

REPORT

Migration in Partnership: Ensuring Rights and Results



A collaboration between the



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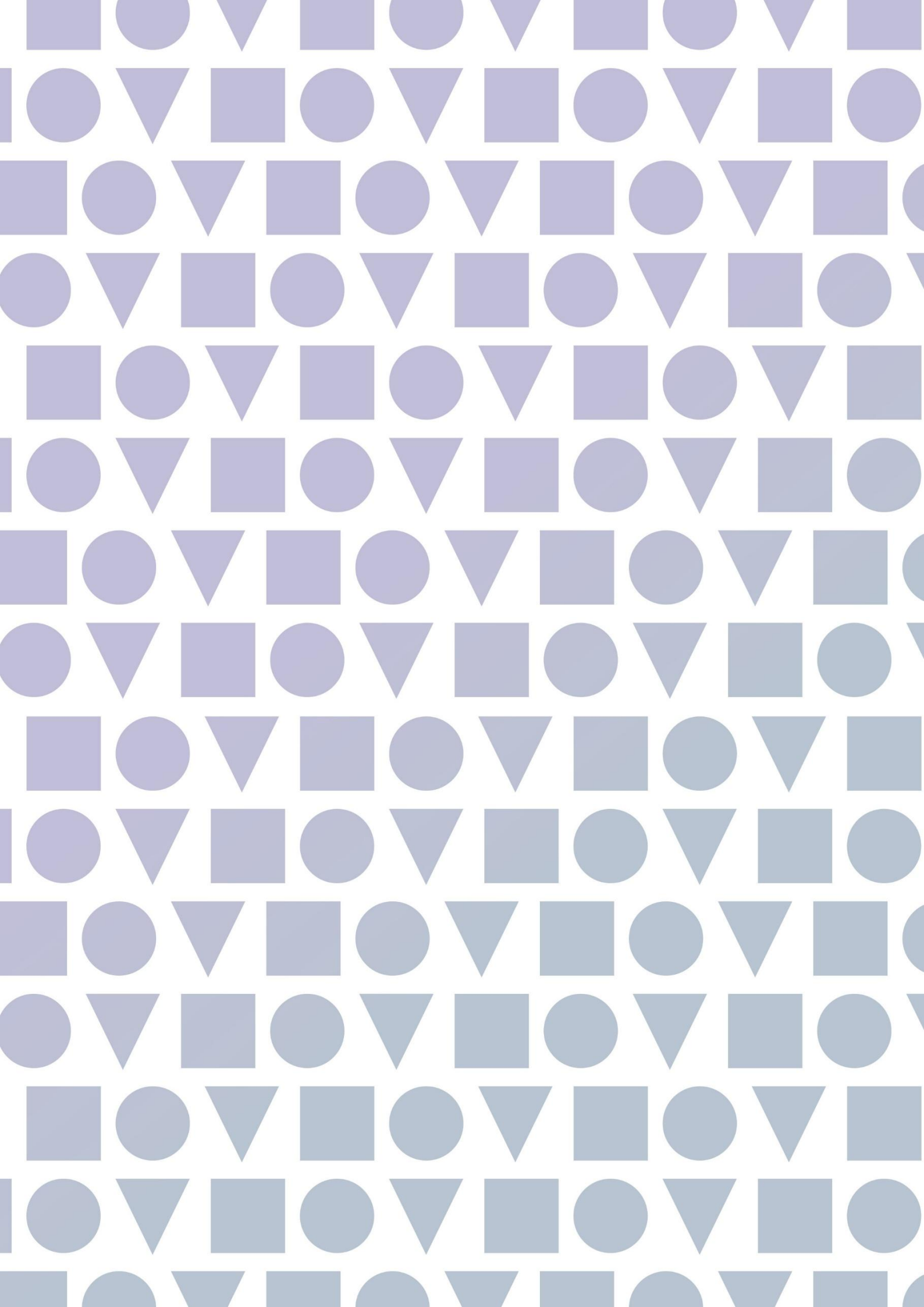
Migration in Partnership: Ensuring Rights and Results



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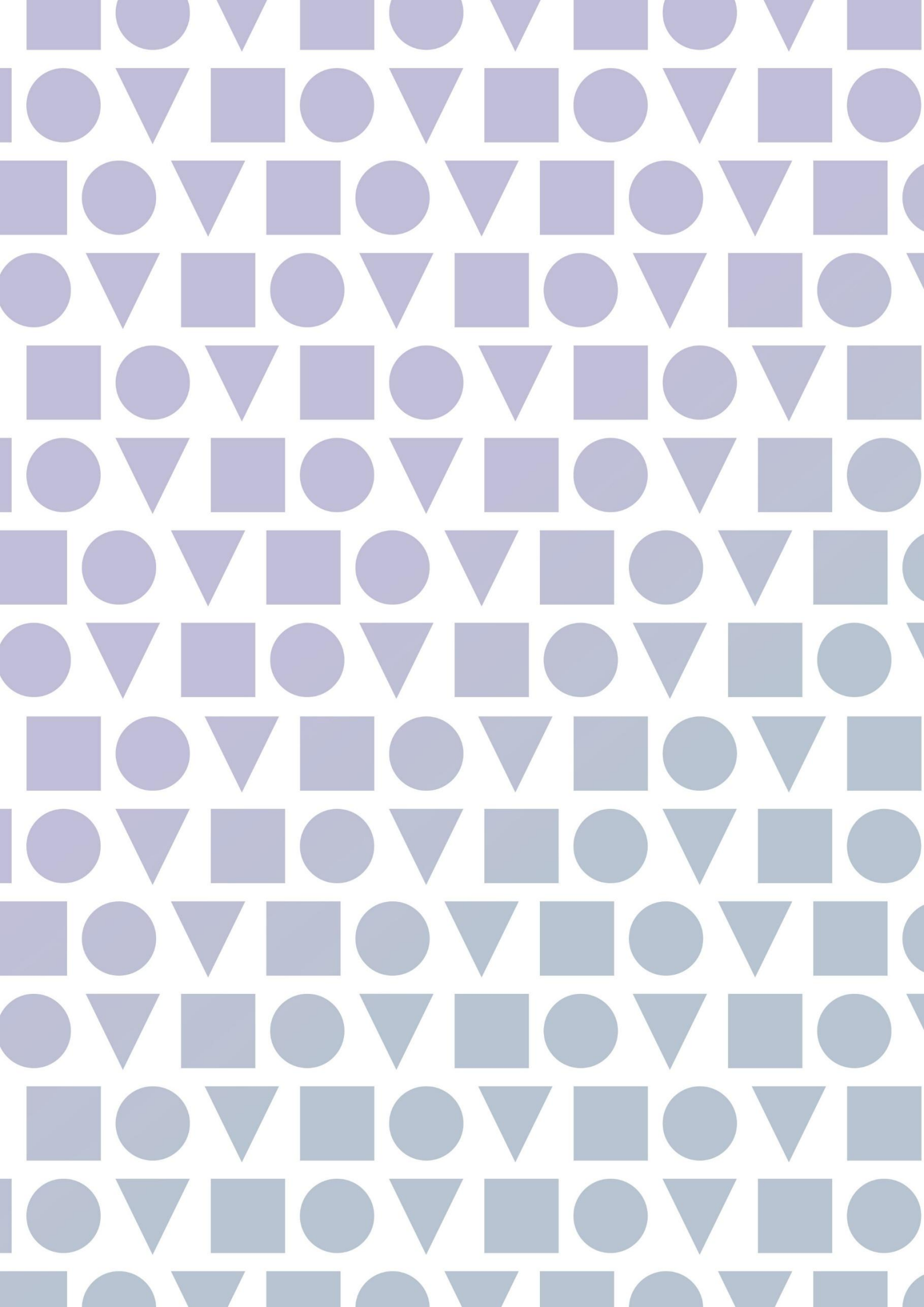
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Glossary

Asylum seeker: a person who has applied for international protection in another country and whose application has not yet been definitively assessed. The procedure involves determining whether the person in question is eligible for refugee status or other forms of protection.

Conditionality: the linking of cooperation to conditions based on performance in the area of migration management.

Diaspora: people with a migrant background who also maintain a connection to their country of origin.

Externalization: (a component of) one country's migration policy which is applied on the territory of another country.

Irregular migration: migration in which a person crosses a border without official permission or the proper documentation.

Migrant: a person who moves from one country to another, usually for an extended period of time, for example to work, study, or join family members. This can involve both voluntary and forced migration.

Migration partnership: structural cooperation between countries in the field of migration management, in which coherent agreements are made across multiple policy areas, and the cooperation is anchored in regular (official) consultations.

Non-refoulement: the prohibition on returning anyone to a country where there is a threat of danger.

Pullback: an operation to physically prevent a migrant from leaving the territory of their country of origin or transit, or to forcibly return a migrant to that territory. A pullback typically takes place at sea and is often accompanied by human rights violations.

Pushbacks: the rejection or return of a migrant without giving the migrant the opportunity to apply for asylum. Pushbacks are a violation of international law and are often accompanied by violence. While pushbacks occur when someone crosses the border, pullback operations are carried out before that occurs.

Remittances: funds that migrants send to family members or communities in their country of origin, often to help with living expenses, education, healthcare, or investments.

Talent Partnerships: partnerships between countries to promote talent development and legal labor mobility to the benefit of migrants, countries of origin and countries of destination.

Team Europe: a collaborative approach by the European Union in which Member States and (financial) EU institutions work together outside Europe, particularly in the areas of investment, partnerships and development cooperation.

Safe third country: a country other than the country of origin to which, according to the authorities, an asylum seeker can be sent or returned because adequate protection is available there.

Refugee: a person who has fled their country of origin and has been granted refugee status by an official body such as the government, thereby receiving international protection.

Summary

The Dutch government wants to regulate migration better. War and oppression in other countries mean these are testing times for the Dutch asylum system. The asylum reception and support system in the Netherlands is unable to cope with the pressure, and the process for returning rejected asylum seekers is not yet functioning properly either. In the meantime, migrants are being forced to journey via dangerous irregular routes and this is resulting in the deaths of thousands of people each year and posing a real risk of exploitation by human traffickers in inhuman conditions. There are also issues relating to labor migration. Working conditions and pay are often substandard and it is precisely this migration, which is much larger in scale than asylum migration, that is placing a strain on scarce resources. All of this is undermining confidence in the fairness and effectiveness of our migration policy and is causing people to demand that migration be restricted.

Various governments have therefore been trying for decades to introduce more effective regulation of migration in all its forms, in other words asylum, work, study and family-based migration. It is no surprise that the results have been mixed. Wars and oppression in other countries are difficult for the Netherlands to control and, thanks to its prosperity and history, it has become a country of migration where the economy's demand for labor, which is driven by global inequalities and demographic change, will continue to attract large numbers of people.

Strategic Partnerships

Better regulation requires policies that recognize the complexity of migration and focus on managing it through effective, realistic and humane solutions. In all cases, this requires cooperation with the migrants' countries of origin and the countries they travel through. This advisory report addresses the question of how the Netherlands can improve its cooperation with countries, both within Europe and elsewhere.

This cooperation is necessary because migration, by definition, involves multiple countries, but it can only succeed if other countries see sufficient benefit in it. Many countries outside Europe are, for example, primarily interested in enabling migration. In order to make cooperation attractive, European countries, the EU and the Netherlands are therefore establishing strategic partnerships with these countries, which include cooperation agreements that can cover multiple policy areas. In the broadest of these partnerships, agreements on border control, the return of rejected asylum migrants, labor and student migration, or the protection of refugees are combined with agreements on (development) investments, loans and other forms of economic cooperation. However, while the Netherlands opts for 'broad' partnerships on paper, in practice it has so far focused mainly on returns and combating irregular migration and, also when compared to other EU Member States, it has been very reluctant to expand opportunities for legal migration (student visas, scholarships, labor migration).

Solicited advice by the government

The government asked the Advisory Council on Migration and the Advisory Council on International Affairs (referred to below as 'the councils') to advise on how this type of cooperation can best be structured into effective migration partnerships that are mutually beneficial, lawful and effective. The Netherlands has three priorities in this regard, namely improving border control in countries along the routes to Europe, promoting the return of rejected asylum migrants and providing better protection for asylum migrants through asylum support at regional level, through humanitarian programs and by improving asylum systems outside Europe. By publishing this advisory report, the councils intend to provide concrete guidance on how to improve cooperation with countries outside Europe through partnerships, particularly within the framework of the European Pact on Migration and Asylum. To that end, the councils provide five lines of thought for entering into partnerships that are lawful, effective and mutually beneficial.



Interests of partner countries

First and foremost, the Netherlands must take greater account of the interests of the intended partner countries in order to enter effectively into these types of partnerships. This means that the Netherlands needs to take a broader approach, for example in the areas of regular (circular) labor migration, student visas, trade and investment, in exchange for agreements on returns, border control and measures to combat irregular migration. In pursuit of this, the Netherlands will have to use all its policy instruments, in the form of trade and labor market policy and development cooperation. If the Netherlands fails to do this on a larger scale, it will continue to be the only party making concessions in most negotiations. In that case, countries will see little reason to engage in sustained cooperation in support of the goals the Netherlands wishes to achieve and cooperation will remain fragile. Development cooperation can serve as a lever, provided it has clear added value for the partner country. It goes without saying that this would have to involve substantial amounts of money and support that could serve as a reason for potential migrants to stay or to return. In short, a customized solution is required.

Whole of society

Furthermore, the Netherlands cannot reach agreements on a wide range of topics with every country in the same way. Each partnership will have to have a different starting point, based on the existing ties between the two countries and the opportunities available to foster greater integration between the two partners. In order to gain a better insight into this, policymakers can consult with the Dutch business community, universities and civil society, in both the Netherlands and partner countries. Depending on the objectives, diaspora communities and refugees can also make a valuable contribution through their knowledge and networks. This will allow policymakers to identify the type and scope of expansion that is possible with each country. In other words, they can focus on partnerships based on a whole-of-society approach.

Ensuring legality

To protect legality, the agreements and implementation of the partnerships must be risk-based in terms of the rule of law and respect for human rights. This means that the higher the risk of violations, the stricter the safeguards must be. For example, under no circumstances should the Netherlands be allowed to transfer migrants to countries where their safety is clearly at risk and their fundamental rights are being violated. What is more, partner countries are not the only guilty parties, given that European countries may also be involved in human rights violations such as pushing back or towing boats carrying (asylum) migrants. This safeguard is therefore a key requirement and partnerships must be able to withstand scrutiny at all times. This is not merely an obligation under international law (and a moral obligation). Similarly to the idea of mutual interest, it is also a prerequisite for the effectiveness of partnerships. If safeguards prove to be insufficient, the courts will be able to declare unlawful agreements null and void and halt proceedings such as deportation.

European coordination

In a general sense, the councils recommend that the Netherlands look beyond the national level when entering into partnerships. On the one hand this means more closely integrating Dutch efforts into the EU framework or smaller Team Europe coalitions and on the other hand it means better alignment with regional consultation structures in the regions that migrants come from and through which they travel.

Wherever possible, the Netherlands should focus on European coordination of migration partnerships. The EU operates on a larger scale and has authority over issues relevant to partner countries, such as visas and trade. As a result, the EU generally has more to offer in negotiations than individual Member States such as the Netherlands. This generates better opportunities for achieving mutual benefits through broad, strategic partnerships. The Netherlands can take full advantage of those economies of scale by organizing



its efforts with regard to migration partnerships within a European framework as much as possible. This is also important because the new European Pact on Migration and Asylum can only succeed if it is based on successful partnerships with Europe's neighboring countries. The Netherlands must also be prepared to reach agreements on (circular) labor migration within EU partnerships. Incidentally, the Netherlands can continue to exercise national control over numbers, sectors and entry conditions, just as it does now. This increases the mutual benefits of partnerships and, at the same time, helps European competition to limit the number of workers.

A regional perspective

In addition, it is important that the Netherlands not only operates via the EU, but also aligns more closely with regional agendas and partnerships in Africa and the Middle East. Regional actors, such as the Economic Community of West African States (ECOWAS) and the African Union, have their own perspectives on migration, which often place the emphasis on free movement within the region. Those principles may conflict with European priorities, for example in the area of border management. That is precisely why coordination is crucial. The Netherlands can align itself with the policy directions of existing regional consultation platforms, where possible within the Team Europe framework or through other small-scale coalitions. Examples include the Rabat Process in West Africa and the Khartoum Process in the Horn of Africa, which are focused on coordination and trust between regions.

Concrete agreements

Lastly, it is important that concrete agreements are reached. A partnership that establishes agreements on a wide range of topics is not automatically effective. It necessarily requires operational and legal clarity. It must be clear who does what, by when, through which projects, and how results are to be measured. Clear agreements like these prevent the implementation from becoming watered down and make it possible not only to incorporate positive incentives, but also to set boundaries. Effective cooperation on returns, for example, can lead to greater opportunities for student or labor migration. By the same token, failure to honor agreements or systematic violations of migrants' rights could lead to a scaling back or termination of broad cooperation.

Justice and results

It is clear that entering into migration partnerships is no quick fix for the Netherlands' migration goals. The decisiveness that the government seeks in such partnerships will be the result of building and maintaining strong relationships that extend beyond the bilateral level. The Netherlands can achieve this by being selective when entering into partnerships, structuring them operationally with clear agreements that are broad enough to provide positive incentives for cooperation and legally robust enough to be enforceable. In this way, the Netherlands can use broad partnerships to focus on justice and results.



Recommendations

The government asked the Advisory Council on Migration (AM) and the Advisory Council on International Affairs (AIV) how the Netherlands can establish strategic and effective migration partnerships that are lawful, mutually beneficial and effective. In the report before you now, these two advisory councils present the government with five lines of thought, which lead to the following recommendations:

Recommendation 1: Make migration partnerships effective and mutually beneficial. This can be achieved by taking the interests and wishes of partner countries into account in the agreements to a greater extent than is currently the case.

Partnerships are only likely to succeed if they align with the specific interests of both the Netherlands and the partner country. The fact that the Netherlands is calling for measures that are not always in the best interests of partner countries - such as returns, regional asylum support and curbing irregular migration - means it is essential to offer sufficient compensation for these measures, either bilaterally or within the EU framework.

- **Systematically identify partner interests.** When entering into a partnership, the economic, social and political interests of (prospective) partner countries need to be analyzed and a timely assessment made of the extent to which the Netherlands can and is willing to meet those needs and interests.
- **Broaden the Netherlands' offer.** The priority in this context should be economic cooperation. Assess whether the Netherlands can do more with countries which are the focus of its migration policy and are also 'combi-countries' in terms of assistance and trade, such as Morocco, Egypt and Nigeria.
- **Organize a government-wide integration of the partnerships.** The fact that partner countries consider economic cooperation and (circular) labor migration to be important means that the Ministries of Social Affairs and Employment (*Sociale Zaken en Werkgelegenheid*) and of Economic Affairs and Climate Policy (*Economische Zaken en Klimaat*) need to be actively involved. The government must make clear decisions about the economic sectors in which labor migration will continue to play a role in the future, and whether migration partnerships have a role in this. The involvement of these ministries could also result in partnerships being less focused on restricting migration and more on meeting the labor needs of the Dutch economy.
- **Ensure parliamentary oversight and keep the Dutch Parliament informed.** Provide information systematically and in good time, for example on an annual basis, on the goals, agreements, resources, progress and side effects of each partnership. Parliament can be confidentially briefed if the partner country has concerns about sharing information, but this should only be done when strictly necessary.

Recommendation 2: Invest in the capacity and support base in partner countries and communities that host refugees.

For cooperation with partner countries to succeed, there must not only be a sufficient mutual benefit, but this must also visibly lead to improvements in the communities in partner countries that are hosting refugees. This will increase the legitimacy of partnerships and the likelihood of stable and sustainable cooperation.



- **Invest in employment opportunities in the areas where refugees and migrants are located.** This can be achieved by, for example, promoting private investment, improving the business climate and engaging in development cooperation which focuses on creating jobs.
- **Invest in educational programs in partner countries in sectors where there is a need for staff.** Assess opportunities for gaining work experience in the Netherlands or elsewhere in the EU on a temporary basis as part of these programs.
- **Protection and asylum support in the region require predictable funding, humanitarian space and effective implementation.** The focus should also be on cooperation via UN agencies and other implementing partners. Make sure that both local communities and refugees can benefit from the support.

Recommendation 3: Respect and protect human rights. This can be achieved through practical and verifiable safeguards in the structure and implementation of partnerships.

Human rights safeguards are always essential in partnerships, especially when implementation and the reality ‘on the ground’ are complex. Respect for and protection of migrants’ human rights are a shared responsibility that cannot be ‘outsourced’ to one of the parties. Only if the parties jointly assume that responsibility - including in practice - can the legality of the partnership be properly guaranteed.

- **Develop a risk-based assessment framework.** This can be done by assessing both a country’s risk level and the risk level associated with a particular type of policy measure, with a specific focus on risks to migrants. When developing this framework, draw on the expertise of international organizations such as the United Nations High Commissioner for Refugees (UNHCR) and civil society.
- **Do not engage in high-risk activities in high-risk countries.** Avoid this combination because the risk of violations is unacceptably high.
- **Adjust the intensity of monitoring based on the risk level of a policy measure and the country where the measure is being implemented.** Ensure adequate, independent and transparent monitoring. Medium-risk activities in high-risk countries, or high-risk activities in medium-risk and low-risk countries, always require extra attention to be paid to verifiability and additional safeguards to ensure access to, and insight into, the situation on the ground.
- **Make sure human rights are independently monitored.** Involve one or more independent parties that were set up for this particular purpose in the monitoring process. Involve the partner country and all stakeholders, including those with whom we work and those affected by partnership agreements. Set up a reporting system with an independent party and inform the relevant parties of its existence.
- **In the context of a partnership, make binding agreements on shared responsibility and specify the consequences of non-compliance.** It must be clear what happens if one or both partners fail to honor the agreements.
- **Make human rights a structural item on the agenda.** Use the ongoing political and administrative dialogue within partnerships to discuss the impact of partnerships on migrants’ rights.
- **Always apply a minimum threshold for what is possible and permissible.** Do not participate in the return or deportation of migrants to countries where they are unsafe (non-refoulement), in



pushbacks or pullbacks, or in the detention of migrants under conditions in which their rights are not guaranteed.

Recommendation 4: Focus on European coordination of migration partnerships.

Greater European coordination of migration partnerships is required if the Netherlands wants to make the new European Pact on Migration and Asylum a success. European coordination is particularly likely to succeed in respect of issues where the Netherlands has limited bilateral influence, and where European scale and negotiating power can make a difference. A conscious choice should therefore be made to operate at the European level in areas such as combating irregular migration and returns. It is important, however, to determine the intended approach for each case, because not everything needs to be coordinated at the European level in the same way.

- **Use European partnerships to facilitate returns and curb irregular migration.** Given that bilateral efforts often have a limited effect in respect of these issues, the focus should primarily be on European coordination and joining forces. Although bilateral diplomacy may work wherever direct cooperation in EU politics is not feasible, or where cooperation on returns is already going well, it should always be coordinated with European partners and without countries seeking to pursue competing national deals.
- **Make room for labor migration within European migration partnerships, even though this falls under national jurisdiction.** Make agreements on (circular) labor migration as much as possible within the framework of Europe-wide strategic partnerships or Talent Partnerships, while also ensuring national control over numbers, sectors and entry conditions.
- **Strengthen the effectiveness of European human rights safeguards.** If the Netherlands commits to the further European coordination of migration partnerships, this must be accompanied by a guarantee that oversight, accountability and legal protection at European level are demonstrably effective. It is therefore essential that the expansion of European enforcement powers, for example through Frontex (the European Border and Coast Guard Agency), is accompanied by a further strengthening of independent oversight, improved follow-up on complaints and incidents, transparency regarding the results of such follow-up, and consistent use of existing mechanisms to limit or suspend operations in the event of serious violations.

Recommendation 5: Shift the focus from bilateral to regional cooperation.

Migration is primarily a regional phenomenon. Movements within, to and through regions are closely linked to developments in neighboring countries, regional power dynamics and shifting migration routes. As a result, unilateral agreements with a single country can inadvertently exacerbate tensions, undermine existing cooperation between neighboring countries, or shift problems rather than resolve them. The regional perspective therefore has to become the guiding principle when creating migration partnerships.

- **Always assess the regional effects of initiatives.** Do not initiate any initiatives that could weaken cooperation among countries in a region, or increase tensions between them. Work as much as possible with organizations that operate along the entire migration route to improve the coordination of interventions in different countries.
- **Develop partnerships at regional or European level whenever possible.** Work as much as possible via existing frameworks, such as the Pact for the Mediterranean. Invest in regional coalitions centered on specific shared interests that align with initiatives undertaken by countries in the region themselves, for example by cooperating on protection, asylum support, documentation, labor migration and, where appropriate, returns and long-term reintegration. To



that end, use existing regional consultative frameworks such as the Rabat and Khartoum processes.

Recommendation 6: Establish any agreements regarding transit hubs or return hubs as part of broader partnerships, with guarantees on migrants' rights, and with the participation of all relevant countries of origin and transit.

Return and transit hubs are most likely to succeed if they are part of a regionally supported strategy. It is also important to be explicit about the mutual benefits for the countries involved, including the future prospects of the migrants in question during their stay.

- **Organize hubs only as part of a broader, strategic partnership.** Establish clear guidelines regarding the maximum amount of time migrants can spend in these hubs.
- **Make sure you not only include the host country, but also the countries that are needed to implement the partnership.** When doing so, make a distinction between hubs which were intended to be used to evacuate people in need of protection and hubs for people who wish to return voluntarily, or whose asylum applications have been rejected and who are in the final return phase. In the event of an evacuation, it is essential to involve the countries that are willing to help with resettlement. When establishing return hubs, make sure that countries in the region and countries of origin are involved in the process.
- **Keep a formal record of agreements on the status of migrants in the hub.** In the context of the upcoming EU Return Regulation, establish a European standard by recording at least the following in a formal agreement: 1) what happens if a return or resettlement does not take place, and 2) that those affected are granted temporary residence status in the host country.
- **Make sure that migrants have effective legal protection during their stay, in accordance with European standards.** Assign the responsibility for legal protection, oversight and complaint resolution to the relevant European countries and the EU, along with independent monitoring. The right to have a European asylum application reconsidered if the situation in the country of origin changes must also be upheld.

Recommendation 7: Involve the broader community in the creation of partnerships.

Partnerships are more likely to succeed if they are created not only between governments but also, where relevant, with the involvement of diaspora communities, civil society organizations, businesses and research institutions. This involvement can help make mutual benefits more tangible and further strengthen relations between countries. This creates a stronger foundation for broad, strategic cooperation.

- **Conduct a stakeholder and context analysis for each partner country.** Identify which civil society actors are relevant, how much social space is available, and what form of engagement is politically feasible, practically workable and safe.
- **Actively involve (representatives of) migrant and refugee communities in Dutch and European partnerships.** Use their knowledge, networks and experience-based perspective to explore how cooperation can help achieve the partnership's objectives. Bear in mind, when doing so, the perspectives of the Netherlands and Europe, as well as that of the partner country.
- **When establishing partnerships, create space for civil society, social partners, the business community and educational and research institutions.** Organize consultations with relevant



parties (as defined for each partnership), jointly explore possible courses of action and, where appropriate, formalize promising forms of structural cooperation in partnership agreements. Support stakeholders where necessary, for example by providing access to consultation opportunities or targeted financial assistance to enable their effective participation.



1

Introduction

Over the past few decades, successive governments have wanted to regulate migration better. The previous government was no exception, and the issue is expected to remain a key political goal in the coming years. That is why, in April 2025, the government asked the Advisory Council on Migration (AM) and the Advisory Council on International Affairs (AIV) - referred to below simply as the councils - to advise on the opportunities, risks and courses of action that exist when it comes to creating and implementing migration partnerships. These types of partnerships involve agreements being made with other countries on matters such as border control, the return of rejected asylum migrants, labor and student migration, or protection for refugees. The Netherlands is currently focusing on countries in North and Sub-Saharan Africa and the Middle East.¹

The request for advice

The Minister of Asylum and Migration, the Minister of Foreign Affairs, and the Minister of Foreign Trade and Development Aid wrote in their request that they view the development of these partnerships as ‘an important strategy for improving the way in which migration is regulated’. As stated in the request for advice, the government wants to combat irregular migration and promote returns and asylum support in the region by committing to so-called broad, strategic partnerships. More specifically the ministers would like to know how the Netherlands can ‘establish strategic and effective migration partnerships that are lawful, mutually beneficial and effective’.² The two councils formulate an answer to this question in this advisory report. The term ‘lawful’ means that the partnerships are in accordance with international law and respect human rights. The term ‘mutually beneficial’ means that all parties to the partnership benefit from the implementation of the agreements made. Lastly, the term ‘effective’ means that actual results are achieved in relation to clearly defined goals which have been set in advance.

Common migration policy

As a small country in a turbulent world, partnerships are a potentially important tool that the Netherlands could use to advance Dutch migration-related interests. Migration involves, by definition, the movement of people between and through multiple countries and that means that no single country can manage migration on its own. The European Union - with its agreements on the free movement of people and its shared external border - is a good example of the cooperation that is required. This cooperation between European countries on a common migration policy makes it possible to ensure the free movement of people within Europe, while at the same time establishing clear agreements on asylum support, rights and the fair distribution of responsibilities for migrants from outside the EU.

The New European Pact on Migration and Asylum

Additional steps towards establishing a common migration policy are taken in the new European Pact on Migration and Asylum, which entered into force in June 2026. Among other things, this pact sets out new agreements regarding the assessment of asylum applications at the external border, on the obligation of Member States to accept a proportionate share of eligible asylum seekers (or to buy out of this obligation), and on the return of individuals to their country of origin if an asylum application is rejected. In the latter case, this almost always involves people who come from outside the EU and usually arrive via neighboring EU countries. Earlier (in 2020), the AIV stated that an internal agreement would not last without agreements also being reached with partner countries outside the EU.³

Broad partnerships

In line with this approach, the European Commission has, since 2023, entered into a new series of broad, strategic partnerships with Tunisia, Egypt, Mauritania, Jordan and Lebanon. These agreements followed earlier so-called mobility partnerships with Cape Verde, Moldova, Georgia, Armenia, Azerbaijan, Morocco, Tunisia, Jordan and Belarus.⁴ While the latter focused primarily on various forms of migration, the latest series of partnerships cover a wide range of issues in addition to migration, such as investment, security, education and energy cooperation. By adopting this approach, the Commission is accommodating countries that have no interest in restricting migration, but do have an interest in migration agreements that are embedded in a broader, mutually beneficial package.



The Netherlands' goals are aimed at restricting migration

Current Dutch policy focuses on objectives aimed at restricting migration in terms of returning rejected asylum seekers, combating irregular migration and providing support for refugees in the region. The efforts being made within partnerships consequently also focus first and foremost on limiting the number of asylum seekers in the Netherlands. Less attention is paid to other forms of migration, or other types of arrangements (not directly related to migration). A large majority of the Dutch population believe that the EU should do more to restrict immigration, particularly when it comes to asylum seekers from safe countries. They view stricter border controls and the conclusion of migration agreements with countries outside the EU as solutions.⁵ The scope for promoting regular (work or study) migration within the current partnerships is currently limited to very small pilot projects within existing channels.⁶

Opposing perspective

In partner countries - countries of origin and countries through which migrants travel (transit countries) - migration is viewed from a different, sometimes opposing, perspective. Many people there see migration as an opportunity, for example to earn money, to grow personally, and as a way of contributing to economic development. It therefore makes sense that many countries actually want to encourage migration. All in all, when it comes to migration, it is difficult to do justice to the wishes and interests of both parties involved in these partnerships. For example, why would a country cooperate with the forced return of its citizens if the Netherlands admits almost no one via regular routes?

The Netherlands is also a country of migration

At the same time, the Netherlands is also a country of migration, given that the country facilitates it in many forms and given that it is a country where migrants contribute significantly to the economy and society. This applies in particular to migrants from within the EU. In 2024, for example, the Netherlands had nearly 750 thousand residents with an EU nationality other than Dutch.⁷ In that same year, the Netherlands was the destination for 316 thousand immigrants, of whom 40 percent were citizens of EU and EFTA countries (Norway, Iceland, Liechtenstein and Switzerland), with 10 percent being Dutch nationals returning to the country. The other half - about 155 thousand people - came from outside the EU. Of these, 40 thousand were family migrants (of whom 33 thousand accompanied, or were reunited with, an asylum migrant), 36 thousand were asylum migrants, 30 thousand were Ukrainian migrants, 22 thousand were student migrants and 16 thousand were highly skilled migrants.⁸ The 'control' that the Netherlands seeks to exert, particularly over asylum migration, in current migration partnerships therefore concerns a relatively small portion of the migration flows to the Netherlands.

Demographic change

In times of an aging population and labor market shortages, the influx of migrants can have a positive impact on the Dutch economy and society. The recent advisory report by The Netherlands Scientific Council for Government Policy (*Wetenschappelijke Raad voor het Regeringsbeleid*, WRR) entitled '*Met de mondiale demografie mee*', recommends establishing migration partnerships with countries outside the EU that have (current and future) untapped labor potential, in other words countries with a relatively large working-age population and (as yet) relatively few elderly people. The WRR points out that the populations of countries that are currently major sources of migrant workers, particularly those in Eastern Europe, will also start to age over the next 25 years. This means that, in the long run, the Netherlands will have to look to countries outside the EU to fill selectively the jobs currently held by migrant workers.⁹

An opportunity to regulate migration more effectively

This development offers an opportunity to better regulate migration, because it generates scope for migration that can be managed much more effectively, in addition to migration under the EU's 'free movement' framework. That is not to say, however, that migrant workers from within the EU should simply be replaced by migrants from elsewhere. A number of questions first need to be broadly considered and answered: In which sectors will the Netherlands be earning its income in the future? What kind of people will be needed for that, where should they come from, and under what conditions will they be



coming here to work? Does that vision still provide scope for low-wage jobs for which labor migration to the Netherlands is required? Which products does the Netherlands prefer to import from abroad, and which does it prefer to produce at home? The answers to these questions will help determine a future commitment to migration partnerships. In 2024, the Advisory Council on Migration outlined an initial framework for evaluating these choices and recommended that the government establish a new advisory committee with broad representation from society to advise on these choices.¹⁰

Aiming for moderate population growth

The report by the National Commission on Demographic Developments 2050 was also published in 2024 and it received broad support when it was debated in the House of Representatives.¹¹ The report explores the issue in more detail by assessing how, even in the longer term, sufficient space and public services can continue to be available for everyone in the Netherlands. The national commission advocates aiming for moderate population growth, with the population of the Netherlands reaching between 19 and 20 million by 2050. According to the commission, this would entail an annual net migration of approximately 60 thousand people, which is significantly lower than the current net migration. Assuming that the number of people leaving the Netherlands will not suddenly and significantly increase, immigration must therefore undergo a sustained decline. Logically, this limits policymakers' ability to create significant scope for migration within partnerships.

Realistic goals and achievable commitments

Nevertheless, the national commission also views migration partnerships as one of the tools that can be used to manage migration. If these partnerships succeed in curbing irregular migration, promoting returns and accommodating more refugees in the region, it could, from this perspective, create opportunities for regular migration from outside the EU. Sufficient policy space is needed, however, to make this a reality and make it possible in actuality to implement the policy objectives in practice. In response to a government request, the Advisory Council on Migration advised in 2022 that this flexibility is crucial for developing credible policies that are guided by migration targets. Given that people are free to move within the EU, immigration from the EU can only be limited indirectly - by addressing demand from the business community. In addition to this, the number of asylum seekers arriving in the Netherlands is closely linked to external factors such as war and oppression elsewhere in the world. These are issues on which Dutch policy has relatively little influence.¹² In order for migration partnerships to be effective, it is therefore important to set goals and make agreements that are achievable. Otherwise, expectations will be raised - both at home and in partner countries - that cannot be met.

Safeguarding migrants' rights

Regulating migration also raises moral questions and involves normative considerations. Cooperation with the EU's neighboring countries in order to improve border control and combat irregular migration is controversial because of the human rights violations that regularly occur in the process.¹³ The same applies to efforts to relocate (parts of) the asylum procedure to countries outside Europe, which may be legally possible but whose implementation depends entirely on the guarantee that the rights of the migrants involved are properly safeguarded in practice.¹⁴ That guarantee is not always easy to obtain. In practice, therefore, there will often be tension within a partnership, not only between the wishes of partner countries and those of the Netherlands, but also between the desire to regulate migration more effectively and the obligation to comply with international law. A legal and normative lower limit therefore exists with regard to how much is possible, and that restricts the policy space for managing migration given that migration partnerships must be lawful.

Careful navigation is required

In short, establishing legitimate, mutually beneficial and effective migration partnerships requires a high degree of skill in order to navigate carefully between norms and necessity. Moreover, what the Netherlands considers to be the norm and a necessity does not necessarily apply to the same extent to the (potential) partner country. At the same time, the political pressure to achieve results is so great that



relations with partner countries may become more transactional due to migration concerns, and the discussion of human rights may become subordinate to the legitimate political desire to regulate migration more effectively. Not only is this undesirable from the perspective of the rule of law but, as the councils argue in this advisory report, it will also undermine the effectiveness of the partnerships.

Current geopolitical dynamics underscore the need to build strong relationships that enable us to respond jointly to global developments. At the same time, it is important to have realistic expectations regarding partnerships as a policy instrument. Partnerships are not quick fixes, but a complex undertaking that, when implemented properly, mainly have an impact over the long term. The ‘decisiveness’ referred to in the request for advice can therefore only be interpreted as a long-term issue, and was therefore examined as such by the councils, with strong partnerships being the foundation for acting decisively. In this advisory report, the AIV and the AM present five lines of thought for policymakers to consider. These recommendations will help ensure that partnerships are successful, in other words that they are effective, lawful, and mutually beneficial. There is no magic wand for achieving this and instead we have to strike a balance between patience and quick results and between interests here and there, and we have to keep a keen eye on justice and results. A world that is changing at breakneck speed requires political leadership and diplomatic skills. Without these qualities the options will be few and far between.

Methodology

When compiling this advisory report, the councils consulted scientific literature and conducted interviews with more than one hundred experts, stakeholders, and other interested parties both in the Netherlands and abroad. The councils spoke with policymakers, implementing organizations, academics, international organizations and civil society organizations, including representatives of the diaspora. The authors also went to Brussels to meet with European authorities, and to Tunisia to hear at firsthand from diplomats, experts and migrants about the situation on the ground and their experiences.

Overview of the document

Chapter 2 explains in more detail what migration partnerships are and how they work in practice. This provides a basis for identifying five areas which require additional policy efforts and which the councils identified on the basis of the available literature, interviews and field visits. These issues are addressed in Chapters 3 to 7 using five lines of thought which are aimed at establishing more effective, mutually beneficial and lawful partnerships.





2

**What are migration
partnerships and what
is their purpose?**

This chapter describes the context of migration partnerships, in other words what they are, what they are trying to achieve and how this is put into practice. This is followed by a reflection on how this relates to the central question of how the Netherlands can establish lawful, mutually beneficial, and effective partnerships with partner countries.

2.1. What are (migration) partnerships?

In this advisory report, the councils deliberately apply a broad definition of migration partnerships based on a partnership being viewed as a sustained cooperation between countries in the field of migration management. This means coordinated agreements across multiple policy areas, rather than isolated or unilateral measures such as returns or support for border control, and cooperation that is embedded in regular consultations. This advisory report therefore does not address specific types of partnerships that, for example, deal exclusively with returns and readmissions, or labor migration partnerships. Instead it focuses on broad, strategic partnerships. Within this definition there are many different forms of migration partnerships, which are set out in writing in varying degrees of detail - or sometimes not at all. For example, the EU-Turkey Statement (2016) refers to very specific numbers, amounts and agreements on responsibility for asylum seekers and refugees.¹⁵ In many cases, however, the agreements are far less specific. The action plan between the Netherlands and Morocco (2022¹⁶, see box) states, for instance, that ‘both countries could begin to consider establishing an innovative mechanism that could provide a strategic framework for economic cooperation’.¹⁷

The Morocco-Netherlands Multi-Sectoral Action Plan

The Netherlands-Morocco Action Plan provides a framework for intensifying cooperation between the Netherlands and Morocco, with migration and security as central themes. It describes the countries as equal partners that respect each other’s sovereignty and do not interfere in domestic affairs.

The action plan is based on a number of ambitions, with cooperation in the areas of security, justice and migration being the most extensive. The plan outlines the intention of both countries to cooperate more closely in the areas of organized crime and terrorism, for example by starting negotiations to conclude an extradition treaty. The focus in terms of migration is on cooperation on the return and readmission of Moroccan citizens without the right of residence, support for Morocco’s National Asylum and Immigration Strategy, and the creation of favorable conditions for cooperation on regularized migration. Other ambitions relate to social security, plus trade, investment and climate, and lastly cultural cooperation.

Various sections of the document include an agreement to organize mutual exchanges. A joint committee is to be established specifically to address migration issues and improve cooperation. The two countries also aim to arrange visits by their respective ministers of migration. Through this action plan, the two countries have since organized regular, structured progress dialogues and exchanges at the senior civil service level, as part of the broader diplomatic relationship between them.



There is no comprehensive list of countries with which the Netherlands currently has a migration partnership. Partnerships are defined in various ways and can be at different stages of development. Whether the term partnership can be used or not therefore depends on the definition used and on the stage the parties are at in the cooperation process. Countries often set out their agreements in a Joint Declaration, an Action Plan, or a Memorandum of Understanding, but this is by no means always the case. Such instruments are generally political or administrative in nature and are not intended to create legally binding obligations, although their legal status ultimately depends on their wording and the parties' intent. The Netherlands has a number of declarations like these. In addition to the action plan with Morocco, the Netherlands also has, for example, a Memorandum of Understanding with Nigeria (2018)¹⁸. The Netherlands has also signed declarations of intent, for example a Joint Declaration with Egypt (2024)¹⁹ and a Joint Declaration with Uganda (2025)²⁰, which the current government has put on hold. Cooperation with other countries, such as Algeria, Ethiopia, Somalia, Turkey, or Tunisia, has not yet been formalized in documents like this.²¹ The Netherlands has also engaged in migration partnerships with certain countries as an EU member state. This applies to Egypt (2024)²², Turkey (2016)²³, Tunisia (2023)²⁴, Mauritania (2024)²⁵, Lebanon (2024)²⁶, and Jordan (2025)²⁷. For the sake of clarity, the term 'partnerships' will be used throughout the remainder of this report to refer to all forms of structural cooperation across multiple topics.

2.2. The goals of (migration) partnerships

In order to assess partnerships in terms of the substance and implementation of agreements - legality, mutual benefit, and effectiveness - it is necessary to examine their goals. As described in the introduction, it is by no means always obvious that the goals of the partners align. This was also evident during the development of the Global Compact for Safe, Orderly and Regular Migration. In this global, UN-led process, countries have jointly agreed on 23 goals in a non-binding resolution to regulate migration more effectively. It therefore serves as a useful framework for understanding what regulating migration entails. Conflicting views continued to coexist throughout this process and are linked to countries' positions in the world, with receiving and sending countries prioritizing different issues, and there are, of course, significant differences between countries in terms of their effectiveness when it comes to implementing policy. Countries in the Global North generally try to shift more of the responsibility for managing migration to countries in the Global South, while countries in the Global South highlight the need for their citizens in host countries to be treated fairly and for safer, regularized migration routes to be created.²⁸ It is not, however, the case that only Northern countries are destination countries. After all, large numbers of people also migrate from the North, while countries in the South are also major destinations. It is also the case that more than one third of all international migration takes place between countries in the Global South.²⁹ However, not all of the goals in the Global Compact for Safe, Orderly and Regular Migration are reflected in partnerships. One reason for this is that the list consists of a mix of national and transnational policies.

Based on an analysis of various typologies of migration partnerships in academic literature, the councils have therefore identified four main goals that partnerships can achieve: 1) a reduction in irregular migration, 2) returns, 3) economic development and 4) migrant protection.³⁰ The rest of this chapter will address each of these goals in turn. Each goal is accompanied by a description of the problems it addresses, the opportunities it capitalizes on, and how it is implemented through various strategies and policy instruments developed by partnerships.

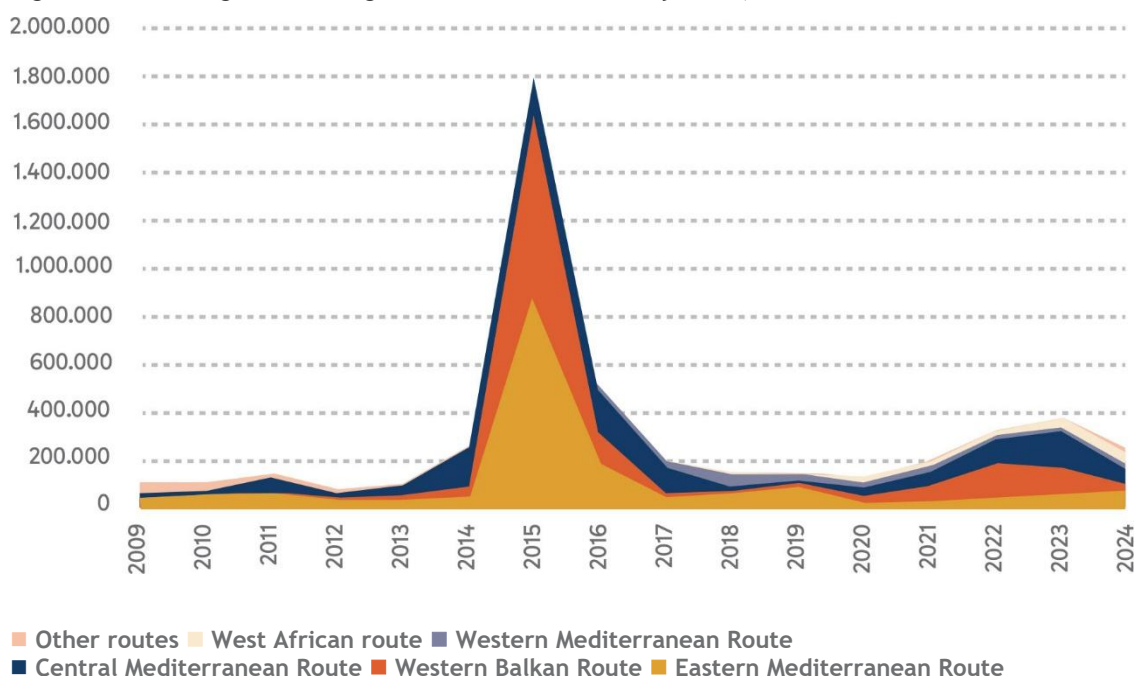


Goal 1 - A reduction in irregular migration

A distinction is made between regularized migration, which takes place in accordance with legal rules and procedures, and irregular migration, whereby a person crosses a national border and/or resides in a country unlawfully. Irregular migrants are people who enter a country without valid documents (a visa and/or passport) (irregular arrival), people who remain in the country after their application for residence has been denied, or people whose residence permit has been revoked or has expired (irregular stay). Formally, anyone who enters or stays in the country illegally must leave unless, for example, they are unable to leave immediately for medical reasons, or are applying for asylum. In the latter case, a person will not be deported until a (negative) decision has been made on the application. This does not mean that migrants have a general right to cross a border irregularly, but it does mean that, under certain conditions, they must not be penalized for irregular entry when they are seeking protection.³¹

The graph below shows the number of irregular migrant arrivals at the EU's external border during the period 2009-2024. The data shows that the number of migrants arriving irregularly at the EU's external border varies by migration route and by year. Some routes are used more intensively than others during certain periods, and there are obvious peak years. There are several explanations for these fluctuations. Political instability, conflict, or (changing) economic conditions are key factors that influence the number of people attempting to cross the European border irregularly. For example, the clearly visible spike from 2014 to 2016 in Figure 1 is the result of a large group of Syrian refugees who sought asylum in Europe. However, the Syrian civil war started as long ago as 2011 and did not end until 2025. There are, therefore, other factors at play in these migration movements, such as migrants' opportunities and aspirations, their networks, and the conditions at the locations they pass through along the route.³²

Figure 1. Annual figures on irregular entries into the EU by route, 2009-2024



Source: Frontex statistics on irregular border crossings, edited by AM and AIV

Another explanation for the dynamics referred to is the policy measures taken by the EU or individual Member States, such as stricter border controls or new cooperation agreements with countries of origin or transit. For example, the sharp decline following the peak appears to coincide with the partnership that the EU and Turkey entered into in 2016. As a result, Turkey stepped up border security and received substantial financial support from the EU to accommodate refugees.³³ However, this decline may also be due to stricter border controls in the Western Balkans. Crossings to Greece had already begun to decline sharply several months before the agreement between the EU and Turkey was reached. Migrants who knew they could not travel further through the Balkans after reaching Turkey would choose other routes, such as via the central Mediterranean.³⁴ The graph does indeed show an increase in crossings on the central route a few months before the EU-Turkey agreement came into effect, while a clear decrease in the total number of crossings can be seen during the same period. Changes in policy therefore have an impact on migration routes, but the exact impact of partnerships, how long that impact lasts, and the extent to which routes shift towards neighboring countries are difficult to predict.

Reducing irregular migration is a key reason for forming partnerships as far as European countries are concerned. Sometimes partner countries share the same interests. Tunisia, for example, has long been a destination country for migrants from Sub-Saharan Africa, and public sentiment towards them has deteriorated in recent years. It has increasingly become a transit country where the government is trying to keep migrants out.³⁵ The table below illustrates the types of measures that governments use to combat irregular migration. All of these interventions take place outside European territory. This is also referred to as externalization, because European policy is outsourced to (or carried out in cooperation with) partner countries (see also Chapter 4 for a discussion of externalization).³⁶ The literature shows that this form of transnational governance sometimes leads to conflicts, because externalized border controls may, for example, frustrate regional efforts to facilitate migration.³⁷ Legally speaking, the issue of responsibility surrounding this form of governance has yet to be fully clarified.³⁸ It is clear, however, that from a legal perspective, the Netherlands also has obligations towards people outside its own national borders (extraterritorial obligations) when it exercises *de facto* or legal control over them. The Netherlands cannot, for example, transfer people to countries where they are in danger or at risk of inhumane treatment.³⁹

In the meantime, new EU legislation is being developed to improve the way externalization is facilitated. This is deemed to be a way of promoting returns, combating irregular migration by disrupting the business model of human smugglers, and providing more cost-effective protection to the most vulnerable refugees in the region. One example of externalization is return hubs, which are seen as a means for organizing the return of migrants from a country outside Europe who are the subject of a return decision. In that case, the entire process - from the asylum application to, in this instance, a final rejection - does take place within Europe. The most extensive form of externalization is the outsourcing of asylum procedures to safe third countries. This involves states entering into agreements with partner countries to have the asylum support, screening, or processing of asylum applications performed outside their own territory, with the aim being to limit the number of irregular arrivals in Europe. This shifting of (elements of) the asylum procedure to countries outside the EU is part of a broader effort to regulate and manage migration before it reaches Europe, through cooperation with third countries.⁴⁰

Changing migrants' considerations is another goal of this type of intervention. This is also done at individual level, by directly influencing migrants themselves, for example by providing information on the risks associated with irregular migration in order to deter them.⁴¹



Table 1: Types of interventions in partnerships aimed at reducing irregular migration

Goal: A reduction in irregular migration		
Strategy	Policy instrument	Example
Externalized border control	Staff equipment and training	Italy and other EU Member States provided Libya with border control equipment such as radars, night-vision goggles and patrol boats.
	Deployment of liaison officers	The EU stations Immigration Liaison Officers at airports and border crossings in key countries of origin and transit.
	Joint enforcement	Since 2010, border guards from various EU Member States have been working together in the border region between Greece and Turkey to prevent irregular migration to Greece.
	Shared information	Frontex has been facilitating the sharing of information on the movements and routes of migrants in Africa through the Africa-Frontex Intelligence Community since 2010.
	Pre-clearance	In 2026, the EU is going to introduce a digital system that allows travelers to the Schengen Area to submit their information before departure in order to speed up the border control process.
Externalized asylum procedure	External processing	Italy agreed with Albania that migrants intercepted in the Mediterranean Sea would undergo the Italian asylum process on Albanian territory. This was intended to have an indirect deterrent effect.
	Safe third country agreement	The United Kingdom agreed with Rwanda that migrants who arrived in the UK irregularly would be transferred to Rwanda, where they could go through the Rwandan asylum process. This was intended to have an indirect deterrent effect.
Direct influence on migrants	Information campaigns	The Netherlands funded awareness campaigns in Nigeria, Afghanistan and Iraq to make potential migrants aware of the risks associated with irregular migration.
	Safe mobility offices	In cooperation with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), locations have been set up along the migration route through Costa Rica where Venezuelan and Nicaraguan migrants can obtain information and submit an asylum application, so that they do not have to travel the dangerous route (in its entirety).

Goal 2 - Returns

Return decisions were issued to 19 thousand people in the Netherlands in 2024 and the corresponding number for the year before was 21 thousand. A person is issued a return decision when it has been established that they are not (or no longer) entitled to remain in the Netherlands, for example if an asylum application is denied, or if someone is found on Dutch territory without the proper documents. The return decision requires the person in question to leave the Netherlands (and the Schengen Area) by a specific deadline. The graph below shows that a return decision does not automatically lead to someone



having to leave the Netherlands (and the Schengen Area). The ‘gap’ between the decisions and verifiable departures has remained stable over the past 10 years, both in the Netherlands and at European level. There is evidence that 4,200 people left Dutch territory in 2024, while the corresponding number in 2023 was 6,800.⁴²

Figure 2. Annual figures on irregular migration, asylum applications and returns for the Netherlands, 2008-2024

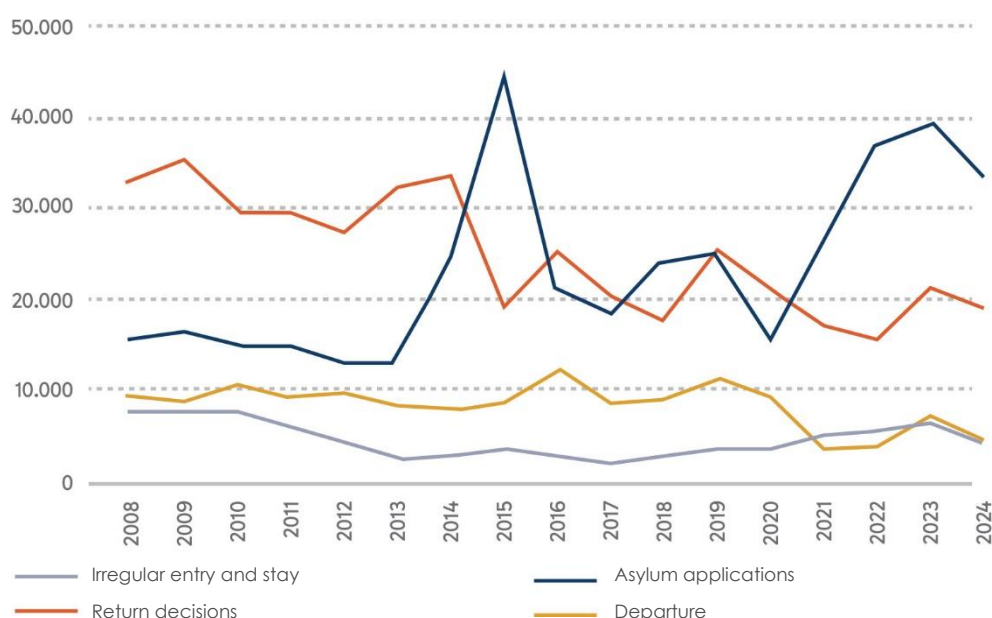
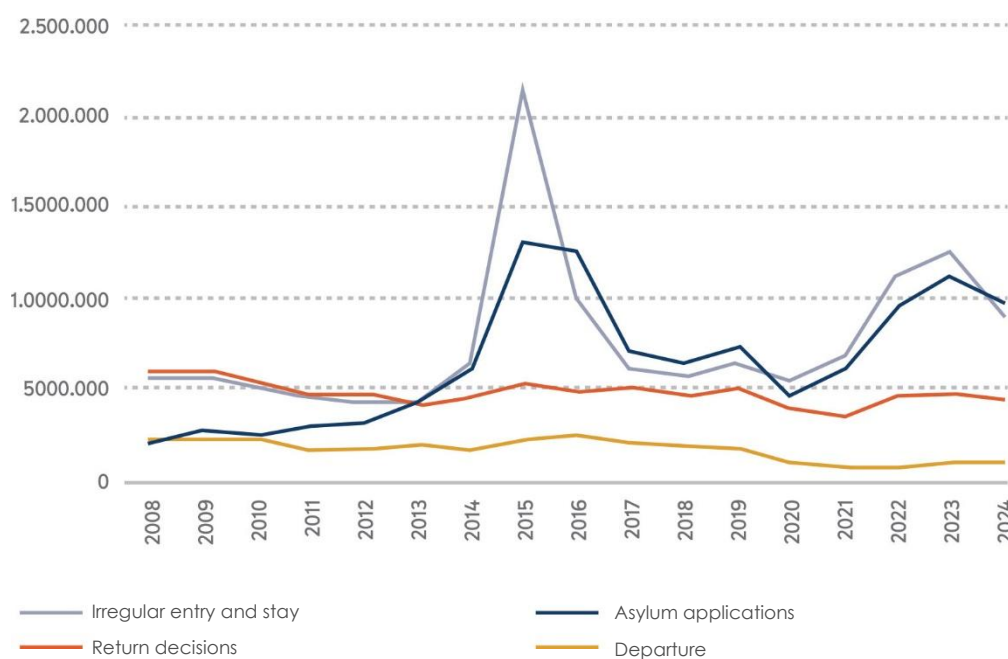


Figure 3: Annual figures on irregular migration, asylum applications and returns for the EU as a whole, 2008-2024



Source: Eurostat Database, edited by AM and AIV

There are various reasons why people who have received a return decision do not leave the country.⁴³ First, there has to be both the political will and the capacity to ensure their departure. Although this is generally the case in the Netherlands, the same does not apply to all European countries.⁴⁴ In addition, both the migrant's cooperation and that of the country of origin are required in order to establish the migrant's identity. Only then can a person who has been ordered to leave obtain identification documents or a laissez-passer (temporary travel documents). People need these to travel from the Netherlands to their home countries. There is, therefore, a strong focus on promoting voluntary return. However, this regularly draws criticism, because it can result in pressure being exerted on individuals in various ways to encourage them to return, for example, by granting people access to basic services ('bed, bath and bread') only if they cooperate with the return process.⁴⁵ Research shows, however, that factors beyond the scope of Dutch policy - such as economic and political conditions in the country of origin or stigmas associated with return - have a greater impact than these types of coercive measures.⁴⁶ Another reason for the limited number of returns is that the implementation chain in the Netherlands is under pressure due to legal complexity, the accumulation of legal proceedings, the introduction of new and stricter policy measures, and staff shortages.⁴⁷ As a result, even when partner countries are willing to cooperate, it is not always possible to carry out a return in every case.

Returning people without residence permits to their countries of origin is important for European countries, but it is not so much of a priority for the countries of origin. Not all partner countries are willing to cooperate with (forced) returns and are asking European countries to provide sufficient support for their citizens. For example, one of the goals of Nigeria's national migration strategy is to ensure that bilateral agreements on returns always include a provision on the training and education of returnees.⁴⁸ Research shows, however, that having a partnership agreement with a country has little impact on the effectiveness of returns.⁴⁹ Many countries therefore focus on improving bilateral relations in order to increase mutual understanding and thereby facilitate the returns process.⁵⁰ Viewed from this perspective, the agreement itself is less important than the relationship. This is reflected in practice by the rise in the number of informal arrangements, in which countries are unwilling to enter into legally binding readmission agreements.⁵¹ Meanwhile, European countries are seeking new solutions for individuals who are difficult to deport, such as the aforementioned return hubs. Much remains unclear about these hubs, but the logic seems to be that of a coercive measure designed to encourage voluntary return. In other words, if a rejected asylum migrant is placed outside Europe rather than in the Netherlands, they may be more likely to cooperate with the return process. In the case of return hubs, two countries reach an agreement regarding a third-country national and that is why the Dutch court will probably impose additional requirements on the necessary safeguards. Whether this instrument will contribute to the Dutch returns target remains to be seen.⁵² The table below shows the types of interventions that governments use to facilitate returns.



Table 2: Types of interventions in partnerships aimed at promoting returns

Goal: Promote returns		
Strategy	Policy instrument	Example
Territorial return procedure	Readmission agreements	These agreements facilitate returns by establishing procedures and deadlines. The Netherlands is a party to 30 such agreements, within either the EU or Benelux framework.
	Forced return	Whether forced returns are possible depends heavily on cooperation between countries. Certain countries, such as Senegal, Gambia, and Nigeria, are happy to cooperate on forced returns and decide whether to issue travel documents on a case-by-case basis.
Externalized return procedure	Return hubs	The Netherlands had signed a memorandum of understanding with Uganda to set up a transit hub, but the exploratory talks were later put on hold.
Support for national return procedure	Support for voluntary returns from partner countries	The Netherlands supports the development and improvement of Turkey's voluntary returns and reintegration system.
Individual return assistance	Financial assistance for voluntary returns	Financial assistance for returns can be obtained via the EURP (European Reintegration Program), the Support for Independent Departures (<i>Ondersteuning Zelfstandig Vertrek</i> , OZV) subsidy scheme, or the Assisted Voluntary Return and Reintegration Program (AVVR).
	Return counseling	The Repatriation and Departure Service (<i>Dienst Terugkeer en Vertrek</i> , DTenV), the International Organization for Migration (IOM), and NGOs such as the Dutch Council for Refugees (<i>VluchtelingenWerk Nederland</i> , VWN), the ROS Foundation (<i>Stichting ROS</i>), the Solid Road Foundation (<i>Stichting Solid Road</i>), and the Worldwide Foundation (<i>Stichting Wereldwijd</i>) offer customized individual programs to prepare people for their return.
	Reintegration support	NGOs in countries of origin are working together with NGOs in the Netherlands to help with the reintegration of repatriated

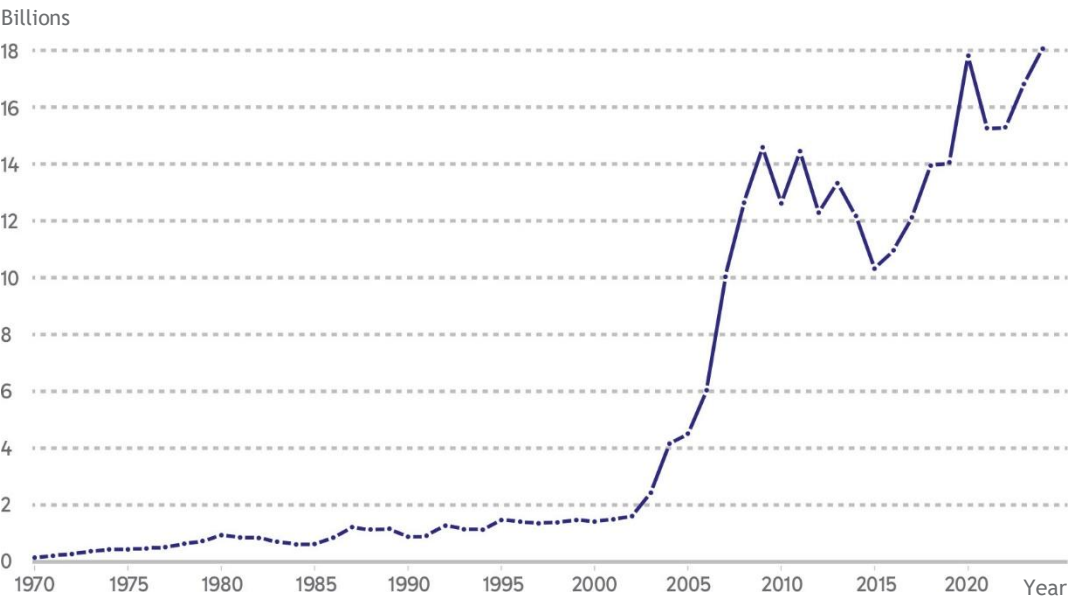


		nationals. One example is Patriotic Citizen Initiatives (in Lagos, Nigeria).
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Goal 3 - Economic development

The relationship between migration and economic development is complex, and the economic stakes are high. This applies to both countries in the Global South and European countries. In 2024, 700 billion U.S. dollars were sent to low-income and middle-income countries via remittances (money sent by migrants to their home countries). This is more than all development funding and other types of foreign investment combined that went to these countries in the same year.⁵³ The World Bank estimates that approximately 18 billion dollars were sent from the Netherlands in 2024.⁵⁴ Of that amount, approximately 2 billion euros are sent annually to countries outside the EU.⁵⁵ For some countries, these remittances from other countries now account for a substantial portion of gross national product, as is the case in The Gambia (21.5% of GNP), Nepal (62.5% of GNP), and Tajikistan (37.8% of GNP).⁵⁶ At household level these remittances make a significant difference, especially for people living in extreme poverty in that their health improves and more children are able to attend school as a result.⁵⁷ Studies into the macroeconomic effects of these remittances paint a more mixed picture, with the effects being heavily dependent on factors such as the migrant’s labor market position in the country of origin.

Figure 4. Money transfers from the Netherlands from 1970 to the present day



Source: International Monetary Fund



To promote the positive economic effects of migration, some countries have therefore developed strategic migration policies aimed at facilitating emigration. The Philippines is the best-known example of this, with a policy specifically aimed at promoting the emigration of nurses and seafarers from that country.⁵⁸ In many countries, however, migration policy is reactive in nature. Policies are then developed in which European countries seek to cooperate in order to regulate migration more effectively. The fact that Europe's population is aging means that European countries are increasingly looking for workers with a variety of skills. Their focus is on attracting highly educated, specialized staff and skilled workers and this is resulting in various forms of labor migration for varying periods of the time.⁵⁹ Whenever highly educated people are primarily the ones to migrate - and are difficult to replace in their country of origin - this can lead to a brain drain. Various measures are being taken to prevent this. Germany, for example, does not recruit healthcare workers from countries on the WHO list of countries with healthcare shortages.⁶⁰ Countries also regularly focus on 'brain gain' through circular labor migration by providing migrant workers with training that helps them apply their improved skills in their country of origin upon their return. When, as in the Netherlands, there is limited political scope to expand opportunities for regular migration, the focus shifts to other ways of linking economic benefits for partner countries to the partnership. This could involve, for example, the use of development funds or the promotion of trade. These are tools the Netherlands is using more and more frequently. Creating jobs and supporting economic development can therefore be a good alternative to remittances.

Recently, there have been calls to replace labor migration to the Netherlands with the relocation of economic activity to other countries, particularly in sectors that contribute little to broad-based prosperity in the Netherlands.⁶¹ Such economic activities could be relocated abroad through nearshoring, thereby creating mutual benefits in a different way.⁶² For example, Europe could source agricultural products, green energy and goods such as auto parts from North Africa.⁶³ This vision links together trade and migration. Importing labor is one possibility, but so is importing products manufactured by foreign labor.⁶⁴ However, one should not forget that the act of replacing labor with trade, creating jobs and supporting economic development in partner countries does not automatically lead to less migration. It can, in fact, facilitate migration and make it more attractive.⁶⁵ The table below shows the types of economic interventions that governments use in partnerships.



Table 3. Types of interventions in partnerships to boost economic development

Goal: Economic development		
Strategy	Policy instrument	Example
Facilitate regular migration channels (attract qualified workers)	(Circular) labor migration	Spain's Collective Management of Recruitment in Countries of Origin (<i>Gestión Colectiva de Contrataciones en Origen</i> , GECCO) program makes it possible for 20 thousand Moroccan migrant workers to work in the agriculture sector for 9 months each year.
	Seasonal labor migration	Italy has quotas for seasonal migrants from outside the EU who come to work in the tourism and agriculture sectors. The total quota for 2025 (seasonal and non-seasonal migrants) was 500 thousand.
	Talent and skills partnerships (including academic programs and internships)	The EU has Talent Partnerships with Tunisia, Morocco, Egypt, Bangladesh, and Pakistan to facilitate labor migration.
Invest in the region	Macroeconomic support/budget support	As part of its broad, strategic partnership with Egypt, the EU is providing the country with 4 billion in macroeconomic support for various sectors.
	Nearshoring	The Netherlands Institute of International Relations 'Clingendael' advises the Netherlands to invest in nearshoring to create sustainable jobs in partner countries as a complement to regular labor migration, for example in the Egyptian IT sector.
	Development programming/reconstruction	The Netherlands is exploring opportunities for cooperation on reconstruction in Syria and has stated that it intends to do so to encourage the return of refugees.
	Trade missions	The Netherlands Enterprise Agency (<i>Rijksdienst voor Ondernemend Nederland</i> , RVO) and the Netherlands-African Business Council (NABC) organized a trade mission to Tunisia following Minister Klever's visit in 2024.
	Facilitate remittances and diaspora investment	The UK and Ghana are actively encouraging the diaspora (including through a trade mission) to engage in mutual investment.



Goal 4 - Migrant protection

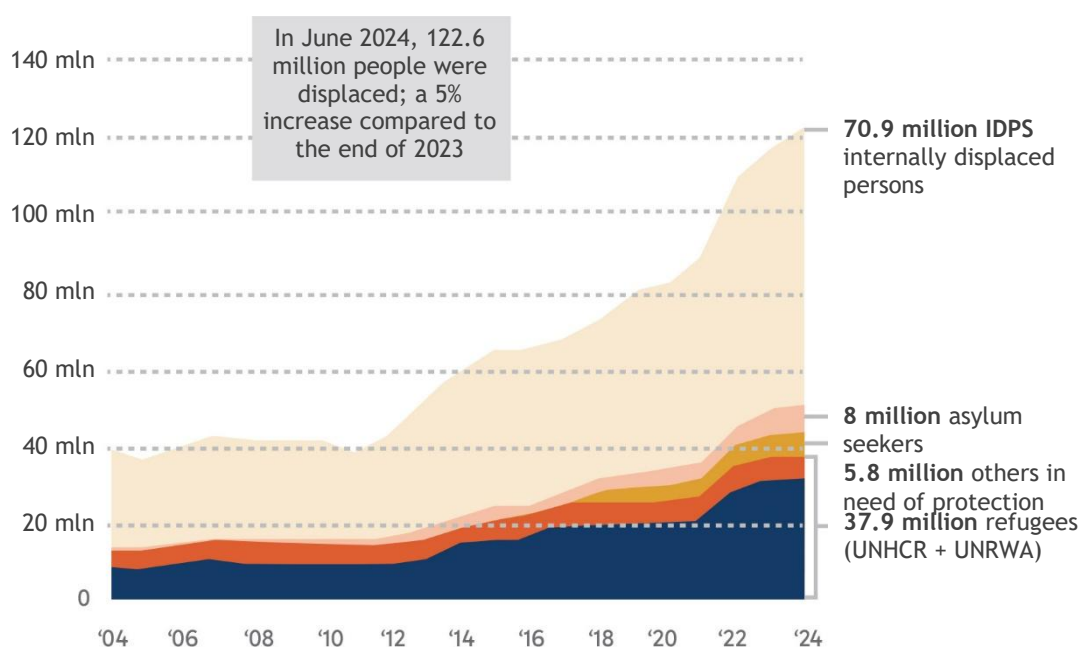
Migration routes are often unsafe, and sometimes deadly. Even in places where migrants stay for extended periods of time, their safety is not guaranteed. The IOM recorded 2,500 deaths and missing persons on the routes to Europe in 2025 and the figure was 3,800 a year earlier.⁶⁶ Migrants are also at risk of exploitation while en route and during their stay in transit countries, for example in the form of human trafficking, forced labor and sexual violence. In Libya, for example, migrants were subjected to sexual violence, slavery and torture by human traffickers and militias.⁶⁷ These people's right to protection is enshrined in a series of international treaties to which the Netherlands is bound, including the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights, the UN Refugee Convention, and the UN Convention on the Law of the Sea (UNCLOS). Among other things, these treaties enshrine the right to life, the prohibition of torture and inhuman or degrading treatment, the right to liberty, the right to an effective remedy and the obligation to rescue people in distress at sea. The resulting obligations also apply to partnerships. Agreements must not conflict with the mandatory minimum level of protection that these treaties provide to migrants⁶⁸ and both regularized and irregular migrants are entitled to protection under these treaties by virtue of them all being human beings. A specific migration-related status, such as refugee status, may grant them additional rights to international protection. The non-refoulement clause in the ECHR and the Refugee Convention also prohibits countries from transferring individuals (including rejected asylum seekers) to countries where they face the risk of inhuman or degrading treatment. This also applies indirectly, for example, if it is known that people transferred to them are being sent back to an unsafe country of origin.⁶⁹

The vast majority of displaced persons have remained within their own country's borders

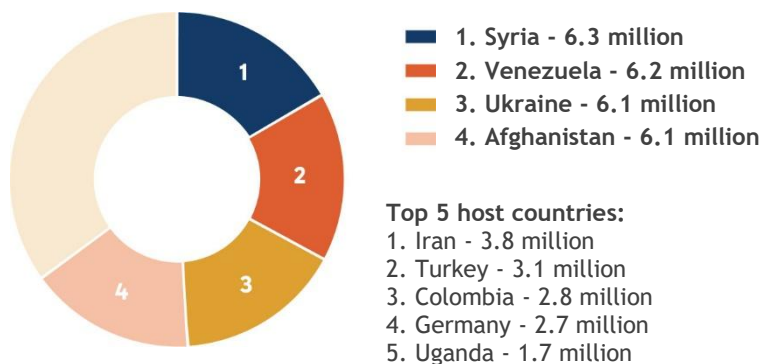


In partnerships, therefore, providing protection relates both to people who are on the move and displaced persons and refugees in the countries where they are currently residing. Figure 5 shows that there were 122.6 million displaced people worldwide in 2024. The vast majority of them (70.9 million) were internally displaced. Although these people have fled, they have remained within the borders of their own country. They therefore fall under the responsibility of their own government, which is often assisted by international organizations through the provision of humanitarian aid. In addition, there were approximately 42.5 million refugees under a UN mandate in 2025, of whom 31 million were under the mandate of the UN refugee agency, UNHCR. These people have a specific legal status under international law that entitles them to, among other things, basic social and legal rights in the host country, access to asylum procedures and protection against refoulement. Worldwide, 8 million people were going through the asylum process in 2024, of whom 33 thousand people filed an initial asylum application in the Netherlands. In 2024, there were 132 thousand people with refugee status in the Netherlands, in addition to 105 thousand Ukrainian refugees with temporary protection.⁷⁰ The first group of people were granted refugee status, and therefore the right of residence, after submitting their asylum applications.

Figure 5. Key figures on displaced persons



65% of refugees under the UNHCR mandate and others in need of international protection come from the following 4 countries:



Source: The State of Migration 2025 (*De Staat van Migratie 2025*)

Partnerships include various activities aimed at ensuring protection. As shown in Figure 5, most refugees are taken in by neighboring countries or ‘in the region’. For example, in 2024 Iran took in 3.8 million people and Turkey took in 3.1 million. There are also exceptions, such as Tunisia. In 2024, the Tunisian president declared that Tunisia was no longer a destination country for migrants and prohibited the UNHCR from registering any more people as refugees.⁷¹ Furthermore, some governments of partner countries are adamant that the responsibility for hosting refugees should not fall solely on them. In their view, European societies have much greater capacity. At the same time, European countries regularly like to point out that it is efficient to offer asylum support in neighboring countries. From that perspective, it is less expensive, people tend to stay longer in a place that is similar in terms of language and culture, and returns are easier to organize.

Attempts by European countries to strengthen national asylum systems in the region are sometimes viewed with suspicion⁷². This could create an opportunity to designate these countries as safe so that migrants who have arrived in Europe can be returned as part of (externalization) strategies that focus on asylum support in the region. The EU-Turkey agreement was, for example, based on this ‘safe third country’ principle. The EU is trying to remove legal obstacles so that it can apply this principle more often in countries outside the EU. This has drawn widespread criticism from legal experts and human rights organizations.⁷³ Moreover, experience with Dublin transfers within the EU has also made it clear that such transfers do not automatically hold up when human rights are not sufficiently safeguarded. Effective safeguards and monitoring of asylum support and procedures are therefore essential. In recent years, for example, Dutch courts have prohibited the return of asylum seekers from the Netherlands to Italy and Belgium due to inadequate asylum support conditions.⁷⁴ However, the monitoring of partner countries which involves access to all facilities is a sensitive issue which often runs into problems because of objections relating to sovereignty. Having said that, European countries do invest in civil society and human rights organizations that document human rights violations. Although a commitment to humanitarian asylum support can save migrant lives, the focus on human rights protection within partnerships does not necessarily mean any improvement in the human rights situation of migrants in these countries. The table below illustrates the commitment of governments within and around partnerships.

Table 4. Types of interventions in partnerships aimed at protecting migrants

Goal: Migrant protection		
Strategy	Policy instrument	Example
Humanitarian assistance	Asylum support in the region	The Netherlands funds the PROSPECTS program in eight countries. In doing so it provides support to refugees and the communities that host them and facilitates their integration into the national labor market and social protection system.
	Resettlement	Each year, the Netherlands invites approximately 500 vulnerable asylum seekers to resettle via the UNHCR from countries where they have already sought protection but are unable to obtain any to a sufficient degree. Within the framework of the EU-Turkey agreement, the Netherlands also takes in 500 Syrian refugees each year.



Support for implementing organizations	Strengthening of asylum systems in partner countries	The Netherlands-Morocco Action Plan contains an agreement to continue cooperating on support for Morocco's National Asylum and Immigration Strategy.
Support for proceedings relating to the rule of law	Access to justice	The UNHCR provides assistance with accessing the legal system. NGOs in the Netherlands, such as VWN, ASKV, the Salvation Army, the ROS Foundation (<i>Stichting ROS</i>), the 'Vluchtelingen in de Knel' Foundation (<i>Stichting Vluchtelingen in de Knel</i>), the STIL Foundation (<i>Stichting STIL</i>) and the International Network of Local Initiatives with Asylum seekers (INLIA), also provide assistance in accessing legal protection.
	Support with drafting legislation	As part of its migration partnerships, the EU is working with North African countries to establish and/or improve their asylum laws.
Protection along routes	Rescue operations at sea	Government agencies (coastguard) and ship captains are required to assist people in distress at sea. Humanitarian organizations also carry out rescue operations. The focus of migration partnerships is on supporting the coastguard.
	Combating human trafficking	The EU is combating criminal networks that exploit vulnerable migrants by tightening legislation and strengthening police cooperation.
Strengthening civil society	Support for human rights organizations, journalism organizations and local NGOs	Dutch embassies support organizations, for example by conveying concerns to government leaders and providing practical support by making facilities, resources or subsidies available.

2.3. Lawful, mutually beneficial and effective

In assessing the **effectiveness** of migration partnerships, it is first and foremost important to provide a clear definition of the partnership's goals. The previous section discussed four goals, both in the area of migration and in broader partnerships which are also oriented around security or economic cooperation. These goals have been distilled from a multitude of agreements that European countries - including the Netherlands - enter into with partners in migration partnerships. However, the agreements regarding these goals are only laid down in agreements in a specific and measurable manner to a limited extent. Based on this information, it is therefore not possible to draw general conclusions about how effective migration partnerships are as a policy instrument. To do so, it would be necessary to assess, for each agreement, what arrangements were made and how they have worked in practice. This report will not address this issue in detail here, and refers the reader to the evaluation published simultaneously by the Policy and Operations Evaluation Department (*directie Internationaal Onderzoek en Beleidsevaluatie*, IOB), which examines this issue for Dutch partnerships. It is clear, however, that many migration partnerships involve two major tensions that limit their effectiveness and are related to legality and mutual benefit.



First, it stands to reason that the partners use migration partnerships to pursue different goals. This can create tension that stands in the way of achieving **mutual benefit**. After all, it also means that one country's policies can undermine those of another. One example of this is that curbing irregular migration and protecting migrants in the region are generally important partnership goals for European countries. However, partner countries are keen to facilitate more regularized migration and make sure that the responsibility for providing refugees with asylum support is shared fairly. Furthermore, it is not immediately obvious that the region should take in even more refugees. A second example is the conflicting policy goals of partner countries and regional organizations such as ECOWAS. In many cases, the aim of those organizations is precisely to facilitate regional mobility. Restrictive measures in one country can also have an impact on neighboring countries - a phenomenon also known as the 'waterbed effect'. As a result, it is difficult to determine whether, for example, an increase or decrease in arrivals is due to an intervention or agreement within a specific partnership.

A second area of tension exists between effectiveness and legality. Limited monitoring makes it difficult to gain an insight into the implementation and effects of the agreements that have been made. This is particularly important because partnerships have been heavily criticized in recent years for their lack of **legality**. Without monitoring the actual effects of specific, clearly defined agreements, it is more difficult to determine who is responsible for those effects and what measures are needed.

Measures to restrict migration, such as the intensified border controls that European countries are calling for, are often accompanied by human rights violations when implemented by partner countries. There have, for example, been incidents of migrants being abandoned in the desert. There are also documented cases of boats carrying irregular migrants being pushed back or towed away to prevent them from entering European territory.⁷⁵ Such actions are not permitted without individually verifying whether these groups include migrants seeking international protection and without making sure they have effective access to that procedure.⁷⁶ European countries, including the Netherlands, may also be guilty of such violations.⁷⁷ The monitoring of these activities is generally very limited or non-existent, or there is a lack of agreement on how to respond in the event that things go wrong. Given that agreements in non-binding 'Joint Declarations' or 'Memorandums of Understanding' are formulated in general terms, it is difficult to establish the liability of European countries for human rights violations. An additional problem is that such agreements are not made public. The exact extent of European states' legal responsibility when cooperating with partner countries, and where the line is drawn between exerting influence and acting in a legally attributable manner, has not yet been fully clarified in all cases.⁷⁸ However, case law does now exist that makes it clear that countries that are party to the ECHR are indeed liable for violations that occur outside their own borders, for example where the Netherlands exercises effective control over a migrant.⁷⁹ Even when measures are actually carried out in partner countries, their legality may therefore remain a matter for the Dutch courts to decide.

Not cooperating with partner countries is not a neutral alternative



The above analysis shows that migration partnerships are not necessarily effective, lawful, or mutually beneficial. As a consequence, human rights organizations are often opposed to such partnerships being set up. On the other hand, not cooperating with partner countries is not a neutral alternative. This, too, has implications for migration management and the conditions under which migrants travel to Europe, as well as the risks they face along the way. In the current Dutch and European political debate, however, investments in safe and regularized routes for labor and asylum migrants are usually presented as politically feasible only when they are accompanied by measures to control numbers, improve border management and facilitate returns. The current approach is therefore largely pragmatic in nature in that it is a search for cooperation that will lead to improvements for migrants, embedded in strategic, mutually beneficial cooperation between states.

Moreover, from a geopolitical perspective, the importance of the mutual benefits of this strategic partnership is only increasing as far as the Netherlands is concerned. For example, in the advisory report entitled 'The Netherlands, Europe and the Global South in a changing world order', the AIV recently recommended deepening relations with a diverse group of countries in the south to avoid being caught between the United States and China.⁸⁰ In its report entitled 'The Netherlands in a Fragmenting World Order', the WRR also argues that the Netherlands can use its substantial influence within the EU to ensure that the Union serves Dutch interests and contributes to the further development of the EU as a global power block.⁸¹ Both the WRR and the AIV advocate the need to remain true to the Netherlands' own core values in these partnerships, including the rule of law and democracy, without seeking to impose these values on others. Migration partnerships must therefore also be viewed from a broader geopolitical perspective, where tensions surrounding legality and mutual benefit once again come into play.

There is, in fact, a fundamental tension between striving for greater geopolitical power and building sustainable partnerships. Given the limited negotiating power of Member States, there are regular calls to use the EU's collective power to enforce cooperation.⁸² The EU has already used this approach to compel cooperation on returns in countries such as The Gambia, Ethiopia, and Iraq.⁸³ From a short-term perspective this is rational because if returns are a major political issue, it makes sense to want to achieve results. At the same time, this approach has its drawbacks. The use of power asymmetries - by forcing cooperation - can undermine trust in the relationship and limit future scope for negotiation. Financial support provided through partnerships can also help keep authoritarian governments in power, and technology intended to monitor migrants can also enable governments to track opposition figures and activists.⁸⁴

An important question, then, is what constitutes a good balance in a more geopolitical world between the pursuit of immediate results on the one hand and the building of equal relationships among a broad group of stakeholders for the long term on the other hand. In fact, the way in which cooperation is created can be a determining factor for the quality of the relationship and the extent to which it endures in the long term. It is therefore problematic that partner countries often lack their own, widely supported strategic vision on migration, but instead respond to initiatives and pressure from European countries. Even when they do have their own vision, it is often not in line with European preferences. At the same time, a partnership that goes beyond an agreement between two governments, in other words one that leads to broader integration among businesses, universities and other societal actors in the countries involved, can help to create cooperation which is grounded in a long-term vision of shared interests.



2.4. Five key considerations for partnerships

The goals that countries pursue through partnerships - namely a reduction in irregular migration, the promotion of returns, economic development and migrant protection - mean that international cooperation is essential if we want to regulate migration more effectively. However, the interests of the countries involved may differ, particularly with regard to whether to discourage, or indeed, encourage migration. As a result, tensions may arise in the areas of legality, mutual benefit and effectiveness. This is partly due to the fact that partnerships combine various policy goals and must reconcile the divergent interests of states, societies and migrants. By definition, the implementation of the agreements reached also takes place in part outside the jurisdiction of each of the partners, which often limits the ability to make adjustments. In summary, based on the scientific literature and discussions with experts, the councils conclude that additional policy efforts are needed in the following five areas:

- **The reconciliation of divergent interests within partnerships.** The Netherlands intends to use partnerships primarily to limit irregular migration and promote returns. However, potential partner countries often have other priorities, such as regularized migration, remittances, economic development and the protection of their citizens. A limited overlap in interests makes cooperation complex.
- **A guarantee of legality and democratic accountability.** Complying with the principles of the rule of law and democracy places high demands on partnerships. Agreements are often laid down in informal or legally non-binding frameworks. In addition, they are often implemented outside the European legal jurisdiction, with limited opportunities for legal review. This raises questions about legality, responsibility and liability.
- **The promotion of strategic European unity.** The influence of individual Member States, particularly smaller ones, is limited. Individual Member States often have limited bargaining power with countries of origin and transit countries in terms of making cooperation a matter of strategic importance from the partner's perspective. Furthermore, a lack of European coordination means that bilateral relations with partner countries undermine European unity, and therefore its effectiveness.
- **Alignment with shifting migration routes.** The predominantly national structure of partnerships leads to a waterbed effect. Policy measures in one country or along a single route lead to shifts towards other countries or routes and this creates regional tensions in countries of origin and transit and results in an unequal distribution of responsibility for migration management.
- **An extra boost for social integration.** Migration partnerships are primarily a matter for governments, whereas migration is, in practice, a social and economic phenomenon. The lack of a broadly supported migration strategy - both in partner countries and in the Netherlands - that involves relevant social and economic actors in a feasible and effective manner limits both the support for and the feasibility and sustainability of partnerships.

Additional policies or enforcement measures are needed in these areas to ensure that partnerships are effective, lawful and mutually beneficial. This applies not only to the Netherlands, but also at European level and in close cooperation with relevant civil society actors here and in the partner countries. In the following chapters the councils explore the possibilities for such an approach along five lines of thought.



3

Towards broad
strategic partnerships

More and more countries, including the Netherlands and the EU, no longer speak in terms of migration partnerships but of broad strategic partnerships. From the perspective of European countries, their intention is to embed migration cooperation with partner countries within broader cooperative frameworks. The expectation is that this will strengthen ownership on both sides of the partnership. Placing greater emphasis on the partner country's agenda - in addition to our own - makes relationships more balanced. This could reduce political pressure on politicians in partner countries not to cooperate on returns, and to the restriction of migration. This, in turn, would create a more stable foundation for cooperation. The EU-Egypt partnership (see box) is a good example of this.

EU-Egypt (2024)

The EU and Egypt have had an association agreement in place since 2004, which facilitated sustained political dialogue and various forms of cooperation.⁸⁵ The new broad strategic partnership builds on this by further operationalizing certain aspects of cooperation and also provides Egypt⁸⁶ with 7.4 billion euros in aid. The partnership is based on eight ambitions:

Political relations. Cooperation will focus on promoting democracy, fundamental freedoms and rights and gender equality. A political dialogue takes place every two years, in addition to the existing mechanisms established under the association agreement between the EU and Turkey.

Economic stability. The EU will support Egypt's macroeconomic reform agenda. The EU is assisting Egypt with loans, in addition to IMF financing, and reforms designed to attract private investment. A discussion is also taking place about budget support and loans on favorable terms (5 billion euros over four years) and 600 million euros in subsidies.

Investments. The association agreement identifies renewable energy, industrialization, agriculture, food security, water management, and digitalization as areas where investment will be attracted. To this end the EU is providing a 1.8 billion euro guarantee to raise an additional 5 billion euros from the private sector.

Trade. The existing free trade provisions in the association agreement will be updated via the new strategic partnership.

Sustainable water management. There will be increased cooperation on water management and a greater focus on related interstate cooperation, in line with the existing EU-Egypt Water Partnership.

Migration and mobility. The goal is a 'holistic' approach to migration, which will cover facilitating labor migration through Talent Partnerships and combating irregular migration, migrant smuggling and human trafficking, as well as strengthening border management, returns and reintegration. The EU will also support Egypt in providing asylum support to refugee populations.

Security. Existing cooperation in the field of security is to be reaffirmed and intensified in the areas of counterterrorism, cybersecurity and organized crime. Cooperation in relation to countering the smuggling of cultural property is also being explored.

Demographics and human capital. The EU will provide support for technical and vocational training. This will be linked to facilitating circular labor migration and the reintegration of returnees in Egypt. The possibility of intensifying cooperation in the areas of research and innovation is also being explored.



Steps are being taken towards broadening the scope of partnerships like those between the Netherlands and Morocco and between the EU and Egypt. This will create opportunities to link migration cooperation with economic development, stability and institutional strengthening. At the same time, critics regularly question the extent to which these kinds of broad strategic partnerships are mutually beneficial, because what they primarily see is that the European interest in restricting migration takes center stage and that this is offset by various forms of financial compensation.⁸⁷ The question of the extent to which other priorities of partner countries are actually taken into account is also crucial from the perspective of effectiveness. A broader agenda is not necessarily a prerequisite for effective short-term agreements. However, it is essential for a partnership that is truly mutually beneficial in the long term and can be credibly presented as such. There is a clear opportunity here for the EU to engage with Member States which, for example, have jurisdiction over labor migration, so as to focus on a combination of national and EU instruments in order to continue developing mutual benefits. Greece, for example, is the only EU country that currently has a bilateral agreement with Egypt on labor migration.

Three perspectives are important when it comes to gaining a better understanding of the mutual benefits that partnerships generate, and of how these translate, through migration diplomacy, into negotiation strategy, effective cooperation, and the (broad) composition of partnerships.

3.1. Three perspectives on the mutual benefits generated by partnerships

First, partnerships can be viewed from the perspective of **conditionality**, in other words positive or negative incentives designed to make cooperation attractive. This often involves the ‘carrot-and-stick’ approach, in which partners are rewarded more for good cooperation (more for more) and less for poor cooperation (less for less). Based on a study of EU partnerships with ten countries, McGregor et al. describe a conditionality-compensation nexus (see table).⁸⁸

Table 5: Conditionality-compensation nexus. Processing: AM & AIV

Condition or compensation	Positive			Negative		
Category	Legal	Political	Financial	Legal	Political	Financial
Example	Signing a legal visa agreement (short-term or work)	Closer cooperation with the EU, for example via preferential trade status Being less critical High-level visit	Development of, or increase in, funding Development funding	Suspension of a legal agreement Visa (short-term or work)	Less close cooperation with the EU, for example by withdrawing or reducing preferential trade status Public condemnations Putting diplomatic relations on the back burner	Withdrawing or reducing funding



From this perspective the behavior of states can therefore be influenced by making cooperation attractive and non-cooperation unattractive. This was a tactic used by the United Kingdom in 2025. Faced with the threat of visa sanctions, Angola and Namibia agreed to take back their citizens who did not have the right to live in the UK. Congo failed to cooperate and had sanctions imposed on it.⁸⁹ France attempted the same thing in 2021-2022 by reducing the number of Schengen visas issued for Morocco and Algeria by 50 percent, but this yielded no clear results.⁹⁰ Relevant research has indicated that measures like these are effective only where significant dependencies exist. The EU applied sanctions to The Gambia, for example, and the mere threat of doing so was enough to lead to improved cooperation (on returns) with Iraq, Afghanistan and Bangladesh.⁹¹

This transactional approach therefore works in specific cases, and experience shows that this is particularly true in the short term.⁹² However, because interdependence works both ways, the same approach can also be used by partner countries. Turkey and Morocco are well-known examples of countries that have leveraged their strategic position along migration routes and relaxed border controls to put pressure on European countries.⁹³ Diplomats have reported that, in its bilateral partnerships, the Netherlands is often the one making the requests and is therefore in a position of dependence. The Netherlands needs cooperation on migration and is under significant political pressure to deliver on this issue, while partner countries are not as dependent on their relationship with the Netherlands. From the Dutch perspective, this makes the cooperation arrangement fragile.

The second perspective, therefore, views partnerships as a way to **build sustainable, long-term relationships**. Of course, this too involves a transactional element, but the priority here is on using positive means to improve the relationship, with the goal being to identify shared interests in order to establish a strategic partnership. The advantage over purely transactional approaches is that - where it can be generated - a mutual benefit is a binding factor. Diplomats and negotiation experts emphasize that, with this in mind, it is important to listen carefully to the partner country, understand its motivations, and treat it as an equal partner. The primary goal is to establish a sustained dialogue. In Tunisia and Morocco, for example, many European countries - including the Netherlands - assign official working groups to their partnerships in order to cover a variety of topics, including migration. Regular dialogue and reciprocal visits help foster an understanding of each other's perspectives and working methods.

This perspective therefore views partnerships as a way to institutionalize cooperation and position it as a form of transnational governance. However, there is also a risk associated with this approach because the 'strategic partnership' label can sound hollow if there is little shared long-term interest behind it. In such instances it only confirms the suspicion held by some countries that Europe is interested in them solely because of migration. For example, when a delegation visiting a partner country to establish a partnership is only made up of officials responsible for migration, it is immediately clear to the partner where the focus lies. As a result, the Netherlands may find itself in the role of the requesting party in a transactional relationship. In short, the likelihood of measures being implemented effectively is greater if both parties - including their constituencies and the individuals affected by the agreements - view the mutual benefits of cooperation as legitimate.⁹⁴

This relates to the third and final perspective, namely how a partnership is **perceived**. If a partnership does not offer a proportional benefit to the partner country, or if the partner country receives only financial compensation in exchange for cooperation, it may create the impression that countries are being paid to carry out the wishes of European countries. Many of those interviewed have indicated that countries are sensitive to this perception and would prefer to be viewed as full-fledged, equal partners instead. In addition, cooperating on returns is highly unpopular and difficult for politicians in countries of origin to explain.⁹⁵ This is one of the reasons why the focus should be on broad partnerships, but also on not formalizing agreements or making them publicly available. This is a difficult issue for politicians from



countries with conflicting interests. A public statement made after or during a visit to a partner country on a sensitive topic such as returns or labor migration can immediately undermine good cooperation. That is why Morocco is including a working group with a focus on communication in its partnerships with an increasing number of countries.

At the same time, it is important to ensure that agreements do not lose their impact, given the importance of building relationships and shaping perceptions of partnerships. Ultimately, a partnership must be functional, and it must always be clear what benefits this set of agreements generates for both parties. It is therefore important to translate broad commitments into concrete actions, such as specific investments within a certain timeframe, or a certain number of annual missions to verify individuals' identities in order to facilitate their return. This should preferably be linked to a mechanism that clearly defines what happens if one of the parties does or does not deliver.

3.2. Pathways to mutual benefit

These three perspectives illustrate how countries are attempting to use 'migration diplomacy' in situations where their interests often diverge.⁹⁶ The way in which these three perspectives are expressed varies depending on the type of cooperation. When countries seek the mutual benefits of partnerships in the field of migration, the focus is, for example, on cooperation that directly affects mobility and migration regulation. When countries are unable to realize the mutual benefits of partnerships in the migration domain, or are only able to do so to a limited extent, they often expand their cooperation to other policy areas. Below are five pathways within the migration domain and two pathways outside it through which countries typically seek mutual benefit. In the migration domain these are: 1) facilitating selective/circular labor migration, 2) student visas and traineeships, 3) increasing the accessibility and visibility of existing migration routes, 4) strengthening capacity in the area of border and migration management, and 5) promoting asylum support in the region. The pathways outside the migration domain are: 1) economic cooperation and the creation of employment opportunities, and 2) economic integration without physical mobility. One issue that is not discussed below, but which is frequently mentioned in the literature, is visa liberalization. This is because authority over short-stay visas does not lie with individual countries, but instead with the EU. The following sections focus on the opportunities and risks for the relationship of each pathway, as well as its perception and the mutual benefit it generates.

Pathways within the migration domain

Facilitate (selective/circular) labor migration

A growing number of European countries are working to facilitate labor migration. For example, Italy took in 8 thousand regular seasonal workers from Tunisia in 2024, while 7 thousand arrived irregularly (and 6 thousand Tunisians returned voluntarily). The two countries agreed on a quota of 12 thousand seasonal migrant workers over a three-year period, in addition to an existing annual quota of 4 thousand migrant workers.⁹⁷ In its overarching policy, Italy has set a quota of 452 thousand migrant workers for the years 2023-2025⁹⁸ and the quota has been set at 500 thousand migrant workers for the years 2026-2028.⁹⁹ Since 2022, Germany has also determined that 400 thousand migrant workers are needed annually¹⁰⁰ and it is using partnerships to make a targeted effort to recruit people for sectors such as healthcare, for example in Kenya. In 2024, a Comprehensive Migration and Mobility Partnership was established between the two countries to promote labor migration, under which Kenyans are also trained in specific fields. Thanks to the partnership, it also became possible to verify the identities of Kenyans using biometrics, in order to facilitate the returns process.¹⁰¹



A growing number of European countries are working to facilitate labor migration

Cooperation on labor migration generates a positive incentive for the relationship and this may further encourage partner countries to work towards goals that are less in their own interest, such as limiting irregular migration and facilitating returns. If labor migration also becomes predictable - through fixed quotas - this will create a shared interest in ongoing cooperation. Although the demand for jobs from partner countries will often exceed that which European countries are able or willing to offer, this is an avenue the Netherlands can focus on more.

In the report *‘Met de mondiale demografie mee’*, the WRR points out that, due to its aging population, the Netherlands will eventually have to attract an increasing number of migrant workers from outside the EU because the populations of EU Member States from which migrants currently come are also aging. The report recommends bringing these people from countries with a ‘demographic dividend’, in other words countries where there are relatively more people of working age compared to more dependent people, such as children and the elderly.¹⁰² As far as these countries are concerned, labor migration is a way to combat unemployment, generate income (through remittances) and acquire knowledge (through training and education). Although accepting these migrants would not solve the problem of an aging population in the Netherlands if they were to settle permanently - as the report by the National Commission on Demographic Developments 2050 points out, these people will eventually grow old as well - labor migration can indeed be a way for the Netherlands to address specific labor market shortages.

It is therefore important that this migration is organized in such a way as to reduce labor market shortages in sectors where there are labor deficiencies at national and European level. Given Europe’s aging population and the growing shortage of healthcare workers, that sector is, for example, an obvious choice. In its advisory report entitled *‘A carefully considered labor migration policy’*, the Advisory Council on Migration states that the Netherlands should recruit skilled migrants with at least an MBO-3 level of education internationally through healthcare partnerships.¹⁰³ Stricter requirements could then be imposed because these individuals would be coming from outside the EU. For example, in terms of working conditions or successful integration in the Netherlands, including language proficiency.

Some countries are incorporating circularity into these schemes. One such example is Spain, which takes in approximately 20 thousand Moroccans each year, with some of these being Moroccan women who are recruited to pick strawberries. The participants in this program receive a four-year work visa, which allows them to work in Spain for nine months each year. After those nine months have come to an end, they are required to return to their country of origin and register there in order to be eligible for the following season.¹⁰⁴ The Netherlands may require different models which are tailored to the sectors which need migrant workers. A conscious choice must also be made between circular and more permanent labor migration, depending on the type of work and labor market demand. A circular approach is appropriate if the need is temporary, for example to staff a beach bar or use the services of a consultant. If the issue is more permanent in nature, requiring a relatively long training period and considerable experience, as in the healthcare sector, a more long-term solution may be more appropriate.¹⁰⁵

Scholarships and traineeships

Many partnerships also include opportunities for students and interns. The EU’s ‘Youth Mobility for Africa’ initiative, for example, is linked to the European Global Gateway strategy and brings together existing programs such as Erasmus+ to promote student exchanges and scholarships between the EU and African countries.¹⁰⁶ Other programs and bilateral agreements also link education to migration cooperation, with



migration or development funds for countries such as Morocco or Tunisia, or for the Western Balkans, often including scholarships as part of training and education projects.

Educational and exchange scholarships can be mutually beneficial. They are an opportunity for partner countries to build up human capital and training capacity (for example, in applied ICT or agricultural research), while the EU contributes to the training of skilled professionals and itself promotes innovative networks. In theory, such programs lead to long-term partnerships between universities and vocational training institutions on both sides and enhance the EU's image as a development partner. However, attention must also be paid to the potential negative impact of brain drain if students do not return to their countries of origin.

Increasing the accessibility and visibility of existing migration routes

Because the political scope for increasing regular migration in the Netherlands is currently limited, diplomats are looking for other ways to meet the needs of potential partner countries. The policy paper from the Task Force on International Migration states, for example, that countries are given more information about what is already possible under the schemes for labor migration to the Netherlands.¹⁰⁷ Diplomats also confirm that there is often little awareness in partner countries of the extent to which these programs are already being used, and that more effective communication on this matter is having a positive impact. That effect could be further enhanced by providing information on how to make better use of the schemes.

The Netherlands is, for example, experimenting - albeit on a very limited scale - with a pilot which allows fifty Moroccan trainees to come to the Netherlands.¹⁰⁸ This pilot falls under the 'trainee scheme' (*praktikantenregeling*) which means that the worker in question is not allowed to take up a regular post.¹⁰⁹ Germany is offering a similar scheme with a more holistic approach. The German Federal Ministry for Economic Cooperation and Development (*Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung*, BMZ) has established 'migration and development' centers in Morocco, Tunisia, Egypt, Jordan, Iraq, Pakistan, Indonesia, Ghana and Nigeria where people can receive advice to help them make an informed decision about their potential migration. The people in question are also given information about the options for finding work in Germany through regularized visas, as well as the risks of irregular migration. They can also take German language classes to prepare for possible migration and assistance is provided with their reintegration once they return.¹¹⁰

Improved communication can therefore be used to try and positively influence perceptions of mutual benefit. The expectation is that this will strengthen the relationship between partners. One risk in this context is, however, that the initiative will raise expectations that cannot be met, which may actually lead to frustration and mistrust.

Strengthening capacity in the area of border and migration management

Partner countries in the field of migration management are also interested in training and equipping border guards, customs officials and other national agencies, for example so that they become more effective in identifying human smuggling and signs of human trafficking. Where border control is stepped up, there is a legitimate interest in ensuring that enforcement agencies are fully capable of carrying out their duties.

For example, the Royal Netherlands Marechaussee trained border guards in Lebanon, Morocco and Libya to recognize forged documents.¹¹¹ This training may also involve technical equipment, such as cars, boats, or radar systems. In Tunisia, for example, the Netherlands and three other European countries funded the establishment of training centers for border guards and the modernization of the border control IT system.¹¹² In Nigeria, funding was provided for programs run by the United Nations Office on Drugs and Crime (UNODC) and the International Centre for Migration Policy Development (ICMPD), among others, that



aim to combat human trafficking and smuggling.¹¹³ The interviews conducted for this advisory report revealed that various countries approach their European partners with ‘wish lists’. In the Maghreb countries, for example, there is a lack of adequate maritime equipment.¹¹⁴ European countries are trying to coordinate their efforts in this area because partner countries strategically exploit the competition among European nations to reach agreements, meaning that if one country does not commit, the next one will. Deliveries of certain goods can also be controversial, even if they do not take place within the framework of a formal migration partnership, as was the case when the Dutch company Damen Shipyards received an export license to supply boats to the Libyan coast guard.¹¹⁵ For this reason, the supply of goods by European countries is often combined with human rights training.

This form of cooperation is often described as transactional. Material support and equipment serve as an implicit reward for cooperating on migration control. That does not necessarily make agreements like these problematic, but it does make them potentially vulnerable if they are not sufficiently embedded in broader relational or institutional cooperation. Unlike forms of cooperation that create social or economic interdependence, purely material exchanges remain relatively easy to replace and are vulnerable to political or reputational risks, especially when human rights violations are involved (see Chapter 4). The vulnerability of these agreements therefore lies not so much in their financial nature, but primarily in the lack of broader social or economic integration and legitimacy.

Promoting asylum support in the region

Finally, there are opportunities that do not yield immediate benefits for the citizens of partner countries, but that do serve the goals of the governments of both countries, and therefore sometimes provide indirect benefits to the citizens in question. The most important example of this is asylum support in the region. Partner countries currently accommodate large numbers of refugees and displaced persons and have an interest in resources or programs that support them in this endeavor and, where possible, facilitate returns and reintegration. This support may help improve the collaborative relationship, particularly where it also tangibly benefits the communities that host refugees.¹¹⁶ It can also help make hosting refugees more acceptable in the communities where they live, work and use existing infrastructure and facilities.

Programs like these can therefore serve as compensation for shouldering the responsibility of providing asylum support, but they should not be used as a bargaining chip. In fact, asylum support in the region is part of a multilateral framework for refugee protection and international solidarity, enshrined in international refugee and human rights law and also incorporated into (non-binding) agreements such as the Global Compact on Refugees. It is therefore also important to separate this approach from asylum externalization, by which asylum migrants are transferred from Europe to safe third countries (see Chapter 4).

Long-term cooperation on asylum support in the region can strengthen relationships, especially when - as mentioned - communities in host countries also benefit from the support. However, a clear development component must be linked to the asylum support initiatives because otherwise the public may view it as a trade-off for European migration interests and that may have negative consequences for the support and sustainability of these asylum support initiatives. For example, a recent IOB evaluation of how the Netherlands is promoting asylum support for Syrian refugees in the region shows that host communities felt that assistance went primarily to refugees, and that refugees were competing for low-wage jobs in stagnant economies, leading to tensions and discrimination.¹¹⁷

Adequate and sustainable funding for humanitarian organizations and programs is therefore important, not only to protect refugees, but also to ensure that this protection remains socially and politically sustainable. The substantial decline in international funding for this type of asylum support in recent years is undermining this. It is difficult to continue to argue that asylum support in the region will contribute



sustainably to the migration goals of European countries if financial resources are declining, while opportunities for resettling vulnerable migrants from partner countries to Europe remain limited.¹¹⁸

Routes outside the migration domain

Economic cooperation and the creation of employment opportunities

The IMF states that 15 million jobs must be created annually in Sub-Saharan Africa to keep pace with the potential of new, young entrants to the labor market.¹¹⁹ The World Bank reports that it is unlikely that all 300 million young people entering the labor market in the Middle East and North Africa between 2025 and 2050 will find jobs in their own region.¹²⁰ However, migration cannot, of course, be seen as the only solution to this problem.

Many partnerships therefore focus on creating jobs in the partner countries, either by increasing investment from European businesses in those countries, or by implementing development programs aimed at creating opportunities for young people in the partner country's labor market. One of the ways the Netherlands tried this was by funding the Challenge Fund for Youth Employment in eleven countries in Africa and the Middle East.¹²¹ The PROSPECTS program is another Dutch program that specifically supports refugees and people in the communities that are accommodating them in eight countries.¹²²

By aligning with partner countries' priorities in this way, we lay the foundation for long-term cooperation that provides room for negotiation. Because it also offers tangible benefits to the population, this type of programming is less likely to be viewed as compensation for cooperation on migration. As this involves subsidies, political parties regularly call for them to be withdrawn if migration cooperation is not going well, as a form of conditionality.¹²³ However because, in the current multipolar world order, an increasing number of actors are capable of providing this type of funding - and the amounts involved pale in comparison to remittances sent by migrants - countries are generally unimpressed by such threats.¹²⁴ If, on the other hand, development cooperation aligns with broader national priorities and is institutionally embedded, and it is clear that this relationship exists for reasons beyond migration interests, it can contribute to the structural linking of interests and thereby lay the foundation for sustainable migration cooperation.

Economic integration without physical mobility: nearshoring

One form of economic cooperation is nearshoring. This involves relocating economic activity from the Netherlands or other European countries to countries in North Africa, in particular, in order to create jobs there that would otherwise be filled by migrants in the EU or the Netherlands. For example, European car manufacturers moved parts of their supply chains to Morocco and Tunisia. Agricultural value chains are shifting partially from Spain to Morocco. Previously, the Italian textile industry had moved labor-intensive operations such as sewing and finishing to Tunisia. Another example is that of the Dutch company Agro Care, which also has tomato-growing facilities in Morocco and Tunisia.¹²⁵

This, too, creates shared economic interests, which can increase the willingness to cooperate on other issues. Because it does not involve mobility, it is less politically sensitive, and it can be presented as a modern economic partnership. However, tensions arise when this type of cooperation is less attractive than labor migration, due to wages for externalized jobs generally being low. It will also only work if companies on the European side are interested in this form of outsourcing (see also Chapter 6).

3.3. Organize broad-based cooperation

The above examples show that it is not the type of cooperation, but rather the logic behind it, that determines whether migration partnerships yield sustainable mutual benefits or whether they are



primarily a transactional exchange of short-term interests. Because the Netherlands is often the 'requesting party' in migration matters, and the balance of power between the Netherlands and its partner country is not so asymmetrical that negative measures would be effective, the Netherlands should focus on building good relationships. Preference should be given to instruments that cannot easily be replaced by another (European, Arab, or Asian) country and that, over time, increase the interdependence of interests between the two countries in the form of scarce resources, such as labor migration or student migration. Because the Netherlands cannot maintain such a broad strategic relationship with every country, it is important to consider the expected effectiveness in terms of Dutch goals when deciding whether or not to enter into partnerships.

Clearly defined agreements are required to assess whether they are effective. A focus on a good relationship does not, of course, mean that there is no give-and-take between the two countries and scarce bargaining chips, such as labor migration, student visas, or internships, which partner countries would like to see commitments on can only be used to a limited extent. From the Dutch perspective, there are in fact many countries outside the current scope of the migration partnerships from which students or migrant workers may come. At the same time, the Netherlands cannot assume that partner countries are automatically in favor of accommodating refugees in their countries or of facilitating forms of externalization. In particular, the externalization of asylum procedures or asylum support and the readmission of migrants are, in this case, scarce bargaining chips for partner countries and matters that cannot easily be arranged with other countries. It is simply a fact that migration routes pass through certain countries, and that rejected asylum seekers can only return to specific countries as well. It is therefore important for the Netherlands to give careful consideration to where it should allocate its limited bargaining tools. This is also because European coordination of migration policy is a logical alternative in the case of countries with which the Netherlands cannot achieve its goals through bilateral means. Given the EU's scale, it is often easier to establish a broad strategic relationship and, unlike the Netherlands, the EU also has the ability to employ credible negative incentives (see also Chapter 5).

Coordination between ministries

It is therefore important that, when entering into bilateral partnerships, the Netherlands carefully assesses for each country where there is potential to broaden these partnerships, use scarce bargaining tools, and thereby strengthen the relationship and serve mutual interests (see also Chapter 7). A broad approach is important in this regard, because the path to mutual benefit may differ from country to country. Such cooperation does not have to be large-scale from the outset. It can start modestly, but it must be based on a credible vision of how it can be expanded and deepened over time. To achieve such a broad-based commitment, the Dutch side must first and foremost ensure broad coordination within the government. The Netherlands is therefore adopting a whole-of-government approach through the Task Force on International Migration, in which multiple ministries coordinate and take action together. This Task Force is coordinated by the Ministry of Asylum and Migration (*Ministerie van Asiel en Migratie*, A&M) and the Ministry of Foreign Affairs (*Ministerie van Buitenlandse Zaken*, BZ), which involve other ministries and partners in the chain whenever it is relevant to do so.

Complex process

Coordinating the commitment can be complicated. This is inherent when working with different ministries because they have reasons for cooperating on partnerships that are partly overlapping but also partly distinct. Even within ministries, directorates-general or departments may have different views on the relevance of partnerships for their policy goals. One of the reasons the Task Force was created was to find common ground on issues like these, but that is a very complex process.

Within the Ministry of Foreign Affairs, the Department for Foreign Economic Relations (DGBEB), for example, is responsible for foreign trade and that is an area in which partner countries have clearly shown interest. However, by definition, the Department has an economic agenda and that sometimes makes it



difficult to fulfil expectations when it comes to migration issues. It is not always advisable to jeopardize a good trade relationship by, for example, negotiating the return of rejected asylum seekers. Conversely, not all countries have ties with the Dutch business community, or there is little interest on the part of the business community in establishing such ties. To ensure coordination on these priorities within the Ministry of Foreign Affairs, the development cooperation and foreign trade agendas are therefore being combined, among other things, in a focus on ‘combination countries’ (aid and trade). However, this overlaps with only three of the migration-focus countries, namely Egypt, Morocco, and Nigeria.¹²⁶ Interests may also conflict. Partnerships are important for the Repatriation and Departure Service, which is more operationally oriented, because they promote cooperation on returns. After all, organizing returns is a statutory duty. The Repatriation and Departure Service therefore takes a different view to that of the Department for Foreign Economic Relations and the Ministry of Foreign Affairs on the question of whether development funding or trade relations should be suspended at a certain point if no progress has been made on the issue of returns.

The Task Force’s Terms of Reference state that it aims to achieve the goals of returns, curbing irregular migration, and promoting asylum support in the region through broad, strategic partnerships.¹²⁷ This means that the involvement of other ministries, such as the Ministry of Social Affairs and Employment (Ministerie van Sociale Zaken en Werkgelegenheid, SZW) - which is responsible for labor migration - or the Ministry of Economic Affairs and Climate Policy (*Ministerie van Economische Zaken en Klimaat*, EZK) - which is responsible for Dutch industrial policy and the focus on leading sectors - is not taking place quickly enough. Although these ministries have links with the Task Force, the latter only focuses to a very limited degree on their goals. This is the result of political decisions, under which facilitating labor migration and aligning with Dutch economic policy are not currently viewed as goals of migration partnerships. The economic aspect of migration is therefore under-represented in the structure of the Dutch whole-of-government approach. Involving these ministries could, in fact, lead to partnerships being less focused on restricting migration and more on meeting the Dutch economy’s demand for labor, as is the case in Germany and Austria, where migration partnerships are also being set up to facilitate labor migration. Finally, the Task Force’s coordinating role within the Ministry of Foreign Affairs does not lie with the regional departments, whose general task is to coordinate stakeholders and balance broader interests with regard to partner countries, but with the Directorate-General for International Cooperation (DGIS). As a result, the emphasis tends to be placed on the policy rationale behind development cooperation and the use of those resources, rather than on a broader strategic use of economic, trade, and (labor and student) migration instruments.

Strategic consideration

This approach gives rise, whether intentionally or unintentionally, to an implicit strategic commitment whereby the Netherlands - in exchange for development funding and limited funds from the Ministry of Asylum and Migration - asks countries to facilitate returns and asylum support within the region, and to curb irregular migration. Alignment with trade policy, or policy on labor or student migration, may be possible on an occasional, small-scale basis, but it is not strategically or institutionally embedded. The Netherlands is therefore currently not using, or is using only very limited amounts of, its scarce bargaining tools, while expecting that partner countries do exactly that. The councils therefore conclude that the Netherlands will, in all probability, not be able to establish sufficiently broad strategic partnerships to achieve its goals. This presents our country with an important strategic consideration, namely to what extent is the Netherlands willing to commit, on a larger scale than at present, to facilitating benefits for partner countries that are relatively difficult for them to achieve elsewhere or in other ways (such as labor and student migration, and/or integration into production and trade chains with Dutch companies) in order to make broad strategic partnerships sufficiently attractive to partner countries while simultaneously advancing the Netherlands’ own goals?



This question underscores the fact that establishing broad strategic partnerships requires more than simply pooling resources; it requires deliberate choices about how migration cooperation is embedded in long-term relationships. Broad partnerships are not intended to exclude transactional elements, but rather to place them within a structural framework which has mutual interests, institutional cooperation and a long-term perspective at its heart.

3.4. Summary of line of thought 1: aim for broad strategic partnerships

The Netherlands will have to make strategic choices when establishing broad and mutually beneficial partnerships that take greater account of the interests of the intended partner countries. This means that the Netherlands needs to take a broader approach, for example in the areas of regularized (circular) labor migration, student visas, trade and investment, in exchange for agreements on returns, border control and measures to combat irregular migration. If the Netherlands fails to do this on a larger scale, it will continue to be the one making concessions in most negotiations. In that case countries will see little reason to cooperate on a sustained basis on the goals the Netherlands wishes to achieve and cooperation will remain fragile.

In specific terms, this means the following:

- Partner interests must be systematically identified when entering into partnerships, and a timely assessment must be made of the extent to which a broader range of offers made by the Dutch can meet these needs.
- Partnerships must be embedded on a government-wide basis, with active involvement of the Ministry of Social Affairs and Employment and the Ministry of Economic Affairs and Climate Policy. Clear decisions will also have to be made regarding the economic sectors in which labor migration will continue to play a role in the future, and whether migration partnerships can play a role in meeting the Dutch economy's demand for labor.
- Development cooperation can be used as leverage, but only if the added value it provides is clear to the partner country, for example in the areas of employment, education and childcare. This would, of course, have to involve substantial amounts and assistance that could serve as a reason for potential migrants to stay or to return.

In short, the Netherlands can arrive at a broader, mutually beneficial set of agreements by being more accommodating towards countries that have no interest in restricting migration but do have an interest in reaching agreements on migration.



4

Towards
strengthening legality

Migration management can create tension between the obligation to act lawfully, comply with human rights obligations, and protect human rights in general. The Netherlands and EU Member States are bound by international and European legal standards, both in their own actions and when cooperating and entering into agreements with third countries.¹²⁸ These are legal obligations and are not a matter of choice. Agreements made within partnerships are therefore unlawful if they violate applicable legislation and regulations. In short, partnerships do not yield results if they lack a legal basis.

In practice, however, the situation is unpredictable given that legality is not always guaranteed during the various partnership phases, in other words from the moment of formation and the making of agreements through to implementation and monitoring. Two observations illustrate this and underscore the need to strengthen the legality of partnerships.

Firstly, partnerships can directly or indirectly contribute to human rights violations. This is relevant, for example, in the context of the EU-Turkey Statement. The partnership had two key policy goals, namely reducing the number of arrivals in Greece and providing better protection for migrants. These two goals were combined into the objective of discouraging migrants from making the dangerous crossing across the Mediterranean Sea. Nevertheless, the ‘waterbed effect’, as described in other contexts, continues to be a risk, given that stricter border and migration controls can lead migrants to divert to other, often longer and more dangerous routes.¹²⁹ Structural pushbacks to Turkey and deportations from Turkey to Syria have also been documented in this context¹³⁰ and this raises the question of the extent to which the partnership has indirectly contributed to situations where the principle of non-refoulement has been violated.¹³¹

Secondly, partnerships are often formalized in documents such as Memoranda of Understanding (MoU), rather than formal treaties. Although MoUs are official in nature, the agreements they contain are often more general in nature, and they often involve different (and fewer) procedures for parliamentary involvement. Diplomats make the point that this provides flexibility and facilitates cooperation, while leaving the possibility of drawing up more concrete and binding agreements later. However, this means that while these documents often refer to human rights standards, they lack concrete agreements on monitoring. Although the existence of such agreements is generally disclosed to parliament, (some of) their content is sometimes not made public, for example due to diplomatic confidentiality.¹³² This can make it more difficult for third parties to determine the precise legal status and liability of the states involved (see box).¹³³

In the area of legality, there are therefore challenges that require us to make choices and ministers, policymakers, politicians and other stakeholders may feel that competing forces complicate getting the balance right. For example, how should the Netherlands handle its cooperation with countries where human rights violations occur? What role do human rights play in a partnership if partner countries view criticism as paternalism or neocolonialism? How does the Netherlands prevent (complicity in) the perpetration of violations and what options for action are available in partner countries where civil society faces censorship or violence?

Of course, the scope of these issues is broader than just partnerships themselves. It is also important to note that a partnership is not a tool for addressing the human rights situation in partner countries in a broad sense. At the same time, there is definitely a link between legality and effectiveness given that, if the rights of the individuals concerned are not adequately safeguarded, a judge may, for example, block the return of rejected asylum seekers. Safeguarding migrants’ rights is also an effective way to better protect them. In this chapter the councils therefore provide guidance on how to make the necessary decisions in the field of legality, so that the Netherlands can establish more effective and lawful partnerships.



Since migration partnerships often involve externalization, this is the first issue to be addressed. The chapter then discusses how legality can be ensured within the existing range of migration partnership models in general (see Chapter 2).

4.1. Externalization and ‘innovative’ partnerships

Governments are facing political pressure to find effective solutions to migration management and that is why they are looking for new models of cooperation. They are engaging in so-called innovative partnerships in order to experiment with the externalization of migration policy. In this advisory report, externalization means a situation in which (a component of) one country’s migration policy is implemented on the territory of, or by, another country.

Interest in externalization measures stems from the idea that they could alleviate the pressure on the asylum system and asylum support in Europe. Some scholars also argue that conducting asylum procedures and/or providing shelter outside of Europe would be more cost-effective, given that a larger number of people could receive protection within the same budget. The most vulnerable people could still be brought to Europe through resettlement programs and it would also be easier for people to return to their home countries if they were in the region. Lastly, externalization could partially undermine the human traffickers’ business model because asylum migrants would, by definition, no longer have to travel to Europe in order to apply for asylum there.

This section discusses four types of externalization that are relevant in the context of migration partnerships. These are: 1) return and transit hubs, 2) relocating the (European) asylum procedure to third countries, 3) obtaining protection in safe third countries, and 4) cooperating on border control with countries which surround Europe. For a detailed discussion of externalization, the councils refer to the recent Clingendael report, which focuses specifically on this topic.¹³⁴

4.1.1. Return and Transit Hubs

Under the **return or transit hub** model, individuals who are subject to a return decision, such as rejected asylum seekers, are **not** sent directly back to their country of origin, but rather to a ‘hub’ in another country, where they are placed in an open or closed facility while awaiting deportation to their country of origin, or are granted status and are (temporarily) integrated into society. These hubs would make it possible to facilitate the asylum seeker’s departure from the Netherlands, even if the country of origin does not cooperate. This model resembles the partnership that the Netherlands envisaged with Uganda in 2025¹³⁵ and a number of other EU countries have now joined it in assessing the feasibility of return hubs in (other) African countries. The proposed EU Return Regulation, which allows for such arrangements, stipulates that such agreements can only be concluded with third countries that respect international human rights standards and principles, including the principle of non-refoulement.¹³⁶ This is important given that there is a risk of the partner country perhaps being unsafe for rejected asylum seekers, for example because they belong to the LGBTIQ+ community, or have converted to a different faith. An additional risk is that rejected asylum seekers are subsequently deported from the host country to another country where they are at risk, in violation of the principle of non-refoulement under international law. Non-refoulement is also prohibited under European law. That risk is not merely hypothetical and Israel’s transfer of Eritrean and Sudanese asylum seekers to Rwanda and Uganda shows that relocation to a third country without enforceable protection and guaranteed residency can lead to irregular status, further transit, insecurity and a real risk of indirect or (chain) refoulement. For example, Amnesty International documented how these asylum seekers were assured by the Israeli government that they would receive a residence permit, the right to work and protection against forced return to their country of origin in Uganda, but that was not what happened upon arrival when, instead, they found themselves in an irregular



migration status. No individual assessment was conducted prior to the transfer to determine whether these individuals might be at risk and many of those involved eventually traveled on to other countries, including Europe via Libya.¹³⁷

4.1.2. Relocation of the (European) asylum procedure

When the **asylum procedure is relocated**, the European country continues to be responsible for the asylum procedure, but it is physically carried out on the territory of another country. Italy attempted to implement this form of externalization in Albania, but was stopped from doing so by the courts. Under that arrangement, asylum seekers from ‘safe countries of origin’, who had been intercepted at sea, were accommodated in two centers in Albania, where their asylum applications were going to be processed in accordance with Italian and European legislation. However, the Italian court and the Court of Justice of the European Union objected to the application of the ‘safe country of origin’ concept and identified limitations in the effective legal protection of migrants.¹³⁸ The legal assessment of this model has not yet been completed and a lawsuit is still pending regarding the permissibility of requiring migrants to await the outcome of this process while in detention.

4.1.3. Protection in a safe third country

Externalization can also take place by transferring asylum seekers to a **safe third country**. European law permits individuals seeking international protection to be transferred to a safe third country if they can receive effective protection there, for example through an asylum procedure.¹³⁹ Currently, this is only possible if they have a ‘connection’ to the country in question, for example because family members live there, or because the migrant has traveled through the country (the ‘connection criterion’). The cooperation between the EU and Turkey under the so-called 2016 EU-Turkey Statement was based on this principle and migrants who arrived in Greece from Turkey were returned, with the aim being for them to receive some form of protection in Turkey.

The new European Pact on Migration and Asylum, which entered into force on June 12, 2026 contains a less strict interpretation of the ‘connection criterion’. As a result, it is no longer essential for a migrant to have a connection to a safe third country in order to be transferred there to obtain protection. In that sense they are not so much ‘sent back’, but rather ‘forwarded’ or ‘deported’. There is a risk, however, that migrants in this safe third country may still be subjected to human rights violations such as detention, poor-quality asylum support, or deportation to an unsafe country, or to a country that subsequently deports them to an unsafe country (chain deportation). It is also unclear whether legal protection can be effectively guaranteed at the same level as in Europe. Based on these objections, the British Supreme Court rejected a similar model under which the United Kingdom sought to send asylum seekers to Rwanda to undergo the asylum process there.¹⁴⁰ This development therefore opens up new possibilities for externalization but, for the time being, the protection of migrants in practice does not yet fit within existing legal frameworks.

4.1.4. Border surveillance

If **border surveillance** focuses on stopping irregular migrants on their way to Europe, for example in the area around the Mediterranean, this constitutes a form of externalization, with European countries providing equipment, training, and/or financial support to the border authorities of partner countries. Joint patrols are also conducted and information is exchanged. However, this form of cooperation poses two specific risks to human rights. First there is the risk of pushbacks and pullbacks.¹⁴¹ In the case of pushbacks, for instance, European countries push boats carrying migrants back into the territorial waters of other countries. Pushbacks can also take place on land when migrants are forced across a land border.



Such incidents have been repeatedly documented, for example, in the Greek-Turkish Evros region¹⁴² where boats carrying migrants are often already in international waters but are ‘pulled back’ into national waters, whether or not at the direction of a European partner. Although both activities are prohibited, there is clear evidence of them occurring. In addition, European countries sometimes choose to strengthen another country’s coastguard, often with the explicit goal of improving search-and-rescue capabilities at sea and maritime safety. This is done, for example, by supplying navigation equipment, or by increasing the capacity of the coastguard, as in the case of the Libyan coastguard. Search activities may, however, contribute to boats carrying migrants being intercepted and subsequently ending up in situations where their fundamental rights are violated. The generally limited monitoring of how this expansion of the coastguard is being implemented raises questions about human rights violations and who is responsible for them.¹⁴³

4.1.5. Interim assessment: legal and practical limits

The fact that the aforementioned forms of cooperation in the area of externalization are legally possible, or that new forms are made possible through legislative amendments, does not necessarily mean that they are also easy to implement, or are effective, sustainable, and desirable.¹⁴⁴ The fact that the first three forms of externalization have so far only been implemented to a limited extent means it is difficult to make general statements about their effectiveness, aside from the risks that have already been referenced. The councils therefore offer two points to consider.

Firstly, when migration policy is externalized to other countries, there is a greater risk that, in practice, there will be a lack of opportunities for (independent) monitoring. It may therefore be unclear exactly who is responsible for what. Furthermore, different norms and standards apply in other countries. However, countries that are party to the Refugee Convention and the ECHR - including the Netherlands - do, from a legal standpoint, have ‘extraterritorial obligations’ towards the people affected by their policies, even if those policies are implemented outside their own territory. Agreements made by European countries must therefore not only be in line with European and international law, but the countries in question may also remain liable for human rights violations that occur outside their own national borders, for example, when they exercise effective control over a migrant.¹⁴⁵

Secondly, externalization measures will only succeed if there is a certain degree of solidarity between European countries and the countries where those measures are being implemented. Asylum support and procedures, border control and other measures cost money, as do creating or maintaining public support among the populations of these countries by offering local communities and refugees prospects for employment and improved access to services as an element of programs aimed at regional asylum support. This may be affected by the global trend of budget cuts to humanitarian aid and development cooperation may have consequences because the capacity of countries outside Europe to support their populations could decline and this might lead to more people being displaced. In addition, the effectiveness of externalization will partly depend on the willingness of European countries actually to accept substantial numbers of refugees through resettlement, to a greater extent than is currently the case.

Based on these two considerations, the councils believe that, in order to be effective, externalization should never be the sole component of a partnership. Rather, it should always be part of a broad partnership and a broad relationship with a particular country (see also Chapter 3). Furthermore, the scope for externalization measures is legally defined and limited and whether such measures are possible and desirable therefore varies from country to country.

Set against this backdrop, the question arises as to how migration partnerships - whether they involve forms of externalization or otherwise - can be structured in such a way that they remain within the bounds of (international and European) law, while at the same time allowing scope for cooperation with countries



where the human rights situation is not ideal. In the following section the councils will outline the required frameworks and preconditions and explain how a risk-based approach can help establish lawful partnerships.

4.2. The right way to proceed

The guiding principle for partnerships must be that, in principle, they are only entered into with countries that provide at least a minimum level of human rights protection for migrants - in word and deed. This can be demonstrated by, among other things, the ratification of human rights treaties and the existence of a functioning legal system.

This means that there are certain countries which are excluded from the outset. One of these is Libya, a country without any functioning rule of law and where systematic and large-scale human rights violations against migrants have been documented. Although it is, for example, still possible to provide humanitarian assistance to migrants and focus on protecting human rights in that country, this is not the case within the framework of partnerships that also address other aspects of migration.

At the same time, the councils acknowledge that the reality on the ground is often more complex than policy frameworks and legal analyses assume. Any recognition of human rights standards does not mean that those standards are actually upheld and many countries find themselves in a gray area. The human rights situation is poor in certain respects, but acceptable in others. The question of whether the Netherlands should participate in a partnership is therefore more nuanced. Even if a partnership with a particular country is sometimes possible, it may be impossible to include certain policy measures. Those who wish to enter into partnerships therefore often have no choice other than adopting a pragmatic and practical approach, but they must do so while respecting human rights (see box).

Should we or should we not cooperate with countries where human rights are violated?

Should the Netherlands even want to cooperate with countries where there is a risk of human rights violations? Two visions emerged from the discussions conducted with experts.

The first vision is centered on a principled stance. According to this view, reasons not to enter into a partnership are: 1) if a partner country fails to commit (sufficiently) to complying with human rights obligations as a precondition for cooperation, 2) if there are insufficient safeguards in place for the implementation of partnerships, and/or 3) if there is a real risk of human rights violations as a consequence of the partnership. Scientists and NGOs, in particular, point out that lawful migration partnerships are not possible with countries where the rule of law does not function adequately or where human rights are systematically violated. For example, the Meijers Committee warns that informal and non-binding agreements with third countries could undermine the EU's values, as they facilitate cooperation with governments known for human rights violations or for restricting migrants' access to protection.¹⁴⁶

In addition to this principled approach, there is a pragmatic and practice-oriented view, which is used particularly in the policy context. It is based on the idea that the strong political desire to gain control over migration makes cooperation with third countries inevitable.

For example, cooperation with (North) Africa is inevitable because of the proximity and interdependence between Europe and (North) Africa. This vision deems cooperation to be essential in order to address shared challenges. If compliance with human rights obligations



were generally regarded as a strict prerequisite, this would rule out cooperation with many partner countries from the outset. However, without cooperation, our influence on these countries will also remain limited and that will not necessarily lead to an improvement in the situation on the ground. Indeed, condemning and excluding countries may put a strain on the relationship. When viewed like this, cooperation is therefore a springboard for improving the human rights situation of migrants, and its implementation must always include a minimum threshold for what is acceptable from a human rights perspective.

Incidentally, while migration partnerships often focus on whether partner countries adhere to international standards, the legality of the actions taken by the Netherlands and the European Union itself is just as important. In this respect too, the protection of migrants' rights is sometimes inadequate, for example in cases of detention, return policy, or access to asylum procedures and asylum support. Consequently, it is not enough simply to hold external partners to account for their obligations. A credible and fair immigration policy requires critical reflection on one's own actions and adherence to the same standards that are expected of others.

The councils therefore believe that human rights safeguards must be an essential part of partnerships in all cases. In addition, these safeguards must apply to all people affected by such cooperation, particularly migrants. To put this into practice, it is important to assess, on a country-by-country basis, whether a country is a suitable partner and also determine which policy measures should be avoided or which safeguards put in place. The following is an explanation, against this backdrop, of how to work together constructively in various contexts to ensure the legality of such partnerships.

4.2.1. Develop a risk-based assessment framework

The effective integration of human rights into partnerships, including those with countries where human rights are not being respected, requires a concrete and practical assessment framework. The councils recommend that such a framework should continue to be developed and offer several relevant key considerations.

At the heart of this framework is a risk-based approach that **assesses both the risk profile of partner countries and the risk associated with specific migration measures**. On the one hand, countries are classified based on the risk of migrants' rights being violated and, on the other hand, the assessment focuses on specific agreements and an evaluation of the extent to which their implementation could contribute to potential human rights violations. This combined risk assessment enables the necessary conditions and safeguards to be established in order to ensure the legality of partnerships. It is important that there is transparency with regard to these considerations and it stands to reason that such a decision-making framework and its application should be shared with and discussed by Parliament.

Risk profiles of partner countries

Potential partner countries can be classified into categories based on low, medium, or high risk of violations of migrants' rights. Tools already exist for this classification, such as objective and internationally recognized human rights indices, including those from Varieties of Democracy (V-Dem) and Freedom House.¹⁴⁷ These provide insight into the overall human rights situation and therefore serve as a useful starting point for an initial risk classification. These classifications may, of course, vary over time and are dependent on the dynamic developments that characterize the various countries.

At the same time, risk classification must go beyond generic factors, as it must specifically address the situation of different groups of migrants, such as irregular migrants, asylum seekers, and refugees, who



are exposed to different risks. A comparison between Morocco and Tunisia shows why this is important. Although these countries may well be comparable¹⁴⁸ in terms of how they treat their own citizens (journalists, civilians, activists), there is a significant difference between the two when it comes to the treatment and the situation of refugees and migrants. In Tunisia, the risks facing these groups have increased significantly in recent years, due in part to reports of mass deportations, violence, detention, and reduced access to protection.¹⁴⁹

In this case, the assessment framework must be able to classify countries as having a higher risk profile. Given that general indices do not always provide sufficient insight into the actual risks faced by these groups, the councils therefore recommend combining standardized indicators with context-specific factors using, for example, data from the Mixed Migration Centre.¹⁵⁰

Risk and the type of migration agreement

As already stated, in addition to the risk profile of partner countries, the **type of migration agreement** is also **important**. The nature of the activity, the form of cooperation, and the type of investments significantly determine the risk of human rights violations.

Some activities, such as border surveillance and border management, carry an increased risk that the Netherlands or the EU will become (indirectly) involved in serious human rights violations, including the aforementioned pushbacks and pullbacks and so-called ‘desert dumps’, which involve migrants being left behind. Increased risks are also associated with more recent forms of externalization, such as return or transit hubs and the externalization of asylum procedures.

These forms of externalization raise questions about access to legal protection and compliance with the principle of non-refoulement, as well as the extent to which the Netherlands can exercise and maintain oversight in this area. It is important that these questions are answered adequately when establishing a (broad) partnership. It is also important that, in such a partnership, there is clarity regarding the (legal) status of migrants who are sent to a hub. In addition, seemingly technical forms of cooperation can also entail risks. For example, border control equipment or systems that have been supplied can be used for repressive purposes, not only against migrants but also, for example, against journalists, human rights defenders and activists. This is particularly relevant in contexts where there are structural restrictions on fundamental freedoms and it is therefore closely linked to the partner country’s risk profile.¹⁵¹

The risk level of migration agreements can partly be determined on the basis of past experience, with a higher risk profile being applicable if human rights violations occur repeatedly in conjunction with certain types of agreements. In this regard, it does not matter whether these violations result from the agreements or occur in a general sense. As a rule, the more directly a measure interferes with the lives of migrants, the higher the risk of human rights violations. For example, a forced return is generally more disruptive and riskier for migrants than a voluntary return (although the distinction between forced and voluntary return is not binary).

Points of departure for establishing a lawful partnership

It follows from the above that the combination of country risk and the risk profile of a measure determines the partnership’s structure. The basic principle is that a combination of a high-risk country and a high-risk activity should be avoided. It also applies that, as the risk increases, stronger safeguards, more intensive monitoring and clear suspension mechanisms are needed.

Conversely, less stringent forms of supervision and safeguards are sufficient whenever a country’s risk is low and an activity has a low or medium risk profile. In addition to this risk-based approach, a minimum threshold applies for safeguards, which is determined by international and European obligations and forms the basis for lawful conduct.



The councils also recommend formalizing partnerships wherever possible. In any case, provisions must be included regarding periodic evaluation and the possibility of suspension or termination in the event of (sustained) non-compliance. Although clauses like this are not standard in informal agreements, the councils highly recommend that they still be included in light of the risks. As already mentioned, the Netherlands (and the European Union) continue to be responsible for their own actions within partnerships. It is therefore important to note that the court will review immigration measures, and externalization measures in particular, and then assess whether a transfer to a third country is compatible with international and European human rights standards, especially the principle of non-refoulement. This also requires clarity in advance regarding the division of responsibilities and access to legal protection.

Possible structure of the risk profile: country in relation to the migration agreement

Low-risk countries

Partnerships can, in principle, be established with low-risk countries for all types of activities which are intended to achieve the Netherlands' migration goals, provided that these are part of a comprehensive and reciprocal approach as described in this advisory report. Human rights provisions are a standard part of the partnership, but (additional) monitoring obligations primarily become applicable when there are concrete indications or reports of abuses. The point of departure is trust, with the option to make adjustments if necessary. It is important that concrete agreements are made beforehand about what needs to be done, when and by whom regarding these potential opportunities for adjustment.

Medium-risk countries

Partnerships with medium-risk countries are possible for both low-risk and high-risk activities, but then with additional safeguards. As regards high-risk activities, clear agreements are to be made regarding adequate monitoring, including provisions regarding the consequences of identified human rights violations.

High-risk countries

A very cautious approach needs to be taken with regard to high-risk countries. Partnerships should focus primarily on low-risk activities, with high-risk activities not being appropriate. Medium-risk activities can only be chosen if adequate monitoring can take place and if there is mutual clarity regarding the consequences of violations by one or both parties. This is often unrealistic in high-risk countries due to the limited scope for criticism. If monitoring is not possible, this may mean that certain activities will not be included in the cooperation.

4.2.2. At all times: guarantee compliance with the law

It follows from the above that there are clear limits to what is possible and permissible in the context of migration partnerships. Certain forms of cooperation are, by definition, incompatible with international and European rules and therefore cannot be justified, not even under political pressure or in the context of 'innovative' solutions. This applies in particular to agreements that directly or indirectly result in a violation of the principle of non-refoulement, systematic pushbacks or pullbacks, or detention under inhumane conditions. In principle, nor should partnerships be entered into with countries where it is clear from the outset that it is impossible to guarantee migrants' rights, for example in countries where the state is not fully able to function.



The councils also consider it unacceptable to outsource Dutch or European responsibilities in such a way that eliminates or prevents effective legal protection for migrants. After all, this would not hold up in court. Measures in high-risk countries that lack safeguards for oversight and adequate monitoring fall below the minimum threshold. The fact that such arrangements are not always legally enforceable does not detract from their unlawfulness (and, in fact, reinforces the presumption that the minimum threshold has been exceeded). A risk-based approach is a way of operating within clear boundaries.

4.2.3. Adequate monitoring and oversight

Because partnerships carry the risk of human rights violations by one or both parties, sufficient oversight and adequate monitoring are always required. This also means that consequences are attached to the observations resulting from the monitoring. Current practice already provides various relevant points of reference. The table below shows an overview of a selection of partnerships, with information on the extent to which human rights are explicitly enshrined. In this regard the councils assume that the mention or enshrinement of human rights in such texts indicates a specific intent, regardless of the fact that the EU and its Member States are, of course, also bound by European and international rules. In all cases, it appears that no agreements have been made regarding monitoring, and no specific measures have been outlined for how migrants' rights will be protected within the planned activities.

Table 6. Selection of partnerships, agreements on human rights, and monitoring

Partnership/Treaty	Reference to human rights (in the text)	Concrete agreements about monitoring?	Concrete agreements on protecting human rights?	Short summary
EU-Mauritania Joint Declaration (2024)	Yes, in the preamble: cooperation based on respect for human rights, refugee law, and humanitarian law.	No	No	Human rights recognized as fundamental, but no agreements on compliance or oversight.
EU-Tunisia MoU (2023)	Yes, the migration approach is stated as being based on respect for human rights and that returns take place in accordance with international law.	No	No	Human rights are mentioned, but not defined in concrete terms or monitored.
Italy-Albania Protocol	Yes, refers to international human rights treaties and EU law.	No	No	Formal reference to the law, but no controls or safeguards recorded.
Italy-Libya MoU (2017)	Yes, takes international obligations and human rights treaties into account.	No	No	Refers to obligations under treaties, but makes no provisions regarding monitoring or protection.
Netherlands-Morocco Action Plan (2021)	No	No	No	No reference to, or guarantee regarding, human rights.

Although many partnerships refer to legal frameworks, it is unclear whether compliance with them is ensured in practice. As a result, such references are non-binding and have little effect and the partnerships therefore need to be reinforced. This can be achieved by including clear and measurable agreements regarding oversight and explicit consequences for non-compliance.

According to the councils, adequate monitoring consists of the following elements, which policymakers should work out in more detail.

- The first element is **the type of monitoring**: this means reporting requirements that are carried out by independent institutions based on local access.
- The second element is **cooperation**: monitoring can be strengthened through the involvement of both partner countries and independent actors, such as international organizations (possibly with a human rights mandate) and national and European ombudsmen.¹⁵²
- The third is **the frequency**: monitoring must take place periodically, depending on the risk profile of the country and/or the measure.
- The fourth element is **the content**: it is important to specify in advance exactly what will be monitored, so that it is clear what is meant by respect for human rights and when that standard is not met.
- Lastly, clear agreements are needed regarding **the follow-up to findings**.

How these monitoring elements are implemented and who carries them out varies by country and context, and will therefore need to be worked out in more detail in each partnership. The European Ombudsman has made a number of relevant recommendations.¹⁵³

The timing and positioning of the human rights issue are extremely important. Raising human rights issues can put pressure on negotiations, which sometimes seem to involve an implicit trade-off of interests. Previous evaluations, including those by the Policy and Operations Evaluation Department (*Directie Internationaal Onderzoek en Beleidsevaluatie*, IOB), show that as cooperation with North African countries became increasingly driven by migration interests, even greater pressure was exerted on the human rights focus.¹⁵⁴

This dynamic is illustrated by the case of Tunisia. While the Netherlands initially took a cautious stance due to deteriorating circumstances relating to the rule of law (such as the imprisonment of human rights defenders), its position shifted when Tunisia came to play a key role in migration policy. Initially, only limited attention was paid to human rights during the negotiations, which also involved the European Commission and Italy, and the pressure to achieve results on migration seemed to outweigh normative safeguards. This resulted in an agreement that does not sufficiently enshrine human rights protection.¹⁵⁵

The councils recognize that striking the right balance between interests is a highly complex matter and that improvements often occur gradually, in a non-linear manner, and in small steps. That is precisely why it is important to establish beforehand clear parameters within which negotiations take place, with international law serving as the guiding framework. A broad, reciprocal bilateral (or multilateral) relationship can, in fact, help ensure that even sensitive issues are systematically placed on the agenda. This always requires an explicit risk assessment of the nature of the cooperation and the terms under which it is entered into.



4.3. Summary of line of thought 2: aim to strengthen legality

The legality of partnerships must be (more effectively) safeguarded. This is not merely an obligation under international law (and a moral one) given that, similarly to the idea of mutual interest, it is also a prerequisite for the effectiveness of partnerships. If safeguards prove insufficient, the courts will be able to declare unlawful agreements null and void and halt proceedings such as deportation. Partner countries are not the only guilty parties, given that European countries may also be involved in human rights violations such as pushing back or towing boats carrying (asylum) migrants. To ensure legality, the agreements and implementation of the partnerships must therefore be risk-based.

Specifically, this means the following:

- A risk-based assessment framework is used to categorize countries and types of measures. This will help when making the necessary assessments, in other words whether it is advisable to cooperate with a specific country, under what conditions, and which (high-risk) activities can or cannot be undertaken.
- The partnerships will make binding agreements regarding shared responsibility and what happens if one party fails to fulfill its obligations.
- Appropriate monitoring is properly organized and becomes more rigorous as the risk associated with the relevant policy measures increases and operates independently. The higher the risk of violations, the stricter the safeguards must be.

Safeguarding legality is a key requirement that applies to all parties involved and partnerships must be able to withstand scrutiny at all times. This approach is intended to ensure that human rights are systematically respected.



5

Towards doing as
much as possible at
European level

The Netherlands, various EU Member States, and the EU are all simultaneously working on partnerships that include agreements on migration management. From the EU's perspective, there is a significant risk of overlap between the initiatives of the various Member States, while opportunities continue to be missed by those Member States that have less favorable (bilateral) relations with certain countries. From the perspective of Member States such as the Netherlands, there are advantages to operating bilaterally when a special relationship exists with a country, for example because this could offer more customization and flexibility, and would not require political compromises with other EU countries. Furthermore, partner countries such as Morocco and Nigeria have chosen not to enter into a partnership with the EU because it is more advantageous for them to have many different bilateral partnerships, thus allowing them to benefit from each one.

At the same time, the EU's ability to forge broad strategic partnerships is many times greater than that of individual Member States. Partner countries are looking for trade opportunities, investment, regularized migration, and visa-related commitments that the Netherlands can only offer on an individual basis to a limited extent. The EU as a collective has greater negotiating power, which also allows it to credibly impose sanctions. However, the EU actually needs the Member States to make commitments in policy areas where they have jurisdiction, such as labor migration. The new EU strategy on migration and visa policy reaffirms this approach by explicitly positioning regularized migration and talent mobility as strategic pillars of external cooperation,¹⁵⁶ thereby creating a framework within which the EU's collective strength and the bilateral efforts of Member States can complement one another when shaping broad partnerships.

This chapter analyzes the European framework for partnerships. It uses five elements to clarify where the EU is taking the lead, where Member States retain policy space, and how these two aspects interrelate. This has implications for the effectiveness and impact of the Dutch commitment.

5.1. In which areas is the EU active, and what is the scope for Member States?

Migration policy at European level started to take shape following the signing of the Maastricht Treaty in 1993. The Schengen Agreement has allowed for the free movement of people and single-entry visas since 1995. The Dublin Convention came into force in 1997 and laid down the rules for determining which country is responsible for asylum claims. In the Treaty of Amsterdam, which was signed in 1999, it was agreed that the European Commission would be authorized to propose legislation on migration from 2002 onwards. After that, a program was launched to harmonize asylum legislation across Europe. This means the EU itself can be viewed as a migration partnership with a high degree of migration policy coordination. These internal agreements resulted in migration also being integrated into European foreign policy. The EU launched the Global Approach to Migration and Mobility (GAMM) in 2005, and the Frontex joint border agency was also established at around the same time.

Since the Treaty of Lisbon in 2009, Member States have been voting on migration policy by qualified majority (55% of the Member States which jointly represent 65% of the European population must vote in favor), and the European Parliament was also granted voting rights. That same treaty explicitly granted the EU the authority to enter into two types of external agreements, namely readmissions agreements with third countries to organize the return of migrants, and partnerships aimed at protecting asylum seekers and refugees.¹⁵⁷



What kinds of partnerships has the EU entered into?

Between 2008 and 2016, the EU entered into so-called mobility partnerships with Cape Verde, Moldova, Georgia, Armenia, Azerbaijan, Morocco, Tunisia, Jordan, and Belarus.¹⁵⁸ In practice, these partnerships were limited to facilitating visas in exchange for improved cooperation on returns.¹⁵⁹

The challenges the EU faced in 2015 encouraged it to focus its external migration policy more strongly on agreements regarding irregular migration. The EU-Turkey Statement and the agreements with Libya were the first concrete results of this approach. Since then, the EU has been working to renew existing agreements with countries, transforming them into **broad strategic partnerships**, like those with Tunisia, Egypt, Mauritania and, more recently, Jordan and Lebanon.¹⁶⁰

The EU has also established Talent Partnerships with Tunisia, Morocco, Egypt, Bangladesh and Pakistan. The aim is to facilitate labor migration to EU Member States by matching demand (labor market shortages) with supply (people with the right qualifications) in cooperation with the European business community.¹⁶¹

In certain areas, therefore, the establishment of partnerships is a shared authority on the part of the EU and the Member States. If the EU takes the lead and reaches an agreement, the Netherlands can no longer enter into bilateral agreements on the same issue.¹⁶² This applies to treaties concluded by the EU, but also to partnerships based on more informal Memoranda of Understanding if the effects of such agreements are comparable to those of a treaty. Should the Netherlands wish to enter into a bilateral partnership in addition to its EU engagement, it may do so, provided that these arrangements are complementary to the EU partnership. In addition, the bilateral partnership must not undermine EU law or EU policy.

5.2. The European Pact on Migration and Asylum and the Return Regulation

The new European Pact on Migration and Asylum (the Pact) is entering into force on June 12, 2026. This pact represents an important next step towards a joint approach to migration in the EU. It consists of a package of nine regulations and one directive, which are being amended on the basis of mutual consultation. In addition to the pact, negotiations are also underway on a new Return Regulation, which is seen as the final piece of the pact jigsaw. This regulation contains a number of proposals to simplify and expedite returns and harmonize the European approach. One proposal, for example, involves the mutual recognition of returns decisions within the EU, so that decisions made by one Member State can also be enforced by other Member States.

Both packages contain a number of proposals that offer guidance on developing new types of partnerships. For example, the proposed Return Regulation creates the possibility, under certain conditions, of sending migrants who are residing unlawfully and who have received a departure decision - such as rejected asylum seekers - to a third country when deportation to their home country is impossible - namely to the transit or return hubs referred to in Chapter 4. The definition of 'safe third country' is also being amended in the Asylum Procedures Regulation of the new European Pact on Migration and Asylum. Under the new proposal it would no longer be necessary for an asylum migrant to have a connection to a country outside Europe - for example, through family ties or by having traveled through that country - in order to be 'returned' there to undergo an asylum procedure.¹⁶³ Among other things this measure aims to undermine



the human smuggling business model, because arriving in Europe would no longer be a guarantee of being eligible for an asylum procedure on European territory for some migrants.

These new options will therefore make the European asylum and returns system more streamlined and stricter and offer more opportunities to organize asylum and returns outside of Europe. The Council of Europe's Commissioner for Human Rights did, however, point out that the proposal for a new Return Regulation, in particular, carries the risk of undermining the human rights of rejected asylum seekers and irregular migrants (see Chapter 4 on this subject),¹⁶⁴ even though the pact stipulates that partnerships must be structured in accordance with international and EU law, with full respect for human rights and even though the proposal for the Return Regulation links return arrangements with countries outside the EU to human rights and non-refoulement safeguards.

Economies of scale resulting from joint action may remain unused

It is now primarily up to the Member States to implement the legislation at the national level and then execute it in the spirit of European cooperation. It is, for example, in the Netherlands' interest that asylum support standards in other Member States improve, so that the courts do not block the transfer of asylum seekers to the European countries they arrived in first. At the same time, a new solidarity mechanism makes it possible to choose between taking in recognized refugees from other Member States, or opting out of the solidarity requirement by paying compensation. The Netherlands has indicated that it will initially choose to do the latter. Only time will reveal whether the level of solidarity of Member States where most asylum seekers arrive will continue if large numbers of other countries follow the Netherlands' example.

In addition, the success of both the new European Pact on Migration and Asylum and the Return Regulation is also linked to partnerships with countries outside Europe. The success of these measures will depend in part on those countries' willingness to cooperate on this policy with the EU and, on a bilateral basis, with European countries. Because returns policy, border management, and labor migration all remain the responsibility of individual Member States, the latter will continue to enter into individual agreements with partner countries in these areas as necessary. Within the framework of the pact, the European Commission therefore emphasizes the necessity of effective coordination and constant communication on partnerships. The Commission would also like to build on the experience and special relationships that some Member States have with key partners.¹⁶⁵

This could create tension internally when it comes to migration partnerships. On the one hand, the Commission acknowledges the existence of Member States' (historical) bilateral relations and their value. On the other hand, it would appear from the structure and purpose of the regulation that the EU wishes to make greater use of these relationships to reach agreements at EU level,¹⁶⁶ but Member States do not appear to be as eager to reciprocate. As a result, the (economies of) scale benefits of joint action may remain unused. The leverage of European negotiating power would be greater if the positive and negative incentives regarding, among other things, trade relations, visas, investments, and humanitarian and development funding were negotiated jointly with all European countries within a single partnership rather than in ten separate ones. However, experience shows that Member States are quite willing to operate within a European framework, but mainly when they lack strong bilateral relations of their own.



5.3 Coordination of European and bilateral partnerships

Effective coordination is a key prerequisite for European action to be effective and add value. With a view to improving coordination and thereby strengthening Europe's effectiveness, the new European Pact on Migration and Asylum requires countries to report to the Commission on their negotiations with partner countries. Every five years, Member States must submit a national strategy for migration management which covers both internal matters and efforts to build partnerships with countries outside the EU. They must, for example, specify how Member States intend to focus on migration partnerships during that period, what measures they are going to take to resettle vulnerable refugees and how they intend to support countries outside the EU when it comes to accommodating refugees.¹⁶⁷ The Return Regulation also proposes that countries inform the Commission and other Member States before establishing a return or transit hub.¹⁶⁸

The Commission is therefore seeking to make Member States' approaches transparent, comparable, and open to discussion, with the aim of achieving greater coherence and coordination. In partner countries, the EU is already trying to organize Member States through coordination and the Team Europe principle, which involves taking action together wherever possible. Diplomats have stated that this cooperation on migration is taking place primarily through the sharing of information, for example during breakfast or lunch events organized in partner countries so that EU Member States can catch up with one another. In addition, the consultative body, Operational Coordination Mechanism for the External Dimension of Migration (MOCADDEM), was set up in Brussels to facilitate the coordination of the external dimension of migration through the Committee of the permanent representatives of the governments of the member states to the European Union (Coreper II). Nevertheless, those involved indicate that Member States are sometimes surprised by the speed with which the European Commission launches partnership initiatives (see box).

Lack of coordination in the EU-Tunisia partnership

A well-known example of poor coordination between the EU and its Member States was the establishment of the EU-Tunisia partnership in 2023. This partnership was largely a continuation of existing agreements that were rebranded as cooperation under the EU banner. The initiative by the European Commission, the Netherlands, and Italy came as a surprise to many Member States and led to a great deal of discussion within the EU about how cooperation with third countries should be established.

Normally, international treaties must follow the procedure laid out in the EU Treaties in which the European Commission, in consultation with the European Council, takes the lead, with the European Parliament having to approve the treaty before it enters into force.¹⁶⁹ This may also apply to informal agreements such as a memorandum of understanding (MoU) if it creates obligations, aims to produce legal effects, or structures the exercising of EU powers.¹⁷⁰ The European Parliament and the European Commission held differing opinions on this point, with the former regarding the agreement as a formal treaty on the basis of its content. Therefore, in order to exercise its oversight function, it should have been kept informed of the negotiation and conclusion of partnerships.¹⁷¹ The same applies to agreements involving (large) sums of money, which must be indirectly approved by the (national or) European Parliament, because it is required to approve the adopted budget.¹⁷² The Commission took a different view, namely that it was an informal political statement, and that it involved only financial resources that had already been committed. This disagreement has undermined trust between the Commission and Parliament and has affected the extent to which the agreement was viewed as legitimate.



In addition, due to their limited involvement, some Member States do not feel a sense of ownership of this partnership and feel left out. All of this has affected coordination between the EU and the Member States with regard to Tunisia. Although the EU would like the Member States to promote the European message as well, they do not feel called upon to do so given the entire process that preceded the agreement. Incidentally, this does not mean that there is no regular coordination between the EU and the Member States in Tunisia.

Given that establishing and maintaining bilateral dialogue at the official level is particularly important in the context of migration cooperation with countries outside the EU, coordinating Member States' efforts in these countries along the same lines continues to be a challenge. A constructive dialogue on migration with a partner country comes about as a result of a good rapport which, in turn, is created by having a broad, equal relationship. The importance of visibly associating projects with a specific EU country, in order to improve bilateral relations with that partner country, can conflict with the importance of coordinated Team Europe initiatives. This is also evident from research into Team Europe initiatives in other areas.¹⁷³

For example, Member States remain responsible for organizing returns at the bilateral level and do not view it as their role to improve other EU Member States' relationships with partner countries. However, they are often open to allowing other countries to participate in initiatives they have launched, such as the Italian Rome Process.¹⁷⁴ There are therefore opportunities for scaling up initiatives that started out on a bilateral basis to European level.

A growing area of tension is competition for specific types of workers.¹⁷⁵ The EU is trying to avoid competition and expand cooperation through Talent Partnerships with various countries. Since the EU does not have the authority to make commitments regarding the admission of migrant workers, the Commission is also seeking to implement a Team Europe approach in this area. In its new strategy on migration and visa policy, the Commission states that the EU is aiming to become the most attractive destination worldwide for a wide range of talented workers.¹⁷⁶ This goal aligns with new EU competitiveness policy, which focuses, through the new 'Union of Skills' strategy, on comprehensively addressing labor market shortages and on positioning the EU as a global competitor in the race for highly and moderately skilled talent.¹⁷⁷

Finally, European border control and management is an area in which the EU is strongly committed to improving coordination and cooperation. Significant investments are being made in the Frontex agency, which supports Member States in fulfilling their national obligations, such as border surveillance, border screening, and returns. These are key elements of the new migration pact (and the Return Regulation). The current goal is to expand the Standing Corps of border guards to 10 thousand people and the Commission has already proposed expanding it to 30,000.¹⁷⁸ The councils point out that it is essential for the agency's accountability mechanisms to ensure sufficient expansion.¹⁷⁹ Greater European cooperation in the field of border management is therefore not only an opportunity to achieve effective joint border management, but also to establish relevant European standards.

5.4. Comparative advantages of the EU

European cooperation therefore offers many advantages. At the same time, bilateral operations must still continue in certain areas. To make an informed assessment of where the Netherlands should focus its efforts on European cooperation, and where it is strategically more advantageous to operate bilaterally, it is essential to understand what only the EU can offer. For the purposes of that analysis, the world outside Europe can be divided into geographic rings, which are each considered in a different light.



Ring 1: The enlargement countries on the eastern and southeastern flanks of the EU (Western Balkans, Turkey, Ukraine, Georgia, Moldova)

The first ring is made up of the EU's immediate neighbors to the east and southeast. The EU's enlargement policy is crucial as far as these countries are concerned.¹⁸⁰ Within that framework, far-reaching commitments are being made on a wide range of topics, including migration, through country-specific pathways, stabilization and association agreements, and other arrangements. In particular, EU accession serves as a powerful lever in this regard, because it is closely linked to migration policy. The conditions for accession include various agreements on returns, readmissions, border management, regularized mobility and asylum.¹⁸¹ It is therefore important for these countries to align their policies with those of the EU. In the case of Moldova, for example, partnerships with the EU (a mobility partnership, an association agreement, and candidate country status) have helped improve migration management at all levels, from local to central and¹⁸² there continues to be scope for bilateral agreements. Italy, for example, has been able to conclude the protocol with Albania because it concerns a procedure for which the EU has not yet entered into any external agreements (externalization of the asylum procedure). For the countries in this ring, it is important to operate via the EU as much as possible and to use the ongoing accession negotiations to reach agreements on migration as well.

Ring 2: Neighboring countries (Algeria, Egypt, Tunisia, Morocco, Libya)

The second ring comprises the EU's neighboring countries along its southern border, i.e. North Africa. These countries (Egypt, Libya, Tunisia, Algeria, and Morocco - excluding Libya) have association agreements with the EU that cover various migration-related issues. However, these are limited to statements of intent and are not enforceable. They focus primarily on border management and do not contain any concrete agreements on visa liberalization. Numerous Member States have bilateral interests in this region and the southern EU Member States, in particular, have extensive relations in a wide range of areas. It is partly because of this that the EU has not yet been able to conclude readmission agreements with those countries. Given their key position as transit countries, combined with their extensive ties to the southern EU Member States, they can strategically focus on bilateral agreements rather than EU-level agreements. There is a certain degree of complementarity within this framework between the actions of the EU and those of the Member States, given that bilateral agreements can be concluded in parallel with European partnerships. That is why it is important here to focus as much as possible on Team Europe initiatives and to limit competition among EU Member States.

Ring 3: The Middle East and Sub-Saharan Africa

The third geographic ring comprises countries outside the neighboring countries where the EU and its Member States are active, but their network is generally less extensive than those with their immediate neighbors. In some cases, this produces a clear comparative advantage for EU operations. For some EU Member States, the countries in this ring are of particular importance, for example due to long-standing historical (colonial) ties. Given the EU's geopolitical ambitions, it is important to cooperate as much as possible on economic issues, for example within the framework of the EU Global Gateway strategy and/or the Talent Partnerships agreed upon in this region. The fact that there are often fewer broad interdependencies between the EU Member States and the countries in this ring makes it easier for the EU to use its negative conditional incentives.

First and foremost, this means sanctions related to short-term visas. This may involve temporarily suspending (or restricting) their availability in order to increase pressure on a country if it fails to cooperate on, for example, the return and readmission of nationals residing unlawfully on European territory.¹⁸³ Based on experiences with Iraq, Ethiopia, and the Gambia, this approach has proven to be effective. The European Commission has also proposed allowing for the suspension of trade benefits under the Generalised Scheme of Preferences (GSP) for 67 developing countries if those countries do not cooperate on returns.¹⁸⁴ The Netherlands supports this proposal, provided an independent monitoring



body determines whether or not the applicable conditions are fulfilled.¹⁸⁵ In the view of both councils, conditional measures are a potentially powerful but politically sensitive instrument because they may undermine long-term relations with countries, and possibly even the stability of incumbent governments. The implementation of these measures therefore requires a strategic assessment that explicitly takes account of proportionality, legitimacy, and long-term relationships. We can gain experience with these tools in a responsible manner by establishing clear guidelines in advance and by linking their implementation to independent monitoring.

Ring 4: South America

The fourth ring is less obvious from a Dutch perspective, namely the transatlantic route from South America. Migration from this region to the EU is primarily driven by historical, linguistic and legal ties, particularly with Spain and Portugal. People from many countries in this region do not require a visa for short-term stays in the Schengen Area, while long-term stays are subject to national admission and naturalization rules. Colombians and Venezuelans are among the largest groups of immigrants in Spain and it is also a key destination for asylum seekers from the region.¹⁸⁶ While the same does not apply to Portugal, Brazilians constitute by far its largest foreign community. As a result, the extent to which the Netherlands seeks to control migration within this framework is limited by, among other things, the choices and relationships of other Member States.

As far as the Netherlands is concerned, Suriname is a special case in the context of this ring. Unlike in many other South American countries, the Netherlands enjoys a relatively stronger bilateral position there due to its historical ties and social interdependence. The fact that migration pressures in the region - particularly from Venezuela - may affect the Caribbean parts of the Kingdom, especially Aruba and Curaçao, is also an important consideration for the Netherlands.¹⁸⁷ From the Dutch perspective, the added value of acting via the EU in this context primarily has to do with visa policy, leveraging broader political, economic and security relations with the region - for example, within the EU-CELAC partnership, the EU-LAC Global Gateway Investment Agenda and EU-LAC cooperation on justice and security - and in coordination with the EU Member States that have the strongest ties to this region.¹⁸⁸

5.5. European coordination of migration partnerships

The observant reader will have noticed that the rings referred to above do not cover the entire world. The list does not, for instance, include East and Southeast Asia or North America, even though a significant proportion of migrants in the Netherlands come from these regions. In 2024, for example, the Netherlands received 8,000 immigrants from China, 9,400 immigrants from India, and 6,300 immigrants from the United States.¹⁸⁹ Under current Dutch policy, however, these regions are not the focus of migration partnerships because migrants from these countries are, among other things, already covered by the highly skilled migrant program, which is open to migrant workers from around the world. In short, the type of (labor) migrant the Netherlands is seeking from these regions may already be making their way to the Netherlands without the need for a partnership. Furthermore, concluding readmission agreements with these countries for rejected asylum seekers and other undocumented migrants is not a priority because they do not require support with accommodating refugees, nor are they located on the (irregular) migration routes to Europe.

Based on a similar line of thinking, the focus on European migration partnerships is currently driven primarily by policies related to asylum, returns, and support for refugees outside Europe. This is also evident in the partnerships focused on labor migration, where the EU Talent Partnerships have selected Tunisia, Morocco, Egypt, Bangladesh, and Pakistan as partner countries, with the Commission indicating its intention to expand these partnerships to include Nigeria and Senegal.¹⁹⁰ Labor migration at European level is therefore increasingly featuring in partnerships that aim to establish comprehensive agreements on migration covering all the goals outlined in Chapter 2 (returns, combating irregular migration,



economic development and protection). At the same time, in specific cases, efforts are being made to attract talent from outside the scope of the Talent Partnerships or migration partnerships. As part of the aforementioned Union of Skills, the EU announced a Memorandum of Understanding (MoU) with India on labor migration in the IT sector in 2026, and it is opening a pilot European Legal Gateway Office in India to help migrant workers make their way onto the European labor market.¹⁹¹ If this proves successful, the plan is to establish similar offices in the Talent Partnership countries as well.¹⁹²

The challenge for the Netherlands is therefore in focusing selectively on the European coordination of migration partnerships. While the EU does not provide the same added value in all areas or in all countries, it is precisely in the areas that carry the most political and policy weight for the Netherlands - regional asylum support, returns, border management, and combating irregular migration - that value can clearly be added in many cases. In respect of these issues, the EU can deploy instruments that the Netherlands does not individually have at its disposal, such as visa policy, trade leverage, the prospect of enlargement, and broader political and financial partnerships. Furthermore, an exclusively national approach to labor migration is becoming increasingly unsustainable. The Netherlands will also need to align itself more closely with European efforts in this area, precisely because regular mobility often represents one of the few credible positive incentives for partner countries. That does not mean that labor migration should be fully Europeanized, given that it is a national competence, with national control over numbers, sectors and entry conditions playing a key role. This does mean, however, that the Netherlands can no longer, as a matter of principle, exclude labor migration from both Dutch and European migration partnerships if it wants to achieve tangible results in other areas.

5.6. Summary of line of thought 3: aim to do as much as possible within the EU framework

Wherever possible the Netherlands should focus on European coordination of migration partnerships. The EU operates on a larger scale and has authority over issues relevant to partner countries, such as visa policy for short-term stays and trade. As a result, the EU generally has more to offer in negotiations than individual Member States such as the Netherlands. This generates better opportunities for achieving mutual benefits through broad, strategic partnerships.

In specific terms, this means the following:

- The Netherlands should concentrate on embedding partnerships more firmly within the EU framework, or in smaller Team Europe coalitions.
- The primary focus should be on working through European partnerships in the areas of returns and combating irregular migration. The effectiveness of a bilateral commitment in respect of these issues is often limited. Where this is not feasible, bilateral diplomacy may be an option, but it should always be coordinated with European partners and without countries seeking to pursue competing national deals.
- The Netherlands must be prepared to reach agreements on (circular) labor migration within EU partnerships. In addition, the Netherlands must continue to exercise national control over numbers, sectors and entry conditions, just as it does now. This increases the mutual benefits of partnerships and, at the same time, helps European competition to limit the labor force.





6

Towards a regional approach

Migration is, by its very nature, a regional phenomenon with the vast majority of migration flows occurring within regions. Countries all over the world are joining forces to facilitate the free regional movement of their citizens. It is also the case that the majority of the world's refugees are taken in 'within the region', often in countries neighboring a conflict zone. At the same time, policy decisions made in one country have irreversible consequences for neighboring countries. The region is therefore an important 'layer' in migration management.

There are two ways in which the region influences the formation of partnerships. First and foremost, there is the question of whether regional action is necessary or desirable. In other words, should the Netherlands align itself with, or operate from, a specific region? When it comes to certain issues such as border control, asylum and migration (see Chapter 5), agreements between regions are preferred or the Netherlands is obliged to operate at regional level, for example because it does not have the scope to implement a regional approach on its own, or because the EU has the relevant jurisdiction. In such instances the Netherlands aligns with the EU, which then enters into agreements with regions outside Europe, partly on the Netherlands' behalf. The councils already indicated in Chapter 5 that operating via the EU offers advantages and is preferable in many cases. However, not every type of migration or policy intervention requires regional action at EU level. Indeed, the Netherlands will continue to act independently when it comes to promoting returns and in the area of labor migration. Even then the region can be incorporated into the approach because the Netherlands has the option of initiating or joining small coalitions of countries and cooperating with international organizations that operate at regional level.

Secondly, a regional perspective is essential in order to gain a clear understanding of the dynamics and policy goals in the regions. This, in turn, is vital for the effectiveness of partnerships and for achieving mutual benefit. When countries develop policies with partner countries without taking the region into account, this can lead to undesirable or even counterproductive effects,¹⁹³ for example if a policy conflicts with the policy goals of other regional organizations, as was the case with ECOWAS, when bilateral EU cooperation with countries such as Mali and Niger, which focused on border control, undermined the regional goal of free movement.¹⁹⁴ Another example is when agreements with one country have adverse consequences for a neighboring country, as was the case when the EU partnership with Mauritania led to the deportation of migrants to Mali and Senegal, resulting in tensions between the countries in question,¹⁹⁵ and when EU support for border controls and anti-smuggling operations in Niger and Sudan contributed to the formation of new militias in the border region between Niger, Chad and Libya, which led to instability.¹⁹⁶ A further example is when cutting off one migration route results in a shift of routes through other countries (waterbed effect).

This chapter explores situations in which the formation of partnerships requires regional action and how the 'regional perspective' keeps the Netherlands on its toes. This is followed by a description of what the Netherlands can do in concrete terms to organize a (more intensive) regional approach.

6.1. Regional migration management, with whom and where?

There are various examples of regional migration management in the regions bordering the EU. Intergovernmental organizations and regional partnerships are trying to coordinate policy in the field of migration, just as EU Member States have done. To a greater or lesser extent, they all share a jointly developed vision and strategy on migration issues. The table below provides an overview of the most important actors in the Netherlands. The vision and policy goals of these regional actors are a key consideration when forming partnerships. What stands out in the table are the policy goals aimed at facilitating mobility in the region. It is not uncommon for the policy goals of these actors to be at odds with those of the EU and the Netherlands.



Table 7: Vision and policy goals on mobility/migration of regional partnerships

Regional actor	Vision and policy goals on mobility/migration
Economic Community of West African States (ECOWAS) West Africa	ECOWAS has a joint strategy on migration ¹⁹⁷ which emphasizes free movement between Member States and the role that migration can play in development processes. The strategy is also intended to protect various types of migrants. Free movement has been a central objective of ECOWAS since its inception ¹⁹⁸ and a Free Movement Protocol has been in effect since 1979 with a view to achieving this goal in the region.
Intergovernmental Authority on Development (IGAD) East Africa/The Horn of Africa	A Free Movement of Persons Protocol was signed by five countries within the IGAD region. ¹⁹⁹ In addition, IGAD has had a regional migration policy in place since 2012. ²⁰⁰ The region is also coordinating efforts to find sustainable solutions for refugees through the Kampala Declaration on Jobs, Livelihoods and Self-Reliance. The goal is to achieve this through a whole-of-society approach. ²⁰¹
Arab League (22 Arab countries)	Work has been underway since 1997 to implement a Greater Arab Free Trade Area, which also covers the movement of people, ²⁰² and the countries of the Arab League are a major destination for migrants. The International Labor Organization (ILO) estimates that this region has the highest percentage of migrant workers in the global labor market. ²⁰³
Community of Sahel-Saharan States (CEN-SAD) CEN-SAD was founded by a treaty which was intended to ensure the free movement of people within the region.	To date, this has only been achieved to a limited extent. ²⁰⁴
The African Union	The African Union has also adopted a protocol to work towards the free movement of people on the continent ²⁰⁵ and the African Migration Observatory has been based in Morocco since 2018. The aim is to harmonize migration policy across the continent and strengthen migration's contribution to development. ²⁰⁶ The AU has also developed a continental policy framework for the 2018-2030 period and the observatory supports the implementation of this policy framework. ²⁰⁷

If one region's migration policy undermines the goals of another region, it becomes more difficult to implement agreements effectively. However, where two regions, such as the European Union and the African Union, overlap, tensions will persist as long as there is a structurally unequal economic relationship between them. Since asylum migration is largely supply-driven (people fleeing war and persecution), many other forms of migration remain largely demand-driven. As long as there are jobs available in Europe and wages in African countries are significantly lower, the European labor market will remain attractive to both regularized and irregular migrants. That is why it is important for the Netherlands to take the partner country's regional policy goals into account when making bilateral agreements. Promoting intra-African mobility, for example, can also offer the growth opportunities that partner countries are seeking. Thinking in these terms shifts the relationship from one of negotiation to one of cooperation, in which the parties seek common ground and mutual benefit.



Regional consultation platforms

There are several consultation platforms where this type of coordination is desired. For example, the Budapest Process was established following the collapse of communism in Europe in the 1990s and it allowed Western European countries to discuss migration with their counterparts from Eastern Europe before those countries joined the EU. The significant political and economic differences between these two regions led to migration flows.²⁰⁷ The Budapest Process still exists and now focuses on migration routes between the Balkans, Europe and onward to Asia.²⁰⁸ In addition to the Turkey deal, another process was launched with African countries at the time of the ‘migration crisis’ caused by the Syrian civil war. The 2015 Valletta Summit on Migration led to the Valletta Action Plan, which gave rise to two regional processes²⁰⁹: 1) the Rabat Process, which focuses on the Western Mediterranean and West African routes and 2) the Khartoum Process, which focuses on the Central Route and migration routes in the Horn of Africa. In addition to the Khartoum Process, there is also the AU Initiative for the Horn of Africa, which focuses on combating smuggling and human trafficking. While the Khartoum Process focuses on the route to Europe, the AU process also focuses on other routes, such as those to the Gulf States.²¹⁰

These informal platforms provide an opportunity for representatives from various countries to come together to exchange information. They are able to do this in a relatively open way because the conclusions they draw are not required to have any formal consequences. The goal is to build trust and foster a shared understanding of migration, which would then lead to improved coordination of migration policies.²¹¹ However, these processes are not without controversy. Although they are presented as regional consultative frameworks, experts point out that they are often driven in practice by European priorities regarding border control, returns and combating irregular migration, and therefore only align to a limited degree with broader African mobility agendas.²¹² The AU-EU Migration and Mobility Dialogue has also been in place since 2019.²¹³ Unlike processes organized around routes to Europe, which are therefore primarily associated with externalization, this dialogue offers a continental framework in which African and European priorities are discussed, such as labor mobility, knowledge exchange and institutional capacity-building. This continental framework offers the opportunity to speak with a unified African voice, thereby creating more balanced cooperation with the EU.²¹⁴ Some countries, such as Germany, have already launched projects that demonstrate the government’s awareness of the AU’s mobility vision and are intended to support it.²¹⁵

6.2. A regional perspective in practice

During the course of this assessment, both advisory councils encountered three different types of initiatives and practices that translate a regional perspective into regional action, namely 1) regional projects - based on (an attempt at) a ‘whole-of-route’ approach, 2) regional transit hubs and 3) working in small coalitions of countries.

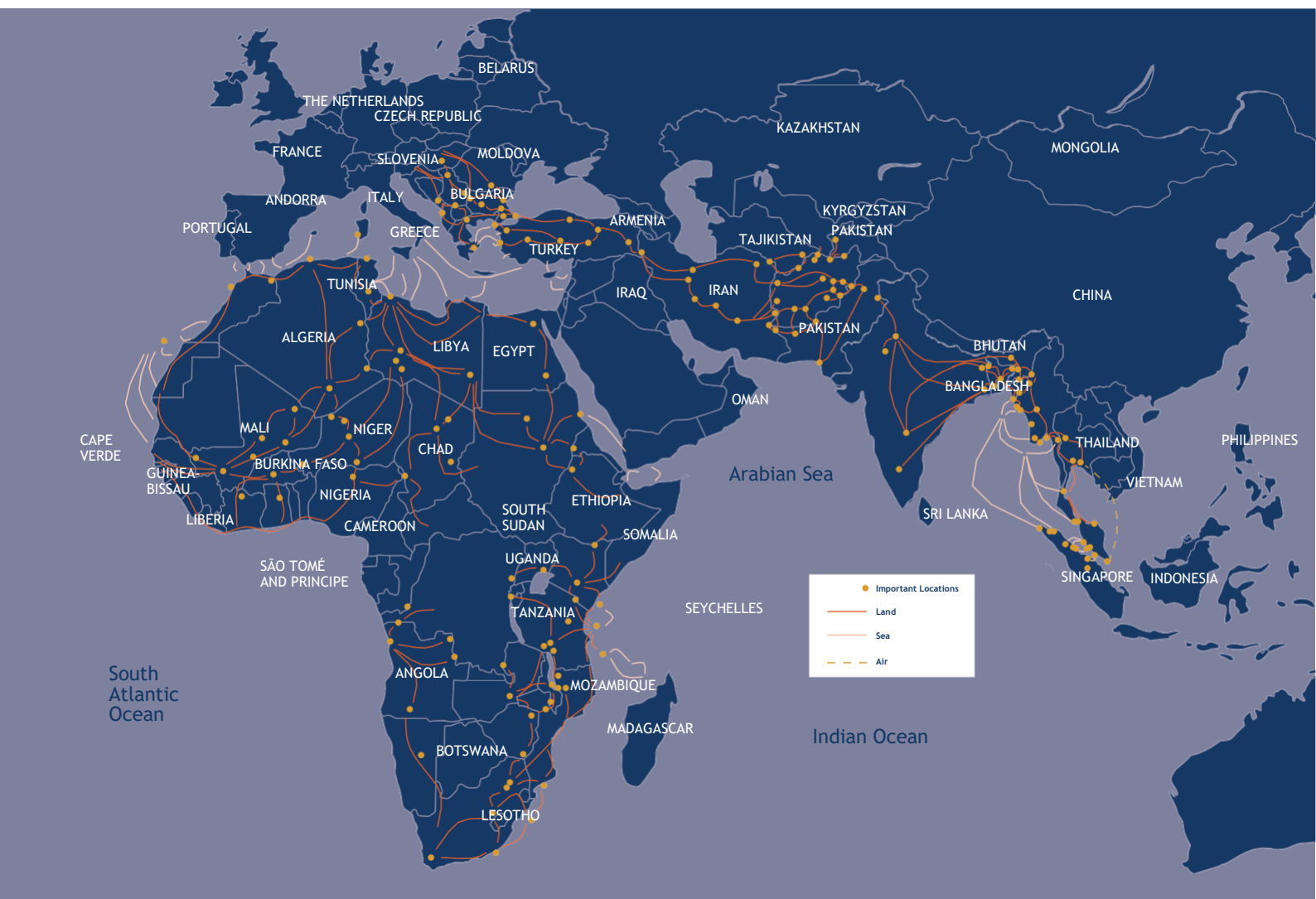
A ‘whole-of-route’ approach and regional projects

In its migration strategy for the next five years, the European Commission identifies migration diplomacy, including the implementation of the ‘whole of route’ approach, as one of its priorities.²¹⁶ A ‘whole-of-route’ (also known as ‘route-based’) approach is based on the possibility and necessity of implementing policy interventions not only at critical points (such as border crossings) but along the entire migration route. This approach also assumes that different types of migrants use the same routes. In practice this approach means that migrants and refugees can obtain information about - and be referred on to - safe and regularized ways to migrate at various points along migration routes. While travelling they are offered information about alternatives to irregular migration, ways to obtain protection - for example, through resettlement or alternative channels - and opportunities for labor migration.²¹⁷ So far, there is little evidence that providing this information actually causes migrants to change their plans. The value of a ‘whole-of-route’ approach therefore lies not so much in providing information as a standalone tool, but in combining information with guidance and referrals to existing protection and mobility channels. When



people not only learn that alternatives exist but also receive practical support for accessing them, this approach can contribute to more informed and safer migration decisions.²¹⁸

Figure 6. Intraregional routes. Source: UNHCR



As the figure shows, countless intra-regional routes exist, as identified here by the UNHCR.²¹⁹ Providing information along these routes could shift the focus from crisis areas (such as border crossings) to a more sustainable approach. This approach is also in line with the desire of African countries to regulate migration more effectively along multiple routes, not just those leading to Europe.

A regional perspective is also incorporated into the COMPASS²²⁰ and PROSPECT²²¹ programs, which are funded by the Netherlands. It is no coincidence that, in implementing these programs, the decision was made to cooperate with the UN or international organizations, which often operate on the basis of a regional strategy and seek to act as coordinating entities to ensure coherence among all bilateral initiatives.

In this way, they can try to establish connections between countries, policy areas and implementing partners, and contribute to a more consistent approach along the route. Because migration routes span multiple countries, this approach to programming has the potential to improve the coordination of interventions, organize support and referrals across borders, and prevent efforts in one country from being disconnected from developments elsewhere along the route.

Regional transit hubs

There is currently a great deal of discussion about return and transit hubs and whether or not they contribute anything to Dutch and European migration policy. Return hubs are a form of externalization, in which rejected asylum seekers and other individuals subject to a departure decision are placed outside European territory so that they can eventually depart from that country to their country of origin. Because there are still few known examples, much attention is being paid to the question of whether the risks associated with this form of externalization are proportionate to the potential solutions they offer (see also Chapter 4). From a regional perspective, there is a relevant practical example from which the Netherlands can learn, namely the Emergency Transit Mechanism (ETM) which the UNHCR set up in 2017.

Transit hubs: The Emergency Transit Mechanism in Rwanda and Niger

Under the ETM, refugees and vulnerable asylum seekers who have a good chance of being granted asylum are evacuated from Libya in order for their status to be assessed at a later date. This process takes place at a hub in Rwanda, and previously in Niger, where they were able to receive protection via two different routes, i.e. either through the national asylum process or through resettlement in Europe. This approach is particularly interesting from a regional perspective because the ETM has been enshrined in a regional strategy with the African Union since 2019.²²² On the one hand, the ETM can be viewed as a success because this mechanism has been used to evacuate a total of approximately 6,800 vulnerable individuals from Libya to Niger and Rwanda since 2017.²²³ On the other hand, it has led to obvious and instructive challenges.²²⁴

For example, the circumstances in Libya made it impossible for the UNHCR to conduct a thorough screening on the ground. As a result, some of the evacuees in Niger subsequently had their asylum applications rejected. At the time, these people were in a country with which they had no ties, that did not want to take them in, and where they did not want to stay. The scope for resettlement was also determined by the resettlement countries. Because countries did not make enough places available, this ultimately undermined the temporary nature of the stay in Niger. It turned out that more people had to stay longer than expected, while Niger had no interest in becoming a host country.²²⁵ After the coup in 2023, Niger suspended its cooperation, but as of August 2025, 70 people were still in a camp, waiting for resettlement.²²⁶

The mechanism is still in place in Rwanda, which positions itself internationally as a partner when it comes to providing shelter in the region and as an African leader in this field.²²⁷ Since the agreements were renewed in 2024, there has been a greater emphasis on a transparent selection process for determining who is evacuated, and an agreement that this selection should be based solely on vulnerability. This is relevant to the resettlement framework, under which countries sometimes impose requirements on the refugees they wish to accept from these hubs. Efforts are also being made to improve the exchange of information between the UNHCR, Rwanda and the AU, with regular joint monitoring of the process. Lastly, the revised mechanism aims to develop more sustainable alternatives for people who are not granted refugee status and who no longer wish to remain in Rwanda, such as voluntary return or resettlement in other countries.²²⁸ At the same time, this



highlights the limitations of this model, given that as long as onward movement remains dependent on resettlement countries, it will continue to be difficult to avoid lengthy stays, administrative bottlenecks and uncertainty about sustainable outcomes.²²⁹

The lesson to be learned from this is that effective expectation management is essential when setting up these hubs. It is important for the partner country to have a clear understanding of exactly how (mutually) beneficial it is to facilitate this type of care within its territory. To do this properly, it must be clear, no matter whether the hub is intended to return or resettle on humanitarian grounds, how long people can realistically be expected to stay at the hub. It must also be clear what the prospects are for people who may end up stranded in the host country. It is also important that, in the event of returns, people have the opportunity to have their applications reassessed in accordance with European standards, with adequate access to legal assistance if circumstances in their country of origin change during their stay at the hub. It is also important that the people in these hubs are granted a (temporary) residency status that offers them prospects during their stay, for example by giving them access to the labor market.

When return or transit hubs are used to further European migration goals, rather than as a humanitarian mechanism, the councils believe they should be anchored in a broad partnership, preferably at the European level. Ideally, these types of hubs should also be established only in cooperation with the migrants' countries of origin, so that people do not get stuck in them. When setting up such a program, careful consideration must be given to potential unintended consequences, which were already mentioned at the beginning of this chapter.²³⁰ The letter of intent signed by the Netherlands and Uganda in 2025 states, for example, that no individuals from outside the region will be placed there.²³¹ However, the definition of the region had not yet been specified. It is precisely this that highlights the issue of arrangements of this kind also having the potential to stir up regional sensitivities, especially when they affect citizens of neighboring countries without those countries being involved in the agreements. If people could return directly to these countries, a stopover at a hub would not be necessary. Neighboring countries might take issue with agreements that benefit one country at the expense of their citizens. In the longer term, a population of rejected asylum seekers with no prospects could be created and that might lead to further tensions. According to the councils, hubs of this kind should, therefore, always be part of a regionally supported migration strategy.

Cooperating in small coalitions

Regional alignment is difficult because of the number of countries involved and it can take a long time for a joint approach to take shape. Cooperation in small coalitions that take regional dynamics into account can therefore serve as an attractive alternative or a stepping stone.²³² In this regard, the Netherlands could opt for small-scale, flexible and targeted coalitions with like-minded partners.²³³ After all, it is not necessarily the case that the Netherlands and countries outside the EU have conflicting interests when it comes to regulating migration. A regional perspective shows that, just like European countries, North African transit countries are looking for ways to deal with migration, provide asylum support to refugees, and facilitate returns to countries in Sub-Saharan Africa. In doing so, they encounter similar obstacles, such as the fact that countries of origin are often reluctant to cooperate with returns if they are not voluntary. At the same time, this type of cooperation is politically sensitive, given that returns programs can be flawed and easily become entangled with domestic pressure to more visibly restrict migration. That is precisely why cooperation in this area requires careful implementation, with clear conditions that are firmly anchored in the region.

So-called 'South-South-North' partnerships could then be of interest. This type of cooperation has long been common in other policy areas, such as development cooperation, health, labor and trade.²³⁴ The advantages of these smaller, regional partnerships are that they allow for more rapid action and that



cooperation can emerge on new issues that strengthen relations between countries. There are, for example, opportunities for the Netherlands to work together with Morocco, Tunisia, or other North African countries to cooperate with countries from which migrants originate, such as Senegal and Gambia. To ensure regional coherence nevertheless, it is important to embed these types of partnerships in existing regional processes, such as the Rabat or Khartoum Processes. Partnerships within small coalitions can be positioned as the implementation of regional agreements.

6.3. Beyond the bilateral perspective

A regional approach is not a silver bullet. Inter-regional migration management is challenging and becomes more difficult as socioeconomic disparities between regions increase. The interests of countries are then further apart, making it more difficult to achieve widely supported agreements. This may mean that dominant regions can exert influence on policy in countries with less power.²³⁵ Critics also point out that countervailing forces exist that hinder strategic cooperation based on broad, shared interests at regional level. Examples include competition between countries and an EU that focuses on its own geopolitical interests and thereby hinders genuine regional cooperation along Europe's southern border.²³⁶

Nevertheless, it is important to take a regional perspective and act accordingly in every partnership. Looking at the situation from a regional perspective helps us understand partner countries' ambitions in relation to their neighbors, and how cooperation in one country can also affect another. By focusing on the necessity or desirability of acting at regional level, the Netherlands can seek to align itself with regional frameworks and the logic of routes, support programs that look beyond borders, shape initiatives based on a regional logic and forge new regional coalitions.

6.4. Summary of line of thought 4: aim for a regional approach

It is important that the Netherlands looks beyond the national level when entering into partnerships. Regional actors, such as the Economic Community of West African States (ECOWAS) and the African Union, have their own perspectives on migration, which often place the emphasis on free movement within the region. Those points of departure may conflict with Dutch and European priorities, for example in the area of border management. In addition, unilateral agreements with a single country can inadvertently exacerbate tensions, undermine existing cooperation between neighboring countries, or shift problems rather than resolve them. That is why coordination is crucial.

In concrete terms this means the following:

- Initiatives must always be assessed for their regional impacts. The Netherlands should not launch interventions that could weaken cooperation among countries in a region or increase tensions between them.
- The Netherlands must involve neighboring countries, countries of origin, and other relevant countries in discussions regarding potential return or transit hubs.
- Work should take place as much as possible with organizations that operate along the entire migration route so that interventions in different countries become better aligned.
- Where possible the Netherlands should act as part of Team Europe or via other small-scale coalitions in order to align with the policy directions of existing regional consultation platforms. Examples include the Rabat Process in West Africa and the Khartoum Process in the Horn of Africa, as well as the EU Pact for the Mediterranean, which all focus on coordination and trust between regions.



Migration is a regional phenomenon. By making the regional perspective a guiding principle in the structuring of migration partnerships, agreements will better reflect the reality and practical aspects of migration.



7

Towards partnerships
between societies

Migration partnerships are, first and foremost, agreements between states. They bring together various interests, such as cooperation on returns and border management, regular migration channels, financial support, knowledge exchange, trade and investment. That transactional core is important and the parties must be able to get a clear idea of what has been agreed upon, whose interests it serves, and on what grounds they can hold each other accountable. At the same time, migration partnerships affect societies, labor markets, existing migration routes and transnational networks. As a result, partnerships are assessed not only on the basis of diplomatic or administrative feasibility, but also on the extent to which they align with societal interests, expectations and implementation capacity on both sides of the partnership.

Research into public support for migration cooperation between Europe and Africa shows that preferences regarding this type of cooperation are shaped, among other things, by how society perceives interests, by existing normative beliefs, and by views on the distribution of responsibility among the cooperating countries.²³⁷ Similar research has also shown that public preferences depend in part on perceptions of national interests, as well as on humanitarian considerations and reciprocity. Partnerships are therefore more than just administrative transactions between states.²³⁸ Instead, they are shaped within a broader social and political context, both in European countries and in partner countries. If that context is not sufficiently considered, agreements may become vulnerable in terms of legitimacy, feasibility, or sustainability.

An opportunity therefore exists to strengthen partnerships strategically by increasing the involvement of relevant stakeholders, such as the business community, universities, civil society organizations and the diaspora. Broader support - both within the Netherlands and the EU as well as in partner countries - enhances the legitimacy and, consequently, the effectiveness of partnerships. Involving migrants, the diaspora and civil society organizations can also help to improve coordination between interventions and achieve greater effectiveness in the long term. Local, national and international stakeholders in society are, in fact, already deeply involved in various aspects of migration: 1) The diaspora promotes development and soft power, 2) civil society provides protection and promotes development and 3) businesses and universities facilitate labor migration and the exchange of students and knowledge respectively. These parties could have more involvement when partnerships are entered into than is currently the case. This applies to both Dutch parties and those in the partner country (see also the box).

In this chapter, the councils explain how the involvement of the parties referred to can be structured. They argue that, for the establishment of effective, lawful and mutually beneficial partnerships, the involvement of various parties can be better leveraged, including by making them formal components of the partnerships. If partner countries do the same, the development of broader partnerships between societies will become a distinct possibility.



Senegal's migration policy

Senegal is demonstrating that migration policy in African partner countries is not simply being imposed in response to European pressure, but is also contested and renegotiated at local level within Senegalese society. When, in 2015-2018 and with support from the International Organization for Migration, the government drafted an initial policy document, civil society organizations and diaspora groups rejected it because they felt they had not been sufficiently involved and because it did not adequately reflect Senegalese views on migration, mobility and development.

Starting in 2022, an alternative path emerged when an NGO federation organized a seminar. With support from the German Rosa Luxemburg Foundation and legal experts, an alternative document was drafted which focused on human development, rights, mobility and the protection of migrants, rather than border control and restrictions on migration. This process, driven by citizens' initiatives and critical reflection on European influences, led in 2023 to a technical validation process which was based on broad public participation and was organized by the Senegalese government.

Nevertheless, it remains unclear to what extent this alternative policy has been implemented or enshrined in law and that makes the case ambiguous. On the one hand, Senegal is demonstrating that civil society organizations are more than capable of placing their own, more inclusive migration policy on the agenda. On the other hand, the policy space remains vulnerable as long as the government fails to establish a clear national direction and external actors, including European countries, continue to exert influence through funding and cooperation.

This tension is illustrated by Spain's support for the Senegalese Ministry of the Interior in the area of border control. While migration is deeply rooted in Senegal's social, economic and cultural fabric, European cooperation often remains focused on combating irregular migration, border control and cooperation with security services. This example illustrates how civil society actors can shape their own, more inclusive debate on migration, but also how dependence on external parties continues to be a structural challenge. Without a clear vision of its own, the government risks having policies that remain primarily reactive in nature.²³⁹

7.1. The 'whole-of-society' approach

The Global Compact for Safe, Orderly and Regular Migration (GCM) is a non-binding UN framework from 2018, which states used to reach agreements on international cooperation on migration. It is based on the idea that migration cannot be regulated by states alone, and calls for cooperation with, among others, civil society organizations, local governments, labor unions, diaspora organizations and migrant communities. The GCM also states that countries benefit from engaging in partnerships with civil society actors when it comes to achieving agreed goals. A broad spectrum of these stakeholders, including representatives of migrants and refugees, was therefore also involved in the development of the GCM itself,²⁴⁰ not least to prevent the legitimacy of the process from being undermined, as in the example from Senegal.

This 'whole-of-society' (WoS) approach is expected to lead to greater coherence and more broadly supported policies, and it has become a common term in policy areas such as development cooperation.²⁴¹ There is a recognition in many policy areas that complex issues require an approach that brings together different sectors and actors. A WoS approach views individual, social, market and government



organizations as part of the same complex, dynamic system. Such an approach aims to generate solutions that go beyond more traditional, linear, or siloed development paths²⁴² and the same perspective can also offer added value in the area of migration. After all, migration has both causes and effects in all parts of society, and in countries of origin, transit and destination alike.

As discussed in Chapter 3, when building broad partnerships, it is important to foster cooperation within government between ministries (a ‘whole-of-government’ approach). If the Netherlands sets out to make use of the commitments between two countries, or to strengthen the mutual ties between them, it is wise to involve stakeholders from civil society as well in the decision-making and implementation of these types of partnerships. In that regard ‘whole of society’ and ‘whole of government’ are two sides of the same coin.

It can be a challenge to do this in an inclusive way. Not everyone has equal access to the decision-making processes of the (national) government, and certain groups may face physical or mental barriers to participating in such processes. When the Global Compact on Refugees (GCR) was adopted in Geneva, for example, some refugees were unable to obtain a visa. In addition, there is always the risk of ‘tokenism’, which is also known in the Netherlands as ‘box-ticking participation’. It is also possible for the parties’ (perceived) interests to conflict, e.g. because host communities do not always view immigrants in a favorable light. In that respect, the situation in many African countries is not that different to the one in the Netherlands.²⁴³ What is more, the interests of a government may conflict with those of migrants, especially when it comes to curbing irregular migration. Under a (more) authoritarian regime, it may simply be impossible to involve civil society, because there is no room to do so.²⁴⁴

An analysis is needed for each partnership to determine which stakeholders are relevant and how they can be engaged most effectively (see also section 7.5). The following four sections explain what a ‘whole-of-society’ approach might look like in practice.

7.2. Involving the diaspora in partnerships

Diasporas can play a crucial role in partnerships²⁴⁵ and their involvement can be valuable at various stages and in respect to various elements, in terms of their establishment, implementation and monitoring, as well as in fostering their legitimacy. Migrant representatives were actively involved in the development of the UN Global Compact on Migration (GCM) at multilateral level. These groups have been around for some time, are well-organized, and have an extensive network. The same applies to a lesser extent to refugee representatives. These groups are relative newcomers, but have nonetheless been able to exert influence on the comparable multilateral process aimed at establishing a Global Compact on Refugees. The Netherlands played an important role in this process by co-funding a refugee summit in 2018 and by signing the Refugee Participation Pledge.²⁴⁶ Involving the diaspora in migration partnerships can be beneficial because of the experience-based perspective their transnational lives provide and the cultural insights they bring. The experts consulted for this report stated that the diaspora in some countries of origin is even structurally integrated into the government, for example by seats in parliament being reserved for the diaspora community. Structures like these facilitate the involvement of the diaspora in policymaking.

During the research and discussions with experts, the councils identified a number of practical examples of how the diaspora can be involved in initiatives that also take place within migration partnerships (see table).



Table 8: Examples of potential diaspora involvement in partnerships

Example	Implementation and relevance
Using the diaspora for development	As part of the Connecting Diaspora for Development (CD4D2) program, members of diaspora communities in the Netherlands returned to their countries of origin for a short period to contribute to local development through knowledge sharing, training, and advisory services. The program focused on capacity building, but in some cases also served as a form of trial return. This was particularly true for participants who were older or who were unemployed at the time.²⁴⁷ This program demonstrates that the diaspora can serve as a bridge between the Netherlands and countries of origin, and that it can boost development, cooperation, and the building of trust among the countries involved.
Knowledge and awareness	Diaspora communities are also involved in awareness campaigns about the risks of irregular migration. They are then seen not only as people with a background in migration, but also as people who can build bridges to the target audience's perspective. However, a study conducted for the EU suggests that migration experience alone is not enough to select participants, given that not everyone with a migrant background is automatically a suitable spokesperson. Influence within the community, communication skills, and motivation are more important. It is also recommended that psychological support be provided for members of the diaspora and returnees who are involved in these campaigns.²⁴⁸ This example illustrates how the diaspora can play a useful role in providing information within migration partnerships, provided this role is professionally and carefully organized.
Cultural policy	The Tunisian government greatly appreciated an event organized by the German Embassy in cooperation with the diaspora. The Tunisian government considers its relationship with its diaspora to be important partly because of the remittances involved. Events involving the diaspora and cultural policy can therefore help maintain ties between countries and diaspora communities and support partnerships as a form of soft power,²⁴⁹ strengthen mutual relationships and trust, and increase the diaspora's engagement in broader cooperation between countries.

The involvement of the diaspora can also reveal conflicting views and interests. In certain cases, for example, the diaspora has actively worked to undermine campaigns that promote returns. In 2018, members of the Ethiopian diaspora protested in Switzerland against a deal on returns between the EU and Ethiopia. They had reservations about the involvement of the government and security services due to a lack of democracy in the country.²⁵⁰ The situation in host countries can also cause members of the diaspora to be reluctant to cooperate on migration issues, for example if the government or society discriminates against people with a migration background.

As a general rule, the larger the diaspora, the more opportunities there are for cooperation through partnerships. Given their connection to the priority countries of Dutch migration policy, it may be worth involving the diaspora communities from Morocco and Syria in the structuring and implementation of migration partnerships.



7.3. The importance of civil society in partnerships

Civil society represents a diversity of voices, including those of migrants, in part to safeguard their right to protection. There are various organizations in the Netherlands and in partner countries that exist to defend human rights and support refugees. Globally, however, there has been a rise in autocracies, fragile states and weak democracies that are using repressive measures to threaten the civic space in which these organizations operate. In an earlier advisory report, the AIV stated that support for civil society is crucial, both in the Netherlands and in partner countries, and that the most effective way to implement it can be determined on a case-by-case basis.²⁵¹ In Tunisia, for example, civil society has very limited scope to work on migration issues. That said, there are indeed civil society organizations that manage to navigate the system's limitations, for example by providing assistance to migrants who come into contact with the police, or by offering services to the broader population from which irregular migrants can also benefit.

For partnerships to uphold the rule of law and humanitarian standards, it is particularly important that civil society organizations be viewed as complementary actors alongside governments and international organizations. They can assist with monitoring, documentation, referring complaints, and providing access to support, but they do not assume responsibility for legal protection. Such responsibility must lie with the states concerned and, where relevant, with European and international organizations (see also Chapter 4). Investing in civil society organizations can therefore be worthwhile, not because they solve the core problems of migration partnerships, but because they can help prevent unintended side effects.

7.4. The potential role of businesses and universities in partnerships

Chapter 3 already outlined the importance of labor migration for partner countries and the Netherlands. From a WoS perspective, it therefore makes sense to involve not only governments but also businesses and research institutions more actively when structuring partnerships. After all, they have their own networks, interests and expertise, and can therefore help to make cooperation sustainable and reciprocal.

The Dutch business community also has an important role to play when it comes to investing in partner countries. Broad partnerships can be supported through targeted cooperation with companies and by leveraging these contacts for diplomatic purposes (as is also done in trade missions). Although labor migration in the Netherlands is left to market forces, stakeholders point out, for example, that explaining all the possibilities that currently exist and showing the extent of student and labor migration that is already taking place can be a revelation for countries. The EU also encourages regularized migration to 'address labor shortages, fill skill gaps, and stimulate economic growth',²⁵² with the European Commission aiming to 'become the most attractive destination in the global competition for talent' - in part due to demographic trends (see also Chapter 5).²⁵³

Although nearshoring has also been discussed as a possible alternative to (low-cost) labor migration, it is only feasible if the sector and local conditions align with it. Countries with water scarcity are, for example, less suitable for (greenhouse) horticulture initiatives. Factors such as the availability of qualified personnel, infrastructure and the business climate play a role in determining whether companies are keen to set up shop in a particular location. The focus countries of Dutch migration policy generally do not rank highly on the World Bank's Ease of Doing Business Index. Clingendael recently conducted a study into the potential of nearshoring for the IT sector and discovered that opportunities exist in countries such as Egypt, Nigeria, and Tunisia, due to the availability of qualified professionals.²⁵⁴ If large numbers of well-educated young people but few jobs are available in this sector, this could mean that nearshoring not only solves a problem for the Netherlands but also creates mutual benefits.



A targeted labor migration policy therefore requires close coordination with the business community and with employer and employee organizations and insight into the type of workers the organizations would like to recruit abroad, or where they are willing and able to set up shop. Cooperation with businesses already established in (potential) partner countries, such as Morocco and Ethiopia, can also be worthwhile for exploring opportunities for expansion. By taking account of the principles of broad well-being and by paying attention to the three dimensions of ‘here and now’, ‘later’, and ‘elsewhere’, we can prevent a short-sighted focus on the here and now from coming back to haunt us in the future or elsewhere.²⁵⁵ A one-sided focus on resolving acute shortages in the Netherlands may prove counterproductive in the long run, for example, if this comes at the expense of development opportunities in partner countries or leads to excessive pressure on public services in the Netherlands. The absorption capacity of Dutch society must therefore be taken into account, and it is also important that migrants are offered adequate living and working conditions.

Universities in the Netherlands play a role when it comes to student migration and the necessary regulations are already in place. Colleges and other vocational training institutions can be more actively involved when there is a need for specific skills and people in the partner country can be trained in those skills, or during a circular migration process in the Netherlands. Furthermore, people who have been to the Netherlands for work or study often speak very highly of their experience upon returning home and they can serve as a source of soft power in a (migration) diplomacy context. The experts consulted also suggested that universities in partner countries with limited civic space can help disseminate independent information and maintain independent contacts.

7.5. Strengthening the dialogue with stakeholders

A WoS approach does not mean that all parties in every partnership must be involved directly and in the same way; the government needs to maintain control. It is important, however, that relevant societal perspectives are incorporated into the process, in the design, execution and evaluation of policy. This calls for a multi-layered approach, in other words a core group of directly involved parties who participate on a structural basis, supplemented by a broader circle of organizations that are consulted periodically, on specific themes, or at specific times. One example was the ‘National Consultation on Minorities’, (*Landelijk Overleg Minderheden*) which provided an opportunity for diaspora organizations to meet with the minister three times a year. This structure was phased out in 2013. In the case of specific partnerships, such a consultation structure can be supplemented with relevant civil society organizations and implementing or knowledge partners.

There will be a different participation model for each partnership

In those partnerships, however, civil society engagement must be tailored to the specific circumstances in partner countries. Not every country allows for open or systematic participation by civil society actors, and in some contexts, visible involvement can be politically sensitive or even unsafe. That is why there will be a different participation model for each country. On the Dutch side, the process can certainly be broad and inclusive but an analysis is required for each partnership to determine which form of engagement is feasible, practical and safe in the partner country. Joint consultation may be possible in open contexts. In more limited contexts, a less formal or indirect approach is more appropriate, such as individual consultations, theme-based discussions, or confidential consultations. In closed contexts it may be more realistic to conduct a context analysis and, in doing so, seek targeted consultation outside the formal partnership.



Such forms of inclusion fit within a WoS approach, but they are not always easy to organize in practice. Not all relevant parties are able to participate on a regular basis, and stakeholders may have conflicting interests. Furthermore, a more diverse membership does not automatically lead to wider support or better cooperation. The councils therefore propose determining, on a partnership-by-partnership basis, which issues will be addressed (see ‘Pathways to Mutual Benefit’, Chapter 3), what type of engagement is appropriate for each, and which stakeholders are relevant. That decision depends not only on the relevance in terms of content and the presence of certain stakeholders in the Netherlands and the partner country, but also on the scope for civil society, the safety of those involved, and whether consultation can actually contribute to better implementation, monitoring and evaluation.

Regular consultations on the various aspects of a partnership can strengthen the involvement of civil society stakeholders and lay the groundwork for concrete agreements on its implementation, monitoring and evaluation. However, it is essential that the purpose of the participation, the actual influence participants have, and how their input will be handled are clear beforehand. In addition, it may sometimes be necessary to provide financial or other support to civil society stakeholders to ensure that their participation is actually feasible.

7.6. Summary of line of thought 5: aim for partnerships between societies

The Netherlands cannot reach agreements on a wide range of topics with every country in the same way. Each partnership has a different starting point, based on the level of connectedness that already exists between the countries and the opportunities there are for increasing that factor between the partners. Partnerships are more likely to succeed if they are created not only between governments but also, where relevant, on the basis of the involvement of diaspora communities, civil society organizations, businesses and research institutions.

In concrete terms this means the following:

- Policymakers must focus on a whole-of-society approach by conducting context and stakeholder analyses to explore what type and extent of expansion is possible with each country.
- Partnerships should be structured in such a way as to create space for relevant stakeholders from civil society, social partners, the business community, and educational and research institutions. The parties involved can jointly explore possible courses of action and, where appropriate, establish promising forms of sustained cooperation.
- The knowledge, networks, and experience-based perspectives of (representatives of) migrant and refugee communities should be incorporated into Dutch and European partnerships.

Involving societies more broadly on multiple sides of partnerships can therefore help make mutual benefits more tangible and anchor relations between countries more broadly. This will create a stronger foundation for broad, strategic cooperation.

List of people consulted

The councils are grateful to everyone who shared their expertise through discussions, including those who did so anonymously, for example during the councils’ working visit to Tunisia.

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