The politics of human rights in the Khartoum Process

EU external policy on migration in the Greater Horn of Africa region

DISCUSSION PAPER

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QCEA is publishing the paper in order to contribute to an informed debate on the Khartoum Process.

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Foreword

The New York declaration at the UN in 2016 created a mandate for a non-binding agreement, a so called 'global compact on migration' in which countries would agree on the best approach to manage migration in an orderly and safe manner. When Donald Trump pulled out of the negotiations, it was up to the EU to take on a leadership role and show the way forward. And it did. A final text was delivered last July. But before any country even signed the compact, which is due to happen in December 2018, a few EU member states have already withdrawn their support. Their stated reason: a fear to create 'a human right to migration'.

The EU's failure to be a 'leader' on safe and orderly migration follows several years of ambivalent policies in its external relations. Since 2015 the common migration policy has had a lasting impact. Arguably, development policies has been hit hardest. The effects of the response to the 'migration crisis' on the development sector are hard to overstate, taking into consideration the Rabat and Khartoum Process, the Emergency Trust Fund (EUTF) and the Migration Partnership Framework.

Three years after the start of the European Union Emergency Trust Fund (EUTF) the money - mostly originating from the EU's development budgets- is all spent. The focus of measures has been on migration management. Funds have moved away from least developed countries to those on migration routes. Legal migration routes are still very much absent. Negative effects in countries of transit are starting to show. For example Libya, where securing borders has been prioritised over saving lives. Or consider Niger, a country that has received extraordinary amounts of funding but is as a result now battling with a more distorted economy and sky-high unemployment.

The EUTF remains popular among member states who see this as a flagship instrument to show their commitment to tackling migration. At the same time, these member states continue to be reluctant to pledge more funds. In their view, funding should come foremost from EU budgets. Despite the lack of financial commitment from member states, there are increasingly signs that the Trust Fund might be extended beyond its 2020 deadline.

Development cooperation has transformed through decades of trial and error. It flourishes when development funds are reliable and predictable. Ownership of the local population should be seen as a necessary precondition to ensure sustainable development and long-term poverty eradication.

The EU's approach to 'tackling the root causes of migration' and 'migration management' has reduced decades worth of knowledge to distant memories. An opportunity to be a global leader in setting international norms on managing migration has been missed in a painful way. The recent response to the migration crisis has brought the self-serving nature of the EU's relations with African states back to the surface and allows us to question their commitment to human rights above all else.

Judith Sargentini MEP
November 2018

Executive Summary

In the last four decades, the people in the Greater Horn of Africa (GHoA) have confronted a series of challenges, such as violent conflicts, state failure and economically and environmentally damaging climate change. A main consequence of these challenges was a spike in the number of people migrating both within and outside the region. In November 2014, the EU-Horn of Africa Migration Route Initiative, also known as the Khartoum Process, became the main cooperation forum on migration between the European Union (EU) and GHoA.

Through an analysis of the relations between the GHoA and the EU, this discussion paper outlines a series of opportunities and challenges facing European governments. The discussion paper focuses on how the human rights of migrants, in or from the GhoA region, can be better protected. Interviews have been conducted with a range of stakeholders and relevant policies and literature have been consulted.

The paper draws on an EU-wide discussion about the common migration policy which intensified with the events of 2015-16, particularly with regard to the fair sharing of the intake of migrants (mainly arriving into Greece, Italy, and Spain).

Perceptions of public concern about inward migration have created fear amongst many political leaders of increased support for far-right political parties. This paper recognises the difficult situation this has created for European policy makers, while offering realistic and constructive ways forward.

In the context of EU-Africa relations, human trafficking and migrant smuggling are too often portrayed as solely African issues, rather than shared challenges. This paper considers the achievements of the Khartoum Process and highlights outcomes that may be, or may have already been, counterproductive. The research identifies how the Khartoum Process has brought governments together to cooperate in ways that they would otherwise not. Communication and transparency relating to the Khartoum Process, and the inclusion of civil society are also discussed.

The paper questions how far the Khartoum Process is really in the interest of GHoA, and considers the impact it has had on legislation in the region. In particular, concerns are raised about policies that reinforce borders within Africa as a part of a 'whole of route' approach to migration, and the barriers this may create to regional cooperation. A different model is needed in which local, national and international actors work together to construct, from the bottom up, a new narrative on migration. The absence of safe and legal ways for migrants to enter the EU from the Greater Horn of Africa is also identified as a factor supporting trafficking and smuggling networks in the region.

Map
Africa–Europe migration flows
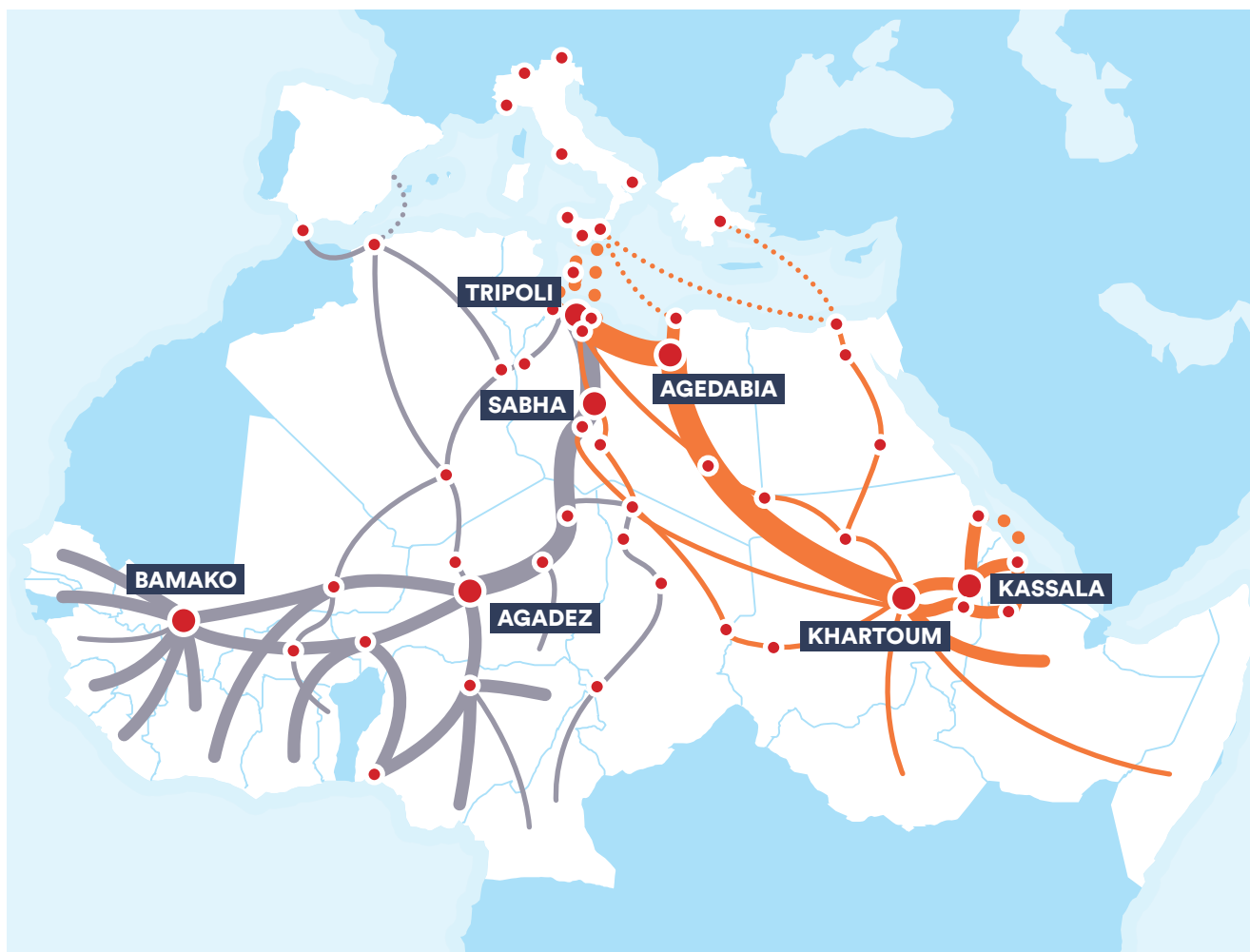
Legend:
- Migration route from GHoA
- Other migration route
- Common transit point

Map labels: TRIPOLI, SABHA, AGEDABIA, BAMAKO, AGADEZ, KHARTOUM, KASSALA

*This map is based on an interactive resource produced by **Medici per i Diritti Umani/Doctors for Human Rights,** built using the testimonies of 2,600 migrants from Sub-Saharan Africa collected between 2014-2017. The original is available online at **esodi.mediciperidirittiumani.org***

Introduction
The Khartoum Process in domestic and international political context

Since the spike in the number of migrants and refugees arriving in Europe in 2015, migration from Africa and the Middle East has shaped political agendas across Europe. Migration rapidly became a priority in many areas of EU policymaking.

Since 2013 the number of Europeans voting for far-right or anti-European political parties has steadily increased. Many far-right parties took advantage of an increased number of migrants, coming to Europe in 2015 to promote narratives that opposed European integration. Many heads of government found themselves in difficult political circumstances at home, contributing to their failure to unite around a common European policy over several months in 2015-16. An example is provided by the narrow victory for the Leave campaign in the UK Brexit referendum in June 2016, which was characterised by attention on migration issues.

Images of people putting their lives at risk to cross the Mediterranean have caused concern among the public in Europe and worldwide. Yet dangerous journeys across the Sahara Desert and other hazardous crossing locations around the world are less well publicised.

EU migration policy has traditionally been developed through separate internal and external policies, though these two agendas have merged over time.[1] This is visible in the current proposals for significantly increased EU spending on migration in the next seven-year EU budget framework (the post-2020 Multi-Annual Financial Framework). Migration is the focus of considerable attention in EU external policy, influencing or overshadowing many traditional policy areas, such as development cooperation, conflict prevention and human rights).[2]

The impending renegotiation of the Cotonou Agreement between EU and African, Caribbean and Pacific (ACP) countries, and the drafting of the UN Global Compact for Migration, creates an opportunity to examine partnerships between the Global North and the Global South.

What is the Khartoum Process?

The EU-Horn of Africa Migration Route Initiative, also known as Khartoum Process (KP) is part of a range of new regional migration partnerships the EU has established with several regions in its neighbourhood to respond to the large number of migrants and refugees who rely on smuggling and/or trafficking[3] in order to escape war, political repression, religious or identity persecution, environmental degradation, poverty or food insecurity.[4]

The Khartoum Process was established as a high-level political dialogue was introduced under the Italian Presidency of the Council of the European Union in 2014. In recognition of the challenges of mixed migration, 37 states in Europe and in the GHoA, along with the EU and African Union (AU) decided to join together to foster dialogue on the topic of migration management.

Its major focus formally agreed by both European and African governments participating in the platform, is "to prevent and tackle the challenges of human trafficking and smuggling of migrants".[5] This focus stems from the idea that the presence of powerful criminal networks, which profit from human trafficking and smuggling, constitute one of the main causes of the sharp increase in the arrival of migrants into Europe.

While several studies have confirmed that human trafficking and smuggling are becoming increasingly lucrative for criminal networks, others have also raised concerns about the focus of the Khartoum Process. In particular, recent research suggests that whilst European policy focuses on undermining the supply-side (criminal networks), human trafficking and smuggling businesses are largely demand-driven.

Methodology

This research is based on existing literature on the topic and interviews with EU policy makers and other stakeholders. It adds to the current discussion about EU migration policy and human rights by focusing on EU-Africa migration-related partnerships and the complex dynamics related to them. Crucially, the insights provided by some EU policymakers and other relevant experts during a set of interviews held in Brussels has further developed the analysis.

Chapter 1 analyses the Khartoum Process, the reasons for its creation, its main features and objectives and its overall rationale.

Chapter 2 considers the Khartoum Process and its impact on trafficking and smuggling from a human rights perspective. The chapter focuses on capacity building and the Khartoum Process's governance structures, but also on the impact of the Khartoum Process on peace and security.

Chapter 3 assesses the main migration drivers and migration-related issues in the GHoA region. The analysis takes into consideration relevant national laws in GHoA countries, focusing on the particular case of Ethiopia.

Chapter 4 provides policy recommendations for the Khartoum Process. This last chapter identifies limitations for EU migration-related partnerships with the governments in the GHoA region. Finally, the report makes a series of recommendations for the EU.

Chapter 1
Migration from the Greater Horn of Africa to Europe

1.1 The development of EU migration policy

EU migration policy is currently based on **three main elements**:

1. Free movement laws for (mainly) EU citizens within the single market;
2. Migration and asylum provisions that have been developed since the mid-1980s and are related to a number of factors, such as the implications of single market integration for immigration and asylum, coupled with the growing awareness of domestic legal and political constraints on immigration control;
3. Migration policies offering some legal, social and political rights to legally resident non-EU citizens.

Cooperation among EU member states is closer on some issues than others. For example, cooperation regarding asylum and irregular migration is stronger than admissions and integration policies. Some member states are also affected by the arrival of refugees and migrants more than others. This wide diversity of member state experience makes it more difficult to develop common European policies on migration.[6]

1.2 EU responses to African migration since 2005

After hundreds of African migrants tried to enter the Spanish cities of Ceuta and Melilla in North Morocco in 2005, African migration to Europe has become a focus of EU external policies. In December 2005, the European Council adopted the *Global Approach to Migration* (GAM), which focused mainly on Africa and the Mediterranean neighbourhood. According to the European Council, the GAM represented a shift from a security-driven discourse to a mobility and development-oriented discourse. The GAM's purpose was to strengthen partnerships between origin, transit and destination countries by managing legal migration, preventing illegal migration, and promoting relations between migration and development.

The Global Approach advocated for the migration-development nexus, which is why today the nexus is so prominent in EU external policies.[7]

In November 2011, the European Commission substituted the GAM with a revised *Global Approach to Migration and Mobility* (GAMM).[8] The GAMM establishes a common framework for the EU's external migration and asylum policy, whilst also defining how the EU conducts policy dialogues and cooperation with third countries on the topics of migration and mobility. The Commission justified these changes by stressing the importance of the mobility aspect of third country nationals in the globalised world in which the EU operates. Furthermore, the European Commission stated that the newly created GAMM should be incorporated in the EU's overall foreign policy framework, including development cooperation.

Nevertheless, the GAMM received criticism for lacking transparency and prioritising national interests. The GAMM was accused of being disproportionally based upon an incentive-based conditionality, "*the more partner countries readmit their nationals from the EU, the more they prevent people from reaching European borders, the more the EU will mobilise development funds for these countries*".[9]

Today, the EU organises migration and labour mobility dialogues at bilateral level which are loosely gathered under the GAMM with African governments. At continental level, the cooperation is with the African Union (AU). At a regional level, dialogues are built around the Rabat Process, focusing mainly on Western Africa, and the **Khartoum Process** focused on the Greater Horn of Africa. Partnerships between the EU and partner countries, including those in the Greater Horn of Africa,[10] are governed by the provisions of the EU's external action, set forth in the 1992 Treaty on European Union (TEU). These provisions enshrine the principles of "democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law".[11]

1.3 The development of EU relations with the Greater Horn of Africa

Geographically, the Horn of Africa includes **Ethiopia**, **Somalia**, **Djibouti** and **Eritrea**, while the "Greater Horn" region also includes **Kenya**, **Uganda**, **Sudan** and **South Sudan**. The Horn countries control access to the Gulf of Aden, which connects the Suez Canal with the Indian Ocean and the oil-producing countries of the Arabian Peninsula. The region also benefits from a 25,000-mile long coastline adjacent to important maritime routes, while the River Nile and its tributaries run through large parts of the region.

As early as 2006, the European Commission prepared an *EU regional political partnership for Peace, Security, and Development in the Horn of Africa*. Three years later, the EU as a whole adopted an *EU Policy on the Horn of Africa – towards a comprehensive strategy*. In 2011 the *Strategic Framework for the Horn of Africa* was adopted.

It set out as its objectives greater peace, stability, and prosperity in the region, and set out five areas for EU action: building robust and sustainable political structures, contributing to conflict resolution and prevention, mitigating security threats emanating from the region, promoting economic growth, and supporting regional economic cooperation.[12] Member states and the EU institutions were encouraged to work together to achieve these objectives.

What were the reasons for these policy initiatives? Initially, to support the efforts of governments in the Global South to achieve greater economic growth through development cooperation. Since the times of the Lome convention, the Commission collaborated both with national governments and increasingly with regional bodies. They also sought to encourage civil society both through financing and through recognising it in dialogue with governments.

The Horn of Africa was a particular focus of this effort because in addition to developmental challenges, there were security ones – particularly related to the civil conflict in Somalia, and in the stand-off between Ethiopia and Eritrea following a particularly bloody conflict.

Linked to its potential wealth and strategic location at a crossroad of trade routes, the region has suffered from prolonged conflict and displacement and has remained of interest to more than just former colonial powers. Political, social and economic problems in the GHoA have triggered large-scale mixed migration within the region and created an environment, and market, for exploitation. They have resulted in large numbers of people leaving their respective countries, with some making their way north through Libya or Egypt, across the Mediterranean, and into Europe.

For all these reasons, the Horn of Africa Strategic Framework was a precursor to the adoption of a 'Comprehensive Approach' to foreign policy more widely. In effect, there are many objectives and many instruments, and the comprehensive approach is meant to be a way to pull them together in a coherent manner. This has now been succeeded by the 'Global Strategy' which again seeks coherence between the various policy objectives of the EU.

It is in this context that the Khartoum Process represents a dangerous distortion, trying in a hegemonic way to make the concern of the EU about migration levels to have a leading role in policy towards the Horn of Africa.

The EU initially looked to address informal migration from outside Europe within Europe. This gave rise to both overload, an inability to decide ethically and expeditiously between those who should be welcomed as refugees and those who could safely and legitimately be returned to their countries of origin.

The EU then sought to strengthen its outer walls against the arrival of the uninvited, be they refugees fleeing intolerable conditions or those unfortunate humans simply seeking a better life. This was reflected in the ugly policies of return of asylum seekers to Libya and Turkey, and the harassment of boats seeking to rescue those in peril in the Mediterranean.

1.4 The structure of the Khartoum Process

In November 2014 the Khartoum Process was added to the growing number of 'migration management partnerships' between the EU, its member states and third parties. It is a political process at ministerial level, involving member states and the EU Commission and AU Commission. The countries and actors involved agreed "*to undertake concrete actions to prevent and tackle the challenges of human trafficking and smuggling of migrants between the Horn of Africa and Europe*".[13] This led to the signing of the **Rome Declaration,** which was adopted at the Ministerial Conference in Rome in 2014 and which constitutes the Khartoum Process's key strategic document.

Khartoum Process members agreed to assist participating states in tackling trafficking and smuggling between the Horn of Africa and Europe based on ten objectives (*see box*).

Spring 2015 initiatives

Two initiatives reinforced European external engagement on migration in Africa and the Khartoum Process legislative context. Firstly, in April 2015, the European Council expressed its commitment, as part of its objective of "preventing illegal migration flows", to "reinforce political cooperation with African partners in order combat the smuggling and trafficking of human beings".[15] Secondly, in May 2015, the European Commission set out a *European Agenda on Migration*.[16] The initiatives mentioned in the agenda expect to succeed in "reducing the incentives for irregular migration", in which "partnerships with countries of origin and transit [are] crucial"[17] in order to strengthen border management, to build strong common asylum policies and to facilitate new policies on legal migration.[18]

THE KHARTOUM PROCESS: TEN OBJECTIVES[14]

- Tackling irregular migration and criminal networks
- Improving national capacity building in the field of migration management
- Stepping up prevention measures establishing national strategies to strengthen horizontal coordination among all services
- Enhancing national law enforcement agencies, and the judicial system responses, in order to identify criminal networks
- Improving or, where appropriate, establishing criminal law frameworks
- Promoting a victim-centered approach
- Promoting sustainable development
- Developing a regional framework

  for return including voluntary, and reintegration
- Assisting the participating countries in establishing and managing reception centers, though only on a voluntary basis and upon individual request of a country in the region
- Providing access to asylum processes in line with international law

The Valletta Summit

In November 2015, a year after the signing of the Rome declaration and the establishment of the Khartoum Process, European and African heads of state and government adopted a migration action plan at the Valletta Summit. The action plan stressed the importance of the Rabat Process,[19] the Khartoum Process and the Join EU-Africa strategy[20] in monitoring and implementing the plan's objectives. As such, the plan was mainly designed to:

- address the root causes of irregular migration and forced displacement;
- enhance cooperation on legal migration and mobility;
- reinforce the protection of migrants and asylum seekers;
- prevent and fight irregular migration, migrant smuggling and trafficking in human beings; and
- work more closely to improve cooperation on return, readmission and reintegration.[21]

The Valletta Action Plan also led to the establishment of the E*mergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa* (EUTF). The Fund is a "multi-year facility designed to fund projects that promote resilience, stability and security in the European neighbourhood (e.g. Middle East, Sahel, Horn and North Africa regions)".[22] Of the total €1.8 billion EUTF funds, the EU has set aside €714 million for the GHoA in order to strengthen migration management, to address root causes of migration and to improve conditions for refugees, internally displaced persons (IDPs) and host communities.[23]

Chapter 2
The Khartoum Process from a human rights perspective

This chapter considers the human rights implications of the Khartoum Process by focusing on its governance and capacity building. It is important to consider whether:

- the Khartoum Process is informed by a human rights framework,
- the partners in the GHoA are capable of implementing the envisaged projects in conformity with human rights standards,
- human rights are integrated into the Khartoum Process discussions.

The EU seeks to uphold human rights in its external action, including in terms of processes guided by consultation, participation, transparency, and accountability.[24] Article 21(1) of the Treaty on European Union (TEU) says that the EU's "action on the international scene shall be guided by a set of principles, including the rule of law and human rights".[25]

In this context, the Rome Declaration "recall[s] that promotion and respect of human rights constitute a cross-cutting issue of our cooperation", and includes references to rights and protection. The Rome Declaration mentions human rights as a cross-cutting theme in this partnership and some references are made in Joint Valletta Action Plan analysis reports. However, the improvement of human rights conditions in the GHoA is not mentioned within any of the ten objectives set forth as the basis for the Khartoum Process.

Despite its ambition of saving the lives of migrants coming from the GHoA, the Khartoum Process (and similar initiatives) have attracted criticism for the absence of instruments and institutions necessary to protect and promote human rights. While some national and local institutions in the region uphold human rights in their interaction with migrants, other state institutions are predatory and carry different degrees of responsibility for the abuses from which many migrants flee.

According to most EU policymakers interviewed, the Khartoum Process's first objective should be to reduce illegal migration to Europe. The extreme suffering caused to victims and survivors of trafficking is well documented.[26] The Rome Declaration identifies trafficking as a serious crime and human rights violation.[27] The Declaration also expresses its concerns about "lives endangered by hazardous journeys across desert and sea" and its signatories stress that they are "more than ever committed to undertaking action to try to avoid such tragedies in full observance of human rights and human dignity".[28]

Better Migration Management project

To provide an example of how the Khartoum Process puts these objectives into practice, the first major initiative under the Khartoum Process umbrella was launched less than one month after the signing of the Valletta Action Plan. In December 2015, the so-called *Better Migration Management* (BMM) project was officially presented.[29] The BMM embodies the twin focuses of migration control and protection measures and was designed to result in: the development of partner countries' national legislation on migration in accordance with international standards; enhanced capacity "to manage migration effectively"; "improved access to justice and to protection facilities" for migrants and victims of trafficking; and "greater awareness of risk associated with irregular migration".[30]

Nevertheless, as well as the general Khartoum Process approach based on linking migration control to protection, there is a failure to acknowledge that restrictive migration control, coupled with the absence of sufficient safe and legal ways for people to reach Europe, risk providing a space for trafficking networks. Several researchers have concluded that some trafficking-related programmes talk up their humanitarian motives whilst primarily acting as a form of migration control.[31]

Moreover, the areas of cooperation that feature prominently in Khartoum Process documents appear to suggest that the main addressees are the GHoA governments. This is not surprising as trafficking and smuggling are often portrayed as African issues, rather than a common problem to which Europe contributes.[32] Notwithstanding the commitment to better organised legal migration between regions, the Rome Declaration focuses on how initiatives within AU member states can meet the joint commitments made therein. This includes ensuring "effective protection to refugees, asylum seekers, as well as to internally displaced persons, and to provide for due access to asylum processes in line with international law".[33] This approach is similar to other areas of EU external action where migration control is framed as the responsibility of third countries.

Complementarity of approaches on trafficking and smuggling?

There is a "prevailing confusion between smuggling of migrants and concepts such as irregular migration and trafficking in persons".[34] According to several interviewees some of the key problems in Khartoum Process discussions on migration management between the European and African parties, are the lack of clarity on the definition of some important terms and concepts relating to the different dimensions of migration.

The majority of the policymakers interviewed argued that a consistent approach must be taken to trafficking and smuggling, since "smuggling can many times become human trafficking along the way",[35] but also because this is necessary when projects are implemented by operational agencies at national level.[36] It is true that trafficking and smuggling are often linked by common processes (such as, recruiting migrants, obtaining genuine/fake documents, organising vehicles and drivers, transporting individuals and bribing officials). However, a consistent approach may not be as advantageous as imagined.

Smuggling of people is against the criminal law of a country, but it does not necessarily involve harm to an individual. Europe's own history provides many examples of when people, and particularly human rights defenders, were smuggled to a place of safety. Smuggling and trafficking are therefore different in this important respect. Smuggling may be the best way to protect a person's human rights in some circumstances.[37] The EU policymakers interviewed for this policy paper were keen to stress that it is important that the EU makes it clear to member states and GHoA governments participating in the Khartoum Process that people who have been smuggled should not be criminalised.

2.1   Governance questions

The gradual European integration process provided European governments with the possibility of engaging African counterparts with greater unity and clearer objectives. In the context of the Khartoum Process, this dynamic benefits the EU position of reducing mobility at the expense of the GHoA position.[38][39] This is an example of the wider critique of the Khartoum Process, that there is a fundamental power asymmetry between the EU and GHoA, including in the conditions attached to EU funded projects.[40]

Bringing GHoA governments together through the Khartoum Process should support what the Valletta Action Plan on migration described as Europe's first objective in its partnership with the third countries: making migration safer. However, some EU policymakers interviewed said that human rights, although being a theme present in the joint EU-AU political declarations, are not thoroughly discussed during the Khartoum Process thematic discussions and meetings.[41] Migration control often monopolises the discussion, at the expense of human rights protection and finding durable solutions for migrants.[42]

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The Khartoum Process was largely developed at the inter-state and interregional institution level. Relevant international organisations are involved in Khartoum Process meetings, including the UN High Commissioner for Refugees (UNCHR), UN Office on Drugs and Crime (UNODC) and the International Organisation for Migration (IOM). However, there is very limited meaningful involvement by concerned communities in the region, that is the rights-holders.[43] In essence, it is a top-down process which reflects the interests of European and GHoA governments, though not necessarily in equal measure, with limited evidence that "the consequences of their decisions on the lives and rights of migrants have been taken into account".[44] Here we see the EU using regional dialogues as a form of soft power. This approach is praised for its efficiency, which partly rests on its specific regional focus.

2.2   Peace and security

Given the insecurity in the GHoA, many EU policymakers have also emphasised the importance of such state-level dialogue to EU conflict prevention strategies. Others challenged this view as too narrow, for example highlighting the importance of local ownership to successful peacebuilding. Conflict prevention and peacebuilding can often be poorly understood by policymakers working outside of these fields, however they offer real opportunities for progress. For example, the Quaker peacebuilding organisation, the American Friends Service Committee, operates a successful Tango Talks project in Kenya which supports reconciliation through dialogue forums comprising of law enforcement, community leaders, youth leaders, religious leaders and other stakeholders to discuss issues affecting refugee communities and find common solutions.

Some civil society organisations are nervous about feeding narratives that consider both migration and security. However, the two cannot be separated when insecurity is a major reason why people seek to come to Europe. An appropriate policy response, therefore, is to focus on improving the human security of people in, or on transit from, the GHoA.

2.3.1   *The effects of the Khartoum Process on regional integration in the GhoA region: the Intergovernmental Authority on Development*

EU initiatives to reduce illegal migration might slow down the development of GHoA initiatives. For example, the highest GHoA regional authority, the Intergovernmental Authority on Development (IGAD), might be expected have a more nuanced understanding of historical pathways, institutional processes and other migration challenges compared to EU colleagues. The EU has been one of the principal promoters of IGAD, both in funding and in seeking ways to increase cooperation between IGAD countries. In the coming years, the EU could make an efficient contribution by further supporting IGAD's initiatives, as a means to encourage peace and integration in the region.[45]

The United Nations Secretary-General, in his report on large movements of refugees and migrants, referred to the Khartoum Process as one of the regional initiatives that "can promote collective efforts to build mechanisms for future responses".[46] The EU supports the IGAD members efforts towards regional integration on freedom of movement (in addition to economic cooperation, shared infrastructure, political cooperation), but the diplomatic efforts it made to support such initiatives are modest overall.

2.3   The nature of partnership

Regionally-established partnerships between the Global South and Global North may pose several challenges. According to Kunz and Lavenex (2005), "the proliferation of process-oriented forms of trans-governmental governance, which are promoted by countries of destination in their relations with countries of origin or transit, are not reflecting equal partnerships".[47]

The combination of high-level policy dialogues on the one hand, and technical project implementation on the other, has thus resulted in a lack of representative political participation – on both African and European levels. Calls for greater transparency in the Khartoum Process's governance processes have been made in some member states, such as the UK and Germany, and in the European Parliament.[48] Nevertheless, transparency is limited by the initiative's complex set-up, the sensitivity of the topics discussed, the secrecy of the meetings, and the consequent poor media coverage.

In July 2018, the UK government published its negotiating position on its future relationship with the EU, known as its Brexit White Paper. Whilst there is little reference to peacebuilding, human rights and development, the Khartoum Process was specifically mentioned. The UK government stated that it would like the UK to continue its participation in European dialogues with Africa, such as the Khartoum Process, "to tackle illegal migration upstream".[49]

The structure of the Khartoum Process allows EU member states to channel funding directly into the region, potentially guided by their individual national interests. Likewise, GHoA governments are able to use resources in support of their own interests.

2.4   Risks arising from a capacity building approach

Both EU and GHoA states appear to agree that the main problem the Khartoum Process aims to solve is the lack of capacity of local and regional institutions to prevent migration, both within and outside the region. The Khartoum Process treats trafficking and smuggling as law enforcement issues rather than as a symptom of governance problems. It does not address the extent to which GHoA governments drive migration. Neither, does it address human rights violations.

A traditional capacity building approach risks limiting the effectiveness of the Khartoum Process in achieving its objectives in the following ways:

1. **A strong focus on capacity building reduces the potential of EU efforts to a technocratic and law enforcement exercise.** This approach ignores the role of GHoA state agencies in the situation, including: (i) restricting citizens' ability to leave a country, itself a factor in sustaining a high demand for smuggling services by the population; (ii) reported complicity of GHoA government institutions in transnational organised crime, including trafficking.[50] EU support for law enforcement is not wrong in principle, but it has to be based on security sector reform that improves democratic accountability and human rights standards so that law enforcement agencies work to protect the security and rights or all people, including migrants.

2. **Policy focused on law enforcement capacity building blurs the lens through which cross-border movement is understood.** Whilst various forms of migration are considered in Khartoum Process documents, assumptions about the causes and consequences of migration are largely implied or kept vague, rather than specifically addressed and contextualised.

The dominant EU policy making discourse tends to portray migration from GHoA as: (1) economically motivated; (2) illegal; and (3) detrimental to national security, or cultural identity.[51]

The result is the so-called 'carrot and stick' approach. At the moment, the Khartoum Process's model for responding to economically driven movement is state sovereignty and facilitation of movement of goods and services in order to boost development, while at the same time strengthening borders to prevent free movement of people. However, the movement of people across countries in the region reflects historical migration roots, which in the past have contributed to easing the difficult integration of people across GHoA.

It is also interesting to consider this issue in the context of wider EU policy, for instance how the EU insists (in the Brexit negotiations for instance) that the four freedoms of movement – capital, goods, people, services – are indivisible. It is incoherent for the EU to promote regional cooperation in the IGAD region and at the same time encourage state borders restricting the movement of people.

3. **The Khartoum Process stresses the importance of promoting sustainable development as a means to address root causes,** suggesting that persons leaving their country in the GHoA are doing so primarily for economic reasons.[52] However, this is often not the case, irregular migration may act to justify actions taken against persons crossing borders. This gives states, such as Sudan and Eritrea, more discretion in how to treat individuals and even fewer incentives to raise human rights standards. Reasons for cross-border movement are varied, but a large number of individuals leaving countries in the region, particularly Eritrea, Sudan and South Sudan, do qualify for refugee status and protection and should be consequentially protected under international law.[53]

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4. **Depicting lack of economic opportunities as main causes for irregular migration risks downplaying other important factors.** There is much debate amongst policymakers about the extent to which migration can be prevented through development initiatives. Similar discussion considers whether information campaigns could deter potential migrants by changing their (mis)perceptions of Europe. For example, the prospect of improved livelihoods does not necessarily offset the multiple disadvantages displaced populations face within GHoA, including lack of political representation, and lack of freedom of movement and discrimination. In some cases migrants within GHoA face persecution or the risk of being forcibly returned to an unsafe home country. Therefore, hardening borders without improving conditions at home risks fostering illegal movement and thereby undermining the Khartoum Process's objective of effectively tackling human trafficking.

This assessment of the initial phase of the Khartoum Process identifies several risks arising from any attempt to externalise EU borders, particularly risks to regional integration in GHoA and its wider African neighbourhood. This undermines the success of many programmes implemented through the Khartoum Process,[54] such as enhancing employment opportunities and revenue-generating activities.

A human rights approach could potentially become a credible policy alternative to alleviate the otherwise increasing numbers of people escaping the region. Migration, therefore, should be managed effectively for the benefit and safety of all people involved, with a view to harnessing its well-documented positive contributions to development. Migration does create challenges which need to be managed, but not at the expense of people's access to protection from persecution or other significant harm.[55]

Chapter 3
Assessing the drivers of migration in the GHoA region

Migration in and out of the Greater Horn of Africa differs from country to country. The factors that lead people to make the decision to migrate through both regular and irregular channels ('mixed migration') are often called the drivers of migration.[56] This includes both voluntary and forced movements, as well as temporary and permanent movements.

Whilst Eritrea is usually cited as an obvious example of government action driving migration, and Sudan is also of particular concern to many human rights organisations – this chapter focuses on Ethiopia, the largest country in GHoA and a more typical case. Recent legislation in Ethiopia is analysed to assess the relationship between severe violations of human rights and increases in people's intention to migrate.[57] More detailed research is needed to assess the extent to which the negative human rights implications of laws are driving migration in other GHoA countries, including laws that do not fall directly under the radar of Khartoum Process discussions.

3.1 What are the main migration drivers in the GHoA region?

The countries in the GHoA region share many characteristics, but differ in others. Overall, the region as a whole faces challenges associated with low human and economic development and harsh human rights violations. In addition, violent conflicts, political oppression and persecution are the main migration drivers in some countries. Environmental factors are also increasingly affecting countries in the region and impact people's food and economic security.

Movements of migrants in and out of the GHoA are diverse and significant in volume.[58] Irregular migrants are widely described as those migrants that enter a country without going through correct legal process and those that enter through regular channels, but then become irregular by overstaying their visa.[59] **Most of the countries in the GHoA are origin, transit and destination countries sharing a large volume of irregular migrants.** Migration within the region can be described as being traditionally dynamic and highly dependent on political, socio-economic and environmental factors. **Due to limited options for regular migration, many migrants choose irregular channels of migration.**

3.2 Abuses along GHoA migration routes

According to the IOM's *World Migration Report 2018*,[60] **Ethiopia**, **Kenya** and **Uganda** are the main host countries in the GHoA region, followed by **Sudan** and **South Sudan**. The most recently available data also shows that, when looking at refugees and asylum seekers, **Uganda** is now host to the largest refugee population in the region due to a sharp increase in the arrival of South Sudanese people. **Djibouti**, **Kenya**, and **Uganda** are all relatively stable politically and, as such, do not have equivalent factors driving the displacement of people. As a consequence, refugee numbers are low and host countries are more likely to be found outside Africa, specifically in North America and Europe.

Much has been written about trafficking and smuggling networks that are based in Ethiopia, Sudan, Libya and Italy, but the evidence is still very limited. Eritreans nationals are the people from the region who are most frequently smuggled or trafficked. At the same time, Eritrean smugglers and traffickers are widely present along the route, but they collaborate with nationals of the other main countries of origin, namely Ethiopia, Somalia and Sudan. In these networks, the entire journey of migrants is coordinated by members of the networks that facilitate the journey, including transport, crossings of land borders and of the Mediterranean Sea.[61]

As discussed in the previous chapter, what starts as smuggling can become trafficking during the journey.[62] Irregular migrants, including those who are relying on smugglers, are particularly vulnerable to being trafficked. UNHCR estimates that for the period 2009 to 2013, between 25,000 and 30,000 initially smuggled individuals were trafficked in GHoA. The same report indicates that the majority (95%) of detected cases of trafficking were Eritreans, with only a few Ethiopians and Somalis among the people trafficked.[63]

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Migrants report suffering frequent abuses during their journeys:

- Land transport is dangerous. Travelling through the deserts of the GHoA region often results in migrants suffering from dehydration and starvation. Migrants are vulnerable to robberies, beatings as well as sexual and gender based violence. Smugglers are also known to crowd migrants into container trucks, which can lead to death by suffocation.

- The sea passages hold many additional dangers. Boats are constantly overcrowded and migrants frequently report violence, including forced disembarkation in deep water areas. For example, men have been packed with engine fuel and exhaust fumes, causing burns and suffocation; while women have been held on deck and frequently subjected to sexual violence.[64]

- After arrival in transit or destination countries, migrants are often charged with unaffordable rents and some, including children, have been kidnapped for ransom.[65]

The purposes of trafficking are similar across all eight GHoA countries. The evidence gathered for this report shows that girls, boys, women and men are all vulnerable to be trafficked for forced labour as well as sexual exploitation.[66] Girls and boys are sometimes forced into begging, street vending, domestic servitude, agricultural work, fishing, herding or coerced into petty crime. For instance, research on child trafficking in Uganda shows that average trafficker profiles vary from transport agencies, bar owners, recruitment agencies, and rebel groups to strangers who steal children. Interestingly, according to one of our interviewees, human trafficking was the main reason behind the Ugandan membership of the Khartoum Process in 2017.[67]

There are also other examples mentioned by previous research. Evidence suggests that migrants trying to find employment abroad through recruitment agencies are at risk of being trafficked. Adults are often recruited through incorrect promises of employment and education, but then are subsequently subjected to forced labour in countries such as South Sudan, United Arab Emirates (UAE), Saudi Arabia, Qatar and Kuwait. On arrival, traffickers often force people to repay the costs of their journey, thus making them debt-dependent.

Political and organised violence

Reports of Somalis living in Kenya's largest refugee camp, Dadaab, revealed that refugees fear being recruited by al-Shabaab. While the recruitment of children by armed forces is generally prohibited by law in GHoA countries, incidents are still being observed in Sudan, South Sudan and Somalia, where children are forced to work as child soldiers, and in many cases are abducted from their communities for this purpose. Armed groups in South Sudan and Sudan are also thought to engage in this practice. Moreover, in South Sudan it has been reported that girls are often forced into marriages with soldiers and subjected to systematic rape. This is one of the reasons why the EU is engaged in tackling political and organised violence in Sudan and South Sudan.[68]

3.3 Case Study: Ethiopia

3.3.1 Background information about migration in Ethiopia

Drivers of migration from Ethiopia are varied, but include identity conflicts, political persecution, and socio-economic environmental factors that impact people's livelihoods.[69] Crossing borders out of or into Ethiopia is mostly by a combination of walking and vehicles. An extensive network of agents and smugglers facilitate these crossings and transport from different areas within Ethiopia. Well established smuggling networks mean that the process is usually relatively fast and smooth. Smugglers either hide migrants at road blocks and border crossings or bribe officials posted there.[70]

Existing legislation in Ethiopia regulates entry, stay, employment, naturalisation and departure (including deportation) as well as the rules, procedures, and responsible authorities for issuing travel documents, visas, and work permits for regular migrants, refugees and asylum seekers in Ethiopia. The Refugee Proclamation provides for rules regarding asylum applications and procedures and defines the rights and obligations of refugees and asylum seekers. There are also possibilities for irregular migrants to become legal residents and special rights and privileges exist for foreign nationals of Ethiopian origin to contribute to Ethiopia's development.

The Ethiopian government is making significant efforts to reduce human trafficking and some assistance to people who have been trafficked. Ethiopian law prohibits trafficking and smuggling and provides for severe penalties for non-compliance (fines of up to 19,500 USD, and unfortunately even the death penalty in cases where a trafficked person has died).[71]

Ethiopian legislation and policies are not only focused on administrative rules regarding immigration, but also regulate labour migration and employment of Ethiopians abroad, mainly to protect them from human trafficking, forced labour and other exploitation. Since 2016, Ethiopia only allows employment of Ethiopian nationals abroad if bilateral labour agreements with the destination country are in place (e.g. Algeria, Qatar, Saudi Arabia, UAE, Spain) and if labour migrants are recruited through governmental agencies. This is due to legislation, passed in October 2013 blocking employment abroad by foreign private recruitment agencies. The ban aims to protect Ethiopian citizens from human trafficking. However, having recognised the challenges in correctly implementing the ban due to the wide ethnic and political discrimination faced by soon-to-be-migrants, the ban was lifted in 2016.[72]

Ethiopian borders are open for refugees seeking protection. However, refugees are supposed to stay inside refugee camps and have extremely limited livelihood opportunities. Therefore, many of them hope for resettlement. Chances for resettlement are limited given the high number of refugees residing in Ethiopia, leading to disillusionment and mistrust towards international organisations working in the refugee camps.[73]

While the Ethiopian government seems to have an advanced understanding of the opportunities and challenges of migration, some important gaps remain. Such gaps are represented by, for instance, the current legislative and legal confusion with which Ethiopian authorities treat the crucial differences between trafficking and smuggling. Other gaps are also represented by a national legislative framework which even in non-migration related areas displays forms of discrimination that may drive migration.

3.3.2 Ethiopia's legislative framework: an example of how human rights violations in the legislative apparatus of GHoA countries contribute to outward migration

A major area of human rights concern is the lack of freedom of expression and ethnic discrimination, which have been of particular concern to experts and policymakers over several years. Ethiopia is, following the enactment of the 1995 Constitution, a federal country divided in nine regions, called *kililoch*, and two chartered cities, namely the capital Addis Ababa and Dire Dawa. However, the structures of these nine regions do not adequately representative of the more than 80 different ethnic groups present in Ethiopia.

Leadership positions in the majority of the businesses and governmental institutions are dominated by people with a Tigrayan identity. Two more populous regions of Oromia and Amhara are less well represented, and have tended to face more repression and fewer economic opportunities.[74]

In February 2018, amidst a two-year long political crisis in the country, former Prime Minister Hailemariam Desalegn unexpectedly resigned from his post – the first Ethiopian Prime Minister who has ever resigned in the history of the country. Hailemariam took power in 2012 and chaired the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF), which has ruled the country through a one-party system ever since the fall of the Derg regime in 1992.

In April 2018, Abiye Ahmed, former Science and Technology Minister under the Hailemariam government, was elected by the EPRDF's Council as the new Prime Minister. Under Ethiopian law, the ruling party's leader automatically becomes the new Prime Minister, and the EPRDF controls all the 547 seats in Ethiopia's Federal Parliamentary Assembly. Most importantly, many have welcomed his appointment, since Ahmed is Ethiopia's first ethnic Oromo Prime Minister.

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The new Prime Minister has pledged to reform the security and intelligence forces of the country, saying his government will focus on establishing a system of accountability within these sectors. Prior to his appointment, the government was accused of using repressive measures in order to prevent mass protests. Many civilians have been killed in the past few years. The leaders of the political opposition and many journalists (including Swedish journalist Martin Schibbye and photographer Johan Persson) have been jailed. Two States of Emergency have been implemented in the last two years, one of six months between 2016 and 2017 and one just lifted in June 2018. Both implemented martial law and placed further limits on the media.

The new Prime Minister has also pledged to reform the judiciary, including the *Anti-Terrorism Proclamation* and the *Ethiopian Charities and Societies Proclamation* (CSP). These laws have their origin in the 2005 General Election and have led to violations of human rights and further restrictions on the media.

The Anti-Terrorism Law has contributed to the creation of organisations and individuals that criticise the government's policies regarding political, economic and social matters. The CSP, contains restrictions on foreign funding that are fundamental to the definition, identity and operational mandate of civil society organisations working in the country. The law discriminates against people and organisations based on their ethnic and political identity, but it also hampers the possibility of the EU delegation and member state embassies empowering civil society.

More specifically, the requirements introduced by the CSP mean that entitlement to, or deprivation of, Ethiopian corporate status, is the actual or anticipated source of funding. For a civil society organisations to acquire Ethiopian corporate status, not only their political, social, economic views must be in line with those of the government, but also the amount of funding received from foreign sources must not be more than 10% of its overall funding.

The Proclamation states that only Ethiopian charities or societies are entitled to conduct research or advocacy activities on the following topics: human and democratic rights; promotion of ethnic, religious and gender equality; promotion of child rights and the rights of disabled persons; conflict resolution and reconciliation; supporting the efficiency of justice and law enforcement; any other purposes as may be prescribed by directives of the agencies. It appears that the rationale behind the CSP is based on the idea that free flow of foreign funding to organisations tackling these research areas, involving the EU and European civil society organisations, could be used as a means undermining the current elite in the country.

Finally, the case of Ethiopia must of course be seen in the context of the critical issue of Ethiopia-Eritrea relations, and hopefully their further sustained improvement. Such improvement may itself weaken the causes of Eritrean migration to EU.

Chapter 4
Looking forward

Migration policy is a priority for European governments, and they consider the Khartoum Process as a primary example of the type of policies they will be pursuing and reinforcing in the future. Our research has found that policymakers, notwithstanding the enormous pressure both in Europe and in the GHoA region, are open to have a constructive and frank conversation about the Khartoum Process. Indeed, interviews conducted for this research found a wide range of contrasting viewpoints providing the basis for a healthy discussion amongst policymakers.

EU policymakers interviewed most frequently identified the Khartoum Process's primary achievement as bringing GHoA governments together to cooperate with each other in ways that they would not have otherwise. However, the Khartoum Process, as it constructed today, faces challenges that will hamper the achievement of its objectives.

Balancing the Khartoum Process project funding amongst GHoA countries is also a delicate matter. For instance, Ethiopia represents the bulk of development cooperation spending, with a total of €715 million in EU-funded economic resources for Khartoum Process projects. Governance can also be controversial, such as the prevention of Uganda, a more liberal country, being admitted to the Steering Committee.[76] Given the Khartoum Process's focus on trafficking and smuggling this is likely to be an ongoing issue, but some counter-balancing mechanisms should be considered to avoid significant disharmony.

A fundamental problem for the Khartoum Process is that the European objective to reduce migration is not in the interest of GHoA economies, which benefit from regional migration and migration to Europe (particularly from small financial remittances made by migrants to their families). Today, these financial transfers amount to three times the entire Official Development Assistance (ODA) spending provided to Africa by the entire international community.[77] Another more specific issue is that it gives legitimacy to the governments that the EU would not otherwise wish to legitimise due to their human rights records, such as Eritrea and Sudan.

In the context of these difficult and potentially controversial issues the Khartoum Process is given a low profile.[78] This approach may not be sustainable as the public in some African countries become increasingly aware of the limitations it places upon their movement.

The Khartoum Process has sought to reduce migration and the loss of life en route to Europe by restricting irregular migration, including human trafficking and smuggling. However, for many, if not most of the migrants in the region, who would have a good chance of being granted asylum in Europe, hiring a smuggler is actually the only way to cross the Sahara Desert and/or the Mediterranean. This is partly due to European-led initiatives to strengthen borders in GHoA. A more effective process would not look for ways to justify stopping migrants on arrival, but assist them at the source.[79]

Without providing realistic, safe and legal ways for people to seek safety in Europe, restricting irregular migration through the Khartoum Process risks potentially unfavourable outcomes. Migrants will be kept in places and under the control of repressive regimes they understandably intend to seek refuge from. They will try to escape, no matter how difficult it would be. Therefore, a policy focused on strengthening borders would force them to take even more dangerous and expensive routes. Even though the number of Mediterranean crossings has decreased as a consequence of the renewed partnership between the Italian and Libyan authorities, the death rate compared to the total number of people crossing the sea has actually increased nine-fold: 35 out of every 1000 people.[80]

Recommendations

1. The EU should stick more firmly to its founding values, protecting and promoting human rights standards as a central focus of partnerships with third countries. Whilst human rights violations are routinely committed in relation to migration within and from GHoA, all parties must work harder to find diplomatic contributions that can bring these violations to an end.

2. The Khartoum Process is focused too narrowly on measures that aim to restrict irregular migration, which also result in too similar an approach being taken to trafficking and smuggling, and not understanding that the latter can sometimes be a resilience strategy for vulnerable people. Local narratives in GHoA societies reflect trust in smuggling as the only means of escape from the repressive nature of many of their governments in the region, and all parties need to think more deeply about the reasons for this narrative.

3. The Khartoum Process should become more open and transparent, including greater involvement of African and European civil society organisations in Senior Officials Meetings and Thematic Meetings, allowing policy makers to hear directly from organisations supporting migrants to overcome the challenges they face.

4. The strengthening of GHoA borders, such as the EU-funded BMM project seeks to achieve, risks dismantling of the crucial work that the Intergovernmental Authority on Development (IGAD) over the last two decades to assure freedom of movement as a pillar of peace in the region. It is particularly important not to reinforce borders in areas where community might become more divided as a consequence. To avoid increasing instability (and potentially increasing migration) conflict analysis should be undertaken in relation to all border projects. Therefore, building the internal borders within IGAD comforts the repressive regimes, and reduces the benefits brought by freer movement of people within the region.

   Instead, we must remember that migrants are people and we should invest in them. Individual EU member states can act now to resettle refugees through current processes, such as relocating people from Italy and Greece, or unmet quota for resettlement from Turkey.

Conclusion

In 2015, 3.5% of the world's total population (around 244 million people) were international migrants.[81] The EU's increasing openness to free movement of goods, capital and services, is not matched by an equivalent attitude to the movement of people. This attitude reflects a trend in the Global North's approach to migration, which is sometimes described as contributing to a liberal paradox[82] between the opening of markets and the closing of borders.[83]

The recent national elections in Europe (such as Italy, Germany, Austria) suggest concern from many citizens about the uncertain social consequences of migration. The responses of political leaders has led a more fear-driven public discourse on migration,[83] leading to border, asylum and returns policies that threaten the human rights of people on the move. As a consequences of these developments the Europe's economic, trade, security and development budgets and policies are distorted.

The fundamental problems deriving from Euro-African relations, such as the continents' colonial past and the issues of structural racism in Europe, represent the elephant in the room. While recognising that the conversation about the Khartoum Process cannot respond to all the questions and problems about EU-Africa relations, it is nevertheless important, for the sake of the conversation, to keep these considerations in mind.

Us and Them

Political discourse has always been influenced by 'us and them', but in recent years there has been an even stronger focus on Europe's external border. Europe is shaped by the way we choose to understand geography and history, including issues that are difficult to talk about in policy circles, such as race.

Constructive discussions about migration should begin with the recognition that migration is a human phenomenon and not, as much of the narrative around migration to Europe is constructed, a problem to be solved.[84]

This discussion paper has provided policymakers with a clearer understanding of why people are leaving GHoA - a combination of structural causes, related to negative political, economic, social and environmental circumstances (such as human rights violations, food insecurity, political persecution) and acute causes (such as violent conflict).

The main reasons pushing people on the move within, and from, the GHoA are similar to those that have pushed millions of Europeans to move elsewhere in the past two centuries.[85] While criminal organisations play a role in the harm migrants experience, they are not drivers of migration from, or within, the GHoA region. Human trafficking and smuggling takes place because there is a demand, and due to the almost total absence of safe and legal ways to travel to Europe.

References

1. Direct communication, former EU Diplomat in the Greater Horn of Africa region, 3 April 2018.

2. The area of migration, besides its allocated funding, will also receive 20% of the total unallocated share of the External Action Instrument. For more information, see the Annex to Junker EU budget letter (Annex 1: Proposed List for the next Multiannual Financial Framework). Available at: https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2018/03/AnnextoJunckerEUBudgetLetter.pdf (Last Visited on 1 April, 2018).

3. Declaration of the Ministerial Conference of the Khartoum Process (EU–Horn of Africa Migration Route Initiative), Rome, 28 Nov. 2014 (Rome Declaration), p.4. Accessed on March 14th, available at file:///Users/macbookpro/Downloads/rome-declaration-2014-khartoum-process.pdf. The terminology used does not acknowledge that many "migrants" from the region are known to be refugees.

4. Somalia, Sudan, South Sudan, and Eritrea are among the ten major source countries of refugees worldwide: United Nations High Commissioner for Refugees (UNHCR), Global Trends 2015, Geneva. Accessed on March 14th 2018 from http://www.unhcr.org/576408cd7.pdf

5. Declaration of the Ministerial Conference of the Khartoum Process (EU–Horn of Africa Migration Route Initiative), Rome, 28 Nov. 2014 (Rome Declaration), p.4. Accessed on March 14th, available at file:///Users/macbookpro/Downloads/rome-declaration-2014-khartoum-process.pdf. For more information on this approach, please see the Life & Peace Institute's Human Trafficking and Smuggling in the Horn of Africa: Patterns, Dynamics, and Criminal Networks, Oct. 2015, 3, available at: http://life-peace.org/wp-content/uploads/2015/10/ Human-Trafficking-and-Smuggling-in-the-Horn-of-Africa.pdf (last visited 5 March. 2018)

6. For more information, please see the International Migration Report 2017. According to the report, Asia and Europe combined hosted over 60% of all international migrants worldwide in 2017, with 78 million in Europe. However, contrary to the general idea of the European public opinion, of the 29 million international migrants gained by Europe during this period, 46 per cent were born in Europe, and only 17 per cent in Africa. Available http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf (Last visited 30 March, 2018).

7. Linking migration to development has spurred political interest because of the potential of remittances in substituting official development assistance. See Lama Kabbanji (2013) Towards a Global Agenda on Migration And Development? Centre for Population and Development (CEPED), Popul. Space Place 19, 415-429. Available at https://onlinelibrary.wiley.com/doi/epdf/10.1002/psp.1782 (Accessed on 20 March, 2018).

8. Today, the GAMM represents the most comprehensive attempt by the European Union to build a narrative around migration management. See European Commission (2011). The Global Approach to Migration and Mobility (GAMM), available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0743&from=en

9. Carrera, S., Parkin, J. (2012). EU Migration Policy in the wake of the Arab Spring: What prospects for EU-Southern Mediterranean Relations? Med-pro. Available at https://www.ceps.eu/system/files/MEDPRO%20TR%2015%20EU%20Migration%20Policy%20in%20wake%20of%20Arab%20Spring.pdf (Accessed 20 March, 2018)

10. Definition provided by the Intergovernmental Authority for Development (IGAD). This information is available at: https://igad.int/about-us/the-igad-region. Accessed 20 March 2018

11. Consolidated version of the Treaty on European Union, Title V, available at http://eurlex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-

12. Council of the European Union, Council Conclusions on the Horn of Africa, 16858/11, 14 Nov. 2011. Available at http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2016858%202011%20INIT

13. Rome Declaration, p.3. The Rome Declaration, adopted at the Ministerial Conference in Rome in 2014, is the key strategic document of the Khartoum Process whereby its members agreed to assist participating states in tackling human trafficking and smuggling between the Horn of Africa and Europe.

14. Ibid., 3-4.

15. European Council, "Special Meeting of the European Council, 23 Apr. 2015 – Statement", (emphasis added), available at: http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/ (last visited 15 March 2018).

16. European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European Agenda on Migration, COM (2015) 240 final.

17. Ibid., 7-8.

18. Ibid., 10–18. Subsequently, the Commission elaborated on "establishing a new partnership framework with third countries under the European Agenda on Migration", which referred to "country packages for 16 priority countries", including Ethiopia, Eritrea, Somalia and Sudan: European Commission, Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank, COM(2016) 385 final, 7 Jun. 2016, 8.

19. The Rabat Process was first launched at the first Euro-African Ministerial Conference on Migration in 2006 in Rabat, and represents the partnership of 55 European and African countries from North and West Africa.

20. The Joint Africa-EU Strategy (JAES) adopted at the Lisbon Summit in December 2007 can be considered as the capstone doctrine of Africa-European Union relations. It represents the overarching long-term framework of cooperation between the European Union (EU) and the African Union (AU). One important component of the JAES is to promote a 'people-centred partnership' co-owned by both the AU and the EU's civil society. However, despite formal calls in various policy documents, the partnership has not been able to involve effectively civil society organisations. Migration is the area that has received most political attention from the EU in the JAES framework lately. However, shortfalls appear evident on human rights, political dialogue and long-term vision. For more information, see European Parliament, Directorate for External Policies (2017). "The Joint Africa-EU Strategy", webpage, available at: http://www.europarl.europa.eu/RegData/etudes/STUD/2017/603849/EXPO_STU(2017)603849_EN.pdf (accessed on 30 March, 2018).

21. See European Commission, "The EU Emergency Trust Fund Africa", webpage, undated, available at: https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en (last visited 15 March 2018).

22. Ibid.

23. Ibid.

24. See EU Strategic Framework and Action Plan on Human Rights and Democracy, EU Doc. 11855/12, 25 Jun. 2012. Accessed on 15 March 2018.

25. See Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union (2016/C 202/01), C 202/28.

26. Human Rights Watch (HRW), I Wanted to Lie Down and Die, Trafficking and Torture of Eritreans in Sudan and Egypt, New York, HRW, 2014, available at: http://www.refworld.org/docid/52fe17884.html (last accessed 20 March 2018); M. van Reisen et al., The Human Trafficking Cycle: Sinai and beyond, Oisterwijk, Wolf Legal Publishers, 2014;

27. Rome Declaration, 2.

28. Rome Declaration, 2.

29. The BMM is supported by a total budget of €46 million falling under EUTF's third objective, "improved migration management in countries of origin and transit". The BMM is to be implemented from April 2016 to March 2019 by several European and international organizations, including the International Organization for Migration (IOM) and the UN Office on Drugs and Crime (UNODC), and is coordinated by the German Agency for International Cooperation (GIZ). See EUTF, Action Fiche for the Implementation of the Horn of Africa Window: Better Migration Management (Khartoum Process), available at: https://ec.europa.eu/europeaid/sites/devco/files/t05-eutf-hoa-reg-09-better-migration-management_en.pdf (last visited 15 March 2018).

30. Ibid, pp. 7-9EUTF.

31. See on the role of humanitarian language in migration policy particularly B.S. Chimni, "The Birth of a Discipline: From Refugee to Forced Migration Studies", Journal of Refugee Studies, 22, 2009, 11–29.

32. Ibid., 3-4.

33. Ibid., 2.

34. United Nations Office on Drugs and Crime (UNODC) (2011). Smuggling of Migrants - A Global Review and Annotated Bibliography of Recent Publications. New York: United Nations/Vienna: UNODC. Retrieved April 2018 from https://www.unodc.org/documents/human-trafficking/Migrant- Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf

35. Direct Communication, DGDevco, 12 April 2018.

36. Direct Communication, DGDevco, 12 April 2018.

37. See further P. Tinti & T. Reitano, Migrant, Refugee, Smuggler, Saviour, London, C. Hurst & Co, 2016.

38. Direct Communication, J.Liebl (ECRE), 5 April 2018; Direct Communication, EEAS policymaker, 10 April 2018. Direct Communication, MEP J. Sargentini, 17 April 2018.

39. Reitano, T. (2016). The Khartoum Process: A sustainable response to human smuggling and trafficking? Institute for Security Studies, Policy Brief 93. Available at https://issafrica.org/research/policy-brief/the-khartoum-processa-sustainable-response-to-human-smuggling-and-trafficking (Accessed 26 March 2018).

40. R. Kunz & S. Lavenex, Partnerships in International Migration Governance: The Missing Link?, SNIS Working Paper, undated, 2–13, available at: www.snis.ch/system/files/2008_-_ndeg250_-_migration_partnerships.pdf (last visited 15 March 2018).

41. Direct Communication, EEAS policymaker, 10 April 2018.

42. Direct Communication, J. Liebl (ECRE), 5 April 2018. Direct Communication, EEAS policymaker, 10 April 2018. Direct Communication, G.Cioffo (EURAC), 11 April 2018. Direct Communication, MEP Barbara Lochbihler, 12 April 2018. Direct Communication, DGHome policymaker, 18 April 2018.

43. See further, also on the lack of participation and transparency more broadly, M. Stern, The Khartoum Process: Critical Assessment and Policy Recommendations, Instituto Affari Internazionali, IAI Working Papers 15/49, Dec. 2015, 12–13, available at: http://www.iai.it/en/pubblicazioni/khartoum-process-critical-assessment-and-policy-recommendations (last accessed 16 March 2018).

44. 62 UN General Assembly, Report of the Special Rapporteur, Aug. 2016, para. 51.

45. For more info, see Dick, E., Schraven, B. (2018). Regional Migration Governance in Africa and Beyond. Deutsches Institut für Entwicklungspolitik: Discussion Paper. Available at https://www.die-gdi.de/uploads/media/DP_9.2018.pdf (last accessed 10 June 2018).

46. UN Secretary-General, In Safety and Dignity: Addressing Large Movements of Refugees and Migrants, UN Doc. A/70/59, 21 Apr. 2016, para. 44.

47. Kunz, R., Lavenex, S. (2005). Partnerships in international migration governance: the missing link? SNIS Working Paper. Available at https://snis.ch/wp-content/uploads/2017/11/2008_-_lavanex_-_ndeg250_-_migration_partnerships.pdf (Accessed 8 June, 2018)

48. See European Parliament, "Khartoum Process and the Forthcoming 'EU-Horn of Africa Migration Route Initiative' (debate)", 17 Dec. 2014, available at: http://www.europarl.europa.eu/ep-live/en/plenary/video?debate.1418843237324 (last accessed 16 March 2018);

49. HM Government, The Future Relationship Between the United Kingdom and the European Union https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724982/The_future_relationship_between_the_United_Kingdom_and_the_European_Union_WEB_VERSION.pdf (last visited 12 July, 2018)

50. U.S. Department of State (2017). Trafficking in Persons Report. Available at: https://www.state.gov/documents/organization/271339.pdf (Accessed 15 June 2018).

51. See e.g. Bastian A. Vollmer, 'The Continuing Shame of Europe: Discourses on migration policy in Germany and the UK', Migration Studies, October 2016; Umut Korkut et al. (eds), The Discourses and Politics of Migration in Europe. Palgrave Macmillan, 2016.

52. Rome Declaration, 3: "Stressing the importance of addressing the push and pull factors, and the root causes of irregular migration and mixed migration flows between Africa and Europe underlines the importance of promoting sustainable development, in line with the global development agenda."

53. A. Bitoulas (2014), Eurostat. 89% of Eritreans, 68% of Somali and 47% of Sudanese asylum-seekers were given status (refugees, subsidiary protection, humanitarian reasons) in EU member States. "Population and social conditions". Available at: http://ec.europa.eu/eurostat/documents/4168041/6742650/KS-QA-15-003-EN-N.pdf/b7786ec9-1ad6-4720-8a1d-430fcfc55018 (Last visited on 30 March, 2018)

54. See the European Commission's "2017 Annual report on the EU Trust Fund for Africa" available at https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/2017_tffa_en_web_lowres_final05.pdf (last visited 30 march 2018)

55. Direct Communication, leading European peacebuilding organization, 16 April 2018.

56. International Organization for Migration (IOM) (2011a). Glossary on Migration. 2nd Edition. Geneva: International Organization for Migration.

57. Many other examples of legislation negatively impacting upon migrants can found across GHoA. Such an example would be the impact of the 2006 Refugee Act in Kenya, where civil society organisations are actively seeking its revision.

58. For example, within countries, and within the region, there are movements of people without visas. This includes pastoralists making temporary moves and this would not be considered 'irregular' from a GHoA perspective.

59. de Haas, H. (2008). The Myth of Invasion: The Inconvenient Realities of African Migration to Europe. Third World Quarterly, 1305–1322.

60. International Organization for Migration – The UN Migration Agency (2018). World Migration Report 2018. Available at https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf (Accessed on 15 June 2018).

61. Sahan Foundation & Intergovernmental Authority on Development (IGAD) (2016). Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route. Retrieved June 2017 from http://www.sahan.eu/wp-content/uploads/HST_Report_FINAL_19ii2016.pdf

62. Direct Communication, DGDevco, 12 April.

63. United Nations High Commissioner for Refugees (UNHCR) (2014). Smuggling and Trafficking from the East and Horn of Africa - Progress Report. Retrieved June 2017 from http://www.unodc.org/documents/congress//workshops/UNHCR-Smuggling_and_Trafficking- Progress_Report-screen-final.pdf

64. The experience of migrants can be strongly influenced by their gender, often in combination with their race or other characteristics. For example, women and girls of colour might face multiple forms of discrimination or stereotyping. Equality, the stereotype of women as trafficked may lead boys and men at risk of trafficking being overlooked.

65. Horwood, C. (2015). Irregular Migration Flows in the Horn of Africa: Challenges and implications for source, transit and destination countries. Occasional Paper Series, No. 18|2015. Australian Government Department of Immigration and Border Protection. Retrieved June 2017 from https://www.border.gov.au/ReportsandPublications/Documents/research/horn-of-africa.pdf

66. Ghosh, J. (2009). Migration and Gender Empowerment: Recent Trends and Emerging Issues. Human Development Research Paper 04. New York: United Nations Development Programme, Human Development Report Office.

67. Direct Communication, European Commission, 12 April. "Roughly 90% of refugees and migrants in Uganda do not have access to land".

68. United States (US) Department of State (2016). 2016 Trafficking in Persons Report. Washington, DC: US Department of State. Retrieved June 2017 from https://www.state.gov/documents/organization/243562.pdf

69. Regional Mixed Migration Secretariat (RMMS) (2014a). Blinded by Hope – Knowledge, Attitudes and Practices of Ethiopian Migrants. Mixed Migration Research Series – Explaining People on the Move Study 6. Nairobi: Regional Mixed Migration Secretariat. Retrieved June 2017 from http://www.regionalmms.org/images/ResearchInitiatives/Blinded_by_Hope.pdf

70. Regional Mixed Migration Secretariat (RMMS) (2016c). Country Profile Ethiopia. Retrieved June2017 from http://www.regionalmms.org/index.php/country-profiles/ethiopia

71. United States (US) Department of State (2016). 2016 Trafficking in Persons Report. Washington, DC: US Department of State. Retrieved June 2017 from https://www.state.gov/documents/organization/243562.pdf

72. Carter, B. & Rohwerder, B. (2016). Rapid fragility and migration assessment for Ethiopia (Rapid Literature Review). Birmingham, UK: GSDRC, University of Birmingham.

73. Mallett, R. Hagen-Zanker, J., Majidi, N. & Cummings, C. (2017). Journeys on hold. How policy influences the migration decisions of Eritreans in Ethiopia. Working Paper 506. London: Overseas Development Institute.

74. For more information, see: Taye, B.A. (2017). Ethnic federalism and conflict in Ethiopia. Newspaper Article: ACCORD. Available at http://www.accord.org.za/ajcr-issues/ethnic-federalism-conflict-ethiopia/ (Accessed 1 July 2018); Metho, B. (n.d.) How we face the beast of ethnic hatred will determine our outcome as Ethiopians. Newspaper Article: Ethiopian Media Forum. Available at: http://ethioforum.org/how-we-face-the-beast-of-ethnic-hatred-will-determine-our-outcome-as-ethiopians/ (Accessed 1 July 2018);

75. The Steering Committee (SC) is the permanent and strategic governing body of the Khartoum Process. It comprises five EU Member States (Italy, France, Germany, UK, Malta) and five partner countries (Egypt, Eritrea, Ethiopia, South Sudan, Sudan), as well as the European Commission (EC), the European Union External Action Service (EEAS) and the African Union (AU) Commission. The consideration about Uganda being prevented from joining the Steering Committee is the result of an interview held with an EEAS Policymaker who has been following the KP closely (Direct Communication, EEAS policymaker, 10 April 2018)

76. World Bank Group 2016. Migration and Remittances Factbook 2015: Third Edition.

77. Direct Communication, DG Home Policymaker, 18 April 2018.

78. Direct Communication, former EU Diplomat in the Greater Horn of Africa region, 3 April 2018.

79. Sergio Carrera, 2017. Pathways towards Legal Migration into the EU: Reappraising concepts, trajectories and policies. CEPS: https://www.ceps.eu/publications/pathways-towards-legal-migration-eu-reappraising-concepts-trajectories-and-policies (Accessed on 15 May, 2018).

80. UN-DESA, Population Division (2017). International Migration Report 2017. Available at: http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017.pdf (last visited 20 March, 2018)

81. Hollified, J.M. (2004). The Emerging Migration State. International Migration Review. Available at https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1747-7379.2004.tb00223.x (last visited 20 March, 2018).

82. Direct Communication, former EU Diplomat in the Greater Horn of Africa region, , 3 April 2018.

83. Buonfino, A (2006). Between unity and plurality: the politicization and securitization of the discourse of immigration in Europe, New Political Science, 26:1, 23-49, DOI: 10.1080/07393140042000185111

84. Direct Communication, European Peacebuilding Liaison Office (EPLO), 16 April 2018

85. Page, T. (1911). The Causes of Earlier European Immigration to the United States. Journal of Political Economy, 19(8), 676-693. Retrieved from http://www.jstor.org/stable/1819426