

**What European Member
States and Commission
must remember**

**while committing new
funds to the EU Trust
Fund for Africa**

EU Member States are preparing to meet at the 28-29 June European Council, and proposals to further externalize refugees' protection and migration management to countries of origin and transit are already being flagged in quick succession. Meanwhile, an effort to replenish the EU Emergency Trust Fund for Africa (EUTF) is underway. Disparate hypothesis are emerging in the present political context that can open its possible use to supporting the creation of hotspots, or "disembarkation platforms"¹, in countries of origin and transit to strengthen the external borders of a "Fortress Europe".

This policy brief prepared by Concord Europe, reaffirms several features which the European Commission and contributing EU MSs must put at the centre of the EUTF's strategic orientations. The commission should preserve the EUTF's nature of human-rights based development, ensuring that it can foster migration movements which are positive and beneficial for countries of origin, transit, and destination.

In particular, the following key directions are put forward:

- EUTF projects and programs must promote and protect human rights, and a strong scrutiny system must be put in place to monitor their human rights impacts. EUTF should never support the interception of refugees and migrants by outsourcing it to transit countries' border authorities, thus diverting ODA to circumvent EU's obligations to offer asylum
- EUTF interventions should not restrict regional intra-African mobility; on the contrary, funds should be directed towards creating an enabling environment for regional mobility and development.
- Regular pathways to Europe are a precondition to ensure that international migration may benefit African development. The EUTF has an important role to play in positively shaping the way in which this migration can occur with more resettlement commitments and visas for economic migrants.
- EUTF returns projects lack local ownership and voluntary returns should not be financed with ODA.
- The governance structure of the EUTF needs urgent modification to formally include a co-management requirement for African partners.
- Impact assessments of EUTF programs should be urgently made available, especially to inform discussions on the proposed external action instrument within the next MFF.
- Coherently, the second financing tool available under the Migration Package to support the external dimension of EU migration policies, i.e. the EIP, should prioritize development impacts over financial returns.

INTRODUCTION

In December 2017 the European Commission (EC) presented a Comprehensive Migration Package to the EU leaders - including both the internal and the external dimension of European migration policies - together with a Roadmap leading to its overall implementation by June 2018. The two dimensions of the Package are presented as mutually supporting each other, leading towards the common aim of creating a “stable future-proof asylum framework, part of a fully integrated EU migration policy”.

Internally, the package aims at reaching a political agreement at the June 2018 European Council on the overall reform of the Common European Asylum System. On the external front, it intends to deliver on different workstreams, guided by the approach of the New Partnership Framework which foresees incentives integrated into the EU’s development policies to reward third countries cooperating on migration management. Prominent among these workstreams is the implementation of interventions under the EU Emergency Trust Fund for Africa (EUTF).

The March 2018 EC’s Progress Report⁴ on the implementation of the European Agenda on Migration provides an overview of progress made in line with the mentioned Roadmap, highlighting the urgency to fully fund EUTF interventions: “additional resources mainly from the Member States’ (MS) budgets but also from the EU budget, will be required”, in order to close an estimated funding gap of EUR 225 million for the North Africa window⁵. The following Progress Report of May 2018⁶ estimates the funding gap for the three windows (North Africa, Sahel and Lake Chad, and the Horn of Africa window) combined at around EUR 1,2 billion.

Concord believes that the EC and contributing EU MSs, while pledging contributions to this funding instrument, must use this key opportunity to affirm EUTF directions towards a human rights-based development.

Adequately orienting the EUTF is all the more important in light of the fact that the Multiannual Financial Framework (MFF) process for 2021-27 has been set in motion early May by a Commission’s Communication⁷, which identifies migration as a key priority for external action for the upcoming financing period. Concord deems it necessary for the Commission to put forward an accurate and balanced plan with transparent, development-oriented guidelines and criteria on migration and displacement-related spending under the different geographical and thematic programmes, and that experience from the EUTF implementation is crucial to shape this plan and guidelines.

In May 2017 the project “Support to Integrated border and migration management in Libya” was adopted. With a cost of EUR 46 million, the project supports Libyan Coast guards with training and equipment for maritime surveillance and for the establishment of a Libyan Search and Rescue region; and Libyan border authorities for southern border surveillance⁸.

The risks of this project to negatively impact on Libyan stability and to seriously endanger human rights of migrants at sea were signaled by the project fiche itself, and were later voiced by the European Parliament and by civil society⁹.

Despite this, not only the project was contracted in December 2017, but the ‘Visegrad Four’ group committed to support its second phase (worth EUR 38 million)¹⁰. The Commission failed to clarify to the Parliament if and how the human rights impact of this project will be assessed¹¹.

CONCORD’S PERSPECTIVE ON THE KEY DIRECTIONS WHICH SHOULD GUIDE THE EUTF

Refocus on human rights as the cornerstone of democracy and development

Respect, guarantee and protection of human rights must be a fundamental part of the support to democratic state building the EUTF intends to pursue, as it strengthens the rule of law and benefits both states, individuals and vulnerable communities.

While a human rights-based approach is occasionally part of the wording of EUTF objectives, the EUTF Annual Report 2017 and description of newly approved projects do not provide a precise idea of if and how, this commitment is reflected in practice: mechanisms and processes to guarantee and implement a human rights approach are needed, starting with human rights-related indicators which are to become part of the list of the 19 macro indicators identified for EUTF monitoring.

In addition, specific EUTF projects carry enormous risks in terms of paving the way for human rights violations: in the policy mix of the EUTF - among which border security, migration and development objectives are linked - human rights need to become repositioned as cornerstone for the rule of law and human development. implementation mechanisms which will follow the adoption of the two drafts.

More, not less regional mobility is needed

Analyses suggests that regional migration and labor mobility frameworks often foster development in Africa¹²; however, the policy context is critical¹³. The Global Approach to Migration and Mobility¹⁴ was used to orient EU action towards the maximisation of the

development impact of migration. This approach needs to be regained in the EUTF, where on the contrary tighter border control risks to reduce regional mobility and its benefits for local development in the Sahel, increasing human insecurity and regional instabilities.

There is a need for the EUTF to enhance initiatives promoting regional intra-African mobility, as well as regular pathways towards Europe; on economic conditions and the labor markets; educational systems; social services; the management of diversity; and women's rights.

Ownership and the "returns imperative"

Even though the EUTF should be covering five priority areas¹⁵, its implementation shows a trend to focus on the two areas reflecting EU's (and not African) priorities: fighting human trafficking and smuggling; cooperation on returns of irregular migrants. The further increased investments on returns, with the adoption of new EUTF dedicated programs worth 150 million¹⁶ Euro in February 2018, seem to have originated from EU's need to manage the humanitarian impact within Africa of the hastily reduced departures of migrants from Libya. Some African diplomats stress that the insistence on conditionalities related to return and readmission is unacceptable and undermines EU-African relations on migration¹⁷. It must be added also that returns from Libya operated through the EUTF may hardly be considered voluntary when the only alternative is detention in abysmal conditions in Libya¹⁸.

The need for a clarified Theory of Change

The EUTF stated goal is to "address the root causes of destabilization, forced displacement and irregular migration", which is pursued by using – predominantly – Official Development Assistance (ODA). The underlying assumption is that "more development leads to less migration", which is however only loosely linked to an evidence base: research shows that the development/migration nexus is complex, and the opposite often occurs, particularly if the benefits of economic development are unequally shared¹⁹. Similarly, security objectives are introduced into the migration/development nexus in numerous EUTF projects, but interactions and consequences between these dimensions are scarcely analyzed.

More evidence is needed to clarify the theory of change underlying this policy mix, and to identify the synergies, complementarities and trade-offs among these policy areas, in order to use the right policy for the right aim. The Annual Report 2017 gives the impression that there are several concurrent theories of change active within the EUTF, but it lacks to clarify how they interact and what are the consequences. This problem of coherence is evident also by the fact that EU MS increased their contribution to the EUTF in 2017 by 148% compared to 2016, pushing for the prioritization of specific issues according to their different political agendas²⁰. Overall, the objective of the EUTF still appears to be subject to stakeholders' interpretations and an internal coherence is lacking.

The need for reconnecting policy to evidence

EUTF programming needs to find a much stronger link with evidence of its impact: an ex ante impact assessment has neither been carried out for the New Partnership Framework²¹ nor before the launch of the EUTF itself, which may have revealed possible inaccurate assumptions²². After over two years of functioning of the EUTF, its learning systems need to move beyond monitoring, towards impact evaluations of programs, including an analysis of their development and human rights impact. As of today, Concord is not aware of an interim or ex- post impact assessment of the projects individually or as a bulk, if they produce the desired development-relevant impact. This would be in fact a much-needed element, in consideration that the MFF is proposing to scale up flexible, emergency funding tools having similarities to the EUTF.

The necessary dialogue between the EUTF and the External Investment Plan (EIP)

In the frame of the Commission's Migration Package, two financing instruments support the external dimension of EU migration policies, i.e. the EUTF and the EIP. The Commission's Progress reports mention that the EIP has raised strong interest from financial institutions, and the monetary value of the proposals received already exceeds the overall capacity of the Guarantee Fund, implying that an increase of funding under the EIP will have to be considered. This being considered, nothing is said about the quality of those projects, nor about their expected development impact – which disqualifies this as a valid argument to increase the amounts channeled to subsidise the private sector.

Blending mechanisms using ODA such as the EIP indeed need to demonstrate not only financial additionality, but a robust and evidence based link to development results²³. Civil society organisations have been consistently raising concerns²⁴ about the effective safeguards available in the EIP to ensure the minimization of risks for people and the environment and the maximization of the positive impact on people's rights; to promote women's rights and economic opportunities rather than exacerbate inequalities; and to strengthen rather than undermine the public sector²⁵. They recommended not to expand the External Investment Plan in the next MFF before its positive impact for people living in poverty has been demonstrated²⁶.

RECOMMENDATIONS

- The EU must always ensure that its EUTF projects and programs promote and protect human rights. **Strong systems must be put in place to monitor their human rights impacts**; an accountability system with specific indicators must be foreseen to prevent and deal with breaches of international law.
- EUTF interventions which impact negatively on human rights – like the one supporting the Libyan Coast Guards – should be immediately identified and closed. The EUTF should **never support the interception of refugees and migrants by outsourcing** it to transit countries' border authorities, thus diverting ODA to circumvent EU's obligations to offer asylum.
- EUTF interventions should not restrict **regional intra-African mobility**, and more funds should be redirected towards creating the enabling environment for regional mobility and development, such as support to the coordination of regional labor markets in Africa; support to place-based, territorial economic poles that have the capacity to attract regional mobility in sustainable ways; support to bilateral and regional agreements in Africa on regular regional migration, guarantee migrants' rights and the portability of social benefits. The EUTF should promote the inclusion of migration in development plans and its mainstreaming across sectors.
- **Regular pathways to Europe** are a precondition to ensure that international migration may benefit African development. The Commission's Roadmap for implementing 50.000 resettlements by May 2019 and plans to pilot projects for coordinating legal economic migration offers, appears insufficient to deter irregular migration. They should be coupled with substantially increased numbers of visas for economic migrants offered by EU MS. EUTF has an important role to play in positively shaping the way in which this migration can occur, using the tools of labor market analysis and piloting labor mobility channels across skills levels.
- **The governance structure** of the EUTF needs to be urgently modified, to formally include a co-management requirement for African partners **in line with European Development Fund governance**, in order to ensure that EUTF priorities respond to African partners' needs. Operational mechanisms, processes and practices need to include a more transparent and consultative project design to ensure stronger democratic ownership, engagement with local actors and focus on locally identified needs.
- African governments are refraining from collaborating on returns and readmissions because Europe does not offer regular and safe pathways to migration, nurturing the discontent of African population. As a result, EUTF returns projects lack local ownership. Furthermore, voluntary returns should not be financed with ODA²⁷.
- EUTF **theory of change** and related assumptions, their **evidence base** and, consequently, the rationale for project decisions should be clarified. Ex ante, interim and ex post impact assessments of programs, including an analysis of their

development and human rights impact, should be urgently be made available, also in order to inform discussions on the proposed external action instrument within the next MFF.

- The second financing tool available under the Migration Package to support the external dimension of EU migration policies, i.e. the **EIP**, should prioritize development impacts over financial returns, supporting equitable business models structured to serve local workers and entrepreneurs; health and education should be excluded from its scope, because of the risk to encourage privatization of essential public services²⁸.

NOTES

¹ See recent news in <https://www.euractiv.com/section/justice-home-affairs/news/disembarkation-platforms-outside-eu-considered-to-end-migrant-row/>

² European Commission, "Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy", (COM(2017) 820 final), 7th December, 2017, <https://bit.ly/2l8fflk>

³ European Commission, "Establishing a new Partnership Framework with third countries under the European Agenda on Migration" (COM(2016) 385 final), 2016, <https://bit.ly/2kcPDuy>.

⁴ European Commission, "Progress report on the Implementation of the European Agenda on Migration", (COM(2018) 250 final), 14th March, 2018, <https://bit.ly/2G7vkB3>

⁵ "The current pipeline of projects [for the North Africa window] 2018 and where successful existing projects can be expected to be extended into 2019 is EUR 390 million." European Commission, 2018, *ibid*.

⁶ European Commission, "Progress report on the Implementation of the European Agenda on Migration", (COM(2018) 301 final), 16th May, 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_progress-report-european-agenda-migration_en.pdf

⁷ European Commission, "A Modern Budget for a Union that Protects, Empowers and Defends. The Multiannual Financial Framework for 2021-2027, {SWD(2018)171final}, 2018, <https://bit.ly/2KvBZgV>

⁸ EU Emergency Trust Fund for Africa, "Support to Integrated border and migration management in Libya -First phase - Action fiche", 2017, <https://bit.ly/2G0Cxrz>

⁹ European Parliament, Question for written answer (E-005531-17), 2017, <https://bit.ly/2KLX2Mh>; "The truth must be shouted from the rooftops", 2018, <https://bit.ly/2rA1oNt>; CONCORD and CINI, "Partnership or conditionality? Monitoring the Migration Compacts and EU Trust Fund for Africa", 2017, <https://bit.ly/2jR-dEWL>.

¹⁰ EU Observer, Migration looms over summit, as Africa pledges fall short, 13 December, 2017, <https://bit.ly/2jNysyo>.

¹¹ European Parliament, Joint answer given by Mr Hahn on behalf of the Commission. Written questions: E-005531/17 , P-005567/17. November 7th, 2017, <https://bit.ly/2rw6iMA>.

¹² Changwe Nshimbi, C. Regional governance regimes to foster labor mobility and development. GREAT Insights Magazine, n.7(1), <https://bit.ly/2G23LOD>

¹³ OECD, Interrelations between public policies, migration and development, 2017, <https://bit.ly/2KSee09>

¹⁴ European Commission, The Global Approach to Migration and Mobility, 2011, <https://bit.ly/2kgYtYA>

¹⁵ European Council, Valletta summit on migration, 11-12 November 2015, action plan, <https://bit.ly/2ry01Ny>

¹⁶ The programs are focused overwhelmingly on evacuations and voluntary returns from Libya, plus reintegration assistance, while also supporting resettlements from Niger, Chad, Cameroun and Burkina Faso. Some resources are allocated to assistance to vulnerable migrants in the Sahel, and to the reintegration of Ethiopian returnees. European Commission, "Delivering on commitments: new programs to protect migrants and support return and reintegration in Africa worth €150 million adopted", 26 February 2018, <https://bit.ly/2BRjJMP>

¹⁷ DIE, "The European Union Trust Fund for Africa: What Implications for Future EU Development Policy?", n. 5/2017, <https://bit.ly/2rCQ8jH>; Euractive, "EU-Africa summit conclusions blocked over forced return of migrants", December 7th, 2017, <https://bit.ly/2k6ekr0>

¹⁸ See the Un Security Council Report of the Secretary-General on the United Nations Support Mission in Libya, S/2018/140, 12 February 2018

¹⁹ Hein de Haas, "Migration Transitions: A Theoretical and Empirical Inquiry into the Developmental Drivers of International Migration", Oxford, 2010, www.imi.ox.ac.uk/publications/wp-24-10

²⁰ CONCORD and CINI, 2017

²¹ CONCORD Report on The Impact of EU Policies in the World. Seeing the bigger picture. <https://concordeurope.org/2017/10/12/impact-eu-policies-world/>

²² CONCORD and CINI, 2017

²³ See, for instance, the Principles on Blended Finance adopted by OECD DAC in October 2017. See also 2018 UN SG Report on Trends and progress in international development cooperation, which inter alia notes that "... several sets of principle s have been agreed on blended finance, such as the principles for blended finance of the Development Assistance Committee of OECD and the Group of 20 principles for multilateral development banks on crowding in private sector finance"

²⁴ See the report on "True or False: The European External Investment Plan" in <http://www.eurodad.org/EEIP-true-false>

²⁵ Oxfam, "European External Investment Plan: Key issues to watch during implementation", 2017, <https://bit.ly/2IAH35s>.

²⁶ <http://www.eurodad.org/ODA-recommendations-ahead-of-MFF>

²⁷ See the recommendation of CSOs on new DAC reporting rules in <http://www.oecd.org/dac/CSO%20inputs%20on%20clarification%20of%20rules%20on%20ODA%20to%20in-donor%20refugee%20costs.pdf>

²⁸ See the report of Concord Europe on the Private Sector in <https://concordeurope.org/wp-content/uploads/2017/10/Private-sector-2017-online-final.pdf?1fdb40&1fdb40>

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