Externalisation(*)
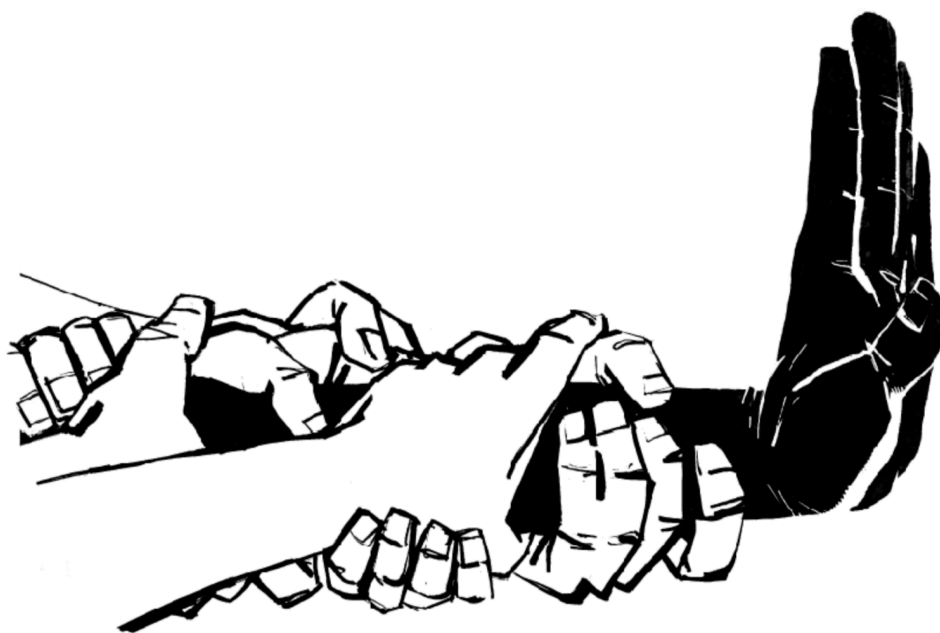
(*) Chaos, corruption
and migration control
under the guise of
European cooperation

Externalisation (*)

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Summary

If there is one word that accurately describes our migration model, it is *chaos*. Europe's borders have become spaces of disorder that barely fulfil, and with undesirable consequences, some of the functions for which they were created. For the public in migration destination countries, the chaos results in a frustrating sense of loss of control and constant border emergencies. For migrants and their families, disorder means vulnerability, death, suffering and disproportionate expense. For the migration industry, legal and illegal, chaos is the source of a fabulous business they are unwilling to give up.

Paradoxically, this chaos does not stem from the neglect of states but from the opposite: a system hyper-intervened by Home-Affairs and Security ministries, based on an emotional narrative and an atomised and increasingly militarised model of action. A system that is as cruel as it is incapable, as demonstrated by the constant increase in attempts at irregular access to the European Union (EU), which in 2023 saw its highest numbers since the end of the hosting crisis in 2016.

This model is the result of a three-decade process, the most recent phase of which is the new Migration and Asylum Pact, approved by the European Parliament in April 2024. It is a set of legislative initiatives that reflect the main consensus of the shielding, at all costs, of the EU's external borders. The agreement of the member states consolidates the militarisation of the European Border Agency (Frontex) and puts the pedal to the metal on measures to externalise migration control.

Since 1985, and in response to the adoption of the Schengen Agreement, a one-way political logic has made freedom of movement within the EU dependent on the need to shield itself against the arrival of non-EU migrants. Especially those coming from Africa. As many as 27 legislative and policy instruments have underpinned a border control project that began at the very borders of the EU and has spread across Africa and the Middle East through a web of *vertical borders* that detain migrants and forcibly displaced persons in their countries of origin or on transit routes. No tool or action - no matter how bloody - is excluded in an effort that offends the obligations of the rule of law and puts migration control objectives above any other geo-strategic or developmental purpose.

Spain's role in this process has evolved over time. In the first years after accession to the European Economic Community - from 1986 to 2004 - EU institutions exerted constant pressure on Spain to guarantee the control and security of its southern border. Especially Ceuta and Melilla, preventing the enclaves from becoming the gateway to Europe for African migration. After 2005 and the arrival of 32,000 migrants in the Canary Islands in the so-called '*cayuco*' *crisis*, Spain became aware of the porosity of its southern border and accelerated the unilateral management of the externalisation of migration control.

The agreements and measures that were developed at that time with Spain's African partners are a template for what the EU would do later, when the EU as a whole faced the forced displacement crisis of 2014-2016. In November 2015 the Valletta (Malta) Summit on Migration brings the EU together with 35 African regimes from all walks of life. It institutionalises the externalisation of EU migration control in Africa through an Action Plan and Partnership Framework that include capacity-building assistance for border and migration management in third countries; a commitment to 'address the root causes of irregular migration and forced displacement'; and an increase in the volume of deportations, with the stated aim of deterring migration.

This report has estimated the budget for the externalisation of EU borders between 2004 and 2024 at no less than 9.344 billion euros. The budgetary and political magnitude of this effort has tangible consequences for the interests and obligations of the countries concerned:

● Conditioned European external relations.

● African autocracies supported with money from the EU, which ends up in their hands.

● Distortions within African regions and indirect financing of criminal gangs and non-state armed groups.

● Tainted cooperation.

● Systematic violation of human rights along the routes.

In any other area of public policy, such chaos would lead to a rethink. The EU and its member states, however, have chosen to double down politically and financially in favour of externalisation migration control. The reasons are to be found in a combination of factors that include the prestige of a reactive and simplifying narrative that reduces the migration phenomenon to a threat or a tragedy; the political control exercised by member states' security forces and interior ministries; the opacity and fragmentation of responsibilities in the system; the influence of the thriving legal and illegal

industries in the migration business; and the toxic dependence on the pacts reached with countries of origin and transit.

For all these reasons, it is difficult to see Europe correcting the drift of its migration policy and trying to regain order on a different basis. The alternative of a more flexible, open and secure mobility model, reflecting the interests of all parties concerned, is perceived as an electoral risk for European leaders. But it is naïve to think that this model does not generate risks. Extraordinary risks for the EU's economy, its security and its human rights obligations. But also for the very soul of the European project.

Basic concepts on EU migration control

Externalisation: this is the control of migratory flows in the countries of origin and transit of migrants before they reach the EU's receiving states. This strategy is accompanied by - or generates - a process of deterritorialisation of European borders, which transcends the control and security functions of national and supranational action. The externalisation of borders requires the direct or indirect collaboration of migrant-sending and transit countries, turning Morocco, Libya, Algeria, Tunisia and Mauritania - among others - into the EU's external border.[1]

Advanced borders: military movement from the European border into African territory. This concept has usually been associated with the fight against terrorism and refers to the will to stop threats before they reach national territory. With advanced borders, a migration-security nexus is established that has led to an increasing militarisation of borders[2] .

Borderisation: a term used to describe the current functioning of the European migration regime, in which the border opens or closes depending on the nationality of individuals and the labour demands of the EU[3] .

Migration Control Industry (MCI): refers to all economic interactions aimed at controlling migration flows. This industry has its origins in the migration control policies, in this document of the European Union and its member states, and is a multi-billion dollar business financed by public money.

Militarisation: consists of a series of migration control measures using military strategy and military equipment that are carried out

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[1] More information and full reference in Ferrero-Turrión and López-Sala (2012).
[2] More information and full reference in porCausa (2022).
[3] For further information and full reference see Fuentes-Lara (2019).

in the countries of origin, transit and destination of migrants. These measures are deployed both inside and outside the formal territory of the EU.[4]

Securitisation: the process by which systems of control over the movement of certain groups of people – irregular migrants – are strengthened. The concept of securitisation is understood as "the process of social construction that brings politics into the sphere of security";[5] through the use of the rhetoric of fear, crisis and chaos, special measures are adopted that exceed political competences and legal orders.[6]

Everyone has the right to liberty of movement and freedom to choose his or her residence within the territory of a State.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 13. Universal Declaration of Human Rights

For its last three years, President Macky Sall's government maintained a harsh policy of repression of opposition groups in Senegal, which has cost at least 60 lives since 2021. The international community has repeatedly condemned these actions, but few have pointed to an unconventional accomplice in these excesses: European Union (EU) cooperation programmes. In their repression, Senegalese security forces have relied on equipment and training provided by the EU's GAR-SI (Rapid Action Group for Tracking and Intervention) programme, which the EU deployed in different Sahelian countries. The purpose of this programme - which uses counter-terrorism techniques developed by the Guardia Civil and other European police - is to combat cross-border crime, with a particular focus on the control of migratory transit routes. Its funding, in fact, comes from the Africa Trust Fund set up by the EU after the refugee hosting crisis of 2014-2016.[7]

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[4] For further information and full reference see Fuentes-Lara (2019) and Ferrer-Gallardo and Kramsch (2012).

[5] More information and full reference in Soriano-Miras (2017).

[6] More information and full reference in Tapia and González (2014) and Naranjo (2014).

[7] Details of this case are from the joint investigation by porCausa and Al Jazeera: https://www.aljazeera.com/features/2024/2/29/how-an-eu-funded-security-force-helped-senegal-crush-democracy-protests

As this report goes to press, the European Parliament has formally requested the Commission to clarify the allegations published in the press.[8] The case of Senegal may become yet another example of an out-of-control migration policy. A programme conceived and financed in a state of political hysteria, based on the wrong reasons and whose consequences have escaped the hands of those who claim to manage it. The GAR-SI Sahel is a project whose evaluated results are strikingly mediocre,[9] but which has continued to receive political and financial support until 2023, to a total value of 75 million euros in the region as a whole.

This is the model of *externalisation of* migration control that has become established as a mantra in the policies of member states and the European Commission, and which is consolidated by the Migration and Asylum Pact whose negotiations were finalised in April 2024. The EU sells control, but generates migratory disorder: in the countries of origin and transit, at its own borders and within its states.

This report offers an account of the policy of externalisation of migration control deployed by Spain and the EU in different countries of origin and transit along the African routes, and how it has been shaped over the last three decades. Its main argument is that the determination to control the routes at all costs has not only failed to achieve the objective for which it was designed, but has had serious consequences for the rights of migrants, for the EU's relations with the region and for the interests of European countries themselves. This drift, however, has clear political and economic winners who strive to make EU states ignore any possible alternatives.

1. **EU migration management: selling *order* and producing *chaos***

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[8] See under :
https://www.aljazeera.com/news/2024/4/9/european-parliament-urges-inquiry-after-al-jazeera-senegal-investigation
[9] The final evaluation of GARSI-Sahel is a confidential report commissioned by the European Commission, dated April 2022. porCausa has had access to the contents of this report, which has not yet been made public.

If there is one word that accurately describes our migration model, it is chaos. Europe's borders - like those of the US and many other regions of the world - have become spaces of disorder that barely fulfil, and with undesirable consequences, some of the functions for which they were created.

This *chaos* is perceived very differently by the various actors involved:

- For **public opinion in migration destination countries**, chaos translates into a situation "out of control". The representation of some national borders as spaces of constant emergency contributes to perpetuate this perception, which generates rejection and incomprehension among a very broad spectrum of citizens and voters: why is a perfectly functioning state incapable of fulfilling one of its most natural obligations, which is to guarantee control of its borders (including the enforcement of human rights)?

- For **migrants and their families**, the chaos translates into death, suffering and disproportionate expense. The prevailing strategy of migration control has not reduced the influx of people, but has forced those on the move to choose longer, more expensive and more dangerous routes. This is a reality for any potential migrant, but especially so for those moving from Africa, the Middle East and Asia via land and sea routes.

- For the **anti-immigration industry**, we are talking about a business. Illegal, when it involves organised recruitment, transportation and trafficking groups; and legal, when it is sustained by a web of security, services, rescue and humanitarian care companies. As destination countries insist on sealing their immediate or instrumental borders, an army of contractors, middlemen and criminals makes its presence felt all along the route. As in the case of other industries linked to a state's core interests - defence or pharmaceutical procurement, for example - migration control invests considerable effort in ensuring that policies follow the path they have followed thus far. This economic and political web is increasingly amalgamated as control efforts are outsourced to third countries, at the origin or en route of migration flows.

The paradoxes of a chaotic policy

Although migration policy is just another part of public administration, it has some characteristics that make it exceptional. In particular, two paradoxes

stand out: the degree of interventionism exercised by some of those in charge; and the striking disconnection between the objectives established and those that are finally realised.

The first paradox of this chaos is that it is not a product of state disinterest or absence, but rather the opposite: a micro-managed, emotional, atomised and increasingly militarised system. Those ultimately responsible for this process are the leaders and officials of the interior or security ministries. Their mandate is to control who crosses borders, but their influence goes far beyond this: they act as economic actors who decide who is hired and under what conditions; as international development specialists who determine the destination and rules of cooperation programmes; or as humanitarian operators who establish who should be rescued and cared for and how they should be rescued and cared for.

As might be expected, a group of people who have been trained and mandated to perform policing functions hardly gets it right when it comes to fulfilling other complex tasks. Along the way, the rule of law suffers, but so do economic self-interest, the development of the countries of origin and international humanitarian protection obligations.

Equally important, the natural impulse of security forces is to restrict flows of human mobility, not facilitate them. This prevents the system from being governed, adapting naturally to the signals of a labour-hungry market or to the reasons behind the forced displacement of populations seeking international protection. A model of half-closed doors, in a context of dynamic economies at destination and humanitarian catastrophes at origin, is equivalent to a system based on irregular immigration. In other words, to the chaos and suffering at the border is added the chaos and suffering of the interior, where a population of varying size lives a third-class citizenship while performing essential tasks for their host societies. Fiscal, labour and health care chaos.

And this leads to the second fundamental paradox of the existing migration model: unlike in many other areas of public concern, the failure of policies governing human mobility does not lead to their reconsideration, but to digging ever deeper into the same hole. In a vicious circle of unrestraint and violence, the most sophisticated democracies on the planet cross all sorts of red lines in response to a self-declared "border emergency". They have repeated so much to their constituents that borders are sacred, and that migration is an existential challenge to our societies, that failure to curb it at all costs is tantamount to a dereliction of a state's obligations.

If the aim is to stem the flows, this system does not seem to be working very well. The increasing militarisation of European borders has gone hand in hand with an increase in arrivals and attempted irregular access to EU countries. Routes have been adapted and processes have become longer, more expensive and more cumbersome, but they have not ceased to respond to the incentive of opportunities at destination and the seriousness of the risks at origin. According to the European border agency Frontex's own data,[10] "2023 has seen a significant increase in the number of irregular border crossings, which rose by 17% in the first eleven months to over 355,300. This figure has already surpassed the entire 2022 total, marking the highest value recorded since 2016", in the throes of the Syrian conflict-related hosting crisis.

Faced with the failure of the model, we dig deeper into the same hole. If the attempt to shield our external borders does not stem the flow of arrivals, then we must take control to the countries of origin and transit. If this requires reaching agreements with dictatorial regimes and armed groups, putting aside geopolitical interests and legal obligations, and subjecting cooperation and development programmes to the objectives of migration regulation, then so be it. The stakes are getting higher, despite the consequences.

Chaos exists because the system is trapped in a continuous spiral of action-reaction, subject to a self-imposed state of emergency, always in the same direction. This is the logic that explains and feeds the *externalisation of* migration control. The new European Pact on Migration and Asylum is a new and definitive turn of the screw in a failed model, which responds to a distorted narrative that is alien to the facts as a whole, but which has trapped its authors in a drift from which it is difficult to escape. After almost three decades of evolution, the system seems to have entered a phase of maturity.

2. When and how it all started

"*We Europeans have built a garden (...), we are the best combination that humanity has been able to create, of political freedom, economic progress and social cohesion. Nobody has done it better than us. We are not perfect, but we are certainly pretty good. But, outside our garden is the jungle, a*

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[10] See at:
https://www.frontex.europa.eu/media-centre/news/news-release/irregular-border-crossings-into-eu-so-far-this-year-highest-since-2016-hZ9xWZ

rather uninhabitable jungle, and we won't stop the jungle from invading our garden by building walls".
Josep Borrell, High Representative for Foreign Policy of the European Union. Speech XVII Charles of Antwerp Memorial Lecture at the European Academy on 19 October 2022.

The European Union spends billions of euros annually on the control of migrants in transit. Especially to curb migration from Africa. The budget items are diverse and sophisticated, ranging from transfers of technology and military capabilities to countries of origin and transit, to cooperation aimed at "helping" them not to migrate. Seen in this light, anyone would conclude that the migration control system is recent, innovative and effective.

The reality, however, is that it is none of the three. The European migration control structure is an outdated, uncreative and ineffective system. Moreover, it is chaotic. Despite the huge amounts of money involved in the Migration Control Industry (MCI) and the high mobilisation of resources - material and immaterial - everything has been developed since the signing of the Schengen Agreement in 1985.[11] The following four decades have only seen the refinement of a system that sought to make the "garden" safe from the "jungle".

Schengen and the beginning of Fortress Europe [12]

The idea is simple: freedom of movement within the Schengen area can only be guaranteed if the external borders are protected. In other words, *Schengenisation* implies the joint management of the EU's external borders and thus of migration flows. From this legal, narrative and political structure, migration is perceived as both a 'problem' and a 'threat'.[13]

A basic semantic search in the Convention implementing the Schengen Agreement of 14 June 1985 shows that the word "control" is the most

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[11] The Agreement was originally signed by five countries: the Benelux Economic Union - Belgium, the Netherlands and Luxembourg - the Federal Republic of Germany and the French Republic.

[12] A set of laws and policies that have shielded the EU at its external borders to protect an internal open space at the cost of migration containment and the lack of protection for migrants. Intrinsic to this concept is a negative perception of human mobility that is associated with insecurity, crime and terrorism. Axes: a) externalisation: externalisation migration control to countries of origin and transit; b) border armouring: more discourse of fear and the association between migration and insecurity; c) returns (voluntary/forced) and d) the fight against human trafficking in migrant transit.

[13] For further information and reference see Estrada-Gorrín and Fuentes-Lara (2020).

repeated word, with a total of 124 occurrences in a text of 44 pages. That is almost three times per page of the Convention. This is far more than the 11 times that "Europe" appears and the 75 times that "border" is written. If this may seem a lot, in the case of the ratification of the Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement (5 April 1994) the word "control" appears 142 times in only 33 pages.

The difference between one agreement and the other can be summed up in two words: Ceuta and Melilla. When Spain signed Schengen, the EU took a special interest in reinforcing Spain's southern border, considering it one of the most porous in Europe.

The Schengen Agreement is the seed from which the European system for externalising the management of the mobility of non-EU citizens has been modelled. Since then, there have been many more agreements, conventions, treaties, congresses, programmes, security councils, strategies and plans to guarantee the control of migratory flows. Specifically, in the last thirty years there have been a total of 27 legislative instruments with direct references to externalisation (see Annex 1). Of these, six out of ten were passed between 1992 and 2005. The system for the externalisation of European borders has been harmonised with the development of a whole legislative framework aimed at preventing migrants - especially Africans - from reaching Europe. Preventing them at any cost.

Europe's two global approaches to migration

Within this legislative tangle, the two artefacts with which the EU has launched and consolidated the system of externalisation of borders stand out: the Global Approach to Migration (GAM, created in 2005) and the Global Approach to Migration and Mobility (GAMM, created in 2011). The first is crucial to understanding the logic of externalisation: the cooperation of countries of origin and transit is required, they are provided with means and their own methods of control are created. The GAM calls the strategy of demanding the cooperation of countries of origin and transit in the management of migration flows 'new diplomacy'.[14] The provision of operational resources - 4x4 vehicles and technology to detect the movement of people, among others - allows them to make arrests of national and non-national migrants.

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[14] This is particularly novel as it is the first time that migrant transit countries have been considered as active actors in EU migration management policies.

But nothing comes for free. The countries that receive the allocations are subject to the principle of conditionality[15] and the possibility of economic sanctions. This is topped off by the creation of Frontex, the European Border and Coast Guard Agency, and the development of an ecosystem of public and private actors that will profit from this policy. The GAM is the starting pistol for the Migration Control Industry (MCI).

Figure 1. **Timeline of EU legislative developments and agreements in the field of externalisation**
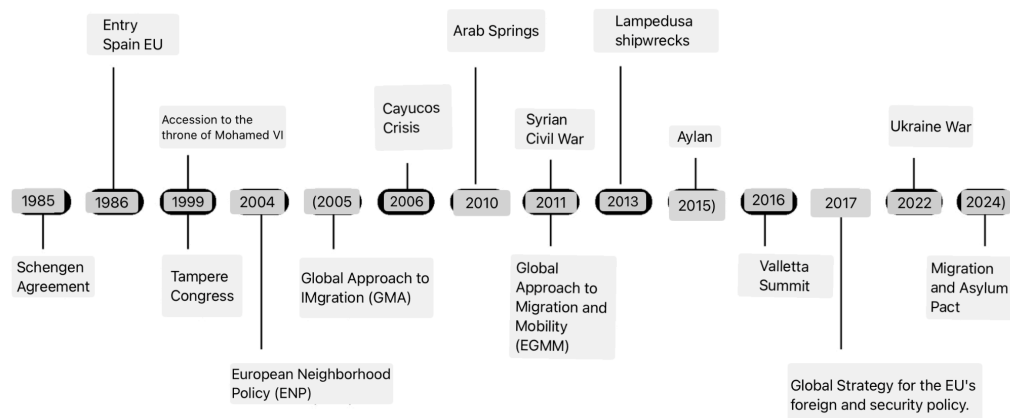
Source: Prepared by Fundación porCausa

At the beginning of the last decade, under the influence of the 'Arab Spring' and the influx of people from the Middle East and North Africa, the Global Approach to Migration and Mobility (GAMM) was adopted. It is particularly important at the narrative level, as irregular migration is presented as a security problem. A potential terrorist threat to be prevented and reduced through EU support to third countries.[16] This support takes the form of European-funded means, consisting of military and security assets, such as technology for biometric recognition of persons in non-EU countries.[17]

In this way, and with the aim of safeguarding its 'garden', Europe created and consolidated a system for externalisation the management of migratory flows from Africa and Asia. A system that has been acquiring a chaotic capacity for improvement and in which Spain acted as a hare and testing ground.

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[15] As proposed by Spain at the Laeken European Council in 2001.

[16] For further information and full reference see Akkerman (2018).

[17] The case of Niger is an interesting example, as explained in The New Humanitarian see : https://www.thenewhumanitarian.org/news-feature/2019/06/06/biometrics-new-frontier-eu-migration-policy-niger

3. Spain as a test laboratory

Spain's entry into the European Economic Community led to a paradoxical situation. In the early years - from 1986 to 2004 - EU institutions exerted constant pressure on Spain to guarantee the control and security of its southern border. Especially Ceuta and Melilla,[18] preventing the enclaves from becoming the gateway to Europe for African migration. However, from 2005 onwards, it has been Spain that has led the way in border control and externalisation management measures, gradually exporting its model to the rest of the EU. Migratory control Spain's Trademark.

Migration was sold from the outset as a problem. In an infamous statement made in 1998, Prime Minister José María Aznar dismissed criticism of Spanish policy as "we had a problem and we have solved it". These statements followed the illegal expulsion of 103 migrants from Melilla. Drugged with haloperidol, handcuffed and blindfolded, they were loaded onto five military planes bound for Mali, Cameroon, Senegal and Guinea Bissau. Quite possibly, the funds set aside were used to get the governments of these countries to agree to keep the migrants.[19] According to the government, there was no way to do so without breaking the law.

This was not an isolated event, it was not a mistake. It set a precedent and led Spain to perfect the method:

1. Location: prevent entries through the land border of Ceuta and Melilla by strengthening links with Morocco. Entries via the maritime border are intercepted with the Integrated External Surveillance System (SIVE, for its Spanish achronymous).[20]

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[18] The EU required Spain, as a prerequisite for entry, to create a law on foreigners that was in line with the acquis communautaire. The result was Law 7/1985 on the rights and freedoms of foreigners in Spain. The implementation of the law's regulations created a problem in Ceuta and Melilla because a large part of the resident Muslim population did not have the necessary documentation to regularise their situation and justify their nationality, and were thus considered foreigners (Soddu, 2002).

[19] For more information on this possibility, see:
https://elpais.com/diario/1996/07/20/espana/837813620_850215.html.
The use of earmarked funds for this purpose has been documented on other occasions, as explained in section 7 of this report.

[20] The Guardia Civil's SIVE was launched in 2002 and is responsible for the detection of small boats and cayucos. The information collected is sent in real time to the Guardia Civil's Control Centre. Its development is pioneering as a system for controlling vessels seeking irregular access and the Frontex prototype in 2005.

2. Mode: create legal repatriation mechanisms through bilateral agreements with some countries of origin of migrants (see Annex 2).

3. Responsibility: Spain adopts the role of passive agent of migration control. If things get complicated, it is Morocco that gets its hands dirty. Spain must not be caught up in a scandal like the haloperidol one, as was seen in the Melilla massacre of 24 June 2022[21] .

This *made in Spain* strategy is supported by the EU and accelerated after 2005 under socialist governments, always in line with European conventions.

Box 1. **Mayor Oreja and the militarisation of the border**

Jaime Mayor Oreja, Minister of the Interior of the Popular Party (1996-2001) declared that the SIVE responded to the commitments made by Spain after the signing of the Treaty of Amsterdam (1999) regarding the control of the EU's external borders. In the same appearance, the minister pointed to the need to protect the southern border from threats - that is, irregular migration - by means of the Guardia Civil. It was the perfect excuse to militarise the borders under the securitisation approach.

"Insecurity will be increasingly marked by external projection, by imbalances with other territories, other geographical areas, other continents. And we have to be aware that insecurity will come fundamentally from our natural borders, which is why Spain will have to strengthen security in terms of the maritime services of the different State Security Forces and Corps, and especially the Guardia Civil. For obvious reasons, border control in Spain will take on decisive importance, and in this sense we will have to be aware that we are and will be the European Union's southern border, and that is why we have designed this project, with the aim of guaranteeing coverage of the European Union's southern border, particularly along our coasts". (Jaime Mayor Oreja, Diario de Sesiones del Senado, 26 June 2000).

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[21] See at:
https://www.lighthousereports.com/investigation/reconstructing-the-melilla-massacre/

Ceuta, Melilla and the cayuco crisis

In 2005 around a thousand migrants organised themselves to make coordinated jumps on the fences of Ceuta and Melilla. Hundreds of people managed to enter, but thousands were injured and at least 13 migrants died as a result of being shot by Spanish police or injured by the barbed wire of the fences.[22] The following year almost 32,000 people arrived in the Canary Islands from West African countries, mainly during the summer months. Faced with this situation, Spain was overwhelmed and, to a certain extent, abandoned by the EU, which went so far as to criticise the government's hot refoulments.

These two events provoked a change in the migration narrative, in Spanish society and in the political management of the phenomenon.

Spain realised that the southern border was porous and accelerated the management of the externalisation of its control. It did so, moreover, with social consensus. In 2006, the CIS barometer indicated that the Spanish population considered migration to be one of Spain's three main problems. Never again has migration been perceived in this way in this survey. This was due to the politicisation of migration and the sensationalism of a debate in which terms such as "overflowing" or "avalanche" of migrants abounded[23] . Reducing migration to a social problem and an uncontrolled situation legitimises in the eyes of public opinion any measure of migratory repression.[24] The militarisation of border controls has evolved in parallel to the militarisation of border discourses.[25]

The delimitation of the Ceuta and Melilla fences (1995), the events of the Angle[26] in Ceuta (1995), the haloperidol episode (1998), the fortification of the Ceuta and Melilla fences (2000),[27] the creation of the SIVE (2002) and,

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[22] See in: Amnesty International (2006).

[23] "The Canary Islands have been overwhelmed by the largest influx of migrants. More than 1,200 sub-Saharans have arrived between Friday and Sunday on board 14 boats and the avalanche is expected to continue. The regional government is even considering asking the UN for help" (El País, 21 August 2006); or, "Hay cien mil africanos que esperan en Senegal para cruzar a Canarias" (ABC, 20 August 2006).

[24] For further information and full reference see Fuentes-Lara (2014).

[25] For further information and full reference see Ferrer-Gallardo (2008).

[26] In 1995, 325 people were in Ceuta, mainly of sub-Saharan and Algerian origin, who for two years had been in a legal limbo - neither expelled, nor regularised, nor their asylum applications processed - and in a street situation. Following a demonstration by migrants in front of the Government Delegation, violent riots broke out between them and the Ceutí population. More than 80 people were injured. It was an unprecedented racist incident and the Spanish government reacted by creating the temporary stay centre for migrants (CETI) and fortifying Ceuta's border with Morocco, which until then had been permeable (Fuentes-Lara, 2019).

[27] Before the year 2000, the fences of Ceuta and Melilla were territorial delimitations with barbed wire on the ground. A week after the events of the Angle, work began on the fences, which were completed in 2000 and gave rise to two double fences three and a half metres

especially, the "cayuco crisis" (2005) were the main events that elevated Spain, in just 15 years, from a disadvantaged pupil to an exemplary example in the management of migration policies for the EU. It has also become a promoter of policy concepts that are at once innovative and terrifying, such as *vertical borders*.

4. Europe invents vertical borders

The logic of externalising border control is based on a simple premise: if we do not see migrants, they do not exist. And that is what Spain has wanted to do, in complicity with the EU, since 1992. The date is no coincidence, because it coincides with the entry into force of the Schengen Agreement in Spain and the first bilateral agreement on the readmission of migrants signed with Morocco. The problem is that this is a false starting point, because behind the idea of control persists an unstable system in permanent need of adjustment.

This makes Morocco a necessary and key partner in shaping EU migration policy and the 'police' of border control.[28] It is a foundational piece of the EU's vertical borders, which extend across much of the African region.

Regional and bilateral agreements proliferate

The so-called Rabat Process is one of the most relevant agreements between Spain, Morocco and the EU in terms of externalisation, both for its content and for its status as a key precedent for other subsequent agreements. It is a process developed between 2006 and 2015 and which, in its third stage alone, brought together almost 60 African and European countries and received more than two million euros from the EU. This process is the result of a Spanish initiative - led by the Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas

high covered with barbed wire. These fences were reformed again in 2005 after the so-called "migratory crisis" of that year, where the double fence was six metres high and concertinas, night cameras, movement sensors and video surveillance were installed (Saceda, 2016).

[28] Of particular note are the agreements between Morocco and Spain mediated by the EU, such as: joint border control operations since 2004; the bilateral readmission agreement of 2012; the mobility partnership between the EU and Morocco of 2013; collaboration in working groups and joint commissions and the joint commission on civil protection and crossing operations at the Strait of Gibraltar.

(FIIAPP), a public foundation dedicated to international cooperation in administration and public policy - and was based on the need to find a collective and coordinated response to the migration phenomenon. [29]

On paper, the aim is to make progress in the control of migratory flows, border management and cooperation between countries of origin and transit of migration. The reality is that European countries are urging countries of origin and transit to control the migrant population in order to prevent their arrival in Europe. Partnership agreements with non-European countries are far from cooperative and are imposed in one direction only. There is no open and consensual dialogue on migratory movements, but rather strict rules - not always explicit but imposed in negotiation with the EU - that must be complied with if economic aid, whether in the form of development cooperation or military aid, is to be received. [30]

In the chapter on bilateral agreements, those established with two countries that are still key today stand out: Mauritania and Senegal. In March 2006, José Luis Rodríguez Zapatero's government launched Operation Cabo Blanco with Mauritania, which consisted of the creation of joint maritime patrols. To this end, Spain provided the Mauritanian Gendarmerie with four patrol boats and facilitated the relevant training for their use. The following year, the readmission agreement was reactivated to prevent the departure of boats from its coasts and to return migrants to the Mauritanian authorities, who accept citizens from third countries such as Mali. The same agreement was signed by Spain with Senegal in 2006, as part of a succession of multilateral treaties with similar purposes (see Annex 2).

A further step in this externalisation process led by Spain are the Seahorse projects (2006-2010),[31] channelled through the Ministry of the Interior and approved by the European Commission. In these projects, the Guardia Civil is in charge of the operational management of the project, the purpose of which was to control migration by sea, that is, the externalisation of the maritime border.

While Spain's interest lies mainly in controlling the Atlantic migratory route, in early 2010 the central route began to concentrate a large volume of migrants in northern Morocco. As a result, Spain began to 'verticalise' the border en bloc, i.e. also the border through the Western Sahel.

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[29] For further information and full reference see Gabrielli (2017).

[30] The NGO Oxfam has documented this practice in a recent report analysing several of the EU's cooperation instruments with Africa.
See under :
https://www.oxfamnovib.nl/Files/rapporten/2023/Development-to-deterrence-migration-spending-under-210923-en.pdf

[31] There are four projects: Seahorse (2006-2008), Seahorse Network (2007-2008), Seahorse Cooperation Centres (2009-2010) and Seahorse Atlantic (from 2010).

The border is also vertical

Border verticalisation is the process by which the borderline ceases to be a physical line and becomes a symbolic line. It is a dynamic process that shifts borders further and further south, blocking or paralysing migration to the global North. The consequence is that countries in the global South perform border control functions for the EU, but thousands of kilometers away from the EU's physical borders.

The West Sahel I (2011-2013) and West Sahel II (2014-2016) projects led by Spain - specifically, by the Guardia Civil - with the support of the European Commission give continuity to the Seahorse projects but broadening the geographical scope. In addition to Senegal and Mauritania -the Atlantic migration route- the EU is focusing its attention on Mali and Niger -the central migration route-. The stated objectives of the projects were to improve border cooperation between the Sahel countries, combat human trafficking and smuggling, and improve and guarantee migrants' rights. In practice, it is a matter of externalising border control, legitimising, in passing, the presence of a permanent detachment of the Spanish National Police and Civil Guard in Senegal and Mauritania.

The third phase of the project is the so-called Blue Sahel (2017-2019). It adds training and capacity building for border surveillance, incorporating cross-border patrols between the police or gendarmerie of all the countries in the project, especially Mauritania and Mali.[32]

Map 1. **Progressive verticalisation of the Spanish southern border (**1992-2024)

1st verticalization
1992-2005

3rd verticalization
2011-2023

2nd verticalization
2005-2011

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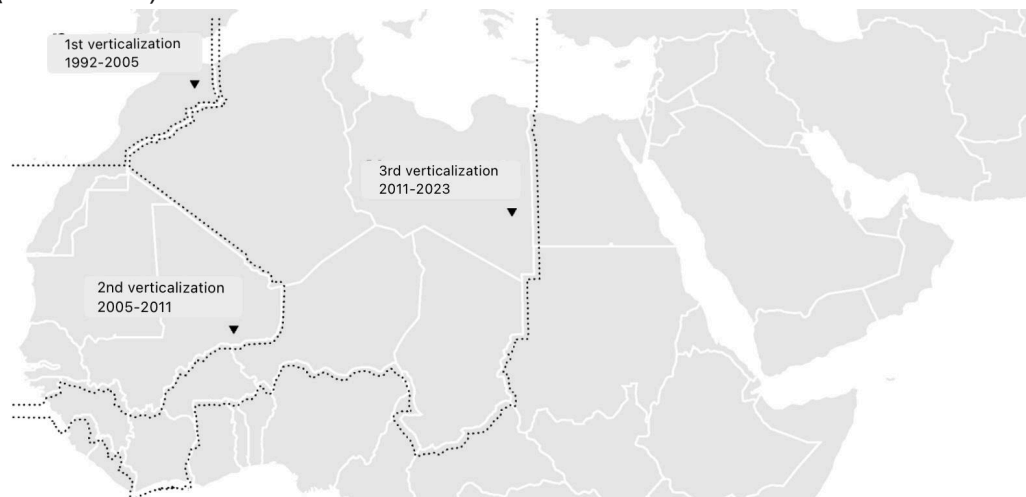
[32] More information in IEEE (2020).

Table 2. **Where countries are origin, transit and destination countries for migrants**

It is not unusual for migrants to be stranded - sometimes for decades - along transit routes. As the verticalisation of the border makes the transit of people more difficult, countries such as Morocco resort to two main strategies. On the one hand, the regularisation of migrants. Two regularisation periods have been opened in Morocco: in 2014 and 2016, the latter with 50,000 administrative regularisations. [33]

On the other hand, mass arrests and forced displacements from northern Morocco to the south. In the summer of 2018, for example, migrants living in Tangiers and Nador were expelled by the Moroccan government. The strategy was blunt: raids, burning of migrant camps and expulsion from the flats where they lived. Migrants moved to cities further south in Morocco such as Rabat or Casablanca.[34] Four years later, in 2022, the dismantling of camps was one of the reasons why a high volume of migrants wanted to cross the border crossing at Chinatown and the massacre of 24 June took place. These are internal Moroccan strategies to move the migrant population southwards, reducing tension on the European border.

The reality of externalisation, and the case of Morocco is a perfect example, is that EU money does not materialise in terms of improving the quality of life of local citizens, but rather is used to entrench authoritarian political regimes. In terms of figures, in 2023 Morocco will be ranked 120th in the Human Development Index (HDI) - Spain is 27th - and in fact in twenty years of EU money it has only improved six positions. In turn, in 2023 on the Freedom House democratic quality indicator, Morocco scores 37 out of 100 and is considered partially free - Spain scores 97 and is a free country - which is exactly the same status as twenty years earlier.

Conditional cooperation

This system needs to be constantly expanded and redirected, so the verticalisation of borders is expanding southwards and eastwards into Africa. In a game of control mirages, each time a border crossing is closed, another route opens up that is more dangerous and deadly for migrants than the previous ones.

The projects that Spain is leading, with resources from the European Commission, are linked to cooperation and development aid. The argument

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[33]For more information on this topic and full reference, see Estrada-Gorrín (2023).
[34]More information on this issue can be found in the porCausa Report (2022).

is the need to address the 'root causes' of human mobility, according to which migration levels will decrease when the problems that push people to move are solved.[35] This positioning is convenient for justifying cooperation programmes linked to anti-migration policies, but it fits poorly with reality. On the one hand, the African region is rife with political, military and climatic shocks that spur forced population displacement, which has quadrupled since 2011 to nearly 40 million people.[36] The vast majority within their countries of origin or in neighbouring states, with only a few reaching the borders of the EU, something that will not be prevented by humanitarian aid programmes that are structurally underfunded and whose objective must be very different.

On the other hand - and as experience and academic literature have shown -[37] economic migration to rich countries increases as individuals and their communities accumulate the economic resources and skills needed to cope with a migration experience, and only starts to decline from a medium to high level of income. It is naïve to think that a modest development programme will achieve in a few months what nations take generations to achieve. If anything, its success will bring more people closer to the exit point.

The less friendly version of this policy is related to the principle of conditionality, which obliges aid-receiving countries to act as border gendarmes for Europe. If migrant transit countries manage to hold back the migration route - with repression, detention centres and forced returns, for example - they will continue to receive European aid. If not, they will lose their status as preferred cooperation partners. Finally, it was at the Laeken European Council (2001) - under the Spanish Presidency of the EU and at Spain's proposal - that the first EU agreement was approved that made economic aid to third countries conditional on cooperation in border control. A logic that would later become effective in the Global Approach to Migration (2005) and which has been enshrined in the new Pact on Migration and Asylum (2024).

The Spain's Trademark model of migration control was soon exported to countries such as Italy -with its agreements with Libya, Niger and Tunisia-[38] and Portugal -with its agreement with Guinea Bissau-. Within a few years, the model had become established throughout the old continent.

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[35] More information on this issue can be found in the porCausa Report (2022).
[36] See at:
https://africacenter.org/spotlight/african-conflicts-displace-over-40-million-people/
[37] For a review of the main criticisms of the "root causes" argument, see Clemens (2020).
[38] Full information in Reuters (2018).

5. European Migration Trauma: 2014-2016

On 23 April 2015, a boat from Egypt and Libya is shipwrecked 112 kilometers off Lampedusa (Italy), leaving 900 bodies at sea.[39] The tragedy prompts an extraordinary meeting of the European Council and the approval of the European Agenda on Migration.[40] This document takes a securitarian approach that affirms the need to focus on the causes of migration, the strengthening of borders and readmission agreements,[41] which means greasing the wheels of anti-migration cooperation with third countries.

The Lampedusa tragedy epitomises the humanitarian crisis triggered by conflict and instability in the Middle East and other regions bordering Europe. Between 2014 and 2015, nearly 2 million asylum seekers arrived in Europe,[42] most of them by land or by crossing the Mediterranean Sea in precarious boats. More than 3,000 people died or went missing in the Mediterranean Sea in 2015 trying to reach the EU.[43] The management of the process caused political and social tensions across the continent.

If the succession of fence jumps in Ceuta and Melilla (2005) and the arrival of cayuco boats in the Canary Islands (2006) accelerated Spain's border control strategy, for the EU as a whole the trigger was the reception crisis of 2014-2016.

The reaction of European countries was mixed. Those who were the first frontline hosts - such as Greece and Italy - found themselves abandoned in the face of the humanitarian catastrophe and panicked. Others - such as Germany and Sweden - tried to make up for the EU's lack of coordination and solidarity with unilateral reception efforts. But the failure was collective. Faced with the inability to agree on and develop an EU reception system that would cope with an extraordinary situation, they opted to shield themselves and to take the high ground. And this starts with stopping

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[39] The shipwreck occurred on 19 April 2015. The death toll is estimated at between 700 and 950 as only 24 bodies were found.

[40] It calls for immediate measures such as tripling Frontex resources, resettling refugees in Europe and strengthening the CSDP; and longer-term measures such as reducing incentives for irregular migration, strengthening Frontex and Europe's obligation to offer protection through asylum.

[41] More information in Torondel-Lara (2021).

[42] See at:

https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_applications_-_annual_statistics

[43] Full reference in IOM (2016) and APDHA (2016).

migrants en route, even accepting that they may die before they reach Europe.

This moment constitutes a real crossroads for the EU, which must decide between two of three possible options: a) increasing the securitisation of the EU's external borders, including their militarisation; b) strengthening cooperation with the countries of origin of migration, with the aim of preventing displacement towards Europe; or c) incorporating a rights-based approach that prioritises the dignity of migrants, guarantees international protection obligations and facilitates safe and legal migration flows.

Europe's decision at the time has defined the contemporary nature of its migration policy: options a and b, in a model of impermeable borders and externalisation of migration control.

The consequences of this decision were not long in coming. In November 2015, the Valletta (Malta) Summit on Migration was held, bringing together the EU and 35 African countries (including hitherto marginal dictatorships such as Eritrea). There, the externalisation of EU migration control in Africa was institutionalised through an Action Plan and the resulting Partnership Framework. In return, partner countries will receive €1.8 billion of EU funding from a new EU Emergency Trust Fund for Africa (EUTF).

In line with the Valletta Action Plan, the Partnership Framework includes:

- Capacity building assistance for border and migration management in third countries. To this end, "the EU should use all available means", with direct reference to "development and neighbourhood policy instruments"[44] and (biometric) identification tools and civil registers.

- The commitment to "address the root causes of irregular migration and forced displacement",[45] insisting on the fallacy of tackling the "root causes" of migration.

- Increase the volume of deportations, with the stated aim of deterring migration. Repatriation arrangements and security sector support in third countries are boosted, including the possibility of a civilian Common Security and Defence Policy mission to help build capacity in migration management. [46]

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[44] See in European Commission (2016).
[45] See in European Commission (2016).
[46] For more information, see Akkerman (2018).

Table 1. **Institutionalisation of the externalisation of border control in Africa**

Legal framework	Funding	Objectives	Countries involved
European Agenda on Migration Valletta Action Plan Partnership Framework with third countries for the follow-up to the Valletta Summit	1.8 billion EU Emergency Trust Fund (EUTF) for Africa 90% comes from Official Development Assistance from the European Development Fund (EDF).	Development and Neighbourhood Policy Instrument, to foster cooperation with third countries on migration issues Improved border management, biometric enrolment and surveillance capabilities Intensify military and security cooperation and assistance, including provision of equipment, exchange of information and intelligence and development of communication networks for maritime surveillance, such as EUROSUR and the Seahorse Network.	**Priorities:** Ethiopia, Mali, Niger, Nigeria and Senegal. **Secondary:** Burkina Faso, Cameroon, Chad, Gambia, Mauritania, Djibouti, Eritrea, Kenya, Somalia, Sudan, South Sudan, Tanzania, Uganda, Morocco, Algeria, Tunisia, Libya and Egypt.

Africa is not the only region where the EU has pursued this policy. In 2016, Turkey agreed with the European Commission on a €6 billion plan (and other strategic advantages) committing to strengthen border security, take in Syrian refugees and readmit asylum seekers entering the EU from its border. This agreement not only externalised the duty of international protection[47] , but also strengthened the collaboration of Frontex and the Turkish Coast Guard in patrolling and surveillance activities. The Aegean Sea has since seen increasing collaboration between Frontex, the Greek and Turkish coast guards, and NATO vessels. The model designed with Turkey was subsequently replicated in Libya in 2017 under the name of the Memorandum of Understanding on Migration.

6. How externalisation is financed

Keeping track of the money the EU spends on border externalisation management is a difficult task. If it had to be defined in one word, it would be opacity. The amount of the budget allocated to each country is not

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[47] Full reference in Garcés (2016).

published, nor is it broken down by country. This makes it extremely difficult to know how much public money is being used to maintain the EU's chaotic and inefficient border externalisation system.[48] Our analysis of the period 2004-2024 has allowed us to track 9.344 billion euros earmarked for EU border externalisation, but we are certain that the actual amount spent on these items is much higher.

The verticalisation of the European border can be traced through the countries that have been recipients of Europe's economic aid. These correspond to the countries with which the EU reached political agreements - repatriation agreements, for example. Three stages can be distinguished in the verticalisation of the border, similar to those shown in map 1 for Spain, but in different years.

- First stage (2004-2014) or the beginning of verticalisation. This stage is characterised by the non-existence of structured financing programmes for third countries before 2004. The source of funding is specific economic aid or trade treaties with bordering countries, as is the case of Spain with Morocco. At this stage, the priority countries are in North Africa. The first project with stable and regular funding is the European Neighbourhood Fund (2004), where 100% of spending is concentrated in Morocco, Algeria, Tunisia, Egypt, Jordan, Syria, Israel and Palestine. This trend remained stable for a decade, with the sole inclusion of Libya since 2009. In this period, 12.8% of the total for the period under study was spent.

- Second phase (2015-2017) or the expansion of verticalisation. In this phase, spending in North Africa and the Middle East does not decrease, but funds begin to be diversified towards countries further south. In the first phase, funding was allocated to the Horn of Africa: Sudan, South Sudan, Eritrea, Ethiopia, Kenya, Djibouti and Somalia. In a second phase, it will be extended to the Atlantic region - Mauritania, Senegal, Ivory Coast, Guinea Bissau, Ghana, Benin, Guinea, Nigeria, Cameroon and Gambia - and the central region - Mali, Burkina Faso, Niger and Chad. Uganda is also included. This phase is marked by money from funds: the EU Emergency Trust Fund for Africa (EUTF), the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF). In this period, 73.1% of the total for the period under review was spent.

- Third stage (2018-2024) or the consolidation of verticalisation. In this stage, spending on North African countries - Morocco, Algeria and Libya, for example - declines and funding for the Middle East is discontinued. Financial support expands to countries along the Atlantic, Central and

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[48] For the purposes of this research, only those projects for which it has been possible to disaggregate information have been taken into consideration: European Neighbourhood Fund, EUTF, AMIF, ISF Police, ISF Bordes and Visa.

Eastern migration routes in Africa. In addition, externalisation is further verticalised to southern Africa - Democratic Republic of Congo, Tanzania, Burundi and Rwanda - and Asia - Iran, Pakistan, Afghanistan and India. After two decades of direct funding and almost four decades of border externalisation, this third phase sees a reduction in spending in North Africa, which is beginning to be seen as a destination region for migration (as seen with the regularisation processes for migrants in Morocco and similar projects in Libya and Tunisia), most of it coming from the EUTF. In this period, 14.1%[49] of the total for the period under study was spent.

Map 2 shows how countries have been prioritised economically according to the stage of verticalisation of the European border. Following the money shows to what extent the verticalisation of the European border has followed Spain's in its political and economic agreements with the countries of origin and transit of migration in Africa.

Map 2. The verticalisation of the European border (2004-2024) at the economic level

2004 - 2014

2015 - 2017

2018 - 2024

Budget

73.175 €   881483.255 €

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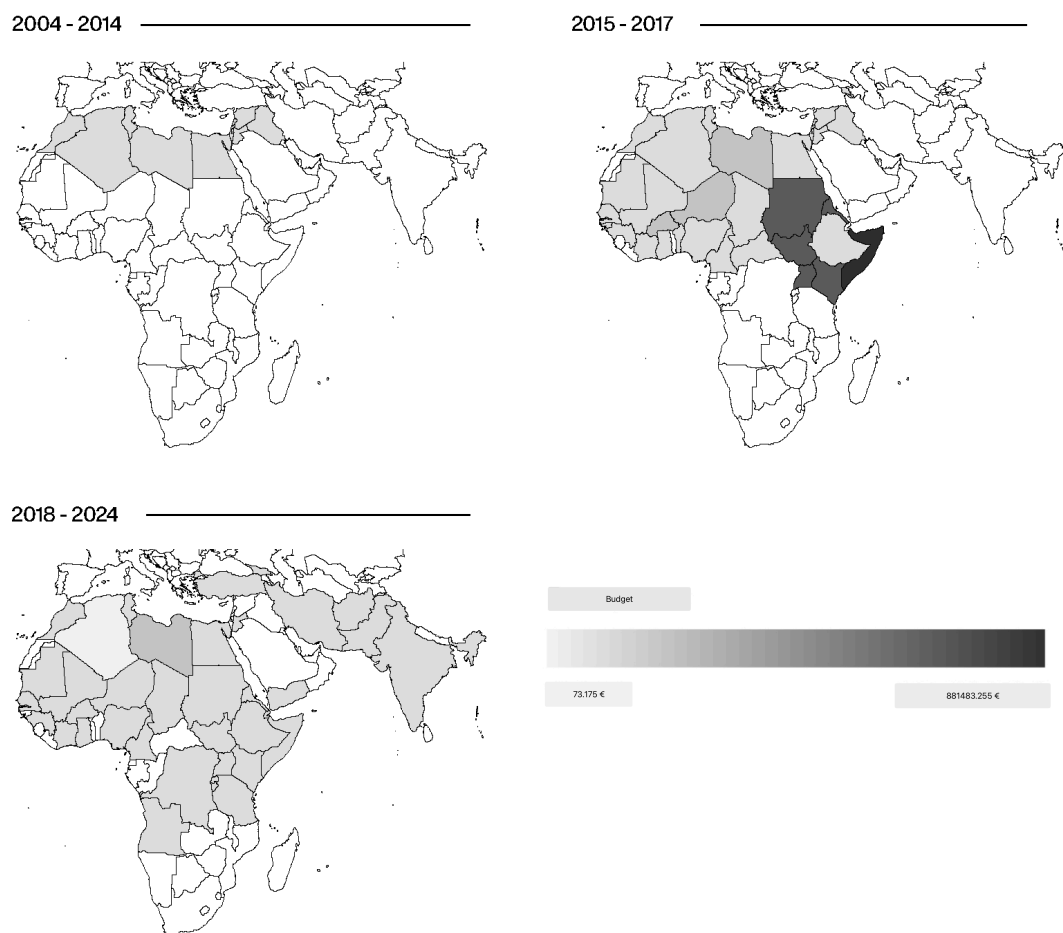
[49] This figure is significantly lower due to the fact that many of the programmes and projects are under implementation.

7. The consequences of migration chaos

The consequences of the decisions taken by Spain and the EU over the last thirty years are manifold and are not limited to migrants. When a narrow conception of migration management is defended at all costs and the economic and political interests of a minority are allowed to take precedence over any other consideration, the general interests and credibility of the destination countries themselves can be harmed.

These are the areas where the externalisation of migration control has had the most tangible implications:

- Conditioned external relations: the EU and its member states' external relations with the African region as a whole are being subjected to the priorities set by migration control policies. Europe deploys a neo-colonial vision of external relations, in which it imposes obligations on its southern partners that harm its own citizens and interfere in regional governance. In return, we pay a high price. Spain's sudden change of position vis-à-vis Morocco and Western Sahara - in contradiction with its stated commitments, as well as UN Security Council and General Assembly resolutions - is a recent, high-profile example of the cost of these obligations.

But this is a continental problem. In the case of the EU-Africa Partnership - the latest version of which was signed in June 2020 - the joint EU-African Union declaration sets out five priority areas of interest ranging from green transition to growth and job creation or peace and security arrangements. However, and leaving aside global health actions during the pandemic, only the last point - migration and mobility - has been the subject of a tangible political and economic initiative by European countries. In the relationship with a neighbouring continent, on which the EU's existential interests depend, collaboration on migration control measures has become the starting point for any political conversation. [50]

It is worth remembering, however, that there are two partners in this dance. The countries of origin and transit of migration have used the EU's interests in migration policy as a vulnerability from which they profit. In the aforementioned case of Morocco, the last few years have been a continuous game of shows of force that include the crisis of departures to

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[50] At Spain's request, the strategy document agreed at the NATO Madrid Summit (June 2022) mentions for the first time the 'instrumentalisation of migration' as a threat.

the Canary Islands at the end of 2020, the crisis in Ceuta in May 2021 and the massacre in Melilla in June 2022.

- Autocracies supported with the money of the EU, which ends up in their hands: In a considerable part of the regions of origin, an anti-democratic wave is spreading, threatening the rights of their citizens and international stability. In the Sahel, for example, eight coups have taken place in the last four years, six of which resulted in a change of government. Many of those that have not changed also fail to demonstrate an edifying record on corruption, violence or human rights. Instead of working for the democratisation of the region and the strengthening of its institutions, the EU opts for any alternative that helps reduce migratory pressure. With them it not only props up questionable regimes, but also puts itself in their arms, conditioning any bilateral relations and weakening Europe's role as a promoter of democracy and human rights in the world.

The agreements are reactive to the increase in flows. After a few particularly active months on the Canary route, the EU and Spain announced in February 2024 a package of 500 million euros in aid for Mauritania[51] . 'Development' and 'migration control' appear in the same sentence without interruption.

The EU's interaction with Tunisia, now under a dictatorial regime led by Kaïs Saied, underlines the complexity of EU migration policies. Despite the evolving political situation, the EU has provided financial assistance in excess of €1 billion to revitalise Tunisia's economy and reduce irregular migration. A controversial 'strategic partnership' agreement was signed in July 2023 granting Tunisia 105 million euros to control irregular migration. In other words, Tunisia has received millions to further hinder the lives of its own citizens and migrants crossing the country. [52]

In the case of Libya, considered a failed state, the EU aims to strengthen the coast guard's capacity to intercept migrants in the Mediterranean. Despite the events following the guerrilla war and a score of 10 out of 100 in the Freedom House 2023 report, the EU has maintained cooperation with the General Congress of the Nation, which controls only part of the country's territory. This includes the provision of funds, speedboats, training and other support, totalling around €700 million in assistance through various funding instruments, such as the EU Emergency Trust Fund

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[51] See information at:
https://es.euronews.com/2024/02/09/la-ue-y-espana-anuncian-500-millones-para-el-desarrollo-de-mauritania-y-el-control-migrato
[52] See information at:
https://es.euronews.com/my-europe/2023/09/15/el-organismo-de-control-de-la-ue-pregunta-a-la-comision-si-el-polemico-acuerdo-migratorio-

for Africa, and the European Neighbourhood and Partnership Instrument (ENPI).[53]

A case as striking as Libya's is Niger, one of the world's poorest countries and subject to constant political instability due to various coups and conflicts. As a key actor in the EU's strategy to control migration flows, Niger has received substantial funding. Between 2015 and 2022, the EU funded 19 projects for a total of €687 million in Niger, with a notable emphasis on border control and the implementation of Law 2015-36 which criminalised mobility and had major consequences for migrants in Niger and for the local population in the Nigerien region of Agadez.[54]

- Distortions within African regions and indirect funding of mafias and non-state armed groups: Externalisation also restricts mobility between African countries - guaranteed in treaties such as ECOWAS[55] - and their internal migration dynamics.[56] According to Ousmane Diarra, a member of the association of Malian deportees in Mali (AME), the Action Plan has resulted in the closure of borders between African countries and the consolidation of Frontex in EUTF beneficiary countries.

In fact, Frontex has created 'travel certificates' that in practice are mobility permits between African countries. These documents are issued by European institutions in order to make it easier to deport migrants to places decided by the EU. In Agadez (Niger), for example, there is a "selection centre" where, depending on your travel certificate, the authorities deport you to the country that has been previously designated for you. This country does not necessarily have to be the migrant's country of origin.[57] This is neither an exception nor a novelty, as Spain - the EU's best performer in externalisation - already has agreements with Senegal (2006) and Mauritania (2003 and 2007) - see appendix 2 - which allow for the expulsion to those countries of people from third countries, such as Malians sent to Mauritania.

Irregularities are also of a different kind. As has been pointed out, Spain has used reserved funds to pay bribes to "grease" deportation flights, to obtain

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[53] See information at:
https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-03/EUTF_libya_en.pdf
[54] See information at:
https://www.asileproject.eu/the-criminalization-of-mobility-in-niger-the-case-of-law-2015-36/
[55] ECOWAS is the Economic Community of West African States, founded in 1975 and comprising 15 countries. ECOWAS countries are guaranteed internal mobility between the countries that make up the network (porCausa, 2022).
[56] See Estrada-Gorrín (2023) for references and further information.
[57] See Estrada-Gorrín (2023) for references and further information.

information on routes or even to "buy" intermediaries.[58] Taxpayers' money that ends up in the hands of the 'mafias'.

Military and security collaboration with countries in the region to control human mobility sometimes has particularly undesirable consequences. Some of the regimes where changes have taken place in recent years - such as Gabon or Burkina Faso - have opted for alliances with powers openly hostile to the EU. The economic and military means provided by Europe to control migratory flows can end up not only in the hands of local opponents (the case of Senegal with which we opened this report) or even in the hands of regional mercenaries such as the Wagner Group and jihadist cells with a wide presence in countries such as Mali and Niger. [59]

- Tainted cooperation: One of the policies that have been most directly affected by the logic of migration control is international cooperation and development. Aid - the basic traditional mechanism for relations between the EU and many countries from which migration originates - is being used as a carrot or a stick in relations with regions of origin and transit. The logic is largely based on the fantasy of solving the "root causes" described above. In part, it is based on the cruder *realpolitik* that threatens to withdraw or reduce funds if countries do not cooperate with EU purposes. The indiscriminate use of some aid as a tool of migration control is not only immoral and contrary to accepted principles of international cooperation, but dangerously ineffective. To the extent that we justify to the public the validity of aid as a control mechanism, we risk alienating the public from further funding when it becomes clear that this linkage is false.

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[58] Sources from the CNI and the General Commissariat for Foreigners and Borders of the National Police to which porCausa has had access explain that Spain uses money from the reserved funds to buy information from clandestine trainees about the date and place of departure of the boats (cayucos and pateras) that these same trainees charter in countries such as Senegal, Mauritania and Morocco, among others.
It is also possible to find references to this issue in media outlets such as 20 Minutos (https://www.20minutos.es/noticia/442545/0/repatriacion/inmigrantes/gambia/), El País (https://elpais.com/diario/2008/09/20/espana/1221861613_850215.html) and ABC (https://www.abc.es/archivo/periodicos/abc-cordoba-20080928-21). These have reported on problems in various deportation flights and the delivery of gifts (from police material to bottles of whisky and sports equipment, among others) to African authorities to avoid blockages and impediments in these deportation flights.
Finally, the book 'La Casa II' (The House II), by Spanish intelligence services specialist Fernando Rueda, also reports on payments made with money from the reserved funds to human traffickers and local authorities in several African countries, as we pointed out in Público's special report on the Migration Control Industry.
(https://temas.publico.es/control-migracion-oscuro-negocio/2020/07/02/una-marana-de -instituciones-europeas-y-nacionales-paga-con-fondos-publicos-el-control-migratorio/).
[59] This fear has been expressed to porCausa by sources from the Spanish state security forces with a presence in countries in the Sahel. Several countries in the region have a large presence of jihadist groups and Wagner Group mercenaries.

The use of a public cooperation agency such as the FIIAPP in the cruder politics of externalising border control distorts the nature of these institutions. The EU Trust Fund for Africa, aimed at fostering stability on the continent, is an example of how aid is used as leverage for migration control arrangements. This fund operates as a strategic tool, encouraging the cooperation of African countries in implementing effective measures to control migration. One of its key strategic priorities is to improve migration management in countries of origin, transit and destination.

Similarly, the Neighbourhood, Development and International Cooperation Instrument (NDCI) has been designed to expand its influence on the external dimension of migration, particularly on the prevention of irregular migration. 79.5 billion, 10% of which is earmarked for migration-related actions,[60] some critics consider this allocation insufficient to achieve the legitimate objectives of good migration governance.[61] Rather than maximising its potential, it can be interpreted as a strategy that disguises the EU's migration control efforts under the guise of development aid.

- Systematic violation of human rights along the routes: externalisation not only limits individuals' access to the international protection to which they would be entitled in the final destination countries within the EU. By introducing the requirement to control flows into bilateral agreements with countries of origin and transit, Europe effectively blesses the worst repressive practices against highly vulnerable populations, such as abandoning migrants to their fate in the middle of the desert.[62] From arbitrary expulsions to torture, kidnapping, sexual abuse or blackmail, local and international human rights organisations have documented a multitude of examples of authorities and other armed groups violating the rights of populations on the move. One of the unintended effects of externalisation policies is to push more people towards Europe: as the circumstances of migrants en route become more complicated - for example, with abandonment in the desert - the incentives to reach the destination grow.

This is something that international bodies are well aware of, as expressed in a detailed resolution of the UN Human Rights Council at its June 2023 session. The statement is based on reports such as the one published by the UN about the hell in which sub-Saharan migrants trapped in Libya are

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[60] See at:
https://neighbourhood-enlargement.ec.europa.eu/funding-and-technical-assistance/neighbourhood-development-and-international-cooperation-instrument-global-europe-ndici-global-europe_en
[61] See at:
https://policy-practice.oxfam.org/resources/from-development-to-deterrence-migration-spending-under-the-eu-neighbourhood-de-621536/
[62] See at:
https://es.euronews.com/video/2023/07/17/agentes-tunecinos-abandonan-a-decenas-de-migrantes-en-el-desierto-sin-agua-ni-provisiones

living.[63] Coming from the hard-hit regional routes, thousands of people are forced each year to choose between two bad options. The first involves enduring - by authorities and criminal groups - abusive conditions of detention, torture, ill-treatment, slavery, sexual violence, enforced disappearances, extortion and abduction, before continuing the route to another country. The alternative is to return to the same unbearable circumstances that led them to flee their countries in the first place.

With varying degrees of intensity, similar abuses are perpetrated by authorities in Tunisia, Morocco, Mauritania, or Algeria against sub-Saharan migrants, refugees, and asylum seekers, according to Human Rights Watch reports.[64] Documented abuses include beatings, excessive use of force, torture, arbitrary arrest and detention, collective expulsions, dangerous actions at sea, forced evictions, and theft of money and belongings. In Tunisia, for example, most of the abuses took place after President Kaïs Saied ordered security forces in February 2023 to crack down on irregular migration, linking undocumented African migrants to crime.[65]

The UN knows this, the NGOs know this, and certainly the European authorities promoting and funding externalisation arrangements know this. That is why it matters so much that the UN Human Rights Council resolution speaks of the responsibility of states to safeguard these rights actively and in all areas where they have the capacity to influence. This includes not financing criminals or looking the other way when they act.

In any other area of public intervention, the accumulation of reasons outlined in this section would lead one to reconsider the path. The EU and its member states, however, have chosen to double down politically and financially in favour of the externalisation of migration control, and the narrow-door migration policy is in fact a clear component of the Migration and Asylum Pact. The following section explains some of the reasons why this model survives the chaos it generates.

8. Why a failed model is perpetuated

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[63] More information at:
https://www.ohchr.org/en/press-releases/2023/07/libya-un-experts-alarmed-reports-trafficking-persons-arbitrary-detention
[64] See, for example:
https://www.hrw.org/news/2023/07/19/tunisia-no-safe-haven-black-african-migrants-refugees
[65] See at:
https://elpais.com/internacional/2023-03-02/la-embestida-del-presidente-de-tunez-contra-la-inmigracion-fuerza-la-repatriacion-de-cientos-de-subsaharianos.html

The million-dollar question is why such a costly, immoral and, above all, ineffective system is sustained over time and grows in resources. In any other area of public policy, the voters or the most affected citizens would have demanded a reconsideration in line with the interests and values of the European countries themselves. In the case of migration management, however, the response to failure is to dig deeper into the same hole. And all those who could alter this drift by their action or opinion seem to be comfortable with it.

There are several reasons for this dysfunctionality:

- It is a phenomenon tied to the logic of the police and security institutions. To the extent that the arrival of foreigners is seen as a threat, those ultimately responsible for migration management are the state's security forces. It is very difficult to find a country in which the ministry of the interior or its equivalent is not at the forefront or among those who decide the direction of migration policies. Often, as in the case of Spain, its position weighs disproportionately heavily and withstands political ups and downs surprisingly well. But police officers, like armies, are trained to do only one thing, which is to guarantee the security of the citizens residing in the destination countries. They do not know about economics or demographics, they operate according to their own incentives, they have a certain type of interlocutor on the ground, and they demonstrate a particular order of priorities when it comes to choosing between security and human rights. Equally important, unlike other administration positions that come and go, and whose position is derived from the government of the day, states' security structures demonstrate an enviable continuity over time.

- It has become an opaque and fragmented system: The management of migration in transit and destination is subject to a striking and dangerous opacity. Put simply, when it comes to the programmes and agreements that European countries deploy in regions such as the Sahel, we often do not know with certainty who is involved, how much is at stake, or how programmes are produced and evaluated, and this makes reform or monitoring considerably more difficult. The kinds of tools described in the previous section - such as the use of bribes or the payment of interns - are often not aired in public statements or appearances before oversight bodies. This opacity is compounded by the compartmentalised nature of externalisation, which prevents one part of the process from knowing exactly what is happening in another and the consequences of the actions. And this prevents reconsideration, eliminating the possibility of the process coming to a halt. It could be argued, for example, that some of the cooperation programmes carried out by NGOs with public money, whose

stated purpose is to prevent people from migrating, prostitute the very idea of development by putting the interests of the donor first and negating the benefits of an orderly migration process in the process. The same could be said of international agencies that collaborate with security forces en route by caring for part of the migrants without denouncing what happens to the rest. But it will not be easy to find NGO or multilateral organisation leaders who recognise these limitations. Nor will it be easy to find a politician who admits that his or her proposals for border management in Spain cause the death or suffering of many thousands of kilometers away.

- It is an economic and political vein whose beneficiaries have a vested interest in maintaining. Organised groups, lobbies, companies or parties: the chaos allows for the poorly controlled intervention of a large group of economic actors who find in the permanent state of emergency a fabulous source of public resources. Moreover, all those who benefit from the prevailing migration system will invest economic, political and narrative efforts to ensure that things stay as they are. Our analysis of the Migration Control Industry showed how beneficiary companies and the political options behind them promote events, fairs, opinion pieces or electoral races that act as echo chambers for the migration-as-threat argument.[66] The political emergency then has juicy budgetary consequences. In some cases, as in the case of cooperation agencies that feed off these resources to guarantee their bottom line, dependence nullifies any critical capacity and turns those in charge into accomplices of the worst consequences of the system. Once the model have been set up, a clientelistic logic is established in which opportunistic businesses proliferate.

- It relies on a misguided but effective narrative. Like a hamster wheel, the public conversation merely reacts and demonstrates an astonishing inability to offer alternatives. A powerful and well-established mainstream narrative reduces human mobility to the categories of threat or tragedy. For one part of society, migration is an existential threat in which our economic interests, our traditional identity and our security are at stake. Even before that, migrants were simply victims to be rescued or, better still, convinced not to undertake a migratory journey doomed to tragedy. In both cases the phenomenon is tantamount to a problem that must be solved at all costs. In the face of chaos, the aspiration of control. And that includes deploying the externalisation measures we have described in previous sections: there may be differences in the nature and aggressiveness of the methods, but not in the very fact of preventing the flows. In a sense, this is a self-fulfilling prophecy, with policy responses anticipating the outcome of the process. We have repeated so much and the media have so thoroughly taken on board the problematising language - "the migration drama", "the

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[66] See at: https://porcausa.org/somos-lo-que-hacemos/industria-del-control-migratorio/

avalanche", "the problem" - that no sensible citizen would understand if we did not try to dampen it. This further reinforces the narrative and makes it more difficult to find solutions.

- Externalisation has generated a relationship with the countries of origin that is difficult to reverse. The only way for migration control externalisation policies to be implemented is with the cooperation or acquiescence of the countries of origin and transit. But the opaque, aggressive and utilitarian nature of these agreements is a two-way game: if Europe is willing to use its economic and military resources to blackmail or bribe partners at origin, they are able to do the same. The use of migrants as a weapon of war is a long-standing practice, but it has intensified in recent years. When they show particular zeal in migration control, all kinds of outrages take place that the EU cannot say anything about (the repression at the Melilla fence or the refoulements in the desert are recent examples). But problems also arise when the response is the opposite: countries such as Morocco, Senegal or Niger open or close their hands to migratory mobility in order to obtain economic and political concessions from EU countries. This game not only consolidates autocratic regimes or illiberal democracies, but also harms their own citizens and weakens the position of democratisation and human rights movements on the African continent or in the Middle East.

9. In the face of chaos, there are alternatives

We have no reason to believe that the EU's migration policy drift will change fundamentally in the short term. As this report goes to press, the European Parliament has just approved the new Pact on Migration and Asylum, a political, institutional and budgetary artifact that consolidates the worst impulses of the past. It is a raft of legislative initiatives that reflect the main consensus of the shielding, at all costs, of the EU's external borders. The member states' agreement consolidates the militarisation of the European Border Agency (Frontex) and puts the pedal to the metal on measures to externalise migration control. Its inability to establish binding mechanisms for sharing responsibility for international protection calls into question the EU's integration muscle beyond self-interest.

Trying not to give arguments to the far right, the EU's social-democratic, conservative and liberal parties have designed the pact that the national-populists inspired.

But if the new European framework for migration management is worrying for what it says, what it omits is alarming. To the reasons why this chaotic, cruel and ineffective system is perpetuated over time, it is worth adding what is perhaps the determining factor: alternatives are not part of the debate. The European Commission and the member states have explicitly given up on exploring solutions that would bring order to the system by way of a contract between all the parties affected by this debate and optimise their rights and interests: the migrants themselves, the countries of destination, and the countries of origin and transit.

This is not an easy conversation, given the radioactive nature of the debate and the absence of proven alternatives to the externalised migration restriction model. However, a closer look would allow us to identify a multiplicity of experiences that establish incentives and mechanisms for orderly mobility, resulting in a reduction of migratory pressures. Organisations such as the American organisation Labor Mobility Partnerships, the British think-tank ODI or the OECD Development Centre have documented many of these experiences, with the aim of replicating them and taking them to scale. Generating alternatives requires an exercise in policy innovation that fits poorly with the short-term politics and risk aversion of the migration sector.

It is not the purpose of this report to delve into these alternatives here. But, as we have seen throughout its pages, it is naïve to think that this model does not generate risks. Extraordinary risks to the economy, to security, to human rights. But also for the very nature of the European project. The sooner we build a coalition of public and private sector representatives to move forward in introducing alternatives, the sooner we will get out of this hole.

Annexes

Annex 1. **European legislative appendix on externalisation (1985-2024)**

1985   **Schengen Agreement.** Migration control as an element of security: the idea of remote control of migration appears.

1992   **London Resolution.** Safe countries of origin' are identified as countries that the EU does not accept asylum solutions for nationals to safe countries because they are not considered dangerous.

1992   **Maastricht Treaty.** Gives a formal structure to the requirements on migration to the EU. Basis for a common visa policy.

1997   **Treaty of Amsterdam.** Establishes the Area of Freedom, Security and Justice (AFSJ). Introduces migration control and cooperation and border management practices.

1998   **Strategy on migration and asylum policy.** First time that expulsion agreements appear with countries of origin that are - almost - obliged to admit their nationals.

1999   **Tampare Congress.** AFSJ is implemented. Tandem begins: cooperation and migration control. The need to combat irregular migration by effectively managing flows is made clear. Collaboration with countries of origin of migration.

2000   **Cotonou Partnership Agreement.** Action Plans are established with African, Caribbean and Pacific countries. Cooperation in exchange for accepting forcibly displaced persons. Deportation at the request of the EU.

2001   **Laeken European Council.** Global Plan to combat illegal migration - proposed by the Spanish Presidency - consists of financial support for countries of origin and transit. Development of measures prior to border crossing to prevent the arrival of migrants in Europe.

2002	**Seville European Council.** Systematic evaluation and sanctions of the EU's relations with third countries that do not cooperate in the fight against illegal immigration. The seed of Frontex.

2002   **Seville European Council.** Systematic evaluation and sanctions of the EU's relations with third countries that do not cooperate in the fight against illegal immigration. The seed of Frontex.

2003   **Thessaloniki European Council.** Adoption of appropriate legal instrument to formally establish the network of immigration liaison officers to third parties.

2004   **European Neighbourhood Policy (ENP).** Restrict unwanted migration flows. Apply the principle of conditionality as an instrument to "finance" the externalisation of borders. Importance of Morocco in the ENP. The ENP is implemented through Action Plans.

2004   **Hague Programme.** It gives legal backing to the EGM. Further elaboration on countries of origin and transit.

2005   **Global Approach to Migration (GAM).** Within the general framework of the EU's external policy on migration and asylum. Priority on Africa and the Mediterranean region. Pilot in Libya. Frontex is established.

2005   **Action plan with Morocco.** Ceuta and Melilla fence crossings. Morocco undertakes to comply with the reforms and measures proposed by the EU in exchange for substantial economic funds in the form of 'development cooperation'.

2009   **Stockholm Programme.** It calls for greater cooperation with third countries. Cooperation to facilitate the return of minors and prevent new departures.

2011   **Global approach to migration and mobility.** Irregular migration as a security problem to be prevented and reduced through EU support to third countries. The use of biometrics in non-EU countries.

2014   **Brussels European Council.** The EU-funded MSI is validated in countries of origin and transit.

2014   **FAMI and FSI.** EU emergency funds used to finance border securitisation actions. The reception of migrants and the search for international protection is ignored.

2015   **European Agenda on Migration.** Measures are taken at two levels: immediate (refugee crisis) and long-term. Frontex is strengthened. The need to focus on the causes of migration, border strengthening and readmission agreements is affirmed.

2016   **Valletta Summit.** The EU Emergency Trust Fund for Africa (EUTF) is established. Increased cooperation from countries of origin and transit. Increased number of deportations.

2016   **Partnership framework with third countries in the context of the European Agenda on Migration.** Reinforces the externalisation of EU migration policy. The EU links the collaboration and cooperation of these countries to conditionalities such as funds and investments. Turkey-EU Agreement.

2017   **Review of the European Agenda on Migration.** A commitment to an effective and credible EU return policy. Member countries are asked for better coordination and the creation of voluntary return programmes.

2017   **Overall strategy for the EU's foreign and security policy.** Principles, mechanisms and procedures for implementing the EU's Common Foreign and Security Policy (CFSP). Migration is placed as a key element to be controlled by the CFSP.

2020   **New Migration and Asylum Pact.** Root cause narratives. Mechanisms to deter, control and return migrants and refugees.

2024   **Adoption of the Migration and Asylum Pact**

Annex 2. Spain's agreements with third countries

Country	Year and type of agreement
Morocco	**1992.** Readmission Agreement
Nigeria	**2001.** Repatriation Agreement
Guinea Bissau	**2003.** Repatriation Agreement
Mauritania	**2003.** Repatriation Agreement
Senegal	**2006.** Repatriation Agreement
Gambia	**2006.** Framework Agreement on Migration Cooperation and Readmission
Guinea	**2007.** Framework Agreement on Migration Cooperation and Readmission
Cape Verde	**2008.** Framework Agreement on Migration Cooperation and Readmission
Mali	**2008.** Framework Agreement on Migration Cooperation and Readmission
Niger	**2008.** Framework Agreement on Migration Cooperation and Readmission
Guinea Bissau	**2009.** Framework Agreement on Migration Cooperation and Readmission
Mauritania	**2007.** Agreement on the promotion of legal migration

Senegal   **2008.** Agreement on prevention of illegal immigration of unaccompanied minors

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