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EU-Algeria (non)cooperation on migration: A tale of two fortresses

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ABSTRACT

Despite the bilateral commitment to engage in ‘regular dialogue on issues related to mobility, migration and asylum’, EU incentives have failed in leveraging Algeria to secure cooperation notwithstanding seemingly converging interests. What explains the Algerian endless resistance to the EU’s pressure and incentives? This paper claims that a focus on the historical development of the Algerian security regime improves the understanding of its non-cooperative approach vis-à-vis the EU.

KEYWORDS Algeria; European Union; migration; historical institutionalism; borders

Introduction

Despite the commitment to engage in ‘regular dialogue on issues related to mobility, migration and asylum’ stated in the 2017 EU-Algeria Partnership Priorities (EU-Algeria Association Council, 2017, p. 10, own translation), and unlike the other Middle Eastern and North African countries, EU incentives have failed in leveraging Algeria to secure cooperation. Algiers did not negotiate a Mobility Partnership, did not support the migration compacts and is not involved in any project funded by the newly introduced EU Emergency Trust Fund for Africa (EUTF), except for broad regional projects. Explanations based on economic independence can limitedly account for Algerian isolationist foreign policy; and this is even more valid in migration diplomacy, where the EU and Algeria seemingly have converging interests. Human mobility and border management are, historically, both part of the Algerian political agenda, and a security-oriented approach seems to feature in both the European and Algerian ways of dealing with this challenge (Werenfels, 2018). What explains, then, Algerian decisive resistance to the EU’s increasing incentives and availability to negotiate with third countries?

This paper claims that a focus on the historical development of the Algerian security regime can improve the understanding of its non-cooperative

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approach vis-à-vis the EU. The national security regime is intended here as the 'combination of principles, norms, and rules regulating the state's behaviour in its duty to protect its citizens, economy and institutions' (Jervis, 1982, p. 357). Most of the variables adopted so far to account for the Algerian case, such as the conceptualization of borders (Cavatorta, 2009), the notion of sovereignty and interdependence in its foreign policy practice (Mortimer, 2015; Zoubir, 2004) and the country's concerns with regional geopolitics (Larramendi, 2019) have been considered individually as if they were unrelated to each other, thus limiting their explanatory potential. In this paper, we consider them as integral and intertwined parts of the national security regime. In doing so, we aim at understanding how they determined the Algerian responses to the EU cooperation proposals.

In line with the theoretical approach of the themed issue, we assume that, first, institutions matter as they can affect preference formation, besides channelling political conflict; second, temporality is a crucial factor for the transformation of institutions and in explaining the direction of policy change (Pierson, 2000). The development of the EU migration policy has provided fertile ground for historical institutionalists to test the explanatory potential of path dependence and critical junctures while third countries' attitudes towards international cooperation on migration has received less attention. We triangulated the information from Algerian and EU documents drafted from the launch of the Euro-Mediterranean Partnership (EMP) in 1995 to the 2017 Partnership Priorities in the framework of the renewed Neighbourhood Policy, interviews conducted with selected interlocutors from Brussels, Algiers and Vienna and secondary sources.

The research confirms the institutionalist hypothesis: it shows the extent to which the Algerian migration diplomacy towards the EU is characterized by path-dependence and that the principles, norms, and practices forming the Algerian security regime account for this trajectory.

An historical institutionalist approach to the 'Algerian fortress'

The burgeoning literature on the EU migration policy, EU foreign policy and Euro-Mediterranean relations overall agree that, despite increasing third countries' resistance to the EU's externalization of migration control (El Qadim, 2018; Kunz & Maisenbacher, 2013; Zardo & Cavatorta, 2018), power asymmetry ends up driving cooperation dynamics, and the EU succeeded so far in leveraging sceptic governments through different types of tools and institutional arrangements (Cassarino, 2014; Del Sarto, 2016; Kunz & Maisenbacher, 2013; Zardo, 2017). Contrary to this shared claim, the Algerian response to the EU pressure historically differs from that of other authoritarian and post-authoritarian regimes in the region. What explains the lack of policy change despite the need for the Algerian government to

address the challenge of irregular migration and the convergence with the EU in terms of approaches to migration management? While rational choice scholars look at deviating cases predicted by the theory, historical institutionalists 'begin with empirical puzzles that emerge from observed events or comparisons' (Thelen, 1999, p. 386). In this respect, there is little doubt that EU-Algeria migration diplomacy is an interesting case. On the one hand, the tools that proved successful in convincing reluctant North African countries, such as more financial support, non-binding and more flexible agreements or a focus on security aspects, have not moved the EU-Algeria agenda further. On the other, the hypothesis that similar (securitized) approaches to migration management between actors such as the EU and Algeria and external shocks such as the crisis in Mali or in the Maghreb area in 2011 would lead to policy change and entail more cooperation between Algeria and the EU is disconfirmed by the EU progress reports and interviews and leave room for further analysis.

The core assumptions of historical institutionalism are that, first, institutions matter not only because they constrain or enable political conflict among parties, but also as they affect preference formation. Historical institutionalism acknowledges the relevance of social learning and interactions in shaping the actors' interests but gives primacy to the conditions under which ideas get embedded within institutions (Fioretos, 2011). Second, temporality plays a key role in political processes in at least two ways. On the hand there are crucial moments of institutional formation (critical junctures) that 'send countries along broadly different development paths' (Thelen, 1999, p. 387); on the other, while institutions continue to evolve, the more time passes, the more difficult it is to reverse the course of action, since policy formulation tends to follow path trajectories (Pierson, 2000).

In the field of EU studies, critical junctures, and path-dependence have already proved useful in explaining integration in a variety of policy areas (Meunier & McNamara, 2007; Thatcher & Woll, 2016), not least Justice and Home Affairs (JHA; Ekelund, 2014; Wolff, 2012). Wolff, Wichmann, and Mounier (2008), in particular, have demonstrated that cooperation in the Mediterranean on both counter-terrorism and border management slowly advanced despite the existence of 'critical junctures', because the external dimension of the policy was dominated by path-dependence. Historical legacies played a key role in advancing or blocking decisions and in the choice of target countries for the external dimension of JHA. Historical institutionalist research on the EU response to the Arab uprisings reached similar results, showing the extent to which past trajectories and crucial moments determined to change and continuity in the EU's external action (Bauer, 2015). While area studies have explored Mediterranean countries' responses to certain critical junctures, such as during the period of the 1967 and 1973 Arab-Israeli wars, to understand their influence on international

policy formulation in the context of the Middle East peace process (Dannreuther, 2011), institutions and temporality have been less used as variables to observe third countries' behaviours in advancing or blocking international cooperation on migration. Interestingly, Wolff even argues that in the field of border management between the EU and Southern Mediterranean countries, 'the "history variable" for the latter was less significant' (Wolff, 2012, p. 213).

In this research, we approached the Algerian puzzle by testing the explanatory potential of the Algerian security regime as institutional variable accounting for the trajectory of cooperation on migration with the EU. The national security regime is formed by principles, norms, and rules aimed at protecting the state from military and non-military threats (Jervis, 1982). Scholars have so far researched the relevance of some of these norms and principles in determining Algerian foreign policy choices. The history of borders and its link to international actors (Cavatorta, 2009), sovereignty, and non-interference (Mortimer, 2015; Zoubir, 2004) or Algeria's relations with its neighbours (Larramendi, 2019) are important examples in this respect. However, they have not been considered as intertwined variables which form an enduring institutional framework (the Algerian security regime). The historical institutionalist approach allowed unveiling the political struggles behind them and the policy feedbacks and path-dependence dynamics that they created.

Migratory flows in Algeria include emigration of its own citizens, transit migration to Europe, and immigration of migrant workers and refugees who settle permanently in the Maghreb. While it is true, as Werenfels argues, that 'each of these groups is associated with different political and social dynamics and interests' (Werenfels, 2018, p. 22), the national security regime in Algeria regulates migration in all its dimensions. Four historical junctures are particularly relevant in the analysis of EU-Algeria cooperation on migration: the conflict with Morocco after the independence in 1963, the Algeria civil war during the 1990s, the recognition of terrorism as an international concern after the 9/11 events and the Arab upheavals in 2011. In our analysis, these critical junctures are instrumental in understanding the Algerian path dependence in its migration diplomacy.¹

EU-Algeria cooperation in migration

Different phases characterize the history of EU-Algeria relations, ranging from full integration of Algeria in the European Community as a French Department, to Algerian isolationism in the 1980s, which preceded Bouteflika's active diplomacy during the early 2000s. The latter culminated in the cautious signature of a Euro-Mediterranean Association Agreement in 2005 after more than 10 years of thorny negotiations (Darbouche, 2008). The

Association Agreement formally included Algeria in the EMP framework, a process that the other Middle Eastern and North African countries, with the exception of Libya, Syria, and Lebanon, had successfully completed by the end of the 1990s. In fact, divergences between the EU and Algeria over the importance of cooperation on counter-terrorism had blocked the negotiations until the events of 9/11. The entry into force of the Association Agreement did not alter the official Algerian foreign policy discourse based on the quest for sovereignty and indigenous democracy (Volpi, 2000; Welz, 2012; Zoubir, 2004) but paved the way for more cooperation in a number of policy areas such as energy, trade, and technology transfer. The former remains the main priority for the Algerian government, but the ENP, which was eventually operationalized in 2017 through the establishment of the 'partnership priorities for the period 2016-2020', included a wide range of policy themes such as governance, rule of law and fundamental rights, the fight against terrorism and radicalization, migration, and mobility or public and cultural diplomacy (European Council, 2017). Compared to the Algerian isolationism of the 1990s and irrespective of uneven progress across policies, the developments occurred between 2005 and 2017 in EU-Algeria bilateral dialogue confirm that Algeria has become 'more pragmatic and flexible with respect to the principle of non-interference' that historically drove its approach to external relations (Thieux, 2019, p. 433).

This upwards trajectory does not equally apply to dialogue on migration and mobility. Despite the commitment to engage in 'regular dialogue at the most appropriate level on issues related to mobility, migration and asylum' stated in the 2017 EU-Algeria Partnership Priorities (EU-Algeria Association Council, 2017, p. 10, own translation), EU incentives have failed in convincing Algeria to secure cooperation. Flexible, non-binding and trade-related tools such as the Mobility Partnership or the migration compacts did not attract the interest of the Algerian government never agreed to start negotiations for a Mobility Partnership, de-politicization of the migration issue through technical cooperation never materialized, since the country is not involved in any bilateral project funded by the EU funding instruments, except for broad regional projects.

This reluctance does not mean, however, that the topic is not part of the Algerian foreign policy agenda, as confirmed by the government's emphasis on the free movement of Algerian and Maghreb citizens since the launch of the Barcelona Process in 1995 (Darbouche, 2008), nor that the EU and Algeria have completely opposite interests, since both are converging towards policies aimed at sealing borders off (Werenfels, 2018). Migration and mobility figure in some international agreement signed with EU, its member states or the United Nations. The Association Agreement (2005) includes, for instance, the possibility to cooperate in order to prevent and control irregular migration and the same applies to the ENP Partnership Priorities defined in 2017.

Moreover, between 1997 and 2006 the Algerian government has concluded bilateral readmission agreements with Germany (1999), Italy (2000), Spain (2004), Switzerland, and the United Kingdom (2006), or a protocol to fight against irregular migration and human trafficking with France (2008). At the international level, Algeria also ratified the Palermo Protocols against Smuggling (2001) and Trafficking in Persons (2004) as well as the main UN Conventions on the topic, and was the first Arab country to join the International Organization for Migration (IOM) in 2009.

Yet, unlike the majority of the other countries in the region, a closer analysis of the content of political dialogue between the EU and Algeria, of the operational documents that should follow the above-mentioned agreements or protocols and of the activities eventually performed shows very little progress. The negotiation of an EU readmission agreement, proposed by the EU since 2000, of a Mobility Partnership or a migration Compact, which have been the outcome of the migration and mobility priority in the Association Agreement or the ENP Action Plans for other Southern Mediterranean countries, in particular Jordan (see the contribution by Peter Seeberg in this Themed Section), Morocco (see the contribution by De Larramendi & Molina in this Themed Section) and Tunisia, have not started so far. Discussions between the parties have been rather conducted through informal dialogues (European Commission, 2018), the last one being organized in February 2019. Despite the Algerian Presidency of the IOM in 2009, projects implemented by the Organization only begun in 2016 and have been limited in scope. In particular, IOM experts did not supervise migrants' repatriation to Niger following the signature of an Algeria-Niger readmission agreement and could not verify the allegations made by many NGOs of severe violations of human rights.

A similar picture emerges from the ENP progress reports, monitoring documents and evaluations. While cooperation has been agreed on paper, the Single Support Framework, the Annual Action Plan and the 2018 Progress Report only refer to the willingness to perform joint activities. The projects funded by MEDA, ENI, and the EU Emergency Trust Fund for Africa involving Algeria, such as anti-smuggling and anti-human trafficking training, the Euromed Migration III and IV programmes² or the City-to-City Migration project³ are broad regional projects targeting cross-cutting issues rather than addressing bilaterally and more directly the specificities of the Algerian context. Moreover, the Algerian government is not cooperating with Frontex, and in 2018 officially rejected the proposal of establishing disembarkation platforms (Abderrahim, 2019). Positive results illustrated by the ENP progress report only include an increase in the number of short-term visa issued to Algerian migrants and the country now figures among the seven main beneficiaries of short-term Schengen documents. On the other hand, however, cooperation on readmission did

not progress, since the return rate still amounted to 17% in 2016 (European Commission, 2018). Similarly, to other countries in the region (Cassarino, 2007; Zardo & Abderrahim, 2018), the main difficulty lies in the identification of migrants and the reluctance of Algerian authorities to issue the travel documents required to unlock the readmission process. Both the increase in the number of visa and the readmission rate reflect an increase by 85% in irregular arrivals into the EU from Algeria in 2017 as well as irregular migrants with Algerian nationality, representing nearly 21% of migrants arriving in Europe through the Western Mediterranean route.

Migratory movements from and to Algeria, however, have also significantly changed over time. Relative economic wealth in the region transformed the country in a suitable destination for expatriate employees of foreign companies and for sub-Saharan migrants, especially in Southern regions (ICMPD, 2013). Moreover, Algerian emigration has intensified and diversified in terms of the profile of migrants and immigrants due to unemployment among university graduates, selective immigration policies in North America and Europe, but also because of the political situation in Algeria. Hence, after moving migration to the back burner of the political agenda during the 1980s and 1990s, the government embarked on a profound reform and expansion of its migration policy. Unlike in the past, when the living and especially working conditions of Algerian migrants abroad were almost the only concern of the Algerian authorities in the realm of migration, the control of sub-Saharan irregular migration became a pivotal issue. Besides ratifying UN conventions on the protection of the rights of migrants and the fight against human trafficking, it adopted in June 2008 the law on the conditions of entry, stay and movement of foreigners, and amended on 25 February 2009 its Criminal Code to add the crime of irregular exit from the territory for its citizens and resident aliens, as well as the crimes of smuggling and trafficking of persons, in accordance with the ratified Palermo Protocols. This adjustment not only had the effect of aligning the country with international law (Musette & Khaled, 2012), it also significantly affected the migration routes, behaviours of migrants and institutional settings. Indeed, in targeting irregular attempts to reach European shores both for Algerian citizens and third countries' nationals, it gave power to governors (*wali*) to decide on the detention of suspects of trafficking and aliens, as well as to create 'waiting centres' (*centres d'attente*) where to keep suspects. The reform introduced new offences and diversified among types of punishments: since then, for instance, the marriage of convenience became punishable and so did the crime of irregular emigration. Moreover, the law of 2009 defined for the first time smuggling as the organization of irregular exit from the national territory for profit, as

opposed to trafficking, whose potential transnational nature is strictly rejected by the Algerian authorities whenever engaging in cooperation with external actors.⁴ While this crackdown on irregular migration was in line with the European requests, it was more a response to perceived domestic insecurity than a concession to the EU.

Overall, it is fair to argue that not only is migration a central topic in Algerian politics but also that there is even some convergence with the EU in terms of approaches to migration management. The trajectory of EU-Algeria relations illustrated above, however, disconfirms the hypothesis of increasing cooperation over time. Rather, it shows the substantial resistance of this North African country in letting the EU deal with this policy area. Algerian economic independence, its historical isolationism in foreign policy and the 'low threshold for what is perceived as foreign meddling in domestic affairs' following the colonial past (Werenfels, 2018, p. 31) partly explain the limited progress. The following analysis shows the extent to which the Algerian state conceptualizes security, sovereignty, borders, and regional geopolitics as key institutions preventing 'critical junctures' to enable policy change.

Similar crossroads and yet no crossing: Path dependence and non-cooperation on migration

Historical institutionalists argue that 'investments in past designs may feature heavily in the calculations that individuals make when confronted with new realities and the decision of whether to incrementally reform or fundamentally transform policies' (Fioretos, 2011, p. 376). The analysis of the Algerian case shows that the costs and the legacies of the construction of the Algerian security regime are key factors shaping EU-Algeria relations in the realm of migration. It is widely acknowledged that security concerns have historically dominated post-independence Algerian foreign policy (Entelis & Arone, 1992; Thieux, 2019; Zoubir, 2004). Since its independence, national security for Algeria included both 'state interests' such as the ownership and control of oil and gas reserves, 'societal interests' like the construction of a national identity autonomous of the legacies of colonialism and 'regime interests' ensuring the survival of the authoritarian system (Lawson, 1993). Hence, national security is widely understood to include non-military dimensions and its protection involved the creation of formal and informal institutions regulating the state's behaviour (Jervis, 1982). Borders and border control actors are key institutions in this respect but we consider that a comprehensive analysis should also take into account the notion of sovereignty as guiding principle of the Algerian approach to foreign actors, particularly the EU, and the government's conceptualization of regional geopolitics. The structure of the EU migration policy and its incentives are

neither overweighting the sunk costs nor grasping the complexity of those historical legacies.

Borders and border control

The first fundamental component to understand how the Algerian security regime influenced policy-making is the conceptualization of borders and their control. Algeria is the Maghreb country mostly exposed to the Sahel. Historically, the discovery of oil (1956) and gas (1958) in the Algerian Saharan subsoil during the independence war (1954–1962) and the positive outcome of the war gave Algerian elites after their defeat of France a sacred legitimacy (Dris-Aït Hamadouche, 2016). The protection of its territory from external interference, especially in the Sahara region, to secure continuous oil rent, became a crucial concern for the Algerian state-building process. It also involved the need to cope with the neighbouring countries while keeping a leading position in the regional economy. The conflict with Morocco that started soon after the independence, in particular, triggered institutional reforms. Yet, it did not affect substantially the Algerian migration diplomacy. The two armed confrontations of the conflict (in 1963 and 1976) resulted in a military stalemate with formal closure of the border, strengthening the Algerian conceptualization of border protection as a tool for its own legitimization. At the same time, drug and goods smuggling and migration flows across the borders never stopped, due to uncontrolled areas along with the borders and smugglers and traffickers' changing strategies. The conflict led to mutual accusations between Algerian and Moroccan authorities of deliberately manipulating flows, pushing back and forth migrants into each other territories as retaliation (Werenfels, 2018, p. 29). Since then, institutional borders oversight is shared between of the Ministry of Defence (MoD), the Ministry of Interior (Mol) and the Ministry of Finance (custom authorities). The Mol, through the General Directorate for National Security (*Direction Générale de la Sûreté Nationale*; National Police), and the Frontier and Immigration Police, provides for intelligence, controls irregular goods and human mobility, and is in charge of the fight against human trafficking. The MoD through the Algerian army (*Armée Nationale Populaire*, ANP) and the *gendarmerie nationale* also provides for intelligence gathering and border guards, through the Directorate for General Intelligence (*Direction Renseignements Généraux*) and the Gendarmerie created in 1977 (Hanlon & Herbert, 2015). Besides the Army, Air Force and the Navy oversee land, air, and maritime territory. Moreover, the Ministry of Foreign Affairs (MFA) controls migration flows towards Algeria, and the responsibility for the attribution of the refugee status falls under the Algerian Office for Refugees and Displaced People (BAPRA) since 1963.

The Algerian civil war (1991–2002) and the recognition of terrorism as an international concern (especially by the US) after the 9/11 gradually

determined a connection between the terrorist threat and border insecurity, altering the dynamics related to the longstanding trade across the Maghreb region. In June 2008 the Algerian state introduced a law that criminalized irregular entry into the country, increased criminal penalties against smugglers and facilitators and created transit centres to accommodate migrants directed to or expelled from Europe. In the words of the then Minister of Interior:

It was extremely important and necessary to criminalize illegal immigration, which is a gateway to all the possible plagues, including terrorism, drug trafficking, and transnational organized crime. It was imperative to adapt our legal resource to new security issues [including] the development of transnational organized crime and the phenomenon of terrorism (quoted in Benantar, 2013, p. 68)

While the reform was important and could signal a turning point in the Algerian migration diplomacy, border management practices did not substantially change. In this respect, the economic relevance of borders and actors' networks played a key role in holding change back. Not only smuggling of goods and human mobility were key components of economic development in the under populated southern region (Bensaâd, 2009; ICG, 2016). The physical length of borders and the geography of actors' networks made it difficult for Algerian security forces to effectively patrol border areas. Unguarded entry points and bribes and border guards' complicity with smuggling networks, left much room for cross-border activities (Hanlon & Herbert, 2015). As a consequence, despite the critical juncture, the Algerian military deliberately maintained a *laissez-faire* approach to border-crossing – especially towards Mali and Niger – to secure economic development and intelligence gathering (Dahou, 2015, p. 20; Daoudi, 2015). Until 2011, this allowed the military to keep an eye on weapons trafficking, people movement, and to gain reliable knowledge to face security threats.⁵

Following the Arab upheavals and the crises in the neighbouring countries, the Algerian state militarized border control. In frontier zones, the MoD discharged civilian governors (*walis*) of their border management duties including the power to expel and return aliens, and transferred them to military governors (ICMPD, 2013; Hanlon & Herbert, 2015).⁶ Given the prioritization of domestic security, all other public authorities having prerogatives related to foreign nationals living or moving to Algeria, such as health, labour authorities, or civil society organization, become subject to Algerian state direct control.⁷

With the 2011 Libyan crisis and the Mali civil war started the following year, criminal networks expanded in the south exploited long-lasting cross-border networks, and drugs, weapons and people trafficking and smuggling increased (Hanlon & Herbert, 2015). Smuggling and trafficking on the one

hand, and transnational jihad on the other, eventually overlapped (Harchaoui, 2018). For Algerian authorities, stronger border control became imperative to protect the country and to limit terrorism and upheavals spillovers from neighbouring countries (Dennison, 2012). These events determined a substantial change in the *laissez-faire* approach to border control, which collapsed along with instabilities and neighbouring regimes dismissal. Moreover, the Algerian state understood that the terrorist threat was coming from beyond the borders, that the existing strategies to control transgressions were no more valid, and that informal intelligence networks could not be exploited like in the past. This resulted in an ambiguous defence of internal security by Algerian authorities that officially portrayed sub-Saharan migrants both as a source of labour as well as threats to security and public health (Amnesty International, 2018). In 2018, despite the existence of readmission agreements, the Algerian police and the *gendarmérie* conducted raids and returned Nigerien and Malian nationals by leaving them in the desert across the borders. Nigerien authorities increased controls on border crossing but despite high numbers of rejected migrants,⁸ migration from northern Mali and Niger into Algeria did not end, as migrants and smugglers just readjusted the route through northern Mali instead of Agadez (UNSC, 2018).

In this context, the EU focus on the border management component of its migration policy did not contribute to persuade the Algerian authorities to commit to joint activities. Despite the formal pledge to a comprehensive approach to migration management included in the European Agenda on Migration since 2015 (European Commission, 2015), the border management pillar remains the most important one in terms of use of funds and nature of the funded projects. Moreover, while the UN practice accepts to distinguish between cooperation on irregular activities involving border crossing (smuggling) and criminal activities within a national territory (trafficking), this distinction is less clear in the EU framework. Indeed, Algeria seems to be willing to cooperate with international organizations and western partners on human trafficking, especially when it comes to law enforcement, and even demonstrates a 'serious commitment to the topic'⁹ and expertise in dealing with it.¹⁰ Yet, whenever smuggling, and more generally border crossing is involved, the authorities refuse to cooperate.¹¹

Interestingly, despite a good level of coordination among Algerian actors towards foreign partners, some of them are more determined in resisting the EU's pressure to discuss migration management. These differences relate to the historical balance of power among sectors of the Algerian state, and have affected the capacity of the EU to improve the quality of dialogue on migration management. As reported by two EU officials, on the one hand it is hard to reach the political level and EU's Algerian interlocutors end to be mainly mid-level *cadres*¹²; on the other, and unlike other countries in the region, the

MFA has the final word on cooperation with external actors, and it has often blocked cooperative approaches from other institutions such as the Mol.¹³ The MFA powerful role is a persistent legacy of Bouteflika's centralization of the foreign policy apparatus that took place in the early 2000s, adding to the much opaque institutional setting and policymaking around border management.

The combination of path-dependent patterns and historical legacies explaining Algerian refusal to cooperate in border management projects can be traced, for instance, in the initial Algerian endorsement of the EU Emergency Trust Funds for Africa launched by the EU in 2015 during the Valletta summit and the following refusal to participate in EUTF projects.¹⁴ The Algerian U-turn is both related to the strong border management component of the EUTF North African window, hardly in line with the Algerian veto on cooperating on border issues, to the internal institutional struggles described above between MFA and other ministries, and to the perceived negative externalities of the EU programme.¹⁵ Similar dynamics are visible in the Algerian reaction following the signature of the 2016 EU-Turkey statement that re-directed migration flows towards the Central Mediterranean route and put a lot of pressure on the Algerian authorities. At first, the Mol claimed that Algeria needed external support not to be left alone in dealing with the situation (Chikhi, 2018). However, as soon as this request entailed an EU offer to strengthen joint information gathering along the sub-Saharan borders, the Algerian authorities withdrew from the proposal and refused to cooperate.¹⁶

Protection of state sovereignty

The previous section introduced the powerful role of the Ministry of Foreign Affairs (MFA) over domestic border management and the general Algerian non-cooperation with EU. This is intertwined with the second factor linked with protecting national security, namely the long-lasting respect for state sovereignty that impacts over Algerian foreign policy. The principles of non-interference and self-determination are enshrined in the constitutional law (Porter, 2015), which in Art. 29 states 'Algeria refrains from resorting to war to undermine the legitimate sovereignty and freedom of other peoples. It strives to settle international disputes by peaceful means' (Constitutional Reform 2016; own translation).¹⁷ Aversion to the Western intervention was always central to Algerian domestic and foreign policies, especially until the election of President Bouteflika in 1999. Through this principle, Algeria also aimed at reinforcing its role in the Maghreb region and *vis-à-vis* the African continent (Mortimer, 2015; Thieux, 2019; Zoubir, 2004). As many observe, this has its roots in the rentier economy that allowed the Algerian State to endorse independence movements and consolidate its leadership of the Non-

Aligned Movement¹⁸ (Daguzan, 2015; Porter, 2015). This component of the Algerian security regime is particularly relevant when it comes to cooperation along the borders, which touches upon both the symbolic meaning of frontiers and the dogma of non-interference. While the EU and international actors are increasingly pointing to transnational cooperation as the key to tackle migration management, Algeria claims that it will 'never deploy military troops extraterritorially'.¹⁹ In the framework of the Libyan crisis, Algerian state slightly revised this commitment which is not grounded in constitutional law but mostly on a doctrine of non-interference (Harchaoui, 2018, p. 10), but according to interviews this didn't boost intelligence gathering by Algerian Army.²⁰ This furtherly explained the limited progress of EU activities in the country.²¹ Nevertheless, the 2011 upheavals did not substantially change this approach, despite some initial attempts to assume a mediation role in the regional conflicts (ICG, 2015).

The dogmatic protection of non-interference was reinforced during the civil war (1991–2002). In the fight against domestic Islamist groups (1991–2002), border control became a strategic tool to cut-off rebels' supplies and prevent synergies with neighbouring terrorist groups (Benantar, 2016). Since then, Algerian state and the Army started associating insecurity with foreign interference – because some of the domestic Islamist groups were ideologically and financially supported by external actors such as Saudi Arabia (Dris-Aït Hamadouche, 2016; Volpi, 2003) – and this allowed the Algerian state to strengthen the feeling of being involved in a continuous anti-colonial struggle. The building of a dogmatic continuity between external interference and domestic instability is visible also with regard to the migration issue, affecting cooperation with the EU to a large extent. The development of the EU migration policy, and its external dimension, in particular, is considered by Algeria to be one of the causes of its internal insecurity: again, the 2016 EU-Turkey agreement and parallel efforts of EU and Italy to close the Libyan route (Abderrahim, 2019) have since 2017 reoriented migrants flows towards Algeria. The EU's failure to sign readmission agreements with many countries of origin is seen as an additional source of external pressure on the Algerian borders as on the other North African transit countries, for which Algerian authorities blame, and reject, EU logics of cooperation on migration.²²

In addition to the impact of the EU interventions on Algerian security, the content of the EU proposal on migration management and the way activities are defined conflict with the Algerian concern with sovereignty and the Algerian foreign policy practice. In particular, they underestimate the Algerian preference for bilateralism, a major axis of Algerian foreign policy which rests on military bilateral cooperation and security coordination with neighbouring countries and allow military commands for keeping an eye on borders and terrorist threats (Benantar, 2016b, p. 106). As confirmed by one of the interviewee, 'the Algerian authorities claim to refuse any cooperation with

the EU, preferring bilateral agreements with EU MSs, until an international organization equivalent to the EU is created in Africa'.²³ On the one hand, the proposals that the EU put on the negotiation table over time lacked (and still lack) clarity, as a result of diverging positions within the EU and of the on-going policy-making process.²⁴ On the other, despite the EU's attempts to give Southern Mediterranean countries more power in determining the kind of activities, projects and programmes on migration management remain strongly EU-driven (Trauner & Wolff, 2014; Zardo, 2017). Both these features of the EU's approach are curbing the Algerian willingness to sign agreements and advance cooperation.²⁵

Regional geopolitics and internal security

The third factor worth of notice when unpacking the role of the national security regime as an institutional driver of, or obstacle to, policy change, is the link between protecting internal security and keeping control on regional geopolitics. Until the 1990s, the main security threat for Algeria coming from the Sahara-Sahel region was the conflict over Western Sahara between Morocco and Algeria. Interestingly, while the Algerian preoccupation with Islamism as a pivotal security threat was longstanding, and the focus on borders emerged in the early 1990s after the Tuareg rebellion in Mali and Niger (Benantar, 2013), the political discourse establishing a connection between terrorism, organized crime, and irregular immigration emerged only later and cooperation among countries in the region to control human mobility was limited. During the 2000s, the Algerian government started to engage with neighbouring countries to establish regional cooperation on security, as radical political Islamist groups increasingly exploited porosity of borders between Algerian, Libya, and Sahelian countries. This turn in its migration diplomacy was facilitated by the international recognition of terrorism as a global threat. Until 9/11, terrorism had limitedly and less directed affected Western actors, and the Algerian protection of national sovereignty from rebel groups had led to isolationist practices. The 2001 terrorist attack entailed a more cooperative approach aimed at, among other goals of the newly elected president Bouteflika, restoring international legitimacy. By trying to take the lead of regional security cooperation, the newly elected President Bouteflika aimed at curbing the negative consequences of isolationism (Grimaud, 1984). The latter had undermined the diplomatic achievements in Africa, Asia, and the Middle East of the 1970s and 1980s (Thieux, 2019). Moreover, Morocco exploited this phase to isolate the Sahrawi Arab Democratic Republic (SADR), the partially recognized self-declared state claiming authority over the territory of Western Sahara and founded by the Polisario Front, to which Algeria provided logistical, military, and diplomatic support also within the Organization for African Unity (OAU) (Zoubir, 2000, 2004). Hence, Bouteflika tried to revive the Arab Maghreb

Union (AMU) founded in 1989 and to appease its relations with Morocco. The changing approach in foreign policy did not last long, since the Presidency's project of national reconciliation and inclusion of political Islam was not in line with the ambitions of the army to eradicate religious groups (Zoubir, 2004). This critical juncture did not significantly affect Algerian cooperation with the EU, whose attention and efforts were more directed towards the Balkan area. The Algerian concerns with regional geopolitics still came first as a policy driver and the early 2000s coincided with the launch of the ENP by the EU, whose bilateral dimension was far stronger than the regional one. Hence, at a time when Algeria was keener to cooperate with its neighbours, the EU offer was more oriented towards strengthening bilateral relations.

The creation in 2010 of a coordination cell run by the Joint Military Staff Committee (Centre d'Etat-Major Commun Opérationnel Conjoint; CEMOC), together with Mali, Mauritania, and Niger but not Morocco, in the Southern city of Tamanrasset, was the last attempt by the government to reinforce its role as a security provider in the Sahel region (Lavallée & Völkel, 2015). The rationale of the project was the development of the states' own capacities to manage regional security, Islamist groups, without relying on external actors and avoiding duplication of efforts. The CEMOC is still officially in place, but the lack of mutual trust and diverging interests among its members towards Western partners turned the project into an empty box (Roussellier, 2017). Like in the early 2000s, the renewed isolationism is not in line with the current EU approach to migration management, leading to limited results. In fact, since 2015 and the drafting of the European Agenda for Migration, the EU and its Member States are trying to point to regional cooperation as a key component of the external dimension of the EU migration policy. This entails involving North African and Sahelian countries in joint activities and blurring the political boundaries drawn in the past through policies such as the ENP, the EMP, the development and migration policies (Collyer, 2016). Yet, when confronted with establishing partnerships with external and western donors and institutions in the realm of migration and border management, the Algerian authorities have strong concerns about their own regional positioning and how partnerships can impact regional geopolitics. The resulting dynamics is that whenever offered cooperation opportunities with neighbouring countries and external actors, Algeria prefers isolationism rather than trying to shape its regional role in the framework of joint activities. As one interviewee put it:

The fact that Morocco is particularly active on migration management with the EU explains in part why Algeria has decided to be the real outsider of this game. They are persuaded that external cooperation may be a source of regional instability and affect internal security.²⁶

Conclusion

Among the countries from the North African, Middle Eastern and Sahel region, Algeria is to a great degree the less cooperative partner of the EU in the realm of migration. The EU has failed to obtain cooperation despite apparent convergence between the securitized European and Algerian approaches to migration management. So far, we lacked a theoretically informed study to explain the Algerian resistance to the EU's growing pressure on third countries. In this article, we argued that the historical development of the Algerian security regime affected the country's way of conceiving and managing migration and its foreign policy choices in this area.

The research tackled the selected case by testing the explanatory potential of the Algerian security regime as institutional variable accounting for the dynamics of cooperation on migration with the EU. We detected three intertwined features of the Algerian security regime entailing path-dependence patterns and preventing policy change: the conceptualization of borders and border management strategies in the protection of national security, the principles of sovereignty and non-interference in the state-building process and the Algerian role in regional geopolitics as a pivotal norm driving foreign policy choices. The EU has failed to capture that the Algerian security regime regulates migration in all its dimensions and the research put forward three main claims substantiating this argument.

First, for Algerian authorities, the logic of defending domestic security, intended as oversight over economic flows and cross-border trades on border regions, and fight against any terrorist threat, requires exclusivity in border management. Moreover, the complex and multi-layered governance of Algerian borders compels the authorities to try to maintain the balance of power whenever engaging in cooperation. The EU increasing focus on border control far more than on the internal management of human mobility challenges the Algerian concerns in this respect. Second, protecting internal security means displaying full sovereignty vis-à-vis external actors, and the symbolic meaning of borders is powerful. The principles of sovereignty and non-interference are part and parcel of the Algerian political culture and contributed to building the state's legitimacy. Instead, although the EU is trying to grant Southern Mediterranean countries more power in defining cooperation priorities, projects, and programmes are still strongly EU-driven, and negotiation proposals are not taking into account sovereignty enough, limiting the Algerian willingness to cooperate. Third, the logic of ensuring internal security goes in parallel with keeping control on regional geopolitics and ensuring a leading role for Algerian state as a gatekeeper of security and conflict mediator. On the EU side, the fact that the EU is now trying to blur the political boundaries defined in the past and adopt a regional approach

involving North Africa and the Sahel countries in common activities goes against this norm underlying the Algerian security regime.

Overall, path-dependence showed its appropriateness in explaining the trajectory of (non)cooperation between Algeria and the EU and to point to the main institutional variables affecting policy choices.

Notes

1. This research does not consider the 2019 protests as at the time of writing, events are still ongoing. Some anecdotes collected during interviews, however, suggest that protests have not affected diplomatic and cooperation dynamics with external actors.
2. EUROMED Migration III (2012–2015) and EUROMED Migration IV (2016–2019) are EU funded programmes (and implemented by the International Centre for Migration Policy Development (ICMPD)), supporting EU Member States and the Southern Neighbourhood Partner Countries in cooperating on migration issues according to the thematic areas identified in the Global Approach to Migration and Mobility (GAMM). The programmes' focus is on capacity building, development of regional dialogue and knowledge management. See <https://www.icmpd.org/our-work/migration-dialogues/euromed-migration-iv/>.
3. The Mediterranean City-to-City migration project is an EU funded project (and implemented by ICMPD) launched in 2015 involving 9 EU and non-EU cities to cooperate on migration-related challenges in the urban context such as social cohesion, intercultural dialogue, employment, and provision of basic services for migrants. See <https://www.icmpd.org/our-work/migration-dialogues/mtm-dialogue/city-to-city-mc2cm/>.
4. Interview with UN Officer 2, 18 July 2019, Vienna.
5. Phone interview with Tunisian-Algerian researcher, June, 25 2019, Vienna.
6. Since the independence war, the Algerian Army divided the national territory into six military regions, each one ruled by an official who is directly under the authority of the High Command and ultimately responds to the Minister of Defence and to the President of the Republic.
7. This is the case for the Ministry of Labour, Employment and Social Security as well as humanitarian and civil society actors such as the Algerian Red Cross or the Algerian League for Human Rights (Ligue algérienne des droits de l'homme), both working as governmental organizations strongly backed by the Algerian authorities (ICMPD, 2013).
8. Between April and May 2018, IOM in Gao (Mali) assisted 1,135 rejected migrants from Algerian authorities (IOM, 2018). In Niger, IOM rescued more than 3,000 migrants rejected from Algeria between January and May 2018 (UNSC, 2018).
9. Interview with UN Officer 2, 18 July 2019, Vienna.
10. Interview with UN Officer 1, 22 June 2019, Vienna.
11. Interview with UN Officer 2, 18 July 2019, Vienna.
12. Phone interview with EU Officer 1 and 2, 18 July 2019, Vienna.
13. Phone interview with EU Officer 2 and interview UN Officer 2, 18 July 2019, Vienna.
14. Phone interview with EU Officer 2 and interview with UN Officer 2, 18 July 2019, Vienna.
15. Phone interview with ICMPD Officer, 4 October 2019, Vienna.

16. Phone interview with EU Officer 2, 18 July 2019, Vienna.
17. The original version states as follows: 'L'Algérie se défend de recourir à la guerre pour porter atteinte à la souveraineté légitime et à la liberté d'autres peuples. Elle s'efforce de régler les différends internationaux par des moyens pacifiques' (Retrieved from: <https://www.joradp.dz/trv/fcons.pdf>).
18. The Non-Aligned Movement (NAM) has been established in 1961 in Belgrade under the initiative of the Indian Prime Minister Jawaharlal Nehru and the Yugoslav President Josip Broz Tito. The movement was based around the idea of national independence, sovereignty, territorial integrity and security of non-aligned countries, against all forms of foreign aggression, or formal interference such as colonialism, and against the idea of aligning countries with bloc politics.
19. Phone interview with Tunisian-Algerian researcher, 25 June 2019, Vienna.
20. Interview with UN Officer 2, 18 July 2019, Vienna.
21. Phone interview with EU Officer 1, 18 July 2019, Vienna.
22. Phone interview with EU Officer 1 and 2, Interview with UN Officer 1, 18 July 2019, Vienna.
23. Phone interview with ICMPD Officer, 4 October 2019, Vienna.
24. Phone interview with EU Officer 1, 18 July 2019, Vienna.
25. Phone interview with EU Officer 1, 18 July 2019; Interview with ICMPD Officer, 5 March 2019, Vienna.
26. Interview with UN Officer 2, 18 July 2019, Vienna.

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