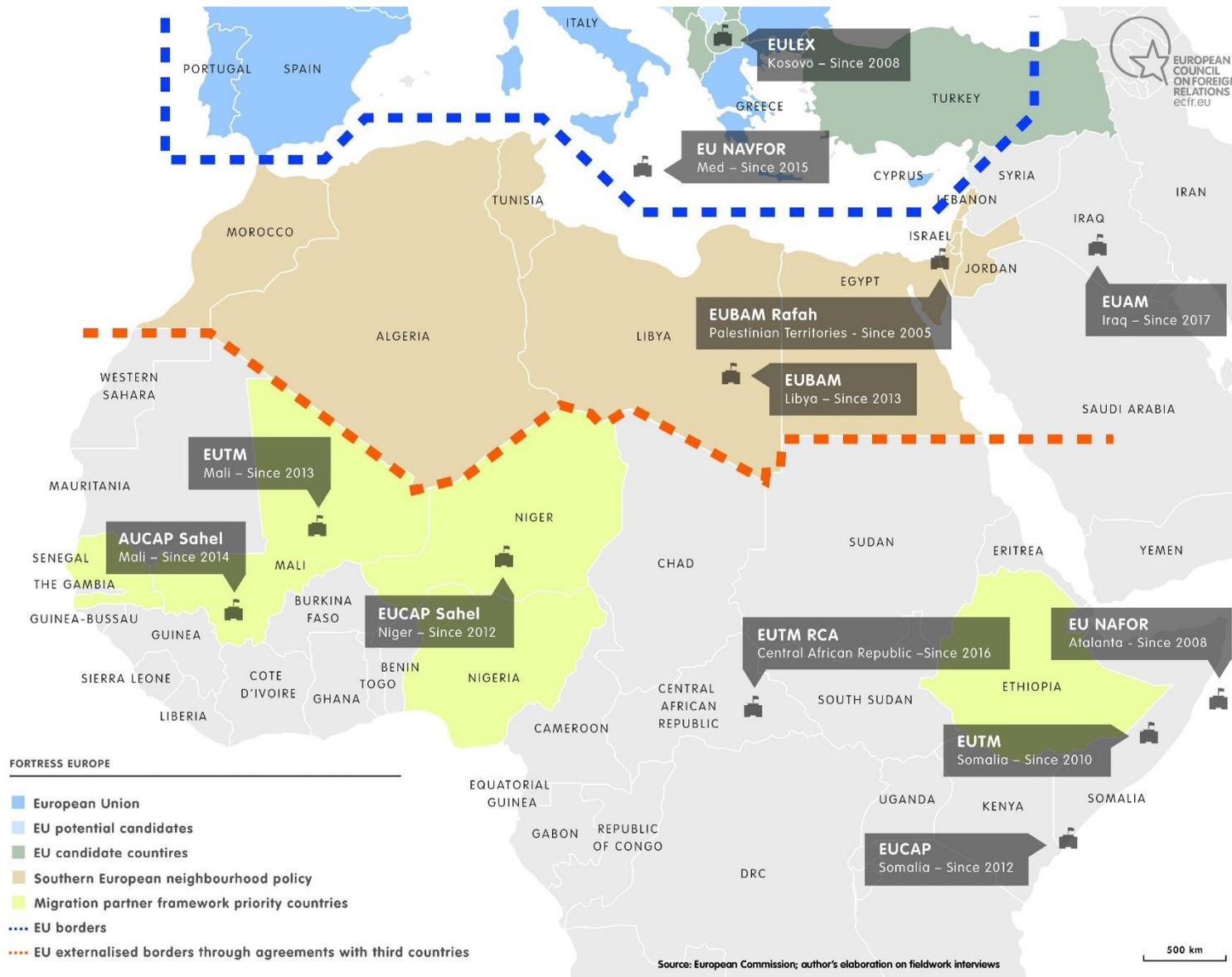
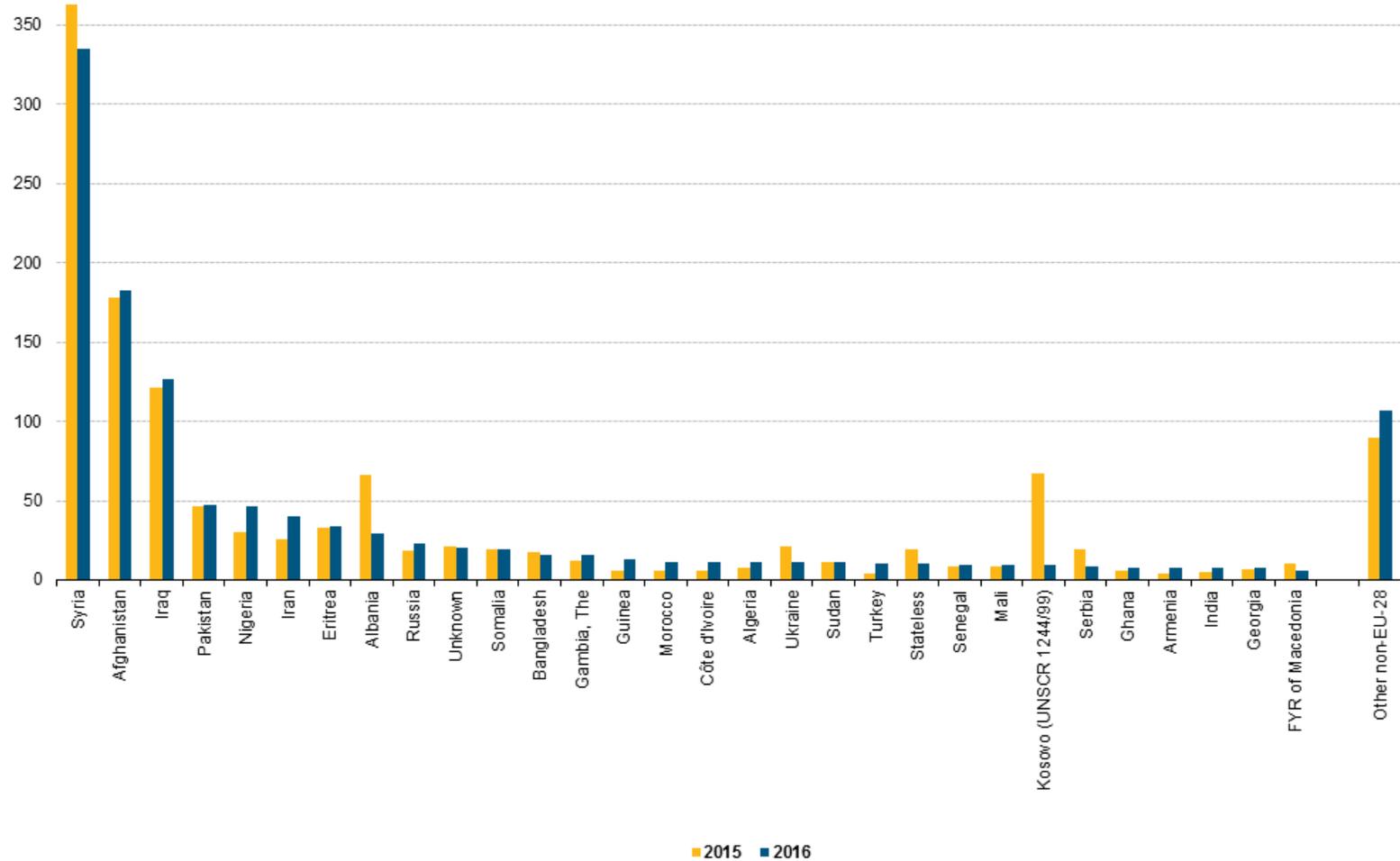


Figure 6: 'New borders' of the EU's external migration policy

Source: ECFR 2018

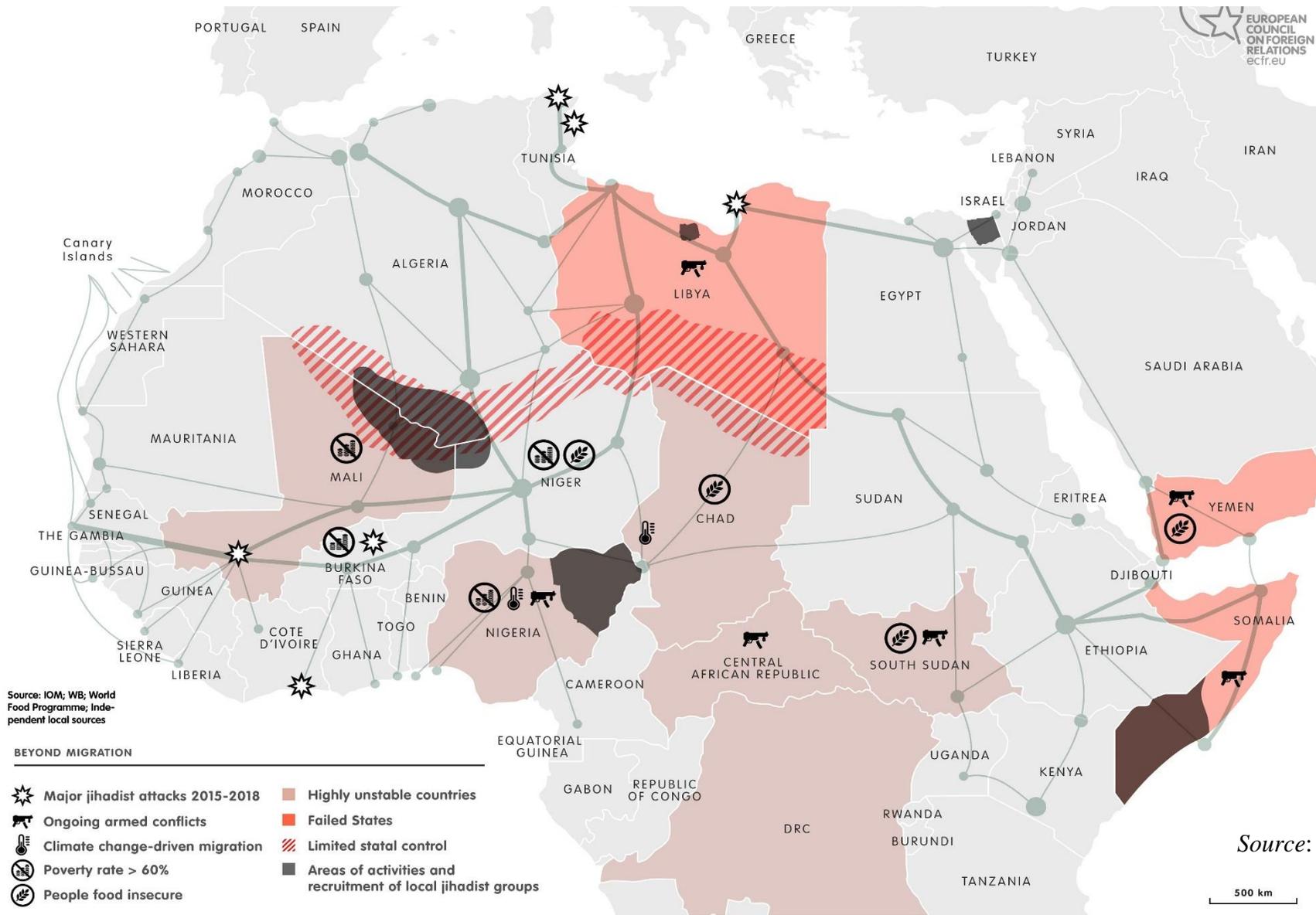
Figure 7: Countries of origin of asylum seekers in the EU-28 MSs, 2015 and 2016 (thousands of first-time applicants)



Source: Eurostat (online data code: migr_asyappctza)

Source: Eurostat 2017

Figure 8: Migratory flows to Europe and country analysis



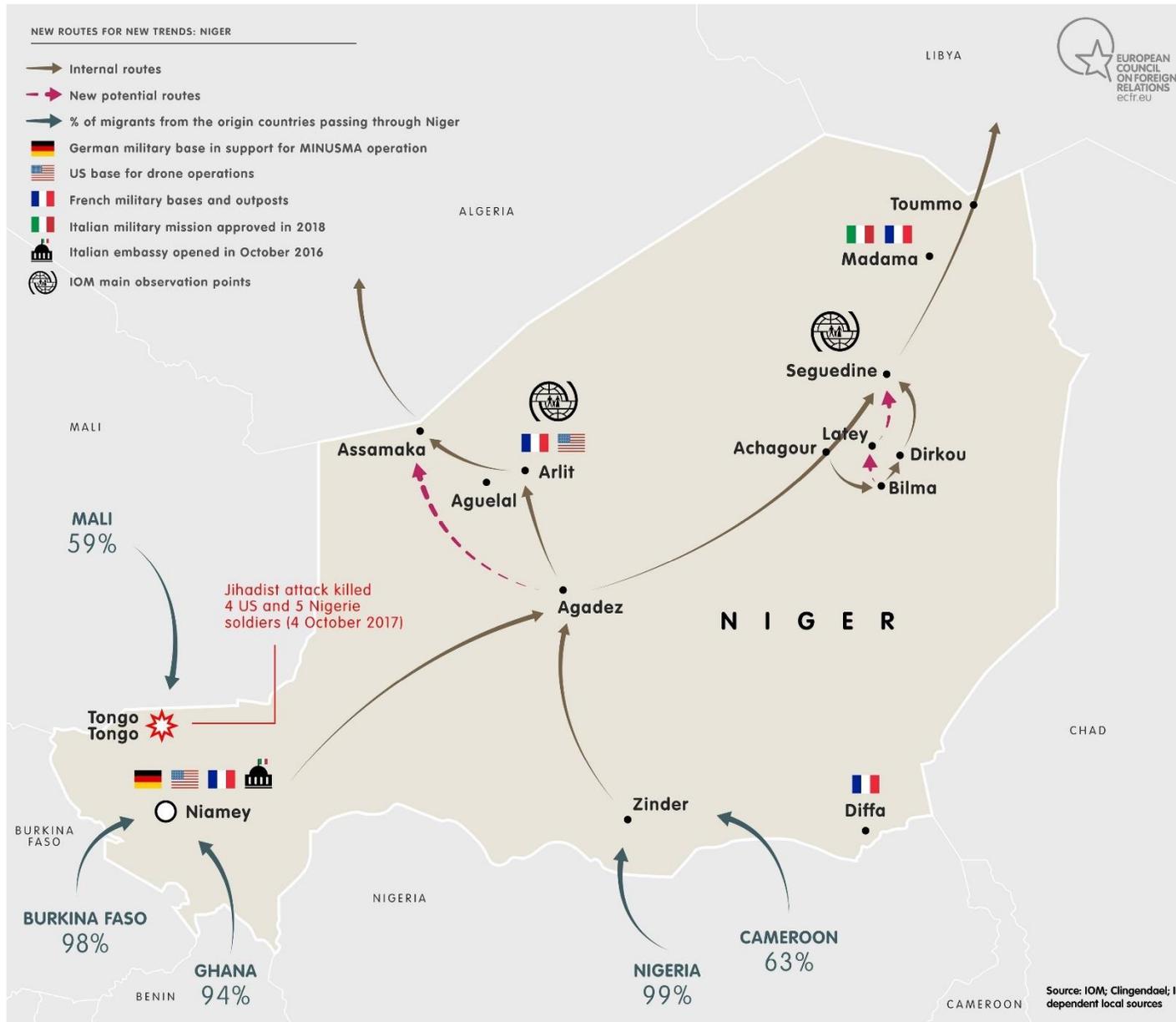


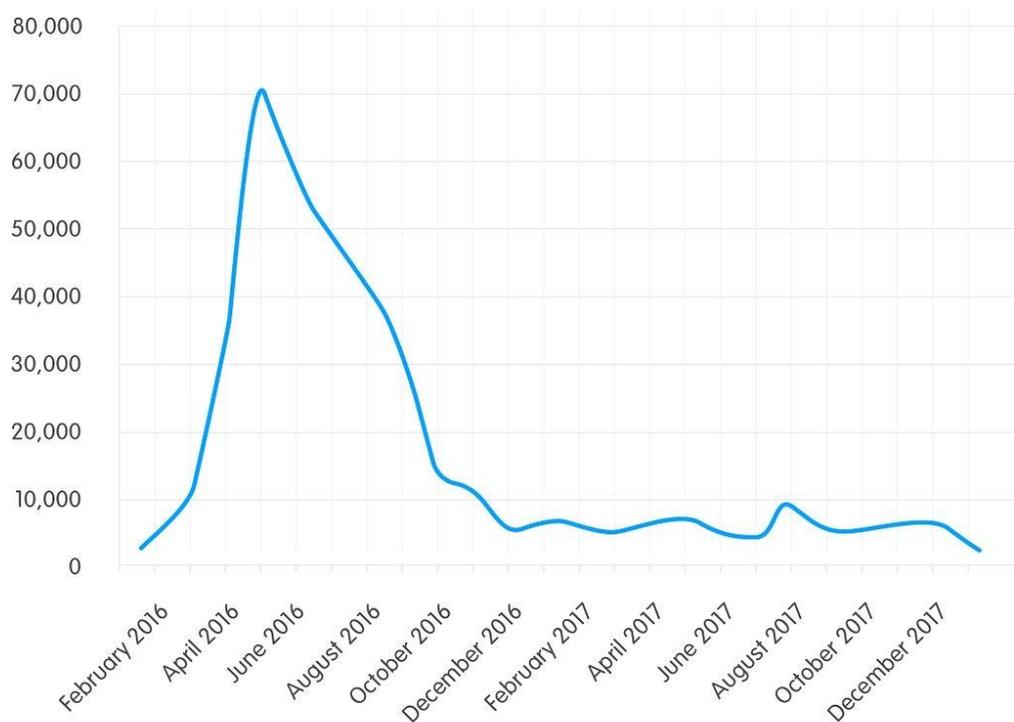
Figure 9: Migration flows through Niger

Source: ECFR 2018

Figure 10: Development of transit migration through Niger 2016-2017

The passage through Niger

People crossing the Niger borders northward monthly



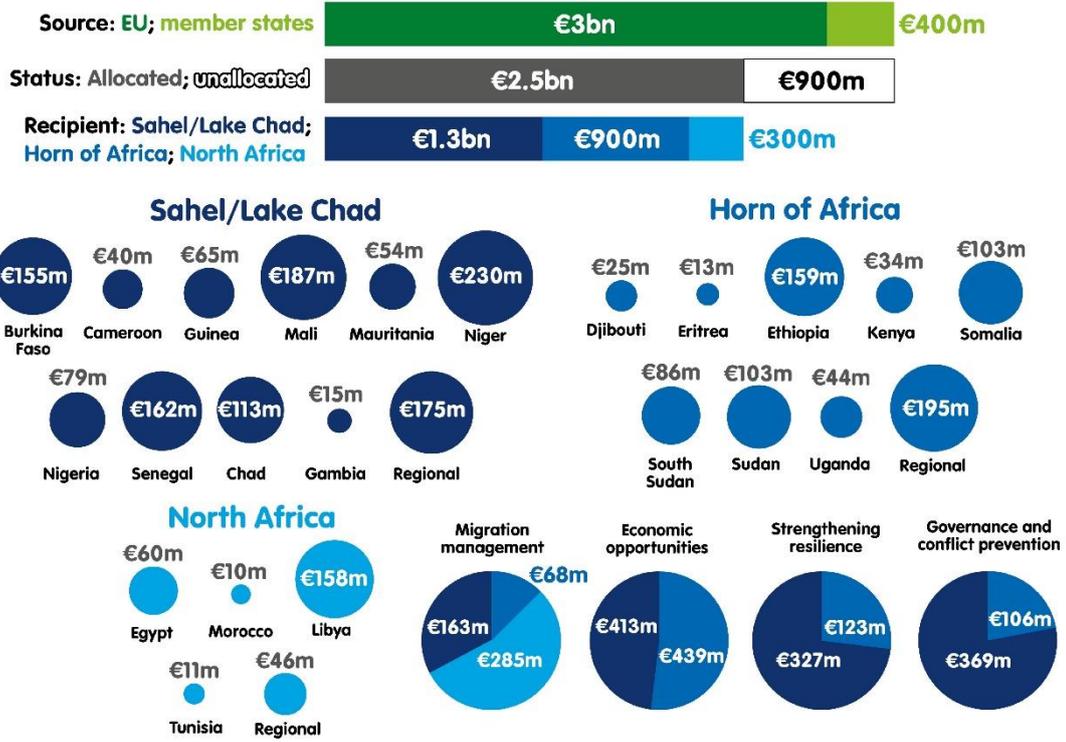
Source: IOM

Source: ECFR 2018

Figure 11: Allocation of funds under the EU Trust Fund for Africa



EU trust fund for Africa



Data: European Commission

Source: ECFR 2018

Figure 12: National EUTFA projects in Niger by purpose, 2020



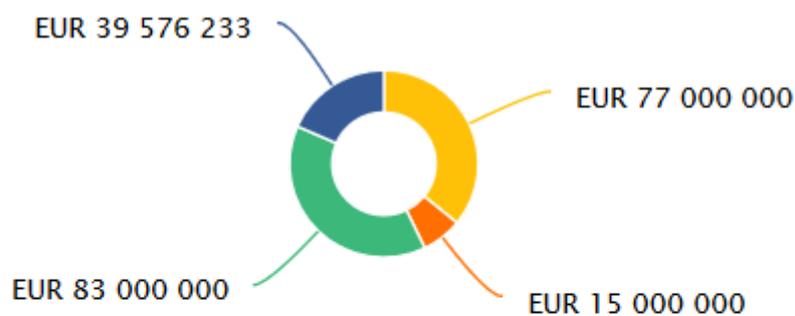
12 projects *

EUR 253 000 000

- Improved governance and conflict prevention
- Improved migration management
- Strengthening resilience
- Greater economic and employment opportunities

Source: EC 2020b

Figure 13: National EUTFA projects in Mali by purpose, 2020



12 projects *

EUR 214 576 233

- Improved governance and conflict prevention
- Improved migration management
- Strengthening resilience
- Greater economic and employment opportunities

Source: EC 2020a