

**European Union Cooperation with Third Countries on Migration: The Case of the
Maghreb Region**

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Abstract

Since the Euro-Mediterranean Conference of 1995, the European Union has sought to strengthen cooperation with the Maghreb region in order to promote stability and manage shared challenges, including migration. Through the European Neighbourhood Policy and related cooperation frameworks, the European Union has developed strategic partnerships with Morocco, Tunisia, and Libya. This article examines how the EU cooperates with Maghreb states in migration governance and explores the implications of these arrangements for regional power relations. Using regionalism theory as an analytical framework, the study analyses European Union policy instruments and cooperation mechanisms in the Euro-Mediterranean space. The findings suggest that while cooperation has deepened institutional ties between the EU and Maghreb states, it also reflects significant asymmetries in power and responsibility within migration management.

Keywords: Migration; asylum; EU migration and asylum policy; Euro-Mediterranean region; Maghreb region; regionalism; international cooperation.

Introduction

Migration within the European Union is characterized by significant complexity. This is because it includes a mix of competences. This complexity can be explained in two ways. First of all, according to Article 4(2) of the Treaty of the Functioning of the EU (TFEU), “migration” and “asylum” fall under the category of shared competences, meaning that the EU and the Member States act as co-legislators. Secondly, there is the external border management, which requires high-level involvement from the EU through EUROSUR (European Border Surveillance System) (Regulation (EU) 2019/1896) and FRONTEX (European Border and Coast Guard Agency) (Regulation (EU) 2021/581). Although migration itself is not an exclusive competence of the European Union, EU law prevails when regulating the Union’s external borders, particularly those of the Schengen Area. Last but not least, fundamental areas like irregular migration and admission numbers fall under the control of the Member States. As for irregular migration, national authorities are the ones responsible for the implementation of returns (Eisele, 2014), while in accordance with Article 79(5) TFEU all EU Member States hold the right to define the amount of migrants that will enter their borders to either work or reside within them. This practically grants Member States the ability of setting quotas and creating policies regarding labor and economic migration (Geddes & Scholten, 2021). Consequently, coordinating the numerous actors operating across different levels of governance represents a significant challenge for the European Union.

This article contributes to the literature on EU external migration governance by examining EU–Maghreb cooperation through the lens of regionalism theory, highlighting how asymmetrical power relations shape migration management arrangements in the Euro-Mediterranean region.

Methodology

This study employs a qualitative research design based on three case studies in order to examine EU–Maghreb cooperation on migration governance. The theoretical framework employed in this study is that of “new regionalism”, which focuses on regional integration involving a plethora of actors and dimensions. The sources used in this research can be divided into primary and secondary materials. Primary sources include policy briefs and legal texts issued by the European Union, European Commission statements, as well as Mobility Partnerships with Morocco and Tunisia, alongside cooperation frameworks with Libya. Secondary sources include policy reports, academic literature—primarily journal articles—and publications by NGOs on the topic of the EU’s migration management policy. Each case study is examined independently in order to identify both common patterns and variations in local acceptance, policy implementation, and human rights implications across the aforementioned countries.

EU’s Migration Policy Evolution Timeline

Migration policy in the European Union can be divided into three phases, each characterized by distinctive features, challenges and developments (Olmedo Alberca, 2023). First of all, there is the “pre-2015 era”, within which the Union’s “shared asylum policy” began being formed during the late 1990s and early 2000s. The formation and enrichment of the aforementioned policy gradually led to the so-called “Common European Asylum System” (CEAS), a set of laws regarding asylum seekers (Refugee Support Aegean, 2024). The primary objective of the CEAS was, and remains, to standardize the rules governing the topic of “asylum” across all EU Member States (EU Council, 2024). This standardization would

guarantee a just treatment of all asylum seekers, a reciprocal approach to the protection of refugees as well as a common recognition of the decisions taken by the Member States in terms of asylum. The CEAS established minimum standards for all relevant asylum procedures, while the Dublin Regulation determined that the country responsible for the processing and approval or decline of asylum requests would be the Member State in which a third-country national first enters (European Commission, 2024). During this first phase, the European Asylum Support Office (EASO) was also established in 2010; in 2022, it was renamed the European Union Agency for Asylum. It is a *de novo* body of the European Union specifically designed to assist Member States in implementing the legal framework of the CEAS (EUAA, 2024). However, the frontline states like Greece and Italy suffered an unprecedented burden for which solidarity from the other Member States was quite absent. Apart from this finding, there were also significant disparities between Member States regarding the numbers of asylum request approvals.

The second phase lasted from 2015 to 2016, when the migration crisis broke out in Europe. It is estimated that about 1 million refugees and migrants arrived in the EU during 2015 in order to escape war (UNHCR, 2015). In Southeastern Europe the coping mechanisms of the CEAS were overburdened, which led to social backlash that fueled nationalist voices across the EU. Europe faced an unprecedented situation and did not manage it efficiently. One of the initial measures taken was the introduction of relocation quotas, however the Member States never actually complied with those quotas. Consequently, several EU countries began closing their borders to prevent the entry of refugees, while internal border controls were reintroduced within the Schengen Area.

The whole migration crisis was highly securitized as a topic in the public dialogue as well as externalized through agreements with neighboring countries for the management of migrants (ex. EU-Turkey deal in 2016).

The third phase starts from 2020 with the launch of the New Pact on Migration and Asylum, later adopted in 2024. This pact contains five fundamental provisions: a ‘mandatory solidarity mechanism’, which allows EU countries to decide on their contribution; quicker border procedures, especially regarding cases of migrants with low chances of asylum request approvals; a more decisive external dimension through the bolstering of cooperation with both origin and transit countries of migrants; a revision of the Dublin system that focuses on connections-based responsibility sharing (e.g., family); and the founding of monitoring and implementation mechanisms (European Commission, 2024).

The Theoretical Framework of Regionalism

The concept of regionalism describes a process involving states located within a specific geographic area. The main actions of these states are policy coordination and the founding of institutional frameworks, in order for them to tackle common challenges or promote reciprocal interests (Fawcett, 2005). Regionalism can be divided into two broad phases: old regionalism, which dates from the 1950s to the 1980s, and new regionalism, which emerged in the 1990s and continues to the present day.

“Old regionalism” stems from the classical integration theories of functionalism and neo-functionalism. Its primary focus lies in formal intergovernmental agreements, mainly economic in nature, such as free trade agreements or customs unions.

All integration processes under the scope of “old regionalism” are state-driven. On the other hand, “new regionalism” is rooted in the multipolarity of the post-Cold War world and was influenced by globalization. Its fundamental feature is multi-faceted cooperation, which is not limited in the field of economy, but includes migration, security, environment and identity (Hettne & Söderbaum, 2000). Processes are not exclusively state-driven, since a number of non-state actors like international organizations, NGOs and civil society, are decisively involved.

Regionalism includes five fundamental concepts: “regionness”, referring to the extent to which a geographic area can become institutionalized (Hettne, 2005), “multi-level governance”, meaning the division and fusion of power across supranational, national and local levels, “security regionalism”, explaining the formation of regions as a response to security threats like terrorism and migration, “interregionalism”, describing the relations between different areas (ex. EU-Africa relations) and “asymmetrical regionalism”, referring to the process of region-building through unequal power relations (ex. EU initiating partnerships with weaker countries).

Migration and Regional Governance in the EU

Migration is a transnational challenge and, therefore, requires regional action and coordination. When focusing on the EU, governing migration involves multi-level negotiations between EU institutions and bodies, Member States as well as third countries. As Geddes & Scholten note, this form of governance, which extends beyond the nation-state and intersecting human rights, security and integration, has been formed as a result of migration making both a policy field and a trigger point (2021).

In these terms, both “internal” and “external” forms of regional governance can be observed. The “internal” fundamentally refers to the CEAS, which was properly analyzed in the

introduction. However, it is critical to highlight the fact that internal regional governance is frequently undermined by the interests of the respective Member States, as it is shown by the unequal implementation of the CEAS's provisions across the EU (Börzel & Risse, 2012). The “external regionalism” or “governance export” (Lavenex & Schimmelfennig, 2009) refers to a set of instruments like Mobility Partnerships and Readmission Agreements through which the EU aims to achieve a co-management of migration with third countries, especially in Northwest Africa. The so-called “partnerships” between the European Union and non-EU countries are a typical example of “asymmetrical regionalism”, with the EU being the terms and rules-setter, while its counterparts are obligated to abide by those rules because of the aid they receive in return (Del Sarto, 2016). Del Sarto points out a distinctive “duality” regarding migration governance in the EU: The battle between normative goals, on the one hand, and strategic interests, on the other. He explains that, although the EU stands for and prioritizes human rights, refugee protection and integration, its regional policies seem to promote border control, containment and selective mobility. This is why he describes the EU as a “normative emperor” (2016).

The EU-Maghreb Migration Cooperation in a Nutshell

The cooperation between the EU and the Maghreb states on migration is strategic, complex and critical, since a significant part of migration governance is regulated and managed outside the EU's external borders. The relationship between the European Union and the Maghreb countries is shaped by geographic proximity, shared historical and colonial experiences as well as interdependence on energy, trade and migration flows.

The EU, on its side, provides the Maghreb countries with economic and trade incentives, political cooperation opportunities and development aid. In order to do so, the Union has

purposefully designed and taken advantage of instruments like the “Barcelona Process” (1995), the “European Neighborhood Policy” (2004) and the “Union for the Mediterranean” (2008), which include migration regulation and management into the region’s political agenda.

Since the migration crisis in 2015, the EU has increasingly viewed the Maghreb states as “buffer zones” that could prevent the arrival of migrants and asylum seekers at the European borders-especially from the seas. Morocco, for instance, controls the migration flows of the Western Mediterranean route, while Tunisia and Libya are in charge of the Central Mediterranean route. This explains why the EU has promoted an “externalization agenda”, when it comes to tackling migration. In return, though, the EU has appointed FRONTEX to specifically train and assist the border authorities of the aforementioned countries-and not only-.

The EU-Morocco Case Study

Morocco, located at the crossroads of Africa and Europe, acts as the key factor for the management of the so-called Western Mediterranean route. As Lavenex and Schimmelfennig note, the migration cooperation between the European Union and Morocco is part of a more general externalization policy, where the EU seeks to coordinate migration flows, mobility and returns through partnerships with third countries, in order to manage migration outside its borders (2009). The two partners cooperate at both the multilateral and bilateral levels, including through broader EU instruments such as the ENP and the Union for the Mediterranean. On the other hand, in 2013, Morocco signed a Mobility Partnership with the EU-the first southern Mediterranean state to do so-which created a tailored framework that would bolster border controls, promote legal migration and advance readmission coordination (European Commission, 2013). To enhance the country’s migration control infrastructure, integration policies and border

surveillance capacity, the Union has granted Morocco notable financial aid mainly stemming from the EU Emergency Trust Fund for Africa.

Morocco, on its side, has set itself as a “migration leader” in the African continent with the introduction of an active migration plan. In 2014, for instance, the country adopted the “National Strategy on Immigration and Asylum” (SNIA), which promotes the safeguarding of migrants’ human rights, the promotion of regional cooperation as well as the enhancement of integration (North African Policy Initiative, 2019). Moreover, since 2013 Morocco has launched two significant regularization campaigns regarding irregular migrants.

Despite the principle of “shared responsibility”, the aforementioned cooperation could be described as quite asymmetrical, since the European Union takes advantage of its economic and political precedence to ensure Morocco’s engagement in border controls and returns (Carrera et al., 2016). This is why the latter has advocated for a more just cooperation, increased development funding as well as visa facilitation for Moroccan nationals (Fernández-Molina, 2021).

The EU-Tunisia Case Study

Tunisia is both an origin and transit country for migrants, located significantly close to the EU-across Sicily and Malta-. The cooperation between the two partners on migration is based on the ENP and their bilateral Mobility Partnership signed in 2014. Through the latter, both parties committed to tackle irregular migration while surveilling the legal one and bolster development by promoting circular migration and upgrading of skills (European Commission, 2014). However, the agreement has not yet been efficiently implemented, since Tunisia has been

facing significant political instability internally and has been quite reluctant when it comes to complying with EU conditionalities regarding readmissions.

In 2023, a “strategic partnership” was signed by the EU and Tunisia. The key goals of this new framework were the strengthening of border controls, the support of returning migrants as well as the promotion of anti-smuggling action (European Commission, 2023). For these purposes, the EU allocated approximately €105 million in migration-related support combined with macro-financial aid and energy partnership.

However, Zardo and Abderrahim note that Tunisian authorities have consecutively turned down the formalization of returns regarding irregular migrants that the EU proposes and promotes as a policy (2022). This reluctance stems from both an emphasis on national dignity and the Tunisian public’s aversion to become EU’s “border guard”.

Despite this finding, Tunisian cooperation has been linked to broader FRONTEX-supported operations in the Central Mediterranean over the years, resulting in increased seizures of illegal migrants at the Mediterranean (Fargues & Rango, 2021). These operations benefit primarily the EU, however they often pose migrants’ rights at risk. Allegations against Tunisian authorities regarding the abandonment of migrants have been frequently reported by human rights organizations (Amnesty International, 2023).

The EU-Libya Case Study

Since the migration crisis of 2015, Libya has become a partner of vital importance for the curbing illegal migration from the Central Mediterranean route, which constitutes the most challenging entering path to the EU.

In 2008 Italy and Libya signed a Friendship Treaty and in 2017 a Memorandum of Understanding, with the EU providing the Libyan Coast Guard with both financial and administrative aid in order for the latter to detain irregular migrants and return them to the inland areas (Paoletti, 2011; Human Rights Watch, 2019). Moreover, in 2020, over €700 million were allocated to Libya from the EU Commission through the EU Emergency Trust Fund for Africa, aiming both the strengthening of border controls and the tackling of migration's driving factors in the country (European Commission, 2020).

Similar to the cases of EU-Morocco and EU-Tunisia cooperation on migration, the Union is once again criticized for externalizing its border management while neglecting human rights and migrants' safety regarding the state of Libya. Libyan detention centers are repeatedly accused of forcing migrants into labor, torturing and blackmailing them. A significant amount of these centers are, in fact, ruled by militias with no governmental surveillance (UNHCR, 2021; Amnesty International, 2020).

Lastly, the Libyan political situation impedes the cooperation with the EU on migration matters, since Libya consists-still-a fragmented state with militias and opposing governments fighting to prevail. As Bialasiewicz notes, the aforementioned ascertainment questions both the capacity and the lawfulness of the country of Libya to operate as a reliable actor in controlling migration (2012).

Conclusion

The cooperation between the EU and the Maghreb area on migration illustrates the relationship between the EU's normative ambitions and its strategic objectives in the context of regional governance. This cooperation focuses on a broader externalization policy with the

ultimate goal of curbing migration flows before they even reach the borders of Europe. This finding can be evidently viewed in the cases of Morocco, Tunisia and Libya, in which the fundamental provisions include readmission agreements, border controls and return mechanisms. These bilateral partnerships between the European Union and the aforementioned Maghreb countries respectively reflect the so-called “asymmetrical regionalism”, in which the EU is the dominant actor who sets the rules, laws, norms and trends, while providing financial, political and administrative aid in order to secure the engagement of these less powerful countries. These incentives have actually contributed to managing migration in the Mediterranean area, however they have-at the same time-neglected human rights and have faced reluctance by the partner-countries, who refuse to become EU’s de facto border controllers. The European Union continues to seek a balance between its security priorities with the safeguarding of human rights and the principle of shared responsibility. Achieving a more ethical and sustainable migration governance framework will require these partnerships to become more transparent, reciprocal, and institutionally robust.

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