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The European Union Trust Fund for Africa: A Glimpse of the Future for EU Development Cooperation

Clare Castillejo

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Abbreviations

DAC	Development Assistance Committee of the Organisation for Economic Co-operation and Development
DCI	Development Cooperation Instrument
DG DEVCO	Directorate General, International Cooperation and Development
DG ECHO	Directorate General, Humanitarian Aid and Civil Protection
DG HOME	Directorate General, Migration and Home Affairs
EC	European Commission
EDF	European Development Fund
ENI	European Neighbourhood Instrument
EP	European Parliament
EU	European Union
EUTF	European Union Trust Fund
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ICMPD	International Centre for Migration Policy and Development
IcSP	Instrument contributing to Stability and Peace
NIP	National Indicative Programmes
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
REC	Regional Economic Community
RIP	Regional Indicative Programme

Executive summary

The European Union Emergency Trust Fund (EUTF) for stability and addressing the root causes of irregular migration and displaced persons in Africa was launched one year ago. It forms a central part of the EU's emerging response to the migration crisis. At the time of its launch at a high-level summit in Valletta, Malta, both high aspirations and serious concerns were expressed about the trust fund in relation to what it aimed to achieve, how it would work and how it relates to broader shifts in Europe's approach to both migration and development cooperation.

This paper examines how the trust fund has developed during its first year and the extent to which the initial expectations of the EU and member states – as well as the concerns of civil society and African partners, among others – are proving to be valid. It begins by examining the aims and organisation of the EUTF, identifying the different aspirations for the fund held by different actors and the extent to which it is likely to deliver on these. It also explores tensions around the financing of the fund and around its governance arrangements, including deep concerns among some member states about the lack of strategic direction and untransparent operational procedures. Likewise, it discusses to what extent African partners have been involved in the trust fund – from its conception to its governance and implementation – arguing that the EUTF is far removed from aid-effectiveness principles of ownership, partnership or alignment, and hence risks overlooking local priorities, knowledge and buy-in.

The paper goes on to look in more detail at the trust fund projects that have been selected and implemented to date. It finds that most projects have so far had a relatively traditional development focus, although they deviate from traditional development programming in several ways, including being speedier, with lighter procedures and less involvement of African partners. However, this focus is likely to shift as more migration management projects come through the pipeline and funding for the EU's new migration compacts is set to be channelled through the trust fund. The paper identifies serious flaws with the process for identifying and selecting projects and argues that this results in a choice of projects and implementers that is not necessarily based on the best fit for either the trust fund's goals or the local context and needs, but instead is based frequently on the effectiveness of member states in lobbying for funds.

Central to the effectiveness of the EUTF will be how it draws on knowledge and evidence at multiple levels. Within the trust fund, resources have been committed to generating new evidence; it is critical that this evidence is fed into the strategic direction and operational management of the fund, along with broader lessons from development experience. Likewise, robust monitoring and evaluation both of projects and of the impact of the overall fund is required. This paper suggests that it will be a challenge for the EU to ensure that such evidence-generation, monitoring and evaluation is able to keep pace with the trust fund's rapid disbursement, and it argues that strong learning and feedback mechanisms will be required.

The paper discusses where the trust fund could add value to the existing array of EU development instruments: in speed, flexibility and the potential for innovation. In particular, it argues that because the EUTF operates outside of the restrictions of

traditional development instruments, it could offer an opportunity for innovation and experimentation on some of the complex issues it seeks to address and contribute to the development of knowledge about “what works” in this area. However, seizing this opportunity requires facilitating ongoing learning and adaptation; ensuring greater involvement of local actors; and persuading implementers to move away from “business as usual” models.

The paper explores how the trust fund relates more broadly to existing EU commitments, strategies and instruments. It examines the central role that the EUTF plays in the EU’s response to the migration crisis in the context of the overarching framework of the EU’s 2011 Global Approach to Migration and Mobility, including as a mechanism for overcoming fragmentation and “incentivising” African cooperation. It also examines the extent to which the trust fund is in line with both EU development and human rights commitments and addresses concerns that some of its projects may undermine these commitments.

Finally, the paper asks what the EUTF may signal about the future direction of EU development cooperation. It suggests that it may be an indication of emerging trends, particularly in its more streamlined procedures with less emphasis on partnership, as well as its closer links to EU interests and use of aid conditionalities to promote those interests, in line with the priorities for development cooperation outlined in the July 2016 EU Global Strategy for Foreign and Security Policy.

The paper concludes by arguing that there are several steps that can be taken to improve the governance and management of the EUTF and make the most of the opportunities that it offers. However, it suggests that an examination of the EUTF raises broader concerns about the direction of EU aid that cannot be easily assuaged and do not bode well for a future European cooperation based on development principles.

The paper is based on the analysis of EU documentation and secondary sources and 20 interviews conducted in Brussels and by telephone with representatives from EU institutions, member states, the European Parliament, international organisations and the development research community.

1 Introduction

Over the last few years, European leaders have been under mounting pressure to come up with an effective response to the migration crisis. According to the European Commission (2015a), by the end of 2014, more than 3.1 million refugees originated from the African countries covered by the EUTF, while these countries also hosted some 3.4 million refugees, representing approximately one quarter of the global refugee population.

Likewise, there was growing recognition among EU institutions and member states in the last couple of years that existing EU instruments were not adequate to address the migrant crisis and that there was a need to bring together various sources of funding to address migration in a more coherent way and to act more rapidly. It was also felt that a political signal was needed to encourage African partners' cooperation on migration. As a result, the EC proposed expanding a trust fund initially planned for the Sahel region into a much larger initiative focused on migration that would include two key regions of origin of irregular migration (Sahel and Lake Chad, and the Horn of Africa), as well as the transit region of North Africa.

The idea of the EUTF was championed at the highest level of EU leadership. Many member states were initially sceptical, as they were concerned about the increasing use of trust funds, diversion of money away from core EU development instruments and loss of direction and oversight. Moreover, EU trust funds are a new instrument and had initially only been used twice for predominantly humanitarian purposes (the 2014 Bekou Trust Fund for the Central African Republic, and the 2014 Madad Trust Fund in response to the Syrian crisis), whereas the EUTF would be used for a broader and more diffuse set of goals.¹ Indeed, Collett (2016) suggests that the absence of clearly defined goals in the EUTF was a serious concern for member states. However, given the intense pressure for European action on the migration crisis – following the conspicuous failure of the European refugee redistribution agreement in particular – member states came on board with plans for a migration trust fund. The resulting EUTF was agreed at the November 2015 Valletta summit as part of a broader set of commitments and plans to address migration that were outlined in the Valletta Action Plan (European Council, 2015).

The trust fund will run from 2015 to 2020 and can be extended if needed. It finances activities in three regions (referred to as “windows”): North Africa; the Sahel region and Lake Chad area; and the Horn of Africa. The total fund currently stands at EUR 1.982 billion, although it has been agreed to channel an extra EUR 500 million allocated to the five African migration compact countries through the African EUTF (European Commission, 2016c).

This paper examines how the EUTF has developed during its first year of implementation. Chapter 2 addresses the goals, structures and management of the EUTF, including the varied expectations of different actors for the trust fund and controversies around its governance, funding and the involvement of African partners. Chapter 3 takes a closer look at the processes for identifying, selecting and implementing projects; the focus of current projects

1 The EUTF is the third and largest trust fund established since a 2013 reform of Financial Regulations enabled the EC to create and manage its own trust funds. Trust funds are intended to enable pooling of funds from the EU, member states and other actors as well as enable more rapid and flexible programming than under mainstream development instruments.

and the choice of implementers; and the extent to which projects will be based on solid evidence and learning. In Chapter 4, the paper examines how the EUTF relates to other EU cooperation instruments, both in terms of its added value and its alignment with other EU policies and commitments. Finally, the last chapter asks what the EUTF might indicate about the future direction of EU development cooperation with Africa.

2 EUTF aims, structures and management

This chapter examines the aims and organisation of the EUTF, as well as the different aspirations for the trust fund held by different actors and the extent to which it is likely to deliver on these. It also discusses tensions around the financing of the fund and around its governance arrangements – including concerns about the lack of strategic direction and untransparent operational procedures – and the extent to which African partners have been involved in shaping and managing the trust fund.

2.1 Purpose of the fund

The goal of the trust fund is to “support all aspects of stability and contribute to address the root causes of destabilisation, forced displacement and irregular migration, in particular by promoting resilience, economic and equal opportunities, security and development and better migration management” (European Commission, 2015a). Its basic premise is that migration flows within these regions are driven by poverty, insecurity and conflict; environmental and demographic pressures; and humanitarian crises – and that addressing these will reduce irregular migration (European Commission, 2015a). The EUTF has four strategic objectives: greater economic and employment opportunities, strengthening resilience, improved migration management, and improved governance and conflict prevention.² It aims to achieve these by strengthening the rule of law, creating economic and education opportunities, and building better governance, as well as through supporting the effective, sustainable return, readmission and reintegration of irregular migrants.

Although the EUTF’s stated goal may be to “address the root causes of destabilisation, forced displacement and irregular migration”, in reality there appear to be large differences of opinion among key actors within the European institutions and member states over what they want or expect the fund to achieve. Clearly EUR 1.9 billion (or even the EUR 2.4 billion, if the EUR 500 million for the migration compact is included) is a small amount of money compared to the scale of migration; the enormity of the development, security and demographic challenges in these regions; and the large amounts of development assistance that these regions have received over the years. Indeed, all EU and member state officials interviewed recognised that the prospects of this money making a significant difference to the root causes of migration or to migration flows are

2 The Horn of Africa and Sahel windows, managed by DG DEVCO, both work on all four objectives. However, the North Africa window, managed by the Directorate General of European Neighbourhood Policy and Enlargement, only works on the third objective, given that it is primarily a transit region. The Sahel and Horn of Africa windows are guided by regional strategies and operational frameworks and have also developed national strategies. The North Africa window has a regional strategy, which is used as an operational framework and will be translated into national strategies.

pretty dim. Likewise, most of them recognised the inherent contradiction of a five-year “emergency” fund that is intended to address complex and long-term root causes. As Herrero Cangas and Knoll (2016) point out, “tackling ‘the root causes of irregular migration’ is a lengthy, non-linear, unpredictable process, depending on many more contextual factors than support from financial and technical development partners”.

Beyond the scale and complexity of the challenge, the basic theory of change that underlies the fund is also questionable. Although conflict and instability may fuel migration, there is little evidence that a lack of development does so – a core assumption on which the EUTF appears to be based. However, as Keijzer, Heraud, and Frankenhaeuser (2015) point out, despite this lack of evidence,

the “root causes approach” still prevails in the government circles of many countries. For destination countries, in particular, the erroneous belief that migration can be stemmed through development often remains a key motivation for engaging in the [migration and development] area.

These authors stress that “in this context, concerns over the possible instrumentalization of the [migration and development] nexus for migration control are certainly not unfounded” (Keijzer et al., 2015). Not only is there little evidence for the “root causes” approach, recent research has demonstrated that, in fact, “emigration is likely to increase as a country’s economy grows, as more people have the financial resources and the information they need to make the journey” (Cummings, Pacitto, Lauro, & Foresti, 2015, p. 3). As François Crépeau, the United Nation’s Special Rapporteur on the Human Rights of Migrants, recently commented, “more development means more migration. Because all those people that have for a long time been wanting to leave, but could not afford to do so, can now leave their country” (quoted in Barbière, 2016). In addition, there is no clear evidence that the type of development investments that the trust fund is making will actually prevent irregular migration. Indeed, many of the trust fund’s projects are similar to the kinds of investments that have long been made under traditional development instruments – with far more financing and on a greater scale – and yet have not appeared to reduce migration. This lack of evidence underlying the basic premise of the EUTF was recognised by most of the EU and member state officials interviewed for this research, and it raises questions about what this fund is actually expected to achieve.

Alternative aspirations for the fund

Although there is little expectation that the fund can make a substantial impact across the very broad goals it has set itself, various actors do have other aspirations for the fund. Several member states see the fund as being primarily intended to leverage greater cooperation from African partners on migration, notably on border management, return and readmissions, which are a major preoccupation for some member states. Member states are reportedly placing significant pressure on the European Commission (EC) to ensure that the fund results in rapid progress in these areas. Indeed, EC officials report that there is a “more for more” logic within the fund, with countries that are more cooperative on border control, returns and readmission being likely to get more money. As the migration compact funds (EUR 500 million) begin to flow through the EUTF, this logic will be strengthened, as “more for more” conditionalities are explicit within these compacts.

However, EU officials appear sceptical about the ability of this fund to purchase such cooperation from African states. As one official put it, “you cannot buy political influence in a country like Ethiopia with such small money and the highest level of European leaders must know this”. Moreover, some African partner countries have a broader range of “asks” for the EU – for example, in the case of Sudan, lifting sanctions or supporting debt relief – and are unlikely to be persuaded to cooperate on migration simply through additional aid and without some movement on these demands. Indeed, given the complexity of internal and external political, economic and security factors that shape African governments’ decisions on how to respond to migration, it seems simplistic to assume that the EUTF will incentivise alternative responses. As Herrero Cangas and Knoll (2016) point out, although the

narrative around the Africa Trust Fund suggests that aid can buy partner countries’ cooperation . . . all available political economy studies highlight the need to understand the dominant political and institutional forces and factors that constitute the incentive environment for governments to take up reforms, and that indicate that the potential for outside actors to shape and influence this environment is usually limited.

An alternative aspiration that was expressed by almost all of the interviewed officials of the EU as well as some member states was that the fund should primarily be an opportunity to experiment with different ways of working outside of the limitations of standard development programming. They stressed that although the fund cannot make a substantial impact on the root causes of migration, it could kick-start new approaches and activities in this area, which could then be taken forward with normal development programming. This view appears to be echoed in a recent interview with Development Commissioner Neven Mimica, who admits that the EUTF may not be a “game changer”, but suggests that it is a chance to “change the mindset and approach to our projects in two aspects – making them as focussed to the root causes of migration as possible, and also making them as fast, as operational, as possible” (quoted in Tempest, 2016). Given its relative flexibility, the EUTF does seem to offer some significant opportunities for experimentation. If thoughtful experimentation is encouraged by EU delegations and implementing partners, and – critically – if this learning is captured and absorbed by the EC, it could potentially provide interesting lessons for EU development assistance.

Finally, some external observers who were interviewed – including within international organisations and civil society – suggested that a central aim of the EUTF is simply to demonstrate to the European public that leaders are taking action on migration. These observers point out that European leaders are under extreme public pressure over this issue – in particular given the complete failure of plans to share refugee populations across European countries – and hence needed a new initiative to demonstrate action. In making this argument, they point to the relatively small number of migrants coming from the regions covered by the EUTF who can actually be returned, as compared to the high level of political rhetoric around returns, which they believe is primarily for public consumption.

Divisions across line ministries?

Divisions over what is expected from the fund are not only found between member states but are also reflected within member states’ governments and EU institutions. A number of interviewees reported that, within some member states, positions on African migration and the EUTF are driven by the prime minister’s office, the foreign ministry and the

ministry of interior, which want the fund to have a strong focus on security and conditionality. The same can be said of the EC when looking at the strong involvement of President Jean-Claude Juncker and his cabinet in the conception of the EUTF. Meanwhile, development ministries, which may be more concerned about the diversion of aid for EU security interests, are often sidelined. As Collett (2016) points out, “the language of development actors on migration differs starkly from the language of the Emergency Trust Fund and the priorities set out during the November 2015 Valletta conference”. Not only do these different actors have different priorities, they also have different understandings of migration and how it relates to development, and hence different expectations of what the EUTF can achieve. As one EU official pointed out, development ministries tend to know that supporting change in these African countries is complicated and takes a long time, whereas some actors from foreign and interior ministries appear to believe that, through the EUTF, it will be possible to quickly transform the root causes of irregular migration.

Indeed, this division also apparently exists within European institutions, with the Directorate General for Migration and Home Affairs (DG HOME) being very influential and pushing hard on migration, return and readmission. On the other hand, the Directorate General for International Cooperation and Development (DG DEVCO) is more concerned with ensuring balance among the goals of the EUTF and that projects fall within the official development assistance (ODA) reporting criteria of the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD). As Faure, Gavás, and Knoll (2015) point out,

DG HOME transposes its concern for EU internal security to the external dimension of migration and asylum policy. As such DG HOME’s outlook on migration tends to be short-term and focused on security threats inside the EU. This means that its actions aim, primarily, to restrict human mobility and stem irregular immigration.

Different parts of the EU machinery also have different expectations about what can be achieved. For example, one EC official interviewed gave the example of the introduction of biometric registration systems, pointing out that there are unrealistic expectations in some parts of the EC that such systems can be rapidly introduced and result in quick benefits for migration management in fragile African contexts.

2.2 Funding

As of September 2016, the overall contributions to the trust fund stood at EUR 1.982 billion. This includes EUR 1.8 billion from the EU budget and European Development Fund (EDF), EUR 100 million from the Sudan Special Measure (which also comes from EDF reserves),³ and approximately EUR 81 million from the EU member states and Norway and Switzerland as non-EU members. The EU’s contribution to the trust fund pools together funding from the 11th EDF reserve with resources from the Regional Indicative Programmes (RIPs) for West, Central and East Africa, and National Indicative Programmes (NIPs) for the Horn of Africa. Further funding is drawn from other financial

3 Sudan has not ratified the 2005 and 2010 revisions to the ACP-EU Partnership Agreement, and therefore does not have access to programmable resources under the EDF. Since 2010 the EU has provided de-committed EDF funds to address basic needs in Sudan. In 2016 a further EUR 100 million was allocated to Sudan in this way, with the EUTF serving as the implementing mechanism for this.

instruments, such as the Development Cooperation Instrument (DCI) and the European Neighbourhood Instrument (ENI), as well as from the Directorate General for Humanitarian Aid and Civil Protection (DG ECHO) and the Instrument contributing to Stability and Peace (IcSP). Of these funds, EUR 965.4 million has been allocated to the Sahel/Lake Chad regional window, EUR 702.3 million to the Horn of Africa regional window and EUR 256 million to the North Africa window, with EUR 58.3 million remaining unallocated.⁴ In September 2016, there were 59 programmes worth around EUR 930 million that had been approved across the three regions.⁵

There are a number of controversies around the financing of the EUTF. The most obvious are the concerns – which have been raised by the European Parliament (EP) and civil society actors, among others – that the EUTF could result in development funds being diverted for European security goals. There are safeguards against this whereby the EUTF follows a “notional approach”, in which funding is provided in line with specific legal requirements of the original sources of financing. For example, EUTF funds that have been drawn from the EDF, ENI and DCI must meet the requirements for ODA eligibility. Likewise, in cases where a beneficiary country or regional organisation has agreed to the transfer of funds covered by existing programming documents (NIPs or RIPs) into the trust fund, the scope and objectives of the original programming provisions should be respected. Similarly, funds drawn from the IcSP should preserve the specific requirements of the IcSP regulation, including the flexibility and rapidity of actions under Article 3. Despite these safeguards, however, deep concerns remain about this, and a number of EU and member state officials interviewed for this research admitted that some EUTF projects are “stretching” the definition of ODA.

The contributions of member states to the EUTF are another controversial issue. The EC had originally announced that member states will match the EU’s own contributions to the fund, but in fact member state contributions have not come close. Although 25 member states have contributed – plus Norway and Switzerland – most of them have given relatively small amounts, with many giving the minimum EUR 3 million required to have voting rights, and some less. Member states were annoyed by the EC’s demand for matching contributions, as they are already contributing through the EDF. As one member state official interviewed remarked: “‘Matching’ is a red flag to member states. We are already giving the rest of the money!” Member states’ reluctance to contribute larger amounts also seems to be due to widespread scepticism about the establishment and utility of the EUTF and the desire to see some results before providing more funding. In addition, as Collett points out, the migrant crisis is already placing significant strain on many EU member states’ budgets in terms of “humanitarian aid, development support, newly established migration management programmes, and increased spending needs within domestic asylum systems” (Collett, 2016, p. 41), making it more difficult for them to find further funds for the EUTF. However, EU institutions are frustrated at the low contribution levels of member states. In a recent report, the European Parliament’s Committee on Development “urges the Member States to honour their pledges and to

4 The North Africa window is much smaller, both because it is focused on just one objective and because its funds come from the ENI, where, unlike the EDF, there was no reserve to mobilise. However, an EC official reports that these funds are adequate, given the challenges in establishing relationships and initiating work in this region.

5 These figure are all drawn from the European Commission (2016a).

rapidly and effectively match the Union contribution, in order to allow the EUTF to develop its full potential rather than provide the minimum required to obtain voting rights on the Strategic Board” (European Parliament, 2016, p. 6).

There are also serious questions over the match between the level of funds and the level of ambition within the EUTF, as mentioned above. African leaders have complained that EUR 1.982 billion – shared between 23 countries – is very little, especially in light of the EUR 3 billion Refugee Facility for Turkey. Certainly, it is a tiny fraction of the more than EUR 20 billion that the EU and member states provide in aid annually to African countries, and the EUR 31 billion that the EC will allocate in ODA to Africa between 2014 and 2020,⁶ much of which addresses similar issues as the EUTF (e.g. sustainable agriculture, employment opportunities, governance reforms, resilience, etc.). Collett (2016) argues that, in order to have impact, a response on a much bigger scale is required, one that is based on a robust assessment of needs and not just availability of funds, and with a much stronger focus on protection. Whether the amount is sufficient to achieve the aspirations for the EUTF depends, of course, on what these aspirations are. Although the amount is small if the intention is to make a real difference regarding the root causes of migration – or indeed to generate incentives for African partners’ cooperation in curbing migratory flows – the funds could support innovative work and learning in migration-related areas such as trafficking, which have had limited focus under traditional development instruments.

Finally, there has been some disagreement over further funding for the EUTF. In June 2016, the EC announced the new migration partnership framework, which will take the form of tailored “compacts” with third countries that are origin, transit or host countries (European Commission, 2016c). The first compacts will include five African countries – Niger, Nigeria, Senegal, Mali and Ethiopia – and funding for these compacts will be channelled through the EUTF. The EC has proposed that an extra EUR 500 million be allocated to the EUTF for this purpose from the EDF reserve, as well as suggested that the member states match this with another EUR 500 million. The EC has been pushing hard for the EDF committee to agree on the allocation of the extra EUR 500 million, pointing out that “the EDF decision for an additional EUR 500 million will not significantly affect, in the short to medium term, the payment projects and hence the timing of the credit payments by Member States” (European Commission, 2016a).

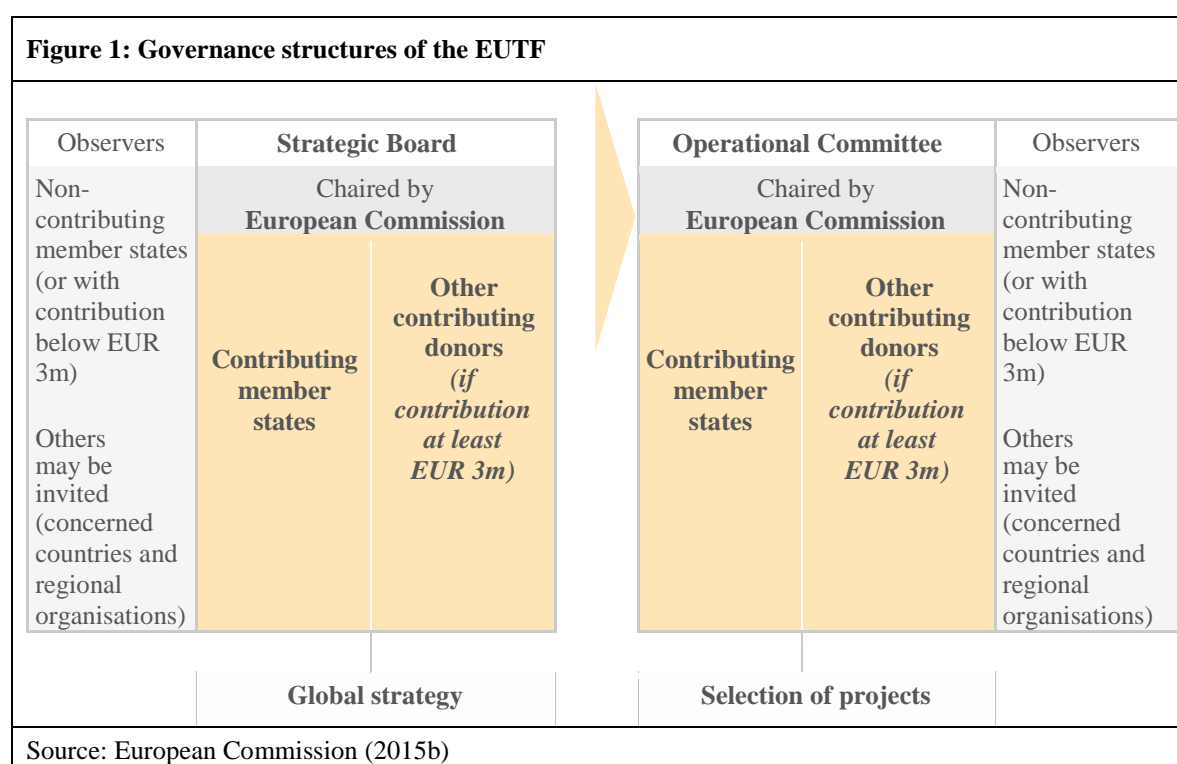
However, member states have been split in their responses to the EC’s proposals to add this extra EUR 500 million to the EUTF. One group of member states – which has been consistently more sceptical about the trust fund – has argued that this is not appropriate when original funds have still not been fully spent and there is, as yet, no information available about the results. These member states wanted the allocation of the EUR 500 million to be deferred until there has been some analysis of the results of the EUTF so far and further discussions on its strategic direction. However, other member states – including those for whom addressing migration is a national priority and who have been more consistently supportive of the EUTF – were keen to push ahead with allocating the EUR 500 million from EDF reserves immediately. Although the allocation of the EUR 500 million was ultimately agreed, this process has highlighted the serious divisions over the EUTF among member states. Beyond the issue of increasing the fund, member states

6 Figures are from the European Commission (2015c).

also disagree over the pace at which the remaining money already in the EUTF should be committed, with some arguing that further allocations should be limited until some results and lessons are available.

2.3 Governance

The trust fund's global strategy is set by its Strategic Board, which is chaired by the DEVCO and composed of representatives of contributing EU member states and other contributing donors. Its Operational Committee, made up of representatives of the EC and contributing member states, has responsibility for selecting the projects to be funded. Non-contributing member states (or those with a contribution below EUR 3 million), partner countries and relevant African regional organisations can participate as observers within both the Strategic Board and the Operational Committee.



There appear to be serious concerns among some member states about how well this governance structure is working. A number of member states believe that the EUTF lacks strategic direction. They argue that although the strategy papers under each regional window provide guidance on priorities for projects, there needs to be more attention given to higher-level strategic questions, such as how the trust fund relates to other instruments and programmes, how it influences relationships with African partners and what contribution it is actually making to addressing irregular migration. These member states have been vocal in their criticism that the Strategic Board is not engaging sufficiently with the fund and is not providing adequate vision or oversight, pointing out that, so far, the Strategic Board has only met once – at the launch of the EUTF in Valletta. This does seem to be very limited engagement, especially compared with the Strategic Board of the Madad Trust Fund, which has met repeatedly since the fund's establishment two years ago.

Member states are particularly frustrated that the EC's announcement that funding for the migration compacts would be channelled through the EUTF was made without any prior discussions with the trust fund's Strategic Board. They are also frustrated that the next round of Operational Committee meetings, at which new projects will be approved, will take place in November, before the second meeting of the Strategic Board, in a sequencing that clearly does not allow for strategic direction by Board members over operational decision making.

This limited engagement by the Strategic Board appears to be particularly problematic given that the EUTF is a controversial instrument working on a highly politically-sensitive issue, and an emergency mechanism that allocates a large amount of money very rapidly. Interestingly, one EC official suggested that although more strategic discussions could be valuable, in practice these are unlikely to take place within the Board, as there are too many actors at the table to make real discussions manageable.

There are also concerns about the decision-making processes within the Operational Committee. Some member states are concerned that the project identification and selection process is overly complicated, involving multiple actors at different levels in EU and member states, resulting in a heavy and unclear coordination process and a long time to agree on each project. They suggest that this process should be improved, clarified and streamlined, given that this is a rapid emergency fund. In particular, they want greater transparency and accountability in the process by which the EC identifies projects to be presented to the Operational Committee, as is discussed in detail below. However, not all member states share these concerns, with those that are more supportive of the trust fund arguing that it is well managed and transparent at all levels.

Finally, there are a range of concerns over which actors are included in decision making over the trust fund. There has been a lot of discussion over the extent to which African partners are included, issues about which are discussed in detail below. There are also concerns about the inclusion of member states and the EP. Following discussions between the EC and member states over the contribution amount that would ensure member states' voting rights in the Board, this threshold was finally set at EUR 3 million. However, the result is that EU member states that sit in the EDF committee, but that do not contribute EUR 3 million to the EUTF, in effect lose influence over the spending of the involved EDF funds. Frustrated by this, there is now a move by some member states to change the budgetary regulations so that voting rights within trust funds reflect the voting rights within the original instruments from which the funds have been drawn.

As trust funds are outside the EU budget, the EP does not have oversight of these. However, the EP has repeatedly raised concerns that it should be included in the Strategic Board. The EP argues that this is justified because a significant amount of funds for the EUTF come from the budget, whereas other funds come from the EDF, over which the EP has been granted oversight in recent years at the EC's discretion. Moreover, in its September 2016 report, the EP stressed that given the "extraordinary flexibility and rapidity proper to a Trust Fund, periodical reporting to Parliament should be undertaken at least once every six months" (European Parliament, 2016, p. 11).

2.4 Ownership and partnership

There were significant differences during the Valletta negotiations between European and African positions. For example, whereas African leaders were pushing strongly on legal and labour migration, the EU's priorities were to address irregular migration and strengthen returns and readmission. There were also different positions over the establishment of the EUTF, with several African partners being reluctant to agree to the trust fund. Some countries included within the trust fund, such as Egypt, expressed concerns about the focus of the trust fund and the level of financial resources available under it; whereas countries excluded from it, for example some in West Africa, were concerned about RIP programme funds being diverted to a smaller subset of countries within their region. Overall there has been criticism that African partners did not have sufficient voice or input in the establishment or design of the fund. For example, Faure et al. (2015) claim that "DG DEVCO . . . communicated its decision to shift funds from the EDF into the Trust Fund with little consultation with some Regional Economic Communities (RECs) through which the EDF money would have otherwise been channelled" (p. 19).

The strategic-orientation document of the EUTF states that one of the core principles of intervention is local ownership (European Commission, 2015a). Representatives of African partner countries and regional organisations sit on the EUTF's Strategic Board and its Operational Committee as observers. According to the European Commission (2015b),

national and local authorities will be consulted, in advance, with priorities and projects submitted to the Strategic Board and the Operational Committee, in order to ensure local ownership. All partners will also be duly associated with the process of identification, formulation and implementation, and may express their views in the Board and the Operational Committee.

Although this suggests a commitment for strong African involvement in the management and ownership of the fund, in reality the extent to which the fund allows African ownership is one of its most controversial elements.

There is no question that the EUTF's governance arrangement has fewer provisions for African ownership than the development instruments from which the funds are drawn. Particularly problematic is the fact that, although the vast majority of the African EUTF's funds come from the EDF, the trust fund does not have the co-management rule that underpins the Cotonou Agreement and the EDF. As Herrero Cangas and Knoll (2016) point out, this means that "the governance arrangement of the Africa Trust Fund allows for less formal oversight and a loss of formal control by partners, potentially with a loss of ownership on how these funds are spent". A range of actors, including African governments, civil society actors and the EP, have expressed concerns about this and have argued that the EUTF should reflect the co-management requirement of the EDF. Member states recognise that there are tensions and trade-offs between the desire for a rapid response and the need to ensure African ownership, but disagree over whether the trust fund has found the right balance.

Perhaps surprisingly, most of the EU officials interviewed for this research argued that although the EUTF contains less-formal requirements for African ownership, in practice

African participation in decision making within the trust fund is as strong – or even stronger – within traditional development instruments. They pointed out that within the EDF procedures, although Country Strategy Papers are signed with national governments, when a beneficiary requests the EC to finance a particular action, this decision is taken by a committee of member states from which African partners are absent. They contrasted this with the decision making in the EUTF's Operational Committee, where African partners are present and can express their opinions. They also stressed that the simpler procedures of the EUTF make it easier for partners to understand and engage with than the EDF. As one EU official put it: “[W]ith EDF there is joint programming but no joint decision making, with the fund you have joint decision making, but no joint programming.”

However, looking in more detail at the various stages of decision making within the EUTF, it appears that African partners have much less influence in some moments than in others. In terms of the identification of potential projects at the country level, certainly formal structures for partnership are far weaker in the EUTF than in traditional development cooperation. For example, under the EDF, all activities are jointly identified and agreed on with the national authorising officer, whereas under the trust fund, there is no such obligation and, instead, more ad hoc consultations take place with sector ministries or other local actors about potential projects. It appears that the extent of this consultation varies between countries and projects and is in large part dependent on the commitment of key figures within both the EU delegations and the implementing agency. Although it must be noted that trust fund managers do travel frequently to the regions and meet with local actors. There appears to be a widespread feeling among member states that African partners need to be included earlier and in a more systematic way in discussing local needs and priorities and in identifying potential projects.

Based on the possible projects identified at the country level, the EU delegation and trust fund managers propose a list of projects to the Operational Committee for approval. At this stage, there is a clearer structure for African inputs, as African ambassadors and representatives of RECs sit as observers on the Operational Committee and are reportedly proactive in giving their opinions on projects proposed for their country. Although African representatives in the Operational Committee do not have a vote, this apparently does not make a significant difference, as projects are rarely put to a vote, as is discussed below.

The level of shared vision, partnership and cooperation at the Operational Committee stage seems to vary widely between regional windows. Although it was reported that in the Sahel regional window there is a high level of African involvement and collaboration, in the North Africa regional window, partner governments are far more cautious in their engagement with the trust fund, and also less willing to automatically accept the projects proposed by the EC. This is largely due to the high sensitivities both around migration issues and when the EU is seen as imposing its agenda in the region. Given these sensitivities, there is an emphasis on EU delegations closely coordinating with these partner countries.

Box 1: The sensitivity of ownership – examples from North Africa

One example of the challenges around partnership and ownership under the fund can be seen in the first North African Operational Committee, in which Egypt blocked the full adoption of a proposed project to enhance the national response to migration challenges. Egypt complained that it had not been formally consulted, although there had been informal discussions with the Egyptian Ministry of Foreign Affairs. The project was adopted in principle and the EC is now engaging in a formal consultation process with the Egyptian ministry. EC officials stress that these problems are not related to the content of the programmes, but primarily to the need for Egypt to demonstrate that they are in the lead and will not have an EU agenda imposed on them.

Finally, in terms of project implementation, African involvement appears very limited. Out of the 89 projects mentioned in the contract status overview for the Sahel and Lake Chad window (European Commission, 2016d), the contract status overview for the Horn of Africa window (European Commission, 2016e) and the three action fiches for the North Africa window, there appears to be just one that is being implemented by an African NGO and two by African regional organisations, whereas no projects are being implemented by African governments. Instead, the vast majority of projects that have been selected are being implemented by European member states, civil society or private organisations. Although African governments have reportedly presented some projects for the EC's consideration, these were not selected. EC officials admitted that some African governments are frustrated that implementation is largely being carried out by Europeans and that the trust fund money is not going through national institutions. However, these officials stressed that European implementing agencies are frequently implementing with local government or civil society partners on the ground, through mechanisms such as financing agreements or grants, and that projects generally have a Steering Committees that includes appropriate local representatives. Despite this, the undeniably strong emphasis on European decision making and implementation seems far removed from aid-effectiveness principles of ownership, partnership and alignment.

3 Implementation of trust fund projects: the first year

This chapter examines the trust fund projects that have been selected and implemented to date, including their focus and the current balance across the strategic objectives of the fund. It discusses concerns about the processes for identifying and selecting projects and implementers. This chapter also outlines the need for robust monitoring and evaluation of projects and of the overall fund, as well as mechanisms for integrating evidence and learning into decision making.

3.1 Project focus

EUTF projects must be focused around the four objectives of the trust fund. This includes: creating economic and employment opportunities; strengthening community resilience; improving migration management; supporting overall governance and preventing conflict. Hence, the potential project focus is very broad.

In terms of the balance between the objectives of the fund – as seen in Table 1 below – so far the largest share of funds has gone to the more traditional development areas of economic and employment opportunities and strengthening resilience. This balance suggests that the massive diversion of development funds for migration management purposes that some observers warned of has not happened. This emphasis on employment and resilience, as well as on governance to a lesser extent, appears to be in large part because of a need to move fast to identify the first pipeline of projects, and the fact that it was easier and quicker to develop actions in areas where implementers had been working for a long time than to identify potential projects in the newer area of migration management. However, the next phase of projects currently in the pipeline are apparently more focused on migration management, which could lead to a greater risk of development funds being used for purposes that do not easily fit within ODA definitions.

EUTF strategic objectives	Sahel & Lake Chad	Horn of Africa	North of Africa	Total
Greater economic and employment opportunities	179,176,233	121,497,000	-	300,673,233
Strengthening resilience of communities	122,223,000	148,959,000	-	271,182,000
Improved migration management	18,000,000	60,500,000	27,500,000	106,000,000
Improved governance and conflict prevention	205,100,633	34,944,000	-	240,044,633
Other	5,000,000 (Technical Cooperation Facility)	4,100,000 (Research Facility)	-	9,100,000
Total	529,499,866	370,000,000	27,500,000	926,999,866

Source: European Commission (2016a)

The extent to which the individual projects that do focus on migration management fit comfortably within ODA and are in line with both the EC’s development principles and objectives – and the financial instruments from which the funds were drawn – is highly debated. More detailed analysis – both of the aims and the actual implementation and impact of each project – would be required to answer this question. Certainly, there has been fierce criticism of some projects (e.g. a project implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in Sudan, discussed in more detail below). Although there is no question that some migration management activities could fit within current definitions of ODA, there does appear to be an emphasis on identifying migration management activities that the EU would like to carry out and then retroactively seeking a development rationale for these. Finally, beyond debates over whether projects are really development-focused, as mentioned above, there are concerns that insufficient consultation with local actors means that projects are less likely to focus on local priorities, rather than the agenda of implementing agencies.

3.2 Project and implementer selection

It appears that there is serious concern among several member states about the process by which projects and implementers are identified at the country level and then selected by the operational board – in particular, that this process is untransparent and lacks effective oversight, and that member states are competing for projects in a way that undermines the development of the strongest possible portfolio of projects.

The way in which projects are identified is similar between the different windows. There appears to be an emphasis on EU delegations identifying projects and partners in line with the country-level operational framework and priorities. In the North Africa window, proposals made by the partner countries themselves have also been taken into account. In all cases, the EU delegations are responsible for overseeing the design of national programmes, and EC officials in Brussels for regional and transnational programmes.

Some member states are very concerned that the ad hoc nature of these processes means that projects are not always identified based on local needs, but instead on which implementers have the most access to the EU delegations and/or officials in Brussels and can push most forcefully to get their voices and priorities heard. Unsurprisingly, it seems that member states have so far had the loudest voices and greatest access. It is widely reported that some member states see the EUTF as an alternative source of funding for their implementing agencies and existing programmes, and that they have used the EUTF as a source of funding for projects that were already planned but which had not yet been funded, or to fund ongoing programming. Indeed, one member state official interviewed commented that, “if you are already there and know the country you are in a better position to top up your activities from the fund”. Meanwhile, some member states that do not have implementing agencies have expressed frustration that they are receiving fewer funds than those that do.⁷ EC officials confirm that some member states are pushing hard for “a return on their investment” from the fund, but they stress that they are resisting this pressure and encouraging member states to develop projects together rather than compete for funds.

This situation raises concerns that the choice of project and implementer is not always based on the best fit for either the trust fund’s goals or the local context and needs. Some member states and the EP are calling for a more systematic and transparent way of identifying projects at the national level, using the strategic frameworks to meaningfully inform project selection, having clear and formalised consultation procedures with local stakeholders, and working through a broader range of implementers – including local governments and local civil society, who are the most aware of local dynamics and needs. EC officials admit that the process for choosing projects and implementers needs some adjustment, and they are planning to revise it, but they stress that some “business as usual” projects were selected because of the need to rapidly establish projects. Although it is clear that the trust fund is under pressure to act fast and deliver quickly results – and that there are inevitable trade-offs between speed and inclusiveness in the project and partner-identification processes – it is also clear that if the wrong projects and partners are identified, those results are less likely to be achieved.

⁷ Germany, France, the United Kingdom, Italy, Luxembourg and Spain receive the largest amounts from the EUTF, with Germany (GIZ) receiving significantly more than any of the others.

Member states have also expressed a number of concerns about the process of project selection by the Operational Committee. Firstly, the Operational Committee only sees projects that the EU has chosen to put forward and, inevitably, is not aware of the ideas or projects that may have been rejected, meaning that committee representatives have a limited picture. Some member states have also expressed serious concerns that there is little critical discussion within or actual decision making by the Operational Committee, but instead that almost all projects proposed are just “nodded through”. Votes are generally not taken about projects, and when concerns are raised, it was reported that EC officials just note these concerns and then move the committee on to agreeing the project. Critically, member states are reluctant to speak up to block the projects of other member states, as they are concerned that their own projects could be blocked in return. Therefore, it seems that the process through which projects are both identified and selected is not necessarily the optimal process to get strong, contextually relevant projects.

3.3 Learning, monitoring and evaluation

The EUTF strategic-orientation document (European Commission, 2015a) states that a core principle of intervention is strong research and analysis. Certainly, given that the trust fund is focused on a broad range of objectives across a large number of countries, it will need to undertake evidence- and knowledge-generation, monitoring and evaluation, and lesson-learning at a variety of levels in order to inform its activities and measure its impact.

Firstly, the strategic direction of the fund, the regional strategies and frameworks, and the country priorities must be based on – and respond to – evidence about the political economy context and the migration–development–security dynamics in the regions and countries where the EUTF is working. It seems that there is a real appetite to do this, with money set aside for a Technical Cooperation Facility that is directly linked to the project cycle and accessible to all regional windows. Moreover, there have been two region-specific Research Facilities established: one for the Horn of Africa and one for the Sahel and North Africa. This investment in research to inform programming within the trust fund is very welcome and – if well used – has the potential to significantly strengthen the activities of the regional windows. However, some of these research arrangements have been slow to get moving, with initial evidence only now emerging from the Horn of Africa Research Facility that the Sahel and North Africa Research Facility has only just been established. This slow progress is problematic, given that half the funds of the EUTF have already been allocated, although EC officials stress that the trust fund’s work to date has in any case been informed by existing research and evidence. A critical question is the extent to which the EC will integrate learning from these research mechanisms into the EUTF’s strategic direction, operational decisions and projects. The EU, like many other donors, does not have a strong track record of learning from evidence and recommendations. Moreover, it is also important that implementing member states learn from this research, and systems must be put in place for the EU and implementers to share, discuss and – critically – act on research findings. As Hauck, Knoll, and Herrero Cangas (2015) point out,

the impact of the activities financed through the Trust Funds will largely depend on whether their identification and implementation is informed by robust country and sector diagnosis. . . . Questions should be raised as to what extent the EU will be able to factor in a well-informed programming approach to Trust Funds, given its already

highly restrained resources and poor track record with regard to the use of political economy and other analysis in programming processes. (p. 12)

Beyond the generation of new evidence, it is important that the EUTF activities are also guided by existing lessons and experiences from development cooperation. EC officials stress that this is the case and that they are building projects based on knowledge about approaches that work. Activities must also be based on solid context-specific local knowledge and relevant thematic knowledge, although given the very dominant role of the EC and member states in identifying, designing and implementing projects, it is questionable to what extent this is happening. It is important that both local experts and specialised institutions, such as the International Organisation for Migration, should be engaged in helping integrate lessons learnt into the trust fund's programming. In this regard, it is welcome that there are plans to contract the International Centre for Migration Policy and Development to support the trust fund's work on results and indicators. Finally, pressure to act fast should not be allowed to undermine the integration of existing knowledge into trust fund projects. As Hauck et al. (2015) argue:

Political pressures to react and show quick results within a short space of time entails the risk that valuable lessons of international cooperation are forgotten. . . . guidance is needed to ensure decisions are based on solid analysis, and are aligned with existing regional and country strategies. This safeguards ownership, ensures complementarity and balances long-term and short-term objectives. (p. 1)

It is important that EUTF projects involve ongoing and effective monitoring, evaluation and learning. There is currently a joint results framework for all the trust fund windows, while monitoring and evaluation will also take place at the regional window level, and within individual projects, including using the EC's "results-oriented monitoring". The big challenge will be to undertake this monitoring and evaluation at a pace that keeps speed with the trust fund's emphasis on rapid disbursement and action, and that allows findings to inform implementation and adaptation as projects progress. It is also important that the learning from individual project experiences is shared across the other trust fund projects and implementers. If done well, this could help to build up a useful body of knowledge about "what works" in this field from the EUTF's overall experience.

This will require robust monitoring of projects with substantive benchmarks for progress against the broad range of goals that the projects seek to address, rather than simply monitoring inputs/outputs, as the EU has sometimes done in the past. For example, Collett (2016) points out that in countries such as Serbia, EU assistance to asylum and protection systems has been assessed in terms of quantitative outputs (e.g. officials trained, etc.), rather than whether outcomes have actually improved for those seeking asylum. It will also require strong learning and feedback mechanisms in order for lessons to be taken on board, both at the project level and within the broader EUTF management mechanisms.

Critically, monitoring at the project level and the aggregation of individual project results will not be sufficient to assess the broader impact of the EUTF. There will also need to be a wider assessment of how the trust fund as a whole is contributing to its various goals, as well as how it complements or adds value to existing EU strategies and instruments, and how it affects the EU's relationship with its African partners. As Hauck et al. (2015) argue in relation to the three EU trust funds currently established, it is

important to work with results frameworks for the respective EUTFs, which allow an assessment of their effectiveness in delivering high impact aid as a self-standing modality, rather than looking individually at the results achieved by the different projects and activities financed. (p. 13)

Assessing the overall impact of the trust fund will be a challenge because of its broad set of objectives as well as the absence of a robust theory of change regarding what drives irregular migration and how these drivers can be shifted through the engagement of external actors. The lack of reliable indicators for illegal immigration statistics in the EU will also make an evaluation of the trust fund's success in curbing irregular migration particularly difficult. Critically, given the different aspirations of different actors for the trust fund (and the widespread scepticism that a short-term emergency fund can meaningfully address root causes), it is likely that different actors will want to assess the fund against different criteria. For example, some EU officials interviewed for this research believe that success will ultimately be measured in terms of how well the EUTF has leveraged African cooperation on migration management, return and readmission, with one official saying that “if the flow of migrants stops, Valletta and the trust fund will be seen as a success, otherwise not”. It appears that so far there has been no discussion of what constitutes success criteria for the overall fund.

4 How does the trust fund relate to broader EU policies and instruments?

This chapter discusses where the trust fund could add value to the existing array of EU development instruments – in speed, flexibility and the potential for innovation – and argues that making the most of this added value requires moving away from “business as usual” models. It also explores how the trust fund relates more broadly to existing EU commitments, strategies and instruments, particularly in the areas of migration, development and human rights.

4.1 Added value: speed, flexibility and innovation

There are two clear areas where the EUTF could offer something different to the existing collection of EU instruments – in its speed and flexibility, and in its potential for innovation.

According to the EUTF's strategic-orientation document, “the Trust Fund will enable the EU, its Member States and contributing donors to respond to the different dimensions of crisis situations by providing support jointly, flexibly and quickly” (European Commission, 2015a). There appears to be widespread agreement across EU institutions and member states that the trust fund has allowed a speedy response to an urgent crisis – made possible by a high degree of flexibility in procedures – in a way that would have been impossible under traditional development instruments. There also appears to be widespread agreement that the need for this trust fund shows that traditional development instruments, notably the EDF, are too slow and inflexible. As one EU official argued, “the way the EDF is working is hopeless and we need to do something different”. It seems clear that the complex procedures required by the EDF make it very sluggish (sometimes taking up to two years to develop a project), and hence not fit to respond to rapidly changing contexts.

Although this speed and flexibility is welcome, it does pose some challenges and entail some trade-offs. As Faure et al. (2015) point out:

The Trust Funds may have the potential to respond more swiftly and in a less fragmented manner than the multitude of financial instruments currently in place, yet the direct management and quick decision-making procedures that allow for this flexibility also pose some risks. (p. 19)

These risks include skewing incentives, short-cutting local consultation and responding more to EU political priorities than to the local context and needs. Critically, unlike standard development instruments, the EUTF does not involve finances being channelled through local systems, and hence avoids the long process of negotiating financing agreements. However, in bypassing such negotiations and moving directly to European-implemented projects, extra care is required so that local relationships, buy-in, knowledge and priorities are not lost. There are also trade-offs between moving quickly and basing actions on sufficient evidence. In this respect, there appears to be a divide between member states, with some keen to push ahead fast with projects that are based on existing work, and others wanting to look more carefully at what the added value can be of projects under the EUTF and how it can address areas that are usually difficult to work in.

In addition to its four main strategic objectives, the EUTF also has a cross-cutting output of improved policy and practice (European Commission, 2015a). There seems to be broad agreement among all actors that the trust fund can offer an important opportunity, both to experiment with different ways of working and to work on areas where it has previously been difficult to engage. EU officials were particularly enthusiastic about the trust fund's potential to do this. However, they recognised that realising this potential will require successfully resisting pressure from some member states to fund projects that are, in effect, "business as usual", such as standard projects to strengthen social or economic opportunities where there are limited links to migration issues.

Examples of how the trust fund could offer a chance to innovate or work in new areas include adopting not just a country or poverty lens, but a movement/migration lens, which raises different sets of challenges, different geographic and thematic priorities, and different focus populations. For example, through the trust fund, it is possible to focus geographically on areas where migrants are based. These are typically areas where national governments have little interest in donors working because they prefer aid to go to their own population and not third-country nationals in their country, for example the north-east coast of Kenya. Although this ability to sidestep government priorities can be problematic in terms of ownership, if used carefully and taking into account local political contexts, it can allow the trust fund's projects to bypass exclusionary policies and reach marginalised migrant and refugee populations. The trust fund also has the potential to do work on a range of cross-border issues that are hard to address under other funding instruments, including trafficking, assisting migrant populations in border area "no man's lands" and creating conditions for migrants stranded in countries such as Libya to return home. It is arguably in working in such specific and hard-to-reach areas that the trust fund could add the most value, not in seeking to buy compliance on return and readmission, or addressing development "root causes" with a relatively small amount of funds and tight timeframes.

A growing body of evidence suggests that flexible, adaptive and innovative development assistance is best placed to be effective in the complex, uncertain and shifting contexts of fragile states, such as many of those included in the EUTF.⁸ Such innovation requires the exploration of new instruments and programming approaches (Whaites, 2016). It also requires being politically smart, focusing on specific and locally identified problems, and being adaptive and entrepreneurial, in particular allowing for cycles of doing, failing, learning, adapting and, ultimately, discovering more effective approaches and getting better results (Wild, 2015). It is possible that – outside of the restrictions of traditional development instruments – the EUTF could offer an opportunity for such innovation and experimentation, using its relatively small projects to try out new ways of working on some of the complex issues it seeks to address. Seizing this opportunity would require that flexibility within the EUTF is not just limited to project identification, funding and contracting procedures, but that there is also flexibility for ongoing learning and adaptation during the life of the projects. It also requires that implementers avoid traditional approaches to project implementation that focuses on delivering a set of outputs regarding feedback or evolving contexts. Crucially, it would require that local actors are much more deeply involved in identifying and implementing EUTF projects, given that “change is ultimately best led by those who are close to the problem and who have the greatest stake in its solutions” (Wild, 2015).

4.2 Relation to existing EU strategies, policies and instruments

A core principle of intervention for the African EUTF is “complementarity with and subsidiarity to EU instruments and tools and/or donor interventions”. According to its strategic-orientation document,

the Trust Fund will cover the gaps, both in geographic and in thematic terms, not covered by other means or by other development partners (including EU Member States). This will need to be indicated for each project approved, for example by targeting actions in areas that are not under the control of the national authorities and/or by implementing activities that might fall outside of the scope of the signed National and Regional Indicative Programs and/or by implementing a “linking relief rehabilitation and development” (LRRD) approach. (European Commission, 2015a)

It is clearly intended for the EUTF to work in complementarity with existing policies and instruments, neither duplicating or undermining them. However, the extent to which it is doing this is contested.

Role within EU migration strategies

The EU’s framework for addressing migration is fast evolving and involves an increasingly securitised approach to migration, which sees migration primarily as a security threat to Europe. In May 2015, the EC proposed the European Agenda on Migration, a new strategy for addressing the immediate and the long-term challenges of managing migration, while in June 2016 it launched the New Migration Partnership Framework, which will strengthen an incentives-based approach for reinforcing cooperation with third countries on migration management – the funding for which will

⁸ For discussion of adaptive programming, see, for example, Valters, Cummings, and Nixon (2016).

come from development instruments and be channelled through the EUTF. Critically, a report by the European Court of Auditors found that the EU's spending on external migration policy in neighbourhood countries up until 2014 struggled to demonstrate its effectiveness and suffers from a lack of strategy, complex governance and poor monitoring and oversight (European Court of Auditors, 2016). Many of these are concerns that have been raised in the context of the EUTF, suggesting that it may not be very different to previous flawed approaches to migration.

The problems with the EU's approach to migration are not only related to its lack of effectiveness. As Willermain (2016) argues, this New Migration Partnership Framework (and the migration compacts that it will generate)

politicizes aid as leverage for migration control, by making development aid conditional on third countries' performance on migration – narrowly understood in securitized terms as containment, border management and return and readmission. At the same time, it presents states plagued by corruption and with poor governance and human rights records with a powerful bargaining chip to leverage maximum political capital . . . [thereby risking] perpetuating a cycle of abuse and repression that causes people to flee, and fails to effectively tackle the economic logic of human traffickers, since state actors in several African states that the EU seeks to partner with have proven economic stakes in this very trade.

The EUTF appears to be a central mechanism through which the EU is implementing this new securitised approach to migration and, perhaps more worryingly, a glimpse of things to come.

The EUTF is intended to overcome the highly fragmented nature of EU migration funding, and as such plays a central role in moving towards a more coherent approach. According to Collett (2016),

the range of relevant EU funding sources [for migration management] is dizzying, resulting in administrative inefficiency and a lack of coherence vis-à-vis priorities and goals. The fact that EU-level funding is also complemented by frequently disparate bilateral budgeting from various interested EU Member States can compound this incoherence further.

Faure et al. (2015) agree, pointing out that EU funding to address the external dimension of migration and asylum is spread across a range of diverse financial instruments, creating serious problems of fragmentation. Although the EUTF is intended to institute a more strategic response to migration and help overcome this fragmentation, Faure et al. argue that the speed with which it has been set up and its programmes have been identified has raised concerns about the lack of strategy and complementarity with existing processes and programmes.

Alignment with EU development commitments and instruments

There are serious and widespread concerns that the EUTF will divert development funds for European security interests, because although the vast majority of money for the fund has come from development instruments, the trust fund is not focused exclusively on

development objectives. These concerns have been repeatedly expressed by development actors (including from within some member states), by civil society and by the EP.

The ultimate purpose of EU development policy – as enshrined in Article 208 of the Treaty on the Functioning of the European Union (2007) – must be the reduction and eradication of poverty. However, the European Parliament (2016) report on the EUTF in September 2016 states that there is a

serious risk of misuse of EU development aid, in particular in conflict-affected countries where security, migration and development issues are closely interconnected [and] emphasises that the projects covered by the EUTF, which have been created using sources mainly devoted in principle to development purposes, must have development objectives. (p. 8)

It also stresses that projects aimed at reinforcing security capacity in particular countries must be designed in such a way that they support poverty reduction, as well as stability. The European Parliament (2016) report insists that

development aid should not be used to stem the flows of migrants and asylum seekers, and the projects covered by the EUTF should not serve as a pretext for preventing departure or tightening borders between countries while ignoring the factors that drive people from their homes. (p. 11)

The rules are clear that funds from the EDF and other ODA sources, including ENI and DCI, must be devoted to the economic, human and social development of the host country, with a particular focus on the development challenges identified in the trust fund decision. Hence, the funding of the EUTF must be implemented and evaluated on the basis of ODA criteria, and all expenses falling outside this requirement have to be funded from different sources that are pooled in the trust fund. However, a number of member states and EU officials interviewed suggested that some projects undertaken with development money under the EUTF are definitely “stretching the definition of ODA”. If true, this raises serious ethical problems, both around diverting aid from development priorities, and in terms of accountability to EU citizens and African partners on how aid money is spent.

A more transparent decision-making process about projects that demonstrates the reasons driving project decisions at every stage and their rationale in terms of development and/or security interests of the country could help address these concerns about the misuse of ODA. As Herrero Cangas and Knoll (2016) argue,

the boundaries between stability and development are not always clear-cut. Funding border, security and irregular migration management activities can also have a positive impact on human development trends. Development effectiveness will depend on the rationale for choosing and designing interventions: is it the EU’s fear of irregular migration or is it the EU’s commitment to sustainable development?

Interestingly, some EU officials interviewed suggested that a greater risk than development aid being diverted for security purposes is that it may be diverted for humanitarian work. They expressed concern that under the EUTF, development funds are being used for quasi-humanitarian work, such as supporting South Sudanese refugees, and stressed that strong coordination with DG ECHO is required to avoid duplication.

Beyond the issue of the EUTF using ODA to fund migration management projects that do not have development goals, there are also broader concerns that the trust fund is diverting development funds towards countries affected by migration, and potentially away from the poorest countries or those with the greatest needs. Hauck et al. (2015) point out that

the criteria for allocating EU aid have been specifically designed to concentrate more aid on Lower Income Countries and Least Developed Countries, but the Africa Trust Fund, because of its wide range of objectives with a strong focus on refugees and migration management, risks following different priorities that are informed by EU's internal political and securitisation agenda. (p. 11)

Likewise, in its September report, the EP warns that the use of the EDF to finance the EUTF may have an impact on the amount of aid available for African countries that are not covered by the trust fund, and in particular least-developed countries (European Parliament, 2016). The report strongly warns against the risk of shifting aid away from the poorest countries – which often have the least access to other sources of financing – to cover the cost of the migration crisis, pointing out that this would be in violation of Article 208 of the Treaty on the Functioning of the European Union. African countries not included in the fund have also raised concerns about this diversion of aid. Almost all EU and member state officials interviewed accepted that the fund is, in effect, skewing the focus of aid towards countries with relevance for the EU's migration agenda.

Finally, as discussed above, the EUTF is clearly breaking with core principles of ownership and partnership, as outlined in the Paris and Accra agendas. Despite all the emphasis within development debates and commitments over recent years on the need to align with government systems, provide budget support and take programmatic – not project – approaches, the EUTF is, in effect, shortcutting the co-management process and funding standalone projects that are being implemented by Europeans and in which local partners play a relatively minimal role.

Alignment with EU human rights commitments

A range of actors have expressed concern that the work of the EUTF has the potential to undermine human rights in African countries and is in contradiction with EU human rights commitments. For example, the EP report expressed concern about the impact that the EUTF may have on human rights if projects to contain migratory flows involve cooperating with countries that commit systematic violations of fundamental rights. It also stressed that EUTF projects using development aid must adhere to shared values and common interests, in particular as to the respect and promotion of human rights. Critically, a recent report by the European Court of Auditors on EU migration spending in the Southern and Eastern neighbourhood found that “respect for human rights, which should underpin all actions, remains theoretical and is only rarely translated into practice” (European Court of Auditors, 2016, p. 3).

Most controversially, some German media outlets have reported on an EUTF regional project on migration management that is being implemented by a GIZ-led consortium and includes Sudan. These reports referred to the provision of both non-lethal equipment and capacity-building for Sudanese border security forces, as well as the construction of detention centres for migrants (Dahlkamp & Popp, 2016). EU officials reported that the EUTF does not support the construction of detention centres in Sudan, but confirmed that

the EU will continue to engage with the Sudanese Ministry of Interior and – if necessary to achieve the objectives of this project – may provide civilian equipment to Sudanese authorities, including border agencies, on a case-by-case basis and in line with international sanctions.

The EC states that “the EU follows a peacebuilding and people-centred approach in Sudan, and has scaled up its efforts to contribute to a more inclusive socio-economic environment. The EU directly supports the people of Sudan, and vulnerable groups in particular” (European Commission, 2016b). However, given the well-documented abusive practices of the Sudanese security forces and the widespread human rights violations and impunity of the Sudanese state, it is not clear how the potential provision of equipment to the Sudanese authorities might be in line with such a “people-centred approach”. It is also unclear what guarantees the EU can have that any efforts to equip and strengthen Sudanese border security forces will not potentially facilitate further human rights abuses (although EU officials stress that migration management-training in Sudan includes awareness-raising about migrants’ rights). For example, Human Rights Watch reports that Sudanese police arbitrarily detain refugees from Eritrea and hand them over to traffickers, at whose hands they face extreme torture (Human Rights Watch, 2014); likewise, it is reported that the Sudanese authorities forcibly return hundreds of Eritreans seeking asylum to Eritrea without allowing them to seek protection or have access to the United Nations High Commissioner for Refugees (Human Rights Watch, 2016). Although this is just one project that has attracted attention, it raises questions about the extent to which the EU may be willing to overlook human rights commitments in order to achieve its migration management goals, as well as the ways in which ODA may be used to do this. It also raises questions of how EU support for capacity-building on migration management is likely to have impact in contexts in which there is no real political will – as in the case of Sudan – either to respect the rights of migrants or control migratory flows through its borders (as even EU officials recognise that Sudan could easily strengthen its border management if it chose to do so).

5 Implications for the future of EU development cooperation

One question that has emerged – given the creation of three trust funds in the space of a couple of years – is whether this will become a more common instrument for EU aid in the future. The creation of the EUTF (and the Madad Trust Fund) was possible because member states recognised the need for a flexible, swift, comprehensive and effective joint EU response to the migration and refugee crisis, and they were under pressure to act. However, overall, they appear to be sceptical about the use of trust funds and do not want to see their further proliferation. Indeed, since the EU revised its Financial Regulations in 2013 to allow for the creation of EU trust funds, only emergency trust funds have been created, with member states reportedly resisting the creation of thematic trust funds on issues such as food security. The EP’s budgetary committee and development committee have also expressed concerns about the further use of trust funds, given that they are outside budgetary authority. Despite this general scepticism however, there are apparently well-advanced plans to launch an EU trust fund for Colombia, although the status of this presumably depends on the further progress of peace in Colombia. However, one member state official pointed out that trust funds can come in other guises, and that the recently

announced European External Investment Plan is effectively another big trust fund. Overall, however, the lack of enthusiasm among member states for more EUTFs suggests that the future use of these will continue to be pretty limited.

It is widely recognised that the EUTF was needed, in part, because of the cumbersome nature of traditional development instruments and their inability to respond to rapidly evolving situations and changing needs. As the EP report of 2016 describes “trust funds are part of an ad hoc response – thus laying bare the scarcity of recourses and limited flexibility characterising the EU’s financial framework”. A number of interviewees across EU institutions and member states stressed that experiences from the migration crisis in the last few years demonstrate that circumstances and priorities can change rapidly, and development instruments must be more flexible in responding to those changes. Overall, there seems to be general agreement across member states and EU institutions that there is a need to reform traditional development instruments in order to speed up their procedures, making them more flexible and responsive while still ensuring sufficient checks and balances; and that this is something that should be examined in the context of the next Multiannual Financial Framework, so that ad hoc solutions such as trust funds are not necessary. Indeed, in its press release on the New Migration Partnership Framework, the EC states that “[i]n addition [to extra measures such as compacts and EUTF] traditional financial programmes should be reoriented. In the longer term, the Commission is proposing to fundamentally reconsider the scale and nature of traditional development co-operation models” (European Commission, 2016). Likewise, in a recent interview, Development Commissioner Mimica argued that

if we could bring (the EUTF’s) . . . sense of urgency into the [EUR] 20 billion regular EU member states operations in Africa, then we could really have a better impact on the overall state of development affairs in the most fragile and vulnerable parts of the world. (Tempest, 2016)

It is clear that in the future, EU development assistance will be more closely linked to the EU’s external and internal priorities and interests, as is indicated in 2016 EU Global Strategy on Foreign and Security Policy, which is intended to guide all EU external action and states: “Development policy . . . needs to become more flexible and aligned with our strategic priorities” (European Union, 2016). All member state officials interviewed for this research stressed that a move to broaden the scope of EU development assistance to include migration and security issues (while still remaining within the DAC’s ODA criteria) is inevitable, and that some member states are experiencing strong pressure from the public and parliaments for this. Likewise, one EU official stated that

development aid cannot be in [a] bubble outside the current political context. We need to move towards development aid being more political and security focused, even though this is a push back from development people and that is what we expect from the review of the EDF.

It is important to note that this trend is not restricted to Europe: the development ministers of the OECD DAC’s 29 countries recently agreed to expand their definition of ODA to include more spending linked to peace and security operations. However, there are real risks associated with this securitisation of aid. As Hackenesch and Castillejo (2016) argue, the EU must

resist pressure to focus on promoting short term stability, that is, through support for the security sector without trying to promote broader democratic reforms . . . [as]

support for inclusive political institutions, the media, civil society and the opposition is also needed in order to not further bolster authoritarian structures.

The EUTF appears to be one of the first examples of this trend of overtly linking development aid to broader EU interests. Inevitably, the controversies around the trust fund reflect some of the broader contestations about the fundamental role and priorities of development assistance, as well as its definition and limits. This shift is deeply concerning to many development actors, as it suggests a compromising of core development principles and priorities, such as support for those most in need and prioritising poverty reduction. It also has the potential to undermine normative commitments such as human rights where promoting these may not serve EU interests (as has been alleged to be the case in the EUTF's support to Sudan). There is particular concern that the EU will use the review of the European Consensus on Development to embed a securitised and instrumentalist approach to development into its core development framework. Voices in civil society are growing increasingly vocal against this shift in direction. For example, Oxfam argues that “if the EU is ready to compromise its values, by allowing the instrumentalisation of aid for policy objectives that are contrary to these values, we will outright reject the review of the Consensus and advocate for leaving it unchanged” (Alonso, 2016).

Part of this trend appears to be a growing emphasis on aid conditionalities, in line with broader ambitions to use development assistance to further broader EU external interests. This emphasis can be clearly seen within EU aid on migration issues. Most notably, the recent migration compacts contain clear conditionalities and are based on the premise that these countries are committed to improving their approaches to returns and readmissions and, hence, will receive extra funding. There appears to be a split between those member states that want to keep conditionalities positive, and those that are calling for more use of negative (less for less) conditionalities. However, as one member state official pointed out, once conditionalities are introduced, this can be a slippery slope. For example, if the countries in the migration compact do not ultimately make progress towards signing readmission agreements – as the EU hopes – will the EU move to negative conditionalities and cut these countries' aid? Interestingly, although member states want to apply conditionality to EU assistance, they are less keen to apply it to their own assistance, as they do not want to damage bilateral relationships.

There is broad agreement across EU and member states that development partnerships with Africa will look very different after 2020. Although it is still very unclear what the post-Cotonou framework will look like, it is likely that the issue of migration will continue to play an important role in the development of EU-Africa relations. Moreover, a number of EU and member state officials interviewed stressed that Africans should be involved as partners in decision making but not as partners in implementation, as that makes programming too slow and inflexible. If this is indeed the direction of travel, it could be argued that, in some ways, the EUTF may offer a glimpse of the future nature of EU-Africa aid relationships, for example in its move away from a full partnership approach, its focus on the EU's short-term migration and security interests, and its use of conditionalities. If these aspects of the EUTF do offer a glimpse of the EU's development future, it is a very troubling one for those who are committed to development principles. However, on a more positive note, if the trust fund could be used as an opportunity to innovate, learn and enrich the knowledge and approaches of the EC and member states'

development actors – whether around flexibility and adaptation, working with hard-to-reach populations and locations, responding to shifting contexts, engaging the private sector, or working effectively across borders – then some of these lessons could perhaps help inform the EU-Africa development relationship after 2020.

6 Conclusion

One year on from its establishment, the EUTF continues to be controversial, in terms of its management and activities; the goals it seeks and how it intends to achieve these; and as a part of the EU's changing approach to migration, security and development.

In terms of the management of the EUTF, there are clear areas where this could be strengthened to improve relationships and result in higher-quality and more relevant projects. These include: more structured, transparent and consultative processes for identifying and selecting projects, as well as more robust and frank discussions and decision making at the Operational Committee level; greater consultation with and engagement of local actors and focus on locally identified problems and needs; greater emphasis on working with “best fit” implementers, not just member states; communicating more effectively with those outside the trust fund process (Africa and European civil society, EP, etc.) to build confidence and seek inputs; and undertaking and sequencing research, analysis, monitoring and feedback in ways that can actually inform project design and implementation. It also requires stronger and more frequent strategic oversight and guidance by the Strategic Board and more emphasis on discussions between the EU and member states and with African partners on how the trust fund relates to broader processes, commitments and goals, including the Valletta Action Plan, and how success should be understood and measured.

Despite disagreement over many aspects of the EUTF, there appears to be widespread agreement that the trust fund offers an opportunity to experiment and innovate, away from the restrictions of traditional development instruments. Such innovations with what is a comparatively small amount of development funding could – if used wisely – be an opportunity to learn lessons about what works, which can inform the reform of traditional EU development instruments and practices. However, in order to do this, a strong emphasis is required on drawing upon new thinking in areas such as adaptive programming, or working politically, as well as on the use of strong political economy and other analytical tools. Such integration of knowledge and use of analysis has been a challenge for EU development cooperation. Critically, it requires member states to stop seeing the trust fund as a chance to finance their “business as usual” programming, and the EC to reject any such pressure from member states, and instead actively seek out projects that attempt to work in different ways and have the potential to offer interesting lessons. In this way, although this short-term trust fund is unlikely to address the root causes of migration – as it is tasked with doing – it may provide interesting lessons on how to work effectively on migration-related issues and with mobile and vulnerable populations.

Although there are some concrete steps that can be taken to strengthen the management and implementation of the EUTF and to make the most of those opportunities that it does offer, the broader concerns about the trust fund being a vehicle to divert development aid to address migration concerns are harder to address. It appears that the trust fund is one

indication of the future direction of EU development cooperation – in essence, to be more closely linked to EU interests and to use aid conditionalities to promote those interests. Although there seem to be differences as to how far different member states and EU actors are willing to go down this road – for instance, regarding the use of negative conditionalities – there does appear to be general agreement on the direction of travel. There are some concrete suggestions of what can be done in the case of the EUTF to mitigate the securitisation of development aid. For example, the EP wants a clear and transparent distinction within the EUTF between the funding envelopes for development activities on the one hand, and those for activities related to migration management, border controls and all other activities on the other. Interestingly, some EU officials have also suggested that member states should drop their politically driven focus on return and readmission, given that the number of people eligible for return to Africa is very low, and instead support a shift in focus within the EU migration agenda towards how the EU can support people to stay at home or help stranded migrants to return home – in essence, a softer and more development-friendly migration agenda.

A number of processes lie ahead that will reshape EU development cooperation with Africa, from the review of the European Consensus on Development to the negotiation of the post-Cotonou framework, in which debates over the issues described above will be at the fore. The EUTF demonstrates that in these cash-strapped times, development funds are a large and appealing pot of money for European leaders seeking to fund other pressing interests, such as migration. In this sense, the EUTF – although it may have the potential to be used to develop interesting projects and lessons – ultimately does not bode well for a future European cooperation based on core development principles.

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