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RESEARCH PROPOSAL

DIGITAL TRANSFORMATION OF THE MIGRATION REGIME IN AFRICA: DEVELOPMENTS AND SETBACKS IN HUMAN RIGHTS AND MIGRATION GOVERNANCE

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1. Introduction and scientific premises

According to the latest report published by the Special Rapporteur on *Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance*, almost everywhere in the world the digitalisation in migration policies and practices happens with little regard for human rights, enhancing directly or indirectly discriminatory practices, and increasing experimental risks.[1] The digitalisation of border infrastructures, the use of Artificial Intelligence (AI) in humanitarian aid and the spread of predictive and risk analysis aimed at governing migratory routes are different faces of an increasingly crucial process in contemporary politics. This process proceeds for rapid accelerations at different stages of the migration cycle, often justified by situations of perceived crisis. For example, in July 2020 – amid the pandemic emergency – while *EU-Lisa* was reiterating the importance of greater investments in AI, in the Sahel region the International Organisation for Migration (IOM) accelerated the dissemination of its Displacement Tracking Matrix (DTM) designed to "track and monitor displacement and population mobility in times of crisis".

The "datafication"[2] of migrant populations – that might find themselves in conditions of vulnerability –[3] is today quite extensively studied in the Global North, with specific attention being drawn to infrastructures, the socio-technical apparatuses of borders and the morphologies of the security-humanitarian nexus at the frontiers. The literature on the issue – developed at the intersection of Critical Borders Studies and Science and Technology Studies (STS) – has described this trend as a turn towards "techno-securitization" and "techno-humanitarianism", a process of "smartening" in border security, "datafication" of mobility and migration management, and "dataveillance"[4] that might represent a dangerous mechanisation of migration procedures. However, such scholarship is articulated according to rather rigid divisions between – on the one hand – the digitalisation of the border network and – on the other hand – of humanitarian assistance. This approach risks failing to acknowledge the rationale underlying the digitalisation of migration and it is likely to hinder a dialogue between International Human Rights Law (IHRL) and critical security studies, necessary to grasp the complexity of the phenomenon.

This research proposal aims at filling this gap and widening the debate by reconciling theoretical and empirical research to track the substantial interactions between the effects of

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[1] Human Rights Council, 'Racial and Xenophobic Discrimination and the Use of Digital Technologies in Border and Immigration Enforcement', 22 September 2021, para. 35.

[2] The process of "datafication" is understood as the application of new surveillance and networked technologies that allow enhanced forms of observation, detection, identification and statistical risk calculation. See Dennis Broeders and Huub Dijstelbloem, *Digitizing Identities: Doing Identity in a Networked World*, Routledge Studies in Science, Technology and Society 30 (Routledge, Taylor & Francis Group, 2016).

[3] Precisely because of this condition, reference is not made here only to refugees or asylum seekers, aiming at broadening the field of investigation beyond the migrant/refugee binary. See Rebecca Hamlin, *Crossing: How We Label and React to People on the Move* (Stanford University Press, 2021).

[4] See Martina Tazzioli, 'The Technological Obstructions of Asylum: Asylum Seekers as Forced Techno-Users and Governing through Disorientation', *Security Dialogue*, 26 August 2021; Julien Jeandesboz, 'Smartening Border Security in the European Union: An Associational Inquiry', *Security Dialogue* 47, no. 4 (August 2016): 292–309.

bordering, humanitarian practices and migrants' rights, maintaining a security discourse together with a focus on agency and subjectivity. To understand the implications of the digitisation process increasingly affecting migrants and people seeking international protection, it is urgent to overcome a rhetoric of techno-solutionism to critically explore – under a comparative angle – the multi-layered implications in key areas of migration governance, problematizing possibly exacerbated vulnerabilities while investigating accountability mechanisms. Acknowledging that contemporary migration governance frequently disadvantages women, racialised or national groups and people whose sexual orientation or gender-identity differs from hetero-norm,[5] I value contextual factors and the non-neutrality of technical tools as being of utmost importance.

Furthermore, moving from a post-colonial critique, the project draws upon the analysis of areas where the described process is currently under-studied and tries to map the often opaque interactions between the digitalised European borders and their African counterparts. It is precisely in areas that are particularly strategic for migration governance – such as the Sahel region and the Horn of Africa – that some of the most remarkable developments have taken place in recent years, with the involvement of several security and humanitarian actors both at the national and regional levels, often with the support of international organisations. The Risk Analysis Cells set up by the European Border and Coast Guard Agency (Frontex) within the framework of the Africa-Frontex Intelligence Community (AFIC), the Migration Information and Data Analysis System (MIDAS) promoted by IOM, or the use of biometric technology launched by UNHCR in 52 hosting countries are prominent examples.

The spread of sorting and categorisation mechanisms relying on data collection and analysis is indeed beginning to be discussed as a form of "techno-colonialism" or "data colonialism",[6] characterised by extractive dynamics that have little to do with the rights of the people concerned and whose impact should be critically assessed to avert the de-humanisation of migration policies.

2. Research questions and problems

The overall ambition of the project is to contribute to answering two principal questions:

- How is the digitalisation of migration being implemented in Africa and what are its main drivers?
- What are the implications of this process in terms of human rights and migration governance?

More specifically, the proposal aims to offer an innovative contribution to the study of the digital transformation of the migration regime by addressing three main research problems.

- **The digitalisation of migration in Africa: mapping, defining and systematizing programmes, devices, and the legal framework**. Given the exploratory nature of the research, the first part of the work will be devoted to mapping programmes, systems and devices digitalising migration across different regions, both in border-crossing and humanitarian contexts. Checkpoints where MIDAS is deployed or sites where UNHCR applies its Biometrics Identity Management System (BIMS) are relevant examples. The study will specifically cover chatbot information at arrival in humanitarian contexts, automated identity verification and security checks at borders, biometric ID systems, behavioural analysis identifying hostile intent and risk profiling. The functionalities of these systems and devices will be analysed to provide an analytical framework to identify the rationale behind

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[5] See Catherine Briddick and Cathryn Costello, 'Introduction to the Symposium on Undoing Discriminatory Borders', *AJIL Unbound*, 115 (2021): 328–32.
[6] See Nick Couldry and Ulises A. Mejias, 'Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject', Television & New Media, 20 (2019): 336-349.

their deployment. First, this will allow a problematization of the interactions between different data harvesting, surveillance, AI-led profiling, and registration systems, offering a greater understanding of their consolidation, distribution and perception. Secondly, this preliminary research will allow more detailed targeting of the case studies – provisionally identified in Niger and Senegal. The relevant legal framework at the national, regional, and international levels will then be analysed.

- **Assessing the multi-level impact of the digitalisation of migration: human rights and governance challenges**. This evaluation constitutes the underlying question of the proposal and the problem around which the fieldwork will be structured. The aim is, firstly, to assess the possible implications of the digitalisation of migration from a IHRL and International Refugee Law (IRL) perspective, paying attention to the protection of personal data and the principle of non-discrimination understood in its intersectional dimension. Emphasis will be given to conditions of vulnerability related to gender, age and socio-cultural backgrounds that may be made more acute by digitalisation. Specific attention will be dedicated to the governmental functions covered by identification procedures and identity management.[7] Secondly, the research aims to assess the impact of digitalisation on regional and international mobility and on humanitarian assistance from a governance perspective. Thirdly, this impact assessment will encompass both relevant stakeholders promoting digitalisation processes (State actors, international organisations, operational agencies and private corporation, etc.) and forced migrants directly affected.

- **Discussing responsibility and accountability frameworks**. The final section of the thesis will examine if and to what extent the different stakeholders involved could be held responsible or accountable for possible violations emerging from the digitalisation of migration. To inform the interpretation of practices of digital harm evading legal scrutiny, the analysis will build on a clear conceptual foundation and case-law analysis. In particular, the study will assess the European Union (EU)'s role in the externalisation of digital technologies for migration control and containment purposes. Legal considerations will thus be advanced in dialogue with hypotheses on the emergence of forms of "data colonialism", building theoretical bridges across disciplines.

3. Methodology and research design

The research will follow a mixed-method approach based on legal analysis, interviews and the comparative examination of case studies. A certain combination of methods is indeed required to ground the interdisciplinary approach proposed, developing a multi-level analysis and embedding context-specific dynamics into global processes. Furthermore, a comparative approach between illustrative case studies will enlarge knowledge on the digitalisation of migration among humanitarian and security-related practices. The research will be supported by an extensive legal and theoretical analysis, combining approaches from IHRL and security studies. The adoption of a flexible research design will moreover assure greater resilience to barriers and contingencies that may arise during the fieldwork.[8] Difficulties in accessing the field and dealing with secrecy issues will be addressed critically, on a case-by-case basis.

Through desk research and legal framework analysis, the first part of the research will define a set of specific criteria for the identification of the case studies. These criteria must balance the need

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[7] Reference is here to Matthias Leese, 'Fixing State Vision: Interoperability, Biometrics, and Identity Management in the EU', *Geopolitics* 27, no. 1 (1 January 2022): 113–33.

[8] This approach is in line with the methodological flexibility required in migration studies due to the fluidity, instability, and geographic mobility of the subject.

of ensuring access to the field and conducting meaningful research. Moreover, case studies will be selected "following the data", *i.e.* identifying the main hubs of the digitalisation process, and a comparative perspective between regions, individuals or groups involved in the datafication process will be adopted. This multi-site and multi-path design should facilitate "situated knowledge" while paving the way for a process-tracing scheme highlighting how the deployment of different technologies can affect mobility and have an impact on individuals' rights.

From a preliminary analysis, the most information-rich cases can be identified in Niger and Senegal. Here, the digitalisation of migration is taking place at the national level, under the framework of the Economic Community of West African States (ECOWAS),[9] and with the support of international organizations such as IOM – with significant EU funding and assistance.

The fieldwork constitutes a crucial node of the project due to the limited information available on the dynamics under analysis. In-depth interviews will be conducted in the detected sites with stakeholders promoting or implementing the digitalisation process and with migrants, shedding light on spaces of agency and oppression. Given the sensitivity of the research, the highest standard of research ethics in terms of confidentiality, data protection and anonymity must be guaranteed. Moreover – adopting quantitative text-mining techniques – the interviews will be compared with the documents analysed during the desk review, examining the consistency between experiences on the field and the narratives adopted in digitalisation policies.

4. **Purpose, interdisciplinary nature and originality of the research**

The proposal aims to provide an overarching assessment of the digitalisation of migration in areas where empirical studies are currently extremely limited, thus adding a relevant contribution to an often highly divisive debate. The main ambition is to take part in the elaboration of juridical and socio-political knowledge that attempts to keep pace with technological development, especially when it affects populations in a vulnerable condition, often not in a position to elude experimentation related to the digitalisation process.[10]

The project adopts interdisciplinarity as a methodological premise and epistemological strength; approaches from legal studies (Public International Law, IRL, IHRL) will be brought in dialogue with methodologies from STS studies and critical security studies. The research proposal is innovative on three different levels: empirical, theoretical and methodological. On an empirical level, the analysis extends to the various actors enforcing or targeted by the digitalisation process, both in border management and in the humanitarian realm; on a theoretical level, the project takes an interdisciplinary perspective, attempting to bridge the gap between the various research strands in the literature; finally, on a methodological level, the choice of a mixed-method approach with extensive field research constitutes a further original element.

5. **Personal statement and research roadmap**

This project represents the continuation of the research that – through different disciplinary lenses – I have conducted at the Sant'Anna School of Advanced Studies and at the University of Florence, building a solid background in migration studies and IRL. In my Bachelor thesis, I investigated the violations of the *non-refoulement* obligation at different levels of the European

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[9] Reference is to the use of biometric identity systems integrated in border management and migration governance.
[10] See Claudia Aradau, 'Experimentality, Surplus Data and the Politics of Debilitation in Borderzones', *Geopolitics* 27, no. 1 (1 January 2022): 26–46.

borderwork,[11] problematizing the emergence of forms of *digital refoulement*. For the purposes of this study, the research stay I spent at the *École Normale Supérieure* in Paris proved to be extremely important. Lately, for my Master thesis, I worked on the diffusion of digital patrolling strategies in the pre-frontier area of the EU Member States.

The expected research map proceeds as follows:

- **First year**, Paris. Further operationalization of the research questions and selection of the sub-questions to be addressed; identification of specific case studies; first comprehensive legal review and systematization of programmes, systems, and devices related to the datafication of forced migration in different regions of the African continent.
- **Second year**, fieldwork and visiting. Analysis of the relevant international and regional legal framework; conduct of the fieldwork; articulation of research on accountability mechanisms and emerging challenges to the human rights regime related to the digitalisation of forced migration. Visiting period in a research centre on human rights to be identified.
- **Third year**, Paris. Further research and update of the first review in light of the fieldwork results; assessment of the results; finalization of the drafting process of the thesis.

6. Selected bibliography

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[11] Borderwork is defined by Chris Rumford as the process of «envisioning, constructing, maintaining and erasing borders». 'Introduction: Citizens and Borderwork in Europe', *Space and Polity* 12, no. 1 (April 2008): 1–12.