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THE TRUST FUND FOR AFRICA: A PRELIMINARY ASSESSMENT

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Background

The EU-Africa Summit on migration and an informal council meeting took place in the Maltese capital Valletta on the 11 and 12 November 2015.[1] The decision to call the meetings was taken by Donald Tusk on 20 April 2015 in response to the worsening migrant tragedies in the central Mediterranean region, a day after a fishing boat full of migrants capsized some 96 kilometres off the Libyan coast leading to the loss of about 800 lives in what became the biggest migrant boat tragedy ever. The need to strengthen cooperation with third countries was paramount. The EU-Africa Summit was attended by EU and African leaders, the Presidents of the European Council, the Commission and the European Parliament as well as high officials from the United Nations and some of its agencies, the International Federation of the Red Cross and Red Crescent, the Arab League and the Organisation Internationale de la Francophonie. The EU "Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa" (hereafter, "The Emergency Trust Fund for Africa" [EUTF]) was set up during the summit. A fortnight later a Commonwealth heads of state and government also met in Valletta between the 27 and 29 November and migration again featured prominently.

Rationale of this Policy Brief

This policy brief does not attempt a comprehensive assessment of the EUTF. It focuses more on its main objectives and mechanisms, the principal issues which underscored the Valletta EU-Africa Summit, the cleavage between the EU and its African partners over migration and the scope of the EUTF. Laura Hammond in an advert in *Newsweek* stated that it cannot be assumed that development aid given to recipient countries (through

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1 Migration in this brief refers to international migration, when citizens of one country cross international borders into another country, which is to be distinguished from internal migration that often occurs within some countries and regions.

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government and civil society channels) will directly and immediately improve the lives of would-be migrants and their families; the EU cannot assume that all migration to Europe has economic roots; and, thirdly, that while the Fund claims to address the root causes of movement, a major focus is to pave the way for countries of origin to accept deportations (returnees) (Hammond, 2015). In a nutshell, Hammond's observation gathers together the main points made in this brief.

From a human rights' perspective, the EU's handling of migration has been questioned on several points. One issue that divided leaders at the Valletta Summit was whether what are termed as irregular migrants should be deported to their countries or not. African leaders stressed that the return of migrants must be on a voluntary basis while the EU side insisted that all "economic" migrants who entered the EU irregularly should be returned (Nielsen, 2015). Defining what or who is an "economic" migrant is a complex issue worth separate treatment.

A few other hypotheses and assumptions are assessed in this brief in the light of the EUTF. In general it is assumed that while the EUTF may have a positive effect on the countries and the regions for which it is intended, it is not the silver bullet that will resolve the migration problem. In addition, it does not shift financial resources to where they are lacking. Developing countries already benefit from huge financial flows by way of migrants' remittances and Official Development Aid (ODA) which by far outstrip the aid provided under the Trust Fund – and indeed ODA itself. Adding a little more to this flow will not really make a difference except of course at the micro level where projects financed by the Fund are successful. The EU's motive for tying development aid and migration is another way of trying to condition third countries to behave in a specific way favoured by the EU. But sovereign states may choose not to do as they are told once they calculate the cost and benefits of compliance. Lastly, by linking development and migration the EU is conflating two phenomena that raise significant political and legal questions while the final outcome might indeed turn out to be very different from the expected ones. The aphorism "the road to hell is paved with good intentions" holds in this case.

A Shifting Situation

By the time of the Valletta Summit, the problem of irregular migration had shifted from the central to the eastern Mediterranean, and the main concern was no longer exclusively with African migrants, but with the much bigger waves of Syrian, and to a lesser degree Afghani and Iraqi, citizens fleeing across Turkey into Greece and from there on to the Balkans and Hungary and onwards to the rest of the EU. The Balkan route was obviously the least expensive and least dangerous, but at the same time the shift illustrates the extremely dynamic and volatile nature of contemporary migration. It also divided the EU, wobbled the Schengen Agreement and eroded internal solidarity. However, it needs to be stressed that the growing importance of the Syrian refugee challenge does not lessen the significance of African migration from the Sahel and sub-Saharan Africa.[2] In 2014, no less than a fifth of asylum seekers in the EU hailed from 18 African countries located in the Sahel, Lake Chad and the Horn of Africa regions covered by the EUTF. In addition to these countries, the Fund also covers five North African states, namely Morocco, Algeria, Tunisia, Libya and Egypt, long-standing EU partners in the Mediterranean Neighbourhood. Figures on first time asylum applications in the EU released by EUROSTAT show a sharp increase in the number of applications for protection from Syria, Afghanistan and Iraq, particularly in the second and third quarters of 2015 but migratory pressures from the countries of sub-Saharan Africa are also on the rise. Taking the levels of asylum applications in the EU-28 as a rough guide to migratory trends, applicants from seven sub-Saharan countries covered by the EUTF registered a significant increase of just under 10% in the first three quarters of 2015 compared to the same period in 2014.[3]

The Objectives of the Trust Fund

The setting up of the EUTF is the most tangible result of the Valletta EU-Africa Summit. The EUTF was accompanied by an Action Plan based on five main objectives intended to back the political decisions taken by concrete action. These objectives include tackling the root causes of irregular migration and forced displacement; the enhancement of legal migration and regular channels of mobility including short-term mobility for students, researchers and entrepreneurs between Africa and Europe; protection and asylum, upholding human rights of all migrants; the fight against irregular migration; and the return, readmission and integration of irregular migrants (European Council, 2015a).

These objectives are not completely new in the sense that they already form part of previous EU political declarations and policy initiatives. They are in line with the EU's approach to migration. Under the external dimension of the Common Agenda on Migration and Mobility (CAMM) and its predecessor the Common Agenda on Migration (CAM), the EU has been trying since 2005 to deal with the migration challenge in a comprehensive manner. However, the success of the different actions carried out within the various pillars of the CAMM varies considerably. Internal policies tend to receive more funding from the EU budget than external ones.[4]

2 The countries involved are: Sahel-Lake Chad region – Burkina Faso, Cameroon, Chad, the Gambia, Mali, Mauritania, Niger, Nigeria and Senegal; the Horn of Africa – Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Tanzania and Uganda.
3 The countries analysed are Eritrea, Nigeria, Somalia, Sudan, Gambia, Senegal and Mali – all part of the group falling under the EUTF. The data analysed is provided by Eurostat in "Asylum Statistics" at http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics visited on 20.01.2016 and Table 2 in Eurostat Data in Focus, 3/2015 "Asylum Applicants and First Instance Decisions on Asylum Applications: 2014" published in 2015. There are some discrepancies in the data sets published in the two publications and the information was used for the purpose of identifying trends in migratory flows.
4 For a comprehensive treatment of these stands, see European Parliament (2015). EU Co-operation with Third Countries in the Field of migration., Directorate General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs. Study prepared for the LIBE Committee at http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536469/IPOL_STU%282015%29536469_EN.pdf

Spurring On Development

The Valletta Action Plan aims to strengthen measures to spur on development and poverty eradication in the countries of Africa from where the migrants arriving in Europe originate by mainstreaming migration in development cooperation to boost economic and social development, particularly by creating jobs for young women and men; strengthening the resilience of communities hosting long stay or protracted refugee communities; enhancing sustainable livelihoods and self-reliance opportunities; developing the benefits of migration; promoting cheaper, safer, legally-compliant and faster transfers of remittances; engaging diasporas in countries of origin; preventing, mitigating and resolving conflicts, combating human rights violations and abuses that generate internal displacement, irregular migration and refugee flows.

At the Valletta Summit, the EU's keenness on the return and readmission of migrants was very clear. The EU's insistence on return and readmission, included as a central pillar of the EUTF, concurs with Article 13 of the Cotonou Agreement which requires that "at the request of a Party, negotiations shall be initiated with ACP States aiming at concluding in good faith and with due regard for the relevant rules of international law, bilateral agreements governing specific obligations for the readmission and return of their nationals" (European Commission, 2014). Article 13 was overhauled soon after the Lisbon Treaty came into force in line with the EU's deepening concerns on migration.

The absolute majority of African leaders opposed it and only reluctantly accepted it in the end. They criticised Europe with double standards for welcoming Syrian refugees in large numbers while trying to discourage African ones. Senegal's President Macky Sall speaking on behalf of African leaders made another point by stressing that Africa would not need any financial aid if Europe cooperated with it in stamping out tax evasion by multi-nationals and other fraudulent activities estimated to amount to €60 billion.[5]

The Senegalese President could have also referred to the size of migrants' remittances flowing to Africa. According to a World Bank report, in 2015 an estimated $432 billion were sent to the developing countries by migrants in the developed world, of which $35 billion went to sub-Saharan Africa (World Bank, 2016). This figure excludes flows that arrived in this region through informal networks as well as what can be termed as non-monetary remittances. So important are remittances to the southern African countries that the leaders at the Valletta Summit agreed to reduce the cost of transferring remittances by 2020.

5 This was reported by several news media outlets during the summit but see Laing, A. (2015, November 13). African Leaders Reject EU 'Charity' Over 'Investment'. *The Telegraph.* Retrieved from http://www.telegraph.co.uk/news/worldnews/africaandindianocean/southafrica/11993920/African-leaders-reject-EU-charity-over-investment.htm

Remittances excogitate a lot of debate and often contrasting views. According to Dilip Ratha, remittances are not squandered on consumption but are positively correlated to increased investment by remittance-receiving households in education and health, besides increasing their incomes and helping them to overcome poverty (Ratha, 2013). However, three issues need to be kept in focus to avoid overstating their beneficial effects: the “brain drain”, the “silent back wash” of financial flows in the opposite direction and the problem of whether the receiving country has the structures and policies in place to ensure their maximum utilisation (Castles & Miller, 2009, pp.61-62).

Development-Migration Nexus

There are sufficiently strong arguments, which the author concurs with, that immigration is one of the ways by which the EU can address adverse demographic changes and aging population. However, there is another streak to the migration literature which requires attention, namely whether economic development actually reduces migratory pressures or not. Studies by Massey (1988) and de Haas (2007) have often been quoted to suggest the contrary (Clemens, 2014). The puzzle has not been completely resolved and it is further complicated by the fact that the decision to migrate may be influenced by a number of factors in combination with each other, and not one. The issue is crucial to the eventual success of the EUTF.

Migration is regulated by a number of UN conventions, whose ratification by states remains uneven, however. The EU and its member states are obliged to respect them but over the years EU migration policy has become progressively defensive and restrictive even though the Union has started to pursue more formal and legal forms of entry with several countries. The EU’s agreements with third countries, such as those enshrined in the objectives of the EUTF, raise a plethora of concerns on migrants’ human rights and questions about their legality. There is near universal agreement that the benefits of migration are better realised in a context where migrants’ human rights are fully protected. A much more “open” EU immigration policy may be more reasonable but politically unacceptable in the present context given member states’ objections. Development touches upon migration but it has its own rationale and dynamics. Conflating the two will certainly denature both by deflecting them from their proper objectives.

Resources

The EUTF was created to permit the pooling of financial resources from different donors and to enable a swift response to the changing demands of emergency situations. The constitutive document setting up the EUTF was signed by Spain and the European Commission during the Valletta Summit (European Commission, 2015a).

The EUTF's legal basis is the New Financial Regulation (NFR), which came into effect on 1 January 2013 (European Commission, 2012a).[6] The main aims of the NFR and its Rules of Application (RAP) are simplification, speedier procedures, accountability and facilitation of leverage on EU funds by third party financial outlays. By the end of 2015, three trust funds had been set up on the basis of the NFR: the Bêkou EU Trust Fund, the Madad Fund and Emergency Trust Fund for Africa. Briefly, the Bêkou Fund, established in 2014, provides humanitarian aid to the Central African Republic and is estimated to reach a total of €108 million; the Madad Fund was also created in 2014 in response to the growing Syrian refugee problem and was projected to achieve a budget of €543 million and eventually €1 billion.

The various projects outlined in the Action Plan accompanying the EUTF are most likely to begin to be felt in the long term. They seem to require more resources than those currently available under the EUTF considering that the fund has at its disposal only half (i.e. €1.8 billion) of the projected €3.6 million that the Commission wishes it to attain eventually. Speaking during the Valletta Summit, Commission President Jean-Claude Juncker said, "For the Africa trust fund and our response to be credible, I want to see more member states contributing and matching the €1.8bn the EU has put forward" (Louch, 2015). It is clear that a high premium is being attached to "money" as a crucial response to controlling migration. But it goes without saying that projects need to be carefully chosen to ensure maximum effectiveness. This in turn depends on what motivates their choice, whether it is the need to stop migrants from moving to Europe or to promote sustainable development (Herrero Cangas & Knoll, 2016). Then there is the further question of what the effect of economic development is likely to be on migratory flows.

In February 2016, the Commission published a "performance monitoring system" (PMS) to assess the effects of the EUTF actions by linking the EUTF's objectives with verifiable, empirical indicators to show whether the actions are having the desired effect or not.[7] The PMS will be refined progressively as the projects unfold. The crucially important assessment data will have to come from the information and reports generated by the programmes themselves.

Twenty-five EU member states and two non-EU states, Switzerland and Norway, have pledged €81.3 million (see table in the Annex) while the rest consist of transfers from already existing funds, namely fresh funding from the 11th European Development Fund reserve, the integration of funds from the Regional Indicative Programmes for East, West and Central Africa as well as the Horn of Africa, and contributions from the European

6 See in particular Article 187, p. 77.
7 The PMS can be accessed at http://ec.europa.eu/europeaid/sites/devco/files/eu-emergency-trust-fund-results-framework-25042016_en.pdf

Neighbourhood Instrument (ENI) and the Development Co-operation Instrument. More contributions could be made in the future by the EU member states as well as non-EU member states. According to the EU, the EUTF is additional to and complements the estimated €20 billion a year in ODA already provided by the EU and its member states (European Commission, 2015d).

The reluctance of the member states to fork out more financial resources to the fund can be explained by several reasons, not least among them the economic recession that has gripped the Eurozone since 2009. However, it is also congruent to another well-commented observation on EU development aid, namely that in 2015 nearly all the member states missed the target of raising their development aid to 0.7% of GNI, a pledge which they solemnly made in 2005 and have renewed practically every year since. Only Denmark, Luxembourg, Sweden and the UK surpassed the threshold (Bacian, 2015). Commission and member state estimates indicate that EU ODA was likely to hit 0.44% of GNI in 2015, approximately €38.58 billion below the 0.7 target (Council of the European Union, 2015). In sum, most of the EU member states clearly do not think that they can or should do more to address the lack of development in the regions outside Europe.

A further sign of the constraints being felt is that member states have also been designating as ODA a growing share of funds that are not really transferred to developing countries. These include administrative costs, expenditure on maintaining migrant communities in the donor/host countries and debt relief to developing countries, all of which amount to about a fifth of ODA according to the OECD. For this reason, more emphasis is being placed on Country Programmable Aid (CPA) and on aid effectiveness.

There is also a normative issue which is relevant in the context of EUTF, whether such aid should be counted as ODA or not. EurActiv, quoted Sara Tesorieri, Oxfam's migration policy lead in Malta, with saying, "The EU Trust Fund for Africa must have a clear separation between development aid and security cooperation envelopes — these have different objectives and do not belong in the same pot" (Crisp, 2015). According to this view, there is a clear risk that ODA will be diverted from alleviating poverty to trying to hold migrants in their own countries. Additionally, when making or increasing their contributions to the EUTF, member states may begin to count this as part of their ODA. However, it needs to be stressed that one of the key EUTF objectives is to foster development. The constitutive document of the fund states clearly that the EUTF is established under the European Development Fund (EDF). While not denying that action under the EUTF can be clearly designated as "development", the expectations were that it would mobilise additional funds to the ones already allocated under existing aid instruments.

The EU member states that have donated less than €3 million are excluded from the fund's Strategic Board and its operational Committee, both of which are chaired by the

Commission. They have argued that they are losing decision-making control over the €1.8 billion outlay from the EU budget.

Actions Announced so Far

On 16 December 2015, the European Commission announced 16 actions of almost €300 million falling within the objectives identified by the Valletta Summit, including 10 worth €253 million in the Horn of Africa approved during the first Operational Committee meeting of the EUTF (European Commission, 2015e). Two days later, the first EUTF project worth €20 million was signed with Italy in Brussels for implementation in Ethiopia (European Commission, 2015f). It is worth recalling in this context that on 11 November 2015, on the fringes of the Valletta Summit, the EU and Ethiopia signed a declaration on a Common Agenda on Migration and Mobility (European Commission, 2015e). On 14 January 2016, the European Commission announced 10 measures for the Sahel region for an outlay of €100 million (European Commission, 2016a; European Commission, 2016b). The Commission was eager to show some acumen and momentum on the implementation of the Valletta Summit conclusions and to a large extent it succeeded in doing so. On 18 April 2016, twenty new measures were adopted[8] to assist the Sahel region and Lake Chad Basin, worth over €280 million (European Commission, 2016c). Ten days later, the Operational Committee adopted another 10 actions for the Horn of Africa complementing those approved on 16 December 2015 and amounting to €253 million (European Commission, 2016d). In June 2016, the Operational Committee also adopted a package worth €27.5 million as part of the 'North of Africa Window' (Algeria, Egypt, Libya, Morocco and Tunisia). Country projects for Libya and Egypt were adopted with the aim of strengthening the resilience of displaced populations in these countries. A regional project covering the countries of the window was also adopted (European Commission, 2016e; European Commission, 2016f).

Conclusion

The EUTF as an instrument for the mobilisation of funds for development is a positive initiative in theory until a thorough assessment is possible to check the results of the many

8 Regional Development and Protection Programmes (€60 million) in Ethiopia (€30 million), Sudan (€15 million) and Kenya (€15 million) to improve the living conditions of Eritrean and Somali refugees and other refugee groups and their host communities; legal migration and mobility (€10 million) to improve existing avenues for legal migration and mobility between the countries of the region; capacity-building to the Intergovernmental Authority on Development IGAD (€5 million) to enable it to promote resilience by building its capacity to implement its regional resilience strategy; and *National actions:* promoting a culture of tolerance and dialogue in Somalia (€5 million); creation of economic opportunities in Kenya (€12 million); implementation of the Special Measure for Sudan (€25 million); two measures for East Sudan (€12 million) and West Darfur (€7 million) to strengthen community resilience, social cohesion and peacebuilding in areas affected by flows of returnees from Chad and internal displacement; an action for East Sudan and the Transitional Area of Blue Nile (€6 million) to improve the capacity of central and local authorities to collect, analyse and disseminate data and evidence on food security.

projects promoted by it against the declared expectations articulated by the Valletta Summit Declaration and incorporated into the Action Plan. The Plan was designed to provide substance to the policy objectives outlined in the Valletta Declaration.

At the same time, it has to be kept in mind that the motivation to migrate results from many different factors and the uprooting of people by ongoing, endemic conflicts and lack of development, social dislocation, environmental degradation and the negative effects of climate change cannot be easily resolved as the history of the regions involved has demonstrated. This also applies to the need to combat corruption, which stalls development. On the basis of a 2002 African Union study, corruption was estimated to cost the continent around $150 billion a year. According to Transparency International, Africa is home to half of the 30 most corrupt governments in the world.

The size of the African development challenge and the resources needed to make any serious inroads into it contrast sharply with the meagre resources offered by the EUTF, which in any case was never intended to take on the burden alone but to provide additional funding and leverage. At the same time and paradoxically, lack of finance for development does not seem to be a problem considering ODA and remittances (through formal and informal networks) which reach sub-Saharan Africa. A follow up of the Valletta Summit is due in 2017, when hopefully the first preliminary evidence of the impact of the fund will become known.

Improved border management, one of the main European objectives behind the political rhetoric, depends on the readiness of the African partners to work with the EU in implementing effective return, readmission and reintegration of irregular migrants not qualifying for protection in Europe and to cooperate fully with the EU in combating human trafficking and smuggling. This in turn depends on the African countries' readiness to cooperate with the EU by providing travel documentation to facilitate returnees. Hence one of the main objectives of the Valletta Summit was to secure such compliance. This issue caused quite a stir in EU-Africa diplomatic exchanges, both in the run-up to and during the summit itself. There is also another related issue that is of relevance to transit countries, particularly the Mediterranean Basin countries, regarding the EU's insistence that they too should accept returnees from third countries who passed through their territories. These sovereign countries, former colonies which abhor even the faintest sign of external interference, may prove too much for the EU to handle.

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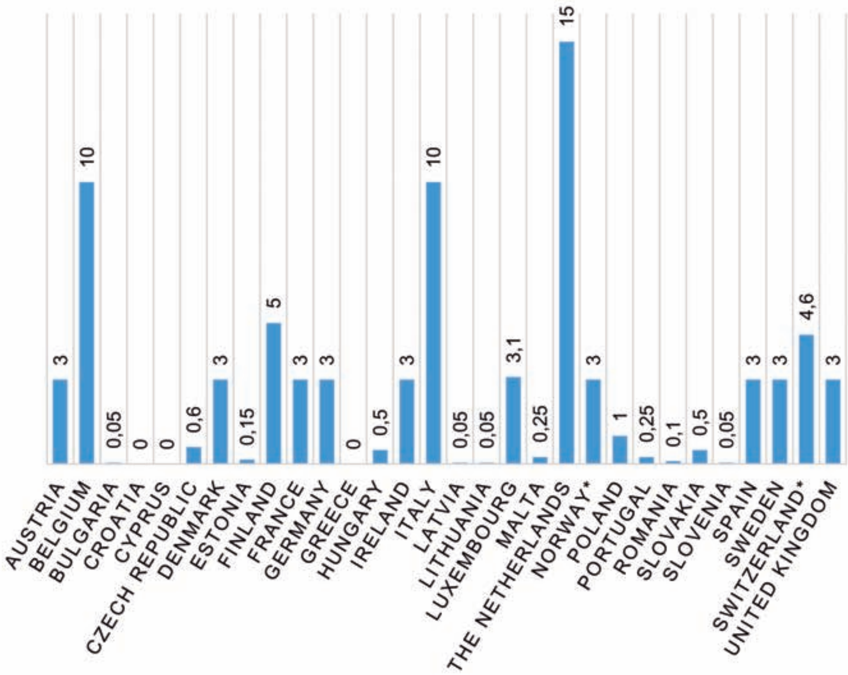
ANNEX. PLEDGES TO THE EUTF (in million Euros)



Source: European Commission (2015c)
Note: (*) non-EU states

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