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# DISCUSSION PAPER

## Tackling irregular migration through development – a flawed approach?

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### Executive Summary

Faced with a large influx of asylum seekers in recent years, but little agreement among member states on how to share the burden, the European Union (EU) is increasingly turning to third countries to stem the flow. This push for external action focuses on tackling the 'root causes of migration' as well as strengthening third countries' migration management efforts. The current approach is based on the premise that increasing development aid to developing countries will reduce the stimulus for emigration. At the same time, the principle of conditionality has emerged as a means of ensuring cooperation on operational matters such as border control and readmission. Development assistance is thus becoming an incentive for third countries to cooperate with the EU on migration management.

The ways in which migration and development are increasingly being linked raise several questions about the scope, legitimacy and effectiveness of recent EU efforts. From a legal perspective, the EU has committed itself to pursuing development cooperation with poverty reduction – not migration management – as its primary objective, as stated in the EU Treaties. However, conditionality shifts the focus away from the Union's primary objective of poverty reduction and can even run counter to the economic interests of third countries. Migrant smuggling and remittances are important sources of income for some countries of transit and origin, which in part explains the reluctance of some foreign governments to engage in meaningful cooperation with the EU on migration issues.

Furthermore, the EU's focus on the root causes of migration is based on an oversimplified understanding of migratory dynamics. It is assumed that increasing development will decrease (economic) migration from that country. Yet while increasing development in middle-income countries can indeed decrease migration from those countries, aid to lower-income countries may actually have the unintended and opposite effect of increasing migration.

Despite these constraints, more effective cooperation with third countries to reduce irregular migration is still possible. To achieve this, EU negotiations with third countries on issues like readmission should take counterparts' interests better into account, and offer more attractive incentives to cooperate. These could include work/visa schemes, trade agreements or decreasing the cost of remittances. Furthermore, more emphasis should be placed on governance aid, as it is considered to be a safe and effective means by which to decrease migration from less developed countries of origin. Finally, more legal channels for migrants should be created in order to challenge smugglers' markets and damage their business model. Establishing external processing centres in transit countries such as Niger could serve as a practical means to implement this.

## **The link between migration and development**

The arrival of unprecedented numbers of irregular migrants from the Middle East and Africa since mid-2015 has become one of the biggest challenges in the EU's history. The political pressure to reduce the number of new arrivals has tested mainstream political parties across Europe, which face a rapidly growing challenge from populist groups advocating radical responses. Some member states have responded to this pressure by taking unilateral measures, such as suspending Schengen and constructing fences. Migration control has thus become one of the Union's top priorities, and engagement with source and transit countries is rapidly becoming the instrument of choice to reduce flows.

Development has come to be seen by policymakers as a means of tackling the root causes of irregular migration, such as poverty and conflict. This approach is not new but it is currently gaining considerable political traction. Addressing these root causes through development is one of the elements of the European Commission's proposal of November 2016 for a new European Consensus on Development<sup>1</sup> as well as one of the main objectives of the European External Investment Plan.<sup>2</sup> However, in the rush to pursue this strategy, many assumptions have been made without fundamentally questioning how and when migration and development should be linked or whether this linkage should be made at all. It is also unclear to which extent this linkage can lead to the desired outcome of reducing irregular migration flows to Europe (if at all).

Nevertheless, some forms of cooperation with third countries not related to development can help reduce the number of irregular arrivals to the EU if such measures take external partners' interests and local realities into account. This type of migration management cooperation is already occurring, but it is often (and increasingly) confused with development aid. Recent efforts to expand engagement with third countries have only served to blur the distinction between migration management cooperation and development cooperation further.

## **The concept of tackling the root causes of migration**

The concept of the 'root causes' of irregular migration in EU policy has not been fully clarified. It can be said to encompass a wide range of causalities such as poverty, human rights violations, conflict, political instability, food insecurity, and a lack of access to natural resources. Development cooperation policies have been addressing these root causes implicitly for decades, for instance in the Maghreb states and the Middle East.<sup>3</sup> However, making the link between migration and development raises serious questions as to what constitutes a successful outcome.

According to Article 208 of the Treaty on the Functioning of the EU (TFEU), development cooperation policy's primary objective should be the reduction and eradication of poverty.<sup>4</sup> However, current efforts to link migration and development appear to prioritise migration management over poverty reduction. There is a clear danger that aid is diverted to "promote EU migration and security interests in ways that stretch the definition of official development assistance" as has been pointed out by the German Development Institute.<sup>5</sup> While the dual objectives of reducing irregular migration and poverty may not necessarily be mutually exclusive, making a direct link between the two threatens to undermine development principles.

Despite these ambiguities, the concept of migration management through development aid is clearly reflected in several recent EU policies. This is particularly well-evidenced by the EU Trust Fund for Africa (EUTF)<sup>6</sup> and the Partnership Framework with third countries<sup>7</sup> set up in November 2015 and June 2016 respectively. Both aim to manage migration and address the root causes of forced displacement, and use money allocated from the European Development Fund for these purposes.

A breakdown of approved EUTF projects reveals that a large amount of funds have been allocated to fighting irregular migration, migrant smuggling and trafficking, and little to enhancing legal migration and mobility.<sup>8</sup> The European Parliament<sup>9</sup> and human rights organisations have criticised the EUTF's use of development aid to stem migration flows, arguing that even if the instruments of EU development policy are

used at the same time to tackle the root causes of forced migration, the eradication of poverty should remain the main objective.

The 'migration compacts' negotiated under the Partnership Framework with third countries were set up to save lives, fight smugglers, prevent irregular migration, enhance cooperation on returns and readmission of irregular migrants, as well as to increase investments in countries of origin and transit. Although none of these aims fall under the scope of traditional development policy, the mobilisation of EUR 8 billion in support of the partnerships by 2020 was not a result of additional commitments, but of redirecting existing development funds.

Even though addressing the root causes of irregular migration is a long-term endeavour, the focus of many of the projects funded by the EUTF and migration compacts on border management seems to be an attempt to yield more immediate results. It is telling that one of the main achievements highlighted by the European Commission in its second progress report on the Partnership Framework was a short-term decrease in migratory flows transiting through Niger.<sup>10</sup> This showcases the current political priorities of many EU member states, which do not necessarily match the development needs of partner countries.

## **The principle of conditionality**

Recent efforts to link migration and development have led to the emergence of conditionality as a means to ensure implementation. With this concept, the amount of aid received by a partner country would depend on its willingness to increase its cooperation with the EU on migration matters. Development cooperation would then be used as leverage to secure third-country commitments related to readmissions and border control.<sup>11</sup> In other words, development aid becomes a bargaining chip in negotiations that follow the objective of improving migration management.

Conditionality runs counter to traditional development principles enshrined in Article 208 TFEU, which are based on the needs of the populations in third countries. The High Representative of the Union for Foreign Affairs and Security Policies, Federica Mogherini has herself stated that "there is no conditionality of aid (...) that would not meet our legal standards and also our basic principles".<sup>12</sup> This is especially true of making development conditional upon the tightening of borders, which can place the rights of migrants at risk and often leads to migrants taking alternative, more dangerous, routes. Other types of conditionality, such as the signing of readmission agreements, may be less controversial in terms of representing an immediate threat to migrants' rights but still compromise the principles upon which development is undertaken.

## **The challenges of cooperating with countries of origin and transit**

Even if the premise of allocating development aid money to counter-smuggling and migration management activities were accepted, many practical obstacles render this kind of assistance problematic. All along the migratory route, from countries of origin in West Africa and the Horn of Africa to transit states like Niger and Libya, a plethora of local actors with vested interests that run counter to the EU's own objectives and values hamper efforts to create meaningful partnerships for migration management. Widespread corruption in public authorities further complicates cooperation. Overcoming these challenges requires a thorough understanding of the realities on the ground, and the likely impact of certain measures that could have unintended consequences.

As the most important transit countries for migrants seeking to reach Europe from across sub-Saharan Africa, Niger and Libya have been of particular interest to EU actors seeking to stem the flow through development agreements with a clear migration management component. The European Council's Malta Declaration from 3 February 2017 stresses the importance of cooperating with Libya, while the Commission's Second Progress Report on the Partnership Framework with third countries under the European Agenda on Migration highlights Niger as a priority partnership country.<sup>13</sup> However, the situation on the ground in both countries casts serious doubts over the ability of the EU to achieve its stated objectives.

The main migration route from West Africa to Europe passes through the Niger-Libya border region, which is mainly populated by two rival Saharan tribes, the Tuareg and Toubou. Colonial borders separate the tribes, but their allegiances remain far closer to their tribal affiliations than the central governments of Niger or Libya. In fact, the Toubou were marginalised under the Gaddafi regime, and continue to be neglected by the post-Gaddafi political leadership, which is itself deeply divided. In a climate of political distrust, weak government institutions and limited economic opportunities, migrant smuggling operations have flourished in these areas. Similar conditions on the other side of the border in Niger result in an economic dependency on migrant smuggling that sustains entire communities.<sup>14</sup> Meanwhile, in the Horn of Africa, there is mounting evidence that former Somali pirates are now involved in migrant smuggling to Europe since international anti-piracy patrols in the Gulf of Aden have curtailed their former source of income.<sup>15</sup>



Source: European Policy Centre, using data from IOM and UNHCR.

While the Commission's Progress Report acknowledges the need to create alternative employment to replace smuggling income, most resources are focused on institutional capacity building measures to crack down on smugglers and reduce the number of migrants. EU policymakers attempting to reduce irregular migration must consider that these efforts could have adverse effects and threaten to undermine the stability of already very fragile political situations in countries like Niger, Libya and Somalia. Suddenly removing the income generated by the presence and transit of irregular migrants in places with few alternatives risks plunging fragile local economies into conflict over scarce resources. Smuggling rings (in some cases affiliated with militias) will not hesitate to defend their activities, with violence likely to escalate. Further complicating the situation is the fact that state security services in these countries – to the extent that they even exist – often depend on smugglers' bribes in order to operate at all. Eliminating their primary source of income risks upsetting peace, thus rendering economic development even more difficult.

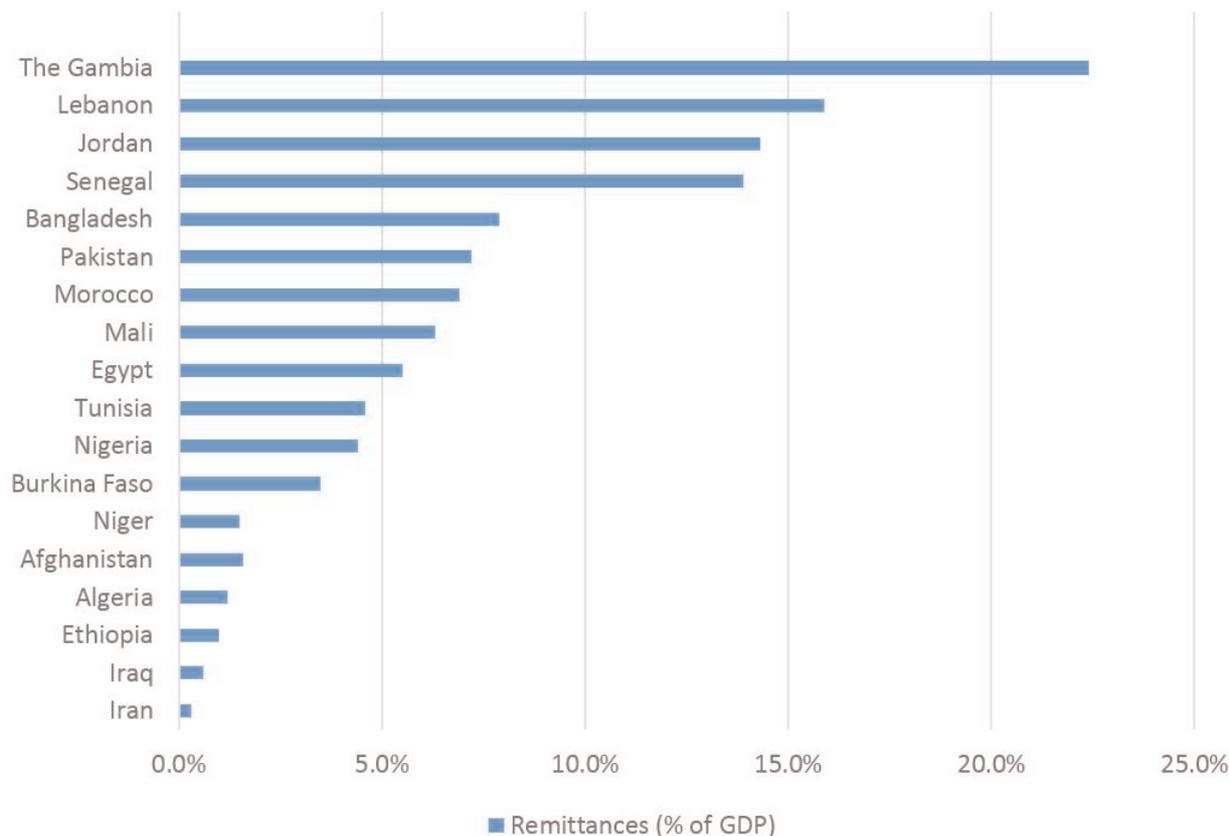
## The importance of remittances

Broader financial considerations are also likely to limit the extent to which many countries of origin and transit truly want to cooperate with the EU on migration management. Remittances account for a sizable

percentage of the GDP of many African states: according to World Bank statistics from 2015, they made up 6.3% of Mali's GDP, 13.9% of Senegal's and even 22.4% of Gambia's economy.<sup>16</sup> World Bank statistics also show that Official Development Assistance has been consistently (and significantly) lower than remittances since the mid-1990s, with projections suggesting a medium-term increase while ODA levels stay roughly the same.<sup>17</sup> In fact, while remittances to sub-Saharan Africa amounted to USD 35.2 billion in 2015, the EU Emergency Trust Fund for Africa (which was agreed at the 2015 Valletta Summit) has only accumulated EUR 2.56 billion in total pledges, of which only EUR 271.6 million is dedicated to North Africa.<sup>18</sup> This massive discrepancy is certainly on the minds of government officials negotiating with the EU, who may pay lip service to meaningful cooperation on migration management in order to obtain funds – knowing well that reducing migration would hurt their economy more than the amount of assistance offered by the EU could help it.

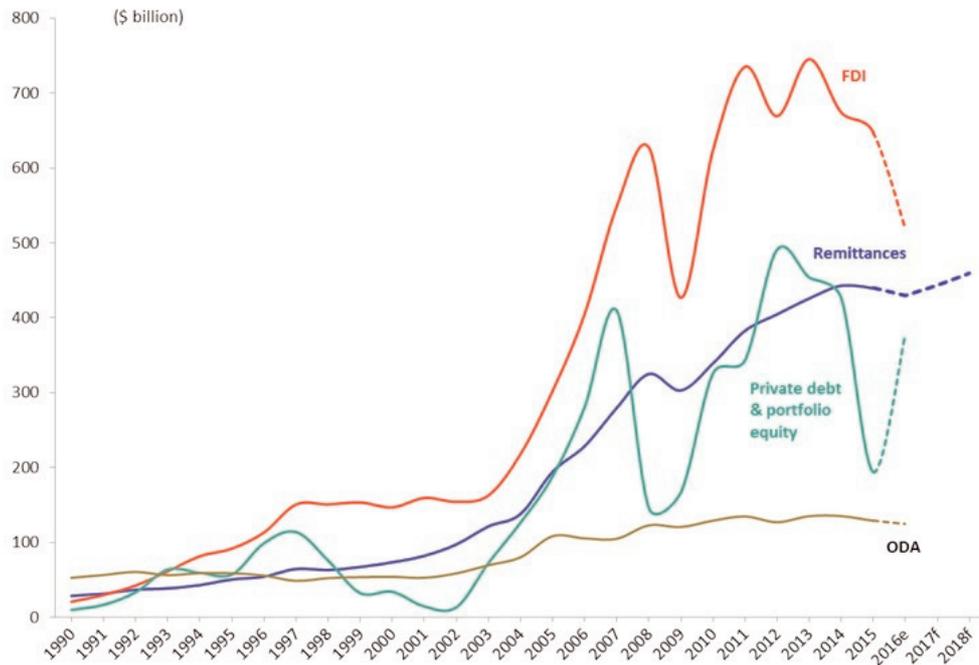
In negotiating agreements with third countries, EU diplomats will need to carefully evaluate the importance of remittances for that counterpart's economy. Countries that heavily depend on remittances, such as Gambia, Lebanon, Jordan and Senegal will likely require bigger incentives to cooperate on migration management issues than countries with a lower proportion of GDP made up of remittances. It is financially almost impossible to increase ODA enough to match or exceed remittances for most countries, and it would be problematic to employ such conditionality anyway, for the reasons stated above. Nevertheless, other incentives could be used, such as visa liberalisation. However, such considerations should not only focus on the face value of remittances in a given country, but also attempt to discern how much of those remittances stem from legal migrants as opposed to irregular ones. The geographical origin of remittances should also be taken into account, as the remittances generated by diasporas in Europe may be smaller than those in other parts of the world for some nationalities.

Remittances as share of GDP (2015)



Source: Authors' own, using information from World Bank Annual Remittances Data (updated as of April 2017).

## Remittances to developing countries compared to ODA and private capital flows



Source: World Bank (2017), "Migration and Development Brief 27: April 2017," Migration and Remittances Team, World Bank, Washington, DC.

## Achieving meaningful partnerships

In such a fragmented and complex context in countries of origin and transit, achieving meaningful partnerships to reduce irregular migration flows requires a more inclusive, targeted and diversified approach that is distinct from traditional development cooperation. Given the importance of local and tribal actors, the EU should engage with them directly rather than focus exclusively on national governments. More efforts should be made to identify and focus migration management cooperation on issues where third countries' needs and EU interests are aligned (at least to some extent), instead of pushing for quick results that may be fundamentally opposed to those countries' interests.

For example, in order to incentivise third countries' cooperation on the readmission of failed asylum seekers, a study/work visa scheme could be initiated. For each returnee that a third country accepts, a negotiated number of study or work visas could be offered to citizens of that country. Such a scheme could be targeted to North African countries like Tunisia and Morocco, and possibly also Pakistan and Bangladesh, which have significant return backlogs, but also large, relatively well-educated, young populations which stand to benefit the EU most. Other bargaining chips to be used in attempts to encourage third countries' cooperation on returns are trade agreements and reducing the expense of money transfers (relevant for remittances) between the EU and that country.

Another sustainable way of reducing irregular arrivals to the EU is to create more legal channels for asylum seekers, thereby disrupting smugglers' markets and damaging their business model. In this regard, external processing centres with a large capacity to process claims for international protection could be opened in major transit countries such as Niger. The UN Refugee Agency (UNHCR) and the International Organization for Migration (IOM), in cooperation with a reformed European Asylum Support Office (EASO), would assess eligibility during an efficient, fast-paced asylum procedure. Those who are considered to qualify for international protection would be resettled to the EU while those who do not qualify would be free to stay in Niger (if they are from the ECOWAS<sup>19</sup> region) or return to their country of origin. In order to discourage subsequent attempts to reach Europe irregularly, all migrants registered at an external processing centre

would be entered into Eurodac.<sup>20</sup> Migrants who arrive in the EU irregularly anyway, but are found to have been registered and assessed for protection at an external processing centre within one year prior to their arrival in the EU, would be subject to immediate return to Niger or their country of origin.

These initiatives and others could be tested as pilot projects to establish their effectiveness, and replicated if they yield the desired results. Even if they prove not to be effective, the EU does not stand to lose much in trying out such innovative solutions. The number of irregular migrants coming to Europe would not increase because of them, nor would smugglers stand to gain anything.

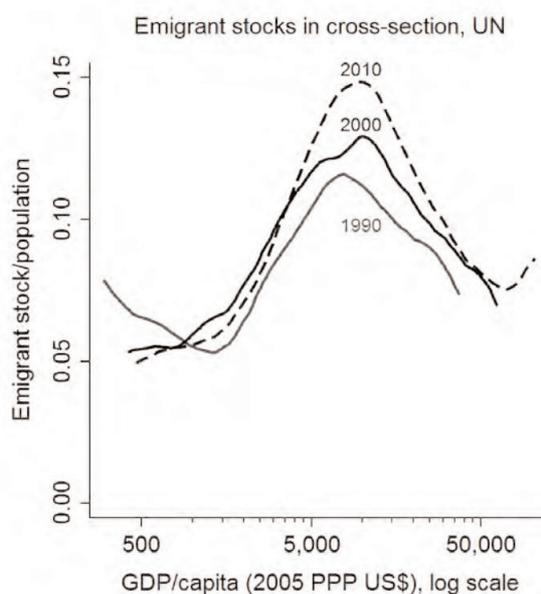
## Development's true effect

Recent research has seriously questioned the effectiveness of using development aid as a means of reducing migrant numbers.<sup>21</sup> Many experts argue that development that targets the 'root causes' of irregular migration can actually lead to an increase in migration.

Development aid that sets out to target these root causes is designed to boost the economy of countries of origin to reduce or even eradicate the economic stimulus for emigration. Yet in reality it can, to a certain degree, act to further encourage that movement.

The reasoning behind development acting as a stimulant to emigration can be understood in quite simple terms. Economic migrants think of emigration as an investment from which they will receive a return. The difference between the initial investment to migrate and the return on that investment determines the likelihood of actual migration. Potential migrants who lack the resources needed to make this initial investment are essentially unable to migrate, even if they want to. Lower income countries in sub-Saharan Africa are home to large populations that simply lack the resources needed to emigrate, but would be likely to do so as soon as they obtain sufficient resources.

Increasing development aid to lower income countries will not decrease migrant numbers but may in fact increase the number of potential migrants to wealthier economies in Europe. Middle income economies, like those in North Africa, contain more people who are capable of making such an investment. However, potential migrants will stay put when the margin between the return on their investment in leaving and the opportunities available in their home countries becomes slight.<sup>22</sup> Investing development aid in those middle income economies may therefore, in the long term, reduce the number of people migrating to the EU from those countries.



Source: Clemens, Michael (2014), *Does Development Reduce Migration?* Working Paper 359, Centre for Global Development.

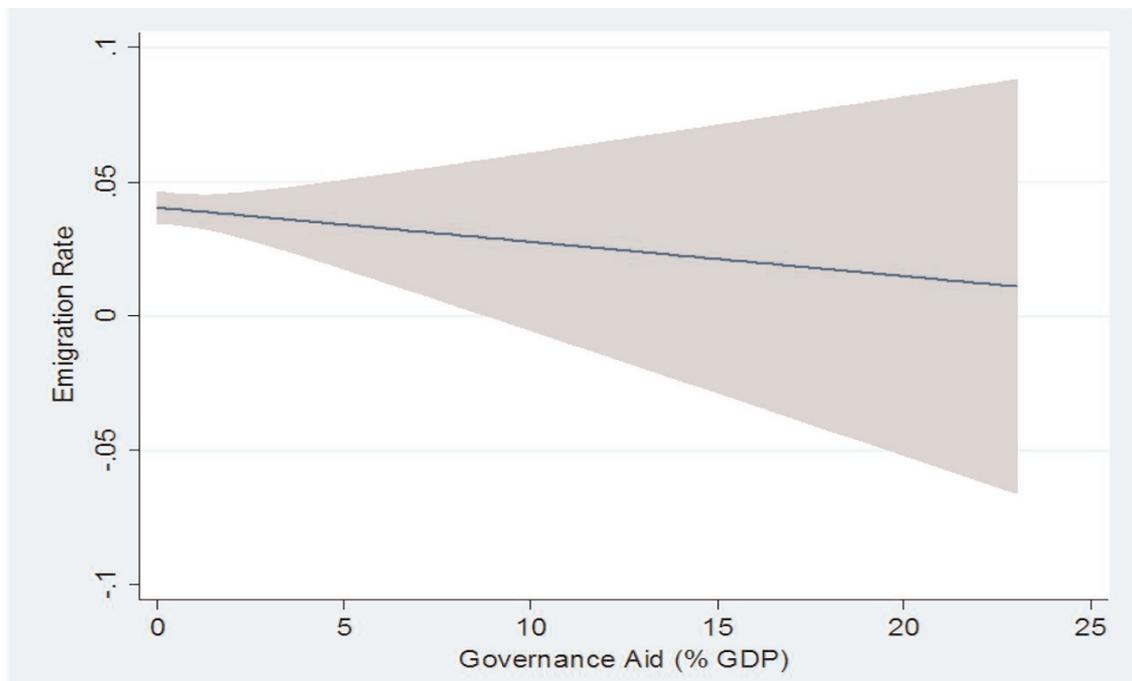
Development aid in poorer nations, particularly sub-Saharan nations, will not be effective in tackling the root causes of migration and could well be counter-productive. Developing these economies from such a low base with the hopes of discouraging migration can only be done with an extremely long-term outlook. The short-term effect will be that people in these countries will be pushed further toward the middle income bracket whereby they are increasingly likely to make the investment to leave.

On this basis, the European External Investment Plan, which aims to tackle the root causes of irregular migration by encouraging investments, is based on a false premise. While the overall benefits of promoting investments in lower income countries certainly justify its continuation, it cannot be expected to reduce emigration. Aid that targets the root causes of migration will only be effective if applied to middle-income nations. As most African countries which receive development aid from the EU (for the purpose of addressing the root cause of irregular migration) are low income countries, this development aid will not have the EU's desired effect on migration flows.

### Governance aid as an exception

There is one understudied exception to development acting as a stimulant to migration in countries of origin. That exception is when development aid is specifically targeted at promoting good governance i.e. aid that is directed toward strengthening government and civil society.<sup>23</sup> This type of aid should not be confused with more limited capacity building efforts to train and equip border guards, for example.

Development aid aimed at promoting good governance will seek to eradicate less obvious push factors of migration such as political instability, corruption-induced discrimination, repression and under-representation. The inference is that if development aid is to be targeted at decreasing irregular migration then it is most effective if transmitted through the medium of governance aid. Furthermore, governance aid is itself at least partially tasked with empowering the rule of law and good governance. It is therefore an area of development that is less likely to be misused than many other types of aid.



The blue trend line illustrates the average relationship between governance aid (as a share of GDP) and emigration rate (95% confidence intervals in gray). Source: Jonas Gamso and Farhod Yuldashev, *Development Aid May Not Deter Migration, But Governance Aid Will* (as published in newsdeeply.com).

Recent research has shown that only 10%<sup>24</sup> of global development aid is aimed at good governance, even though it is the category of development aid best equipped to have a significant impact on emigration rates in

countries of origin. The EU has made a larger investment in governance aid ('Improved governance') within the approved funding through the strategic objectives of the EU Trust Fund for Africa (23%). Conditionality-based development aid ('Improving migration management') represents 15% of the total fund, while economic development ('Greater economic and employment opportunities') stands at 30%.<sup>25</sup> The single biggest area of approved funding is listed as 'Strengthening Resilience' and accounts for 32% of the total.

Governance aid represents the only effective policy option if the objective is to decrease migration flows. Conditionality that requires the receiving state to tighten or even close borders risks violating migrants' rights, while other forms of development aid, as has been explored, can in fact have the reverse effect and actually lead to increased migration. On this basis, it is recommended that high risk conditionality-based aid is redirected more toward governance aid, and that this change should not affect economic development which addresses the EU's primary objective for aid, as stated in Article 208 of the TFEU – the reduction and eradication of poverty.

## The way forward

Reducing irregular migration to Europe in a sustainable and humane way will require creative approaches and a long-term outlook. The EU's external action in countries of origin and transit will need to consider those countries' local realities, interests and the possible unintended effects of well-intended efforts. Negotiations with third countries should always consider the importance of remittances for that country's economy as well. A better understanding of migration dynamics in relation to a given country's level of economic development is also necessary. However, this should not jeopardise development aid for the poorest countries, but rather lead to more differentiated approaches (and expectations) depending on the country in question.

In the pursuit of irregular migration reduction results, special attention should be given to governance aid, due to its proven effectiveness in achieving positive outcomes for both beneficiaries and donors. Opening up legal channels of migration is also important, both as a carrot to incentivise third country cooperation but also to damage the business model of smugglers. To this end, study/work visa schemes and external processing centres for asylum claims could be envisaged – initially as pilot projects. Even if such measures would certainly not stop irregular migration completely, they could reduce flows sufficiently enough to curtail the economies of scale that have allowed smugglers to thrive.

Above all, expectations of the potential results of EU efforts in its neighbourhood and beyond should be kept in check. There is no silver bullet solution to the complex issues that underlay irregular migration. The root causes of migration can only be tackled with an extremely long-term outlook and any initiative faces significant challenges to its effectiveness. Nevertheless, fulfilling the dual objectives of reducing irregular migration and poverty is possible if one-size-fits all approaches are avoided and efforts outlast the typically short political attention spans that have hampered successful outcomes in the past.

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*The views expressed in this Discussion Paper are the sole responsibility of the authors.*

## Endnotes

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