

EU EXTERNAL EXPENDITURE ON ASYLUM, FORCED DISPLACEMENT AND MIGRATION 2014-2019

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ECRE WORKING PAPER **14**
2021



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European Council
on Refugees and Exiles

TABLE OF CONTENTS

ABBREVIATIONS	4
INTRODUCTION	5
Methodology	6
Creating data codes	6
Data	7
Other limitations	7
TRENDS	8
Towards a typology of migration-related external expenditure	9
Areas for further research	12
ANALYSIS OF EXTERNAL SPENDING BY INSTRUMENT	12
11th European Development Fund (EDF)	12
Asylum is not mentioned	12
Development Cooperation Instrument (DCI)	15
European Neighbourhood Instrument (ENI)	17
Instrument for Pre-Accession Assistance 2014-2020 (IPA II)	19
European Civil Protection and Humanitarian Aid Operations (ECHO)	21
Instrument contributing to Security and Peace (IcSP)	22
Bêkou Trust Fund	25
EU Trust Fund for Colombia	26
EU Regional Trust Fund in Response to the Syria Crisis (Madad)	26
The EU Facility for Refugees in Turkey	27
EU Emergency Trust Fund for Africa (EUTF for Africa) (2015-2019)	29
ANNEX: THREE COUNTRY SNAPSHOTS	31
Afghanistan	31
Nigeria	32
Sudan	33

TABLE OF TABLES

Table 1 Activity codes.....	6
Table 2 Summary of funding across different instruments.....	10
Table 3 Percentage funding on migration per instrument, where activity is captured by available data	11
Table 4 Overview of accessible data on 11 EDF spending 2014-2019 (excluding Trust Funds)	14
Table 5 Overview of accessible data on DCI spending 2014-2019	16
Table 6 Overview of accessible data on ENI spending 2014-2019.....	18
Table 8 Overview of accessible data on EIDHR spending 2014-2019	21
Table 9 Overview of accessible data on ECHO spending 2014-2019	22
Table 10 Overview of accessible data on IcSP spending 2014-2019.....	24
Table 11 Overview of accessible data on Bêkou Trust Fund spending 2014-2019.....	26
Table 12 Overview of accessible data on Trust Fund for Syria spending 2014-2019	27
Table 13 Overview of accessible data on EU-Turkey facility spending 2014-2019 Source: EU-Turkey Facility Annual Reports	29
Table 14 Overview of accessible data on EU Trust Fund for Africa spending 2015-2019.....	30
Table 15 Spending in Nigeria on migration-related issues (excluding EIB project) total	33

ABBREVIATIONS

ACP	African Caribbean and Pacific
AMIF	Asylum, Migration and Integration Fund
CAR	Central African Republic
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
DCI	Development Cooperation Instrument
ECHO	European Civil Protection and Humanitarian Aid Operations
ECA	European Court of Auditors
EDF	European Development Fund
EIB	European Investment Bank
EIDHR	European Instrument for Democracy and Human Rights
ENI	European Neighbourhood Instrument
EUTF	European Union Emergency Trust Fund for Africa
FTS	Financial Transparency System
FPI	Foreign Policy Instruments
GCM	Global Compact on Migration
GCR	Global Compact on Refugees
IDP	Internally Displaced Person
IcSP	Instrument contributing to Stability and Peace
IPA	Instrument for Pre-accession Assistance
JAP	Joint Action Plan
SDG	Sustainable Development Goal
THB	Trafficking in human beings
TF	Trust Fund
MDG	Millennium Development Goal
MFF	Multiannual Financial Framework
NDICI	Neighbourhood, Development and International Cooperation Instrument
ODA	Official Development Assistance
OECD DAC	Organisation for Economic Co-operation and Development Development Assistance Committee
WASH	Water, sanitation and hygiene

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INTRODUCTION

In December 2020, the EU adopted its new Neighbourhood, Development and International Cooperation Instrument (NDICI) for 2021-2027. 10% of its financial envelope – or around €8 billion, will be “dedicated to addressing the root causes of irregular migration and forced displacement and to supporting migration management and governance including the protection of refugees and migrants’ rights within the objectives of [the NDICI]”¹ and funding levels may be adjusted according to third countries’ performance on migration through the instrument’s ‘flexible incentive approach.’

Yet to date, there has been no publicly available analysis of EU external funding for the range of asylum, forced displacement and migration-related activities taking place outside the EU during the period covered by the previous Multiannual Financial Framework (MFF), 2014 and 2020. Put simply, we do not know how much money the EU spent on migration and asylum-related activities outside the EU between 2014 and 2020, or how it was spent. Understanding this expenditure will be key to effective migration programming through the NDICI, through the current MFF.

This report seeks to start to fill that gap. It is a desk-based study conducted in November – December 2020, drawing on publicly-available sources, to examine EU external funding for asylum and migration by analysing asylum and migration-related spending in the previous MFF (2014-2020) through the following instruments:

- » European Development Fund (EDF)
- » Development Cooperation Instrument (DCI)
- » European Neighbourhood Instrument (ENI)
- » Instrument for Pre-accession Assistance (IPA)
- » European Instrument for Democracy and Human Rights (EIDHR)
- » Instrument contributing to Stability and Peace (IcSP)
- » European Civil Protection and Humanitarian Aid Operations (ECHO), and
- » the Trust Funds and Facilities which draw from these instruments.

The activities covered range from strengthening asylum systems, through providing support for and promoting the rights of asylum-seekers, refugees, migrants and displaced people, to migration restriction and border management. A main objective is to gather preliminary information on which of these particular activities are supported by each funding instrument, as well as to identify gaps and areas for future research that could eventually lead to 1) gathering more accurate data on spending and 2) assessment of the effectiveness of spending on asylum and migration by/through the EU.

In addition, the report contributes to development of frameworks for the analysing the detail and the breakdown of the broad category of spending on migration, asylum and displacement, by developing and applying a framework with a set of categories. Future activity will need to go beyond categorising spending and move to evaluating it, including through development of clear objectives and indicators of progress towards meeting them, tools that are found to be largely absent.

Analysis of the funding instruments is complemented by three short snapshots of EU funding on asylum, forced displacement and migration in Afghanistan, Sudan and Nigeria (See annex).

1. European Commission (2018) Proposal for a Regulation of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument COM/2018/460 final recital (30). Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A460%3AFIN> Accessed 5 February 2021.

METHODOLOGY

Creating data codes

In the absence of an EU marker on migration,² asylum or activity pertinent to this inquiry the relevant activities were each assigned a reference code to enable comparison across and between funding instruments. As NDICI will dedicate at least 10% of its envelope to addressing migration and forced displacement, this research underlines the importance of the EC developing a dedicated markers to track overall spending on migration and asylum and to allow a breakdown by particular activities or topics within the broader category, in order to then enable more transparent reporting on EU funding.

Table 1 Activity codes

1	Asylum and forced displacement
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems
2	Access to rights of those on the move (including livelihoods)
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).
2.2	Measures to support the coexistence of IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.
3	Migration restriction and reduction
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.
3.2	Activities related to border management if they have an impact on the movement of people across borders
4	Migration facilitation and mobility including pathways to protection
4.1	Support to the freedom of movement within regions outside Europe
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration
5	Support to national and international policy frameworks and strategies on asylum and migration
5.1	Implementation of the GCM and the GCR
5.2	Support to research and campaigning on asylum and migration
5.3	Design of national and regional strategies related to asylum and migration
5.4	Institutional development and capacity building on migration
6	Tackling the root causes of forced displacement and other migration
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to reducing displacement)

2. Efforts are ongoing to classify expenditure, such as the indicators developed by UNHCR to record global expenditure towards the four objectives of the Global Compact on Refugees (available at <https://www.unhcr.org/5cf907854>) those have not yet translated into more transparent and publicly available reporting.

Data

Accessing useable data was a significant challenge. Reports from the Commission to the European Parliament and Council on the funding instruments listed above reference migration-related activities. The Annual report on external action in 2015, for example, references establishing the EU Emergency Trust Fund for Africa, and in this case unusually also included its budget, even if the sources of funding were not listed. However, migration- or asylum- related results are not given, nor an indication of funding allocations.³ This report intended to rely primarily on the European Commission's Financial Transparency System (FTS) as the most likely to be useful, publicly accessible depository of EU funding commitments in the period under review, as the other public databases are too general at the sector level to be of use.

The FTS is however limited to beneficiaries of funding from the EU budget implemented directly by the Commission, whether in headquarters or Delegations, through 'direct management' by other EU agencies and beneficiaries of the EDF.⁴ It does not include information on funding from the EU budget implemented by both Commission and Member States ('shared management') or by other international organisations, such as the UN, or non-EU countries ('indirect management'). The limitations of the FTS may be a serious limitation for this data set. For example, although the records for EIDHR and IcSP should be complete, this is likely to skew results, as data from these instruments cannot be directly comparable with funding from other instruments, which may or may not be fully recorded in the FTS.

Projects and programmes in the FTS are not coded by objective so the only feasible way of searching the FTS is by key terms that may be included in a project title. For this report, the search terms Migr; Displace; Refug; Asylum were used. Mobility was added for ENI and IPA, given the policy importance of this migration-related term in these regions. Results were then cleaned by hand to remove duplicates and anomalies, and coded according to the relevant activities.

The Trust Funds and EU-Turkey Facility are not included in the FTS, so the data for these funds was drawn from publicly accessible reports.

Evaluations could have provided alternative data sources, which would be particularly useful in relation to money committed to specific migration-related activities, if expenditure were disaggregated according to clear indicators relevant to this report. However, programme- and instrument-level evaluations are rarely carried out and/or made publicly available,⁵ and project-level evaluations are not systematically collected or published. The European Court of Auditors (ECA) has criticized the absence of results frameworks and adequate monitoring and evaluation in the past (see below) in relation to the Trust Funds (TF). The Progress report on the European Agenda on Migration⁶ is unusual in listing financial allocations, yet progress is measured by amounts contracted and disbursed rather than results achieved.

In calculating expenditure as a percentage of each instrument's budget, this report rates the instrument (or facility or programme etc) budget at 80% to reflect the fact that the latest data available is for 2019 and the financial envelopes reach to the end of 2020. An 80% rating is not likely to be very accurate, as it is unlikely that 20% would be committed in the final year of the programme, but more accurate than 100%.

Other limitations

In addition to the limitations of the FTS database itself, the database search method used is time-consuming and likely inaccurate. This approach is clearly limited, not least because it only picks up English titles (and some French and Spanish. For example, the search term 'migr' will return migratoire but 'asylum' will not return asile) and reveals unmanageable numbers that still have to be sifted by hand to remove anomalies (e.g. studies of animal migration, projects to migrate data).

3. European Commission (2016) *Report from the Commission to the European Parliament and the Council: 2016 Annual Report on the implementation of the European Union's instruments for financing external actions in 2015* {SWD(2016) 456 final} Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0810&from=EN> Accessed 27 November 2020.

4. It does not therefore include projects under 'shared management' between the Commission and Member States or those implemented under 'indirect management' by international organisations and third countries. See https://ec.europa.eu/budget/fts/index_en.htm.

5. Final evaluations of the instruments and 11th EDF may be expected at the end of this financing cycle, i.e. in 2021.

6. European Commission (2017) *Report from the Commission to the European Parliament, the European Council and the Council: Progress report on the European Agenda on Migration* {SWD(2017) 372 final} Available at https://ec.europa.eu/neighbourhood-enlargement/news_corner/key-links_en?tid%5B0%5D=68 Accessed 2 December 2020.

The FTS database does not allow searches to distinguish between intra- and extra-EU so comprehensive searches have to be edited by hand, based on assumptions in project title and/or funding instrument to remove intra-EU projects.

It is beyond the scope of this report to analyse the action plans for each country under the European Development Fund (EDF), ENI etc. – and cross referencing sources of income from Communications is difficult as references may be very unclear. The method of a country-by-country approach is likely to be the most successful, but so time-consuming as to hinder transparency at the global level in any meaningful sense.⁷

The Progress report on the Implementation of the European Agenda on Migration states, for example in relation to Morocco: 'To help it address the situation, the EU's cooperation portfolio on migration now amounts to €238 million, including support from the EU Trust Fund for Africa.'⁸ There is no information about this cooperation portfolio on the EU Delegation to Morocco's website, or accessible among the out-of-date links on the Europa website.⁹

Alternatives were explored. Searching OECD DAC databases for the migration code and European institutions is not possible at the level of detail useful for the purposes of this report that would enable distinguishing between the different types of activity listed above.

The limitations of the data set meant it was not possible to assess expenditure ODA eligibility, despite the importance of that analysis.

Despite the limitations of the dataset, this report should give a reasonable picture at least how migration-related spending is prioritised between the relevant activities.

TRENDS

Migration has been a high-profile political issue for the EU, unusually combining internal and external instruments, both in addressing migration-related issues within and beyond the EU's borders and has led to the creation of new funding instruments – the Trust Funds.

The high-profile nature of the issue has been accompanied by high visibility and communication from the EU institutions on 'Migration': there are plethora of fact-sheets, press releases and statements. This increased visibility does not contribute to transparency, however, on the use of public money; far from it.¹⁰ The Trust Funds are particularly beset with allegations of problems connected to lack of application of public procurement law, conflict of interests and opaque management.¹¹ Other concerns relate to the securitisation of development aid, and external aid more broadly, through the prioritisation of certain approaches to stemming migration into the

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7. See for example: 'After months of research, we attempted to map the migration projects Europe finances in Nigeria' M. Vermeulen, R. Tromp, G. Zandoni and A. Amzat (2019). *A breakdown of Europe's €1.5bn migration spending in Nigeria* *The Correspondent*. Available at <https://thecorrespondent.com/150/a-breakdown-of-europes-eur1-5bn-migration-spending-in-nigeria/19837235550-e86e62a5> Accessed 4 December 2020.
 8. Communication from the Commission to the European Parliament, the European Council and the Council (2019) *Progress report on the Implementation of the European Agenda on Migration Brussels, 16.10.2019 COM(2019) 481 final* https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20191016_com-2019-481-report_en.pdf p.11.
 9. See, for example: EU Neighbourhood Info Centre https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp_en?page=1 Information on the portfolio may well be available but it is not accessible.
 10. The European Commission's note *Managing Migration in all its aspects* (2018) Available at https://ec.europa.eu/commission/sites/beta-political/files/euco-migration-booklet-june2018_en_1.pdf Accessed 4 December 2020 is a case in point: none of the spending cited in the report is referenced.
 11. See, for example: European Court of Auditors (2017) *Special report no 11/2017: The Békou EU trust fund for the Central African Republic: a hopeful beginning despite some shortcomings* Available at <https://eca.europa.eu/en/pages/DocItem.aspx?did=41726> Accessed 3 December 2020; European Court of Auditors *Special report no. 32/2018: European Union Emergency Trust Fund for Africa: Flexible but lacking focus* Available at <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=48342> Accessed 2 December 2020; Thomas Spijkerboer and Elies Steyger 'European External Migration Funds and Public Procurement Law' *European Papers*, Vol. 4, 2019, No 2, pp. 493-521. Available at <https://www.europeanpapers.eu/en/e-journal/european-external-migration-funds-and-public-procurement-law> Accessed 3 December 2020.

EU, to the extent that EU migration interventions may increase migration flows, including to the EU.¹²

The EU does not apply a migration marker to its reporting, even though the OECD DAC has developed one. Sectoral reporting does not disaggregate at the level of migration-related spending. Some, but by no means all, external funding is registered in the Financial Transparency System (FTS), this cannot be searched by objective or over multiple years, the only possibility is to track key words in project titles, which is surely inadequate; in addition the language around migration is slippery. The challenges of researching external expenditure on migration-related projects are discussed in the methodology section, and point to the following conclusions:

1. There is no clarity on how much money is spent externally by the EU on migration-related activities that is accessible to a more-than-averagely interested EU citizen or third-country governments. More detailed reports may be available to EC staff, but these are not publicly accessible. This lack of transparency has severe implications for necessary scrutiny of public money, including by the European Parliament. As the three country snapshots demonstrate, this information is difficult to access at national levels while regional funding remains opaque.
2. Instruments routinely lack objectives and related indicators of progress in meeting them, in general, and specifically related to asylum, migration and forced displacement. The designs of programming lack objectives and results chains in general, and specifically in relation to asylum, forced displacement and migration. This further hinders scrutiny as well as monitoring and evaluation.
3. The creation of Trust Funds adds a further layer of complication and opacity regarding progress and accountability for funding disbursed.
4. In Afghanistan, the EU has used informal procedures that bypass judicial and parliamentary oversight.
5. Systematic conflict analysis to inform programming has been absent in the case of Sudan,
6. An external evaluation of funding to Niger suggests that migration related programmes undermine attempts to deal with the root causes of migration, and may even exacerbate these causes.
7. In the course of this research, several other areas were identified that fall outside the scope of this report and merit further investigation:
 - » Common Foreign and Security Policy and Common Security and Defence Policy (CSDP). CSDP expenditure related to migration is not included in the FTS, but is showcased in Commission communications.¹³
 - » The External Investment Plan, including its European Fund for Sustainable Development (2017), to promote inclusive growth, job creation and sustainable development in the context of reducing the root causes of migration.¹⁴
 - » Horizon 2020 and other projects managed by the Research Executive Agency
 - » The external dimension of the Asylum, Migration and Integration Fund (AMIF)
 - » The role of the European Investment Bank (the major donor in Nigeria).

TOWARDS A TYPOLOGY OF MIGRATION-RELATED EXTERNAL EXPENDITURE

Despite the (severe) limitations to the data, discussed above, analysis of how different migration-related activities were funded across the different instruments give a reasonable indication of how these different migration-related activities are prioritised. These are likely low estimates due to the lack of reliable data and shortcomings of the FTS database as set out in the methodology section.

12. See, for example: European Commission (2017) *External Evaluation of the Instrument contributing to Stability and Peace (2014-mid 2017) Final Report June 2017* Available at <https://ec.europa.eu/fpi/sites/fpi/files/documents/icsp-mte-final-report.pdf> Accessed 2 December 2020; Oxfam (2020) *The EU Trust Fund for Africa Trapped between aid policy and migration politics Oxfam Briefing Paper January 2020* Available at <https://www.oxfam.org/en/research/eu-trust-fund-africa-trapped-between-aid-policy-and-migration-politics> Accessed 2 December 2020; Mark Akkerman (2018) *Expanding the Fortress: the policies, the profiteers and the people shaped by the Eu's border externalisation programme* Available at https://reliefweb.int/sites/reliefweb.int/files/resources/expanding_the_fortress_-_1.6_may_11.pdf Accessed 4 December 2020.

13. See European Commission (2018) *Managing Migration in all its aspects* Available at https://ec.europa.eu/commission/sites/beta-political/files/euco-migration-booklet-june2018_en_1.pdf Accessed 4 December 2020.

14. European Commission (2017) *Report from the Commission to the European Parliament, the European Council and the Council: Progress report on the European Agenda on Migration {SWD(2017) 372 final}* Available at https://ec.europa.eu/neighborhood-enlargement/news_corner/key-links_en?tid%5B0%5D=68 Accessed 2 December 2020.

Table 2 Summary of funding across different instruments

Activity code		Combined instruments	
			%
1	Asylum and forced displacement		
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems	186,780	0.002
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	9,766,114,489	80.4
2.2	Measures to support the coexistence IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.	53,675,629	0.44
3	Migration restriction and reduction		
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.	1,018,053,582	8.38
3.2	Activities related to border management if they have an impact on the movement of people across borders	609,434,671	5.02
4	Migration facilitation and mobility including pathways to protection	566,214	0.00
4.1	Support to the freedom of movement within regions outside Europe	109,234,586	0.90
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration	29,219,404	0.24
5	Support to national and international policy frameworks and strategies on asylum and migration		
5.1	Implementation of the GCM and the GCR	5,558,173	0.05
5.2	Support to research and campaigning on asylum and migration	94,440,732	0.78
5.3	Design of national and regional strategies related to asylum and migration	49,396,197	0.41
5.4	Institutional development and capacity building on migration	141,903,316	1.17
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)	268,522,702	2.21
	Total	12,149,600,371	100

As the table demonstrates:

1. EU spending worldwide on support to or strengthening of access to asylum and the functioning of asylum systems is so low as to be negligible, as is expenditure on **migration facilitation and mobility including pathways to protection, and particularly to the EU**. The partial exceptions to this finding are provisions to encourage mobility for students and university staff in the Neighbourhood, under ENI.

2. The biggest single area of expenditure is also the broadest field: **Promotion and protection of the rights** of asylum seekers, refugees, displaced people and migrants, including provision of **support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political)**. This is the largest spending category for all instruments except IPA II and EU TF for Africa and in most cases (EIDHR, ECHO, EU Turkey Facility, Bêkou TF, Syria TF) this category represents 100% of spending on relevant activities.¹⁵
3. **Migration restriction** and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement, and excluding border management, is the second largest category, representing 8.4% of all expenditure. The sources for this expenditure are five instruments: ENI, DCI, IPA II, 11th EDF and the EUTF for Africa.
4. Support to research and campaigning on asylum and migration and **tackling the root causes of forced displacement and other migration** are very low priorities. More seriously, there has been **no evaluation of the impact of migration-related policies, programming or instruments** on the political and other systems that cause forced displacement, despite calls for evaluation of – for example – support to the Sudanese and Libyan security systems due to concerns that the EU’s migration-related programming in these countries may be harming (current) migrants and enabling the displacement of more people in the future.
5. **Institutional support** to third countries to manage migration (5.3 and 5.4 in our rubric) is low, but may be underrepresented in this data set due to the limitations of the FTS and available data.
6. **Border management** that has an impact on the movement of people across borders represents 5% of all expenditure, through ENI, DCI, IPA II, IcSP and the EUTF for Africa. It represents 28% of expenditure through IcSP, and 19% through the EUTF for Africa.

It is not possible to ascertain the full financial envelopes of all the instruments (ECHO is a particular challenge)¹⁶, but comparison between the instruments excluding ECHO suggest the following percentage of migration-related expenditure of the whole financial envelope of the instrument.¹⁷ However, these figures may be highly unreliable given the limitations on the data set and in particular the absence of higher-cost projects managed indirectly by international organisations and third countries, which would significantly increase the percentages for some instruments.

Table 3 Percentage funding on migration per instrument, where activity is captured by available data

Instrument	% of instrument spending on migration-related activities (where the activity/beneficiary is captured by the available data)
11th EDF	0.2%
DCI	3%
ENI	2%
IPA II	4%
EIDHR	2%
IcSP	16%
Trust Funds and EU-Turkey Facility	
Bêkou TF	5.6%
EU TF Syria	100%
EU-Turkey Facility	100%
EUTF for Africa	62%

15. This may also be overrepresented as a category as projects specifying migrants, refugees, asylum-seekers or displaced people and not specifying other activity were placed here. Disaggregating service provision from other rights might also be a useful investigation.

16. This is due to its complex legal structure, and the fact that it works within and outside the EU and its financing is largely categorised by geography, so it is not possible to get a reasonable working estimate for the relevant part of its budget – see the chapter on ECHO below.

17. Financial envelopes for EDF and the budget are rated at 80% to reflect the fact that most of the envelopes cover 2020 for which there is no data yet available.

AREAS FOR FURTHER RESEARCH

Several issues came to light during this research that merit further investigation.

1. Projects that are managed indirectly by third countries and international organisations, and therefore are absent from the FTS and from the scope of this report, and those in ‘shared management’ between the Commission and Member States and not managed through the Trust Funds should also be examined;
2. The External Investment Plan, including its European Fund for Sustainable Development (2017), to promote inclusive growth, job creation and sustainable development in the context of reducing the root causes of migration;¹⁸ Horizon 2020 and other projects managed by the Research Executive Agency; The external dimension of the Asylum, Migration and Integration Fund (AMIF);
3. As the snap-shot case studies included in this report show, detailed country-case studies may throw more light on the range of EU migration-related expenditure - although with the caveat that information is hard to come by and the research process difficult. Studies with this level of detail may also be better able to assess the extent to which different EU funding streams related to migration in given contexts are ODA-eligible.

ANALYSIS OF EXTERNAL SPENDING BY INSTRUMENT

11TH EUROPEAN DEVELOPMENT FUND (EDF)

The legal basis of the 11th EDF is the Cotonou Agreement (2000, revised 2015), the objective of which is poverty reduction in the African Caribbean and Pacific (ACP) states. Migration is not mentioned in the objectives, although it could be inferred from the commitment to the Sustainable Development Goals (SDG).¹⁹

Migration-related language can be found in Article 11, which notes that ‘Trafficking’ is one of the ‘new or expanding security threats’. It commits the parties to supporting law enforcement, including cooperation on border controls, with the caveat that suitable action shall be taken to set responsible limits to military expenditure and arms trade, including through support for the promotion and application of agreed standards and codes of conduct as well as to combat activities that fuel conflict.

Article 13 is then dedicated to migration. It highlights the importance of integrating migrants and anti-discrimination within ACP countries. It observes that ‘the parties consider that strategies aimed at reducing poverty, improving living and working condition, creating employment and developing training contribute in the long-term to normalizing migratory flows’, and emphasises access to vocational training and education in this context. It also contains a lengthy two-way, but surely one-sided, commitment for all parties to facilitate the return and readmission of nationals illegally present in EU/ACP.

Article 28 discusses free movement of persons within ACP, and Article 72a notes the needs arising from the displacement of people (refugees, displaced persons and returnees).²⁰

Asylum is not mentioned

The financial allocation for 11th EDF is €31,589m for the period 2014-2020, with €24 365m earmarked for national and regional indicative programmes under Articles 1-5, 6-11. This is the budget used in the allocation table below, as it seems most appropriate for migration-related activities, but note that majority is programmed through National and regional indicative programmes / country / regional strategy papers, and analysis of these is beyond the scope of this report.

The lack of indicators and results in general, and specifically related to asylum and migration, also poses a significant challenge. The Staff Working Document on the (external) Mid-term evaluation stated that it is ‘difficult to measure the performance of the 11th EDF in the absence of indicators in the legal base beyond

18. European Commission (2017) *Report from the Commission to the European Parliament, the European Council and the Council: Progress report on the European Agenda on Migration {SWD(2017) 372 final}* Available at https://ec.europa.eu/neighbourhood-enlargement/news_corner/key-links_en?tid%5B0%5D=68 Accessed 2 December 2020.

19. Cotonou Agreement (2000, 2015) and multi-annual financial framework is available at <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=LEGISSUM:r12101> Accessed 2 December 2020.

20. *Ibid.*, Cotonou Agreement (2000, 2015), Articles 11, 13, 28, 72.

the Millennium Development Goals (MDGs)/ Sustainable Development Goals. Despite progress, there is still not enough focus on results'.²¹ Nonetheless, the evaluation found that "unprecedented migration/refugee flows justified an increased emphasis on security concerns and migration issues by addressing the root causes of irregular migration"²²

The Staff Working Document discusses concerns with the use of EDF financing in relation to migration-related activities (the external evaluation is not accessible to the public):

"The external evaluation points at a tension between the ownership and partnership principles of the 11th EDF and agendas perceived as deviating from the fundamental objective of poverty alleviation such as security and migration that have been financially supported by the 11th EDF. However, this evaluation assesses that peace building (as funded through the African Peace Building Facility under the intra-ACP component) and addressing root causes of migration (as with the European Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced people in Africa) are fundamental aspects of sustainable development. The evaluation nevertheless takes note from the external evaluation and stakeholders' opinion that the governance rules of the Trust Fund and recourse to accelerated procedures may require attention."²³

The top three main priorities of EDF migration-related spending are:

- | | | |
|----|--|-----|
| 1. | 2.1 Promoting rights and providing support | 84% |
| 2. | 3.1 Migration restriction and reduction | 9% |
| 3. | 5.4 Institutional development on migration | 4% |

21. European Commission (2017) Commission Staff Working Document *Evaluation of the 11th European Development Fund Accompanying the document Report from the Commission to the European Parliament and the Council : Midterm Review Report on the External Financing Instruments* Brussels, 15.12.2017 SWD(2017) 601 final. p.2. Available at https://ec.europa.eu/international-partnerships/system/files/swd-mid-term-review-edf_en.pdf Accessed 2 December 2020.

22. *Ibid.* Commission (2017), p.2.

23. *Ibid.* Commission (2017), p. 15.

Table 4 Overview of accessible data on 11 EDF spending 2014-2019 (excluding Trust Funds)

Activity code		11 EDF (2014-2019)	
		Euros	% of spending
1	Asylum and forced displacement		
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems		
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	33,599,954	83.8
2.2	Measures to support the coexistence IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.		
3	Migration restriction and reduction		
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.	3,584,612	8.9
3.2	Activities related to border management if they have an impact on the movement of people across borders		
4	Migration facilitation and mobility including pathways to protection		
4.1	Support to the freedom of movement within regions outside Europe	115,990	0.3
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration	69,556	0.2
5	Support to national and international policy frameworks and strategies on asylum and migration		
5.1	Implementation of the GCM and the GCR		
5.2	Support to research and campaigning on asylum and migration	1,033,003	2.6
5.3	Design of national and regional strategies related to asylum and migration	53,870	0.1
5.4	Institutional development and capacity building on migration	1,582,250	3.9
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)	41,390	0.1
	Total	40,080,625	100
	Instrument budget @80%	9,492,000,000	
	%	0.21	

DEVELOPMENT COOPERATION INSTRUMENT (DCI)

DCI's legal base is Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020.²⁴

The primary objective of DCI is to eradicate poverty, guided by the MDGs. The Regulation mentions migration:

“In a globalised world, different internal Union policies such as environment, climate change, promotion of renewable energies, employment (including decent work for all), gender equality, energy, water, transport, health, education, justice and security, culture, research and innovation, information society, migration and agriculture and fisheries are increasingly becoming part of the Union's external action.”²⁵

The European Consensus on Development (2017) provides a new framework for EU development cooperation with the adoption of the SDGs and the EU's Global Strategy. The primary objective of development cooperation is still poverty eradication, according to the Consensus. Migration is referenced as a cross-cutting theme, in article 20,²⁶ and the emphasis on regular and irregular migration and forced displacement is much stronger than in the Regulation.

Article 39 states: “Migration is a complex, global, long-lasting phenomenon requiring a carefully designed, balanced, evidence-based and sustainable policy response which shall respect national competences.” Discussing the benefits of regular migration and the challenges of irregular migration, the article concludes: “Strengthened engagement will help to facilitate the safe, orderly, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”²⁷ The Consensus states that “the EU and its Member States will step up efforts to address the root causes of irregular migration and forced displacement, and to promote the better management of migration in partner countries in all its aspects.”²⁸ It also states that the EU will address root causes of irregular migration and assist forcibly displaced people. Asylum is not mentioned.

DCI combines geographic programmes for countries not eligible to receive funding through EDF, ENI or IPA, and thematic programmes. Global Public Goods and Challenges (GPGC), is one of the thematic programmes, for which the indicative 2014-2020 allocation is €5 101 million. It addresses issues such as the environment, climate change, sustainable energy, human development, food security, migration and asylum, while ensuring coherence with poverty reduction goals.²⁹

The FTS does not record whether projects are financed through the GPGC or through the geographic programmes, but as migration and asylum are attributed to the GPGC, this report will use the funding allocation of GPGC as the percentage committed to migration and asylum expenditure, in the knowledge that this is likely to be inaccurate to some degree, and assuming that all DCI funds could be available for migration and asylum expenditure is likely to be more inaccurate.

The top three main priorities of DCI migration-related spending are:

- | | | |
|----|---|-----|
| 1. | 2.1 Promoting rights and providing support | 48% |
| 2. | 3 Migration restriction and reduction | 11% |
| 3. | 4.1 Support to freedom of movement outside EU | 5% |

24. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0233> Accessed 27 November 2020.

25. *Ibid.*

26. European Consensus on Development Available at https://www.consilium.europa.eu/media/24004/european-consensus-on-development-2-june-2017-clean_final.pdf Accessed 27 November 2020 p.7.

27. *Ibid.*, p. 15.

28. *Ibid.*, p.17.

29. European Parliament (2017) *Briefing: how the budget is spent. The Development Cooperation Instrument* available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608764/EPRS_BRI\(2017\)608764_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608764/EPRS_BRI(2017)608764_EN.pdf) Accessed 27 November 2020.

Table 5 Overview of accessible data on DCI spending 2014-2019

Activity code		DCI 2014-2019	
		Euros	%
1	Asylum and forced displacement		
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems	186,779.92	0.15
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	60,031,702.45	47.52
2.2	Measures to support the coexistence IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.		0
3	Migration restriction and reduction	2,367,215.00	1.87
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.	11,834,325.03	9.37
3.2	Activities related to border management if they have an impact on the movement of people across borders	69,974.00	0.06
4	Migration facilitation and mobility including pathways to protection	1,998,976.00	1.58
4.1	Support to the freedom of movement within regions outside Europe	5,809,409.60	4.60
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration	723,708.00	0.57
5	Support to national and international policy frameworks and strategies on asylum and migration		
5.1	Implementation of the GCM and the GCR	2,448,900.75	1.94
5.2	Support to research and campaigning on asylum and migration	4,536,211.50	3.59
5.3	Design of national and regional strategies related to asylum and migration	1,382,596.00	1.09
5.4	Institutional development and capacity building on migration	17,670,730.59	13.99
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)	17,267,299.70	13.67
	Total	126,327,828.54	100.00
	Instrument budget (GPGC) @80%	4,080,800,000	
	%		3.10

EUROPEAN NEIGHBOURHOOD INSTRUMENT (ENI)

The ENI implements the European Neighbourhood Policy (ENP), and its legal basis is Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action, and subsequent revisions.³⁰

The budget for the ENI is €15 billion for 2014-2020, and the four main domains of the ENP are:

1. Good governance, democracy, rule of law and human rights;
2. economic development for stabilisation;
3. security and;
4. migration and mobility.³¹

The revised ENP prioritises "Dialogue on migration", stating that 'Cooperation with the Southern Mediterranean countries on migration-related issues are strategic, aimed at facilitating mobility but discouraging irregular migration,' with the aim of developing 'mobility partnerships and other agreements ensuring that the movement of persons between the EU and its partner countries is well managed', 'strengthen[ing] the countries' migration governance framework and efforts to tackle and prevent irregular migration.' In North Africa, the EU is to establish systems to provide better education, health and social protection for migrant communities.³² There is, however, no accessible budget broken down by policy objective (or 'domain').

It is beyond the scope of this report to analyse each of the 16 action plans for the partners in the ENP, and the progress reports web-page was last updated in 2015,³³ so the most recent available progress reports predate the 2017 review.

The Progress Report for Morocco (2015) for progress to the end of 2014, notes development of migration and asylum policies, treatment and management of irregular migrants and asylum seekers, but no financial reporting, or qualitative or quantitative results tied to indicators are included in the Report.³⁴

The Mid-term evaluation of the ENI (covering 2014-2017) found that "the ENI, as it has been implemented to date, has marginalised the short-medium term crisis prevention realm which is critical in the increasingly unstable Neighbourhood [and can be understood as a root cause of forced displacement and other migration, following the relevant activities rubric for this report] to help protect the EU's vital interests. Even when combined with other EFIs (mainly IcSP) and other tools available to EEAS and DG NEAR, this lack of sufficient coverage cannot fully be compensated."³⁵ However, the executive summary – the most detailed document accessible online, makes no reference to migration or mobility.

The top three main priorities of ENI migration-related spending are:

1. 2.1 Promoting rights and providing support 39%
2. 5.4 Institutional development on migration 32%
3. 5.3 Design of national and regional strategies 12%

30. The consolidated text is available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A02014R0236-20140101> Accessed 25 November 2020.

31. See European Commission (2016) European Neighbourhood Policy https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/330/european-neighbourhood-policy-enp_en Note that 'migration' was added after the 2017 review of the ENP; the original phrasing was 'mobility and people to people contact' (see Regulation *ibid.*).

32. See *ibid.*, European Commission (2016).

33. See https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/8409/enp-progress-reports_en accessed 27 November 2020.

34. European Commission (2015) *Document de travail conjoint des services: Mise en oeuvre de la politique européenne de voisinage au Maroc Progrès réalisés en 2014 et actions à mettre en oeuvre accompagnant le document: Communication conjointe au parlement européen, au conseil, au comité économique et social européen et au comité des régions Mise en oeuvre de la politique européenne de voisinage en 2014 Bruxelles*, le 25.3.2015 SWD(2015) 70 final Available at https://eeas.europa.eu/archives/docs/enp/pdf/2015/maroc-enp-report-2015_en.pdf Accessed 27 November 2020.

35. Anonymous (undated). *External Evaluation of the European Neighbourhood Instrument Executive summary* Available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eni_eval_-_executive_summary_-_particip_gmbh.pdf . Accessed 27 November 2020. The full external evaluation report is not accessible online.

Table 6 Overview of accessible data on ENI spending 2014-2019

Activity code		ENI 2014 - 2019	
		Euros	%
1	Asylum and forced displacement		
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems		
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	90,399,633.99	39.16
2.2	Measures to support the coexistence IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.	850,749.00	0.37
3	Migration restriction and reduction		
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.	4,658,893.87	2.02
3.2	Activities related to border management if they have an impact on the movement of people across borders	8,485,193.00	3.68
4	Migration facilitation and mobility including pathways to protection	14 ,871,775.90	6.67
4.1	Support to the freedom of movement within regions outside Europe	1,122,471.94	0.49
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration	87,956.00	0.04
5	Support to national and international policy frameworks and strategies on asylum and migration		
5.1	Implementation of the GCM and the GCR	109,272.60	0.05
5.2	Support to research and campaigning on asylum and migration	7,908,621.37	3.43
5.3	Design of national and regional strategies related to asylum and migration	28,359,731.00	12.29
5.4	Institutional development and capacity building on migration	73,094,617.00	31.67
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)	315,160.00	0.14
	Total	230,830,289.67	100.00
	Instrument budget (GPGC) @80%	12,000,000,000,000	
	%	0.002	

There is no recorded funding for asylum, nor for displaced people 2016-2019.

INSTRUMENT FOR PRE-ACCESSION ASSISTANCE 2014-2020 (IPA II)

The legal basis of IPA II is Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II). The budget allocation for 2014-2020 is €2 980 200 000.

The objective of IPA II is to assist eligible countries (Albania, Bosnia and Herzegovina, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey) 'in adopting and implementing the political, institutional, legal, administrative, social and economic reforms required by those beneficiaries in order to comply with the Union's values and to progressively align to the Union's rules, standards, policies and practices, with a view to Union membership.'³⁶ The Regulation includes the specific objective 1 (a) (vii): 'capacity-building measures for improving law enforcement, border management and implementation of migration policy, including the management of migration flows',³⁷ and 'manage migration flows and provide asylum to those in need,' is including as a thematic priority in Annex II.³⁸

In accordance with the Regulation, the Multi-country Indicative Strategy Paper sets out the priorities for EU horizontal and regional financial assistance for 2014-2020 to support. It was revised in 2018.

The revised Strategy Paper includes capacity building for border police and civil servants, as well as harmonisation towards and implementation of international legal standards on mixed migration flows 'for protection-sensitive management of migration flows in accordance with international standards' as a priority for regional cooperation.³⁹ Managing migration is also mentioned in the context of addressing organised crime. Actions will be aligned with the EU Agenda on Migration.

The Strategy also reflects the 'new orientations of the 2018 Western Balkans Strategy, in particular the implementation of the six Flagship Initiatives', which include renewed priority for 'security and migration issues, stepping up joint operational cooperation on organised crime (including counter-terrorism), border control and migration management, in line with flagship initiative 2 (reinforcing engagement on security and on migration).'⁴⁰

Improving migration management, including visa liberalisation, tackling illegal migration and developing asylum capacity are also considered horizontal priorities. 'The increasing pressure requires the beneficiaries to step up their efforts to develop protection-sensitive migration management systems for asylum, smuggling, irregular migration and overall border management issues.'⁴¹ The strategy also supports mobility, particularly for university staff and students, and those involved in Vocational Education and Training.

The amount of money allocated to migration- and asylum-related programming cannot be discerned from the indicative allocations of IPA II, and there are no indicators relative to migration.⁴² Migration management and asylum likely figure in Country strategies for IPA II, but these fall outside the scope of this report.

Migration management and asylum likely figure in Country strategies for IPA II, but these fall outside the scope of this report.

The top three main priorities of IPA II migration-related spending are:

- | | |
|---|-----|
| 1. 5.4 Institutional development on migration | 50% |
| 2. 4. Migration facilitation (people to people exchange, education) | 14% |
| 3. 2.1 Promoting rights and providing support | 12% |

36. Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II). Article 1. Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0231&from=EN> Accessed 27 November 2020.

37. *Ibid.* article 2.1. (a) (vii).

38. *Ibid.* Annex II (b).

39. European Commission (2018) Revised Multi-country Indicative Strategy paper (2014-2020) Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180817-revised-multi-country-indicative-strategy-paper-2014-2020.pdf> Accessed 27 November 2020 p.8.

40. *Ibid.* European Commission (2018) p.16.

41. *Ibid.* European Commission (2018) p.19.

42. Allocations and (blank) indications for mobility through ERAMUS+ are partial exceptions to this. p.37.

Table 7 Overview of accessible data on IPA II spending 2014-2019

Activity code		IPA III 2014-2019	
		Euros	%
1	Asylum and forced displacement		
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems		
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	11,298,035.82	12.44
2.2	Measures to support the coexistence IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.		
3	Migration restriction and reduction		
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.	4,118,031.19	4.54
3.2	Activities related to border management if they have an impact on the movement of people across borders	9,725,458.00	10.71
4	Migration facilitation and mobility including pathways to protection (people to people contact, education)	12,394,111.90	13.65
4.1	Support to the freedom of movement within regions outside Europe	7,665,221.60	8.44
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration		
5	Support to national and international policy frameworks and strategies on asylum and migration		
5.1	Implementation of the GCM and the GCR		
5.2	Support to research and campaigning on asylum and migration	469,170.85	0.52
5.3	Design of national and regional strategies related to asylum and migration		
5.4	Institutional development and capacity building on migration	45,133,219.33	49.70
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)		
	Total	90,803,248.69	100
	Instrument budget (GPGC) @80%	2,384,160,000.00	
	%	3.81	

EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS (EIDHR)

The legal basis of EIDHR is Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide.⁴³ It was allocated a financial envelope of €1 332.75 million for 2014-2020.⁴⁴ The Regulation states:

Furthermore, whilst democracy and human rights objectives must be increasingly mainstreamed in all instruments for financing external action, Union assistance under this Regulation should have a specific complementary and additional role by virtue of its global nature and its independence of action from the consent of the governments and public authorities of the third countries concerned. That role should allow for cooperation and partnership with civil society on sensitive human rights and democracy issues, including migrants' enjoyment of human rights and the rights of asylum seekers and internally displaced persons, providing the flexibility and requisite reactivity to respond to changing circumstances, or needs of beneficiaries, or periods of crisis.⁴⁵

The Multi-Annual Action Programme 2018-2020 for the European Instrument for Democracy and Human Rights (EIDHR) does not mention migration, displacement or asylum.⁴⁶

The EU Action Plan on Human Rights and Democracy (2015-2019) includes commitments to support the human rights of migrants and refugees under heading IV Fostering better coherence and consistency, with Point 24: Migration/trafficking in human beings (THB)/smuggling of migrants/asylum policies.⁴⁷ Note, however, that this section does not address 'asylum policies', despite the title, and indeed this is only reference in the Action Plan to asylum. The Mid-Term Review of the Action Plan (2017) does not reference migration, asylum or displacement.⁴⁸

All migration-related spending under EIDHR falls under category 2.1 Promoting rights and providing support.

Table 8 Overview of accessible data on EIDHR spending 2014-2019

Relevant activities code		EIDHR (2014-2019)	
		Euros	%
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	22,092,741.12	100
	Instrument budget @80%	1,066,200,000	
	%	2.07	

EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID OPERATIONS (ECHO)

43. Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0235&from=EN> Accessed 1 December 2020.
44. European Parliament (2015) *Briefing: how the EU budget is spent. The European Instrument for Democracy and Human Rights* Available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/568332/EPRS_BRI\(2015\)568332_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/568332/EPRS_BRI(2015)568332_EN.pdf) Accessed 1 December 2020.
45. *Ibid*, Article 16.
46. Undated document, assumed European Commission (2015). *Multi-Annual Action Programme 2018-2020 for the European Instrument for Democracy and Human Rights (EIDHR)* Available at https://ec.europa.eu/international-partnerships/system/files/eidhr-maap-implementing-decision-summary_en.pdf.
47. Council of the EU (2015) *Council Conclusions on the Action Plan on Human Rights and Democracy 2015 - 2019* Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf Accessed 1 December 2020.
48. Council of the EU (2017) *Council Conclusions on the Mid-Term Review of the Action Plan on Human Rights and Democracy - Council conclusions (16 October 2017)* Available at <https://www.consilium.europa.eu/media/21512/st12815en17-cc.pdf> Accessed 1 December 2020.

ECHO has a more complex legal structure than the other instruments analysed in this report, and an overview of the relevant Council conclusions and Regulations is available on the ECHO website.⁴⁹

ECHO's involvement is in support of the Global Compact on Refugees. The Communication (2016) *Lives in Dignity: from Aid-dependence to Self-reliance Forced Displacement and Development*⁵⁰ and the accompanying Staff Working Document,⁵¹ that provides 'the policy framework to prevent forced displacement from becoming protracted and to gradually end dependence on humanitarian assistance in existing displacement situations by fostering self-reliance and enabling the displaced to live in dignity as contributors to their host societies, until voluntary return or resettlement.'⁵²

There are no relevant evaluations of ECHO's work in this period accessible online. As ECHO works within and outside the EU and its financing is largely categorised by geography, it is not possible to get a reasonable working estimate for the relevant part of its budget. According to the FTS search, €900 m was made available via ECHO for providing support to refugees, migrants, asylum-seekers and the displaced in five year period of 2014-2019, which is far short of the €1.6 bn of aid that, according to ECHO itself 'help[s] forcibly displaced populations and their host communities in 2019' – i.e. in just one year – and particularly in the 'key countries': Turkey, Syria, Iraq and Yemen.⁵³ All migration-related spending under ECHO falls under category 1.2 Promoting rights and providing support.

Table 9 Overview of accessible data on ECHO spending 2014-2019

Relevant activities code		ECHO (2014-2019)	
		Euros	% of spending
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	903,803,755.21	100

INSTRUMENT CONTRIBUTING TO SECURITY AND PEACE (IcSP)

IcSP was established by Regulation No 230/2014 of 11 March 2014 establishing an instrument contributing to stability and peace⁵⁴ to 'provide direct support for the Union's external policies by increasing the efficiency and coherence of the Union's actions in the areas of crisis response, conflict prevention, peace-building and crisis preparedness, and in addressing global and trans-regional threats.'⁵⁵ The financial envelope for 2014-2020 is €2338.72 million.⁵⁶

49. European Commission (undated) *European Civil Protection and Humanitarian Aid Operations Legal Framework* https://ec.europa.eu/echo/who/about-echo/legal-framework_en Accessed 2 December 2020.

50. European Commission (2016a) *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Lives in Dignity: from Aid-dependence to Self-reliance Forced Displacement and Development Com/2016/0234 final* Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52016DC0234> Accessed 2 December 2020.

51. European Commission (2016b) *Commission Staff Working Document Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Lives in Dignity: from Aid-dependence to Self-reliance Forced Displacement and Development (COM(2016) 234 final)* Available at https://ec.europa.eu/echo/files/policies/refugees-idp/Staff_working_document_Forced_Displacement_Development_2016.pdf Accessed 2 December 2020.

52. *Ibid.*, European Commission (2016a). p.1.

53. https://ec.europa.eu/echo/what-we-do/humanitarian-aid/refugees-and-internally-displaced-persons_en Accessed 2 December 2020.

54. Regulation No 230/2014 of the *European Parliament and the Council of 11 March 2014 establishing an instrument contributing to stability and peace* Available at https://ec.europa.eu/fpi/sites/fpi/files/documents/140311_icsp_reg_230_2014_en.pdf Accessed 2 December 2020.

55. *Ibid.*, Article 1.

56. European Parliament (2017) *Briefing How the EU Budget is spent Instrument contributing to Stability and Peace March 2017* p.1 Available at https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/599331/EPRS_BRI%282017%29599331_EN.pdf Accessed 4 December 2020.

Anti-trafficking, including of people, is mentioned throughout and Article 3 (Assistance in response to situations of crisis or emerging crisis to prevent conflicts), the Regulation includes:

support for measures to address the potential impact of sudden population movements with relevance to the political and security situation, including measures addressing the needs of host communities in a situation of crisis or emerging crisis, including peace-building;⁵⁷

The Mid-Term Evaluation of the IcSP found that migration-related activities under Article 3 contributed to the EU's evolving policy in this area (e.g. EU Agenda on Migration) and provided a bridging function between other instruments and TFs that no other instrument could, for example:

The AGAMI project in Niger or the provision of boats to the Turkish Coast Guard are illustrative examples of IcSP support to EU political priorities and deliverables in relation to the migration agenda, while providing a bridging function for longer-term support through other EU instruments and mechanisms.⁵⁸

This report also notes how IcSP projects in Niger caused tension between the EU and the government of Niger, and between the central government of Niger and the decentralised authorities in Agadez, and between local and national authorities and communities over different interests and priorities around tackling trafficking of migrants.⁵⁹

A broader external evaluation of EU support to conflict prevention and peacebuilding had a similar finding: Increasing attention to migration is one of the 'initiatives [that] raised concerns over an increasing "securitisation" of EU development policy and wider external action"⁶⁰ however, clashes between...[migration management] efforts in a few cases undermined the achievement of EU CPPB [conflict prevention and peacebuilding] objectives'⁶¹ particularly in Niger.⁶² This suggests that at least some of EU migration management programming is undermining attempts to deal with the root causes of migration, and may even exacerbate these causes.

There is more data regarding IcSP funding projects than for the other instruments. A table of all IcSP funded projects,⁶³ including the project theme was analysed by theme and title against the Relevant Activities rubric.

The top three main priorities of IcSP migration-related spending are:

- | | | |
|----|--|-----|
| 1. | 2.1 Promoting rights and providing support | 43% |
| 2. | 3.2 Border management | 28% |
| 3. | 2.2 Coexistence IDPs, refugees, hosts | 18% |

57. *Ibid.*, Article 3. 2. (o).

58. European Commission (2017) External Evaluation of the Instrument contributing to Stability and Peace (2014-mid 2017) Final Report June 2017 p.12 Available at <https://ec.europa.eu/fpi/sites/fpi/files/documents/icsp-mte-final-report.pdf> Accessed 2 December 2020.

59. European Commission (2017) *Ibid.*, p.13.

60. Particip (2020) External Evaluation of EU's support to Conflict Prevention and Peacebuilding (CPPB) 2013-2018 p.4 Available at https://ec.europa.eu/international-partnerships/system/files/cppb-eval-final-report-2020-vol-1_en.pdf Accessed 3 December 2020.

61. Particip (2020) *ibid.*, p.12.

62. Particip (2020) *ibid.*, p.17.

63. European Commission (2020) *Instrument contributing to Stability and Peace Report generated 6/1/2020* Available at <https://icspmap.eu/pdf/?format=> Accessed 6 November 2020.

Table 10 Overview of accessible data on IcSP spending 2014-2019

Activity code		IcSP 2014-2019	
		Euros	%
1	Asylum and forced displacement		
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems		
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	128,658,666.00	43.3
2.2	Measures to support the coexistence IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.	52,824,880.00	17.8
3	Migration restriction and reduction		
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.		
3.2	Activities related to border management if they have an impact on the movement of people across borders	82,626,150.00	27.8
4	Migration facilitation and mobility including pathways to protection (people to people contact, education)		
4.1	Support to the freedom of movement within regions outside Europe	8,557,993.00	2.9
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration		
5	Support to national and international policy frameworks and strategies on asylum and migration		
5.1	Implementation of the GCM and the GCR		
5.2	Support to research and campaigning on asylum and migration	6,293,726.00	2.1
5.3	Design of national and regional strategies related to asylum and migration		
5.4	Institutional development and capacity building on migration	4,422,500.00	1.5
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)	13,699,619.00	4.6
	Total	297,083,534.00	
	Instrument budget (GPGC) @80%	1,870,976,000.00	100
	%	15.88	

EU TRUST FUNDS AND EU-TURKEY FACILITY

The Trust Fund is a relatively new instrument for managing EU and Member State funds, and the methods used for selecting projects and procurement are not without controversy. The European Court of Auditors expressed concerns of conflict of interest from implementing organisations sitting on the operational committee of the Bêkou Trust Fund,⁶⁴ and about the management of funds through the EUTF for Africa.⁶⁵

Spijkerboer and Steyger, in analysing the management of European external migration funds through the Syria and Africa Trust Funds and the EU-Turkey facility from a public procurement law perspective, find it 'remarkable that European public procurement law is not well integrated into external migration policy. This leads to a situation where the expenditure of billions of euros is vulnerable to political challenges, as well as to legal challenges from parties whose interests may have been harmed by the failure to apply public procurement procedures.'⁶⁶

BÊKOU TRUST FUND

The EU Trust Fund for the Central African Republic (CAR), or Bêkou Trust Fund, was created in July 2014 to address the political and security crisis of 2013 in the Central African Republic, and brought together the EU, France, Germany and the Netherlands. It has a financial allocation of €243 million (2014-2019) and has launched 17 programmes.⁶⁷

The Trust Fund was established by the Commission Decision C(2014) 5019 of 11.7.2014,⁶⁸ under the EDF. DCI, IcSP, EIDHR and humanitarian aid can contribute to it.⁶⁹

The Bêkou Trust Fund supported two programmes during 2014- 2019 that explicitly reference refugees and IDPs: A short-term and medium-term project to address the influx of refugees from CAR into Cameroon (€4,500,000, or 1.9% of the total), and a 'programme to promote social cohesion, dialogue and reconciliation in Central African society'. This second programme was allocated €20 million (8.2% of the total). Within it, the component "Supporting return of Central African IDPs and refugees" was allocated €9 million (3.7%) introduced measures of social protection and in establishing early warning and conflict management practices.⁷⁰

In the Results table, the number of refugees and asylum seekers in the care of UNHCR is an indicator for the general objective 'to improve the stabilisation and reconstruction of CAR and build the population's resilience'; the indicator measures a result, but no target or baseline, and the engagement of refugees and asylum seekers other than in the component described above is unclear.⁷¹

The specific objective 2.2 related to increasing social cohesion is that IDPs and refugees are reintegrated into local communities.' The target for this specific objective has been attained at 55%.⁷²

Given the high number of IDPs and refugees in CAR, many, if not most of the activities of the TF contribute may somehow to category 2.1 activities (according to our classification) but without disaggregated data, or a migration-related marker, it is impossible to tell, and the descriptions of the projects (except for the component

64. European Court of Auditors (2017) *Special report no 11/2017: The Bêkou EU trust fund for the Central African Republic: a hopeful beginning despite some shortcomings* p. 24 Available at <https://eca.europa.eu/en/pages/DocItem.aspx?did=41726> Accessed 3 December 2020.

65. European Court of Auditors *Special report no. 32/2018: European Union Emergency Trust Fund for Africa: Flexible but lacking focus* Available at <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=48342> Accessed 2 December 2020.

66. Thomas Spijkerboer and Elies Steyger 'European External Migration Funds and Public Procurement Law' *European Papers*, Vol. 4, 2019, No 2, pp. 493-521. p.521. Available at <https://www.europeanpapers.eu/en/e-journal/european-external-migration-funds-and-public-procurement-law> Accessed 3 December 2020.

67. European Commission (2019) *EU Trust Fund Bêkou for the Central African Republic extended until 2020* Available at https://ec.europa.eu/international-partnerships/news/eu-trust-fund-bekou-central-african-republic-extended-until-2020_en Accessed 2 December 2020.

68. Within the meaning of Article 42 of the Annex to Council Regulation No 567/2014.

69. Agreement establishing the European Union Trust Fund for the Central Africa Republic, 'The Bêkou EU Trust Fund', and its internal rules. Available at https://ec.europa.eu/international-partnerships/system/files/ca-car-bekou-20140715_en.pdf Accessed 2 December 2020.

70. Bêkou Trust Fund (2019) *Rapport Annuel d'Activités et de Résultats* p.26 Available at https://ec.europa.eu/international-partnerships/system/files/bekou-annual-report-2019_fr.pdf Accessed 2 December 2020.

71. Bêkou Trust Fund (2019) *ibid.*, p.47.

72. Bêkou Trust Fund (2019) *ibid.*, p.47.

described above) do not reference IDPs, returnees or refugees. Indeed, the lack of overall framework against which to measure performance is cause for concern.⁷³

All migration-related spending under Bêkou Trust Fund falls under category 2.1 Promoting rights and providing support.

Table 11 Overview of accessible data on Bêkou Trust Fund spending 2014-2019

Relevant activities code		Bêkou TF	
		Euros	% of spending
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	13,500,000	100
	Instrument budget	243,000,000	
	%	5.6	

EU TRUST FUND FOR COLOMBIA

The EU Trust Fund for Peace in Colombia was established by Commission implementing Decision of 22.3.2016 on the establishment of a European Union Trust Fund for Colombia, and a Constitutive Agreement between the Commission and ten Member States in 2016, to support the implementation of the provisions established in the Peace Agreement in that country and to accompany the Colombian population in overcoming the negative effects of the 50-year old internal armed conflict”.⁷⁴ Its financial allocation is €96 million.⁷⁵

The need to take into account issues connected to forced displacement is repeated throughout the Strategy Document. Two of the principles of intervention refer to the importance of understanding and addressing issues connected to forced displacement: ‘3) An in-depth understanding of local contexts’ and ‘5) Comprehensive, integrated and coordinated approach.’⁷⁶ However, as the Global Results framework does not appear to have either an indicator or a marker connected to displaced people, and the reports do not appear to address the displaced, the amount of money disbursed on projects engaging displaced people is not known.⁷⁷

EU REGIONAL TRUST FUND IN RESPONSE TO THE SYRIA CRISIS (MADAD)

The EU Trust Fund for Syria was established by Constitutive Agreement, according to which:

The primary objective of the Trust Fund is to provide a coherent and reinforced aid response to the Syrian and Iraqi crises and the massive displacement resulting from them on a multi- country scale. In pursuit of this objective, the Trust Fund shall address the needs of three groups: refugees, internally displaced persons, and returnees, and provide assistance to the communities and the administrations in which those groups find themselves, as regards resilience and early recovery.⁷⁸

73. ECA (2017) *ibid.*, p.26.

74. Constitutive Agreement concluded in Luxemburg between the European Commission and DE, ES, IE, IT, LT,NL,PT, SE, SK and UK on 17 October 2016.

75. European Commission (undated) *EU& Colombia Key Partners for Peace p.6* Available at https://ec.europa.eu/international-partnerships/system/files/eu-colombia-key-partners-for-peace_en.pdf.

76. The European Union Trust Fund for Colombia (undated) Strategy Document p. 11 Available at https://ec.europa.eu/international-partnerships/system/files/eutf-strategy-revised-20171206_en.pdf Accessed 3 December 2020.

77. <https://www.fondoeuropeoparalapaz.eu/en/global-results>.

78. Agreement establishing the European Union Regional Trust Fund in Response to the Syrian Crisis, ‘the Madad Fund’, and its internal rules [‘Constitutive Agreement’]. Article 2. Available at https://ec.europa.eu/trustfund-syria-region/sites/tfsr/files/eutf_syria_revised_constitutive_agreement_following_2019_extension.pdf Accessed 2 December 2020.

The objectives of the TF are to foster more self-reliance of refugees, helping them thrive, not just survive, while at the same time assisting the countries and communities hosting them in line with the Global Compact on Refugees.⁷⁹ It is established under ENI, and draws resources from DCI, IPA II, EIDHR, IcSP and humanitarian aid.⁸⁰

The Strategic Overarching Framework⁸¹ and the Operational results framework⁸² lay out the expected results. Most of these results would be classified under 2.1 in our rubric, with some research and campaigning (5.2) and capacity strengthening of national / local institutions (5.4).

A random sample of projects were passed through the FTS, with no results found. The Results-oriented monitoring reports⁸³ were analysed and coded with the relevant activities rubric. All activities were coded 2.1. This finding is supported by the EU TF's 4th results report:

As the European Response to the Syrian crisis and with contributions and pledges from 22 EU Member States and Turkey and from various EU instruments, the Trust Fund has mobilised EUR 1.7 billion to date. Of this, €1.3 billion have been contracted in 67 projects focusing on quality education, livelihoods, health, protection, and water, sanitation and hygiene (WASH) protection and social cohesion to the Trust Fund's implementing partners, benefitting refugees, IDPs and local communities.⁸⁴

Table 12 Overview of accessible data on Trust Fund for Syria spending 2014-2019

Relevant activities code		TF for Syria	
		Euros	% of spending
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	1,700,000,000.00	100
	Instrument budget	1,700,000,000.00	
	%	100	

THE EU FACILITY FOR REFUGEES IN TURKEY

The Facility was established in 2015 by Commission Decision as 'a coordination mechanism ... to assist Turkey in addressing the immediate humanitarian and development needs of the refugees and their host communities, national and local authorities in managing and addressing the consequences of the inflow of refugees.'⁸⁵ The legal basis was subsequently updated by Commission Decisions C(2015)9500 of 24.7.2018; of 14.3.2018; and of 24.11.2015.⁸⁶

79. European Commission *EU Regional Trust in Response to the Syrian Crisis : Our mission* https://ec.europa.eu/trustfund-syria-region/content/our-mission_en emphasis original. Accessed 2 December 2020.

80. Constitutive Agreement, *ibid.* paragraph 16.

81. https://ec.europa.eu/trustfund-syria-region/sites/tfsr/files/eutf_ofw_0.pdf.

82. https://ec.europa.eu/trustfund-syria-region/sites/tfsr/files/eutf_rf_2019.pdf.

83. Particip (undated, assumed 2020). *EUTF Syria Results-Oriented Monitoring (ROM) – Reviews completed until 15/09/2020* Available at https://ec.europa.eu/trustfund-syria-region/sites/tfsr/files/rom_summary_15092020.pdf Accessed 2 December 2020.

84. EUTF Syria (2019) EU Regional Trust Fund in Response to the Syrian Crisis 4th results report (June 2019) p. 2 Available at https://ec.europa.eu/trustfund-syria-region/sites/tfsr/files/4th_results_reporting_eutf_syria.pdf Accessed 2 December 2020.

85. European Commission *Commission Decision of 24.11.2015 on the coordination of the actions of the Union and of the Member States through a coordination mechanism – the Refugee Facility for Turkey - C(2015) 9500 final. Article 1.* Available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/commission_decision_on_facility_for_refugees_in_turkey_24_november.pdf Accessed 2 December 2020.

86. See https://ec.europa.eu/neighbourhood-enlargement/news_corner/migration_en.

The Facility implements the decisions of EU-Turkey Statement of 2015,⁸⁷ and the EU-Turkey Joint Action Plan (JAP) to address the 'crisis created by the situation in Syria'.⁸⁸

'The Action Plan, tries to address the current crisis situation in three ways: (a) by addressing the root causes leading to the massive influx of Syrians, (b) by supporting Syrians under temporary protection and their host communities in Turkey (Part I) and (c) by strengthening cooperation to prevent irregular migration flows to the EU (Part II)'.⁸⁹

The Facility is intended to mobilise resources for Part 1 of the JAP, '**Supporting the Syrians under temporary protection and their Turkish hosting communities.**'⁹⁰ It currently manages a total of €6 billion, including IPA II funding and extra resources mobilised through the Syria Trust Fund; 2 billion from the EU budget; and 4 billion from the Member States as externally assigned resources (this funding arrangement allows for joint management between the EC and Member States, which would not be possible with funding sourced exclusively from the EU budget).⁹¹ The EU budget allocations come from humanitarian aid, the ENI, IPA II and DCI. Funds from ENI and DCI are transferred to and implemented by IPA II and the TF.⁹² Foreign Policy Instruments (FPI) manages funds contracted under the IcSP.⁹³ The main focus areas are humanitarian assistance, education, health, municipal infrastructure, and socio-economic support.⁹⁴

The projects that appear in the European Commission's list of supported projects under the Facility are a mix of development and humanitarian aid. The projects in the list were reviewed and coded according to the same Relevant Activities rubric we used for the other instruments.⁹⁵

This analysis suggests that all projects (funded by both humanitarian and development aid sources and listed by the Commission) would fall under category 2.1, 'Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of support to displaced populations.'

The Fourth Annual Report on the Facility, a different document in the form of a Communication, however, reports on 'Migration Management', including support for the Turkish coastguard (which would be 3.2. in our rubric) and capacity building to enable the Turkish institutions to take up the projects after 2021 (sustainability).⁹⁶ These activities cannot be identified among the projects judging by the titles of the projects listed. The lack of breakdown of funding allocations between Parts I and II of the JAP, and a lack of detail on funding allocations for Part II are problematic from a protection perspective, and should be more clearly reported on.

A random sample taken from the projects lists suggest that the projects listed in the Annual Reports are not included in the FTS, and therefore not already counted in the analysis by funding instrument, and so the expenditures listed here are added to other totals.

87. See European Council (2015) *Meeting of the EU heads of state or government with Turkey, 29 November 2015* Available at <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/29/>

88. European Commission (2015) *EU-Turkey Joint Action Plan 15 October 2015* Available at https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5860 Accessed 2 December 2020.

89. European Commission (2015), *ibid.*

90. European Commission (2015), *ibid.*

91. European Commission (2015) *Explanatory Memorandum Adoption of the Commission Decision on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution to the Facility for Refugees in Turkey* Available at https://www.avrupa.info.tr/sites/default/files/2018-03/C_2018_1500_F1_COMMISSION_DECISION_EN_V11_P1_968650_1.pdf Accessed 2 December 2020.

92. European Commission (2020) *Communication from the Commission to the European Parliament and the Fourth Annual Report on the Facility for Refugees in Turkey COM(2020) 162 final* Available at <https://www.avrupa.info.tr/sites/default/files/2020-07/Fourth%20Annual%20Report%20on%20the%20Facility%20for%20Refugees%20in%20Turkey.pdf> Accessed 2 December 2020.

93. European Commission *Evaluation Road Map, Strategic Mid-term Evaluation of the EU Facility for Refugees in Turkey (2016-2019/2020)* Available at <https://op.europa.eu/en/publication-detail/-/publication/0e7a4f2e-b7f4-11e8-99ee-01aa75ed71a1> Accessed 2 December 2020.

94. European Commission (2020). *The EU Facility for Refugees in Turkey* Available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/frt_factsheet.pdf Accessed 2 December 2020.

95. The list is taken from European Commission (2020) *EU Facility for Refugees in Turkey: List of projects committed/decided, contracted, disbursed.* Available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/facility_table.pdf Accessed 2 December 2020.

96. European Commission (2020) *Communication from the Commission to the European Parliament and the Council: Fourth Annual Report on the Facility for Refugees in Turkey COM (2020) 162 Final.* Available at <https://www.avrupa.info.tr/sites/default/files/2020-07/Fourth%20Annual%20Report%20on%20the%20Facility%20for%20Refugees%20in%20Turkey.pdf> Accessed 2 December 2020.

Table 13 Overview of accessible data on EU-Turkey facility spending 2014-2019 Source: EU-Turkey Facility Annual Reports

Relevant activities code		EU Turkey Facility (2015-2019)	
		Euros	% of spending
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	6,000,000,000	100
	Instrument budget @100%	6,000,000,000	

These figures do not, however, appear to tell the whole story. As well as a difficulty in identifying the activities referred to in the Communication, return of migrants to Turkey is a part of the work of the Facility,⁹⁷ yet there appears to be no financial allocation for this process at least according to the project list.

EU EMERGENCY TRUST FUND FOR AFRICA (EUTF FOR AFRICA) (2015-2019)⁹⁸

The European Union Emergency Trust Fund for Stability and addressing the Root Causes of Irregular Migration and Displaced Persons in Africa, or EUTF for Africa, was established by Constitutive Agreement in 2015,⁹⁹ following the Valletta Summit of the same year. It is guided by a Strategic Orientation document, which states that EUTF for Africa will ‘help address the root causes of destabilisation, forced displacement and irregular migration by promoting economic and equal opportunities, strengthening resilience of vulnerable people, security and development.’¹⁰⁰ It will focus on the Sahel region and Lake Chad area, the Horn of Africa, North Africa and the African neighbours of eligible countries.

By 2019, the EUTF for Africa had approved 223 programmes with a total budget of €4.4 billion. The 2019 Annual report states that 21% (€938 million) of the approved amounts were dedicated to ‘greater economic and employment opportunities’; 24% (€1,086.9 million) to ‘strengthening resilience of communities’; 31% (€1,393.6 million) to ‘improved migration management’; and 21% (€950.9 million) to ‘improved governance and conflict prevention.’¹⁰¹

Detailed research by Oxfam has analysed the funding patterns within the EUTF, in different eligible countries, regions and over time.¹⁰² The titles of projects listed in the Annual Reports 2016-2019¹⁰³ were analysed to provide the following distribution of funding per relevant activity.

The top three main priorities of EUTF for Africa for migration-related spending are:

1. 3.1 Migration restriction and reduction 37%
2. 2.1 Promotion of rights and services 30%
3. 2.2 Border management 19%

97. European Commission (2020) *EU-Turkey Statement Four Years on March 2020* Available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20200318_managing-migration-eu-turkey-statement-4-years-on_en.pdf Accessed 2 December 2020.

98. See also the country snapshot for Sudan, in Annex.

99. *Agreement Establishing the European Union Emergency Trust Fund for Stability and addressing the Root Causes of Irregular Migration and Displaced Persons in Africa, and its Internal Rules 12 November 2015* Available at https://ec.europa.eu/trustfundforafrica/sites/eueta/files/original_constitutive_agreement_en_with_signatures.pdf Accessed 2 December 2020.

100. Anonymous (undated) *The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa Strategic Orientation Document p.1* Available at https://ec.europa.eu/trustfundforafrica/sites/eueta/files/strategic_document_eutf_africa_1.pdf Accessed 2 December 2020.

101. EU Emergency Trust Fund for Africa (2020) *2019 Annual Report Fig. 3, p.14* Available at https://ec.europa.eu/trustfundforafrica/sites/eueta/files/eutf_2019_annual_report_english.pdf Accessed 4 December 2020.

102. Oxfam (2020) *The EU Trust Fund for Africa Trapped between aid policy and migration politics Oxfam Briefing Paper January 2020* Available at <https://oxfam.org/en/research/eu-trust-fund-africa-trapped-between-aid-policy-and-migration-politics> Accessed 2 December 2020.

103. Available at *EU Emergency Trust Fund for Africa* https://ec.europa.eu/trustfundforafrica/content/about_en Accessed 4 December 2020. As the rubric for this report is different from the objectives used in the EUTF’s monitoring system, there may be inaccuracies particularly in section 5 on root causes, where only projects connecting activity with preventing migration in their titles are included here.

Table 14 Overview of accessible data on EU Trust Fund for Africa spending 2015-2019

Activity code		EUTF for Africa (2015-2019)	
		Euros	%
1	Asylum and forced displacement		
1.1	Support to or strengthening of access to asylum and the functioning of asylum systems		
2	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	802,730,000.00	29.5
2.2	Measures to support the coexistence IDPs, refugees, and host communities. This includes measures that target both host and displaced communities (such as housing projects for both) and measures that support peaceful co-existence between the two.		
3	Migration restriction and reduction		
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.	993,857,720.00	36.5
3.2	Activities related to border management if they have an impact on the movement of people across borders	508,527,896.00	18.7
4	Migration facilitation and mobility including pathways to protection (people to people contact, education)		
4.1	Support to the freedom of movement within regions outside Europe	85,963,500.00	3.2
4.2	Programmes to facilitate arrival in the EU for asylum and non-asylum migration, including circular migration		
5	Support to national and international policy frameworks and strategies on asylum and migration		
5.1	Implementation of the GCM and the GCR	3,000,000.00	0.1
5.2	Support to research and campaigning on asylum and migration	74,200,000.00	2.7
5.3	Design of national and regional strategies related to asylum and migration	19,600,000.00	0.7
5.4	Institutional development and capacity building on migration		
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)	237,199,233.00	8.7
	Total	2,725,078,349.00	100
	Instrument budget (GPGC) @80%	4,400,000,000	
	%	61.93	

ANNEX: THREE COUNTRY SNAPSHOTS

AFGHANISTAN

The numbers of Afghan migrants arriving in the EU in 2015 and 2016 rose sharply, and at the same time, the policy guidelines for Afghans seeking asylum were made more restrictive despite the conditions in Afghanistan at the time.¹⁰⁴

The EU's current engagement in Afghanistan is based on the Cooperation Agreement on Partnership and Development (CAPD)¹⁰⁵ which has a series of quite general development objectives that do not address migration directly. In 2016, however, the EU signed an 'informal' agreement the Joint Way Forward on Migration¹⁰⁶ which focusses on return of irregular migrants in Europe to Afghanistan. The 'informality' of the agreement means that it bypasses judicial and parliamentary scrutiny;¹⁰⁷ it is also believed to have been a condition for a €13.6 billion EU aid package.¹⁰⁸

A search of the FTS database for the period (2014-2019) using the research terms for this report returned only three projects – two totalling €1m concerning developing migration studies in higher education that would fall under 5.2 (research). The third research project (also 5.2) in 2019, worth €5m, aims 'to contribute to more effective and coherent migration management through evidence-based understanding of the linkages between development and migration'¹⁰⁹ It is a Horizon 2020 project conducted by universities in Europe, Ghana, Turkey, Pakistan and Afghanistan.

Following the CAPD, the EU and Afghanistan set up a Special Working Group on Human Rights, good governance and migration. The dialogue is results-oriented and there is a particular focus on the rights of women and children.¹¹⁰ The Special Working Group appears to have met twice, and there is little information as to its achievements, and to whether human rights objectives are being instrumentalised to meet the EU's migration-restriction policy objectives.

The Delegation website states that 'the EU funds a number of projects that address the root causes of migration and forced displacement, support returnees and host communities and improve migration management in Afghanistan, thus contributing to the overall development of the country.'

In the last years, there have been two special measures adopted that allocated a sum of €218.6 million for Afghans - be it in their home country or in the region. These measures contribute to the reintegration of returnees in Afghanistan by supporting registration and documentation and providing training for returnees to learn new skills and thereby earn a decent standard of living. There is a €25-million UNICEF programme that focuses on the specific needs of Afghan children on the move, as well as a UNESCO project organising cultural activities for Afghan refugees and the internally displaced. Other measures support housing and land allocation, particularly in areas of high return of displaced people. Projects aimed at improving the national migration management systems are also financed this way. In the two decades since 2001, the EU has allocated about €51.8 million to the programme on Aid to Uprooted People that supports sustainable integration and increased resilience through measures on land tenure recognition, settlement upgrading, education, vocational training, income generation and legal assistance.¹¹¹

104. ECRE (2017) *Case study on Afghanistan*. Available at <https://www.ecre.org/wp-content/uploads/2017/11/Returns-Case-Study-on-Afghanistan.pdf>

105. EEAS (2017) (January 2017) *European Union and Afghanistan sign cooperation agreement on Partnership and Development* Available at https://eeas.europa.eu/headquarters/headquarters-homepage/20834/european-union-and-afghanistan-sign-cooperation-agreement-partnership-and-development_en Accessed 15 December 2020.

106. EU and Islamic Republic of Afghanistan *Joint Way Forward on migration issues between the European Union and Afghanistan* Available at https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf Accessed 15 December 2020.

107. ECRE (undated) EU and Afghanistan *ibid.*, m

108. The Guardian (2016) *EU's secret ultimatum to Afghanistan: accept 80,000 deportees or lose aid* Available at: <https://www.theguardian.com/global-development/2016/sep/28/eu-secret-ultimatum-afghanistan-accept-80000-deportees-lose-aid-brussels-summit-migration-sensitive> accessed 15 December 2020 9 European Council on Foreign Relations (ECFR) (May 2016) Afghan Refugee crisis.

109. Cordis (undated) *Aligning Migration Management and the Migration-Development Nexus* Available at <https://cordis.europa.eu/project/id/770453> accessed 15 December 2020.

110. EEAS *Afghanistan and the EU* Available at https://eeas.europa.eu/delegations/afghanistan/18/afghanistan-and-eu_en Accessed 15 December 2020.

111. EEAS *Afghanistan and the EU* Available at https://eeas.europa.eu/delegations/afghanistan/18/afghanistan-and-eu_en Accessed 15 December 2020.

The EU also supports a regional programme, “Addressing migration and forced displacement challenges in Asia and the Middle East: a comprehensive regional EU approach”, which covers Afghanistan, Bangladesh, Iran, Iraq and Pakistan. The estimated budget is EUR 215.7million for 2018-2021.¹¹²

This short snapshot reveals a couple of trends:

1. The opacity of EU spending in migration-related fields makes meaningful research and/scrutiny by the public almost impossible, while the EU has also adopted ‘informal’ procedures that bypass parliamentary scrutiny;
2. Development, peace and the protection of human rights (including the human rights of women and children, and including the rights of refugees, migrants and asylum-seekers) are objectives in and of themselves of EU external action, yet in Afghanistan appear to be subordinated to facilitating return of irregular migrants in Europe, regardless of the conditions in Afghanistan, and preventing the departure of would-be migrants from Afghanistan.

NIGERIA¹¹³

Three journalists investigated the EU’s spending on migration in Nigeria over at least five months. In keeping with the findings throughout this report and by other organisations investigating other situations, they could not find an official or anyone else who could provide them with an overview of migration-related spending in a key ‘migration-partner- country’. The single biggest project was a border control project worth €250m for digital identity cards through the European Investment Bank (EIB). The EIB does not fall within the remit of this report, and is surely worth researching for its role in financing migration-related activities in third countries.

The authors found that border control remained the single largest spend for the EU (€378m, or 59.9%, of a total €631m) and even once this large project (€250m) was removed from their calculations, border control remained the largest category of expenditure. The categories used by the authors of the Nigeria report are not the same as those used in this, nonetheless their findings can be mapped onto our categories to give an indication of how EU money is spent on migration-related issues in Nigeria.

112. European Commission (undated) *Annex of the Commission Implementing Decision on the Special Measure 2017 and 2018 on “Addressing migration and forced displacement challenges in Asia and the Middle East: a comprehensive regional EU Response”* Available at https://ec.europa.eu/international-partnerships/system/files/aap-financing-asia-middle-east-annex-amendment-c-2020-1872_en.pdf Accessed 17 February 2021.

113. Unless otherwise stated, this section draws on the Correspondent (2019) *A breakdown of Europe’s €1.5bn migration spending in Nigeria* <https://thecorrespondent.com/150/a-breakdown-of-europes-eur1-5bn-migration-spending-in-nigeria/19837235550-e86e62a5>.

Table 15 Spending in Nigeria on migration-related issues (excluding EIB project) total

Activity Code		Spend	%
2.	Access to rights of those on the move (including livelihoods)		
2.1	Promotion and protection of the rights of asylum seekers, refugees, displaced people and migrants, including provision of direct support to displaced populations and measures explicitly supporting their human rights (socio-economic, cultural, civil and political).	€36m	9.4%
3.	Migration restriction and reduction		
3.1	Migration restriction and reduction efforts, including all measures where an objective is clearly to limit regular or irregular migration of asylum or non-asylum migration, including return, readmission, and (re)integration, and prevention of onward movement.	€92m	24.1%
3.2	Activities related to border management if they have an impact on the movement of people across borders	€149m	39.1%
5.	Support to national and international policy frameworks and strategies on asylum and migration		
5.2	Support to research and campaigning on asylum and migration	€23m	6.0%
6	Tackling the root causes of forced displacement and other migration		
6.1	Efforts to tackle causes of forced displacement and other migration where these are explicit objectives built into programme design (i.e. a livelihoods project where a stated objective is to reduce (forced) displacement but not otherwise, or a funding to support security because it contributes to displacement)	€81m	21.3%
	Total	€381m	100%

Asylum receives no funding support, and the top priorities are: 1. Border control; 2. Migration restriction and reduction efforts; 3. Efforts to tackle root causes of forced displacement and other migration.

The authors also note that job creation projects (worth €50m and categorised above as 5. Addressing root causes) are usually projects that originally targeted underprivileged youth in Nigeria and have been repurposed to address potential migrants.

As with the findings of this report in relation to Sudan, the authors of the Nigeria report found that Nigeria also received support from regional funds, but that it was not possible to discern how much.

SUDAN

Stemming migration has been the overwhelming priority for the EU in its engagement with Sudan, and the EUTF is the primary vehicle for delivering aid: the Government of Sudan (GoS) has not signed the Cotonou Agreement, because of the requirement to comply with the International Criminal Court, and is therefore ineligible for EDF funding.

There has long been concern that the EU's policies and programming may have contributed to shrinking civic space in Sudan, and that the EU was choosing to use its leverage, including by helping to rehabilitate the GoS within the international community, to stem migration to Europe rather than to support democratic transition in the country, prior to the political changes of 2019¹¹⁴ - and it is this policy framework that continues to determine EU engagement in the country. There has also been concern that EU support to the Sudanese security forces

114. See, for example Pax for Peace (2017) *Sudan Alert on civic space: recommendations for the EU* Available at <https://www.paxforpeace.nl/publications/all-publications/sudan-alert-on-civic-space> Accessed 14 December 2020.

through the Better Migration Management (BMM) project, has indirectly enabled the Rapid Security Force,¹¹⁵ an abusive government militia that patrolled the borders and Darfur, an allegation robustly denied by the EC and GiZ, the implementing agency: 'The RSF are not benefitting and will not benefit from direct or indirect support under any current or future EU funded project' and that 'the EU does not provide any funds to the Government of Sudan.'¹¹⁶ There remains concern, however, that although BMM was suspended around the time of the demonstrations that led to the ousting of President Al-Bashir, and which were met with violence by the security forces, it is 'difficult to assess whether the BMM funding in Sudan was suspended in time to prevent its use by security forces suppressing demonstrations.'¹¹⁷

Policy background

In November 2014 the EU launched the EU-Horn of Africa Migration Route Initiative, commonly known as the 'Khartoum Process', as a platform for political cooperation between the EU and countries in the Horn and North Africa.¹¹⁸ This was followed by the Valletta summit in 2015, which led to a common declaration and an Action Plan built around five priority domains:

1. Development benefits of migration and addressing root causes of irregular migration and forced displacement
2. Legal migration and mobility
3. Protection and asylum
4. Prevention of and fight against irregular migration, migrant smuggling and trafficking of human beings; and
5. Return, readmission and reintegration.

It also included 16 priority initiatives. The EU Emergency trust fund for stability and addressing root causes of irregular migration and displaced persons in Africa (the 'EUTF for Africa'), with its accompanying strategy was launched around the same time. The EUTF's strategy focusses on four main areas of intervention:

1. Greater economic and employment opportunities
2. Strengthening resilience of communities and in particular the most vulnerable, as well as refugees and displaced people
3. Improved migration management in countries of origin and transit
4. Improved governance and conflict prevention, and reduction of forced displacement and irregular migration.

The GoS as host of refugees is the dominant narrative in EU documents: 'The Council ... recognises its role in hosting a very high number of asylum seekers, refugees and migrants. The EU, notably via the its Emergency Trust Fund for Africa (EUTF), remains committed to providing support to the refugees, internally displaced persons and their host communities in Sudan.'¹¹⁹

Sudan hosts 'a very high number of asylum seekers, refugees and migrants'¹²⁰; UNHCR puts the number of refugees and asylum seekers at around 1 million people and 1.9 million IDPs.¹²¹ Sudan is not only a transit country; its political and economic systems also cause forced displacement and this latter role is largely unacknowledged in earlier EU policy statements¹²² even if research funded by the Research and Evidence Facility (REF) of the EUTF points out that 'While much attention has been paid to Sudan as a transit country

115. See, for example, Enough (2017) *Border from Hell : how the EU's migration partnership legitimizes Sudan's "militia" state* Available at https://enoughproject.org/files/BorderControl_April2017_Enough_Finals.pdf Accessed 11 December 2020.

116. EUTF (2019) *EU development cooperation with Sudan February 2019* Available at https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/final_feb2019_factsheet_eu_development_cooperation_with_sudan_1.pdf.

117. Oxfam (2020) *The EU Trust Fund for Africa Trapped between aid policy and migration politics Oxfam Briefing Paper January 2020* Available at <https://www.oxfam.org/en/research/eu-trust-fund-africa-trapped-between-aid-policy-and-migration-politics> p. 16 Accessed 2 December 2020.

118. The meeting was held in Rome and included Ministers of the 28 EU member states along with representatives from Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Djibouti, Kenya, Egypt and Tunisia, EU and AU Commissioners in charge of migration and development, the EU High Representative for Foreign Affairs and Security Policy and observers from Switzerland and Norway.

119. Council of the EU (2018) p.4 . Paragraph 7.

120. Council of the EU (2018) p.4 . Paragraph 7.

121. UNHCR (2020) Operational Portal Refugee Situations: Sudan Available at <https://data2.unhcr.org/en/country/sdn> Accessed 11 December 2020.

122. See for example: EUTF (2016) Action Fiche for the implementation of the Horn of Africa Window Project Identification Regional Operational Centre in support of the Khartoum Process and AU-Horn of Africa Initiative (ROCK) p.4; Council of the EU (2018) *ibid*.

for Africans trying to reach Europe, little attention has been paid to Sudanese trying to reach Europe.¹²³ By 2020, the EUTF website was somewhat more balanced: “Sudan is a country of transit, origin and destination, and host to large numbers of refugees and internally displaced persons. Our actions aim to address root causes of displacement in conflict-affected areas that are also migratory routes, such as Darfur, East Sudan or the Transitional Areas.”¹²⁴

The Action Fiche for the EUTF’s Regional Operational Centre in support of the Khartoum Process and AU-Horn of Africa Initiative (ROCK) project does not mention Sudan’s role as a producer of refugees at all:

Sudan serves as a country of destination and transit for migrants from West Africa, Central Africa, and the Horn of Africa. Large volumes of migrants pass through Sudanese territory into neighbouring states, principally Libya, due to a well-organised smuggling network. According to the Sudanese authorities, smuggling and kidnapping has increased in the border area between Sudan, Egypt, and Libya.

The emphasis on transit over causing displacement is deeply problematic as it risks diminishing the drivers of migration within Sudan itself, for while motivations for migration are complex and context-specific, internal conflicts (especially in Darfur) in which GoS is a party, not a neutral arbiter have caused displacement. The EU recognises the importance of conflict in Sudan’s IDP crisis: ‘notably due to its ongoing internal conflicts [Sudan] has the 2nd largest population of internally displaced persons (IDPs) on the continent.’¹²⁵ However, the language used in EU documents fails to acknowledge the extent to which GoS is an active party in these conflicts, and the role it plays in ensuring an oppressive political climate in which human rights violations are commonplace. It is not a neutral or impotent bystander but a party – both directly and by proxy, as we have seen.

Conflict analysis

Given the extensive conflicts in Sudan and the engagement of GoS in these as well as the corruption linking local and central government and smugglers detailed below and the stated need to work with law enforcement officials (of which more below) one might expect that conflict analysis would be a significant cross-cutting theme for all programming under the EUTF. Yet the Action Fiche for the Technical Cooperation Facility for Sudan 2018 – 2020 does not include conflict analysis in any form in either the sectoral studies or cross-cutting themes that the project is to produce even though it notes that ‘[t]he project builds on cross-cutting issues of conflict sensitivity, gender equality and building the capacity of local stakeholders.’¹²⁶

The EUTF established a Research and Evidence Facility (REF) for the Horn of Africa (HoA) but the timing is a matter for concern: the research paper concerning Darfuri migration to Europe, for example, was published in August 2018, too late to influence the € 173.5 millions of projects committed to under the EUTF in Sudan by that date.¹²⁷

The apparent absence of any systematic conflict analysis to inform programming was also identified by the European Court of Auditor’s recent Special Report, which found that: ‘It [the EUTF] has not defined which particular crises (e.g. per regions, per countries, the causes and impact on stability) the TF is meant to address.’¹²⁸ Without such analysis, it is impossible to tell what kind of effect projects are having, let alone be sure that they Do No Harm to the population. Later reports have emphasised the contribution of EUTF to peacebuilding and conflict prevention,¹²⁹ but the monitoring and evaluation system does not include a conflict-sensitivity marker or indicator. Given the engagement of EUTF with an abusive government and its security forces, it is also striking that there is no indicator of the contribution of EUTF to the security forces in Sudan.¹³⁰

123. S. Jaspers and M. Buchanan-Smith (2018) *Darfuri Migration from Sudan to Europe – Summary School of Oriental and African Studies (SOAS), University of London* Available at <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12384.pdf> p.1.

124. EU TF for Africa: Sudan Available at <https://ec.europa.eu/trustfundforafrica/region/horn-africa/sudan> Accessed 11 December 2020.

125. European Union EU Actions on Migration in Sudan July 2018 p.1.

126. Action Fiche for the implementation of the Horn of Africa Window EUTF05 – HoA – SD –38 Available at https://ec.europa.eu/international-partnerships/system/files/eutf-hoa-sd-38-sudan-tcf_en.pdf Accessed 14 December 2020.

127. EUTF (2019) EU development cooperation with Sudan February 2019 p. 2 Available at https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/final_feb2019_factsheet_eu_development_cooperation_with_sudan_1.pdf.

128. European Court of Auditors (2018) Special Report European Union Emergency Trust Fund for Africa: Flexible but lacking focus Available at https://www.eca.europa.eu/Lists/ECADocuments/SR18_32/SR_EUTF_AFRICA_EN.pdf p.31.

129. EUFT for Africa (2020) EUTF Monitoring and Learning System Horn of Africa Yearly 2019 Report Q1 2018 Covering until 31 December 2019 p. 22 Available at https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/eutf_hoa_2019_-_q4_annual_report.pdf accessed 11 December 2020.

130. Oxfam (2020) *ibid.*

EU funding for migration-related issues in Sudan.

Regional projects make up most of EU-related funding for migration management. The Better Migration Management project, implemented by a consortium led by GIZ states that 'BMM-Sudan is aiming to create solutions on a State-by-State basis. This means that in different regions, different federal, state and local actors will be involved in different ways in BMM project implementation.'¹³¹ One would expect that a project aiming to improve the 'management' of migrants, including people fleeing Sudan, would involve law enforcement officers and local government officials, yet the divisions between local and central government figures are not clear cut in Sudan, and elites wield significant power across and beyond the institutions of state. The absence of clear conflict or risk analysis for the broader implications of this project (beyond the participant-by-participant checks described in the concept note) seems likely to present serious potential problems.

The intervention logic of the Action Fiche for the ROCK project is that 'Greater cooperation between the countries of the region to gather, share and analyse information, in accordance with relevant international and regional principles and standards, will lead to better and more informed decisions on migration management.'¹³² The ROCK project does not consider GoS a cause of forced displacement and other forms of migration. The project intends to strengthen the institutional capacities of the countries in the Khartoum process so that they can develop joint strategies and tools to fight human trafficking and people smuggling. It is based on the assumption 'that national authorities in the region are committed to address trafficking in being and smuggling networks at the highest level and are prepared share information in this area with each other.'¹³³ This is a fragile assumption in regards to the GoS. The Action Fiche acknowledges that 'Misuse or mishandling of data collection' may present a risk to the project, but the proposed mitigation strategy is training of personnel, zero tolerance by countries concerned for corruption and the centre's independence to prevent political interference. This mitigation strategy may appear somewhat optimistic, and, as noted above, impossible to verify in the absence of monitoring the impact of EUTF on Sudan's security architecture.

Monitoring and evaluation of the EUTF has been slow to get off the ground. The ECA report found that: 'The EUTF for Africa adopted a common monitoring system. However, it is not yet operational and the three windows have so far used different systems for gathering budgetary information, monitoring and evaluation. We found that project objectives were often not SMART and indicators used for measuring project performance lacked baselines. The EUTF for Africa has contributed to the effort of decreasing the number of irregular migrants passing from Africa to Europe, but this contribution cannot be measured precisely.'¹³⁴ The ECA did not audit projects in Sudan, but its conclusion is of great concern. There is no reason to suggest that projects in Sudan are better designed or monitored than in other parts of the EUTF.¹³⁵

The absence of a common monitoring system across the EUTF throws doubt a major claim of the EU – that the EUTF in Sudan has reduced the number of migrants, which includes refugees passing to Libya and then on to Europe.¹³⁶ Sudan falls into the EUTF's HoA window and Libya into its North of Africa (NoA) window, which have different monitoring systems. The ECA found that 'the objectives of the EUTF for Africa are broad. This has allowed flexibility in terms of adapting the support to suit different and changing situations, but is less useful when it comes to steering action across the three windows and for measuring impact.'¹³⁷ This suggests that the EUTF is not able to measure its contribution to reducing the number of migrants including refugees and is structurally incapable of measuring how interventions in Sudan may have an effect in Libya, or indeed vice-versa.

The EU has also assumed that a decrease in the number of people transiting through Sudan reaching the Libyan coast must be, in part, due to the GoS's anti-migration actions, yet there is no adequate monitoring and evaluation system in place to confirm or deny this, or to connect any change to EUTF interventions.

'Stabilisation is one of the EUTF's key objectives in Sudan, as stated in the priorities set by the Strategic Board in April 2018. This effort is likely to gain further importance given the recent change in regime.'¹³⁸ Unfortunately,

131. EC and GIZ Better Migration Management Sudan Concept Available at https://ec.europa.eu/europeaid/sites/devco/files/bmm-sudan-concept-note_en.pdf p.1 emphasis original Accessed May 2019, no longer available online 14 December 2020.

132. EUTF (2016) ROCK Action Fiche p.2.

133. EUTF (2016) *ibid* p. 14.

134. ECA *ibid* p.33.

135. See for example.

136. See citation from Action Fiche ROCK EUTF (2016) above.

137. ECA *ibid* p.4

138. EUTF for Africa (2020) P.82

the EUTF does not appear to have reflected on the assumptions underpinning EU migration policy in President al-Bashir's Sudan, which arguably helped to empower an authoritarian and corrupt regime that has created an atmosphere of violent political repression, extensive human rights violations and contributed to the destabilization of border areas, both of which increase the desire of Sudanese people to leave Sudan in search of a better life.¹³⁹ These are essential characteristics of the use of power by the al-Bashir led government, and remained apparently unchallenged by the EU's 'constructive engagement'. The RSF and various militia may not have benefited from EUTF programming, as the EUTF claims, but there is a lingering question what the impact of EUTF programming may be when that programming is not informed by conflict analysis, and where monitoring and evaluation does not assess the impact of migration-related programming on state- and para-state security forces notorious for their corruption and brutality.

In Sudan, the EUTF priorities are threefold: (i) to support the efforts of the government to improve basic services (health and education) for migrant and host communities and to improve economic opportunities; (ii) to improve market opportunities and agricultural resilience to climate-related disasters in the country; (iii) to create alternative options to first and secondary movement and improve the protection of the Sudanese and migrant population in the country, while at the same time making the migratory routes that cross the country safer through regional projects.¹⁴⁰

The common output indicators¹⁴¹ for the EUTF for Africa for the first two priorities, 'greater economic and employment opportunities' and 'strengthening resilience' may provide access to services for migrants (rubric 1.2) or address root causes of migration (5), but do not state this explicitly, although returnees may account for 33% of projects intended to increase food security.¹⁴²

Migration management is No. 3 priority for the EUTF, and 4. Improved Governance and conflict prevention is No. 4. The common output indicators for these priorities can be categorized according to the rubric used in this report:

The EUTF has developed an 'extended SO 3' to take into account all migration- and -displacement-related funding across the EUTF portfolio, including the aspects of SO 4 included above, and SO 1 (employment and livelihoods) and SO 2 (resilience) where these engage with displacement-affected communities.¹⁴³ These aspects would fall under our category 5 (root causes).

Of the regional estimated spend of €408 m on 'extended SO3', Sudan was the biggest beneficiary in the region (€57m). Regionally, SO1 was allocated most (€267m or 65%) with migration management at €57m (14%).¹⁴⁴ By the end of March 2020, €1.13bn had been contracted in total in the Horn,¹⁴⁵ with €257m (23%) on regional projects and €154M (14%) Sudan, the fourth-largest recipient in the Horn.¹⁴⁶

The priorities for the EUTF in Sudan are overwhelmingly on preventing migration through increased services to prevent migration (5), migration restriction and border management, to which must be added the regional migration management projects, which focus on migration restriction and border management. As we do not have the data available for how the regional projects are allocated across indicators in Sudan, it is not possible to breakdown results completely according to our rubric.

139. See for example Enough (2017).

140. EUTF for Africa (2018) EUFT Monitoring and Learning System Horn of Africa Quarterly Report Q1 2018 Executive Summary Available at https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/eutf_mls_q1_master_exec_summary_as_at_11062018_1.pdf p.14 Accessed 11 December 2020.

141. EUTF for Africa (2018) *ibid.* p.7

142. *ibid.*, p.14.

143. EUTF for Africa (2020) EUTF Monitoring and Learning System Horn of Africa Yearly 2019 Report Q1 2018 Covering until 31 December 2019 p. 22 Available at https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/eutf_hoa_2019_-_q4_annual_report.pdf accessed 11 December 2020. It is worth noting that the monitoring team had to make approximations for this, even though they analysed the budget at a project level, emphasising once more the challenge of accessing data.

144. EUTF for Africa (2020) *ibid.*

145. EUTF for African (2020) p.5.

146. P.6.

Searching the FTS reveals additional funding in Sudan of €59.5 m between 2014 and 2019:

Category	Total	%
Peace and security	6,004,000.00	10.1
Development	50,075,211.64	84.26
Our activity code 2.1 (Promotion and protection of the rights of people on the move)	450000.00	0.76
Our activity code 5.2 (Support to research and campaigning on asylum and migration)	2,900,000.00	4.88
Total	59,429,211.64	100

The projects labelled 'peace and security' and 'development' do not refer to migration-related activities, but, given the EU's approach in Sudan, may well be directed at addressing root causes of migration (category 5).

The available data not suggest any support for strengthening asylum systems,¹⁴⁷ or enabling legal migration to Europe, with the possible partial exception of some strengthened university ties (4).

147. Nonetheless, UNHCR has received €3m from the EUTF for the action EUTF05 – HoA – SD – 11 “ Regional Development and Protection Programme in Sudan: Enhancing alternatives to first and secondary movement from Sudan” which does meet these categorization. This demonstrates again, the challenge of untransparent project reporting within EUTF.



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