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Research Report

From exception to rule: The EU Trust Fund for Africa

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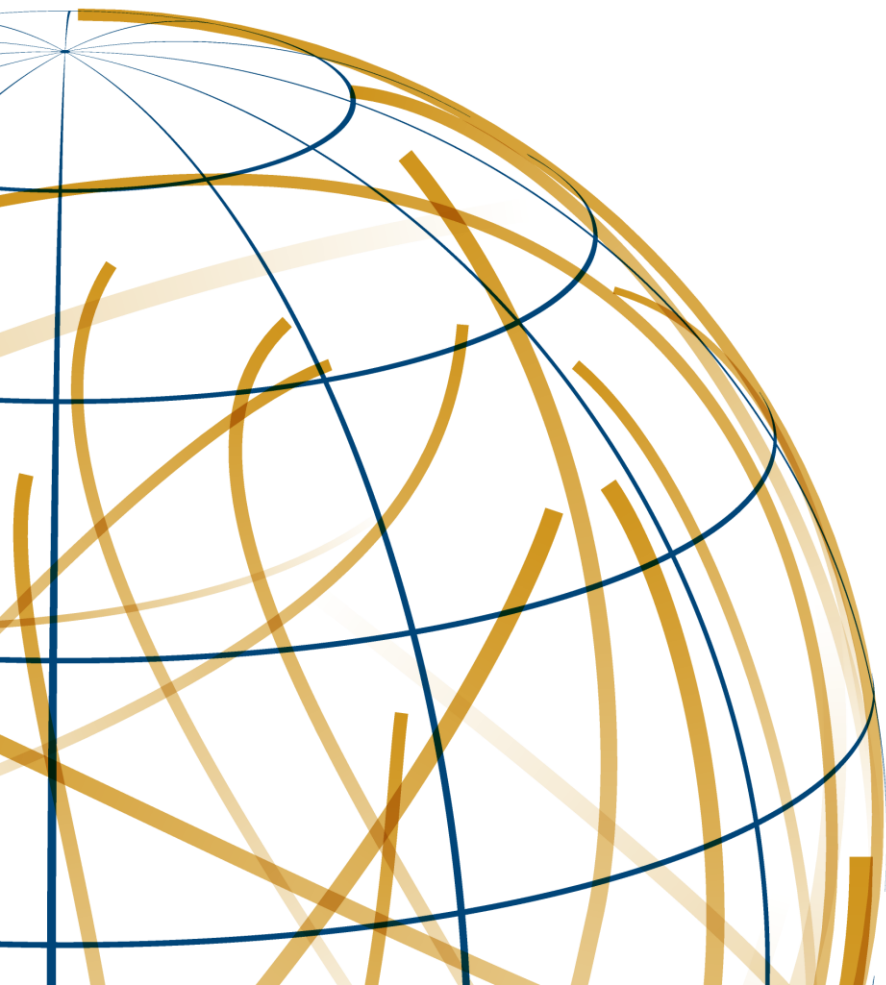
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SWP Research Paper

David Kipp

From Exception to Rule — the EU Trust Fund for Africa



Stiftung Wissenschaft und Politik
German Institute for
International and Security Affairs

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Improving cooperation with countries of origin, transit and destination is central to the new European Agenda on Migration, launched by the European Commission in response to the “refugee crisis” of 2015. The new EU Trust Fund (EUTF) for Africa finances projects in twenty-six African countries. Although initially conceived as a temporary emergency response, it has the potential to become a regular component of the EU’s external migration policy, and can serve as a model for the systematic integration of the EU’s migration interests into its external policy.

However ideas diverge concerning the Fund’s priorities. Internally, there is political pressure for the EU to concentrate on cooperation with transit countries in order to further reduce irregular migration to Europe. But narrowing the Fund’s remit in that manner would be incompatible with the objectives of the Global Compacts on Migration and Refugees, which the United Nations adopted in December 2018.

The German government should advocate for a comprehensive approach encompassing long-term support for countries of origin and destination. In order to improve the coherence of the EU’s external migration policy, the vague goals of the EUTF need to be concretised and broken down into realistic sub-goals. Migration policy can only have sustainable effects if measures are embedded in a broader development agenda and take adequate consideration of the interests of African partner countries.

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Table of Contents

5	Issues and Recommendations
7	The Fundamentals of the EU's External Migration Policy
7	Incomplete Harmonisation of EU Migration Policy
8	Externalising Migration Policy as Political Expedient
9	Differing Interests of the Member States
9	EU Funding and Its Political Implications
10	New Momentum from the EU Trust Fund for Africa
12	Taking Stock of the EU Trust Fund for Africa
12	Governance Structures
14	New Negotiating Processes between EU and Member States
15	Closer Coordination between EU Institutions
17	Differing Priorities in Implementation
19	The EU Migration Partnerships with Ethiopia and Niger
22	Goals of a Coherent External Migration Policy
22	Effectiveness
23	Legitimacy
24	Sustainability
25	Outlook and Recommendations
27	Abbreviations

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From Exception to Rule – the EU Trust Fund for Africa

The increase in refugee and migration movements into the European Union since 2015 has revealed deficits in the common migration and asylum policy. But political responses have been ambivalent. Little has been achieved in relation to internal cooperation between member states, especially with regard to sharing the responsibility for a functioning Common European Asylum System. The external dimension, on the other hand, has witnessed dynamic developments in the scope of the European Agenda on Migration adopted in 2015.

One important part of the Agenda relates to the EU's cooperation with countries of origin, transit and destination, which has not to date been terribly successful. To improve matters, the November 2015 Valletta summit of African and European leaders created a new instrument, the European Union Emergency Trust Fund (EUTF) for Africa. It currently provides €4 billion for cooperation with twenty-six African countries over a period of five years; €3.2 billion had already been committed to projects by August 2018. Under the Valletta Action Plan the funds serve to stabilise the partner countries and ameliorate the structural causes of irregular migration and forced displacement. Migration partnerships with five African countries were agreed in June 2016, with these countries first in line to benefit from the EUTF as an incentive for cooperation. For the first time in this context, the initiative also includes sanctions, such as suspending projects, in order to encourage partner countries to cooperate, for example in readmitting rejected asylum seekers.

From the perspective of the European Commission the Trust Fund offers a good model for future dealings with highly differentiated refugee and migration challenges in the African countries of origin, transit and destination. The Trust Fund structure permits the Commission to respond rapidly and flexibly to highly dynamic migration flows. Previously separate EU funding lines for external relations, home affairs, development cooperation humanitarian aid and neighbourhood policy are now brought together in a single instrument for the first time.

An interim stocktaking after the first two and a half years shows that the EUTF has been able to improve both coordination among EU institutions and their collaboration with the member states. The substantive contribution of the Trust Fund is harder to assess, given that diverging priorities have been applied in practice. Most of the funded development projects have been in countries of origin and destination south of the Sahara and in the Horn of Africa, while a second set seek to improve migration management in transit countries like Libya and Niger. The latter also include security-related measures such as equipment and training for the Libyan coastguard.

As the largest contributor Germany possesses a special interest in the functioning of the EUTF. There are, however, different ideas within the German government about where it should be going. Domestic political considerations generate demands to concentrate on clamping down on irregular migration. But narrowing the focus in that way would represent a turn away from the comprehensive approach that is vital from the foreign policy and development perspective. The German government should therefore agree on a cross-ministerial strategy encompassing long-term support for African countries of origin and destination, and the involved ministries should work closely together in shaping the fund.

Similar controversies over the future of the EUTF also characterise the debates at EU level. The negotiations about the next Multi-annual Financial Framework, for example, involve a discussion about which Directorate General should coordinate migration cooperation with third countries and administer the associated funds. It is also unclear how the EU will relate to the United Nations Global Compacts for Migration and Refugees, which lay down markers that will need to be taken into consideration in shaping the EUTF and the EU's future external migration policy. The same also applies to the current negotiations on future cooperation between the EU and Africa and a successor to the Cotonou Agreement.

The Fundamentals of the EU's External Migration Policy

The basic outlines of the European Union's powers on asylum, migration and border policy date back to the 1990s. In its European Agenda on Migration of 2015 the Commission proposed new measures designed to lead to a "coherent and comprehensive approach".¹ But its legal possibilities in this field remain limited and little progress has been seen on the Common European Asylum System (CEAS). In this situation, the Commission is seeking to expand its influence into the sphere of cooperation with third countries. Its success here has been limited to date, because support from the member states has been weak and the EU funding structures lack coherence. The EU Trust Fund for Africa stands for a new approach designed to address these problems.

Incomplete Harmonisation of EU Migration Policy

The Treaty of Amsterdam in 1999 brought most of the pre-existing European cooperation on justice and home affairs into the Community framework. This also included border protection, asylum and migration policy. While the 2009 Treaty of Lisbon again strengthened the EU's position, the common policy still only covers certain areas, while intergovernmental cooperation continues to predominate in many others.² For example, the member states retain full control over immigration numbers; the Union is responsible only for harmonisation, with the power

to issue directives to ensure minimum standards in visa policy and the treatment of third-country citizens.³ The Treaty of Lisbon also empowered the Commission to conclude readmission agreements.⁴

Member states agree to reduce arrivals but are unable to reform the Dublin system.

In the 2015 European Agenda on Migration, the Commission also announced reforms of the Common European Asylum System. The Union has largely assumed responsibility for norm-setting in this area, but implementation remains a matter for the member states. Although the CEAS was completed in 2013 the directives harmonising protections and reception standards for asylum-seekers have not actually been implemented in full.⁵ In 2016 the European Commis-

¹ European Commission, *A European Agenda on Migration*, COM(2015) 240 final (Brussels, 13 May 2015), https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf.

² European Parliament, *Division of Competences between the European Union and its Member States Concerning Immigration*, note (Brussels, 2011), 15, [http://www.europarl.europa.eu/RegData/etudes/note/join/2011/453178/IPOL-LIBE_NT\(2011\)453178_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2011/453178/IPOL-LIBE_NT(2011)453178_EN.pdf) (accessed 10 January 2018).

³ Different directives govern treatment of third-country citizens depending on whether they arrive in the EU for work, for family reunion, to conduct research, or for a long-term stay. Sergio Carrera et al., eds., *Pathways towards Legal Migration into the EU: Reappraising Concepts, Trajectories and Policies* (Brussels: Centre for European Policy Studies [CEPS], 2017).

⁴ In fact the EU concluded bilateral readmission agreements even before the Treaty of Lisbon came into effect. That power is explicitly underlined in article 79 (3) TFEU. Seventeen readmission agreements have been negotiated, primarily with members of the Eastern Partnership. European Parliament, *Division of Competences* (see note 2).

⁵ The CEAS currently comprises five basic elements: the Reception Directive, the Asylum Procedures Directive, the Qualification Directive, the Dublin Regulation and the Eurodac Regulation. The directives define minimum standards for receiving and caring for asylum-seekers, processing asylum applications and granting refugee status. The regulations govern responsibility for asylum processes and identification of asylum-seekers and third-country citizens.

sion presented proposals for rectifying these deficits.⁶ Although numbers of new refugees and migrants have fallen again,⁷ the member states remain unable to agree on a reform of the Dublin system that includes a mechanism for sharing the responsibility for accepting refugees. There is however a consensus that the numbers of refugees and irregular migrants need to be reduced, specifically through targeted cooperation with third countries.

Externalising Migration Policy as Political Expedient

In view of its lack of direct influence the Commission drew up its first political framework for cooperation with third countries: the 2005 Global Approach to Migration.⁸ This was developed into the Global Approach to Migration and Mobility (GAMM) of 2012,⁹ which comprises four sets of objectives regarded as having equal importance: (1) promoting and improving the organisation of legal migration, (2) preventing and reducing irregular migration, including by com-

bating trafficking, (3) promoting internal protection and the external dimension of asylum, and (4) maximising the positive development effects of migration and mobility.

Under GAMM the EU has been seeking bilateral and regional cooperation with third countries since the early 2010s. It concluded mobility partnerships with countries in its neighbourhood,¹⁰ and developed so-called Common Agendas on Migration and Mobility (CAMM) with those further away. Both instruments contain non-binding targets and provide for support from the EU itself and from interested EU member states. CAMMs have been agreed with India, Ethiopia and Nigeria, mobility partnerships with nine countries, including six eastern neighbours and three African states (Cape Verde, Morocco and Tunisia).¹¹ The EU saw mobility partnerships as a possibility to reward partner countries for cooperation in taking back rejected asylum seekers and irregular migrants by granting concessions on visa liberalisation and legal immigration. The instrument is regarded as having been largely unsuccessful, even if possible longer-term impacts remain to be evaluated.¹²

European Agenda on Migration treats migration a problem rather than an opportunity.

In 2015 an increase in the number of deaths of migrants seeking to cross the Mediterranean led the Commission to formulate a new political framework, in the shape of the European Agenda on Migration. Most of its elements were carried over from the GAMM, although the Agenda no longer spoke of a positive connection between migration and development. Implementation of the Agenda on Migration prioritises rapid reductions in irregular migration. This is associated with immigration being increasingly regarded as a problem rather than an opportunity.¹³

⁶ European Commission, *Proposal for a Regulation of the European Parliament and of the Council: Establishing a Common Procedure for International Protection in the Union and Repealing Directive 2013/32/EU*, COM(2016) 467 final (Brussels, 13 July 2016), https://eur-lex.europa.eu/resource.html?uri=cellar:2c404d27-4a96-11e6-9c64-01aa75ed71a1.0001.02/DOC_1&format=PDF (accessed 19 April 2018); European Commission, *Proposal for a Regulation of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection (...)*, COM(2016) 466 final (Brussels, 13 July 2016), <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-466-EN-F1-1.PDF> (accessed 19 April 2018).

⁷ After more than one million refugees and migrants arrived in the EU in 2015, the number fell to just under 400,000 in 2016, and to 200,000 in 2017. Frontex – European Border and Coast Guard Agency, *Risk Analysis for 2018* (Warsaw, February 2018), http://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis_for_2018.pdf (accessed 21 February 2018).

⁸ European Commission, “*Commission Presents Priority Actions for Responding to the Challenges of Migration*”, press release IP/05/1500 (Brussels, 30 November 2005), europa.eu/rapid/press-release_IP-05-1500_en.pdf (accessed 28 March 2018).

⁹ European Commission, *The Global Approach to Migration and Mobility*, COM(2011) 743 final (Brussels, 18 November 2011), https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_from_the_commission_1.pdf (accessed 11 November 2018).

¹⁰ Steffen Angenendt, *Migration, Mobilität und Entwicklung: EU-Mobilitätspartnerschaften als Instrument der Entwicklungszusammenarbeit*, SWP-Studie 25/2012 (Berlin: Stiftung Wissenschaft und Politik, November 2012).

¹¹ Negotiations over mobility partnerships with Egypt, Ghana and Senegal stalled or were abandoned.

¹² Natasja Reslow, “‘Not Everything That Counts Can Be Counted’: Assessing ‘Success’ of EU External Migration Policy”, *International Migration* 55, no. 6 (2017): 156–69.

¹³ European Commission, “*European Agenda on Migration: Commission Calls on All Parties to Sustain Progress and Make Further Efforts*”, press release, 13 June 2017,

Differing Interests of the Member States

Although the Treaty of Lisbon expanded the Commission's powers in the area of asylum and migration, the member states continue to dominate the concrete shape of the external migration policy. But their interests vary strongly, conditioned by factors such as (colonial-era) ties to particular countries and different traditions in development cooperation. While historical factors lead certain northern European countries (Denmark, Ireland, Luxembourg, the Netherlands, Sweden, United Kingdom) to focus particularly on development needs and fighting poverty, other member states (Belgium, France, Greece, Italy, Portugal, Spain) share a more instrumental understanding. Strategic reasons have led the latter group to concentrate more on shared approaches to migration cooperation with third countries – but only in forms that avoid weakening their bilateral cooperation.¹⁴

Spain's bilateral cooperation with Morocco since the 1990s is regarded as an example of fruitful long-term cooperation in this sphere.¹⁵ The attempt to transpose this to the European level has been less successful. The European Commission has been negotiating a readmission agreement with Morocco for fifteen years, with no success to date. A number of member states have insisted that the Commission pursue the highly controversial demand that Morocco take back not only its own citizens but also third-country nationals (something not included in the bilateral readmission agreement with Spain).¹⁶ In a

second departure from the Spanish-Moroccan co-operation, the EU member states also failed to signal any willingness to create new legal migration paths for Moroccan citizens. That stance contradicts the intention of the mobility partnership concluded in 2013 between the EU and Morocco.¹⁷

EU Funding and Its Political Implications

The EU's external migration policy operates between the poles of intergovernmental and supranational.¹⁸ Because the migration-related policy instruments available to it are limited in their reach, the Commission seeks to exert influence principally through funding instruments.¹⁹ The EU's budget for 2014 to 2020 had been finalised before 2015's sharp rise in refugee and migrant arrivals. In the course of the "refugee crisis" it became clear that the funds earmarked for migration, border protection and asylum policy would be nowhere near enough. The initial allocation for migration-related spending was therefore increased from €8.4 to €14.2 billion.²⁰ Total spending in this field is in fact somewhat higher; the Commission argues that exact figures cannot be given because not all migration- and refugee-related EU spending is recorded as such. For example data relating to humanitarian aid is lacking.²¹

http://europa.eu/rapid/press-release_IP-17-1587_en.htm (accessed 28 March 2018).

14 Maurizio Carbone, "The European Union and International Development", in *International Relations and the European Union*, ed. Christopher Hill, Michael Smith and Sophie Vanhoonacker, The New European Union Series, 3rd ed., 292–315 (308f.) (Oxford, 2017).

15 Sergio Carrera et al., *EU-Morocco Cooperation on Readmission, Borders and Protection: A Model to Follow?* CEPS Paper in Liberty and Security in Europe 87 (Brussels: CEPS, January 2016), <https://www.ceps.eu/system/files/EU-Morocco%20Cooperation%20Liberty%20and%20Security%20in%20Europe.pdf> (accessed 30 January 2018); Luca Lixi, *Beyond Transactional Deals: Building Lasting Migration Partnerships in the Mediterranean* (Brussels: Migration Policy Institute Europe, November 2017), <https://www.migrationpolicy.org/research/beyond-transactional-deals-building-lasting-migration-partnerships-mediterranean> (accessed 31 May 2018).

16 Leonhard den Hertog, "Funding the EU – Morocco 'Mobility Partnership': Of Implementation and Competences",

European Journal of Migration and Law 18, no. 3 (2016): 276–301 (accessed 30 May 2018).

17 Natasja Reslow, "EU 'Mobility' Partnerships: An Initial Assessment of Implementation Dynamics", *Politics and Governance* 3, no. 2 (2015): 117–28, <https://cris.maastrichtuniversity.nl/portal/files/883283/guid-32446856-37a1-488d-9b5d-72366c69a1ed-ASSET1.0> (accessed 27 March 2017).

18 Tommaso Emiliani and Annika Linck, "The External Dimension of EU Immigration Policies: Reacting to External Events?" in *The European Union's Evolving External Engagement: Towards New Sectoral Diplomacies?* ed. Chad Damro, Sieglinde Gstöhl and Simon Schunz (London: Routledge, 2018), 126–50.

19 Leonhard den Hertog, *Money Talks: Mapping the Funding for EU External Migration Policy*, CEPS Paper in Liberty and Security in Europe 95 (Brussels: CEPS, November 2016), <https://www.ceps.eu/publications/money-talks-mapping-funding-eu-external-migration-policy>.

20 Zsolt Darvas et al., *EU Funds for Migration, Asylum and Integration Policies* (Brussels: European Parliament, April 2018), [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/603828/IPOL_STU\(2018\)603828_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/603828/IPOL_STU(2018)603828_EN.pdf) (accessed 31 May 2018).

21 *Ibid.*, 14.

Migration-related funds spent without clear shared priorities.

In the past migration-related funds were spent by different Directorates General without any clear shared prioritisation. The strategic thrust of the common migration policy was shaped above all by Directorate General for Migration and Home Affairs (DG HOME), even though most of the funds for migration cooperation with third countries were actually held by the Directorates General for Neighbourhood and Enlargement Negotiations (DG NEAR) and for International Cooperation and Development (DG DEVCO).²² This created a strongly fragmented funding landscape in the area of external migration policy. The European Court of Auditors has in the past sharply criticised such fragmentation. With respect to the EU's Neighbourhood Policy, it noted that the different migration-related funding instruments failed to pursue a common strategy.²³ The explanation for this incoherence is that funds are distributed in a complex negotiating process involving EU institutions, member states, international organisations and implementing organisations, where it is often impossible to resolve conflicting goals.

New Momentum from the EU Trust Fund for Africa

The growth in numbers of arriving refugees and irregular migrants has greatly increased the pressure on the Commission to address the problems affecting cooperation with migration-relevant third countries. New and rapidly applicable instruments for funding refugee- and migration-related support for partner countries are seen as key. These include above all the European Emergency Trust Fund (EUTF) for Africa created at the end of 2015, which has become a central component of the EU's migration cooperation

with African countries. Today the EUTF for Africa is one of four EU trust funds established for emergency external action since the possibility was created in the 2013 Financial Regulation.²⁴ Originally the EUTF was conceived only as an instrument for humanitarian support for countries in the Sahel and Lake Chad region. But after demand arose — in connection with the European Agenda on Migration — to boost dialogue with as many migration-relevant countries as possible, the instrument was incrementally expanded to include a total of twenty-six African countries at the latest count.

The objectives of the EUTF are defined in the Valletta Action Plan, adopted at a summit of European and African heads of state and government in Malta in November 2015.²⁵ DG DEVCO then prepared a set of objectives that was adopted by EUTF's Strategic Board jointly with the contributing states.²⁶ But this list — unlike the Valletta Action Plan — does not prioritise the objective of improving cooperation on readmissions. The European Commission's strategy document names the following objectives: (1) Greater economic and employment opportunities; (2) Strength-

24 The first trust fund, the Bêkou Trust Fund, was established in July 2014 for the Central African Republic, followed by the Madad Fund for the Syria crisis in December 2014, the EUTF for Africa, and a trust fund for Colombia in December 2015. Volker Hauck, Anna Knoll and Alisa Herrero Cangas, *EU Trust Funds: Shaping More Comprehensive External Action?* Briefing Note 81 (Maastricht: European Centre for Development Policy Management [ECDPM], November 2015), http://ecdpm.org/wp-content/uploads/Briefing_Note_81_EU_Trust_Funds_Africa_Migration_Knoll_Hauck_Cangas_ECDPM_2015.pdf (accessed 20 June 2017).

25 The objectives of the Valletta Action Plan are: (1) Exploiting development benefits of migration and addressing root causes of irregular migration and forced displacement; (2) Improving cooperation on legal migration and mobility; (3) Improving protection for migrants and asylum-seekers; (4) Prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings; (5) Improving cooperation in return, readmission and re-integration. European Council, *Valletta Summit, 11–12 November 2015: Action Plan*, 12 November 2015, https://www.consilium.europa.eu/media/21839/action_plan_en.pdf (accessed 24 April 2017).

26 European Commission, *The European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa: Strategic Orientation Document* (Brussels, 16 February 2016), https://ec.europa.eu/europeaid/sites/devco/files/eu-emergency-trust-fund-revised-strategy-15022016_en.pdf (accessed 11 January 2018).

22 The EU's current multi-annual financial framework did create two new funding instruments, the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF). DG HOME can use these to fund migration policy actions outside the EU, as well as programmes within the Union. Den Hertog, *Money Talks* (see note 19).

23 European Court of Auditors, *EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014*, special report (Luxembourg, 2016), 48, http://www.eca.europa.eu/Lists/ECADocuments/SR16_09/SR_MIGRATION_EN.pdf (accessed 5 June 2018).

ening resilience of communities and in particular the most vulnerable, as well as refugees and displaced people; (3) Improved migration management in countries of origin, transit and destination; (4) Improved governance and conflict prevention.

Despite its broad objectives, statements by European leaders have repeatedly underlined that the main purpose of the EUTF is to secure the cooperation of third countries in reducing refugee flows and irregular migration and taking back irregular migrants. One example of this is found in the Progress Report on the Implementation of the European Agenda on Migration published by the Commission in March 2018, which attributes declining arrivals in Europe partly to EUTF measures in the area of migration management and security. On the other hand there is little in the way of evaluation of development initiatives.²⁷

²⁷ European Commission, *Progress Report on the Implementation of the European Agenda on Migration*, COM(2018) 301 final (Brussels, 16 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 (accessed 31 July 2018).

Taking Stock of the EU Trust Fund for Africa

The EUTF has the potential to at least partially ameliorate the coordination problems of the external migration policy outlined above, by bundling the different funding lines in a single instrument. The EUTF's special construction outside the traditionally cumbersome EU procurement system also permits funds to be spent flexibly in the African partner countries and thus to respond more adequately to dynamically shifting migration flows.

Nevertheless, the conflicts of interests and goals affecting the external migration policy resurface in the Trust Fund. The latter's geographical and topical breadth creates a spectrum of implementation priorities. Here the concentration on measures to improve control of migration increasingly endangers development objectives. How different the effects of EUTF projects can be is demonstrated very clearly by a comparison of the migration partnerships with Ethiopia and Niger (see pp. 19ff.).

Governance Structures

Projects are approved in operational committee sessions for the so-called regional windows established for the Sahel and Lake Chad region, the Horn of Africa, and North Africa.²⁸ €3.2 billion of the €4 billion available to the EUTF until 2020 had already been committed by August 2018. The other approximately €800 million has already been earmarked by region and topic. The largest share flows to the Sahel and Lake Chad region (€1.5 billion), followed by Horn of Africa (€1.1 billion), North Africa (€426 million) and cross-regional programmes (€145

million).²⁹ In terms of individual countries, the EUTF is most strongly involved in Somalia, Libya, Niger, Ethiopia and Mali (see map, p. 16).³⁰

The European Commission contributed €3.5 billion to the EUTF, representing almost 90 percent of its funds. Most of this — €2.8 billion — originates from the European Development Fund (EDF), which is an intergovernmental fund outside the EU budget administered by DG DEVCO.³¹ The rest of the Commission's contribution was reallocated from the regular budget (see Figure 1).³² At €440 million (or about 10 percent of the total), the share contributed by the member states falls well short of the originally promised €1.8 billion.³³ With most of the available funds already committed to projects, the European Commission has repeatedly called on the member states to contribute more to the Trust Fund. One alternative for increasing its budget would be to reallocate other unspent EU funds.

²⁸ Clare Castillejo, *The European Union Trust Fund for Africa: A Glimpse of the Future for EU Development Cooperation*, Discussion Paper 22/2016 (Bonn: Deutsches Institut für Entwicklungspolitik, 2016), http://www.die-gdi.de/uploads/media/DP_22.2016.neu.pdf (accessed 10 October 2017).

²⁹ European Commission, *EU Emergency Trust Fund for Africa*, https://ec.europa.eu/trustfundforafrica/content/homepage_en (accessed 31 July 2018).

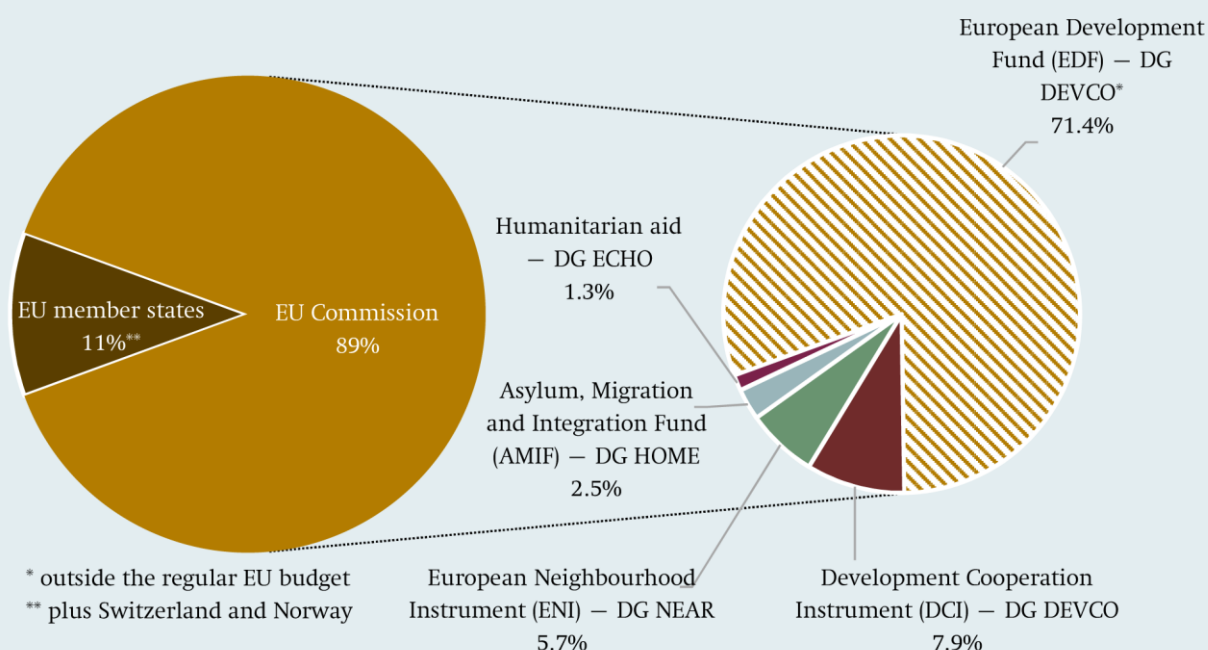
³⁰ Ibid.

³¹ The EDF is the funding instrument for the Cotonou Agreement, and is used to finance measures in the ACP states. To date it has been approved intergovernmentally but administered largely by the Commission. The idea of integrating the EDF into the regular budget has been discussed at intervals. It is currently unclear if and how the EDF will continue after 2020. This will depend not only on the negotiations on the multi-annual financial framework but also on the Brexit process. The Cotonou Agreement also expires in 2020; negotiations on its successor began in September 2018.

³² European Commission, *EU Contributions Pledged*, https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/eu_contributions_pledged_1.pdf (accessed 31 July 2018).

³³ European Commission, *EU MS and Other Donors Contributions: Pledges and Received Contributions*, https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/donor_2.pdf (accessed 31 July 2018).

Figure 1

EUTF: Commission Funding

Source: Data from European Commission (as of 22 August 2018)

EUTF crucial for Libya, and thus attractive to otherwise sceptical member states.

Apart from Greece all member states have paid into the EUTF, as have Switzerland and Norway (see Figure 2, p. 14). But in many cases the contributions are comparatively small: some below the €3 million required to acquire a vote in the Trust Fund's strategic board and operational committee, others only just above. Like the partner countries and regional organisations, EU member states that have made less than the minimum contribution have only observer status in the organs.³⁴

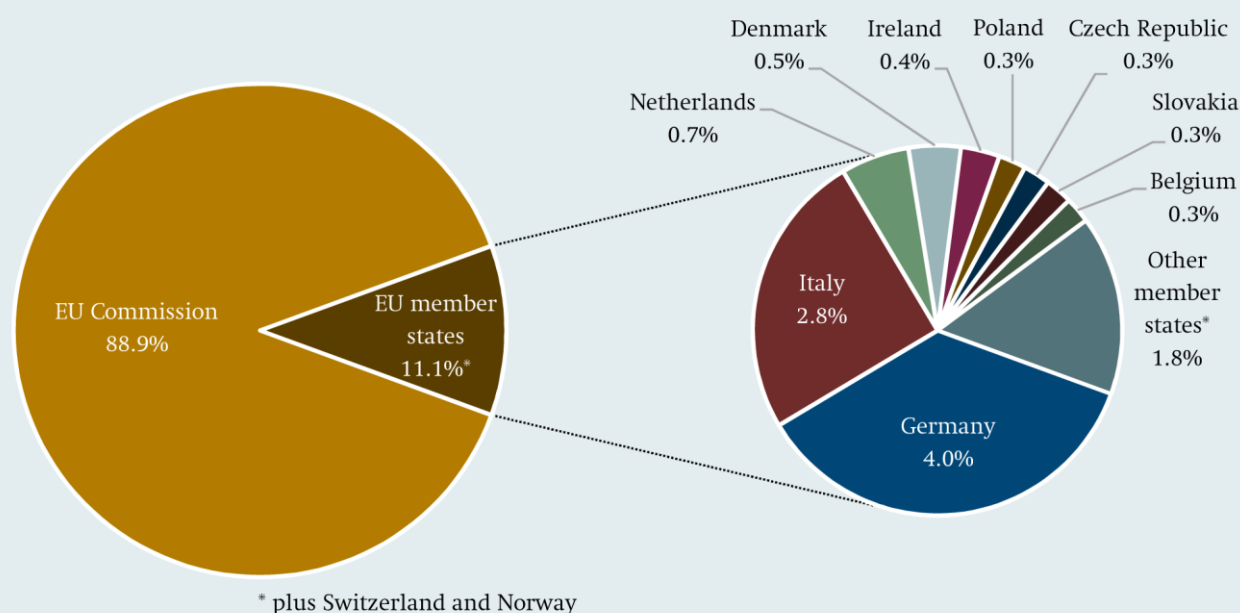
With €160 million, Germany's is the largest bilateral contribution to the EUTF. Even if the Federal Ministry for Economic Cooperation and Development is in charge, other ministries have a great interest in the EUTF too. Most of the German contribution originates in fact from the Foreign Ministry's budget,

specifically for projects in Libya, where the Trust Fund represents the EU's only option for migration cooperation. Projects in Libya focus on funding voluntary repatriation with the assistance of the International Organisation for Migration (IOM), and training the Libyan coastguard. These projects are treated as a top priority because the situation in Libya and the central Mediterranean route remains critical. Such engagement is also attractive for member states that are otherwise sceptical towards the EU's migration policy. For example since January 2018 the Visegrád states (Poland, Czech Republic, Hungary and Slovakia) have contributed altogether €35 million to the EUTF.³⁵

³⁴ Castillejo, *The European Union Trust Fund for Africa* (see note 28), 10.

³⁵ European Commission, *2017 Annual Report: EU Trust Fund for Africa* (Brussels, March 2018), https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/2017_tffa_en_web_lowres_final05.pdf (accessed 20 March 2018).

Figure 2

EUTF: Member State Funding

Source: Data from European Commission (as of 22 August 2018)

New Negotiating Processes between EU and Member States

Decisions in the EUTF organs are generally made by consensus. But where a vote is necessary, each member state that has made the minimum contribution has a vote, as does the Commission. A simple majority is required, with the Commission holding a veto.³⁶ Certain member states find the Trust Fund construction problematic, because it bypasses the established procurement procedures and the associated committees.³⁷ The Commission argues that this is the only way to respond flexibly enough to the dynamism of

shifting migration flows. Projects are indeed approved more rapidly in the EUTF framework than via the European Development Fund (EDF) – although that does not necessarily mean that they are implemented more quickly.³⁸ Most EUTF projects have been slow to get off the ground or are still at the planning stage, and it is not yet possible to systematically evaluate the outcomes.³⁹

The Trust Fund operates largely outwith parliamentary oversight. In response to a string of critical resolutions the European Parliament has now been granted observer status in the Fund's organs. But it remains excluded from project approval decisions in

³⁶ European Commission, *The European Union Emergency Trust Fund for Africa (Constitutive Agreement)*, https://ec.europa.eu/europeaid/sites/devco/files/constitutive-agreement-annexe-2015-7293-20151020_en.pdf (accessed 8 January 2018).

³⁷ This refers to the comitology procedure by which the member states oversee the Commission's exercise of its implementing powers under Article 291 TFEU. EUR-Lex, *Glossary of Summaries: Comitology*, <http://eur-lex.europa.eu/summary/glossary/comitology.html?locale=en> (accessed 1 February 2018).

³⁸ Sergio Carrera et al., *Oversight and Management of the EU Trust Funds: Democratic Accountability Challenges and Promising Practices* (Brussels: European Parliament, May 2018), 75, <https://www.ceps.eu/publications/oversight-and-management-eu-trust-funds-democratic-accountability-challenges-and> (accessed 31 May 2018).

³⁹ While the Commission issued a catalogue of nineteen indicators at the end of 2017, this does not yet say much about actual outcomes of EUTF projects. European Commission, *2017 Annual Report* (see note 35), 17.

the operational committee,⁴⁰ where most funding is awarded under “delegated cooperation” to selected organisations without public tendering.⁴¹ The European Parliament criticises this practice, which is also widely used in other funding instruments, and calls for EUTF projects to be put to open tender and for all implementation partners to be treated equally.⁴²

Such criticisms should be seen in the context of member states exploiting the Trust Fund structure to fund existing bilateral projects or to channel new projects directly to their own implementation organisations. When the EUTF first began many projects were approved with only superficial scrutiny, but today the member states regularly coordinate informally before decisions are made in the operational committee.⁴³ The Commission has no fundamental objection to this process. Very few project applications have been rejected by the operational committee.⁴⁴

40 percent of the €3.2 billion in project funds approved thus far have been granted to national implementation organisations, 26 percent to international organisations, 11 percent directly to partner countries and 8 percent to civil society actors. The biggest sum, €387 million, went to the International Organisation for Migration, followed by €301 million for the German Gesellschaft für Internationale Zusammenarbeit (GIZ) and €223 million for French and €200 million for Italian implementation organisations.⁴⁵

The large proportion of funds channelled through national implementation organisations contributes

to delays in project implementation, because some of them do not yet possess adequate capacity and must first establish operative structures in the partner countries. This has been recognised by the Commission, which complains that the national organisations require on average twice as long as international implementation organisations to begin work on implementing projects.⁴⁶ But delays may also be attributable to difficult security situations or state interference in partner countries.

Closer Coordination between EU Institutions

The EU institutions could expand their reach through the EUTF for Africa. It creates an instrument for co-operation with all African countries of origin, transit and first destination, which is usually divided between neighbourhood policy (North Africa) and development cooperation (rest of Africa). The EUTF has without doubt improved the fragmented funding of the external migration policy, because the participating EU institutions have to improve their coordination. In the Commission the Directorate General for International Cooperation and Development (DG DEVCO) is responsible for implementing the EUTF. Its influence is visible both in the Fund’s strategy documents and in the implementation of most of the projects in the Horn of Africa. DG DEVCO has to coordinate with the Commission’s Cabinet and the Directorates General for European Civil Protection and Humanitarian Aid (DG ECHO), for Neighbourhood and Enlargement Negotiations (DG NEAR) and for Migration and Home Affairs (DG HOME). The latter seeks to strengthen engagement in North Africa and where possible to tie EUTF funding to migration-related demands, such as improved cooperation on repatriation of rejected asylum seekers.

The European External Action Service (EEAS) also plays an increasingly important role, coordinating the migration partnerships funded by the Trust Fund and seeking to make the external migration policy a central element of the EU’s Common Foreign and Security Policy.⁴⁷ The EEAS also oversees project im-

40 Ibid.

41 Implementing organisations have to be certified to receive and administer Commission funds under “delegated cooperation”. European Commission, *Terms of Reference for Pillar Assessments*, https://ec.europa.eu/europeaid/funding/about-funding-and-procedures/audit-and-control/pillar-assessments_en (accessed 8 January 2018).

42 European Parliament, *Report on Addressing Refugee and Migrant movements: The Role of EU External Action*, plenary sitting A8-0045/2017 (Strasbourg and Brussels, 22 February 2017), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2017-0045+0+DOC+PDF+V0//EN> (accessed 3 July 2017).

43 Background discussions, Brussels, March 2018.

44 Exceptions include budget aid for Chad proposed by France. This was rejected in December 2017 on the grounds that it could also be used by the armed forces. Background discussions, Brussels, March 2018.

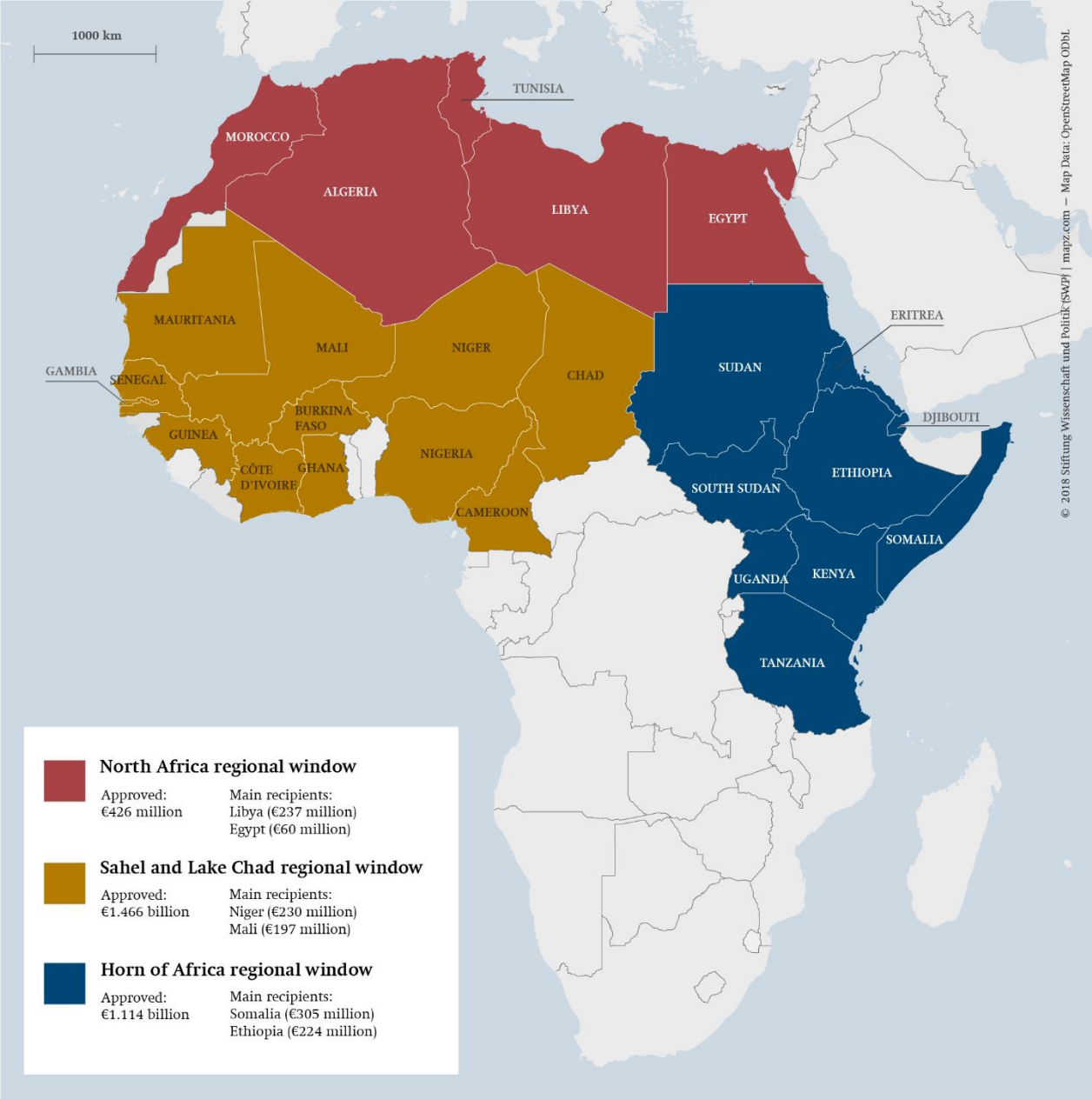
45 Background discussions (telephone), September 2018.

46 Background discussions, Brussels, March 2018.

47 See for example, European External Action Service, *Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union’s Foreign and Security Policy* (Brussels,

Map

Countries Receiving EUTF Funds



Source: Data from European Commission (as of 22 August 2018)

plementation on the ground in the partner countries. But the influence of the respective EU delegations depends strongly on strategic decisions in Brussels,

leaving them unable to have their usual coordinating impact in the respective partner countries.⁴⁸ EU officials report that the joint fact-finding missions by EU institutions are particularly useful in

2016), https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf (accessed 10 January 2018).

48 Background discussions, Brussels, March 2018.

improving communication about the challenges of the external migration policy.⁴⁹ At the same time conflicts of interests and goals between involved EU institutions persist, and are reflected in the diverging weights they grant to the EUTF's strategic goals.

Differing Priorities in Implementation

There are no binding standardised criteria for reliably determining the share of projects focussing on development, security and migration.⁵⁰ While the organisations involved in the EUTF calculate that half the funds flow into development projects, Oxfam's evaluation in October 2017 came up with a figure of about 63 percent.⁵¹

The Commission classifies projects according to the four strategic objectives of the EUTF strategy (see Figure 3, p. 18).⁵² The first two of these (employment programmes and strengthening resilience) combine classic aspects of development cooperation and humanitarian aid. Alongside emergency responses such as food aid, they also encompass long-term measures to improve the living conditions of refugees, internally displaced persons and other vulnerable groups. It is striking that the projects listed under these categories are almost all in the Horn of Africa and the Sahel and Lake Chad region. The Commission classifies all projects in North Africa as migration management, even if some of them also pursue development goals.⁵³

49 Background discussions, Brussels, March 2018.

50 Michael A. Clemens and Hannah M. Postel, *Detering Emigration with Foreign Aid: An Overview of Evidence from Low-income Countries*, CGD Policy Paper 119 (Washington, D.C.: Center for Global Development [CGD], February 2018), <https://www.cgdev.org/sites/default/files/detering-emigration-foreign-aid-overview-evidence-low-income-countries.pdf> (accessed 12 February 2018).

51 Elise Kervyn and Raphael Shilhav, *An Emergency for Whom? The EU Emergency Trust Fund for Africa – Migratory Routes and Development Aid in Africa* (Oxford: Oxfam International, November 2017), https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-emergency-for-whom-eutf-africa-migration-151117-en.pdf (accessed 16 November 2017).

52 Figures from European Commission, *EU Emergency Trust Fund for Africa* (see note 29).

53 Oxfam points out that the project "Managing Mixed Migration Flows in Libya through Expanding Protection Space and Supporting Local Socio-economic Development", for example, with a volume of €90 million, should be classed as development cooperation. Kervyn and Shilhav, *An Emer-*

This demonstrates that classification by strategic objective is to some extent arbitrary, and therefore reveals only part of the picture. The figures do nevertheless demonstrate that — alongside regional differences — the migration profiles of the partner countries also influences the shape of the EUTF projects.⁵⁴

Partner countries' migration profiles influence shape of EUTF projects.

Classical development cooperation approaches are especially prevalent in countries of origin for example. This is clearly demonstrated by the allocation of EUTF funds to the six participating West African states (as the source of half of all the arrivals registered in Italy in 2016 and 2017): Côte d'Ivoire, Gambia, Guinea, Mali, Nigeria and Senegal.⁵⁵ Here 42 percent of the funds were spent on employment programmes, 18 percent on strengthening resilience, 21 percent on migration management and 19 percent on improving governance and preventing conflict.⁵⁶ This contrasts with the distribution in transit countries like Burkina Faso, Chad, Djibouti, Libya, Mauritania and Niger, where the largest share goes to migration management (35 percent), followed by programmes for improving governance and preventing conflict (25 percent), promoting employment (22 percent), and strengthening resilience (17 percent).⁵⁷

gency for Whom? (see note 51), 30. The Commission is aware that the statistics contain such discrepancies and plans to rectify the problem. Background discussions (telephone), August 2018.

54 In its progress reports on migration partnerships, for example, the Commission justifies measures on the basis of partner countries' migration profiles. European Commission, *Fifth Progress Report on the Partnership Framework with Third Countries under the European Agenda on Migration*, COM(2017) 471 final (Brussels, 6 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 (accessed 26 October 2017).

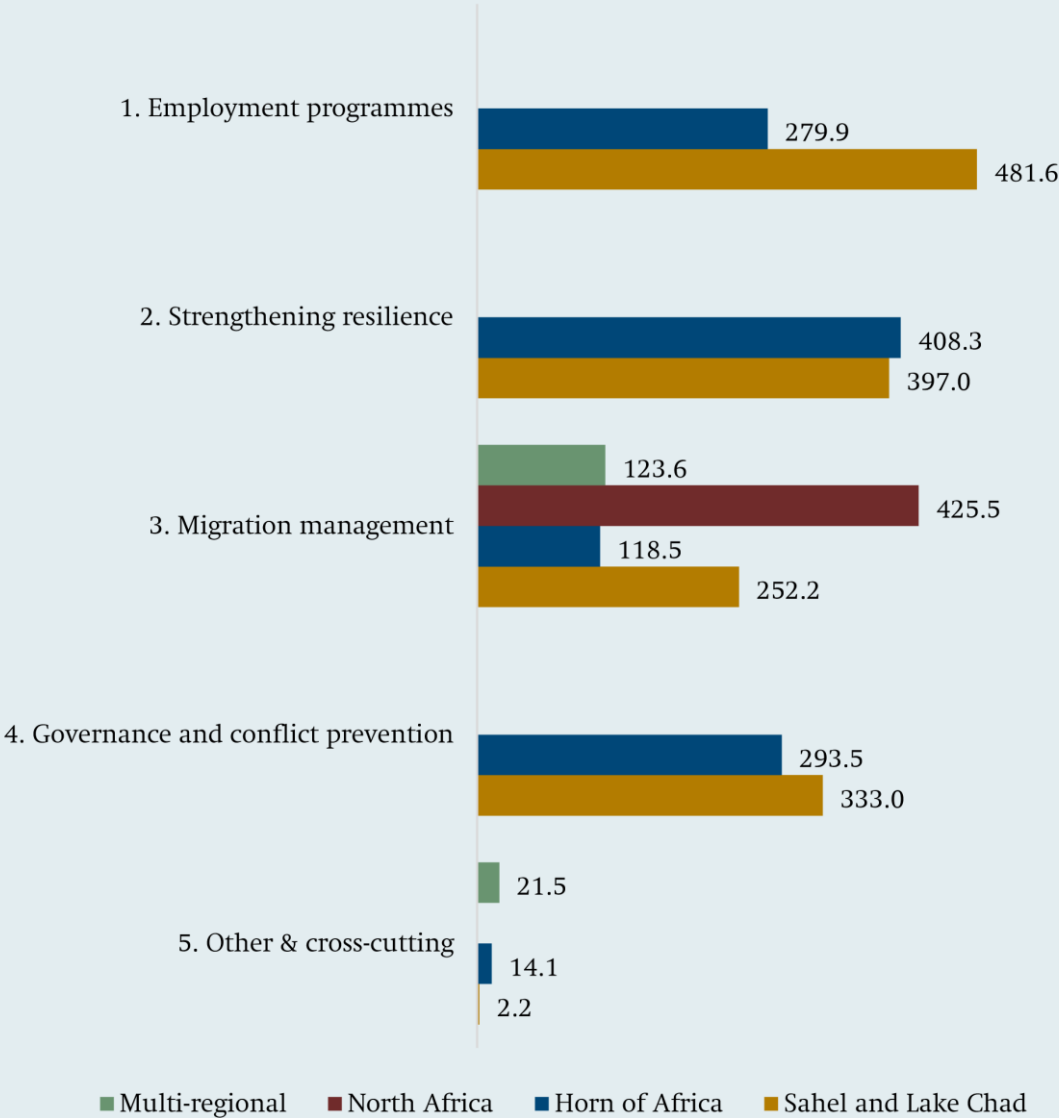
55 European Stability Initiative (ESI), *The Italian Magnet: Deaths, Arrivals and Returns in the Central Mediterranean* (13 March 2018), 5, <https://www.esiweb.org/pdf/ESI%20core%20facts%20-%20The%20Italian%20Magnet%20-%202013%20March%202018.pdf> (accessed 25 April 2018).

56 Author's calculations using data from European Commission, *EU Emergency Trust Fund for Africa* (as of August 2018) (see note 29).

57 Ibid.

Figure 3

EUTF Spending by Sector and Region



Source: Data from European Commission (as of 22 August 2018)

The third strategic goal of the EUTF, improving migration management,⁵⁸ serves as a catch-all includ-

ing security aspects and border protection. According to Oxfam more than half of all migration management projects aim to control and contain migration,

58 The term “migration management” is not new. It was introduced in the 1990s by instances like the International Organisation for Migration (IOM) in response to rising numbers of refugees and the weak responses of many states to migration flows. It was initially understood as the state’s ability to channel and shape the process by developing and

implementing migration and refugee strategies. This interpretation of migration cooperation was still very strongly focussed on destination countries. Today the concept is discussed more broadly, also encompassing the establishment of migration-related capacities in states of origin and transit.

often using the justification of combating people smuggling and human trafficking.⁵⁹ Migration management also encompasses capacity-building and training of security personnel (police and border guards), the exchange of migration data and programmes for voluntary repatriation from transit countries. This is also the context in which reforms to improve cooperation on readmission and reintegration of irregular migrants are financed, as well as the creation and enhancement of identification systems and information campaigns about the dangers of migration. To date this framework has rarely been used to promote legal migration.⁶⁰

These components overlap to a certain extent with the fourth strategic objective, namely measures to improve governance and prevent conflict. These efforts seek to promote stabilisation especially in fragile contexts and are supported by bilateral measures. Italy has proceeded especially strategically, creating its own fund for Africa through which it channels its contributions to the Trust Fund and supports other projects. More than 80 percent of the latter are migration management measures, backed up by military deployments to Libya and Niger.⁶¹

The EU Migration Partnerships with Ethiopia and Niger

In June 2016 the EU agreed migration partnerships with five African countries of origin and transit. These were funded principally through the EUTF, which received an additional €500 million from the European Development Fund (EDF) for that purpose. In future the migration partnerships will also be sup-

ported through the External Investment Plan (EIP) adopted in 2017.⁶²

In comparison to the mobility partnerships agreed in the early 2010s, the migration partnerships kick the promise of legal migration paths even further into the long grass. But otherwise the goals of the two legally non-binding cooperation instruments are similar: both seek to persuade the respective partner country to cooperate more closely on all aspects of migration, including readmission and countering smuggling.⁶³ What is new is that migration partnerships provide for sanctions, such as suspending development cooperation measures, where the receiving country is judged to be demonstrating an inadequate level of cooperation.⁶⁴

The example of Ethiopia illustrates the problems very well. Despite favourable preconditions, the EU migration partnership has tended to worsen rather than improve relations. Ethiopia played a constructive role in the Khartoum Process, which was established in 2014 for migration cooperation between the EU and the countries in the Horn of Africa, and became one of the biggest recipients of EUTF funds. Many projects built on existing development coopera-

⁶² This is based on “blending” private investment with public subsidies. It is planned to channel €3.35 billion from the regular EU budget and the EDF into the European Fund for Sustainable Development (EFSD) by 2020, to generate investment totalling up to €44 billion. Although the member states have not to date contributed additional funds to the EFSD, the Commission reports interest from other quarters; the Bill and Melinda Gates Foundation for example has announced a contribution of \$50 million. The extent of planned support for partner countries indicates the high priority the Commission accords to its external migration policy. However it is questionable whether this volume of resources will actually be available. The member states doubt whether the Commission will be able to realise the leverage calculated in the EIP.

⁶³ European Commission, *Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration*, COM(2016) 385 final (Strasbourg, 7 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 (accessed 10 October 2017).

⁶⁴ Natasja Reslow, “Old Wine in New Wineskins? The EU’s Migration Partnership Framework”, *Junge Wissenschaft im Öffentlichen Recht*, 14 December 2017, <https://www.juwiss.de/137-2017/> (accessed 17 May 2018).

⁵⁹ As Tuesday Reitano points out, the widespread tendency to conflate people smuggling and human trafficking is problematic, because countering them demands very different strategies. Tuesday Reitano, *The Khartoum Process: A Sustainable Response to Human Smuggling and Trafficking?* Policy Brief 93 (Pretoria et al.: Institute for Security Studies, November 2016), 7, <https://issafrica.s3.amazonaws.com/site/uploads/policybrief93.pdf> (accessed 17 January 2018).

⁶⁰ Kervyn and Shilhav, *An Emergency for Whom?* (see note 51), 19.

⁶¹ Anja Palm, *Leading the Way? Italy’s External Migration Policies and the 2018 Elections: An Uncertain Future*, IAI Commentaries 18 (Rome: Istituto Affari Internazionali [IAI], February 2018), <http://www.iai.it/sites/default/files/iaicom1812.pdf> (accessed 8 June 2018).

tion.⁶⁵ Ethiopia is also a roll-out country for the Comprehensive Refugee Response Frameworks (CRRF), which the United Nations created to develop the Global Compact on Refugees.⁶⁶ This is a multi-stakeholder approach designed to seek new solutions for persistent and acute refugee crises in collaboration with host countries. In this context the Ethiopian government agreed in 2016 to nine new measures to aid the almost one million refugees in the country. These included plans to end accommodation in camps and to create up to 100,000 jobs for refugees.⁶⁷ The EUTF has supported this approach financially since the end of 2017.⁶⁸

But the Ethiopian government complained that the measures funded by the Trust Fund had little effect, and instead European demands for better cooperation in repatriating Ethiopian citizens dominated the process.⁶⁹ Ultimately Ethiopia is not only a destination and transit country, but also – if to a much smaller extent – a country of origin for mixed migration to the EU. Critics argue that the EU has overemphasised the issue of readmission to a point where it threatens

to undermine migration cooperation with Ethiopia across the board. Additionally, remittances from Ethiopians living abroad represent an important source of revenue, three times as much as total development aid.⁷⁰ The EU has delayed individual EUTF projects on grounds of inadequate progress on the readmission talks. In response the Ethiopian government declared its intention to improve cooperation on this issue. It remains to be seen how those promises will turn out in practice and how migration cooperation altogether will develop under the new Prime Minister Abiy Ahmed.⁷¹

The issue of readmission does not figure at all in the migration partnership with Niger, which is almost irrelevant as a country of origin. That eases cooperation because the country is more dependent on development funds than on remittances. Additionally, a weak government facing internal and external threats has a great interest in security cooperation with the EU.⁷² Niger is the largest recipient of EUTF funds within the Sahel and Lake Chad regional window, and an important partner for the EU as a transit country for irregular migration flows through Libya to the European Union.

However, vigorous action against smuggling networks has problematic side-effects that the EU has done too little to address. Since the laws against people smuggling were tightened and the main routes to Libya closed, smugglers have switched to more dangerous routes – on which even more migrants lose their lives.⁷³ These measures affect the informal “migration economy” in the Agadez region, which

65 Concord, *Partnership or Conditionality? Monitoring the Migration Compacts and EU Trust Fund for Africa* (Brussels, January 2018), 29f., https://concordeurope.org/wp-content/uploads/2018/01/CONCORD_EUTrustFundReport_2018_online.pdf?7c2b17&7c2b17 (accessed 28 February 2018).

66 Anne Koch, “Ein Jahr nach den New Yorker Gipfeln”, *Vereinte Nationen*, 2017, no. 5, 195–200, http://www.dgvrn.de/fileadmin/publications/PDFs/Zeitschrift_VN/VN_2017/Heft_5_2017/01_Koch_5-2017_6-10-2017_web.pdf (accessed 25 January 2018).

67 United Nations High Commissioner for Refugees, *CRRF Ethiopia*, Briefing Note (July 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/65262.pdf> (accessed 27 September 2018). It is, however, questionable whether this target can be achieved, because currently too few refugees possess the level of education required to work in the clothing sector. Background discussions, Washington, D.C., March 2018.

68 European External Action Service, *EUTF Action Document for the Implementation of the Horn of Africa Window: Stimulating Economic Opportunities and Job Creation for Refugees and Host Communities in Ethiopia in Support of the Comprehensive Refugee Response Framework (CRRF) in Ethiopia*, https://ec.europa.eu/trustfundforafrica/sites/euetafa/files/ad_ethiopia_-_crrf_final_1.pdf (accessed 27 September 2018).

69 Clare Castillejo, *The EU Migration Partnership Framework: Time for a Rethink?*, Discussion Paper 28/2017 (Bonn: Deutsches Institut für Entwicklungspolitik, December 2017), https://www.die-gdi.de/uploads/media/DP_28.2017.pdf (accessed 2 January 2018).

70 Concord, *Partnership or Conditionality?* (see note 65), 31.

71 Nikolaj Nielsen, “Ethiopian Regime to Get EU Migrants’ Names”, *EU Observer*, 19 January 2018, <https://euobserver.com/migration/140614> (accessed 26 March 2018); Annette Weber, *Abiy Superstar – Reformer or Revolutionary? Hope for Transformation in Ethiopia*, SWP Comment 26/2018 (Berlin: Stiftung Wissenschaft und Politik, July 2018).

72 The central government is especially weak in the north, where it hopes to strengthen its influence through cooperation with the EU. Melanie Müller, “Migration Conflict in Niger: President Issoufou Dares, the North Loses”, in *Profiteers of Migration? Authoritarian States in Africa and European Migration Management*, ed. Anne Koch, Annette Weber and Isabelle Werenfels, SWP Research Paper 4/2018 (Berlin: Stiftung Wissenschaft und Politik, July 2018), 34–43.

73 Joe Penney, “Why More Migrants Are Dying in the Sahara”, *New York Times*, 22 August 2017, <https://www.nytimes.com/2017/08/22/opinion/migrants-dying-sahara-niger.html> (accessed 26 March 2018).

has long been an important staging post on the route to North Africa and Europe.⁷⁴ But while individual smugglers have been taken out of circulation, the transnational organised crime networks continue to operate.⁷⁵ The EU's one-sided concentration on border protection in Niger also hinders freedom of movement in the Economic Community of West African States (ECOWAS). This example underlines how the interest in clamping down on irregular migration flows threatens to undermine long-term goals like promoting regular migration options.

Commission tones down expectations of migration partnerships and shifts focus to ad-hoc migration dialogues.

In the absence of rapid success, migration partnerships have thus far failed to meet the great political expectations placed upon them.⁷⁶ After about a year the European Commission therefore lowered its sights, and shifted the focus in 2018 to ad-hoc migration dialogues with a series of countries of origin with which it aims to conclude readmission agreements.⁷⁷ The EU is not seeking new migration partnerships, partly because the member states have different geographical priorities:⁷⁸ their preferences tend to coincide with the main countries of origin of arriving asylum seekers.

⁷⁴ Fransje Molenaar et al., *A Line in the Sand: Roadmap for Sustainable Migration Management in Agadez*, CRU Report (The Hague: Clingendael, October 2017), https://www.clingendael.org/sites/default/files/2017-10/Roadmap_for_sustainable_migration_management_Agadez.pdf (accessed 19 March 2018).

⁷⁵ Peter Tinti and Tuesday Reitano, *Migrant, Refugee, Smuggler, Saviour* (London: Hurst, 2016), 263ff.

⁷⁶ Castillejo, *EU Migration Partnership Framework* (see note 69).

⁷⁷ Alongside the five formal migration partnerships, the Commission's progress reports also refer to the potential for cooperation with Afghanistan, Algeria, Bangladesh, Côte d'Ivoire, Eritrea, Ghana, Morocco, Pakistan, Somalia, Sudan and Tunisia. European Commission, *Fifth Progress Report* (see note 54).

⁷⁸ Castillejo, *EU Migration Partnership Framework* (see note 69).

Goals of a Coherent External Migration Policy

Although the EUTF was initially created as an emergency response, it has since acquired more fundamental significance. The new ability to combine funds from different policy areas could represent the beginnings of a new phase of the EU's external migration policy. But in order to leave behind the emergency response logic and start to address the long-term migration challenges, the coherence of the EU's external migration policy needs to be improved. Ideally the EU's actions should not only be free of contradictions but also create positive synergies. Given the diverging goals this can never quite be achieved, however. Instead the external migration policy needs viable compromises based on effectiveness, legitimacy and sustainability.

Effectiveness

In migration policy there is frequently a tension between political goals and their implementation.⁷⁹ That can also be observed in the actions pursued under the EU's external migration policy since the "refugee crisis" of 2015. In that sense the EUTF is an outcome of the great political pressure on the European Commission to rapidly institute measures to stabilise partner countries and address the causes of irregular migration and forced displacement. While the Trust Fund has flexibilised and accelerated the decision-

making process for approving projects, this says nothing about the quality of implementation.⁸⁰

Central actors in the EU tend to concentrate above all on measures in the areas of migration management and security policy. These are often easier to implement than development concepts, because the targets and cooperation partners are easier to define.⁸¹ The objectives of migration- and refugee-related development cooperation, on the other hand, frequently remain vague; UN Sustainable Development Goal 10.7 for example calls on states to "facilitate orderly, safe, and responsible migration and mobility of people". To date there is not even an indicator to measure the success of such an effort. The objective pursued by refugee-related development cooperation is even more problematic. The expectation that appropriate action could reduce the causes of refugee movements and irregular migration will – at least in the short term – not come to fruition.⁸²

It is for example questionable whether development aid – driven employment programmes for young people actually help to stem migration flows at source. Research to date suggests that such programmes have little effect on emigration rates.⁸³ Of course development cooperation can promote economic development, but in poor countries this (alongside many other factors) actually tends to cause emigration rates to rise. Moreover, economic motives cannot be viewed in

⁷⁹ In three dimensions: Firstly, on the discursive level between the rhetoric of political leaders and the shape of concrete migration policy (policy gap); secondly, with respect to the actual realisation of declared policy objectives (implementation gap); thirdly, in terms of the effects of particular measures on migration flows (efficacy gap). Mathias Czaika and Hein de Haas, "The Effectiveness of Immigration Policies", *Population and Development Review* 39, no. 3 (2013): 487–508, <https://www.imi.ox.ac.uk/publications/the-effectiveness-of-immigration-policies> (accessed 28 February 2018).

⁸⁰ Carrera et al., *Oversight and Management of the EU Trust Funds* (see note 38), 75.

⁸¹ Daniel Wunderlich, "Implementing EU External Migration Policy: Security-driven by Default?" *Comparative European Politics* 11, no. 4 (2013): 406–27.

⁸² Steffen Angenendt and Anne Koch, "Fluchtursachenbekämpfung: Ein entwicklungspolitisches Mantra ohne Inhalt?" in *Ausblick 2016: Begriffe und Realitäten internationaler Politik*, ed. Volker Perthes (Berlin: Stiftung Wissenschaft und Politik, January 2016), 41–44.

⁸³ Clemens and Postel, *Deterring Emigration with Foreign Aid* (see note 50).

isolation from other motives for emigration. Given the great complexity of such decisions, their determining factors should only be considered in their totality.⁸⁴

EU could achieve progress by concretising reduction of “root causes” and breaking down into realistic sub-goals.

The most difficult matter of all is tackling the “root causes” of involuntary movements through development cooperation and other measures. Given the international community’s very limited success in addressing fragile statehood and the growing number of violent conflicts, more honesty is needed in the effectiveness discussion.⁸⁵ Here the EU could promote progress by concretising the vague objective of reducing the causes of involuntary movements and breaking it down into realistic sub-goals whose implementation can be measured. Merely quantifying the targets, as the European Commission does on the EUTF website, is not terribly convincing.⁸⁶ It would be more important to monitor the effect of Trust Fund measures on target groups from the outset through reliable methods, also in order to enable correction of undesirable developments.

Additionally, conventional assumptions about the connections between migration, forced displacement and development need to be questioned and the knowledge base expanded.⁸⁷ The Research and Evidence Facility in the EUTF’s Horn of Africa regional window represents a good start.⁸⁸ Evidence-based

policy to reduce the causes of involuntary movements is only possible if monitoring and research are conducted systematically in all three EUTF regional windows and the insights gained are fed back into the operational committee and strategic board.

Legitimacy

Within the EU the legitimacy of external migration policy depends in the first place on whether it is subject to democratic control. To date the European Parliament has no oversight over EUTF decisions and the procurement process is not adequately transparent. As a result national implementation organisations are sometimes chosen purely on grounds of proportionality rather than competence. For the multi-annual financial framework 2021 to 2027 the Commission proposes integrating the EUTF into the regular budget.⁸⁹ That would be consistent in the sense that the Fund’s creation was justified in terms of responding to an emergency but the underlying challenges are long-term. Merging the Fund into the regular budget would also grant the European Parliament greater oversight in this area.

Only a partnership-led approach based on compromise has any prospect of success.

Whether the EU’s external migration policy is perceived as legitimate in the (African) partner countries is a second decisive aspect. Only a partnership-led approach based on a balance of interests has any prospect of success. Financial incentives alone cannot create functioning migration partnerships. The European Union’s financial possibilities cannot grow as quickly as the expectations of the numerous migration-relevant partner countries. The importance of investments by other actors in Africa is also growing: China in particular places fewer political demands on partners than the European Union. Ultimately co-operation with the EU is only worthwhile if it is not

⁸⁴ Steffen Angenendt, Charles Martin-Shields and Benjamin Schraven, *More Development – More Migration? The “Migration Hump” and Its Significance for Development Policy Co-operation with Sub-Saharan Africa*, SWP Comment 40/2017 (Berlin: Stiftung Wissenschaft und Politik, October 2017).

⁸⁵ Clemens and Postel, *Deterring Emigration with Foreign Aid* (see note 50). See also World Bank and United Nations, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (Washington, D.C., and New York, March 2018), <https://www.pathwaysforpeace.org> (accessed 20 March 2018).

⁸⁶ European Commission, *EU Emergency Trust Fund for Africa* (see note 29).

⁸⁷ OECD, *Addressing Forced Displacement through Development Planning and Co-operation: Guidance for Donor Policy Makers and Practitioners*, OECD Development Policy Tools (Paris: OECD Publishing, 2017).

⁸⁸ EUTF Research and Evidence Facility, *Migration and Conflict in the Horn of Africa: A Desk Review and Proposal for*

Research (London and Nairobi, 15 March 2017), <https://www.soas.ac.uk/ref-hornresearch/research-papers/file120035.pdf> (accessed 1 March 2018).

⁸⁹ European Commission, *EU Budget for the Future: the Neighbourhood and the World*, Fact Sheet (Brussels, 2 May 2018), https://ec.europa.eu/commission/sites/beta-political/files/budget-proposals-neighbourhood-world-may2018_en.pdf (accessed 2 May 2018).

only financially attractive but also serves the strategic interests of the respective partner countries.⁹⁰

Sustainability

An external evaluation of the European Development Fund (EDF) commissioned by the Commission questions whether the measures funded by the EUTF are sustainable. It suggests that project funding decisions pay too little attention to the interests of the partner countries, unlike in longer-established development instruments like the EDF.⁹¹ Instead, it notes, priority is given to European interests and the desire to get projects approved quickly, while the preconditions for successful implementation tend to be neglected. Another external evaluation also raises the question of whether the EUTF is cost-effective.⁹²

Even if such criticisms certainly do not apply to all EUTF projects, an increasingly instrumental understanding of development cooperation does emerge: one in which the primary objective is not to improve living conditions but to reduce refugee movements and irregular migration. In the case of certain projects in the North Africa regional window it is not clear whether they even meet the OECD criteria for public development spending. The Commission would like to include measures to improve migration management — including those in the security sector — in its official development assistance (ODA) figures.⁹³ But

security activities represent a grey area of ODA eligibility, where only the supply of military equipment and services is explicitly excluded. If the ODA criteria are further watered down, the danger grows that development funding in the EUTF framework could be strongly focussed on migration control in transit countries. That would potentially be the detriment of the EU's engagement in countries of origin and in persistent refugee and internal displacement situations such as in the Horn of Africa.

Even if most member states are pressing for short-term results from the EU's external migration policy, the methods of development cooperation continue to offer orientation for sustainable use of funds. Especially in the case of cooperation with authoritarian regimes, the principles of effective and conflict-sensitive development cooperation are important in order to avoid unintended side-effects and reduce risks (do no harm). Broader leeway exists in the case of cooperation with countries that possess comparably legitimate and functioning institutions. In these cases migration- and refugee-related cooperation should be integrated into national development plans and tied to credible incentives for cooperation.

⁹⁰ Koch, Weber and Werenfels, "Diversity of Cooperation Contexts as a Challenge for the EU", in *Profiteers of Migration?* ed. Koch, Weber and Werenfels (see note 72), 66–73.

⁹¹ European Commission, *External Evaluation of the 11th European Development Fund (EDF) (2014–mid 2017): Final Report* (Brussels, June 2017), 9, https://ec.europa.eu/europeaid/sites/devco/files/edf-evaluation-final-report_en.pdf (accessed 18 January 2018). The European Court of Auditors published a performance audit in December 2018, whose findings have not been considered in this research paper. European Court of Auditors, *European Union Emergency Trust Fund for Africa: Flexible But Lacking Focus*, special report (Luxembourg, 2018), 32, <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=48342> (accessed 12 December 2018).

⁹² Carrera et al., *Oversight and Management of the EU Trust Funds* (see note 38).

⁹³ OECD, *DAC Working Party on Development Finance Statistics: Proposed New Purpose Code For "Facilitation of Orderly, Safe, Regular and Responsible Migration and Mobility"* (Paris, 30 November 2017), [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DCD/DAC/STAT\(2017\)23/REV1&doc](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DCD/DAC/STAT(2017)23/REV1&doc)

Language=En (accessed 19 December 2017); Kervyn and Shilhav, *An Emergency for Whom?* (see note 51), 16.

Outlook and Recommendations

The European Agenda on Migration of 2015 created a new framework for the EU's common migration and asylum policy. Whereas attempts to reform the sharing of responsibility for accepting refugees within the EU have to date proven fruitless, the orientation of the external migration policy is less contested. The EU has developed a number of initiatives in this area, among which the EUTF for Africa stands out. Although initially conceived as a temporary funding instrument for emergencies, it has the potential to become the norm for the external migration policy. It can serve as a model for systematically integrating the EU's migration interests into its external policy.

At the time of writing most of the EUTF's funds had already been committed to projects. The question of whether further EU funds will be reallocated and whether the member states increase their contributions will depend above all on the Fund's future orientation, which is currently under discussion. There are different ideas about this both among the EU institutions and between the relevant ministries of the German government. Domestic political pressures place a premium on measures that directly stem irregular migration, primarily in North Africa. From the development perspective the crux is to extend support to the less proximate countries of destination and origin. The future shape of the EUTF must take into account interactions with three important European and international processes. These are the negotiations over the next multi-annual financial framework, the implementation of the Global Compacts for Migration and Refugees and the future of European-African cooperation.

The substantive and institutional place of the external migration policy in the European Union's multi-annual financial framework for 2021 to 2027 is currently being negotiated. Following the EUTF model, the Commission has proposed merging most of the hitherto parallel budget lines into a single external policy funding instrument, the Neighbour-

hood, Development and International Cooperation Instrument (NDICI).⁹⁴ Under the Commission's proposal it would contain €90 billion, €10 billion of which would serve as an "emerging challenges and priorities cushion". These funds would be flexibly available for the EU's external migration policy,⁹⁵ enabling the EUTF to be integrated into the regular budget and expanding the oversight of the European Parliament. In that respect it would also be sensible for the parliament to consolidate its control of spending in the field of external policy in a single committee.⁹⁶

It is certainly conceivable that this idea will be rejected, leaving the EUTF outside the budget, while Brexit places further question marks over the proposed financing of the external policy funding instrument.⁹⁷ There are also signs of conflict between the Commission and the member states, with the latter calling for a separate instrument to "combat illegal migration" in the Conclusions of the European Council at the end of June 2018.⁹⁸

Restricting the external migration policy to stemming irregular migration flows is hardly going to be compatible with the objectives of the Global Com-

⁹⁴ Also including the European Development Fund, which is currently outside the budget. European Commission, *EU Budget for the Future* (see note 89).

⁹⁵ Pauline Veron and Anna Knoll, "Three Ingredients for a Future-proof Funding for Migration", *ECDPM* (blog), 30 April 2018, <http://ecdpm.org/talking-points/three-ingredients-future-proof-funding-migration/> (accessed 2 May 2018).

⁹⁶ Clare Castillejo et al., *The European Union's Next Multi-annual Financial Framework: Prospects and Challenges for EU Development Cooperation* (European Think Tanks Group, March 2018).

⁹⁷ *Ibid.*, 19.

⁹⁸ European Council, *European Council Conclusions* (Brussels, 28 June 2018), <https://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/> (accessed 30 July 2018).

pacts for Migration and Refugees. While the two Compacts, which were adopted at the United Nations in December 2018, are not legally binding, they will form an important framework and point of reference for the EU's future external migration policy. The main objectives of the Global Compact on Refugees include strengthening the self-reliance of refugees and alleviating the burden on the main destination countries. At the same time the Compact underlines the need for evidence-based policy. That appears all the more important where development cooperation is expected to reduce the causes of voluntary and involuntary movements. Here the EU could supply an important contribution by starting to differentiate more strongly between the two, and defining objectives more precisely. One guideline here is the Global Compact for Migration, which seeks to steer irregular migration into regular forms. That can benefit countries of origin and destination as well as migrants themselves, on top of promoting sustainable development. Neither of the Compacts propose geographical restrictions; on the contrary, they are explicitly intended to be universal.

One obvious weakness of EU migration policy to date is that it does little to promote legal migration opportunities within Africa and to Europe. That could change in the future development of the EUTF and in the upcoming EU budget, if for example the promotion of legal migration is understood as integral component of migration cooperation and partner countries are supported to create labour migration programmes. Great potential lies in the strengthening of transnational training partnerships, which appear especially attractive to all EU countries with skilled labour shortages.⁹⁹ Another important aspect is internal mobility in Africa, because the African Union and the African regional economic communities all promote freedom of movement, not least to promote economic integration.¹⁰⁰

⁹⁹ Training partnerships would train skilled workers for the needs of both country of origin and country of destination. Steffen Angenendt and Anne Koch, *Global Migration Governance and Mixed Flows: Implications for Development-centred Policies*, SWP Research Paper 8/2017 (Berlin: Stiftung Wissenschaft und Politik, June 2017).

¹⁰⁰ Elizabeth Collett and Aliyyah Ahad, *EU Migration Partnerships. A Work in Progress* (Brussels: Migration Policy Institute, December 2017), 36f., <https://www.migrationpolicy.org/research/eu-migration-partnerships-work-progress> (accessed 2 January 2018).

Herein lies a starting point for the current negotiations about a new Joint Africa-EU Strategy and a successor to the Cotonou Agreement between the EU and the African, Caribbean and Pacific (ACP) states.¹⁰¹ The German government should emphasise that the migration dialogue with African countries needs to be embedded in this broader development agenda. Corresponding initiatives by the member states, such as the “Marshall Plan with Africa” developed by the German Federal Ministry for Economic Cooperation and Development, should be connected more closely with the EU instruments in order to maximise the impact. In the long term, future migration and refugee movements can only be addressed in a sustainable manner if the EU's member states and institutions pursue coordinated strategies and transparent objectives.

¹⁰¹ James Mackie, Martin Ronceray and Lidet Tadesse, *Challenges for Africa-Europe Relations. A Chance to Get It Right* (Maastricht and Brussels: ECDPM, January 2018), <http://ecdpm.org/wp-content/uploads/Challenges-2018-A-Chance-To-Get-it-Right-Mackie-Ronceray-Tadesse.pdf> (accessed 18 January 2018).

Abbreviations

ACP	African, Caribbean, Pacific
CAMM	Common Agendas on Migration and Mobility
CEAS	Common European Asylum System
CRRF	Comprehensive Refugee Response Frameworks
DG DEVCO	Directorate General for International Cooperation and Development (European Commission)
DG ECHO	Directorate General for European Civil Protection and Humanitarian Aid (European Commission)
DG HOME	Directorate General for Migration and Home Affairs (European Commission)
DG NEAR	Directorate General for Neighbourhood and Enlargement Negotiations (European Commission)
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEAS	European External Action Service
EFSD	European Fund for Sustainable Development
EIP	External Investment Plan
ESI	European Stability Initiative
EUTF	European Union Emergency Trust Fund (for Africa)
IOM	International Organisation for Migration
NDICI	Neighbourhood, Development and International Cooperation Instrument
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
SDGs	Sustainable Development Goals
TFEU	Treaty on the Functioning of the European Union

