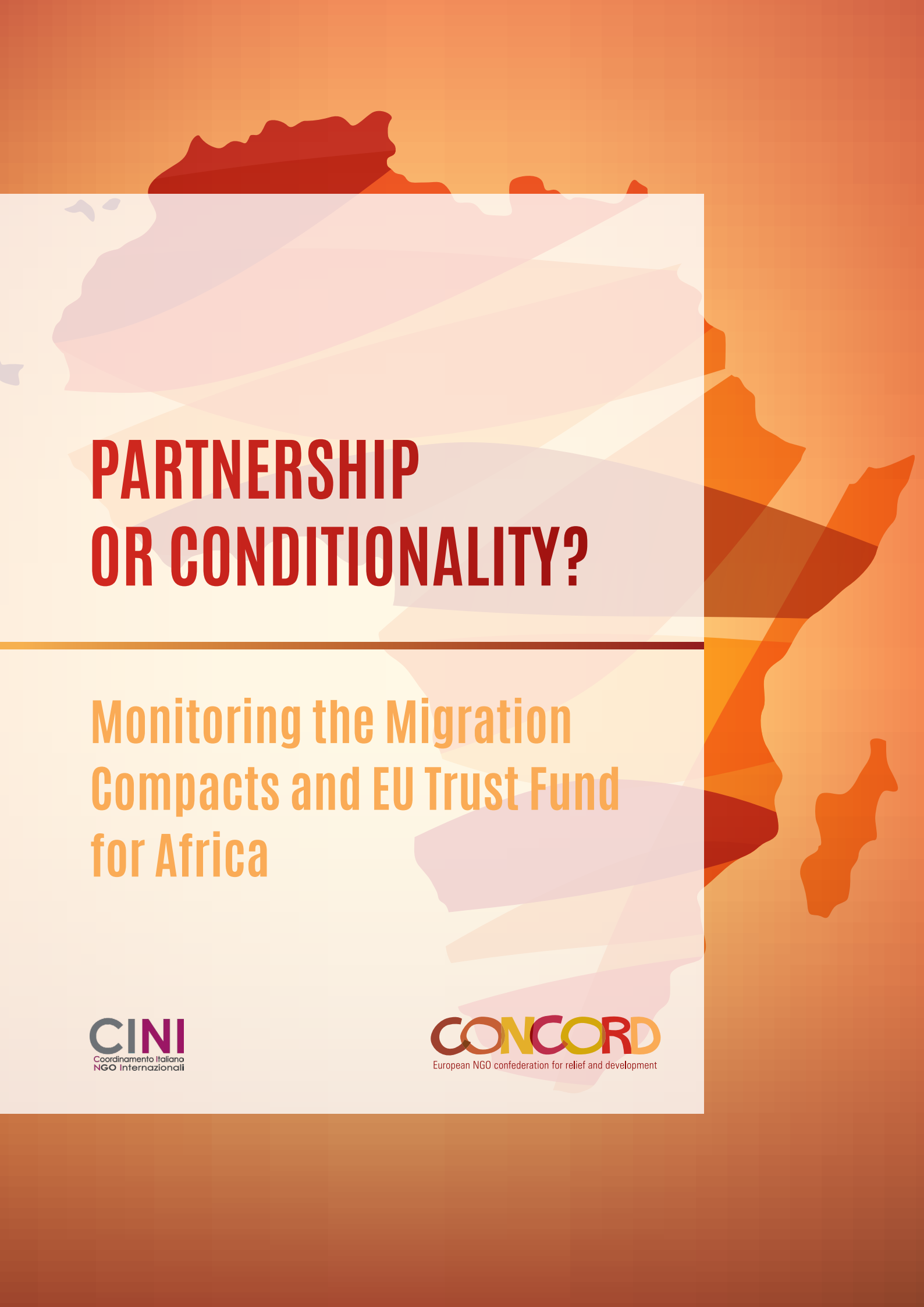




PARTNERSHIP OR CONDITIONALITY?

Monitoring the Migration Compacts and EU Trust Fund for Africa

CINI
Coordinamento Italiano
NGO Internazionali

CONCORD
European NGO confederation for relief and development

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ABOUT THIS PAPER

2015 saw the adoption of the 2030 Agenda for Sustainable Development and CONCORD's 2016-2020 Strategy. These prompted the setting up of a Hub on Sustainable Development and Policy Coherence for Sustainable Development, drawing together CONCORD's work on the 2030 Agenda, on policy coherence for development and on a range of thematic policies. Thanks to the collective effort and widespread expertise of the members of the Migration group, CONCORD produced the discussion paper "Partnership or Conditionality? Monitoring the Migration Compacts and EU Trust Fund for Africa". The paper aims at monitoring the EU Trust Fund for Africa, launched after La Valletta Summit (November 2015) as innovative tool for a more flexible response to the challenges posed by the current trends on migration. Through the 3 national cases (Libya, Niger and Ethiopia) taken into consideration, the report sheds light on the EU's partnerships with African countries in the field of migration and the possible consequences of EU's policies on the ground; assesses whether the Fund is used to divert development assistance from development objectives to meet the specific objectives of EU migration policy; and offers some preliminary recommendations to EU Institutions.

The main findings were presented at the European Parliament on 22 November 2017: concordeurope.org/eu-trust-fund-africa-ep-event

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Alternative routes for migrants between Niger and Libya
Credit: Giacomo Zandonini

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The positions adopted in this report are those of CONCORD Europe and of CINI.

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EXECUTIVE SUMMARY

The increased number of refugees and migrants arriving in Europe in 2015 and 2016 sparked off a European Union (EU)-wide political crisis about migration management. The EU responded to the crisis with the adoption of an overarching European Agenda on Migration promoting a comprehensive response to manage all aspects of migration.

Launched in November 2015 at La Valletta and introduced as an innovative tool allowing for a more flexible response to the challenges posed by irregular migration, the EU Emergency Trust Fund (EUTF) is the main financial instrument for EU's political engagement with African partners in the field of migration. The EUTF makes predominant use (90 percent) of Official Development Assistance (ODA), mostly from the European Development Fund (EDF), and as such, its implementation should be guided by the key principles of development effectiveness.

In June 2016, the EU further adopted the New Partnership Framework (Migration Compacts) thereby introducing positive and negative conditionalities regarding cooperation with third countries in the field of migration and strengthening the externalisation of EU migration policy.

While the main focus of this paper is the EUTF, many of the observations made by CONCORD members refer to the wider EU migration policy of which the EUTF forms an integral part.

Relying on three country cases studies - Libya, Niger and Ethiopia - this discussion paper offers early conclusions on the nature of the EU's partnerships with African countries in the field of migration and the possible consequences of EU's policies on the ground. It further analyses the role of the EUTF and assesses whether the Fund is used to divert development assistance from development objectives to meet the specific objectives of EU migration policy.

On the Libya case, this report reveals the sheer challenge of forging effective and fair partnerships in such a context, with the EU focusing on capacity-building activities intended for fragile Libyan institutions, which may in reality undermine migrant and human rights. Due to the volatile situation on the ground, EUTF projects cannot be in line with the principles of development aid and EU action on the field lacks effectiveness. The report concludes that the EU should drastically rethink its migration strategy in Libya, ensuring that financial support is not given to actors who commit human rights violations. Consistently, any support given must effectively contribute to the country's long-term stability and to the protection of those in need.

In the case of Niger, CONCORD research highlights an imbalanced partnership through the Migration Compact and EUTF, relying on conditionalities linked to migration control. Almost half of all EUTF support to Niger is allocated to local authorities to reduce transit of migrants. The remaining EUTF projects focus on development and protection activities. However, local actors interviewed fear that the projects have limited impact and raise concerns about the opaque selection procedures, monitoring and evaluation processes as well as about the overall coherence of the activities funded. The current projects also fail to take into account the intertwining between smuggling networks and the government system, which risks facilitating corruption and endangering human rights. In Niger, the EU's programming of the EUTF activities should be adjusted to improve effectiveness, contribute to better governance, mobilise and strengthen local civil society organisations (CSOs), offer more substantive local economic opportunities and protect those in need. This must also be coupled with policies to maximise the benefits of regular regional migration, and provide safe and regular pathways to Europe.

The partnership with Ethiopia through the Migration Compact and the EUTF is conditional on the fulfilment of one top priority: enhancing cooperation in the field of returns and readmission. Yet, contrary to the two previous case-studies, EUTF projects in Ethiopia focus on development and protection measures, and are partially in line with the principles of development aid. There is a risk that this may, however, change in the near future, as the EUTF may be used as a leverage to achieve the goal of increased returns and readmissions or could increasingly include security measures.

There is an increasing concern that the EUTF is being used as a political tool focusing on quick-fix projects with the aim to stem migratory flows to Europe, which is not the purpose of ODA according to the EU's own Lisbon Treaty. There is also a concern that some funding from the EUTF contributes unintentionally to inhumane treatment of migrants and refugees, as in the case of Libya. In addition, the EU strategy of "quick-fixes" is very likely to fail since addressing the drivers of forced migration requires a long term, coherent and sustainable approach, respecting the basic principles of development aid.



*A group of migrants coming back from Libya in the village of Tourayat
Credit: Giacomo Zandonini*

Accordingly, CONCORD suggests several recommendations that concern specifically the three key countries analysed but that have also general validity for the EUTF and Migration Compacts, notably:

1. **Mainstream human rights into all actions**
2. **Prevent diversion of ODA from its main objective of poverty eradication**
3. **Realise development effectiveness principles and increasing community resilience**
4. **End conditionality on aid for EU migration control objectives**
5. **Redefine the EU's current approach to the migration-development-nexus according to policy coherence for development**
6. **Reform the governance of the EU Trust Fund**
7. **Draw on lessons learnt ahead of the EU's next Multiannual Financial Framework**
8. **Provide regular routes for migrants and refugees**

(Please refer to pages 34 - 35 to read the recommendations.)

1. INTRODUCTION

In 2016, the UNHCR reported that more than 65,6 million persons were forcibly displaced across the world, which was more than ever before. Most refugees were seeking protection in neighbouring countries, which meant that Turkey, Pakistan, Lebanon, Iran, Ethiopia and Jordan were the countries hosting most of the world's refugees¹. Over one million, refugees and migrants made it across the Mediterranean and to the EU in 2015, which was a sharp increase from previous years. The number of children, and especially unaccompanied children arriving to the EU also increased², as did the number of deaths on the Mediterranean Sea³.

This sparked a political crisis within the EU as some Member States struggled to cope with the increased number of asylum seekers. With the Brexit referendum and a number of upcoming key elections across the EU (such as in the Netherlands, France and Germany) issues of security and sovereignty became central in national politics with discourses increasingly supporting restrictive immigration policies.

In the European Parliament elections of 2014, nationalist parties in several member states increased their representation and in 2015 these parties continued to grow in popularity. When the EU published its Eurobarometer in the spring of 2015, EU citizens chose migration as the most prioritized issue for the EU⁴. In the 2016 Eurobarometer 74 percent EU citizens strongly supported EU involvement in migration issues, evaluating the EU's current commitment in this policy area as insufficient⁵.

As a result of such trends as well as of the mounting pressure from Member States, the European Commission (EC) presented, a "European Agenda on Migration" in May

2015, working along four pillars: (1) reducing the incentives for irregular migration, (2) reinforcing external border control, (3) strengthening the common asylum policy, and (4) developing a new policy on regular migration⁶. With the European Agenda for Migration, the EU merged internal and external instruments and policy goals, under the banner of a "comprehensive approach". Thus, the European Agenda for Migration was a major shift in the EU's approach to migration and development and, after its adoption, a long list of policy documents, financing decisions, legislative acts were introduced by the European Commission at a very fast pace throughout 2015 and 2016. Some of the most important ones to the EU's foreign policy and development cooperation were the EUTF, the Valetta Action Plan, The EU-Turkey Statement and the new EU Partnership Framework with third countries.

In October 2015 the European Commission established the **EU Emergency Trust Fund** for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF)⁷. The Trust Fund was launched at the Valetta Summit one month later and presented as an innovative and flexible mechanism and as a key instrument to implement the Valetta Action plan⁸.

In November 2015 leaders from the EU and Africa adopted the "**Valetta Action Plan**" setting out five priority domains of cooperation: (1) addressing the root causes of irregular migration and developing the benefits of migration; (2) promoting regular migration and mobility; (3) reinforcing protection and asylum policies; (4) fighting against human trafficking and migrant smuggling; and (5) strengthening cooperation to facilitate return and reintegration of irregular migrants⁹.

1 UNHCR, *Global Trends - Forced displacement in 2016*, <http://www.unhcr.org/5943e8a34.pdf>

2 UNICEF, *Children on the move in Italy and Greece Report*, June 2017, <https://reliefweb.int/report/italy/children-move-italy-and-greece-report-june-2017>

3 According to UNHCR figures, at least 5096 migrants have died in the Mediterranean in 2016, compared to 3777 in 2015, <http://data2.unhcr.org/en/situations/mediterranean>

4 http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb83/eb83_first_en.pdf

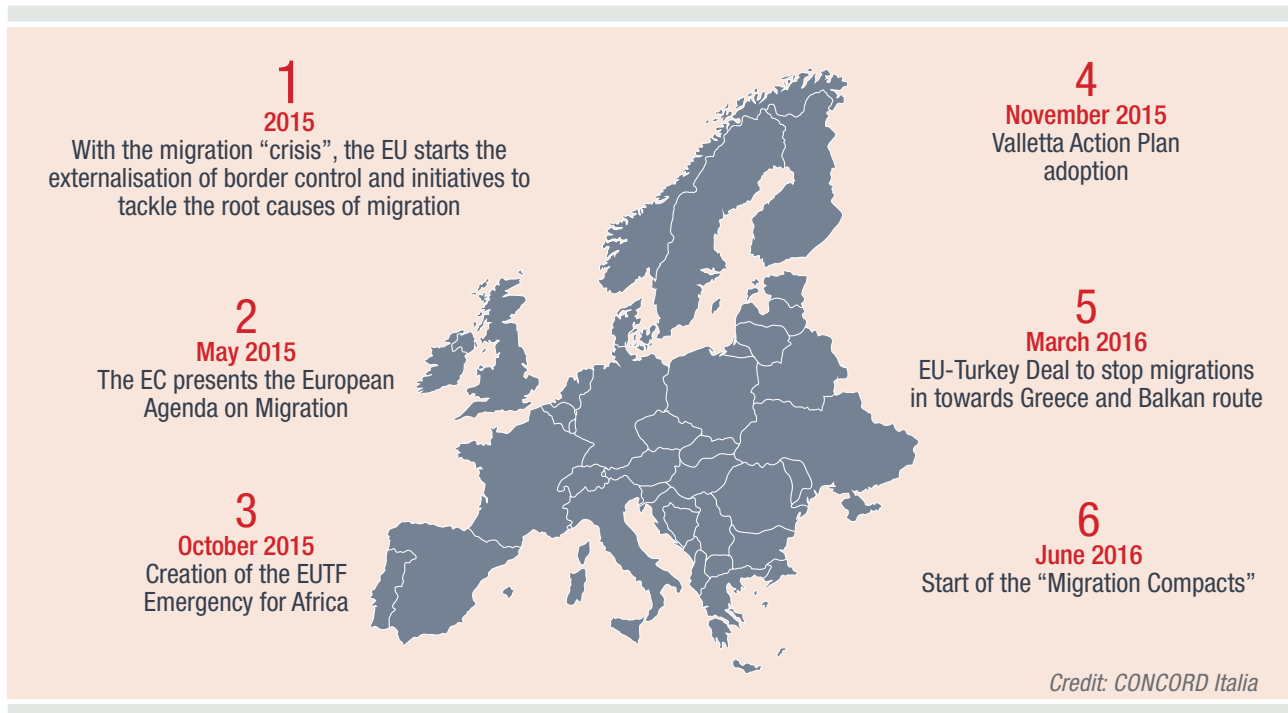
5 Furthermore, the majority of EU citizens (56 percent) further perceived extra-community immigration as negative and a large majority (86 percent) felt that additional measures should be taken to fight irregular immigration of people from outside the EU; Standard Eurobarometer 86, Report, Europeans' opinion of the European Union's priorities, 2016, <http://ec.europa.eu/commfrontoffice/publicopinion>

6 European Commission (EC), *A European Agenda on Migration*, May 2015, https://ec.europa.eu/anti-trafficking/eu-policy/european-agenda-migration_en

7 EC decision, October 2015, https://ec.europa.eu/europeaid/sites/devco/files/commission-decision-2015-7293-20151020_en.pdf

8 European Council, *Valetta summit on migration, 11-12 November 2015, action plan*, <http://www.consilium.europa.eu/en/press/press-releases/2015/11/12-valletta-final-docs/>

9 European Council, *Valetta summit on migration, 11-12 November 2015, action plan*, <http://www.consilium.europa.eu/en/press/press-releases/2015/11/12-valletta-final-docs/>



In March 2016 the EU launched the **EU-Turkey Statement**¹⁰. The statement meant that Turkey would strengthen its border patrols and coast guards, ensuring that refugees and migrants would not be able to leave Turkey for Europe with the aim of lowering the death tolls in the Mediterranean Sea. In return Turkey would receive € 6 billion in aid from the European Union. The deal, which was controversial and heavily criticized by human rights organisations¹¹, was simultaneously hailed as a success by the European Commission and several member states.

In June 2016, the EU adopted the **New Partnership Framework**¹², which was inspired by the successful EU-Turkey statement. Under the Framework, the EU agreed on tailoring ‘compacts’ with third countries with the aim to sustainably manage migration flows. The Framework states that “a mix of positive and negative incentives” should be used to [...] “to reward those countries willing to cooperate effectively with the EU on migration management and ensure there are consequences for those who refuse”¹³. Civil society

across Europe mobilized to convince Member States to react to the proposal¹⁴, but the European Council endorsed the Communication only weeks after it was presented, stressing that “cooperation on readmissions and returns are the key test of the Partnership”¹⁵.

In January and February 2017, the *Joint Communication on the Central Mediterranean Route*¹⁶ and the Malta Declaration¹⁷ called for additional operational measures focusing on border management capacity building in the countries concerned, in particular in Libya.

THE FUND

Launched at the Valletta Summit in November 2015, the **EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF)**¹⁸ is the main financial instrument for the EU’s political engagement with African partners in the field of migration. It is designed to mobilise various

¹⁰ European Council, EU-Turkey Statement, 18 March 2016, <http://www.consilium.europa.eu/en/policies/migratory-pressure/countries-origin-transit/eu-turkey-statement/>

¹¹ The Reality of The Eu-Turkey Statement, <https://data2.unhcr.org/en/documents/download/54850>

¹² EC, Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, June 2016, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf

¹³ Ibid

¹⁴ <https://concordeurope.org/2016/06/27/eucouncil-migration-joint-ngo-statement/>

¹⁵ European Council conclusions, 28 June 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/06/28-euco-conclusions/>

¹⁶ EC, Migration on the Central Mediterranean route: Managing flows, saving lives, January 2017, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=JOIN%3A2017%3A4%3AFIN>

¹⁷ European Council, Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, February 2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/>

¹⁸ EC decision, October 2015, https://ec.europa.eu/europeaid/sites/devco/files/commission-decision-2015-7293-20151020_en.pdf

sources of EU financing¹⁹ and to receive contributions from EU Member States and other donors²⁰. It tries to “*address the disorganisation and fragmentation of the response of the international community and [...] create a new form of European assistance cooperation that will ensure [...] swift delivery of concrete results on field*”²¹. The EUTF is almost completely financed by Official Development Assistance (ODA), and is at the time of writing worth over €3.1 billion, with over €2.9 billion coming from the European Development Fund and € 234 million from EU Member States and other partners²². As of the end of December 2017, the EC had approved 131 projects totalling €2.1 billion, in three regions: the Sahel/Lake Chad region, the Horn of Africa and North Africa.

The aim of the EUTF is ‘*to support the most fragile and affected African countries*’ in addressing ‘*the root causes of destabilisation, displacement and irregular migration, by promoting economic and equal opportunities, security and development*’²³. This aim is in itself quite different from the main goal of EU development cooperation as formulated in the Lisbon Treaty²⁴, which states that EU development cooperation must have the reduction and, in the long term, the eradication of poverty, as its main objective.

Some of the priorities of the EUTF are nevertheless in line with traditional EU development programmes focusing on creating employment opportunities and providing basic services, such as health, education and social protection. What sets these projects apart from projects financed by other development cooperation tools is the political expectation that these will contribute to a reduction of irregular migration, which is an assumption that lacks support in evidenced based studies on migration. Moreover, the geographic location of EUTF projects is based on the identification of places seen as origin, transit and destination of irregular migrants, rather than on traditional needs analyses. Other priorities of the EUTF are however quite different from those of traditional development

programmes and focus on improved migration management including containing and preventing irregular migration, fighting human trafficking and contributing to effective return and readmission, and capacity building law enforcement and border management²⁵.

This report discusses whether EUTF is a tool that may divert ODA from realising development objectives in favour of the EU's internal political goal of stemming migration flows. In addition, serious questions are raised as to whether the principles of development effectiveness²⁶ are upheld and what the consequences of the EU's new approach are for development, human rights, governance and security in partner countries. A concern is that the EUTF could further set a precedent leading to even more development aid diversion in the future²⁷.

The report analyses the implementation of the EUTF in three case-study countries: Niger, Libya and Ethiopia. Firstly, the report will consider the EU Migration Compact with each country to understand the mix between migration management, security and development priorities. Then, through an analysis of the EUTF-funded projects in the three countries, it will highlight the actions that may represent a risk of diversion of development funding towards migration and security control objectives. Considering that most of EUTF funding is coming from the EDF, this report will subsequently evaluate if it is in line with coherence and effectiveness principles²⁸. It will do so by testing the compliance of the EUTF with the partnership commitments that must underpin all forms of development cooperation and to which all Member States have committed to: ownership, results (considering alignment and harmonisation), inclusive development partnership, transparency and accountability²⁹. Lastly, it will assess the possible consequences of EU's migration policies in the countries concerned and particularly on the human rights of migrants.

19 The EUTF pools together funding from the European Development Fund (EDF), the European Neighbourhood Instrument (ENI), the Development Cooperation Instrument (DCI), as well as EU Humanitarian Aid and Civil Protection (DG ECHO) and DG Migration and Home Affairs (DG HOME)

20 EC, Agreement establishing the EUTF and its internal rule, November 2015, https://ec.europa.eu/europeaid/sites/devco/files/constitutive-agreement-annexe-2015-7293-20151020_en.pdf

21 Ibid

22 https://ec.europa.eu/europeaid/sites/devco/files/eu-emergency-trust-fund-africa_en.pdf

23 Europaid, https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en

24 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT>

25 https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en

26 Europaid, The EU approach to development effectiveness, https://ec.europa.eu/europeaid/policies/eu-approach-aid-effectiveness_en.

27 Europaid confirmed in its presentation of the Mid-Term Review of the Multiannual Financial Framework in October 2017 that the focus will be strengthened on five different areas, including migration and mobility. This illustrates the fact that regular programming is also impacted by migration issues.

28 A first assessment on the implementation of aid principles in EUTF has been elaborated by Clare Castillejo of the German Development Institute in “The European Union Trust Fund for Africa: a glimpse of the future for EU development cooperation”, Discussion paper 22/2016, Bonn. Her final consideration states that “... an examination of EUTF raises broader concerns about the direction of EU aid that cannot be easily assuaged and do not bode well for a future European cooperation based on development principles”.

29 On Paris and Busan principles about Aid effectiveness see the documents in: <http://www.oecd.org/dac/effectiveness/34428351.pdf> and <http://www.oecd.org/dac/effectiveness/49650173.pdf>

2. METHODOLOGY



*A migrant carrying drinking water on the road at day care center, close to Calais, France.
Credit: EC audio visual services*

2.1 DATA AND ITS LIMITATIONS

This report is based on interviews conducted with Libyan, Nigerian and Ethiopian national and local authorities and civil society organisations (CSOs). It further relies on interviews conducted with European and international actors involved in the design, management and implementation of the EUTF: EU authorities, Member States' officials (from Italy, France, Spain and Germany) and implementation agencies (United Nations (UN) agencies, Non-Governmental Organisation (NGOs), Member States' development and cooperation agencies). The interviewees were chosen in order to represent the wide range of EUTF stakeholders, ensuring the collection of pertinent data and allowing the conduct of an objective analysis.

In the case of Libya, implementing agencies were still in the process of negotiating with the Libyan authorities and recruiting local civil society organisations to start the programmes on the ground at the time of the interviews. Only one programme was launched, and still is in its inception phase. Hence, the data collected did not allow for assessing the impact of the EUTF on migration issues. The interviews conducted unveiled further a lack of knowledge of the Libyan stakeholders on the source of the funds for EU Programmes. As a result, the interviews focused broadly on the practices of EU cooperation in Libya. Several international actors approached in the framework of the research declined to cooperate or requested anonymity, which also limited the collection of data. Likewise, in the case

of Niger, some key interlocutors declined to be interviewed or requested anonymity. In the case of Ethiopia, the interviews were conducted mainly with European stakeholders (EU actors, Member States implementation agencies, European NGOs), which can limit the perspectives on the EUTF Programmes. Data and information on projects financed by the Trust Fund in the three country case studies are updated as at November 2017.

2.2 WHY LIBYA, ETHIOPIA AND NIGER? CASE STUDY SELECTION CRITERIA

The three case-study countries chosen - Libya, Ethiopia and Niger - have been selected for their relevance as strategic partners for the EU and the implementation of its migration policy agenda. Libya is a key transit country and the primary point of departure to Europe for the Central Mediterranean route, Niger is a key transit country on the Central Mediterranean route for migrants from Western Africa, and Ethiopia is a key country of origin and transit of migrant from the Horn of Africa³⁰.

Each of them further represents one of the three different regions targeted by the EUTF: North Africa for Libya, Sahel/Lake Chad for Niger and Horn of Africa for Ethiopia. In addition, the three countries are also relevant to this report as their economic, social and security situation make them legitimate recipients of development and/or humanitarian and protection support.

³⁰ EC, *Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration*, June 2016, see [link above](#)

3. THE GOVERNANCE OF THE EUTF

The governance of the EUTF relies on two main bodies: a Strategic Board and an Operational Committee for each of the three regional windows of the EUTF. The Strategic Board of the EUTF is composed of representatives of Member States and other contributing donors and is chaired by the European Commission. It sets the global strategy of the EUTF. The Operational Committee, composed of contributing Member States and the Commission, is responsible for the selection of projects to be funded by the EUTF. Only states³¹ that have invested at least €3 million euros have the right to vote within the Operational Committees³².

African partner countries participate in the meetings of both the Board and the Operational Committee, but their role is reduced to that of an observer. As such, they do not have decision-making powers (as it is the case for EDF projects). Their opinion seems to be taken into account during meetings, *“although the formal requirement to do so is not guaranteed in the current EUTF's governance structure”*³³. As the EUTF is located outside the EU Budget, the European Parliament has no oversight powers on the EUTF, though it has recently been invited to be an observer to the Board.

At country-level, ministries and institutions are consulted regarding projects that concern the public administration but there is no obligation for the projects to be approved by the National Authorising Officer (NAO) as is the case for traditional development projects³⁴. To be selected, projects must fit within La Valetta priorities and respond to the strategic objectives of the EUTF. No further specific selection criteria are provided in the constitutive agreement of the EUTF³⁵. The Commission ensures the management of the Trust Fund and is responsible for the implementation of the projects.

EUTF projects have simplified and faster procedures than standard EDF projects. Action documents submitted to the Operational Committee are simplified (they only require 8 pages) and as seen above do not necessitate the formal agreement of the partner country. The detailed formulation of the documents is required and realised only after their approval *“and thus without in-depth quality check by the Commission's services on issues such as relevance to country context, needs and priorities, coherence and complementarity with on-going planned interventions”*³⁶. Contracting procedures are simplified as well but *“the efficiency gain is limited”*³⁷ since detailed formulation and design with an adequate analysis must still be realised before the implementation of projects. In terms of implementation procedures, almost the same procedures as EDF-funded projects apply³⁸.

The EUTF relies on flexible procedures that should ensure an effective and responsive use of the Fund in crisis and post-crisis situations³⁹. As the Fund is placed outside the EU budget, it does not need to go through the same lengthy procedures to select and implement programmes. These flexible rules raise several issues of concern: according to our interlocutors from national ministries and from implementation agencies⁴⁰, projects correspond above all to Member States' priorities. According to one of our interviewees: *“the Ministry identifies a priority and pushes it at the level of the committee in Brussels. The implementation agency drafts the Action Fiche and plans the budget but it is the Ministry that drives the project”*. As a result, most projects are approved and selected without necessarily having conducted a pre-analysis of the local needs and realities in which they take place. At the beginning of the EUTF, projects were mainly designed in Brussels. Now, while this has improved with an increased consultation of partner countries' authorities and EU actors

31 Austria, Belgium, Denmark, Finland, France, Germany, Italy, Luxembourg, Netherlands, Norway, Spain, Sweden, and Switzerland, <https://ec.europa.eu/europeaid/sites/devco/files/donor.pdf>

32 Agreement establishing the EUTF and its internal rule, November 2015, see link above

33 EC, External Evaluation of the 11th European Development Fund (EDF) 2014 – mid 2017, Final report, June 2017, https://ec.europa.eu/europeaid/sites/devco/files/edf-evaluation-final-report_en.pdf

34 Ibid

35 Agreement establishing the EUTF and its internal rule, November 2015, see link above

36 EC, External Evaluation of the 11th European Development Fund (EDF) 2014 – mid 2017, Final report, June 2017, see link above

37 Ibid

38 Ibid

39 Ibid

40 Interviews were conducted on conditions of anonymity in France (with the Ministry for Foreign Affairs, the French Development Agency, Civipol and Expertise France), Spain (with the Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas and the Agency for International Development Cooperation) and Germany (German government).

Board formed by EU + contributors Member States*

Decide resources allocation on the proposal of 3 Operational Committees;
African countries participate to the Board but as observers

3 Operational Committees

One for North Africa, one for Western Africa, one for Horn of Africa
Select proposals for the EU Delegations and on proposal by EU Member States Agencies
for Cooperation and calls for public tenders.



resources



regions



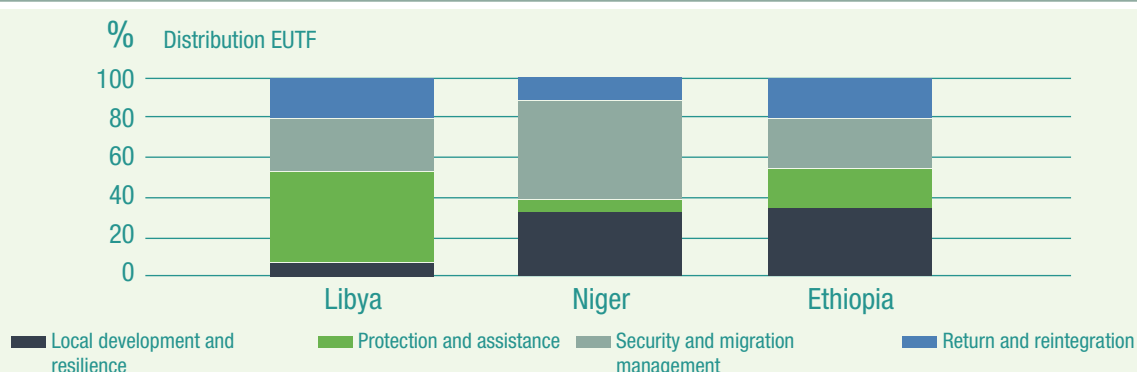
objectives



areas
of intervention



governance



* Those who participate in the Fund with more than 3 million of euro

in the field, civil society actors are largely not involved in the formulation phase of the projects. They are *"consulted a posteriori, once in the field during the implementation phase"*. Project selection and allocation processes are further deemed opaque by interlocutors. As one of them stated: *"I participated to operational committees where projects were simply approved without discussion. Negotiations took place upstream between the EUTF managers, European agencies, EU Delegations and partner countries"*.

Because of the lack of formal coordination structures at country-level, *"it is the responsibility of implementing actors to create synergies between the various projects"*. Implementing actors do not know how coordination works in practice with initiatives that take place in other frameworks. Additionally, there is no monitoring and evaluation mechanism to measure the impact of projects in the field. One interviewed official of a Member States commented: *"we should define criteria, indicators to measure the impact of projects. Besides a global objective to see migratory flux reduced, there are no such evaluation tools set"*.

The information gathered on the governance of the EUTF highlights that this instrument poses problems in terms of respect of the development effectiveness principles. While the instrument allows more flexibility, it does not respect certain criteria, notably policy impact assessment, democratic control, quality, and transparency, which are required for the effective use of ODA.

4. LIBYA



The security situation in Libya has deteriorated in recent years with the collapse of the Libyan state and the rise of a number of different political and military forces fighting for power. This instability has facilitated the transit of irregular migrants, making the country one of the largest source of departures for migrants attempting to reach Europe through the Mediterranean. As of June 2017, the country hosted an estimated population of 390,000 migrants⁴¹. In a state of civil war since 2014 and a vacuum of effective governance, the population in Libya has faced shortages of food, fuel, water, medical supplies and electricity, as well as reduced access to healthcare and public services. According to UN figures, 1.3 million people were in need of humanitarian assistance in 2016, most of them being internally displaced people, refugees and migrants⁴². Libya has increasingly become a key partner for the EU in the field of migration. Collaboration with the UN-backed (interim) Government of National Accord (GNA) led by Fayez Al-Sarraj particularly deepened following the adoption of the *Joint Communication on the Central Mediterranean route*⁴³ and the Malta Declaration⁴⁴ in January and February 2017. In July 2017, the EU further increased its support to Libya and

presented a new action plan for an extended cooperation⁴⁵. The EU has earmarked €162 million to Libya under the EUTF, most of it (€136 million) since January 2017.

4.1 THE PARTNERSHIP FRAMEWORK WITH LIBYA: WHAT KIND OF PARTNERSHIP?

According to official communications⁴⁶, the Partnership with Libya first relies on a close high-level political dialogue between the EU and Libyan authorities. In 2017, in addition to regular bilateral meetings, two multilateral summits of the Contact Group for the Central Mediterranean Route⁴⁷ were held, gathering the interior ministers of several African and EU countries. A mini-summit was further held in Paris in August 2017⁴⁸, where EU leaders committed to strengthening their support to transit countries in Africa, in exchange for enhanced migratory control⁴⁹.

In parallel to this political dialogue and besides the EUTF, EU-Libya migration cooperation involves different security instruments. Frontex's operation Triton and the EU Common Security and Defence Policy (CSDP) *EUNAVFOR Med* Operation Sophia have been patrolling in the Mediterranean respectively since 2014 and 2015. Deployed in May 2015, under the impetus of the EU Agenda on Migration, Operation Sophia conducts anti-smuggling activities and provides training and capacity building to the Libyan Coast Guard. The EU Border Management Mission (EUBAM Libya) provides additional support (advising, training and mentoring) to Libyan security forces to strengthen their capacity in the fields of border management and security⁵⁰. An

41 Displacement tracking Matrix (DTM), *Libya's Migrant Report*, June - July 2017, <https://drive.google.com/file/d/0B-gpxdnv9nIWOE5wU3VQOVlqQWM/view>

42 Humanitarian needs overview, 2017, https://www.humanitarianresponse.info/system/files/documents/files/2017_libya_humanitarian_needs_overview_november_2016_1.pdf

43 EC, *Migration on the Central Mediterranean route: Managing flows, saving lives*, January 2017, see link above

44 European Council, *Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route*, February 2017, see link above

45 https://eeas.europa.eu/headquarters/headquarters-homepage_en/19163/EU-Libya%20relations

46 To have a clear overview of which instruments and policies are used in the frame of the Partnership Frameworks, see the five Progress Reports on the New Partnership Framework with third countries under the European Agenda on Migration and their annexes which include a table for each partner country specifying EU support measures and the progresses achieved, https://eeas.europa.eu/headquarters/headquarters-homepage/12301/progress-report-partnership-framework-third-countries-under-european-agenda-migration_en

47 The Contact group gathers the interior ministers of Algeria, Austria, Chad, Egypt, France, Germany, Italy, Libya, Mali, Malta, Niger, Slovenia, Switzerland, Tunisia, and Estonia.

48 Gathering the head of states of Niger, Chad, Libya, Germany, Italy, Spain, France and the HRVP.

49 Al Jazeera, *EU, African leaders back new plan over migrant crisis*, August 2017, <http://www.aljazeera.com/news/2017/08/eu-african-leaders-plan-migrant-crisis-170828193540666.html>

50 Due to the political and security situation in Libya, EUBAM has been operating from Tunisia since August 2014, with limited staff. The Mission could be partially re-deployed in Libya in the coming months.

expert from Frontex and an expert from Europol have been deployed to EUBAM Libya and an EU Liaison and Planning Cell (EULPC) provides further military planning and intelligence capacity to the UN Support Mission in Libya (UNSMIL)⁵¹. In addition to these instruments, the Seahorse Mediterranean Network (that should soon be operational) aims at creating a secure network to exchange information between the Mediterranean countries on migration flows and illicit trafficking⁵². It also includes the training of the Libyan Coast Guard. Lastly, the EU is supporting stabilisation in Libya using

the Instrument contributing to Stability and Peace (IcSP). The IcSP currently finances 12 projects (worth €29.5 million) supporting conflict mediation and stabilisation in South and East Libya⁵³. Although development and neighbourhood policy tools are fully integrated within the Partnership Frameworks according to the 2016 Communication, these instruments are barely mentioned in the progress reports, which mainly focus on securitised migration measures⁵⁴. In addition to the EU's action, Italy is also bilaterally conducting activities in support of the Libyan authorities in the field of migration (*See the box*).

ITALY IN LIBYA

Due to its geographic location, Libya is a priority country for Italy. The Italian government is pursuing a twofold approach in Libya, carried out by the Ministry of Interior (MI) and the Ministry for Foreign Affairs and International Cooperation (MFA).

The MI focuses on migration management and protection policies, with the ultimate goal to stem migratory flows from Libya to Italy. In January 2017, under its impetus, a political agreement was signed between Italy and the Al-Sarraj government on enhanced border control, including the training of the Libyan Coast Guard on sea border control. A month later, Italy reactivated the 2008 Italian - Libyan Treaty of Friendship, returning four patrol vessels to Tripoli and deploying an Italian vessel to support their operationalisation (technical support). Last June, the EU further adopted an Action Plan allocating €1.84 million from the Internal Security Fund to support the activities of the Italian Coast Guard in Libya. The Plan focuses on improving Libyan Search and Rescue capacities and on the establishment of a Libyan Maritime Rescue Coordination Centre. The same month, the MI launched a Code of Conduct for NGOs performing Search and Rescue operations in the Mediterranean. The Code of Conduct was officially introduced as an additional framework for improving coordination and effectiveness of rescue operations, but also to investigate alleged collusion between NGOs and smugglers and to reduce their potential role as 'pull factor' for migrants. The Code of Conduct has thus left migrant boats to be intercepted by the Libyan Coast Guard instead of NGO vessels, which puts the migrants at risk of torture and other human rights violations. Another consequence of the code of conduct is that the withdrawal of humanitarian vessels may have increased unreported migrants' death at seaⁱ.

The MI is managing part of the EUTF Project Regional Development and Protection Programme in the North Africa (€200 million) involving voluntary returns and protection activities. It notably supports the enactment and implementation of asylum laws in countries of transit (Morocco, Niger, Tunisia, Egypt, etc.), and the creation of safe conditions of living for refugees in these countries. The possible perspective is that these countries could become "third safe countries" where asylum seekers can be sent back from Europe with simplified procedures. In addition, the MI is leading the implementation of the EUTF package of €46 million with the aim to reinforce the integrated migration and border management capacities of the Libyan authorities and strengthen the Libyan coast guard and border guards. The MFA, through its General Directorate for Development Cooperation, is going to support humanitarian operations in Libya (in detention centres and for local community development). In September 2017, it launched an €6 million budget initiative with the aim to provide humanitarian assistance in Libya. It also supports the work of the UN in the field of human rights and humanitarian support. Through its General Directorate for Migration Policies, the MFA additionally sustains migration policies through Fondo Africa. Around €100 million are allocated to EUTF projects in Niger (direct budget support) and Libya (return and protection with IOM and migration control activities with the MI).

Italy has been heavily criticised for its migration management policy in Libya, in particular for its impact on migrants' and human's rights and for the lack of re-balancing alternatives fostering sustainable solutions for migrants. While migrants are stranded in Libyan detention centres, there are no provisions for alternatives such as the establishment of humanitarian corridors or regular channels of immigration. There is a need to balance a short-term approach focused on migration management with long term development initiative.

ⁱ "Migrants being pushed back to Libya is fuelling torture, abuse and extortion", in http://www.huffingtonpost.co.uk/entry/migrants-libya_uk_598992f8e4b0449ed505433e

- 51 The EULPC consists of seven military planners under the lead of the Security Adviser to the Head of the EU Delegation to Libya.
- 52 For more information on the Seahorse Mediterranean Network : <https://digit.site36.net/2017/04/25/migration-monitoring-in-the-mediterranean-region-libyan-military-to-be-linked-up-to-european-surveillance-systems/>
- 53 Outside the Partnership Framework (as humanitarian assistance cannot be subject to conditionality), the EU has also invested €29.76 million in humanitarian aid to respond to the most pressing needs of vulnerable groups (including returnees and refugees) in Libya, http://ec.europa.eu/echo/where/africa/libya_en
- 54 For the period 2014-2016, the EU supported Libya with €26 million from the European Neighbourhood Instrument (ENI).

Analysing the different measures deployed in the frame of the Partnership Framework reveals an overall EU migration cooperation strategy with Libya that focuses on two 'deliverables': on the strengthening of migration control and an enhanced fight against human smuggling and trafficking. In overall official documentation on the Partnership Framework, measures undertaken in the field of security and migration control are at the forefront compared to humanitarian and development actions. Furthermore, it remains unclear to which extent the EU will engage in the resettlement of refugees or regular migration pathways, that would re-adjust the cooperation between the EU and Libya towards a more balanced partnership⁵⁵. The EC⁵⁶ and the Member States⁵⁷ have recently expressed their support for the resettlement of refugees from Libya (and other African countries, including Niger and Ethiopia), and committed at the EU-African Union summit to fight the slavery of migrants, sustaining repatriations from Libya and the improvement of migrant conditions in detention centres⁵⁸. But it remains unclear which people, how many and by when will exactly be resettled or given access to the EU. Analysing the EU-Libya Partnership Framework reveals further that there is a substantial risk that the EUTF, and thus development funding, will be used to fund securitised migration measures. It is worth noting that the last progress report lauds the progresses made by Libya in the field of border control and migration management (that allowed a decrease in the number of departures to the EU), and calls for a new increase of the EUTF funding for the North of Africa window⁵⁹.

4.2 THE EUTF IN LIBYA: FROM A HUMANITARIAN FOCUS TO AN INCREASED INTEREST IN SECURITY MEASURES

Worth €26 million, the first two EUTF projects to be adopted in Libya aim at improving migration management (EUTF objective 3) and facilitating repatriation and reintegration (EUTF objective 5) through protection and community stabilization measures⁶⁰. In April 2017, in the aftermath of the Joint Communication on the Central Mediterranean Route and the Malta Declaration, an additional €90 million package was allocated to Libya to improve migration management (EUTF objective 3). The Programme⁶¹ has two components: a 'protection pillar', supporting the protection and resilience of vulnerable communities in Libya and a 'local governance and socio-economic development pillar' fostering socio-economic development and support of local governance, in order to better integrate migrants and refugees and to stabilize host communities. According to Antonio Salanga, an IOM Senior Operations Officer, the action includes training activities intended for the Libyan Coastguard on rights-based migration management (human rights and international law, registration procedures etc.). All three actions target specific geographical locations taking into account the demographic data on migrant and refugee population in Libya.

On 22-23 June 2017, the European Council called for further action and enhanced cooperation to stem the migratory pressure on Libya's land borders, in particular for the provision of further training and equipment to Libyan Coast Guards⁶². A month later, The EUTF adopted a programme worth €46 million to reinforce border and migration management capacities in Libya⁶³. This programme, co-financed bilaterally by Italy, will be implemented by the Italian Ministry of Interior and provide capacity-building support (training, equipment, and basic facilities) to the Libyan Border and Coast Guards

⁵⁵ There is no mention of such measures in the five progress reports on the New Partnership Framework.

⁵⁶ In his State of the Union Address in September 2017, Jean Claude Juncker has called for the implementation of a new EU resettlement scheme to bring at least 50,000 of the most vulnerable persons in need of international protection to Europe over the next two years. The EC has set aside €500 million to support Member States' resettlement efforts and an increased focus should be put on resettling vulnerable persons from North Africa and the Horn of Africa. The EC also proposed to coordinate and financially support pilot projects for regular migration with third countries, focusing on countries which have shown political engagement in finding joint solutions to tackle irregular migration and readmission of irregular http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm

⁵⁷ European Council Conclusions: "The Council encourages and calls to support, also financially, UNHCR and IOM efforts in Libya, the Sahel and the region, including to further facilitate voluntary returns and resettlement", October 2017, <http://data.consilium.europa.eu/doc/document/ST-14-2017-INIT/en/pdf>

⁵⁸ The joint statement African Union – European Union: <http://www.consilium.europa.eu/media/31871/33437-pr-libya20statement20283020nov2010.pdf>

⁵⁹ EC, Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, September 2017, see link above

⁶⁰ Strengthening protection and resilience of displaced populations in Libya, and Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya. They are implemented by NGOs (lead by DRC for the first project) and IOM for the repatriation and reintegration activities.

⁶¹ The Programme Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development is implemented by IOM, UNDP, UNHCR, UNICEF and GIZ.

⁶² European Council Conclusions, 22-23 June 2017, <http://www.consilium.europa.eu/en/meetings/european-council/2017/06/22-23/>

⁶³ http://europa.eu/rapid/press-release_IP-17-2187_en.htm



*Refugees on a boat rescued by NGOs after drifting off the Libyan coast in 2015
Credit: Ricardo Garcia Vilanova*

to enhance their capacities to address migration flows, rescue migrants, promote human rights and fight against the smuggling networks. The action could entail the set-up of two inter-agency control facilities in Tripoli.

From the beginning EUTF programmes have translated into protection and community stabilization measures and training activities to Libyan authorities in the fields of human rights, international law, and supplying rescue and recovery equipment. But the adoption of the last programme reveals a shift in this strategy towards a more security-focused approach to migration management. Keeping in mind that part of it will be funded by the Italian government, the adoption of this new programme demonstrates the diversion of development funds through EUTF to finance securitised migration measures. In fact, this programme already represents by itself around 28% of the overall EUTF envelope earmarked for Libya (\$162 million). This trend towards increased focus on the security dimension of migration was confirmed by EU authorities both in the last progress reports on the Partnership Framework as well as in the conclusions of the June European Council⁶⁴. The scandal exposed by CNN⁶⁵ on the slavery of migrants in Libya, has brought the human rights abuses of migrants and

refugees to the forefront. The topic was discussed extensively at the EU-Africa summit in Abidjan in November 2017. It led to a joint statement by EU -leaders and African leaders⁶⁶, which raises the urgent need to protect migrants and refugees⁶⁷ and the need for international organisations to gain access to Libyan facilities; however it also commits to spend more development cooperation to support the Libyan police force. At the same time, some European Parliamentarians, such as MEP Malin Björk, are also demanding the Commission to stop funding the Libyan Coastguard, on the basis that it is actively engaged in human rights abuses.

4.3 THE EUTF IN LIBYA: A CLEAR LACK OF COMPLIANCE WITH THE CORE PRINCIPLES OF AID EFFECTIVENESS

As described in the introductory paragraph, Libya is in a state of ongoing civil conflict and its UN-backed interim government only controls a small part of the country. Given this situation, the fragility and weakness of the local institutions prevent the accomplishment of development effectiveness principles. On the other hand, the EU is de facto spending development funds in this country, negotiating priorities and implementing

⁶⁴ In their conclusions, Member states confirm that "training and equipping the Libyan Coast Guard is a key component of the EU approach and should be speeded up"

⁶⁵ See CNN video in: <http://edition.cnn.com/videos/world/2017/11/13/libya-migrant-slave-auction-lon-orig-md-ejk.cnn>

⁶⁶ <https://au.int/sites/default/files/pressreleases/33437-pr-libya20statement20283020nov2010.pdf>

⁶⁷ Furthermore the Summit decided to create an EU-AU task force to protect migrants and refugees in Libya http://europa.eu/rapid/press-release_STATEMENT-17-5029_en.htm



Migrants on a boat after rescue
Credit: Ricardo Garcia Vilanova

aspects through a high level political dialogue with Al-Sarraj government. This complex situation calls for EU institutions as well as CSOs to deepen the reflection on principles, criteria and flexible programming, understanding better the contiguity and interaction between development, humanitarian and security actions, and the linkages between relief, rehabilitation and development (LRRD), with peace building, while ensuring to do no harm. In this sense the strategic orientation of EUTF should be better formulated. The current document⁶⁸ is insufficient in addressing very complicated conditions such as those existing in Libya.

Ownership and Alignment: In Libya, the EU supports and cooperates with the internationally recognized (interim) Government of National Accord (GNA) led by Ali Faye Al-Sarraj. Yet, large parts of the Libyan territory are controlled by various armed groups and the interviews conducted suggest that EUTF projects are thus de facto directly coordinated with institutions and entities in the field, which makes sense within the context. An EU funded humanitarian NGO has for instance directly engaged with municipalities located in the region of Cyrenaica, an area controlled by General Khalifa Haftar, for the implementation of its protection programme. According to

local interlocutors, “the cooperation with the local institutions is a successful strategy to skip the political impasse and work on the long-term Libyan stability”⁶⁹. Understandably, the absence of state-control and the multiplicity of actors on the ground makes it difficult to speak about ‘alignment’ to national priorities. The UN-backed Libyan authorities are relatively new and their power is fragile and disputed. The diversity of actors in conflict provides for divergent policies. As an example, General Haftar, the leader of the so-called Libyan national army (LNA) that controls most of the eastern part of the country, has repeatedly strongly opposed the measures undertaken by the GNA in the field of migration⁷⁰. In addition, the interviews reveal that rather than the country’s needs, it is migration patterns that have determined the geographical allocation of aid through the EUTF. Support has been primarily provided to communities located at strategic locations, along the central Mediterranean route and by the sea or on the border with Niger.

Harmonisation: According to official communications, the EU is working towards the creation of a Libya-EU Platform to help streamline and coordinate initiatives on the ground in a number of fields⁷¹. So far, however, coherence between

68 https://ec.europa.eu/europeaid/eu-emergency-trust-fund-strategic-orientation-document_en

69 Interview with Hatef Asia, professor of Benghazi University and advisor of Benghazi municipality

70 For instance, earlier this year, he strongly opposed the Memorandum of Understanding signed by Libya and Italy to fight the growing influx of irregular immigrants. See e.g. *The Telegraph*, *Libyan military strongman threatens Italian ships trying to stop flow of migrants*, August 2017, <http://www.telegraph.co.uk/news/2017/08/03/libyan-military-strongman-threatens-italian-ships-trying-stop/>

71 Fourth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, June 2017, see link above

the different instruments of the EU has been lacking: while security measures were rapidly implemented (such as Operation Sophia), development and protection projects are still in their conception/inception phase. As a result, migrants are stranded in Libya unable to benefit from the necessary structures of reception and temporary placement. In turn, this creates uncontrolled congestion of prisons, accompanied with the multiplication of unofficial detention centres managed by militias, putting migrants' lives and human rights at risk.

Results and Accountability: The main issue in the case of Libya is the appropriateness of implementing EUTF projects in the current local context. Indeed, the implementation of these projects rely on a fragile government that does not control its territory⁷². Due to the security context, international actors are not present in Libya: they meet in Tunis with local agencies for the handover of the implementation of the projects. Members of the EU Delegation interviewed have admitted that the absence of international actors represents an important limitation to the impact of EUTF projects, notably regarding human rights and the protection of migrants. Libyan organisations are given great manoeuvring room to implement EUTF projects and yet do not necessarily have the skills and experience to handle protection, international standards and the assistance activities included in those programmes⁷³. Moreover, no humanitarian or protection agency has full access to the country to implement EUTF projects in that field as the Libyan interim government in Benghazi refuses to accept any protection mandate⁷⁴. On the same line, the UNHCR and the IOM have only limited access to detention centres around the country. In such conditions, the chances of success and of achieving concrete and positive results seem rather low and the relevance of EUTF projects in such a context doubtful.

Overall, EUTF programmes in Libya face significant challenges in aligning with the basic principles of development aid, thus jeopardizing the effectiveness of ODA in this context. On the bright side, EU actors have managed to circumvent the potential difficulties linked to the security situation

and the multiplicity of interlocutors on the ground through empowering local actors. But this is insufficient. We would argue that a comprehensive strategy, with respect to the roles and mandates of humanitarian, development and security instruments, including potentially the EUTF, is needed. A LRRD approach should be agreed that is fit for the fragile context of Libya, whereby local community needs are funded rather than EU attempts to stop migration flows.

4.4 THE CONSEQUENCES OF EU'S MIGRATION POLICIES IN LIBYA

Supporting a fragile government with poor governance:

Several studies have put into light the intertwining of government, security forces and militias and their involvement in human trafficking and smuggling activities⁷⁵. Libyan authorities, including the Libyan Coast Guard, are reported to be involved in serious abuses against migrants' human rights, whether at sea or in detention centres (beating and shooting migrants, pushing back boats launched by smugglers into the Mediterranean Sea, attacks on aid agencies' rescue ships, unlawful detention, etc.)⁷⁶. In October 2016, the Assize Court in Milan officially condemned the living conditions and the practices of torture and violence in the institutional detention centres in Libya⁷⁷. The EUTF, through the support it brings to internal security forces in Libya could contribute unintentionally to such practices. In November 2017, the UN High Commissioner on Human Rights issued a press release specifically condemning the EU's support for Libya's Coast Guard as "inhumane" because it has resulted in thousands of migrants being detained in "horrific" conditions inside Libya⁷⁸.

Endangering migrant's human rights: According to the latest UNHCR Report, migrants arriving in Italy continue to report widespread human rights abuses, including sexual violence, torture, and abductions for ransom in Libya⁷⁹. Multiple reports have also exposed the appalling living conditions in the detention centres in Libya⁸⁰. While authorities affiliated with the GNA control some of them, irregular detention centres held by powerful militia have flourished in the past year in

⁷² See Nancy Porsia, *Human Smuggling from Libya Across the Sea over 2015-2016, External report, May 2017* https://blamingtherescuers.org/assets/annexes/Porsia_Human_Smuggling_in_the_Central_Mediterranean.pdf

⁷³ Interviews

⁷⁴ Interviews

⁷⁵ e.g. the *Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)*, June 2017, <https://www.un.org/sc/suborg/en/sanctions/1970/panel-experts/report>, or Nancy Porsia, *Human Smuggling from Libya Across the Sea over 2015-2016, External report, May 2017* https://blamingtherescuers.org/assets/annexes/Porsia_Human_Smuggling_in_the_Central_Mediterranean.pdf

⁷⁶ e.g. the report of UNSMIL and the OHCHR, "detained and dehumanised" report on human rights abuses against migrants in Libya, December 2016, http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf

⁷⁷ Associazione per gli studi giuridici sull'immigrazione, *Torture in Libia : sentenza storica della Corte d'Assise di Milano*, October 2017, <https://www.asgi.it/asilo-e-protezione-internazionale/torture-libia-migranti-asilo-sentenza-storica-tribunale-corte-assise-milano/>

⁷⁸ <http://www.un.org/apps/news/story.asp?NewsID=58084#.WiqGgEria70>

⁷⁹ UNHCR, *Desperate journeys, Refugees and migrants entering and crossing Europe via the Mediterranean and Western Balkans routes*, August 2017

⁸⁰ UNSMIL and the OHCHR, "detained and dehumanised" report on human rights abuses against migrants in Libya, December 2016, see link above

Libya⁸¹. Detainees are kept in tiny enclosures, exposed to torture and blackmail. They lack food, medicine, toilets and water and many die of starvation, illnesses or severe beatings by the guards⁸². Women and girls who transit through Libya are particularly vulnerable and face very high risks of becoming victims of trafficking or sexual violence by smugglers or armed groups. Medical staff in reception centres in Italy have reported that a significant share of all women and girls who transit through Libya has been exposed to high levels of sexual violence⁸³. Very recently, the IOM also reported that “the first six months of 2017 confirm (...) a sharp estimated increase by 600% of the potential victims of trafficking for sexual exploitation arriving to Italy through the Central Mediterranean route”⁸⁴. Reports are also showing that boys and men also are victims of sexual violence on this transit route⁸⁵. The EU funding policy in Libya might contribute unintentionally to sustain the *refoulement* of migrants in detention camps, reinforce practices of violating human rights and strengthen the local militias.

Feeding into the detention and smuggling industry and encouraging forced return: The establishment of the EUTF has created strong expectations in Libya and all actors want a ‘share of the pie’. To prove their commitment to counter the phenomenon of irregular migration and attract EU Funds, national and local actors substituted partially the smuggling industry with the detention industry, exploiting and abusing migrants⁸⁶. Smuggling networks have reduced their operations from Libya yet trying to reopen routes from Tunisia, continuing to put migrants at risk⁸⁷. Furthermore, interviews with local NGOs participating in return and readmission activities have shed light on dubious practices where migrants are allegedly forced by the personnel of the Libyan Department for Combating Irregular Migration (DCIM) centres to sign the Assisted Voluntary Return (AVR)⁸⁸. Some reports go further claiming that the DCIM “launched a program for the deportation of migrants to their countries of origin”⁸⁹. While implementing its AVR activities, the EUTF must guarantee that returns rely on a true voluntary basis, fully informed and free of any coercion, and that asylum seekers are not compelled to repatriation thus giving them the right to ask for protection.

No alternative to smuggling: The smuggling industry is a major source of income in Libya. As a recent report notes: “in many places in Libya, smuggling is an alternative source of income for people that were confronted with civil war and a government that cannot deliver”⁹⁰. According to estimates, the annual revenue generated by smuggling in coastal cities is up to anywhere between 275 to 325 million euros⁹¹. However, as highlighted in the previous sections, EUTF projects aiming at providing economic alternatives are in their inception phase and will offer only limited incentives to exit this activity. This may exacerbate local discontent and it could contribute to more instability in Libya⁹².

Less attention for the needs of the country: The country's overall development and protection needs are not the primary factors guiding the allocation of support. EUTF Projects are indeed specifically designed for the migration route, from the South to Tripoli (Sabha, Zintan, Misrata and Tripoli suburbs) and small towns are further marginalized in favour of the main cities. According to interviews with EU actors, the locations were pre-selected by the EU Delegation in Libya and international partners, particularly UN Agencies, were given the opportunity to change only some municipalities according to the needs identified on the ground.

EU's overall migration strategy in Libya is increasingly focusing on capacity-building activities intended for fragile Libyan institutions, that is an important commitment for the construction of democratic and peaceful institutions and of the rule of law. In this sense it should be part of a more comprehensive strategy with a special attention towards protection and resilience measures of local communities and migrants. The EU must rethink its cooperation with Libya, ensuring that support is not given to Libyan authorities that are committing human rights abuses and ensuring that it contributes effectively to human security and the protection of those in need. The priority should be placed on protection and humanitarian aid, supporting UN agencies, NGOs and Red Crescent Movement in working with local CSOs.

81 Nancy Porsia, *Human Smuggling from Libya Across the Sea over 2015-2016*, May 2017, see link above

82 Ibid

83 UNSMIL and OHCHR, “Detained and dehumanised”, report on human rights abuses against migrants in Libya, December 2016

84 EC, *Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration*, September 2017

85 UNSMIL and OHCHR, “Detained and dehumanised”, report on human rights abuses against migrants in Libya, December 2016

86 Nancy Porsia, *Human Smuggling from Libya Across the Sea over 2015-2016*, May 2017, see link above

87 Reuters, *Migrant crisis: Tunisia's jobless open fresh smuggling route*, <http://www.reuters.com/video/2017/10/18/migrant-crisis-tunisia-jobless-open-fre?videoid=372770356&videoChannel=117760&channelName=World+News>; Servizio Informazione Religiosa, *Migranti: l'arcivescovo di Tunisi lancia l'allarme*, <https://agensir.it/quotidiano/2017/10/10/migranti-mons-antoniazzi-tunisi-scappano-dalla-libia-riaperta-la-rotta-tunisina/>

88 Interviews

89 Nancy Porsia, *Human Smuggling from Libya Across the Sea over 2015-2016*, May 2017, see link above

90 Clingendael, *Turning the tide. The politics of irregular migration in the Sahel and Libya*, CRU report, February 2017, see link above

91 AP News, *EU: Libya's cities making \$346M a year from people smuggling*, <https://apnews.com/86899ee286a14946b47b46b7414494a9/eu-libya-cities-are-making-millions-people-smuggling>

92 Clingendael, *Turning the tide. The politics of irregular migration in the Sahel and Libya*, CRU report, February 2017, see link above

5. NIGER



Niger lies on the main transit route for migrants from sub-Saharan Africa to the Mediterranean. According to the International Organization for Migration (IOM)'s estimates, over 400,000 migrants transited through Niger in 2016, most of them through the region of Agadez, on their way to Libya and Algeria⁹³. The stability of the country is undermined by the presence of armed groups and group-based grievances that contribute to human trafficking and migrants smuggling. Niger is one of the poorest countries in the world. The country is ranked 187 out of 188 on the UN's Human Development Index. It has the lowest figures in terms of public health, education and standard of living. The average number of children per woman is around 7 (its population is set to triple by 2050) and 45.7% of the population live below the international poverty line, with less than \$1.90 per day⁹⁴. As a critical partner for the conduct of EU's recent migration policies, Niger is part of the New Partnership Framework launched in June 2016. According to EU authorities, cooperation with Niger is "emblematic"⁹⁵ and should serve as an example of successful cooperation for other partners. Niger collaborates willingly with the EU on migration issues, especially as very few of its citizens attempt to reach Europe through the Mediterranean route⁹⁶. Niger has been allocated €189.9 million⁹⁷ from the EUTF, which makes it the third largest recipient of the Fund.

5.1 THE PARTNERSHIP FRAMEWORK WITH NIGER: WHAT KIND OF PARTNERSHIP?

The Partnership Framework with Niger includes high level political dialogue between EU and Nigerien authorities on migration issues. Besides the aforesaid meetings of the Contact group and the Paris summit to which Niger is also included, bilateral meetings between the two parties are held regularly. EU-Niger Partnership also relies on security instruments: the EU Capacity Building Mission in Niger (EUCAP Sahel Niger) provides training and advising activities to the Nigerien enforcement authorities, notably in the field of migration management and the fight against human trafficking and smuggling. The Mission has a field office in Agadez. The EU has also launched the concept of regionalisation of CSDP activities in the Sahel, which includes the deployment of Internal Security and Defence Experts in G5 Sahel countries⁹⁸ and the setting up of a Regional Coordination Cell in Bamako. The regionalisation of CSDP activities will aim to support cross-border cooperation in the Sahel and regional cooperation structures and to enhance national capacities of the G5 Sahel countries in the field of security and defence⁹⁹. Frontex has further deployed a liaison officer to Niamey to support the authorities in gathering and exchanging information on migratory routes. The IcSP is also mobilised to contribute to the Partnership Framework and currently finances 10 projects for an overall amount of €17.7 million to improve basic services and resilience in regions on migration routes in north-eastern Niger (notably in Diffa and Agadez). In terms of development cooperation, several field missions have been conducted to assess and identify projects to create economic alternatives in local communities¹⁰⁰. Complementing EU action, Member States such as France and Spain are also particularly active in

93 IOM, Niger Country Office, Annual Report 2016, <http://www.nigermigrationresponse.org/sites/default/files/IOM%20Niger%20Annual%20Report%202016%20FINAL%20EN.pdf>

94 UNDP, Human Development Report, 2016, table 2, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

95 EC, Fourth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, June 2016, see link above

96 The great majority of migrants that reached Italian shores in 2016 come from Nigeria, Eritrea, Guinea, Ivory Coast, Gambia, Senegal, Mali, Sudan and Somalia, <https://data2.unhcr.org/ar/documents/download/53447>

97 Initial resources allocated to Niger amounted to €139.9 million, with €50 million added in the course of 2016 to finance the AJUSEN project - Factsheet EUTF Africa: Niger, https://ec.europa.eu/europeaid/factsheet-eutf-africa-niger_en
A new 48-months long EUTF programme has been launched in December 2017 by the EU Delegation to Niger, and wasn't included in our research. The programme "Creation of jobs and economic opportunities through the management of environment in Niger's transit and departure areas" of 30 million euros aims at "creating jobs in the short period for vulnerable populations [...] in the regions of Agadez, Tahoua and Zinder". It is implemented by the Italian Minister for Foreign Affairs and International Cooperation (MAECI), the Belgian Technical Cooperation (Enabel) and the Netherlands Development Organisation (SNV).

98 In Niger, only a Defence Expert is deployed, due to the presence of the EUCAP Mission

99 European Council, Press release, Mali and the Sahel: EU strengthens its action in support of security of the region, <http://www.consilium.europa.eu/en/press/press-releases/2017/06/20/mali-sahel/>

100 EC, Third Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, see link above

supporting the Nigerien authorities regarding migration issues (*See the box*). Analysing the different instruments and tools deployed in the Partnership Framework reveals a relatively imbalanced partnership where measures undertaken in the field of security and migration control are at the forefront and provisions concerning regular migration and the resettlement of refugees are sorely lacking (they are not mentioned in the

progress reports)¹⁰¹. As Rhissa Feltou the Mayor of Agadez expressed, the absence of specific provisions to create regular channels of migration is seen as a source of preoccupation: “If migrants will continue to arrive here, without a possibility to move on, then the EU has to create regular ways for them to leave and reach Europe if they are entitled to this, otherwise we will have tensions, as resources are limited”¹⁰².

FRANCE AND SPAIN IN NIGER

The Sahel region is a top priority for for **France** and its French external action based on historical and political reasons related to the colonial past, and the defence of the country's commercial interests particularly through the access to raw materials and the protection of the French language. Niger is a key partner for French external action and both countries have developed a close bilateral cooperation, including in the field of migration. In February 2017, French and Nigerien authorities signed a “General Framework for Cooperation 2017-2021”, a policy document setting out four shared priorities, including the management of migratory flows (priority 2). Two ministries are responsible for the conduct of French migration policies: The Ministry for Foreign Affairs (MFA), regarding development issues and the Ministry of Interior (MI) regarding security issues and domestic interests and policy. The Ministry of Defence is often associated with the discussions on migration. France pursues two main priorities in the field of migration: (1) dealing with the root causes of migration through development and the support of Diasporas; and (2) enhancing migration management through security and defence measures. Those priorities are reflected in the support provided to Niger, although security measures are clearly favoured over development issues.

In terms of development cooperation, France is the second largest bilateral aid donor in Niger with €90 million of new commitments in 2017. The French Development Agency (AFD), linked to the MFA, runs programmes in the field of education, energy, health, support to private sector and NGOs. In terms of security and migration management, France supports the Nigerien defence and security forces (army, national guard, gendarmerie and police). Since August, France further supports Niger (as well as the other G5 Members – Mali, Burkina Faso, Mauritania, Chad) in the fight against terrorism through its military operation *Barkhane*. It has also supported, from its very inception, the operationalisation of the G5 Sahel (in particular its security/defence pillar). Lastly, France has financed since 2015 the project *Support for cross-border cooperation in the Sahel* designed around the continuum “Security-Development”,

which is aimed at supporting governance, development and security activities in the border areas between Burkina Faso, Mali and Niger (Liptako-Gourma Region).

Regarding the EUTF Projects implemented in Niger, France is significantly involved in the implementation of the regional projects which focus on security and stability (GAR-SI, G5 Sahel and the Sahelian Security College). Some of these projects have in fact been designed on the basis of pre-existing bilateral projects carried out by French implementation agencies (such as the Sahelian Security College). In Niger, France is implementing the AJUSEN Project, the AFD for its Justice component and Civipol (linked to the MI) for its Security component. It further contributes to the set-up of the *Joint investigation team* supporting the fight against organized crime in Niger. The AFD is also involved in the implementation of EUTF Projects dealing with strengthening resilience of communities.

Spain is also a major EU actor in the Sahel and in Niger in the field of migration. The GAR-SI Programme has for example been designed under its impetus. The intervention units that will be established through this programme are based on the model of Guardia Civil multipurpose units that used to combat terrorism in Spain. The implementation of GAR-SI is thus naturally led by the Spanish Guardia Civil. In addition, the Spanish National Police is also leading the implementation of the *Joint investigation team against criminal networks in Niger*. Both projects have been managed by the Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (FIIAPP), a Spanish implementation agency related to the MI. Spain is also involved in development programmes, through the Spanish Agency for International Development Cooperation (AECID), linked to the MFA. For example, Spain invested €10 million to provide institutional support to ECOWAS in the field of regular migration and supporting CSOs working in the field of migration and development. There is a clear division of roles between FIIAPP, dealing with border control and security projects and AECID, dealing with development issues. AECID has yet for objective to increase its involvement in migration management projects, especially in Sahel and in Niger where it has an office, while circumscribing its role, as much as possible, to development issues.

¹⁰¹ Even though African countries called for the development of regular migration channels and mobility possibilities (tourism, study, work) at the 2015 Valletta Summit and that the EU committed to meet these demands. According to the UNHCR, not a single person was resettled from Niger in 2016 despite a waiting list of over 11,000 persons: <https://euobserver.com/migration/139191>

¹⁰² interviews

This analysis further discloses an overall EU migration cooperation strategy with Niger that focuses on three priorities: (1) strengthening migration control, (2) fighting against human smuggling and trafficking and (3) supporting growth and employment alternatives. These objectives indeed appear in the EC Communication on the New Partnership framework as well as in the subsequent progress reports¹⁰³. Furthermore, according to the interviews conducted in the field with EU interlocutors, clear conditionalities are set for direct budget support to the Nigerien authorities, linked to progress in the fields of migration control and security. At the time of the research, it was not possible to assess whether this would affect the next package of EUTF funded projects or other EU and bilateral funds, but conditionality seems to play a key role in negotiations for future allocations. This focus on migration control and security suggests that there is once again a strong risk that the EUTF, and therefore development funding, be diverted from the fight against poverty to contribute to strengthening migration and border control and fighting against human smuggling and trafficking.

5.2 THE EUTF IN NIGER: FOCUSING ON MIGRATION MANAGEMENT AND CONTROL, ALTERNATIVES TO SMUGGLING AND RETURNS

Nine projects are currently financed by the EUTF in Niger, for an overall amount of €189.9 million. Three of these projects¹⁰⁴ aim at improving migration management focusing on protection and assistance activities, support to voluntary returns of migrants and promoting alternatives to irregular migration. Two projects fall under the EUTF objective (1) 'greater economic and employment opportunities'¹⁰⁵ and aim at improving the living conditions of people through the development of professional skills and improving the production conditions in the northern regions of Niger. One programme¹⁰⁶ contributes to objective (2) 'strengthening resilience' by supporting new building projects to ensure access to land and water for the most vulnerable in the Diffa region.

Three programmes fall under objective (4) improved governance: While the *Programme to support local development and governance for better management of migratory flows* invests €25 million to develop structural and economic measures to help local authorities deal with the

impact of an influx of migrants¹⁰⁷, the two other projects¹⁰⁸ provide support to Nigerien authorities to combat organised crime, smuggling and human trafficking. The *Project Support for justice and security in Niger to fight organised crime, smuggling and human trafficking* (AJUSEN) is particularly interesting as it provides direct budget support to Nigerien authorities. According to multiple interlocutors¹⁰⁹, part of the funding will be dependent on a set of conditions, including: the drafting of a National Strategy Against Irregular Migration before June 2017 and of a National Security Strategy before September 2017, the purchase of security equipment to enhance border controls, the rehabilitation or construction of border posts in strategic areas, the creation of special border police units, and the construction of migrant reception centres. If certain results are not achieved, Nigerien authorities can face financial penalties. The second project falling under objective (4) sets up a *Joint investigation team* composed of French, Spanish and Nigerien police officers to support the Nigerien authorities in the implementation of operational actions and an effective mechanism for fighting organized crime networks.

In addition to these national projects, the EUTF also finances regional projects that involve Niger. Three of these regional projects focus on the security dimension of migration: The programme *Rapid Action Groups - Monitoring and Intervention in the Sahel* (GAR-SI SAHEL) provides for the establishment of Rapid Action Groups in the 5 Sahel countries and Senegal. The *Programme Support to the G5 countries regional cooperation and to the sahelian security college* supports the development and operationalization of the G5 Sahel and of a G5 Sahel joint force to fight terrorism, cross-border crime and human trafficking. The West Africa Police Information System (WAPIS) Programme further supports the strengthening of police information systems in West Africa.

Overall, the majority of EUTF programs implemented in Niger focus on development and protection activities. However, two important projects, representing a total amount of €86 million¹¹⁰, aim at providing support to enforcement authorities to reduce the transit of migrants. Keeping in mind the fact that the Italian government contributes €50 million to the AJUSEN Project, this amount represents almost half of the overall budget dedicated to Niger (€189.9 million) through the EUTF.

103 EC, Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, June 2016, see link above

104 The programme Sustainable Return from Niger (SUREN), worth €15 million and the Programme Response mechanism and resources for migrants (MRRM), worth €7 million, are both implemented by IOM. The Plan d'Actions à Impact Economique Rapide à Agadez (PAIERA) has been allocated a budget of €8 million.

105 The Programme Integrating young people into employment in the transit areas of Zinder and Agadez in Niger, worth €25,3 million, and the project Creating jobs in the transit areas of Tahoua and Agadez in Niger, worth €30 million.

106 The Programme Support for institutional and community resilience in the Diffa region, worth €13 million (€12 million from the EUTF).

107 These measures should be able to respond to the needs of indigenous population, migrants and refugees.

108 AJUSEN, worth €80 million (€30 million + a rider of €50 million from the Italian government in 2017) and the Programme Setting up a joint investigation team to combat irregular immigration, human trafficking and people smuggling, worth 6€ million.

109 From Member States' embassies

110 €80 million for AJUSEN and €6 million for the Joint Investigation Team.

This project further illustrates that EUTF Projects are also impacted by the “more for more” and “less for less” principles guiding the Partnership Framework. In addition, mobilizing a substantial budget of €96.6 million¹¹¹ from the EUTF, the three regional projects mentioned also show a strong prioritisation of the security dimension of migration. This points clearly to development resources available through the EUTF being diverted from development to migration control.

5.3 THE EUTF IN NIGER: IMPORTANT CONSTRAINTS TO COMPLY WITH THE CORE PRINCIPLES OF AID EFFECTIVENESS

Ownership and alignment: According to local CSOs and authorities interviewed, EUTF projects dedicated for Niger have been designed and selected at Member States or Brussels’ level without sufficiently consulting local actors. Ali Idrissa, the president of a platform gathering 19 NGOs¹¹², explained: *“CSOs were not invited to express their positions regarding the Trust Fund when it has been launched. Negotiations happened in closed doors, we only got to know the results”*. As Issouf Ag Maha, mayor of Tchirozerine (the Agadez region) added: *“As local municipalities, we don’t have any power to express our needs. The EU and project implementers came here with their priorities. It’s a ‘take it or leave it’ approach, and in the end we have to take it, because our communities need support”*. This lack of involvement of local actors in the design and selection of EUTF Projects must however be mitigated by the fact that according to an EU official, *“intense, daily contacts with ministers and the president himself are a constant of the EU delegation work”*¹¹³.

Further, EU policies in Niger are not particularly aligned with Nigerien policies. In fact, despite its centrality in mobility strategies from Western Africa to the Maghreb, Niger did not adopt specific measures related to migration until recent years (such as the National Migration Strategy) when international partners such as the EU recognized its role as “transit country”¹¹⁴. Far from being seen negatively, migration has in fact widely contributed to the economy of the country for centuries¹¹⁵.

Harmonisation: In October 2016, a “Cadre de Concertation” on migration was launched, co-chaired by the Minister of Interior and bringing together relevant Ministries and EU and international actors involved in Niger. This “Cadre de Concertation” aims at discussing common EU-Niger priorities and operational actions and was initially supposed to meet four times a year. As of October 2017, it has only met twice (the second meeting took place last June). While this EU-Nigerien authorities’ cooperation framework seems to be slow to operationalise, two other specific sub-groups, one on “migration and development” and one on “migration and security”, were recently launched within the “Cadre de Concertation” involving local and central authorities. These new coordination mechanisms raise hope regarding enhanced policy coherence in the field of migration. On the downside, interviews conducted with Member States’ national authorities and implementation agencies have highlighted a lack of coordination mechanisms between EUTF Projects as well as with the other EU instruments in Niger. The interviews conducted even highlighted a lack of dialogue and coordination between agencies implementing different components of a same project. As a result, measures adopted through the EUTF are deemed by some actors in the field as “confused and incoherent”¹¹⁶.

Results and Accountability: As highlighted above, interlocutors have raised their concern over the lack of transparency in EUTF selection procedures. As a high-level staff of the EU Delegation in Niamey explained¹¹⁷: *“there was no specific call for proposals, we received projects proposals in a disorganized manner”*. Another interlocutor working from the French Development Agency (AFD)¹¹⁸ further claimed, *“due to the emergency procedures, only the biggest actors, such as UN and bilateral agencies were chosen”*. EUTF projects were designed without an appropriate analysis of the context in which they take place and without clearly exposing how projects are supposed to achieve objectives¹¹⁹. As an interlocutor working for a Member States bilateral agency expressed, *“it looks like there is a lack of comprehension of the global context in which migration happens in Niger”*. As our interlocutor from AFD added¹²⁰: *“The EU realized that the first set of projects had been adopted too fast, to give the*

111 Last June, the EU announced its intention to support the development and operationalization of the G5 Sahel with a contribution of up to 50 million.

112 ROTAB (Réseau des Organisations pour la Transparence et l’Analyse Budgétaire).

113 Interview with the EU Commission Liaison officer to Niamey

114 11.11.11, Dossier, Niger: Border Patrol of the New European Migration Policy, International Solidarity for Sale, October 2017

115 Interviews. For more on this see also Clingendael, Turning the tide. The politics of irregular migration in the Sahel and Libya, CRU report, February 2017, see link above

116 interview, Member state’s bilateral agency in Niamey.

117 Interview with a high-level EU official

118 Interview with a staff of the French Development Agency (AFD) in Niamey

119 For more on this particular issue, see: Global Health Advocates, Misplaced Trust: Diverting EU Aid to Stop Migration. The EU Emergency Trust Fund for Africa, September 2017, http://www.ghadvocates.eu/wp-content/uploads/2017/09/Misplaced-Trust_FINAL-VERSION.pdf

120 Interview, with a staff of the AFD in Niamey



Transit Center in Niger
Credit: Giacomo Zandonini

impression that things were moving on. I think it was a good idea to take a break and refine programmes”.

Overall, it appears once again that EUTF Programmes are not in line with the basic principles of development aid, thus jeopardizing the effectiveness of EU's development policies and programmes in the country. In particular, they are not sufficiently aligned with local needs, they do not adequately include local actors, they rely on opaque selection and monitoring and evaluation processes, and they lack overall coherence.

5.4 THE CONSEQUENCES OF EU'S MIGRATION POLICIES IN NIGER

Supporting a government with fragile governance: Direct budget support to countries with a fragile governance is considered as a controversial tool. As Ali Idrissa, president of the ROTAB platform explains: *“with budget support the EU took a huge responsibility. Corruption is common and mechanisms of control, including the parliament, are not working in the country. We won't be able to understand how this money has been used in a transparent way”.* In addition, empowering enforcement authorities and stricter border controls can have diverse effects such as increasing already widespread corruption practices along migratory routes (informal taxes

are collected by military and police officials at checkpoints all over the country)¹²¹. With the hardening of anti-smuggling measures, smugglers and operators of migrant ghettos are reported to be imprisoned without sufficient proof that trials are fair and detainee's rights respected, in violation of rule of law and the right to a due process¹²². While maintaining a strong focus on securitised measures as a means to stop the human smuggling networks, the EU fails to take into account that smuggling networks often are deeply entrenched in the governance system and supported by a network of local actors¹²³.

Endangering migrants' rights: Stricter border controls force migrants to take longer, more dangerous routes in the North of Niger, Mali and Algeria, in areas less secure due to the presence of armed groups, with fewer infrastructure and a higher chance of car trouble and accidents¹²⁴. As Tchernou Boulama Hamadou from NGO Alternatives Espace Citoyen points out, these measures also represent higher risks for the health of people on the move: *“In a climate of fear, where migrants feel criminalized, they are not likely to denounce abuses and human rights violations, or even visit a hospital when they have a problem”.* Nana Hékyoe, from the same NGO, adds, *“In Agadez as well, everything is now forced underground, creating trafficking-like practices, where*

¹²¹ Interviews with local CSOs and government officers

¹²² 11.11.11, Dossier, Niger: Border Patrol of the New European Migration Policy, International Solidarity for Sale, October 2017

¹²³ Clingendael, Turning the tide. The politics of irregular migration in the Sahel and Libya, CRU report, February 2017

¹²⁴ 11.11.11, Dossier, Niger: Border Patrol of the New European Migration Policy, International Solidarity for Sale, October 2017

migrants are closed inside ghettos and then sold as a valuable good". Women are exposed to even greater abuse and sexual violence. While smuggling networks easily adapt to restrictions by using new routes and techniques, this often results in more risks and high fees for the migrants¹²⁵.

Preventing adequate access to international protection:

Figures from the UNHCR¹²⁶ show that in 2016, 30% of migrants coming from Sub-Saharan Africa and using the Central Mediterranean route via Niger obtained a protected status in Europe. Aside from economic incentives, climate change is playing an increasingly large role in forced migration in the region¹²⁷. For these people, there is no protective status yet. Migrant streams along this route are mixed and the closing of this route without alternative regular channels, makes it impossible for people in need to receive protection¹²⁸. As a UNHCR external relation officer in Niamey explains: "Despite evidence, the debate is dominated by the problem of irregular migration, and in a few occasions we realized it is unpopular to speak of international protection at the level of the EU in Niger". As of September 2017, UNHCR has been denied participation in the Minister of Interior's Platform of Exchange of Statistical Datas on Migration. In addition, protection of refugees on the move seems to be absent from the National Strategy to Fight Irregular Migration and its action plan, which focuses on border management, repression, migrants return and data collection.

Limiting the economic development linked to circular regular migration:

Migration has been a source of economic prosperity for centuries in Niger¹²⁹ and this is still the case today, especially as Niger is part of the Economic Community of West African States (ECOWAS) which allows free movement of persons. In this area, the largest part of migration is circular: semi-nomadic rural communities and seasonal workers cross borders in order to gain access to food, water, a salary or a family and social protection¹³⁰. As reflected by IOM figures, most people migrating along the Sahara route are indeed not bound for Europe: in 2016 only 20 to 35 percent of migrants

intend to travel on to Europe, the rest self-reported that Algeria and Libya were their final destinations¹³¹. Yet, according to interviews, the government's measures on migration control draw no distinction between intra- and extra-regional migration¹³²: since last year, the rights of ECOWAS citizens have been limited, endangering relations between Niger and the 15 other members of ECOWAS. As a high-ranked Nigerien official explained, "the minister for foreign affairs has received complaints from his colleagues in neighbouring countries, regarding the push-backs of their own citizens". The interviews conducted with implementation agencies in EU capitals have further confirmed that the EUTF totally leaves out the issue circular migration to focus on reducing migration flows to the EU. Tchernon Hamadou Bolama underlines that "debates and documents emphasise on a language that criminalizes migration. Official papers speak often of irregular and clandestine migration, and if you don't align with this vision, your chances to access funding will be limited".

Increasing instability: In recent years, transit towns like Agadez have witnessed spectacular economic growth due to migration-related activities. Smugglers and transport companies, but also local restaurants hotels and traders benefit both from new customers and a large reservoir of cheap temporary labour¹³³. With the adoption, early 2016, of an Action Plan for the Region of Agadez to Tackle Irregular Migration, the government increased repressive measures against smuggling activities. Those repressive measures were further not sufficiently counterbalanced with actions stimulating the regional economic fabric, leading to growing popular discontent¹³⁴. As Rhissa Feltou, mayor of the municipality of Agadez, explains "Since the early 1990s, services for migrants in transit were legal, recognized by the State: ex-rebel fighters and tourist guides resorted to the migration economy to make a living. Now it has been declared irregular. With the PAIERA project the EU is trying to calm people, but means are largely insufficient". As different local administrators underlined, high expectations have been frustrated by the limited budget dedicated by EU projects

125 Ibid

126 UNHCR, *Mixed migration towards the European Union: Asylum applications of citizens of 10 sub-Saharan countries examined in the EU in 2016*, <https://data2.unhcr.org/en/documents/download/56590>

127 Clingendael, *Turning the tide. The politics of irregular migration in the Sahel and Libya*, CRU report, February 2017

128 11.11.11, Dossier, *Niger: Border Patrol of the New European Migration Policy*, International Solidarity for Sale, October 2017

129 See Adamou Aboubacar, *Agadez et sa région. Contribution à l'étude du Sahel et du Sahara Nigériens*, Niger, IFAN, 1979, 358 p.

130 Julien BRACHET, *Migrations transsahariennes: vers un désert cosmopolite et morcelé (Niger)*, Paris, Éditions du Croquant, Collection Terra, 2009, 322 p

131 IOM, 2016, *Niger Flow Monitoring – Quarterly Report (Feb 2016-April 2016)*, IOM, Niamey, https://drive.google.com/open?id=0B_hLuy9q1oXQZdISTRPdTVwazg.

132 Global Health Advocates, *Misplaced Trust: Diverting EU Aid to Stop Migration. The EU Emergency Trust Fund for Africa*, September 2017

133 11.11.11, Dossier, *Niger: Border Patrol of the New European Migration Policy*, International Solidarity for Sale, October 2017

134 Although the EUTF is addressing this issue, the implementation of projects in this field is not yet effective, Global Health Advocates, *Misplaced Trust: Diverting EU Aid to Stop Migration. The EU Emergency Trust Fund for Africa*, September 2017, see link above. Furthermore, the recent (October 2017) report of the Clingendael Institute "identifies the EU migration policy's adverse effects on the local economy, the legitimacy of state authorities and security in the region.": <https://www.clingendael.org/publication/roadmap-sustainable-migration-management-agadez>

to develop economic alternatives to smuggling, insufficient to support the thousands of requests received from former actors of migration in search of alternative revenues¹³⁵. Failure to provide economic alternatives could generate further instability: “People here in the past took up arms to decide for their own future, and among them many became drivers or ghetto owners. We must offer them a real solution. Otherwise, soon we will have to fight violence and criminality, rather than migration”¹³⁶.

Less attention for the needs of the country: despite the challenging context, there is less attention for support of poverty eradication due to the increased focus on migration. NGO partners working in the field claim that they are sometimes pressured to relocate their headquarters on migratory transit routes regardless of whether that also fits the wider poverty reduction agenda of their programming. They are required to focus their programming on young men, as this group is most prone to migrate to Europe, as opposed to the poorest or vulnerable women. This is confirming the trend to refocus EU development programming along migration objectives, as stated in the New Partnership Framework: “To deliver the compacts, (...) actions adopted through the annual implementing measures of the geographical instruments in the relevant source countries will focus on the main areas of origin of migrants”¹³⁷.

EU's overall migration strategy in Niger is focused on supporting local authorities to enhance their capacities in the field of migration management and migration control. The EUTF funds development and protection projects but their impact seems limited, especially in comparison to the impact of regional and national programmes contributing to the strengthening of enforcement authorities. EU's strategy has significant consequences both for vulnerable people and for regular migration in Niger. Having this in mind, the EU should rethink its migration and development policy ensuring that it contributes to better governance, maximises the benefits of regular regional migration, provides safe pathways to Europe, and protects those in need.

¹³⁵ interviews

¹³⁶ Mohamed Anacko, President of the Agadez Regional Council

¹³⁷ EC, Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, June 2016

6. ETHIOPIA



Due to its “open door” policy and its geographical location at the heart of the Horn of Africa, Ethiopia has been the main host for migrants and refugees in the region. In 2016, the country counted 800,000 migrants. Surrounded by fragile states such as Eritrea, Somalia and South Sudan, the country has a fundamental role for the stability of the region. Despite a decade of economic growth and poverty reduction, Ethiopia remains one of the world’s poorest countries, with 33.5 percent of its population living with less than \$1.90 per day (based on numbers in 2011). The country is ranked 174 out of 188 in terms of Human Development Index¹³⁸. Ethiopia also faces structural food security problems and demographic pressures (according to projections, more than a million young Ethiopians enter the labour market every year¹³⁹). Although emigration towards the EU is very low, Ethiopia has been identified as a critical partner in the field of migration. In November 2015, Ethiopia signed the Common Agenda on Migration and Mobility (Camm)¹⁴⁰ with the EU and in June 2016, became a priority country under the 2016 New Partnership Framework. The country is a pilot country of the UNHCR Comprehensive Refugee Response Framework (CRRF) which will lead to the development of a Global Refugee Compact, the goal being to strengthen the international response to large movements of refugees¹⁴¹. Until the end of 2017, the country is also Chair of the Khartoum Process that aims to enhance regional cooperation on migration and mobility between countries of origin, transit, and destination regarding the route between the Horn of Africa and the EU. Amongst other tasks, it is in charge

of monitoring the implementation of the EUTF Programmes and ensuring coherence between EU and African Union’s migration policies in the region. Ethiopia is one of the main beneficiaries of the EUTF with a total allocation of €184.5 million¹⁴².

6.1 THE PARTNERSHIP FRAMEWORK WITH ETHIOPIA: WHAT KIND OF PARTNERSHIP?

The Partnership Framework with Ethiopia relies mainly on the conduct of a high-level dialogue between the EU and Ethiopian authorities focusing on the establishment of an effective structured cooperation for identification and returns. In 2017, no less than nine bilateral meetings took place in that framework. The EU hopes that negotiations in that field will intensify with the launch of the Strategic Engagement sectorial dialogue on migration in the near future. Besides this political dialogue, Ethiopia is one of the largest recipients of EU development aid (The country receives €700 million from the EDF¹⁴³). In fact, EU development policies in Ethiopia supported migration policies even before the launch of the EUTF. In addition to these measures, a European Migration Liaison Officer has been deployed in the country since March 2017 tasked with gathering, exchanging and analysing information on migratory developments¹⁴⁴. The EU has also provided support to refugee and host communities in Ethiopia through humanitarian funding¹⁴⁵. In addition to these measures, Germany is also supporting the Ethiopian authorities to deal with migration issues (*See the box below*).

In Ethiopia, while the Partnership Framework does not seem to promote the diversion of development funding for migration management purposes, the EU’s overall cooperation strategy focuses on one top priority: enhancing cooperation in the field of returns and readmission. This priority has been increasingly linked to positive conditionality with the last progress report linking progress in that field with further EU support to

¹³⁸ Human Development Report, 2016, UNDP, Table 2, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

¹³⁹ Ibid

¹⁴⁰ Joint Declaration on a Common Agenda on Migration and Mobility between Ethiopia and the EU and its Member States, November 2017, https://download.taz.de/migcontrol/eu/EU_Ethiopia_Mobility%20Partnership_2015.11.11_eng.pdf

¹⁴¹ Global Refugee Compact, <http://www.unhcr.org/towards-a-global-compact-on-refugees.html>

¹⁴² Europaid, Horn of Africa window, <https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund/horn-africa>

¹⁴³ Interviews

¹⁴⁴ Council of the European Union, Concept paper on the deployment of European Migration Liaison Officers, <http://www.statewatch.org/news/2015/nov/eu-council-euro-migration-liason-officers-1343-15.pdf>.

¹⁴⁵ EC, Third Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, see link above

refugees in Ethiopia¹⁴⁶. While improving ways for regular migration and entry to Europe is a priority of Ethiopia¹⁴⁷, it is worth noting that once again there is no indication in recent EU policy documents and reports of measures to be taken in that field. Although the first progress report mentions harnessing opportunities offered for regular migration channels (Erasmus opportunities and other tools), this objective is not mentioned in subsequent reports¹⁴⁸. For the EU, the Partnership with Ethiopia has so far yielded insufficient results: cooperation on return from the EU “remains unsatisfactory and the return rate is one of the lowest in the region”¹⁴⁹.

6.2 THE EUTF IN ETHIOPIA: FOCUSING ON BENEFITS OF MIGRATION AND ADDRESSING THE ROOT CAUSES OF IRREGULAR MIGRATION AND FORCED DISPLACEMENT

In the case of Ethiopia only one EUTF Programme, *Better Migration Management in Support of the Khartoum Process* (BMM), is currently dedicated to “improving migration management”¹⁵⁰ (EUTF objective 3). It is implemented in Ethiopia as well as in the 8 other members of the Khartoum Process. The Programme has been allocated an envelope of €46 million (€40 million from the EUTF and €6 million from the German government) and focuses on the issue of migrant trafficking and smuggling in the Horn of Africa. According to interlocutors, the programme integrates human and migrant rights and devotes specific attention to vulnerable groups (children and women).

The five other EUTF-funded projects implemented in Ethiopia, in line with the development projects already implemented in the country before 2015, focus on protection, resilience and job creation (EUTF Objective 1). The programme *Stemming Irregular Migration in Northern and Central Ethiopia* (SINCE) invests €20 million to reduce irregular migration in Ethiopia by improving the living conditions of the most vulnerable population. Implemented by the Italian cooperation agency, it focuses on creating employment in industrial zones as an

GERMANY IN ETHIOPIA

Germany has for years developed a close-bilateral cooperation with Ethiopia. In terms of migration, Germany's main priority in Ethiopia is to deal with the root causes of migration. It has also for objective to improve cooperation in the field of legal migration and readmission and support capacity-building in the field of refugee protection and asylum. Germany supports Ethiopia's migration policies through its contribution to the EUTF. The implementation of the project “Better Migration Management” is led by the German Association for International Cooperation (GIZ) and partly funded (€6 million) by the German Federal Ministry for Economic cooperation and Development (BMZ).

BMZ also contributes (€750,000) to the EUTF programme Strengthening of the ability of Intergovernmental Authority on Development (IGAD) to promote resilience in Africa. In fact, Ethiopia is an important partner country for German development cooperation. Bilateral development cooperation has existed since the end of the 1950s. Germany contributes to the implementation of the development goals set by Ethiopia (i.e sustainable economic growth, employment promotion, adaptation to climate change) and to the resilience of vulnerable populations and institutions. Two main areas of development cooperation have been identified: “Rural development” and “Protection of biodiversity and forestry”. The objectives are to increase production (i.e through improved seed production and cultivation practices), to promote income (i.e. through more efficient supply chains and larger sales markets), to provide landscape rehabilitation and to secure access to water and food.

Germany is the third largest humanitarian donor in Ethiopia after the United States and the EU. In 2016, humanitarian aid projects worth €14,39 million were implemented. This year, €26.4 million for humanitarian aid has already been spent and new commitments for projects of structural transfer assistance are planned (€35 million), with the aim to strengthen the resilience of local people. The focus of German humanitarian aid activities in Ethiopia is on the areas of food supply, health and nutrition, improvement of water, sanitation and hygiene supplies and the provision of accommodation. Projects and programs are being implemented through the three pillars of humanitarian aid: German non-governmental organisations, United Nations humanitarian organizations and the Red Cross / Red Crescent movement.

¹⁴⁶ “In parallel to progress on returns from Europe and depending on the humanitarian situation, consider EU support for the protection of returnees from Saudi Arabia”, EC, Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, September 2017, https://eeas.europa.eu/sites/eeas/files/20170906_fifth_progress_report_on_the_partnership_framework_with_third_countries_under_the_eam_en_0.pdf

¹⁴⁷ Joint EC-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Ethiopia, March 2016, <http://statewatch.org/news/2016/mar/eu-com-eeas-readmission-ethiopia-7205-16.pdf>

¹⁴⁸ EC, Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, September 2017, see link above

¹⁴⁹ Ibid

¹⁵⁰ Another migration management project is also ongoing in Ethiopia (Addressing Mixed Migration flows in Eastern Africa – implemented by Expertise France) but it is financed through the DCI.



*A pastoralist leaves the Siti Zone (between Somalia and Ethiopia) with a barrowful of food ration bags
Credit: EC audio visual services*

alternative to migration establishing a link between migration and local development. With a budget of €47 million *Resilience Building in Ethiopia* (RESET II) aims at improving food security, access to basic services and enhanced livelihoods in conflict-prone areas in Ethiopia. The action is built on the pre-existing RESET programme (2012-2016), jointly funded by DEVCO and ECHO. As such, it is in line with the objectives of the 11th EDF¹⁵¹. The project *Regional Development and Protection Programme in Ethiopia* (RDPP), worth €30 million, aims at improving the living conditions and addressing the long-term development and protection needs of refugees and their host communities. It is a classic refugee response program. With €25 million from the EUTF, the action *Facility on Sustainable and Dignified Return and Reintegration in support of the Khartoum Process* (FSDRRK) supports the development and implementation of sustainable return and reintegration policies and processes to facilitate the return and reintegration of migrants in targeted partner countries of origin, transit and destination. The last project implemented in Ethiopia, *Building Resilience to Impacts of El Niño through Integrated Complementary Actions to the EU Resilience Building Programme in Ethiopia* (RESET Plus), aims to address, with a budget of €22.5 million, the structural and systemic root causes of vulnerability and chronic food and nutrition insecurity in the most vulnerable areas.

Overall, the great majority of actions adopted under the EUTF in Ethiopia are focused on dealing with the root causes of forced migration as well as on the protection of migrants. The EUTF in that case is less used for migration management purposes. On the contrary, it is used as a follow-up to existing development projects prior to 2015 and therefore one can expect these programmes to be – at least partially - in line with the principles of development aid.

6.3 THE EUTF IN ETHIOPIA: MOSTLY IN LINE WITH THE PRINCIPLES OF AID EFFECTIVENESS

Ownership and Alignment: According to the interviews conducted, government authorities and CSOs were loosely included in the initial conception phase of the programmes, although implementation partners now try to ensure government buy-in and the participation of the civil society. Some of our interlocutor explained that donors were incredibly prescriptive in the initial phase of projects, allowing very little flexibility or creativity in the project design. As a result, projects were driven by donors' goals without much input from actors on the ground. So far, EUTF projects correspond to the agenda of the Ethiopian government that focuses on humanitarian support and development. According to interlocutors, the Ethiopian government is currently reviewing its Refugee Proclamation with the right to work, access to

¹⁵¹ More specifically, the project is in line with the first focal sector of the 11th EDF for Ethiopia, "Sustainable agriculture and food security" and its 3rd specific objective "Improve resilience and long- term nutrition, including through LRRD and safety net/social protection approaches".

education, as well as freedom of movement, committing to improve the lives of refugees on its territory. Migration is not considered a priority by national authorities, except when pressing issues arise such as the deportation of its nationals from Saudi Arabia. As a result, there is no Ethiopian comprehensive policy on migration.

Harmonisation: EUTF projects should be better integrated into a comprehensive EU policy on migration that clarifies the nexus between migration and development, between short-term and longer-term measures. While initiatives on migration issues have proliferated in the last few years, they have not been accompanied by a clear overview and coordination mechanisms. Such a comprehensive approach to migration should build on the new National Indicative Programme for Ethiopia that clarifies the link between migration and development-humanitarian approach. Coordination is also lacking with international partners in the field, and notably on data collection and knowledge sharing. NGOs have set up two informal networks where they share information and elaborate policy recommendations: one on humanitarian and development issues and the second on refugees. They support CSOs to improve their capacities, but divisions persist between humanitarian and development perspectives.

Results and Accountability: The EUTF provides general indications on the objectives to be achieved but it does not give concrete indications regarding the activities to be undertaken and the results expected. According to the interviews with EU actors, projects implemented in Ethiopia have not been designed on the basis of a clear evaluation of the needs and they do not include an assessment of their impact on migration. As an example, the links between voluntary returns, reintegration and development for the FSDRRK project implemented by IOM are not clear. As a result, activities may be costly and with low sustainability. There is a need to enhance the collection of data and to conduct research and analyses based on proper methodologies.

Overall, it appears that EUTF Programmes are in line with the basic principles of development aid, although there is room for improvement. In particular, the definition and the selection processes of the projects should be reviewed, in line with the principles of ownership, results and accountability. In the field, the EU should further enhance the coherence of its policies, based on a thorough analysis of the links between migration and development.

6.4 THE CONSEQUENCES OF EU'S MIGRATION POLICIES IN ETHIOPIA

Focusing on development and protection measures, EU's migration policies positively contribute to enhancing the living conditions and the protection of the most vulnerable in Ethiopia. EUTF projects in the country put stress on the development and protection dimensions of migration and according to the interviews conducted human rights are streamlined in the use of funds for migration management. In this case ODA is not diverted for security and enforcement measures.

On the downside, the evolution of the EU's migration policy towards increased conditionality could spark off negative consequences in Ethiopia. As seen earlier, cooperation on returns and readmissions with Ethiopia has increasingly become the top priority for the EU¹⁵². Yet such cooperation could lead to a substantial reduction of revenue from remittances that many countries of origin depend on. As the EC acknowledges, remittances constitute a significant part of Ethiopia's revenue as they contribute at least three times more to the Ethiopian economy than development cooperation¹⁵³. This could explain why the Ethiopian government has so far resisted EU's pressure to cooperate in that field. Moreover, in the future, EUTF projects could be used to achieve the goal of increased returns and readmissions. In the second progress report, the Commission claim for instance that "*programmes are in the pipeline (...) to support the establishment of a unified national identification and registration system*"¹⁵⁴.

In addition, some Member States are more sensitive to the security dimension of migration and push for undertaking measures in that field; this could lead to the diversion of development funding for migration purposes in the future. As an example, the *Regional Operational Centre in Khartoum (ROCK)*¹⁵⁵, which was initially part of the BMM Programme, has now become an EUTF regional project on its own, focusing on security measures to improve migration management, with no linkage to development issues. The EU has recently expressed its ambition to further enhance regional cooperation to tackle smuggling and trafficking, notably through the ROCK¹⁵⁶.

¹⁵² In the 4th progress Report on the Partnership Framework, the Commission takes note of the lack of progress in this field and asks to "establish as soon as possible an effective structured cooperation for identifications and returns"

¹⁵³ EC, First Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, October 2016, see link above

¹⁵⁴ EC, Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration, December 2016, see link above

¹⁵⁵ For more information on this project see the Action Fiche : https://ec.europa.eu/europeaid/sites/devco/files/regional-operational-centre_en.pdf

¹⁵⁶ factsheet_work_under_partnership_framework_with_ethiopia.pdf

7. CONCLUSION & RECOMMENDATIONS



Migrants crossing a torrent in flood between Niger and Libya
Credit: Giacomo Zandonini

The establishment of the EUTF took place in the context of a global debate over the role and nature of the EU's development aid. Recent major EU policies, the 2016 *New Partnership Framework on Migration*, the 2016 *Global Strategy for the EU's Foreign and Security Policy*, and the 2017 *European Consensus on development*, have indeed called for more flexible European development policies, better aligned with EU's strategic priorities, that can be used as a leverage for cooperation on a broader political agenda. The EUTF seems to fulfil these expectations by allowing projects funded with ODA to benefit from simplified, faster procedures than standard EDF projects, to reflect political concerns in the Member States and to be used as leverage for increased cooperation in the field of migration. As a Member State official confirms: *"the novelty with the EUTF is that it allows to decompartmentalise European instruments in order to fund, with development funding, both development, and stabilisation, governance and security actions"*¹⁵⁷.

¹⁵⁷ interviews

¹⁵⁸ Read the Le Courrier de l'Atlas article: <http://www.lecourrierdelatlas.com/afrique-la-%C2%AB-declaration-de-bamako-%C2%BB-critique-l-approche-securitaire-de-la-politique-migratoire-de-l-europe-9073>

¹⁵⁹ Concord Report, *The impact of EU policies in the world – seeing the big picture*, October 2017, https://concordeurope.org/wp-content/uploads/2017/10/IAPaper_full_09.10_TO-SHARE.pdf?1fdb40&1fdb40

The analysis reveals concerns about the governance of the EUTF. According to interlocutors, projects are likely to be designed in Member States and in Brussels, reflecting EU Member State national priorities. The selection process is opaque and subjected to pressure from Member States that push for the selection of their projects, so that EUTF money is coming back to the Member States and their implementation agencies. Furthermore, at least in their initial phase, many of the projects could be disconnected from the field's needs and lack a holistic view. Local actors are barely consulted and only once decisions have been taken. The result is that African CSOs are contesting the securitisation and externalisation of the EU migration policy and criticise the negative effects on the free movement of persons at international and Africa level¹⁵⁸.

At the policy level, no impact assessment has been done, whether prior to the migration partnership policy announcement or post-announcement¹⁵⁹. This is despite an

European Commission External Evaluation of the 11th EDF that states *“this is a major drawback from the value-for-money and/or results-oriented approach now commonly applied to EU and especially EDF operations”*.

As the Ethiopia case-study highlights, the EUTF can contribute with quick responses to bring positive changes in one of the world’s most neglected regions by dealing with the development dimensions of migration and reinforcing protection policies. Yet, besides allowing to adopt projects faster, the benefits of resorting to the EUTF seem limited especially as the EDF funding in Ethiopia addressed the same category of beneficiaries and already relied on fast-track procedures for contracting¹⁶⁰.

As the Libya and Niger case-studies show, EU migration policy, of which the EUTF is an integral part, can also bring serious adverse effects in terms of development, human rights and migration. Responding to a political priority in Europe and focusing on enforcement measures, projects risk fuelling poor governance, encouraging riskier smuggling and trafficking activities, facilitating the detention industry and violation of human rights, limiting the positive economic impact of regular migration and preventing refugees from obtaining the protection they need.

EU migration policy, including the EUTF appears as *“a political tool that sends a political signal to the European constituency (we are doing something about (im)migration)”*¹⁶¹. Interviews by CONCORD members with national agencies for development also suggest a trend to increase the focus of the EUTF on the fourth (fighting against human trafficking and migrant smuggling) and fifth (strengthening cooperation to facilitate return and reintegration of irregular migrants) pillars of the Valletta Action Plan. As one interlocutor puts it: *“For the last six to eight months, we can observe a shift towards migratory flow management. At the beginning the EUTF dealt with all aspects of migration but now there is a change in the EUTF strategy”*¹⁶².

Another said: *“what is striking is the word ‘emergency’, because it’s a contradiction in terms. The real emergency for Niger is development, and this cannot be achieved in a fast way, it’s a question of long processes. Something we are working on since almost 60 years”*¹⁶³. Addressing the drivers of forced migration requires a long term, coherent and sustainable approach¹⁶⁴. As the external evaluation of the 11th EDF illustrates, projects funded through the EUTF may not only be less efficient but also less effective and costlier than the standard EDF projects¹⁶⁵.

Based on this analysis, the EUTF as well as overall EU’s migration policies should be reviewed in line with the following recommendations.

- **Mainstream human rights into all actions**
- **Prevent diversion of ODA from its main objective of poverty eradication**
- **Realise development effectiveness principles and increasing community resilience**
- **End conditionality on aid for EU migration control objectives**
- **Redefine the EU’s current approach to the migration-development-nexus according to policy coherence for development**
- **Reform the governance of the EU Trust Fund**
- **Draw on lessons learnt ahead of the EU’s next Multiannual Financial Framework**
- **Provide regular routes for migrants and refugees**

(Please see pages 34 - 35 to read the full recommendations.)

¹⁶⁰ EC, External Evaluation of the 11th European Development Fund (EDF) 2014 – mid 2017, Final report, June 2017, see link above

¹⁶¹ Ibid

¹⁶² Interview by CONCORD member with a national development agency (HQ)

¹⁶³ interview with national development agency staff in Niamey

¹⁶⁴ See for instance: United Nations General Assembly (UNGA), Human Rights Council, Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility, June 2017, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/25

¹⁶⁵ EC, External Evaluation of the 11th European Development Fund (EDF) 2014 – mid 2017, Final report, June 2017, see link above

RECOMMENDATIONS

1 MAINSTREAM HUMAN RIGHTS INTO ALL EU ACTIONS:

EUTF projects must integrate human rights at the core of their programming and contribute to the realisation of human rights in the countries concerned. The EU, including Member States, should engage with third countries' security systems only in order to increase their ability to provide individuals with more effective and accountability security in a manner consistent with the fulfilment of human rights and international law, thereby increasing human security. Moreover, any engagement must be conflict-sensitive and do no harm, and should generally not happen through development funding.

In line with this recommendation, the EUTF must stop any support to the Libyan coast guard which could further foster well-documented practices of human rights violation.

2 PREVENT DIVERSION OF ODA FROM ITS MAIN OBJECTIVE OF POVERTY ERADICATION:

the EU institutions and Member States must make sure that EUTF funding coming from development budget lines is not used for migration control and enforcement measures and, consequently instrumentalised to meet the EU's own security and migration objectives. Instead EU development funding should respect the Lisbon Treaty, which clearly states that EU development cooperation must have the reduction and, in the long term, the eradication of poverty, as its main objective. In line with EU's SDG commitments, the EUTF must also seek to 'leave no one behind' and reduce inequality, regardless of sex, race and ethnicity.

3 REALIZE DEVELOPMENT EFFECTIVENESS PRINCIPLES AND INCREASE COMMUNITY RESILIENCE:

the EU, including Member States, must be consistent with the principles of development effectiveness and fully support partner countries in achieving their own development priorities according to the 2030 Agenda commitments. This also applies to the EU Trust Fund: it can only be effective if it provides local CSOs and NGOs with the opportunity to participate in a meaningful way in the design and the implementation of EUTF projects, which may ensure that projects respond to local needs and that human rights, including migrants', are respected. Considering the contexts of forced migration and fragile states, the EUTF also has a role in bridging humanitarian aid and development to increase community resilience. In such cases where national priorities do not exist or are incoherent due to democratic deficiencies, full consultation with local authorities and civil society as well as comprehensive assessments of local needs must be a prerequisite. Flexibility for operations is needed to serve the population, but not to cater for changing political priorities in Europe.

4 STOP CONDITIONALITY ON AID FOR EU MIGRATION CONTROL OBJECTIVES:

the EU and the Member States must refrain from applying conditionality on development aid for partner countries, against their compliance with returns and readmissions, migration management and border control. Neither positive nor negative incentives should be used for the purpose of migration control.

5 REDEFINE THE EU'S CURRENT APPROACH TO THE MIGRATION-DEVELOPMENT-NEXUS ACCORDING TO POLICY COHERENCE FOR SUSTAINABLE DEVELOPMENT:

the EU has committed to Policy Coherence for Development in the Lisbon Treaty. However, over the last two years, we have witnessed a 'PCD in reverse' whereby development cooperation is increasingly securitised to serve an internal EU migration control agenda. The PCD principle should be re-established removing the conditionality on managing migration and by refraining from using development funds to achieve the EU's internal political goals of migration control. Despite the prevalent negative rhetoric, migration offers many opportunities for development. The 2030 Agenda provides a welcomed opportunity to counteract the current narrow, short-term security framing of migration and to focus instead on a cross-cutting approach, highlighting the people-focused aspects of the 2030 Agenda, respecting and protecting migrants' and refugees' human rights and taking their development potential into consideration. The EU's Partnership Frameworks with third countries and the EUTF must be revised to reflect this and should maximise the development potential of migration through the strengthening of intra-African migration, cross-continental migration and regional economic development.

6 REFORM THE GOVERNANCE OF THE EUTF:

to improve transparency, clear criteria must be set for the selection of projects allowing to understand which funds are spent on what and for which results. Clear monitoring mechanisms must be further elaborated, ensuring that the projects contribute effectively and efficiently to the stated objectives. Also, CSOs must be consulted in EUTF programming and implementation, not just at local, but also at regional and national levels. To further improving transparency, we recommend that the European Parliament is given a voice in the strategic decision making of the EUTF.

7 DRAW ON LESSONS LEARNT AHEAD OF THE EU'S NEXT MULTIANNUAL FINANCIAL FRAMEWORK (MFF):

the EU institutions and member states must learn from what worked and what did not in the EUTF before agreeing on the next Multiannual Financial Framework. There are issues with the call for increased flexibility of funds, faster disbursement of finance and the merging of ODA and other finances, which must be thoroughly evaluated and rectified, including in the next MFF.

8 PROVIDE REGULAR ROUTES FOR MIGRANTS AND REFUGEES:

under the Valletta Action Plan, the EU, including Member States, made a clear commitment to offering safe and regular pathways for refugees that seek protection. The European Council must also adopt a more ambitious resettlement framework based on humanitarian grounds, and expand the opportunities for family reunification and humanitarian visas. Moreover, the EU should provide more options for regular migration of both high and low-skilled workers. These aspects should also be a clear part of the EU position when negotiating the UN Global Compact on Migration and Refugees, as well as the Migration Partnership Framework.

ABBREVIATIONS

AECID	Spanish Agency for International Development Cooperation
AFD	French Development Agency
AJUSEN	Support Project for Justice and Security in Niger
AVR	Assisted Voluntary Return
BMM	Better Migration Management
BMZ	German Federal Ministry for Economic cooperation and Development
CAMM	Common Agenda on Migration and Mobility
CNN	Cable News Network
CRRF	Comprehensive Refugee Response Framework
CSDP	Common Security and Defence Policy
CSO	Civil society organizations
DCI	Development Cooperation Instrument
DCIM	Libyan Department for Combating Irregular Migration
DG ECHO	Directorate-General Humanitarian Aid and Civil Protection
DG HOME	Directorate-General Migration and Home Affairs
DTM	Displacement Tracking Matrix
EC	European Commission
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEAS	European External Action Service
ENI	European Neighbourhood Instrument
EUBAM	EU Border Assistance Mission in Libya
EUCAP	Capacity-building mission run by EEAS
EUD	European Union Delegations
EULPC	EU Liaison and Planning Cell
EUTF	European Union Emergency Trust Fund
FIIAPP	Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas
FSDRRK	Facility on Sustainable and Dignified Return & Reintegration in support of Khartoum Process
GAR-SI SAHEL	Groupes d'Action Rapides – Surveillance et Intervention au Sahel
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German development agency)
GNA	Government National Accord

HRVP	High Representative of the Union for Foreign Affairs and Security Policy
IcSP	Instrument contributing to Stability and Peace
IGAD	Strengthening of the ability of Intergovernmental Authority on Development
IOM	International Organization for Migration
LNA	Libyan National Army
LRRD	Linkages between relief, rehabilitation and development
MEP	Member of Parliament
MFA	Ministry of Foreign Affairs and International Cooperation
MFF	Multi-Annual Financial Framework
MI	Ministry of Interior
MRRM	Response mechanism and resources for migrants
NAO	National Authorising Officer
NFO	Naval Flight Officer
NGOs	Non-Governmental Organization
ODA	Official Development Assistance
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAIERA	Plan d'Actions à Impact Economique Rapide à Agadez
PCD	Policy Coherence for Development
RDPP	Regional Development and Protection Programme
RESET	Resilience Building in Ethiopia
ROCK	Regional Operational Centre in Khartoum
ROTAB	Réseau des Organisations pour la Transparence et l'Analyse Budgétaire
SINCE	Stemming Irregular Migration in Northern and Central Ethiopia
SURENI	Sustainable Return from Niger
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNSMIL	UN Support Mission in Libya
WAPIS	West Africa Police Information System

CONCORD PERIODIC PUBLICATIONS

AIDWATCH

Since 2005, Aidwatch has monitored and made recommendations on the quality and quantity of aid provided by EU member states and the European Commission. With these publications, we want to hold EU leaders accountable for their commitments to dedicate 0.7% of their Gross National Income to development assistance and to use this aid in a genuine and effective way. www.concordeurope.org/aidwatch-reports

EU DELEGATIONS

The EU Delegations reports look at political and policy dialogue and programming processes, including the CSO roadmap process. The objectives of these publications are to contribute on improving the working relationship between the EU delegations and CSOs, gather examples of good practice and lessons learned, and make recommendations to the EU, member states and CSOs. www.concordeurope.org/eu-relationships-publications

SPOTLIGHT AND SUSTAINABLE DEVELOPMENT REPORTS

Every two years since 2009, the Spotlight reports look into the policy coherence of the EU institutions and their impact on the vulnerable communities in countries outside Europe. These reports aim to raise awareness among EU political leaders and citizens on the need to change some domestic and external EU policies to ensure a fairer and more sustainable world. After the 2015 adoption of the 2030 Agenda for Sustainable Development, CONCORD integrated its work on policy coherence for development with the work on this 2030 Agenda, which resulted in the release of the 2016 report 'Sustainable Development - The stakes could not be higher'. www.concordeurope.org/what-we-do/sustainable-development

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