



Money Talks

Mapping the funding for EU external migration policy

Leonhard den Hertog

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Abstract

This paper examines the role of funding in the EU's external policies on migration, borders and asylum. Academic analysis has looked extensively into the political and legal resources of the EU in this area, but surprisingly little attention has been paid to the role of funding in the governance of this cooperation with third countries. The objective of this paper is first to understand what EU funds are involved and which actors are setting priorities for funding in the field of migration, borders and asylum. This is a highly technical field of EU governance, characterised by complex political and legal dynamics. The funding landscape is fragmented and incoherent, with limited coordination, but this incoherence can be understood in light of the broader political, sociological and institutional struggles that come to the fore in the setting of priorities for funding. This paper argues that a certain degree of incoherence is an inevitable characteristic of EU governance in this field. The bigger issue is the challenge posed to accountability by this EU funding.



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EXECUTIVE SUMMARY

At a time when funding instruments to support the EU's external policies on migration are multiplying, this paper offers a comprehensive overview of the funding landscape. It maps the different funding instruments and actors and priorities involved and, in light of the new funding instruments established in response to the 'refugee crisis', it identifies a number of challenges.

This paper identifies a large number of funding instruments for migration-related projects in third countries, as there is no single or central EU fund for such projects. These funding instruments are established under various EU policy fields, such as **development cooperation, home affairs, neighbourhood, enlargement, and common foreign and security policy.** Furthermore, the EU agencies externally active in this field are also funded through the EU budget.

Linked to the disparate approaches of the Commission Directorate Generals and services that manage all the funding instruments, **divergent priorities are pursued. These follow the lines of i) security and irregular migration, ii) rights and humanitarian needs, iii) migration and development, and iv) legal and labour migration.** It is clear from the overview of funding decisions that **security and irregular migration have been deemed the highest priority.** Linked to this, there is a strong geographical focus on countries located in the southern Mediterranean and sub-Saharan Africa.

The processes of establishing, programming, managing and implementing EU funding instruments involve an intricate set of interactions between actors. These include the different Commission Directorate Generals, services, agencies, the European Parliament, international organisations, non-governmental organisations, third countries and further private parties. **As each of these entities has its own set of interests and priorities, the funding landscape is increasingly fragmented.**

This funding landscape saw a major transformation as a consequence of the 'refugee crisis'. To complement arrangements with third countries and regions, new funding instruments have been established and are managed with surprising speed and flexibility. Most notably, these include the EU Emergency Trust Fund for Africa and the Facility for Refugees in Turkey. **These instruments**

* Leonhard den Hertog is a TRANSMIC postdoctoral researcher within the Justice and Home Affairs section at CEPS, Brussels, and Faculty of Law, Maastricht University. TRANSMIC is a project coordinated by Maastricht University and funded by the European Commission's FP7 Marie Curie actions under grant agreement no 608417. The author would like to express his gratitude for the valuable feedback received from his supervisors Dr. Sergio Carrera and Prof. Hildegard Schneider, from the other researchers in the TRANSMIC project, and from the participants of a UACES Annual Conference 2015 panel in Bilbao, where a first draft of this paper was presented.

mostly amount to a relabelling and rewrapping of existing EU funds under new management and priorities. Despite a lack of contributions from member states, they obtained privileged access to funding for implementing projects under the Trust Fund for Africa. This, combined with the fast pace of funding decision-making, leads to a **lack of transparency and casts doubt on whether value for money and EU added value are achieved.** Whereas **'flexibility' under these new instruments may allow for quick funding decisions, there is a risk that such decisions are incompatible with existing EU legal bases and regulations, such as for humanitarian aid and development cooperation.**

Funding for migration and development is increasingly moving from 'migration for development' towards 'root causes' and 'conditionality' approaches. The 'root causes' approach, when viewed as a means to limit the drivers of irregular migration, is based on an incomplete understanding of what funding can do in development processes and the effects of those processes on migration flows. The 'conditionality' approach, linking external funding to third country cooperation on border management and readmission, will be difficult to coordinate and implement in reality given the level of fragmentation in funding. It may also backfire on the EU as third countries increasingly see migration as leverage to obtain EU funding, and hinder the work of the EU as a development and humanitarian actor.

There is a growing risk that funding in this area is led by emergencies rather than policy, as the policy priority structure has grown increasingly diffuse. Although the Global Approach to Migration and Mobility (GAMM) and its instruments have not been revoked formally, the 2015 'European Migration Agenda' and the 2016 'Partnership Framework' have come to take precedence over it. As a result, some third countries find themselves increasingly targeted by overlapping and competing EU instruments and funding. The Commission and the EEAS should establish clear and balanced policy objectives to guide funding decisions in this field.

When taking stock of the long-term developments in this funding landscape, we note its incremental expansion, leading to increasing incoherence. As the Court of Auditors has identified, there is no clear central overview of funded actions, making it difficult to measure the impact and EU added value of the funding involved. With the arrival of new funding instruments such as the Trust Fund for Africa, further layers of management and implementation are added to the picture. **This paper argues that a certain degree of incoherence is inevitable in this multi-actor field of shared competences, a finding that should however not be confused with or taken as justification for a lack of transparency or accountability.**

As there is now more EU funding available than ever before for migration-related projects in third countries, it is crucial to devote resources to management, monitoring, evaluation and auditing. Several steps could be taken to ensure this, such as the enhancement of the Commission's mechanisms and human resources to manage and monitor EU spending in this field, especially where shared management with and implementation by the member states is involved. It is imperative that the Commission improve its information systems to allow for a clearer overview of migration-related spending across the relevant instruments. To ensure value for money and transparency, the Commission should consider opening up and rationalising procedures to access funding under the new instruments. In general, as these new instruments partly circumvent the EU budget authority, including democratic debate in the European Parliament, the Commission should plot a clear path towards a return to 'normality' as soon as possible. This could be addressed in the MFF review. Finally, the Court of Auditors should consider carrying out a holistic audit of this reconfigured external migration funding landscape.

1. Introduction

Funding is an important instrument for the EU's cooperation with third countries in the area of migration, asylum and borders. There are numerous EU funds that finance actions in third countries, ranging from refugee protection to border management. The diverse and dispersed nature of the funds and programmes makes it difficult to identify the priorities and the actors behind this funding. This is even more the case since the various budgetary amendments and the establishment of new funding instruments to address what has come to be called the 'refugee crisis',¹ adding a layer of ad hoc funding responses that shake up the existing funding landscape.

In the academic literature, there has been ample attention paid to the political and legal frameworks of these relations between the EU and third countries.² Yet there has been limited work on the role that funding plays in the governance 'mix' in this area.³ Can 'EU funding' be understood as serving to 'implement' 'EU policy' in these fields of external relations? In exploring these questions, this paper finds that the funding landscape is fragmented and that a picture of incoherence emerges between funding instruments, with different actors setting different priorities.

This paper first aims to comprehensively map the different relevant funding instruments in the EU's external relations on migration, borders and asylum. Section 2 identifies the different EU funding instruments that can finance migration-related projects in third countries. There are a number of different funds at play here, each with their specific regulations, rules and programming cycles. The aim of section 2 is to disentangle these funds and their characteristics. Alongside the mapping of the funds, the analysis aims to identify which EU actors are setting what priorities for these funds. This amounts to a mapping of the different departments of the European Commission and the European External Action Service (EEAS) involved in the programming and management of the different funding instruments. The role of the member states in setting priorities is also analysed, focusing on the comitology processes under the different funding instruments. Moreover, the role of third countries and international organisations is crucial.

In a field with so many actors, priorities and stakeholders, the only expected outcome is the fragmented and incoherent funding landscape that we indeed find. The vested interests of policy

¹ This paper puts the term 'refugee crisis' in inverted commas to express the author's reservation that this is a constructed term employed in public discourse that pays insufficient attention to the policy dynamics behind the causes and ways of dealing with the situation (see, for a more detailed argument on the 'crisis': <https://www.ceps.eu/publications/documenting-migration-crisis-mediterranean-spaces-transit-migration-management-and>).

² See e.g. Christina Boswell, "The 'External Dimension' of EU Immigration and Asylum Policy," *International Affairs* 79, no. 3 (May 2003): 619–38; Daniel Wunderlich, "The Limits of External Governance: Implementing EU External Migration Policy," *Journal of European Public Policy* 19, no. 9 (2012); Frank Mc Namara, "Member State Responsibility for Migration Control within Third States – Externalisation Revisited," *European Journal of Migration and Law* 15, no. 3 (January 1, 2013): 319–35; Natasja Reslow, "Deciding on EU External Migration Policy: The Member States and the Mobility Partnerships," *Journal of European Integration* 34, no. February 2015 (2012): 223–39; Sergio Carrera, "The EU's Dialogue on Migration, Mobility and Security with the Southern Mediterranean: Filling the Gaps in the Global Approach to Migration," CEPS Liberty and Security in Europe, 2011; Paula García Andrade, "The Legal Feasibility of the EU's External Action on Legal Migration: The Internal and the External Intertwined," *European Journal of Migration and Law* 15, no. 3 (January 1, 2013): 263–81.

³ But see, on the case study of EU-Morocco relations: Nora El Qadim, *Le Gouvernement Asymétrique Des Migrations. Maroc/Union Européenne* (Paris: Dalloz, 2015), chap. 3; Leonhard den Hertog, "Funding the EU-Morocco 'Mobility Partnership': Of Implementation and Competences," *European Journal of Migration and Law* 18 (2016): 275–301. See also: Leonhard den Hertog, "EU Budgetary Responses to the 'Refugee Crisis' - Reconfiguring the Funding Landscape," *CEPS Papers in Liberty and Security in Europe*, no. 93 (2016).

actors in administering funds lead to the incremental expansion of the funding landscape, thereby increasing its incoherence. This paper argues that incoherence is a normal and inevitable feature of EU governance in this field, which will not go away any time soon. The real issue at stake is not the incoherence as such, but rather the challenges produced to financial accountability and the compatibility with EU rules, principles and commitments. The latest developments in this funding landscape, especially, such as the setting up of the Trust Fund for Africa and the Turkey Refugee Facility, come with their own set of compatibility and accountability challenges.

2. Mapping the funding landscape

This section provides a mapping of the different EU funds that finance the cooperation with third countries in the areas of migration, asylum and borders. After identifying and describing the funds (2.1), the mapping will be centred on the priorities (2.2) and actors (2.3) throughout these funds. This analysis is based on a series of interviews conducted with EU officials in Brussels, as well as on the document analysis of funding regulations, programming documents, implementing decisions and other documentation.

At the outset, it should be noted that the EU works with Multiannual Financial Frameworks (MFFs), with the current MFF covering the period 2014-20. Therefore, the budgets of the funds are often expressed in overall numbers for this period, and the legal frameworks are the regulations in place for these seven years. This also means that the new funds are just now starting to show their first results. This section will thus often refer back to the predecessor funds over the previous MFF periods. This will help to understand the current situation and the incremental changes this funding landscape has undergone. Moreover, the Funds analysed here are placed under Heading 3 'Security and Citizenship' and Heading 4 'Global Europe' in the EU budget, except for the European Development Fund (EDF) and the funding for the Common Foreign and Security Policy (CFSP) that are formally outside the EU budget.

An important limitation of the analysis below is that it does not take into account the purely bilateral financial activities of member states with third countries. It does, however, take into account as much as possible the bilateral activities of member states financed by EU funds that are e.g. under 'shared management', such as the Home Affairs funds (see below section 2.1.3). The role of member states is in any case crucial for all of the EU funds, namely through the so-called 'comitology' procedures. The different funds have their own committees in which the member states, under Commission chairmanship, examine the different implementing acts under the funds.⁴

2.1 Funds

2.1.1 Development Cooperation Instrument (DCI)

The DCI is the main development cooperation fund under the EU budget (€16.9 billion for 2014-20). Under the DCI there is the possibility to fund migration-related projects through the following three programmes.

⁴ Implementing acts are provided for in Art. 291 TFEU. Moreover, the regulation covering the external relations funding instruments (i.e. excluding the Home Affairs funds) lays down more provisions on this, in combination with the funds' specific Regulations. See Art. 16, European Parliament and Council, "Regulation (EU) No 236/2014 of 11 March 2014 Laying down Common Rules and Procedures for the Implementation of the Union's Instruments for Financing External Action," *OJ L 77/95* (2014).

Geographic programmes

Geographic programmes consist of bilateral or regional development cooperation, but importantly they exclude African countries⁵ and the EU's eastern neighbour countries. Under the principle of complementarity, those countries are covered by other funds such as the European Development Fund (EDF), the European Neighbourhood Instrument (ENI) or the Instrument for Pre-Accession (IPA II) – see further, below. As a result, the DCI geographic programmes do not cover the most salient countries of origin or transit of migration to Europe. They rather finance bilateral or regional cooperation in Latin America, the Middle East and Asia. Under the geographic cooperation programmes, migration and asylum are explicitly identified as areas of cooperation.⁶

The Pan-African programme

The Pan-African programme is new under the 2014-20 DCI Regulation, which can finance 'continental or trans-regional' projects in all of Africa. This means that it is the first programme to treat Africa as a whole, instead of the fragmented approach under the geographical programmes across different funds. The pan-African programme is meant to be based on the 2007 Joint Africa-EU Strategy, in which migration is also identified as a priority.⁷ Interesting for the current analysis is the €18.5 million EU-Swiss 'Support to Africa-EU Migration and Mobility Dialogue' adopted in 2014. This action supports, inter alia, the 'Rabat Process' and cooperation on diaspora and employment, and is implemented by the International Centre for Migration Policy Development (ICMPD).⁸

The thematic programme on migration and asylum

The 'Global Public Goods and Challenges' thematic programme under the DCI is the most relevant for this analysis, as it has a dedicated area of cooperation on migration and asylum. The thematic programme can finance projects in key countries such as Morocco because, unlike the geographic programme, there is no geographical limitation.

With a budget of €344 million (2014-20), this is the smallest area of cooperation under the thematic programme, which points to the fact that from a development cooperation perspective, migration was not perceived as a top 'problem'. This perception changed radically during the 'refugee crisis' of 2015, where the 'root cause' development approach to migration resurfaced strongly (see section 2.1.12, below). Within this area, the focus is on

migration, mobility and asylum governance and better management of migration flows; maximisation of the development impact of increased regional and global mobility of people, while promoting and protecting the human rights of migrants; and improved understanding of the migration and development nexus.⁹

⁵ Except South Africa.

⁶ Art. 5(c.i), European Parliament and European Council, "Regulation (EU) No 233/2014 of 11 March 2014 Establishing a Financing Instrument for Development Cooperation for the Period 2014-2020," *OJ L 77/44* (2014).

⁷ European Commission, "Pan-African Programme 2014-2020 - Multiannual Indicative Programme 2014-2017" (Brussels, 2014).

⁸ European Commission, "Annex 7 of the Commission Implementing Decision on the Annual Action Programme 2014 of the DCI Pan-African Programme - Action Document for Support to Africa-EU Migration and Mobility Dialogue" (Brussels, 2014). The Rabat process is a political dialogue on migration between the EU and North, Central, and West African countries, see: <http://processusderabat.net/web/index.php/actors/dialoguepartners>

⁹ European Commission, "Programming Thematic Programmes and Instruments - Programme on Global Public Goods and Challenges 2014-2020 - Multi-Annual Indicative Programme 2014-2017" (Brussels, 2014), 9.

Indeed it is clear from the multiannual programming that the migration-development nexus is a priority for the migration area under the thematic programme. During interviews the importance attached to a development perspective on migration was repeatedly stressed, including the emphasis on the interests of third countries and their development.¹⁰ This represents the particular priorities of the Commission's Directorate-General (DG) 'International Cooperation and Development' (Devco), which is the DG administering the DCI.

Until the introduction of the external funding competence under the home affairs funds in 2014 (see below section 2.1.3), the thematic programme was the only targeted programme for the external dimension of EU migration and asylum policy. It was therefore very much the key fund for priority setting in this area. The current DCI programme has its predecessors: the Thematic Programme for Migration and Asylum (TPMA) under the previous 2007-13 DCI Regulation, the 'AENEAS' programme (2004-06), and the so-called B7-667 budget line (2001-03). They provided targeted EU financial support for cooperation with third countries on migration matters. A short historical overview of these consecutive programmes is necessary to understand the present struggles dominating priority-setting for funding in this area, especially between the EU development and home affairs actors and approaches.

Preparatory actions under budget line B7-667: 2001-2003

Accompanying the development of the EU external dimension of migration and asylum and following up from the 1999 Tampere European Council, an overall amount of €59 million was allocated over the 2001-03 period to support cooperation in this field with third countries.¹¹ The programme was often referred to as 'preparatory actions' under 'budget line B7-667'. Initially this budget line was solely managed by the former Commission DG Justice, Liberty and Security (JLS – i.e. the predecessors of the current DGs for 'Migration and Home Affairs' and 'Justice and Consumers'). Foreshadowing some of the wider actor and priority-setting dynamics at play, later project years saw the gradual involvement of external relations and development cooperation DGs in the selection of projects.¹²

In total, some 50 projects were funded. The focus on 'illegal migration' was stronger in the first programme year, with its share in projects gradually falling over the second and third year. Asylum and protection, as well as migration and development projects took a greater share of the funding as the programme progressed.¹³ This could be linked to the increasing involvement of the external relations and development cooperation DGs in the programming of this budget line. The table below indicates the contribution that the projects granted to different objectives, as expressed by the project leaders.

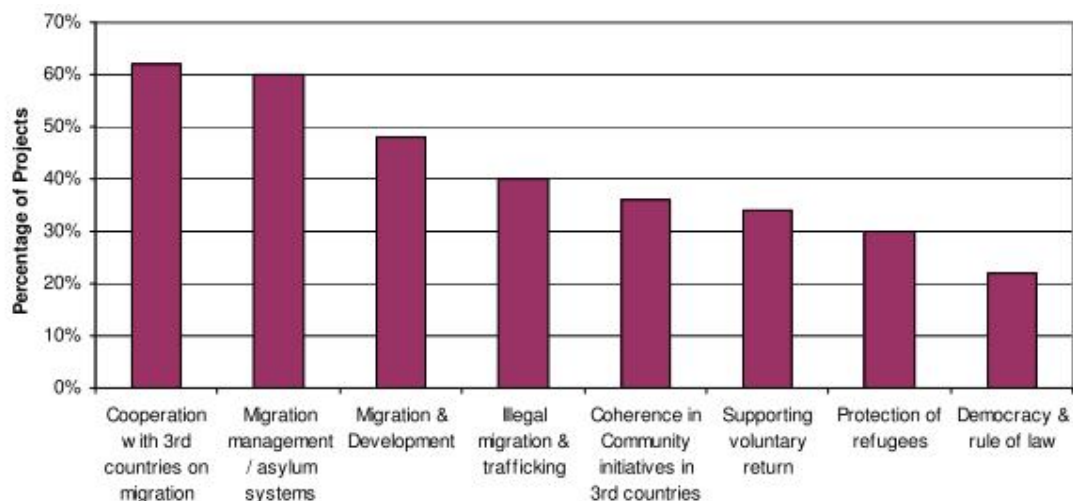
¹⁰ Interview official DG Devco, European Commission.

¹¹ This support was granted under budget heading 'B7-667'. See: Centre for Strategy and Evaluation Services, "Evaluation of Preparatory Actions B7-667 - Cooperation with Third Countries in the Area of Migration" (Kent, 2007); European Commission, "Communication on the Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum, COM (2006) 26 Final" (Brussels, 2006).

¹² Centre for Strategy and Evaluation Services, "Evaluation of Preparatory Actions B7-667 - Cooperation with Third Countries in the Area of Migration", 55.

¹³ *Ibid.*, 69.

Figure 1. B7-667 projects with 'quite' or 'very' significant contributions to objectives



Source: Centre for Strategy and Evaluation Services (2007).

This figure shows that the somewhat catch-all aims of 'cooperation' and 'management' were identified as having been most positively impacted by this funding. Foreshadowing the diverging priorities and perceptions that would come to dominate the 'external dimension', several project leaders identified divergences between the Commission's political objectives and the "needs on the ground".¹⁴ Some project leaders framed their projects in such a way that they would fall within the wide category of migration management for the EU, but they were actually interested in the improvement of migrants' and refugees' conditions and rights. Other project leaders and beneficiaries indicated that the programme was too based on European self-interest and not on cooperation. In the specific case of Morocco, beneficiaries were furthermore of the opinion that it was difficult to combine development and security issues in one programme. In terms of the type of activities, most projects implemented capacity-building, training and some form of network-building or inter-organisational cooperation. Few projects actually *directly* interacted with migrants or refugees themselves. Most projects were implemented by international organisations such as the International Organisation for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and the UN High Commissioner for Refugees (UNHCR), and a very small percentage (5.5%) by NGOs in third countries. Moreover, the largest geographical focus was on the Maghreb countries, as well as Afghanistan and Pakistan.¹⁵ This set of characteristics from more than ten years ago helps to understand and the funding in this area today, as will be shown further on.

The B7-677 budget line was evaluated, although only in 2007. This evaluation put forward several critical points, namely that the programming was conducted too much in isolation from the other EU external relations funding instruments and from the (then) EC delegations in the third countries concerned.¹⁶ The evaluation also hints at the fundamental tension in this funding area, namely that internal and external policy actions and actors intersect here:

From the perspective of the European Commission, it should be noted that B7-667 was in many ways a learning process for DG JLS in the coordination of a programme with main

¹⁴ Ibid., 70–71.

¹⁵ Ibid., 70–75.

¹⁶ Ibid., 43–65.

impacts outside the EU. In addition, migration is a cross-cutting topic which involved the activities of a number of different DGs.¹⁷

The evaluation highlighted that one of the main contributions of the budget line had been to show 'European added value', which was important 'from a strategic perspective for the European Commission'. In this way, budget line B7-667 was also "a demonstration by Member States that they were willing to work with the European Commission on migration issues".¹⁸ This confirms the fact that funding is an important policy instrument for the Commission to shape priorities in an area of contested competences.

The AENEAS programme: 2004-06

The AENEAS programme was the structural follow up to the 'preparatory actions' discussed in the previous section.¹⁹ The implementation of AENEAS was entrusted to DG Devco/EuropeAid in the Commission. Although the programme was linked to the development community, it also featured elements prioritised by the home affairs community, such as 'the fight against illegal migration' and readmission.²⁰ A Commission overview of the 107 funded projects for the period 2004-06 highlights the large diversity. They include international protection projects by the UNHCR, common border surveillance and control projects with third countries by Spain's Guardia Civil,²¹ and, for example, the development and distribution of a comic book in the DRC countering the image of "les avantages et les richesses de l'Eldorado européen" by the Belgian Red Cross.²² The overview of projects also shows that most projects focused on the 'African and Mediterranean routes'. The wide variety of projects funded by the AENEAS programme is clear from the table and graph below.²³

Table 1. AENEAS funded projects 2004-06

Sub-sections	No projects	EC contribution
Asylum and protection	21	€ 21,024,126
Irregular migration and borders	21	€ 25,218,586
Labour and legal migration	20	€ 19,837,964
Migration management	16	€ 16,508,773
Migration and development	11	€ 12,700,819
Readmission, return and reintegration	10	€ 12,861,728
Smuggling and trafficking	8	€ 8,349,292
TOTAL	107	€ 116,501,288

¹⁷ Ibid., 64.

¹⁸ Ibid., 106.

¹⁹ Recitals 6 and 7, Parliament and Council, Regulation (EC) No 491/2004 of 10 March 2004 establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS), OJ L 80/1, 18.03.2004.

²⁰ Art. 2(d,e), *ibid.*

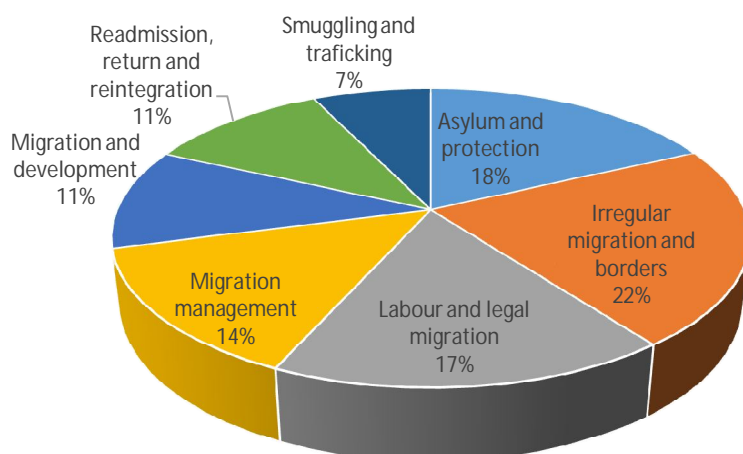
²¹ The so-called Seahorse project.

²² European Commission, "AENEAS Programme for Financial and Technical Assistance to Third Countries in the Area of Migration and Asylum - Overview of Projects Funded 2004-2006" (Brussels, 2008), 12, 17, 22.

²³ The table and graph were prepared through an own compilation from the project descriptions provided in the AENEAS 2004-2006 project overview report (European Commission, "AENEAS Programme for Financial and Technical Assistance to Third Countries in the Area of Migration and Asylum - Overview of Projects Funded 2004-2006."). The sub-section classifications follow those of the Commission itself, although several are merged as they overlapped considerably.

Source: own compilation.

Figure 2. AENEAS EC contributions per sub-section 2004-06, in %



Source: own compilation.

The AENEAS programme was discontinued after two years (i.e. in 2006) due to the adoption of the 2007-13 MFF, which had its own thematic programme on migration under the DCI Regulation. An evaluation of the AENEAS programme indicated that it had ensured wide coverage and diversity in terms of countries and partners, but also highlighted, inter alia, that capacity-building of NGOs in third countries required more attention and that the conclusion of readmission agreements could be facilitated more.²⁴ Another evaluation looking specifically at migration and development projects concluded that the long-term impact and continuity of the funding was insufficient and that some return and reintegration (i.e. of returned individuals in their country of origin) actions were designed too much with EU member states interests in mind.²⁵

Moreover, it is evident that priority setting along geographic axes is important. The AENEAS funding programme gave priority to Africa and the Mediterranean. This geographic priority setting is intertwined with thematic priority setting. They can be understood as stemming from and contributing to a policy discourse in which Africa and the Mediterranean are perceived as sources of interlinked irregular migration, smuggling and developmental problems.

Thematic programme on cooperation with third countries in the areas of migration and asylum (TPMA): 2007-13

Under the 2007-13 MFF, the TPMA was supposed to be better aligned with the EU's development and cooperation policies than the AENEAS programme, although also intended to "better match the Community's own interests".²⁶ The degree to which different policy priorities such as internal

²⁴ European Commission, "2011-2013 Multi-Annual Strategy Paper - Thematic Programme 'cooperation with Third Countries in the Areas of Migration and Asylum'" (Brussels, 2011), 9.

²⁵ Elisabeth Picard and Raffaella Greco Tonegutti, "Technical Assistance for Study on Concrete Results Obtained through Projects on Migration and Development Financed under AENEAS and the Thematic Programme for Migration and Asylum - Final Report", 2014, 18, 20.

²⁶ Art. 16, European Parliament and European Council, Regulation (EC) No 1905/2006 of 18 December 2006 establishing a financing instrument for development cooperation, OJ L 378/41, 27.12.2006. European Commission, "Communication on the Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum, COM (2006) 26 Final," 7.

security-driven border control versus the migration and development agenda can be credibly integrated, is a returning challenge of competing priorities in this area of funding.

The Commission indicated that the general geographic funding instruments in the neighbourhood and development cooperation sphere were best suited to fund projects that address 'the root causes of migration', such as poverty, and not the TPMA.²⁷ With €384 million allocated to the TPMA, it was the smallest thematic programme under the DCI, taking less than 10% of the overall thematic programme funding and just over 2% of the overall DCI funding.²⁸ It suggests that migration was not seen as the major developmental 'problem'. About half of the TPMA funding was intended for 'neighbourhood' countries.²⁹

The Commission stated that the reduction of migration flows towards the Union had been prevalent so far in the external dimension, hence now requiring "an approach which goes beyond the questions of border control and fight against illegal immigration, to incorporate other dimensions of the migratory phenomenon, in particular development and employment".³⁰ As a result, the TPMA had five 'strands', of which only one prioritised irregular migration: i) migration and development, ii) labour migration, iii) irregular migration and border, visa and passport management, iv) protection of migrants and v) asylum and international protection.³¹ This underlines the contested priority setting in this field between different actors, most forcefully between development and home affairs actors.

A mid-term review of the TPMA was carried out in 2010. It was clear that projects related to irregular migration were funded primarily (31% of funding) and that the southern migratory route received most attention (43% of funding). This questioned the balanced approach proclaimed at the start of the TPMA, where irregular migration was just one priority. Moreover, most projects (41%) were co-funded with international organisations and contained some sort of 'capacity-building' element.³² Several stakeholders highlighted the need to allocate more funding to other priorities, such as to labour and circular migration. The involvement of the local EU delegations in third countries was also seen as weak.³³ More fundamentally, the mid-term review highlighted the need to improve the protection of migrants' rights in the TPMA implementation. Finally, the limited financial resources of the TPMA were invoked as reason for the perceived lack of incentive for third countries.³⁴ This corresponds to a widespread assumption in EU policy-making: that funding creates incentives and produces leverage in the EU's cooperation with third countries.

Some of these concerns were taken up in the 2011-13 TPMA multiannual strategy paper. The strategy envisaged a broadened number of geographic and thematic priorities. Among those were a focus on supporting dialogues on migration issues, such as the Rabat process and the Euro-

²⁷ Ibid., 8.

²⁸ Annex IV, European Parliament and European Council, "Regulation (EU) No 233/2014 of 11 March 2014 Establishing a Financing Instrument for Development Cooperation for the Period 2014-2020."

²⁹ Art. 1(2), Ibid.

³⁰ European Commission, "Communication on the Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum, COM (2006) 26 Final," 9.

³¹ Article 16, European Parliament and European Council, Regulation (EC) No 1905/2006 of 18 December 2006 establishing a financing instrument for development cooperation, OJ L 378/41, 27.12.2006.

³² European External Action Service (EEAS), "Mid-Term Review of the Thematic Programme 'Cooperation with Third Countries in the Areas of Migration and Asylum' - Issues Paper" (Brussels, 2010), 6-7.

³³ European Commission, "Synthesis of the External Consultation on the Mid-Term Review of the Thematic Programme 'Cooperation with Third Countries in the Areas of Migration and Asylum', 2007-2013" (Brussels, 2010).

³⁴ European Commission, "2011-2013 Multi-Annual Strategy Paper - Thematic Programme 'cooperation with Third Countries in the Areas of Migration and Asylum,'" 10.

Mediterranean ministerial meetings. Moreover, the support for EU Mobility Partnerships (MPs) was highlighted, as well as for migrants' rights, international protection and readmission agreements. A specific target amount of financing was also set for building surveillance capabilities of third countries for their possible cooperation with Frontex (the EU Border Agency) and the EUROSUR surveillance system.³⁵

There was an external evaluation done into the 'migration and development' activities of the TPMA. One of the main findings identified a general challenge in this field, namely that the different concepts used are poorly delineated and can thus harbour a host of potentially opposing priorities. The concept of 'migration and development' can for example be framed to include fighting irregular migration. There is an inherent difficulty in establishing which and whose priorities are exactly served with the funding. An in-depth scrutiny found that only some projects effectively contributed to development in a sustainable fashion.³⁶

More importantly, the TPMA was subjected to a Special Report audit by the European Court of Auditors (ECA), published in early 2016. This report looks into whether 'EU support for neighbourhood countries for migration, mobility, and asylum is well coordinated and effective'.³⁷ It also looks at the relationship and coordination between the TPA and the European Neighbourhood Programme Instrument (ENPI) funding.³⁸ The Special Report highlights serious shortcomings such as lack of overview on what is funded, projects not having clear added value or fulfilled objectives and projects not translating the stated respect for human rights into action.³⁹

³⁵ European Commission, "2011-2013 Multi-Annual Strategy Paper - Thematic Programme 'cooperation with Third Countries in the Areas of Migration and Asylum.'"

³⁶ Picard and Greco Tonegutti, "Technical Assistance for Study on Concrete Results Obtained through Projects on Migration and Development Financed under AENEAS and the Thematic Programme for Migration and Asylum - Final Report," 39.

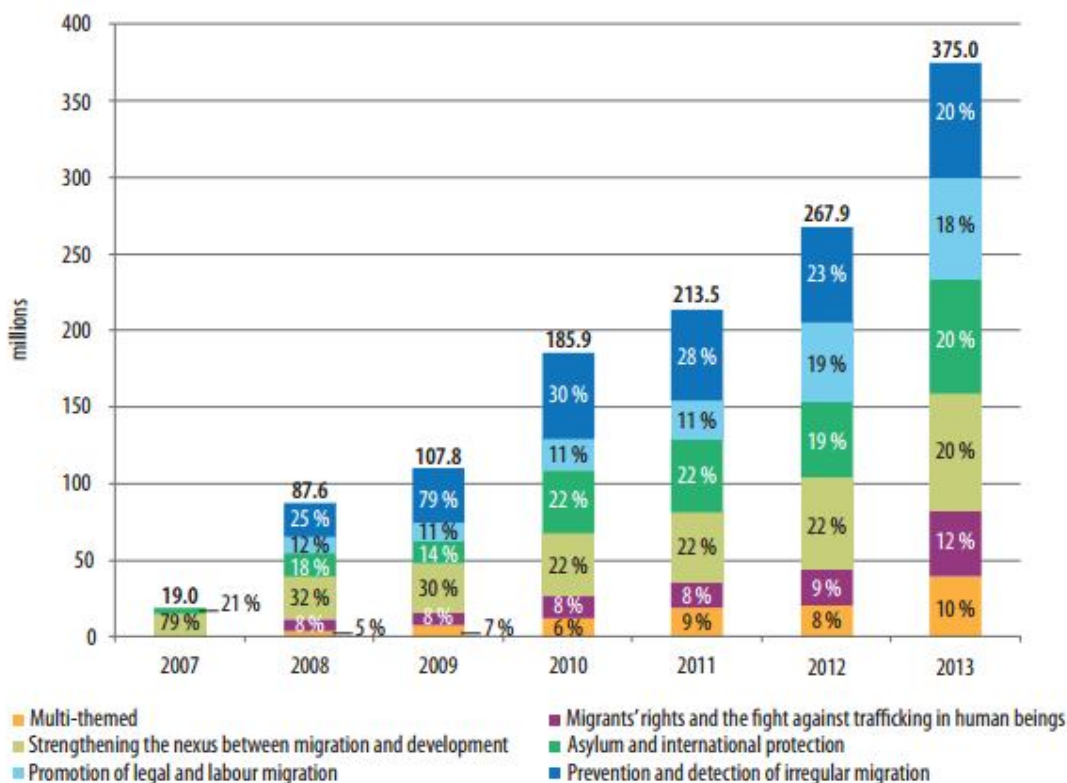
³⁷ WORK PROGRAMME 2015, Appendix p. 11.

³⁸ Ibid.

³⁹ Reference ECA Report.

Figure 3. ECA Special Report 9/2016, p. 30, based on data provided by the Commission

Cumulative thematic distribution of TPMA contracts 2007-2013



The above highlights the widely diverging priorities at play in this field of funding. The numbers show, however, that the main thematic priority addressed was irregular migration and the main geographic priority was still the South. Behind these priorities there are specific actors. The programming of the TPMA was a continuous balancing act between DG Home and DG Devco in the Commission. This created frustration on both sides: DG Home complained about the lack of own funding available as leverage vis-à-vis third countries, and DG Devco felt that its development cooperation money was unduly used for the EU's internal security objectives.

It is only against this background that we can understand the new 2014-20 external dimension funding available under the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF) (see below section 2.1.3). The new situation of a separation between the development and home affairs funding is meant to end this frustrating working relationship by giving both actors their own funding to pursue their policy objectives.

2.1.2 European Development Fund (EDF)

Even though the European Development Fund (EDF - €30.5 billion for 2014-20) is larger in quantitative terms than the DCI, the EDF is outside the Union budget and drawn directly from member state contributions. The management is carried out within the Commission's DG Devco. Importantly, the geographic eligibility is limited to the countries from the so-called African, Caribbean and Pacific (ACP) grouping under the EU-ACP Cotonou Agreement, and the Overseas Countries and Territories (OCTs). This excludes North African countries such as Morocco, which are not part of the ACP grouping but rather fall under European Neighbourhood Policy (ENP).

The EDF has funded migration-related actions in its various bilateral and regional programmes for many years. The implementation of the EDF resources is however more dependent on third

countries, as their consent to the (multi)annual strategies and Indicative Programmes is required under the EU-ACP Cotonou Agreement. As a result, the EDF resources are also not so easily mobilised for EU internal security reasons. The EDF-funded migration-related actions often follow a development perspective on migration. This can also be related to South-South migration and does not necessarily need to have a direct link to EU's migration policy or priorities. However, the recently constituted Trust Fund for Africa – largely funded from the EDF – could change this (see below, section 2.1.12).

As for the DCI's geographic programming process, for the EDF this is a cooperation exercise between the local EU Delegation, DG Devco and the EEAS. The Delegation plays an important role in gathering the input of the partner countries. Even though Article 17 TEU stipulates that the Commission "shall execute the budget and manage programmes", the EEAS is involved in particular in the overall allocations to countries and regions, and in the co-drafting of the country and regional strategy papers and indicative programmes. For the EDF and the DCI geographic programmes, DG Devco and the EEAS are involved in drawing up the so-called Regional, National and Multiannual Indicative Programmes, which stipulate the priorities for the development cooperation. The third countries' own national or regional development plans should in principle be the basis for these Indicative Programmes.⁴⁰

Migration and asylum feature in some of these MIPs, which is also an indication that these matters are deemed relevant by some third countries. However, it is clear that with some of the key countries of asylum-seeker origin to the EU, such as Eritrea, there should not be much leeway to cooperate. In view of the problematic nature of cooperation with the dictatorial regime in Asmara, the 2014-20 EDF National Indicative Programme (NIP) for Eritrea was only adopted in January 2016.⁴¹ Eritrea does however also participate in an EU-Africa migration dialogue ('Khartoum Process'). To give another example, in the Nigeria-EU concluded NIP, some €90 million is allocated to the 'rule of law, governance, and democracy' sector. Within this sector, the 'management of migration and mobility' is prioritised as a specific objective, expecting results in increasing regular migration, border management and investigated cases of trafficking.⁴² Nigeria is furthermore prioritised for the EU-third country 'compacts' in the recently Commission-proposed 'Partnership Framework'.⁴³ Without having undertaken an extensive review of all the national and regional MIPs under the EDF and the DCI, it is clear that development funding is extensively used to finance migration related projects.

Moreover, under the previous EDFs, the Intra-ACP Migration Capacity Building Facility was financed with €25 million.⁴⁴ This Facility was aimed at capacity-building for third country policy-makers and NGOs, so that they could join the dialogue on migration and mainstream migration issues in national development plans. The Facility also partially funded the establishment of an 'ACP Observatory on Migration' focusing on South-South migration.⁴⁵

⁴⁰ European External Action Service (EEAS) and European Commission, "Instructions for the Programming of the 11th European Development Fund (EDF) and the Development Cooperation Instrument (DCI) - 2014-2020" (Brussels, 2012).

⁴¹ Eritrea and EU, 11th EDF National Indicative Programme 2014-2020, Asmara, 28.01.2016.

⁴² European Commission and European External Action Service (EEAS), "EU - Nigeria National Indicative Programme for the Period 2014-2020" (Nairobi, 2014), 33–34.

⁴³ European Commission, "Communication on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration - COM(2016) 385 Final" (Brussels, 2016).

⁴⁴ European Commission, "TPMA Call for Proposals (DEVCO/(2011)D/NNN)" (Brussels, 2011), 4.

⁴⁵ Peter Mudungwe, "Major Results of the Capacity-Building Activities of the Intra-ACP Migration Facility (Powerpoint Presentation)" (Brussels, n.d.).

2.1.3 Home Affairs funds: Asylum, Migration and Integration Fund (AMIF) & Internal Security Fund (ISF) Borders and Visa Instrument

At EU level, the home affairs actors have their 'own' set of funding instruments, the so-called Home Affairs funds. Before the current MFF, the overall home affairs funding for 2007-13 consisted of several funds under the 'SOLID' Programme (from 'Solidarity and Management of Migration Flows') which to differing extents pertained to the external relations of migration, borders and asylum as well: the External Borders Fund (EBF – €1,820 million), the European Return Fund (RF – €676 million – running from 2008), the European Refugee Fund (ERF – €630 million – running from 2008) and the European Fund for the Integration of TCNs (EIF – €825 million). From the division of these amounts, it is clear that border control received the highest priority under the SOLID Programme.

A key characteristic of the home affairs funds is that a large share is implemented under 'shared management', meaning that the member states and the Commission jointly manage the funding. The member states thus retain a large say over how the EU funds are spent.

Under the 2014-20 MFF, the home affairs funds were reshuffled. The new funds are the AMIF (€3.13 billion) and the ISF Borders and Visa Instrument (€2.76 billion). For the external dimension, one of the major shifts is the creation of an autonomous competence for DG Home to fund external projects (see below). This should however not make us overlook the fact that the previous SOLID funds did already have an impact on cooperation with third countries. The very nature of the home affairs funds has clear implications for cooperation with third countries, even though the SOLID funds could, strictly speaking, only fund 'internal' actions in member states.

For example, under the ERF, resources were allocated to resettlement activities, with member states receiving lump sum amounts for resettled individuals.⁴⁶ The ERF's funding was connected to "the importance of the strategic use of resettlement from countries or regions designated for the implementation of regional protection programmes".⁴⁷ This highlights how *prima facie* internal funds can have impacts *externally*. The sensitivities for migrants' rights around the cooperation with third countries are evident from the founding decisions of the SOLID Funds, as they state that these Funds "should not, in any event, support actions with respect to areas and centres for holding persons in third countries".⁴⁸

The RF also had clear relevance for the external dimension. The Fund's founding decision clearly indicates that the cooperation with third countries is crucial, most notably in operational cooperation with their consular services.⁴⁹ Financing was foreseen to cover a "limited financial contribution for initial expenses after return". "Missions to assess the results of return policies in

⁴⁶ Art. 13(3), European Parliament and European Council, "Decision No 573/2007/EC of 23 May 2007 Establishing the European Refugee Fund for the Period 2008 to 2013 as Part of the General Programme 'Solidarity and Management of Migration Flows' and Repealing Council Decision 2004/904/EC," OJ L 144/1 (2007).

⁴⁷ Recital 16, *Ibid.*

⁴⁸ Recital 11, *Ibid.*; Recital 17, European Parliament and European Council, "Decision No 575/2007/EC of 23 May 2007 Establishing the European Return Fund for the Period 2008 to 2013 as Part of the General Programme 'Solidarity and Management of Migration Flows,'" OJ L 144/45 (2007).; Recital 13, European Parliament and European Council, "Decision No 574/2007/EC of 23 May 2007 Establishing the External Borders Fund for the Period 2007 to 2013 as Part of the General Programme 'Solidarity and Management of Migration Flows,'" JO L 144/22 (2007).

⁴⁹ Recital 24 and Art. 1(a), European Parliament and European Council, "Decision No 575/2007/EC of 23 May 2007 Establishing the European Return Fund for the Period 2008 to 2013 as Part of the General Programme 'Solidarity and Management of Migration Flows.'"

third countries” could also be funded.⁵⁰ No support could, however, be given to a third country *directly* under the RF.⁵¹ The Commission’s mid-term evaluation showed that the bulk of the RF went to return operations. The four priorities set for the RF were not funded in a balanced way, with priority 1 ‘strategic return management’ taking 81% of the funding and priority 4 ‘EU standards and best practices’ only taking 3%.⁵²

As identified above, the largest amount of funding under the SOLID programme was allocated to the EBF. External border control inherently relates to the adjacent third countries and third country nationals. The EBF financed actions related to visa policy and ‘other pre-frontier activities that take place prior to external border controls’.⁵³ The EBF founding decision does indeed identify the Immigration Liaison Officers (ILOs – posted in third countries) and the cooperation with air carriers as priorities for support, as well as cooperation between consular activities in third countries.⁵⁴ The Commission granted EBF emergency financial support to the extraterritorial maritime operation by Italy, namely the *Mare Nostrum* mission operating close to the Libyan coastline.⁵⁵ The EBF Strategic Guidelines identified further priorities with external effects: the European Patrol Networks in the Southern Mediterranean and the EUROSUR system. These were also the top priorities under national programmes.⁵⁶ This confirms the dominant funding priorities, and shows that national priority-setting at member state level is crucial to understanding the priorities these Funds serve.

Notwithstanding the fact that the internal SOLID funds already had an external impact, the novel element under the AMIF and ISF is the *explicit competence* in enabling DG Home to fund projects in third countries directly. Throughout the funds’ regulations the emphasis on the external dimension is remarkable, especially in comparison with the SOLID Funds. This covers many areas: Mobility Partnerships, resettlement, capacity-building, ILOs, return, IT and surveillance systems, labour migration, irregular migration, readmission and asylum. Moreover, funding is foreseen for a range of ‘pre-departure’ measures in third countries, including ‘civic orientation courses and language tuition’.⁵⁷ The lump sum amount per resettled refugee is increased significantly to €10,000 “for each person resettled in accordance with the common Union resettlement priorities”.⁵⁸

⁵⁰ Art. 5, *Ibid.*

⁵¹ Recitals 25 and 26, *Ibid.*

⁵² European Commission, “Report on the Results Achieved and on Qualitative and Quantitative Aspects of Implementation of the European Return Fund for the Period 2008-2009, COM(2011) 858 final/2” (Brussels, 2012), 7–14.

⁵³ Recital 12, European Parliament and European Council, “Decision No 574/2007/EC of 23 May 2007 Establishing the External Borders Fund for the Period 2007 to 2013 as Part of the General Programme ‘Solidarity and Management of Migration Flows.’”

⁵⁴ Arts. 4(4), 7(1.a), *Ibid.*

⁵⁵ European Commission, “Memo: Frontex Joint Operation ‘Triton’ – Concerted Efforts to Manage Migration in the Central Mediterranean” (Brussels, 2014).

⁵⁶ European Commission, “Report on the Ex-Post Evaluation of the External Borders Fund for the Period 2007-2010 (COM (2014) 235 Final)” (Brussels, 2014), 7.

⁵⁷ See e.g. Recitals 1, 7, 17, 25, 26 & Arts. 3(2.a), 7, 8, 10(b), 12(b & f), 13(a & b), 20(2.f), 21(1), European Parliament and European Council, “Regulation (EU) No 516/2014 of 16 April 2014 Establishing the Asylum, Migration and Integration Fund, Amending Council Decision 2008/381/EC and Repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council,” *OJ L* 150/168 (2014). See also e.g. Recital 2, 36, & Arts. 3(3.g), 4(1.e, 2), 9(3), 13(2.j) European Parliament and European Council, “Regulation (EU) No 515/2014 of 16 April 2014 Establishing, as Part of the Internal Security Fund, the Instrument for Financial Support for External Borders and Visa and Repealing Decision No 574/2007/EC,” *OJ L* 150/143 (2014).

⁵⁸ Art. 17(1 & 2), European Parliament and European Council, “Regulation (EU) No 516/2014 of 16 April 2014 Establishing the Asylum, Migration and Integration Fund, Amending Council Decision 2008/381/EC

This underlines the role of EU funding in promoting certain member state actions, even when these fall within member state competences.

The AMIF and ISF Regulations highlight the inherent in-between position of these *internal* Funds for the *external* dimension: the actions in these fields should be “coherent with the Union’s external policy”, but should focus on “non-development-oriented measures” and “serve the interests of the Union’s internal policies”. Moreover, the regulations envisage a clear role for the EEAS in ensuring the coherence and coordination of this home affairs funding with “other relevant Union policies, strategies and instruments, including those in the framework of the Union’s external action”.⁵⁹ The regulations also envisage the granting of emergency assistance directly to third countries or other actors (e.g. EU agencies, IOs and NGOs),⁶⁰ and do not only allow the Commission to fund external projects, but also allow the member states to do so under their national programmes. This was something the member states strongly advocated during the negotiations over the AMIF and ISF when granting the Commission its own competence to fund external projects.⁶¹

This novel arrangement of direct home affairs funding for the external policies on migration, borders and asylum can be seen as a result of past frustrations on the part of home affairs and development communities, whereby both lamented the influence of the other over their funding priorities for migration. From an actor perspective, it represents a shift. The Commission’s DG Home is now able to set priorities for external funding more independently than before. The strict separation from development funding means that in principle DG Home and DG Devco can focus on their own priorities. As explained below, in section 2.1.12, the EU’s budgetary responses to the 2015 ‘refugee crisis’ showed that this division is far from clear cut.

The AMIF and ISF have gone through their first phases of programming and management, most importantly the Commission has concluded policy dialogues with the member states to agree their national programmes. These national programmes are not all disclosed publicly, even though member states should identify the “mechanisms and methods to be used to publicise” it.⁶² The Commission discloses its priorities for Union Actions and emergency assistance for every year. Under the Union Actions, for example, the UNCHR and IOM are awarded pilot projects on ‘information campaigns’ in Niger, Ethiopia and Sudan and a project on the “safe and sustainable return and reintegration of victims of THB”. Only the UNHCR and IOM were allowed to draft proposals for these projects.⁶³ The Union Actions under the ISF have a number of external

and Repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council.”

⁵⁹ Art. 3(4-5), European Parliament and European Council, “Regulation (EU) No 514/2014 of 16 April 2014 Laying down General Provisions on the Asylum, Migration and Integration Fund and on the Instrument for Financial Support for Police Cooperation, Preventing and Combating Crime, and Crisis Management,” *OJ L* 150/112 (2014). See also e.g. Art. 24, European Parliament and European Council, “Regulation (EU) No 516/2014 of 16 April 2014 Establishing the Asylum, Migration and Integration Fund, Amending Council Decision 2008/381/EC and Repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council.”

⁶⁰ Art. 8, European Parliament and European Council, “Regulation (EU) No 514/2014 of 16 April 2014 Laying down General Provisions on the Asylum, Migration and Integration Fund and on the Instrument for Financial Support for Police Cooperation, Preventing and Combating Crime, and Crisis Management.”

⁶¹ Interview official DG Home, European Commission.

⁶² Art. 14(2.j), *Ibid.*

⁶³ European Commission, “Annex to the Commission Implementing Decision Concerning the Adoption of the Work Programme for 2014 and Financing for Union and Emergency Assistance within the Framework of the Asylum, Migration and Integration Fund (C(2014) 5652 Final)” (Brussels, 2014).

activities, such as EUROSUR cooperation with third countries.⁶⁴ Under the AMIF emergency envelope, the Commission continuously grants funding to various member states.⁶⁵ As explained below in section 2.1.12, this has greatly intensified during the EU responses to the ‘refugee crisis’.

Through a delegation agreement with the ICMPD, a Mobility Partnership Facility (MPF) is established to support MPs and Common Agendas on Migration and Mobility (CAMMs). This Facility has contributions from AMIF and ISF, totalling some €5.5 million.⁶⁶ The Facility is an interesting attempt by DG Home to mobilise funding for their political priorities: the MPs and CAMMs with third countries. The idea behind the facility was to have more flexible ways of responding to requests of third countries that have concluded an MP or CAMM, partly modelled on a previous project of the ICMPD, the ‘MIEUX’ project.⁶⁷ However, the current MPF looks quite different, with an open call for proposals administered by the ICMPD only open to member states’ public bodies. The member states thus successfully managed to reserve EU funding under the MPF, even though this is funded under the AMIF and ISF Union Actions. Moreover, the third country requests are no longer leading in the allocation of the projects, but rather the ICMPD call and member states’ proposals do so.⁶⁸ It shows that the capacity for DG Home is limited, even where it has obtained an independent competence to fund external projects.

2.1.4 European Neighbourhood Instrument (ENI)

Many of the salient countries of origin and transit for migration towards the EU are covered by the ENI (€15.4 billion for 2014-20), which is the successor to the 2007-13 European Neighbourhood Partnership Instrument (ENPI). The ENI geographic programmes cover countries from the EU Neighbourhood Policy (ENP), including the North African countries in the south and the Eastern European and Central Asian countries in the east. In the ENI Regulation, the issue of migration is identified as one of the six priorities, speaking of “legal migration and the fostering of well-managed mobility of people” and the implementation of MPs and CAMMs.⁶⁹ The ENI is managed by DG Near (‘European Neighbourhood Policy and Enlargement Negotiations’).

Over the past few years the EN(P)I has funded many projects on migration and asylum, which cover a wide range of activities. For countries like Morocco and Georgia the ENI funding is the most substantial EU funding available and is thus important. El Qadim has identified a number of projects previously funded by the neighbourhood funds in Morocco, including projects on

⁶⁴ European Commission, “Annex to the Commission Implementing Decision Concerning the Adoption of the Work Programme for 2014 and the Financing for Union Actions and Emergency Assistance within the Framework of the Internal Security Fund - the Instrument for Financial Support for” (Brussels, 2014); European Commission, “Annex to the Commission Implementing Decision Concerning the Adoption of the Work Programme for 2014 and Financing for Union and Emergency Assistance within the Framework of the Asylum, Migration and Integration Fund (C(2014) 5652 Final).”

⁶⁵ See e.g. European Commission, “Asylum, Migration and Integration Fund Emergency Assistance 2014 - List of Awarded Proposals until 31 December 2014” (Brussels, 2014).

⁶⁶ European Commission, “Annex to the Commission Implementing Decision Concerning the Adoption of the Work Programme for 2014 and Financing for Union and Emergency Assistance within the Framework of the Asylum, Migration and Integration Fund (C(2014) 5652 Final),” 11–13; European Commission, “Annex to the Commission Implementing Decision Concerning the Adoption of the Work Programme for 2014 and the Financing for Union Actions and Emergency Assistance within the Framework of the Internal Security Fund - the Instrument for Financial Support for,” 11–13.

⁶⁷ See: <http://www.icmpd.org/MIEUX-II.1672.0.html>.

⁶⁸ Interview with official, DG Home, European Commission.

⁶⁹ Art. 2(2.c), European Parliament and European Council, “Regulation (EU) No 232/2014 of 11 March 2014 Establishing a European Neighbourhood Instrument (ENI),” *OJ*, no. L 77/27 (2014).

development and capacity building on irregular migration and border controls.⁷⁰ Also under the EU-Morocco MP, the ENI funds contribute to several projects, such as for Frontex and the European Asylum Support Office (EASO) to carry out capacity-building.⁷¹ Moreover, the neighbourhood funds have financed actions on returns, such as the IOM Assisted Voluntary Return (AVR) programmes.⁷² In addition, after the Arab Spring, the ENPI-funded SPRING programme was launched with several initiatives in the area of migration, such as a project financing Jordanian refugee reception infrastructure.⁷³ In the East, under the so-called Eastern Partnership, ENPI funds have also funded border surveillance at the Ukrainian-Belarusian border and border management at the Armenian-Georgian border.⁷⁴

A particularly interesting component of the EN(P)I is the funding available for cross-border cooperation. Under this cooperation, programmes between bordering countries are established, often on issues of mobility.⁷⁵ The ENPI has funded a cross-border cooperation programme in the Mediterranean, involving several EU and third countries on issues of migration and border control. Moreover, the Hungary-Slovakia-Romania-Ukraine cross-border cooperation programme has financed the renovation, construction and equipment of several border crossing points.⁷⁶ The 'Euro-Med' Migration programmes have also financed dialogues on migration between all countries in the Mediterranean region.⁷⁷ In a link with economic development, there have also been projects on the involvement of diaspora in the economic development of countries, such as the 'MedGeneration' project involving France, Lebanon, Palestine and Jordan.⁷⁸ Finally, the ENPI has financed the EU Border Assistance Mission (EUBAM) in Ukraine and Moldova.⁷⁹

This limited overview shows the great diversity of projects on migration financed by the neighbourhood funds. The following overview prepared by the ECA shows the overwhelming attention given to irregular migration in the ENPI projects on migration.

⁷⁰ El Qadim, *Le Gouvernement Asymétrique Des Migrations. Maroc/Union Européenne*, 141–44.

⁷¹ EU-Morocco MP 'Scoreboard', obtained by author from EU Delegation in Rabat.

⁷² See: <http://www.egypt.iom.int/RAVEL.htm>.

⁷³ Commission, "Implementing Decision of 9.10.2014 Amending Decision C(2013)4452, Approving the Special Measure 'Support to Solid Waste Management Services in Jordanian Communities Hosting Syrian Refugees' under the SPRING Programme 2013 and Umbrella Programme 2014" C(2014) 71 (2014).

⁷⁴ See: http://www.enpi-info.eu/maineast.php?id=553&id_type=10 and http://www.enpi-info.eu/maineast.php?id=456&id_type=10.

⁷⁵ See for example these mobility and exchange projects in the day-care and educational sectors under the Hungary-Slovakia-Romania-Ukraine cross border cooperation: <http://www.keep.eu/search/show/10698> and <http://www.keep.eu/search/show/10745>.

⁷⁶ See the list of projects under this cross-border cooperation programme: http://www.keep.eu/search/project_programme/41/2007%20-%202013%20Hungary-Slovakia-Romania-Ukraine%20ENPI%20CBC.

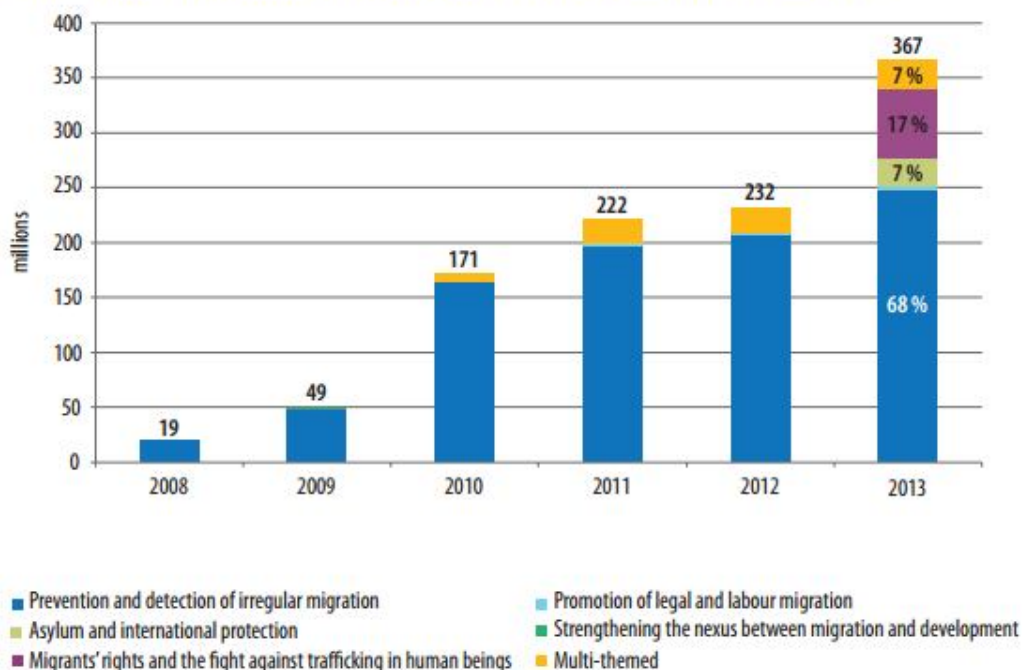
⁷⁷ See: <http://www.euromed-migration.eu/about-the-project/>. See for a list of projects the KEEP website: <http://www.keep.eu/keep/data-programme/cross-border-enpi/>.

⁷⁸ See: <http://www.medgeneration.eu/fr/partenaires-medgeneration>.

⁷⁹ See: <http://www.eubam.org/en/>.

Figure 4. ECA Special Report ENPI thematic distribution

Cumulative thematic distribution of ENPI contracts 2008-2013



Source: ECA Special Report 9/2016, p. 31, based on data provided by the Commission.

Nonetheless, migration as such remains one priority among many others under these funds. The economic development of the neighbourhood countries is the main priority. This reflects the priorities of DG Near, which does not come from a home affairs perspective on migration but rather from a development perspective. Although the EEAS is involved in the programming, there is a clear link between DG Devco and Near in setting priorities for neighbourhood funds. The funding units for the EN(P)I used to be located in DG Devco, with many of the current staff members of DG Near being former Devco staff.⁸⁰

For DG Home, it is thus not always easy to mobilise funding from the quantitatively superior neighbourhood funds, but as can be seen from the figure above, their priorities are included in the neighbourhood funding priorities. The DG Home overall vision of the external dimension (GAMM) and the accompanying instruments (MPs) do provide guidance to funding decisions by DG Near and DG Devco. Although GAMM very much remains an incoherent mix of different pillars,⁸¹ and is now put in question by the newly proposed 'partnership framework', the idea that migration policy responses should combine these different pillars is strong in neighbourhood fund programming. This is clear from the Euro-Med Migration Programmes, for example, which follow the GAMM pillar approach. Also, the ENI Regulation explicitly reaffirms the corollary nature of the readmission agreement and visa facilitation, respectively, possibly followed by visa liberalisation.⁸²

⁸⁰ Interview official DG Near, European Commission.

⁸¹ Christina Boswell, "Evasion, Reinterpretation and Decoupling: European Commission Responses to the 'External Dimension' of Immigration and Asylum", *West European Politics* 31, no. 3 (2008): 491–512, doi:10.1080/01402380801939784.

⁸² Recital 3, European Parliament and Council, "Regulation (EU) No 232/2014 of 11 March 2014 Establishing a European Neighbourhood Instrument (ENI)".

As for most of the EU funds in this mapping overview, the ENI was reconfigured as a result of the budgetary measures proposed by the Commission in response to the 'refugee crisis'. Most importantly, ENI funds are used for the 'EU Regional Trust Fund in response to the Syrian crisis', also called the 'Madad' Fund, as well as for the 'EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa'. See section 2.1.12, below.

2.1.5 Instrument for Pre-accession Assistance II (IPA II)

Also managed by DG NEAR, the IPA II (€11.7 billion for 2014-20) is exclusively meant for 'enlargement countries', namely those with the status 'candidate' or 'potential' candidate for joining the EU.⁸³ Some of these countries are salient countries of origin and transit for migration towards Europe. Migration and border controls feature prominently among the objectives of the IPA II, more than under the development and neighbourhood funds. Moreover, more emphasis is given to the building up of a functioning asylum system and refugee protection. This is to prepare the enlargement country for adhering to the EU *acquis* in this field, in particular the so-called Common European Asylum System (CEAS). Capacity-building projects in the field of return and readmission are also important in the IPA.⁸⁴ The fact that these are enlargement countries supposedly also gives the EU more leverage, although the recent EU-Turkey 'statement' on limiting the inflow of refugees and asylum-seekers does question this assumption.

Apart from the bilateral programmes for individual countries, the IPA also has a multi-country programme. The emphasis on migration is clear in these multi-country projects. For example, under the IPA II there will be a multi-country project on 'regional support to protection-sensitive migration management in the Western Balkans and Turkey'. The choice for this project of €8 million is justified on the basis of Frontex risk analysis. This shows that, as mentioned above for DG Home's political resource of agenda-setting, EU agencies can also shape the perceptions of priorities. The project is especially concerned with 'mixed' migration flows and the 'burden of unfounded asylum applications'. The action will counter migrant smuggling and address the "lack of legal basis, mechanisms and financial resources to exercise non-voluntary return".⁸⁵ This is an example of priorities featuring throughout the IPA and goes to show that the overall financing for migration-related projects across EU external funds is considerable, far outnumbering the specifically dedicated area of migration under the DCI thematic programme. Throughout all regions, countries, and funds, migration-related projects have various priorities.

As Turkey is one of the countries falling under the IPA II, this funding instrument is heavily influenced by the EU-Turkey agreement on limiting the inflow of refugees and asylum-seekers. A 'Facility for Refugees in Turkey' was established by the Commission, which constitutes a 'coordination mechanism' between different EU funds and member state contributions. The IPA II and Humanitarian Aid are most involved in generating the €3 billion pledged from the EU side for this agreement, partly through additional member state contributions to the EU budget. In the long term, this amount is set to increase to a total of €6 billion, see section 2.1.12, below, for more details. Even though the Turkey Refugee Facility does not replace the IPA II programming and

⁸³ These are currently Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia, and Turkey.

⁸⁴ Multi Country Indicative Strategy Paper 2014-2020.

⁸⁵ European Commission, "Multi-Country Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey - IPA II 2014-2020" (Brussels, 2014), 3-4.

management, it remains to be seen how the ‘advisory’ role of Turkey in the Facility will change the priorities of the IPA II funding.⁸⁶

2.1.6 European Instrument for Democracy and Human Rights (EIDHR)

Compared to the instruments discussed above, the EIDHR (€1.3 billion for 2014-20) is a unique instrument marked by a considerable degree of independent priority-setting. The instrument has no geographic limitation and can fund actions all around the world.⁸⁷ It thus also supports projects in some developed countries, such as the fight against the death penalty in the USA.⁸⁸ Furthermore, unlike the EDF for example, the EIDHR programming is not necessarily done in joint consultation with third countries and its implementation is mostly performed by local civil society actors.⁸⁹

In the area of migration and asylum, the EIDHR is specifically focused on the defenders of migrants’ rights. Past projects have engaged in areas such as migrant workers’ rights in Latin America.⁹⁰ Moreover, recent calls for proposals have also specifically included stateless individuals and their human rights situation, albeit with a limited amount of funding (€5 million). The human rights of migrants are explicitly linked to trafficking in human beings, as well as to smuggling. In that context, the issue of *refoulement* is also prioritised.⁹¹

EIDHR programming is done by a specific unit within DG Devco, seemingly with limited engagement with DG Home. They only administer the ‘global’ calls, while the EU delegations in third countries administer country-specific programmes. In line with the specific nature of the EIDHR, the focus is very much on the human rights of migrants, and the overall policy frameworks such as the GAMM or the MPs have little influence over the programming of migration-related actions in third countries. This means that the Instrument represents a specific approach to funding in the external EU policies on migration and asylum, in relative isolation to some of the major instruments and funds discussed above.⁹²

2.1.7 Instrument contributing to Stability and Peace (IcSP)

Funding under the IcSP (€2.3 billion for 2014-20) is meant to address situations of crisis, conflict and threats to peace in third countries.⁹³ The instrument is therefore very much emergency-driven: more than 70% of the available budget under the IcSP is ‘non-programmable’, meaning that it is not subject to (multi)annual programming processes.⁹⁴ This is a large difference with all the funds described above, where the formal machinery of consultations between Commission services and the EEAS determines the priorities set for funding. Under the IcSP it is thus much easier to mobilise funding for short-term priorities. Under the principle of complementarity, the IcSP can

⁸⁶ See in more detail: den Hertog, “EU Budgetary Responses to the ‘Refugee Crisis’ - Reconfiguring the Funding Landscape.”

⁸⁷ European Parliament and European Commission, “Regulation (EU) No 235/2014 of 11 March 2014 Establishing a Financing Instrument for Democracy and Human Rights Worldwide,” *OJ L* 77/85 (2014).

⁸⁸ See e.g.: <http://www.eidhr.eu/5E4C4BB3-7629-11E0-90041ABD71320ACE>

⁸⁹ Interview with official, DG Devco, European Commission.

⁹⁰ *Ibid.*

⁹¹ European Commission, “EIDHR Global Call for Proposals 2015” (Brussels, 2015), 9.

⁹² Interview with official, DG Devco, European Commission.

⁹³ Art. 1(4), European Parliament and European Council, “Regulation (EU) No 230/2014 of 11 March 2014 Establishing an Instrument Contributing to Stability and Peace,” *OJ L* 77/1 (2014). This is the follow up of the 2007-2013 Instrument for Stability (IFS).

⁹⁴ Under the IcSP Regulation (*ibid.*), all actions under Art. 3 are non-programmable and represent at least 70% of the budget allocations (Art. 13(3.a)).

finance only what the other funds cannot fund. Often, this complementarity is constituted by the fact that other funds cannot provide funding quickly to address an emergency.⁹⁵

The IcSP's *non-programmable* actions are managed within the so-called 'Service for Foreign Policy Instruments' (FPI). This is an interesting and peculiar entity in the funding landscape. The FPI was founded as a result of the establishment of the EEAS in 2011, to take over some of the funding tasks that had previously been exercised by the Commission DG Relex (from 'relations extérieures'). The FPI Service is a "Commission service directly reporting to HRVP Mogherini" located in isolation at the edge of the EEAS organogram.⁹⁶ Physically, the Service is located in the EEAS building, but its staff has strong links to the Commission. This peculiar set-up is the result of a fierce institutional struggle over the EU's external funding resources when the EEAS was established. The Commission was quite unprepared to give up its external funding competences, and has managed to keep control over much of it. As seen from the funds discussed above, Commission DGs such as Devco and Near are responsible for managing the bulk of external relations funding, albeit with programming input from the EEAS. The establishment of the EEAS itself was a compromise between intergovernmental and supranational approaches, resulting in its position in-between the Commission and Council. The FPI Service is the follow-up to this compromise, placing it in turn in-between the Commission and the EEAS.⁹⁷ The fierce struggles over external relations funding competences show the political salience of such competences. One EU Head of Delegation confided to a journalist that the message from the Commission was clear: "You have the mike, but we have the money. You can make statements and say whatever you like, but we control the money".⁹⁸ It underlines the message that pledging funding is a forceful tool to reinforce the credibility of political discourse.

The *programmable* actions of the IcSP are programmed and managed in DG Devco. There have been several projects related to refugee situations in Iraq, Turkey and Lebanon, and to border police in Niger.⁹⁹ Under the non-programmable actions of the IcSP there are several migration-related projects. In the European Agenda on Migration, launched in May 2015, one of the responses to the 'emergency' migratory situation in the Mediterranean was the establishment of a 'multi-purpose centre' in Niger.¹⁰⁰ At the time of issuing the Agenda, it was wholly unclear which EU funding was going to finance this centre or what it would do exactly. Although pushed by DG Home, it became clear that it would not be prepared to fund it. This created some frustration on the part of Devco and FPI officials, as they perceived this as a 'home affairs idea' infiltrating their priorities. As the centre was already supposed to be operational before the end of 2015, a quick funding solution had to be found. Quite predictably, only the IcSP was able to mobilise funding so quickly. In the view of the FPI officials, however, the situation in Niger did not create a crisis or a conflict, as required under the IcSP Regulation. The funding for the centre was hence justified under the new IcSP competence on conflict *prevention*, as migration flows or the lack of them could, under this logic, provoke crisis or conflict for the local population in Niger and their livelihoods.¹⁰¹ This anecdotal evidence underlines the complex links between the political and financial resources of EU governance actors, suggesting that gained funding competences and priorities cannot always

⁹⁵ Interview with official, FPI Service.

⁹⁶ See: http://eeas.europa.eu/background/docs/organisation_en.pdf

⁹⁷ Niklas Helwig, "EU Foreign Policy and the High Representative's Capability-Expectations Gap: A Question of Political Will," *European Foreign Affairs Review* 18, no. 2 (2012): 235–54.

⁹⁸ See: <https://euobserver.com/institutional/115145>.

⁹⁹ See for a full overview of projects: <http://www.insightonconflict.org/icsp/>.

¹⁰⁰ European Commission, "Communication - A European Agenda on Migration" (Brussels, 2015), 5.

¹⁰¹ Interview with official, FPI Service.

be well guarded. Through political force and emergency responses, funding can be re-mobilised from different sources and for new priorities.

2.1.8 Partnership Instrument (PI)

Also administered by the FPI Service, the PI (€0.9 billion for 2014-20) is a new instrument under the 2014-20 MFF. The focus of this instrument is also quite distinct from the other major external relations funds as it explicitly focuses on the “projection of EU interest abroad”.¹⁰² It does not follow a clear development cooperation perspective, or follow a home affairs internal security perspective. The focus is rather on issues such as trade, investment, competitiveness and the environment. Moreover, the instrument has no geographical limitation but focuses on “cooperation measures with countries with which the Union has a strategic interest in promoting links”.¹⁰³ In the field of migration cooperation also takes the form of dialogues with ‘strategic’ countries, rather than with the direct neighbours of the EU that constitute the countries of origin or transit. The approach to migration follows the GAMM framework but pays particular attention to dialogues focusing on the links between migration and issues such as economic growth or researchers’ exchanges.¹⁰⁴ Along those lines, the PI thus finances a dialogue on ‘migration and mobility’ with third countries, such as the ‘EU-China dialogue on migration and mobility support project’ implemented by the IOM and the International Labour Organisation (ILO).¹⁰⁵

As the PI is a new and relatively open instrument, there is still a lot of leeway in funding different thematic and geographic priorities. However, the amount of funding is very limited under the PI and its role is to be complementary to the other major funds with geographical limitations such as the ENI, IPA, EDF and DCI. In practice, the fund will therefore primarily focus on developing and emerging countries of economic and trade interest to the EU. Migration is therefore seen through that lens and cannot easily follow the ‘conditionality’ or ‘beneficiary’ approach that is used under the development, enlargement or neighbourhood funds.

2.1.9 Humanitarian aid

Apart from the separate funding instruments and funds, the Commission’s DG Echo is able to commit funding for humanitarian aid in third countries directly from the EU budget. The budget allocations are estimated to be around €6.6 billion for 2014-20. The number of humanitarian crises however influences the overall funding necessary for the humanitarian aid budget, as is clear from the Syrian war and the ‘refugee crisis’. Due to the nature of the funding – responding to humanitarian emergencies – the nature of the humanitarian aid is non-programmable. As Article 214 TFEU indicates, the operations are intended to be of an ‘ad hoc’ nature. As a result, decisions to allocate humanitarian aid funding are made in relative isolation from the long-term political priorities of the main actor in EU migration policy, DG Home. The humanitarian principles of humanity, neutrality, impartiality and independence as formulated in the European Consensus on Humanitarian Aid guide this budget.¹⁰⁶ As is argued below in section 2.1.12 however, this is

¹⁰² See: http://ec.europa.eu/dgs/fpi/what-we-do/partnership_instrument_en.htm

¹⁰³ Art. 2, European Parliament and European Council, “Regulation (EU) No 234/2014 of 11 March 2014 Establishing a Partnership Instrument for Cooperation with Third Countries”, *OJ L 77/77* (2014).

¹⁰⁴ European Commission, “Partnership Instrument - First Multi-Annual Indicative Programme for the Period 2014-2017” (Brussels, 2014).

¹⁰⁵ See for more information: http://www.ilo.org/beijing/what-we-do/projects/WCMS_421604/lang-en/index.htm.

¹⁰⁶ Council, “Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, the European Parliament and the European Commission - The European Consensus on Humanitarian Aid, *OJ C 25.1*,” 2008.

increasingly under pressure due to the reconfiguring of EU funding in response to the ‘refugee crisis’.

In the field of migration, DG ECHO is focusing on humanitarian crises, such as those of displaced populations. In the Humanitarian Aid Regulation one of the objectives has been formulated as:

To cope with the consequences of population movements (refugees, displaced people and returnees) caused by natural and man-made disasters and carry out schemes to assist repatriation to the country of origin and resettlement there when the conditions laid down in current international agreements are in place.¹⁰⁷

Funding has been allocated to shelters for refugees from Syria in Jordan or for Sudanese and Somali refugees in Ethiopia or Kenya, for example. The assistance with shelter in situations involving IDPs or refugees is implemented by actors such as the UNCHR or the Norwegian Refugee Council. DG ECHO does not operate ‘on the ground’ but has agreements with pre-selected organisations (‘partners’) to implement the different projects.¹⁰⁸ In light of the many refugee and IDP crisis situations, the issue of displaced persons is currently at the top of priorities for humanitarian aid funding.¹⁰⁹

The Humanitarian Aid budget has been under particular strain throughout 2015 and 2016, when requests for funding to deal with the humanitarian needs of refugees and asylum-seekers have been continuous. Under the various new funding instruments set up, such as the Trust Funds and the Turkey Refugee Facility, Humanitarian Aid plays an important role. Mixing Humanitarian Aid with other EU funds under such new instruments does, however, pose challenges as to how to safeguard the specific humanitarian principles as confirmed in the European Consensus on Humanitarian Aid.¹¹⁰ In principle, Humanitarian Aid is not ‘programmed’ and should be based on a humanitarian needs assessment rather than on political priorities. See below, section 2.1.12.

2.1.10 Common Foreign & Security Policy (CFSP) and ‘Athena’ funding

The funding arrangements for CFSP cooperation are quite different from the funds described above, reflecting its intergovernmental nature. Some of the CFSP activities on migration do have the potential for considerable impact in third countries, most notably the EU Border Assistance Missions (EUBAMs) and the recently launched military anti migrant smuggling operation in the Mediterranean (EUNAVFOR MED or ‘Sophia’).¹¹¹ These are operational activities that are partly funded by EU funds and by member states’ contributions.

The operational expenditure of CFSP military missions cannot be charged to the Union budget but is rather directly borne by the participating member states.¹¹² To cover the common expenditure of

¹⁰⁷ Art. 2(e), European Council, “Regulation (EC) No 1257/96 of 20 June 1996 Concerning Humanitarian Aid”, OJ L 163/1 (1996).

¹⁰⁸ For more information on DG ECHO’s ‘Shelter’ projects, see a recent evaluation conducted in this field: Tom Corsellis et al., “Evaluation of the European Commission’s Humanitarian Action in the Shelter Sector - Final Report” (Freiburg: Particip, 2013).

¹⁰⁹ European Commission, “Staff Working Document - Annual Strategy for Humanitarian Aid in 2014: General Guidelines on Operational Priorities” (Brussels, 2013).

¹¹⁰ Council, “Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, the European Parliament and the European Commission - The European Consensus on Humanitarian Aid, OJ C 25.1.”

¹¹¹ See for more information: <http://eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/>.

¹¹² Art. 41(2) TEU.

such military missions, the so-called 'Athena' instrument is established outside the EU budget.¹¹³ For civilian missions, such as the EUBAMs, costs can, however, be charged to the Union budget.

As mentioned above in section 2.1.4, the EUBAMs for Ukraine and Moldova are financed from the ENI. Two other border assistance missions are undertaken as civilian missions under the CFSP: the EUBAM Rafah and the EUBAM Libya. But both are virtually non-operational due to the political and security situations. The EUBAM Libya will perhaps be resuscitated in the future, perhaps in tandem with the EUNAVFOR MED operation, as indicated in recent Council Conclusions.¹¹⁴ As the EUBAMs are categorised as civilian missions, their costs are covered by the EU CFSP budget (fluctuating annual budgets, e.g. €314 million for 2014), which is also administered by the FPI Service. The financing decisions of the CFSP budget are prepared and administered by the FPI Service, following approval in the Council. The Working Party of Foreign Relations Counsellors (Relax group) is the Council forum to discuss matters related to CFSP funding.¹¹⁵

For operations of a military nature the 'Athena' mechanism is activated. This is a complex mechanism that is financed by member states' contributions that can cover 'common costs' of military CSDP missions. The administration of Athena is also done in the FPI Service, with oversight from a 'Special Committee' of member states' representatives.¹¹⁶ Athena is as such an independent entity with own bank accounts and legal personality, falling wholly outside the EU budget and its rules and accountability. The financing of the recently launched EUNAVFOR MED operation in the Mediterranean is therefore also outside the EU budget. Other CFSP missions may follow EUNAVFOR MED's footsteps, as the 2015 European Agenda on Migration stressed that other CFSP operations will also need to become more involved in 'border management'.¹¹⁷ The impact of CFSP funding could thus grow in the coming years in the EU's external policies on borders.

2.1.11 EU agencies funding

In addition to the funds or sector-specific funding available in the external governance of migration, the EU agencies involved in this field have their own budget with which they finance activities in third countries. It is not the aim of this paper to map all the different agencies and their funding; it suffices here to feature the most relevant agencies and some of their external relations activities. It should also be noted that some of the agencies' external relations activities are not funded from their own budgets, but rather from one of the funds listed above.

Frontex

First, the most salient actor in this field is the EU border agency Frontex, which is based in Warsaw, Poland. After the recent (July 2016) adoption of the Regulation on the 'European Border Coast Guard' (EBCG), the agency will be renamed accordingly and its competences and budget revamped.¹¹⁸ Its budget has seen dramatic increases since its foundation in 2005, reaching a new

¹¹³ European Council, "Council Decision (CFSP) 2015/528 of 27 March 2015 Establishing a Mechanism to Administer the Financing of Common Costs of EU Operations Having Military or Defence Implications (Athena) and Repealing Decision 2011/871/CFSP", OJ L 84/39 (2015).

¹¹⁴ Conclusions on Libya.

¹¹⁵ See: http://ec.europa.eu/dgs/fpi/what-we-do/common_foreign_and_security_policy_en.htm.

¹¹⁶ Art. 6, *Ibid.*

¹¹⁷ European Commission, "Communication - A European Agenda on Migration", 5.

¹¹⁸ See: Sergio Carrera and Leonhard den Hertog, "A European Border and Coast Guard: What's in a Name?," *CEPS Papers in Liberty and Security in Europe*, no. 88 (2016); Commission, "Proposal for a Regulation on the European Border and Coast Guard and Repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC (COM(2015) 671 Final)," 2015; European Parliament, "Text

height of €239 million in 2016. This represents a budget increase of €140 million compared to the budget planned for 2015 and results from various budget increases in light of the agency's activities in "managing the refugee crisis".¹¹⁹ Since its inception, a large part of the agency's budget is spent on operational costs, especially for maritime operations.¹²⁰ Even though the amounts are minor in comparison with the funds' budgets listed above, their operational significance is considerable. The agency coordinates joint operations carrying out surveillance and Search & Rescue, such as in the Mediterranean, and return operations.¹²¹ Moreover, the agency has a host of further external relations competences, such as the much-used ability to draw up working arrangements with third countries' border authorities or the placing of Immigration Liaison Officers in third countries.¹²² The new EBCG Regulation also expands the external competence of the agency, such as cooperation with third countries on return and readmission.¹²³

EASO

Second, the European Asylum Support Office (EASO) is an EU agency founded in 2010 and based in Valetta, Malta.¹²⁴ Its budget for 2016 has seen an increase to €57 million, also linked to its increased activities in the 'Hotspots' in Italy and Greece.¹²⁵ The Agency has already engaged in a number of external relations activities with Jordan, Tunisia and Morocco, albeit financed by ENPI funds.¹²⁶ Its activities include resettlement support and capacity-building for third countries' asylum systems.¹²⁷ In quantitative budgetary terms – compared to Frontex and Europol – it is the smallest home affairs agency.

Europol

Third, the European Police Office 'Europol' is an EU agency mandated to support member states' law enforcement actions against organised crime and terrorism.¹²⁸ It is based in The Hague, the

Adopted - Legislative Resolution of 6 July 2016 on the Proposal for a Regulation of the European Parliament and the Council on the European Border and Coast Guard and Repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Dec" (Brussels, 2016).

¹¹⁹ See Section 2.1.12.

¹²⁰ See the Agency's 2015 budget:

http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2015.pdf.

¹²¹ Whose Mare paper.

¹²² See Art. 14, European Council, "Regulation (EC) No 2007/2004 of 26 October 2004 Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union," *OJ L* 349/1 (2004); European Parliament and Council, "Regulation (EU) No 1168/2011 of 25 October 2011 Amending Council Regulation (EC) No 2007/2004 Establishing Frontex," *OJ L* 304/1 (2011): 1–17.

¹²³ European Parliament, "Text Adopted - Legislative Resolution of 6 July 2016 on the Proposal for a Regulation of the European Parliament and the Council on the European Border and Coast Guard and Repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Dec."

¹²⁴ European Parliament and European Council, "Regulation (EU) No 439/2010 of 19 May 2010 Establishing a European Asylum Support Office," *OJ L* 132/11 (2010).

¹²⁵ See the Agency's 2015 budget: <https://easo.europa.eu/wp-content/uploads/EASO-Budget-2015.pdf> and the Agency's 2016 budget: https://www.easo.europa.eu/sites/default/files/public/EASO%20AmBu%203-2016_COVER.pdf.

¹²⁶ See: <https://easo.europa.eu/about-us/tasks-of-easo/external-dimension/>.

¹²⁷ See the Agency's external action strategy: <https://easo.europa.eu/wp-content/uploads/EASO-External-Action-Strategy.pdf>.

¹²⁸ European Council, "Decision of 6 April 2009 Establishing the European Police Office (Europol)," *OJ L* 121/37 (2009).

Netherlands, and has an annual budget of €100 million.¹²⁹ In the Annex to its founding regulation, trafficking of human beings and migrant smuggling are identified as areas of intervention for the agency. It has also launched a project called 'Joint Investigation Team Mare', which aims to collect intelligence on migrant smuggling networks in the Mediterranean.¹³⁰ Moreover, in 2015 it launched the 'European Migrant Smuggling Centre', coming along with a budget increase and illustrating that the three EU home affairs agencies featured here have all profited from budget increases as a result of the EU policy agenda on the 'refugee crisis'.¹³¹ Europol also has an elaborate network of external relations agreements with third countries' authorities.¹³²

2.1.12 New instruments under the EU responses to the 'refugee crisis'

This section provides a brief account of the EU budgetary responses to the 'refugee crisis', in addition to the fund, specific implications are highlighted in the sections above where relevant. These responses have altered the EU external funding landscape on migration, borders and asylum for years to come. This follows a more detailed paper authored on this topic earlier, from which further information and more elaborate arguments can be retrieved.¹³³

For the purposes of this mapping study, it suffices to state that some of the abovementioned funds and agencies received additional budgetary commitments, and that new funding instruments are established, as listed in the table below. Of course, part of this newly available funding – as far as it will translate into actual payment commitments in the EU annual budgets – will not be spent on external but on internal policies. Under the AMIF and ISF, the emergency support to various member states has been increased, principally but not exclusively to member states in the Mediterranean.¹³⁴ Another important 'internal' budgetary effort has been made to financially back up the Commission-proposed relocation scheme. Channelled through an AMIF increase, this has provided for the availability of a lump sum per relocated asylum seeker from Greece or Italy.¹³⁵ The actual number of relocations has fallen well short of the foreseen number of 160,000 individuals, however.¹³⁶ As soon as the EU-Turkey agreement was established, the Commission proposed to shift part of the budgetary commitments for the relocation scheme to finance the resettlement of Syrian nationals under the so-called '1 for 1' scheme.¹³⁷ It shows the degree to

¹²⁹ See the Agency's 2016 budget: https://www.europol.europa.eu/sites/default/files/publications/statement_of_revenue_and_expenditure_of_the_european_police_office_for_the_financial_year_2016.pdf.

¹³⁰ See: <https://www.europol.europa.eu/content/joint-operational-team-launched-combat-irregular-migration-mediterranean>.

¹³¹ See: https://www.europol.europa.eu/content/EMSC_launch.

¹³² See for a list of agreements: <https://www.europol.europa.eu/content/page/external-cooperation-31>.

¹³³ den Hertog, "EU Budgetary Responses to the 'Refugee Crisis' - Reconfiguring the Funding Landscape." Some of the data in this paper was updated. The data in the table are also slightly different due to new information available.

¹³⁴ European Commission, "Updated Annex 8 - Financial Support to Member States under the AMIF and ISF - 27.07.2016" (Brussels, 2016).

¹³⁵ European Council, "Decision (EU) 2015/1523 of 14 September 2015 Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and of Greece" (Brussels, 2015); Council, "Decision (EU) 2015/1601 of 22 September 2015 Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece" (Brussels, 2015).

¹³⁶ European Commission, "Communication - Fifth Report on Relocation and Resettlement - COM(2016) 480 Final" (Brussels, 2016).

¹³⁷ European Commission, "Proposal for a Council Decision Amending Council Decision (EU) 2015/1601 of 22 September 2015 Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece - COM(2016) 171 Final" (Brussels, 2016).

which EU budgetary pledges and commitments are shaped by ‘crises’ and rapidly shifting policy priorities.

It is clear that the Commission considers funding to be one of its main responses to the ‘refugee crisis’.¹³⁸ As compared to the legal and operational responses that have sparked fierce public and political debate, such as the relocation mechanism, budgetary proposals have proven to be less politically charged and were adopted with less scrutiny.

Table 2. Overview of EU funding responses to the ‘refugee crisis’

Instrument/Increase	Foreseen funding sources	Period	EU budget (€ million)
EU Regional Trust Fund in Response to the Syrian Crisis – the ‘Madad Fund’¹³⁹	European Neighbourhood Fund (ENI), Instrument for Pre-Accession (IPA II), Development Cooperation Instrument (DCI), member states, other donors	Until 2019	500 (+500 from member states, other donors)
EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa¹⁴⁰ (launched at the EU–Africa Valetta Summit)	European Development Fund (EDF), Development Cooperation Instrument (DCI), ENI, Instrument contributing to Stability and Peace (IcSP), Asylum, Migration and Integration Fund (AMIF), Internal Security Fund (ISF), humanitarian aid, member states	Until 2020	1,800 (+1,800 from member states)
Humanitarian Aid (HA) increase	Humanitarian aid	2016	+180
Facility for Refugees in Turkey¹⁴¹ (linked to the EU–Turkey agreement)	IPA II, IcSP, humanitarian aid, Madad Fund, partly through the EU budget amendment: flexibility instruments and redeployment	Until 2017	1,000 (+2,000 from member states, + a possible 3,000 by 2018)
AMIF Increase	EU budget amendment/adoption: flexibility instruments and redeployment	2015, 2016	+1,474
ISF Increase	EU budget amendment/adoption: flexibility instruments and redeployment	2015, 2016	+253
Frontex budget increase	EU budget amendment/adoption: flexibility instruments and redeployment	2015, 2016	+140
European Asylum Support	EU budget amendment/adoption:	2015, 2016	+42

¹³⁸ European Commission, “Communication - Managing the Refugee Crisis: Immediate Operational, Budgetary and Legal Measures under the European Agenda on Migration (COM(2015) 490 final/2)” (Brussels, 2015).

¹³⁹ European Commission and Italy, “Agreement Establishing the European Union Regional Trust Fund in Response to the Syrian Crisis, ‘the Madad Fund’, and Its Internal Rules - Ref. Ares(2016)1329575 (Updated Version)” (Brussels, 2016).

¹⁴⁰ European Commission and Spain, “Agreement Establishing the European Union Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa, and Its Internal Rules” (La Valetta, 2015).

¹⁴¹ European Commission, “Commission Decision of 24.11.2015 on the Coordination of the Actions of the Union and of the Member States through a Coordination Mechanism - the Refugee Facility for Turkey - C(2015) 9500 Final” (Strasbourg, 2015).

Office budget increase	flexibility instruments and redeployment		
Europol budget increase	EU budget amendment/adoption: flexibility instruments and redeployment	2015, 2016	+5.8
Provision of emergency support within the EU¹⁴²	EU budget amendment/adoption: flexibility instruments and redeployment, AMIF	Permanent Council Regulation	700 (until 2018)
Relocation Mechanism, partly diverted to the resettlement of Syrians from Turkey¹⁴³	EU budget amendment/adoption: flexibility instruments and redeployment, AMIF	2015, 2016, possibly longer	780
Distribution of dairy products as part of the response to the humanitarian crisis¹⁴⁴	EU budget amendment: agriculture and rural development	2016	30

Note: For the AMIF, ISF, HA and agencies' budget increases, the numbers represent the difference in commitments between the adopted 2016 budget and the originally adopted 2015 budget, i.e. before amendments to the 2015 budget. Information retrieved from the Commission's DG Budget website and the agencies' websites.

Source: own compilation, earlier publication.¹⁴⁵

It should be stressed that the numbers as communicated by the Commission cannot simply be added together to arrive at a full picture of the EU budgetary response to the 'refugee crisis'. Several of the amounts presented in the table above have to be taken with caution. There is an overlap between the amounts labelled under the 'Madad' Fund and the Refugee Facility for Turkey, for example. Moreover, the numbers above have not all translated into commitment and payment appropriations in the EU budget, something that may still materialise in the years to come. It is also important to underline that the newly established external funds and facility do in principle not all include 'new' money. Rather, these regroup and re-label amounts that were already committed to existing funds, topped up by member state contributions. Whereas the Trust Funds regroup committed amounts into new funding instruments, the Turkey Refugee Facility is a 'coordination mechanism' that thus applies an extra label to amounts remaining within the funds' structures to which they were already committed.¹⁴⁶ Some of the announced amounts also result from a 'redeployment' within the EU budget, under which committed amounts are shifted between budget lines or taken from flexibility instruments.¹⁴⁷

¹⁴² European Council, "Regulation (EU) 2016/369 of 15 March 2016 on the Provision of Emergency Support within the Union - OJ L 70/1" (Brussels, 2016).

¹⁴³ European Commission, "Proposal for a Council Decision Amending Council Decision (EU) 2015/1601 of 22 September 2015 Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece - COM(2016) 171 Final."

¹⁴⁴ European Commission, "Implementing Decision of 30.03.2016 Financing the Distribution of Dairy Products as Part of the Response to Humanitarian Crises from the General Budget of the European Union - C(2016) 1760 Final" (Brussels, 2016).

¹⁴⁵ den Hertog, "EU Budgetary Responses to the 'Refugee Crisis' - Reconfiguring the Funding Landscape."

¹⁴⁶ European Commission, "Commission Decision of 24.11.2015 on the Coordination of the Actions of the Union and of the Member States through a Coordination Mechanism - the Refugee Facility for Turkey - C(2015) 9500 Final."

¹⁴⁷ See e.g. European Parliament, "Definitive Adoption (EU, Euratom) 2015/2221 of Amending Budget No 7 of the European Union for the Financial Year 2015 - OJ L 320/44" (Brussels, 2015).

What is clear across these announced changes to the funding landscape is the continuous search for more ‘flexibility’. As argued in more detail above, this creates a number of challenges.¹⁴⁸ Although it may have allowed for a quick operational and humanitarian response, there has been limited space for democratic debate over the rapidly established funding instruments. Contrary to the establishment of the original funds described above, which are the product of intense negotiations between the Council and the Parliament, these new instruments have been set up outside the Ordinary Legislative Procedure (OLP) or Parliament consent. The internal emergency support instrument has also been set up as a regulation by the Council, even though this concerns a permanent new structure.¹⁴⁹ The crisis-led funding and its push for more flexibility furthermore produces new incentives for ad hoc and short-term funding priorities, such as away from third country economic development and towards greater emphasis on migration prevention, return and readmission.¹⁵⁰

The ECA found in its Special Report on the TPMA and ENPI external migration funding that there was a limited overview and a lack of clear objectives and indicators.¹⁵¹ It is unlikely that such crisis-led funding will help to establish greater financial accountability. As many projects and actions are announced and contracted in short timeframes, the degree to which such projects can go through rigorous quality control and address long-term priorities is probably reduced.

Another challenge is whether the new trust funds and the facility are compatible with the rules and management structures governing the funds from which they draw.¹⁵²

For example, it seems difficult to isolate decision-making on humanitarian aid in the new funding instruments, to comply with the principles of the European Consensus on Humanitarian Aid.¹⁵³ Whereas humanitarian aid is considered to be needs-based and not following the political priorities of the day, this seems difficult to safeguard when various funding sources including humanitarian aid are combined, such as under the Turkey Refugee Facility. The formally ‘advisory’ role of Turkey in this Facility also questions whether the humanitarian aid and its implementation will be needs-based and enhances Turkey’s say over EU funds under this Facility, as compared to the original funds from which it draws.¹⁵⁴

For the development funds involved in the Africa Trust Fund, it is questionable whether some of the funded activities comply, respectively, with the EDF and the Cotonou Agreement, and with the DCI Regulation and the Treaty’s legal basis on development cooperation. This concerns, first, tensions with the ownership and co-management principles stipulated in the Cotonou

¹⁴⁸ den Hertog, “EU Budgetary Responses to the ‘Refugee Crisis’ - Reconfiguring the Funding Landscape.”

¹⁴⁹ European Council, “Regulation (EU) 2016/369 of 15 March 2016 on the Provision of Emergency Support within the Union - OJ L 70/1.”

¹⁵⁰ den Hertog, “EU Budgetary Responses to the ‘Refugee Crisis’ - Reconfiguring the Funding Landscape.”

¹⁵¹ European Court of Auditors, “Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission” (Luxembourg, 2016).

¹⁵² See also for a similar argument regarding the Trust Funds: Volker Hauck, Anna Knoll, and Alisa Herrero Cangas, “EU Trust Funds – Shaping More Comprehensive External Action?,” *ECDPM Briefing Note*, no. 81 (2015).

¹⁵³ European Council, “Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, the European Parliament and the European Commission - The European Consensus on Humanitarian Aid, OJ C 25.1.”

¹⁵⁴ European Commission, “Commission Decision of 24.11.2015 on the Coordination of the Actions of the Union and of the Member States through a Coordination Mechanism - the Refugee Facility for Turkey - C(2015) 9500 Final.” Interview official DG Near, European Commission.

Agreement.¹⁵⁵ Second, questions can be raised about whether some of the proposed activities are consistent with the primary objective of EU development cooperation. As Article 208(1), second paragraph, TFEU establishes unequivocally:

Union development cooperation shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect development cooperation.

This EU constitutional objective should thus be the leading rationale behind the integration of other policy fields – such as migration – into the EU’s development cooperation under “Policy Coherence for Development”.¹⁵⁶ The current surge of ‘root causes’ and ‘conditionality’ approaches in the EU migration and development policy and funding decisions, such as in the Trust Fund for Africa and the ‘Partnership Framework’, are partially at odds with this Treaty provision.

2.2 Priorities

The previous sections showed the wide diversity of funding instruments at the EU’s disposal in its external migration governance. Following the presentation of the different funds, the following sections aim to highlight the priorities and actors behind them. It is only by looking at who is setting which priorities that we can understand why we have this fragmented and incoherent funding landscape.

During the interviews for this research project, interviewees often stated that they themselves were unable to have an overview of the different funds and actors involved in this area.¹⁵⁷ The 2016 Special Report by the European Court of Auditors also flagged up the issue that no central and reliable overview was available for the ENPI and TPMA funds spent in the neighbourhood countries.¹⁵⁸ According to one interviewee, an internal mapping study had shown more than 800 projects on migration and asylum in the EU’s neighbourhood with no clear oversight of priorities or results. Another indicated that this area of external funding is now more complex than ever, with the external funding under the AMIF and ISF entering the scene both under Union actions as well as in national programmes.¹⁵⁹ There is thus not only a number of funds with divergent priorities, there also seems to be no central understanding of who is funding what in this area. Different DGs, units and services are using the funding instruments to set their own priorities. The lack of coherence has been a recurrent issue in this area, not only when it comes to funding.¹⁶⁰ But this paper does not aim to ‘problematise’ this incoherence as such, however. Rather, it attempts to

¹⁵⁵ See for more details: Hauck, Knoll, and Cangas, “EU Trust Funds – Shaping More Comprehensive External Action?”; den Hertog, “EU Budgetary Responses to the ‘Refugee Crisis’ - Reconfiguring the Funding Landscape.”

¹⁵⁶ See on this also: Leonhard den Hertog and Simon Stross, “Coherence in EU External Relations: Concepts and Legal Rooting of an Ambiguous Term,” *European Foreign Affairs Review* 18, no. 3 (2013), pp. 381-383; and: Jeske Van Seters and Henrike Klavert, “EU Development Cooperation after the Lisbon Treaty,” *ECDPM Discussion Paper*, no. 123 (2011).

¹⁵⁷ E.g. interviews DG Home, DG Devco, DG Near, European Commission.

¹⁵⁸ European Court of Auditors, “Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission.”

¹⁵⁹ Interview with DG Near and DG Home officials, European Commission.

¹⁶⁰ Georgia Papagianni, “Forging an External EU Migration Policy: From Externalisation of Border Management to a Comprehensive Policy?,” *European Journal of Migration and Law* 15, no. 3 (January 1, 2013): 298; Boswell, “Evasion, Reinterpretation and Decoupling: European Commission Responses to the ‘External Dimension’ of Immigration and Asylum.”

understand why this incoherence has emerged and is sustained. It argues that this can be understood in terms of wider processes of legitimacy- and authority-seeking by the different EU actors in this contested governance area (see section 3).

In terms of priorities, we can distil four major priority areas from the different funds.

2.2.1 Security and irregular migration

First, a major priority area is that of security and irregular migration. As argued more widely, European migration governance is often seen through the prism of security threats, linked to the so-called securitisation of this field.¹⁶¹ This is also reflected in the funding priorities. As we have seen in section 2.1.1, the consecutive thematic programmes on migration have often prioritised security concerns. This is translated into the financing of border control capacity-building and the ‘fight’ against irregular migration and smuggling. Yet there are many different security considerations at play. As we can see from the clearly circumscribed area of intervention under the new external dimension competence of the home affairs funds, the *internal security* of the EU is a crucial consideration. Financed external actions are thus seen to serve the internal security of the EU, which is clearly also the stated objective under the AMIF and ISF external funding. On the other hand, in some of the external relation funds, we can see the prioritisation of actions addressing the instability of wider *regional security* resulting from and contributing to migration. In the IcSP this element is clearly present, where actions are meant to address or prevent conflicts and crises resulting from migration flows. The link with EU internal security is present but less direct here, although the financing of migration centres in Niger, for example, is linked to unwanted migration towards Europe. This element of security is also very present in the Athena/member state funded activities under the CFSP. The EUNAVFOR MED operation clearly conveys the message that migration is a major security threat that needs to be confronted with a military response. In the neighbourhood and enlargement funds (ENI and IPA II), the idea that border security has to be increased to create a ring of stability around Europe is also present. The financing of border infrastructure and EUBAMs fits this security thinking. Overall, we can thus see that this security priority is dominant in many funding schemes, and certainly not only in the home affairs funds.

With the funding responses to the ‘refugee crisis’ we see ever more emphasis placed on internal security concerns, most notably reflected in the financing of cooperation with third countries to prevent migration flows and to encourage expulsions and readmission. As reflected in the wider EU political output on return and the newly proposed compacts under the so-called ‘Partnership Framework’, this is now one of the main priorities if not the most dominant one in the cooperation with third countries.¹⁶² Expulsion is one of the central elements of the EU-Turkey agreement and was also very present in the EU-Africa negotiations, with several member states ready to condition the Africa Trust Fund upon cooperation on expulsion and readmission.¹⁶³ This resurgent emphasis on readmission is not entirely new and has long since been an area where the EU encounters difficulties to obtain and implement cooperation with third countries.¹⁶⁴ As El Qadim has shown in

¹⁶¹ Jef Huysmans, “The European Union and the Securitization of Migration,” *Journal of Common Market Studies* 38, no. 5 (2000): 751–77.

¹⁶² European Council, “Conclusions on the Future of the Return Policy” (Brussels, 2015); Commission, “Communication on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration - COM(2016) 385 Final.”

¹⁶³ This relates back to Article 13 of Cotonou Agreement, mentioning readmission. See also: Hauck, Knoll, and Cangas, “EU Trust Funds – Shaping More Comprehensive External Action?”

¹⁶⁴ See e.g. European Commission, “Communication - Evaluation of EU Readmission Agreements - COM(2011) 76 Final” (Brussels, 2011); Sarah Wolff, “The Politics of Negotiating EU Readmission

the case of EU-Morocco cooperation, the idea that EU funding can serve as a counterweight to or incentive for cooperation on readmission is far from evident.¹⁶⁵

2.2.2 Rights and humanitarian needs

The second area of prioritisation focuses on migrants' rights and humanitarian needs. The migration process is seen as being prone to human rights violations in the various stages of travel, stay, and work. Under the EIDHR, defenders of migrants' rights are supported, for example in the area of the socio-economic rights of workers or the statelessness of persons. The focus of the EIDHR on migrants' rights is limited in quantitative terms, however. The Humanitarian Aid managed by DG ECHO also aims to provide the most basic rights of migrants, such as shelter, as is, for example, foreseen under the new Turkey Refugee Facility. Along those lines, the financing of regional development and protection programmes (RDPPs) from the DCI can be seen under that paradigm of guaranteeing basic rights of refugees or IDPs. Moreover, the fight against trafficking in human beings (THB) was prioritised in some projects under AENEAS. Attention to migrants' rights is thus a recurring priority across the funds. In its recent Special Report of the TPMA and ENPI migration projects in the EU neighbourhood, the ECA found that even though human rights constitute a cross-cutting objective in these funds, they are not always given appropriate attention in implementation:

The objectives of most of the audited projects included a commitment, in theory, to respect for [sic] human rights, but we found several cases where this was not supported in practice¹⁶⁶

As was highlighted in section 2.1.12, the combining of humanitarian aid and other EU funding sources in the newly established trust funds and facility also raise questions as to whether the humanitarian assessment of migrants needs can be made in isolation from overriding political considerations dominating EU decision-making on funding allocations. The Trust Fund for Africa also funds RDPPs, which are meant to build the international protection and socio-economic integration capacity of the targeted third countries, such as envisaged in Ethiopia under the 'Horn of Africa window' of the Trust Fund.¹⁶⁷ This also links to the 'root causes' approach of the Fund (see also next point), whereby the capacity of third countries to address the needs of migrants is seen to halt (onward) migration to the EU.

2.2.3 Migration and development

Third, an important priority in the external dimension of EU migration funding is the development of third countries, seen as resulting from migration and as preventing further migration. 'Development' here is referred to in a wide sense, namely including its social, economic, and political dimensions. This linking of migration and development has not only become a dominant paradigm in the EU, but also in international organisations and among academics more widely. The development of a country is thought to be positively impacted, especially through the generation of remittances. The role of a developing country's diaspora is also found to be important for its development. Much of this migration-development nexus is reflected in the funds

Agreements: Insights from Morocco and Turkey," *European Journal of Migration and Law* 16, no. 1 (2014): 69–95; Jean-Pierre Cassarino, "Readmission Policy in the European Union (EP Study)" (Brussels, 2010).

¹⁶⁵ El Qadim, *Le Gouvernement Asymétrique Des Migrations. Maroc/Union Européenne*; see also: Sergio Carrera et al., "EU-Morocco Cooperation on Readmission, Borders and Protection: A Model to Follow?," *CEPS Papers in Liberty and Security in Europe*, no. 87 (2016).

¹⁶⁶ European Court of Auditors, "Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission.", p. 49.

¹⁶⁷ See http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund/horn-africa_en.

managed by DG Devco, such as the DCI and EDF. In this funding, the socio-economic development of third countries is a priority. This also means that the migration flow of interest is not always towards Europe, but can also be South-South migration flows. Due to the fact that DG Devco manages large funding amounts in the external relations area, the development perspective on migration is a relatively dominant one in the EU funding landscape. A somewhat similar logic can also be discerned in neighbourhood and enlargement funding, where mobility is presented as a driver for socio-economic growth in the EU's region. For example, several projects under the EU-Morocco Mobility Partnership have a migration-development focus, especially counting on diaspora support for economic development.¹⁶⁸

Interestingly, the migration-development nexus is increasingly conceptualised in the opposite direction: more development can limit irregular migration towards Europe as the 'root causes' are addressed. The new Trust Fund is explicitly referred to as "addressing the root causes of irregular migration and displaced persons in Africa".¹⁶⁹ Despite academic analyses arguing that stimulating economic development in migrant-sending countries will not stop migration to Europe in the foreseeable future,¹⁷⁰ this idea is strong in policy-making and EU external funding. Under the Africa Trust Fund, several projects adhering to this logic have been announced. The degree to which the development needs of African countries are central to this Trust Fund is however not entirely clear, as many projects also address migration management objectives.¹⁷¹ Moreover, the 'North Africa window' of the Trust Fund frames the countries under this window predominantly as 'transit countries' that require a prioritisation of the 'migration management' objectives of the Fund.¹⁷²

2.2.4 Legal and labour migration

Finally, migration is increasingly seen as a potential for the European economy itself, often framed in terms of increased labour migration. This concerns in particular, but not exclusively, the attraction of the 'highly skilled' in the global 'race for talent', something forming the policy discourse around the EU's Blue Card scheme.¹⁷³ The new PI is a clear representation of this paradigm in the funding landscape. It is explicitly meant to contribute to the competitiveness of the EU economy and focuses on economically emerging countries such as China. The PI therefore funds the IOM and ILO-implemented 'EU-China Dialogue on Migration and Mobility Support

¹⁶⁸ Leonhard den Hertog, "Funding the EU-Morocco 'Mobility Partnership': Of Implementation and Competences," *European Journal of Migration and Law* 18, no. forthcoming (2016).

¹⁶⁹ European Commission and Spain, "Agreement Establishing the European Union Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa, and Its Internal Rules."

¹⁷⁰ See for critical analyses: Hein de Haas, "Turning the Tide? Why Development Will Not Stop Migration," *Development and Change* 38, no. 5 (2007): 819–41; Hein de Haas, "International Migration, Remittances and Development: Myths and Facts," *Third World Quarterly* 26, no. 8 (2005): 1269–84; Hein de Haas, "Migration and Development: A Theoretical Perspective," *International Migration Review* 44, no. 1 (2010): 227–64; Oliver Bakewell, "'Keeping Them in Their Place': The Ambivalent Relationship between Development and Migration in Africa," *Third World Quarterly* 29, no. 7 (2008): 1341–58.

¹⁷¹ See for information about the projects: http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en.

¹⁷² European Commission, "The European Union Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa - Strategic Orientation Document" (Brussels, 2015), p. 27.

¹⁷³ The European Commission has recently proposed amendment of the Blue Card Directive, see: "Proposal for a Directive of the European Parliament and of the Council on the Conditions of Entry and Residence of Third Country Nationals for the Purposes of Highly-Skilled Employment - COM(2016) 378 Final" (Brussels, 2016).

Project', focusing on issues "such as the promotion of regular migration and reduction of irregular migration flows".¹⁷⁴ The promotion of mobility for specific categories of migrants and the intensification of dialogues with such countries are prioritised more widely throughout the funds. However, we should not overlook the economic significance of low-paid labour in Europe, partly originating from key source countries such as Morocco. The financial support for the MP with Morocco therefore also envisages increasing capacity-building for the Moroccan employment agency and its contacts with EU counterparts.¹⁷⁵ Under the MPF, similar initiatives could be taken with other third countries that concluded an MP. It is however clear the mobility components of the MPs have been seriously limited, with very few real opportunities for more mobility. The mobility of persons also features in the neighbourhood funding, such as under the cross-border cooperation programmes. Part of the external funding thus also concerns the economic priorities of the Union itself, namely addressing its need for labour of both a high and low paid nature. As is often highlighted in the policy discourse, the ageing Union is said to require a fresh labour force through schemes such as 'circular migration'.¹⁷⁶

2.3 Processes and actors

As can be gathered from the above, many actors are involved in setting priorities for the different funds. Their interaction is partly governed by formal procedures but also takes place informally. The roles of the different actors also differ, depending on the fund involved. This results in a highly complex picture of actors pushing the different priorities identified above. This section aims to show the actors and their involvement in the stages of fund design, programming and management.

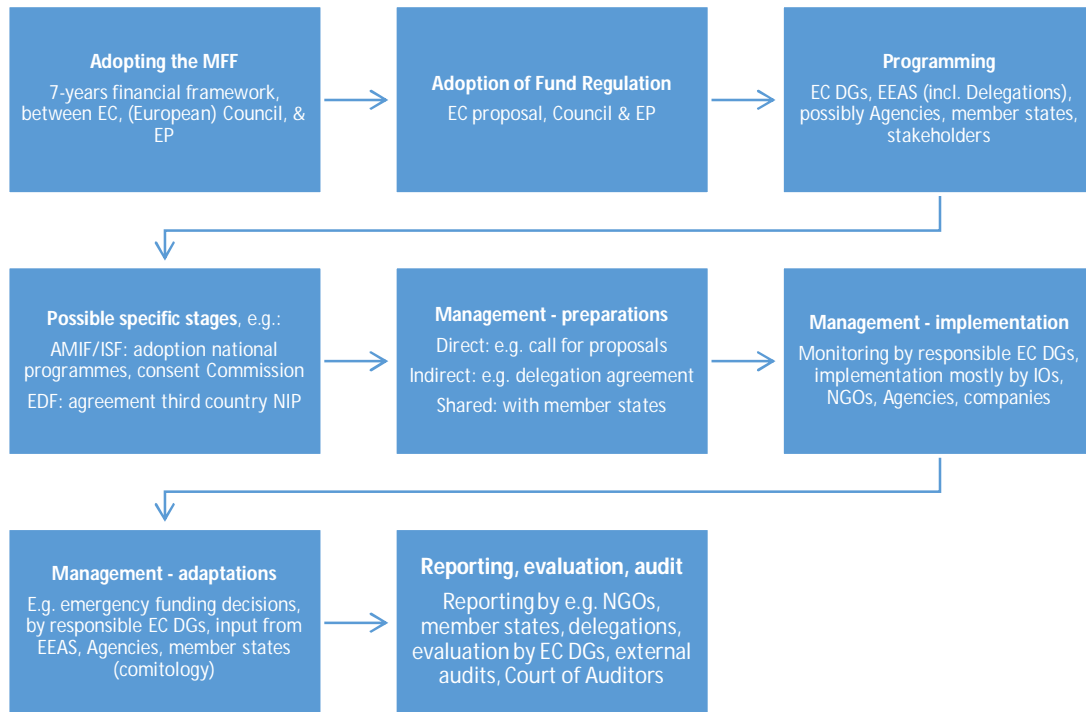
It is important to understand the different stages in the EU funding cycle. Although these indeed differ for each fund, a typical funding process can be depicted in Figure 5. The actor-centred discussion below follows this fund cycle to understand better at which point different actors are able to set priorities. The different phases depicted below are in reality not so clear-cut and linear but rather tend to overlap. At the end of this section, the roles of different actors are presented in Figure 6.

¹⁷⁴ See: <https://www.iom.int/sites/default/files/country/docs/china/EU-China-Dialogue-on-Migration-and-Mobility-Support-Project-Newsletter-No-1-May-2015.pdf>.

¹⁷⁵ European Council, "Joint Declaration Establishing a Mobility Partnership between the Kingdom of Morocco and the European Union and Its Member States" (Brussels, 2013); den Hertog, "Funding the EU-Morocco 'Mobility Partnership': Of Implementation and Competences," 2016.

¹⁷⁶ See e.g. European Commission, "Communication on Circular Migration and Mobility Partnerships between the European Union and Third Countries (COM(2007) 248 Final)" (Brussels, 2007).

Figure 5. General example of EU funding processes



Source: own compilation.

2.3.1 Adopting the MFF

The adoption of the MFF as a Council Regulation, with consent of the Parliament, is an important first step in the setting of funding priorities.¹⁷⁷ This sets out the budget ceilings and the different budget headings commitment appropriations, reflecting the political priorities for the EU budget at the highest political level. The Commission's 2014-20 MFF proposals included migration-related funding (most notably the AMIF and ISF Borders & Visa) of around €7.3 billion, *inter alia* to address 'the challenges of migration'. Moreover, already at this stage, the external competence for home affairs funds was explicitly prioritised by the Commission.¹⁷⁸ The final amount for these home affairs funds from the negotiations with the Council and the Parliament amounted to €6.9 billion, thus representing a decrease from the Commission proposals. This should be seen against the background of a strong member state push to reduce the overall EU budget for the 2014-20 MFF. Home affairs funding suffered only moderately from this as it was nonetheless prioritised. Allocations for the AMIF and ISF Borders & Visa still represented a serious increase from the previous home affairs SOLID funds, which totalled €4 billion (see section 2.1.3). This reflects the political importance accorded to migration, asylum and borders by the EU political leadership across the institutions and member states involved. In the MFF negotiation process, the Parliament has a strong role, due to its right of consent.¹⁷⁹ It stressed that the funding allocated to this area was meagre and that sufficient 'emergency funding' should be available to deal with situations "in a spirit of respect for human rights and solidarity". Moreover, it stressed the need to streamline

¹⁷⁷ European Council, "Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 Laying down the Multiannual Financial Framework for the Years 2014-2020 - OJ L 347/884" (Brussels, 2013).

¹⁷⁸ European Commission, "Communication - A Budget for Europe 2020 - COM(2011)500 Final - PART I" (Brussels, 2011), 18-19, 25.

¹⁷⁹ Art. 312(2) TFEU.

home affairs funding in the EU's external relations, and especially in its neighbourhood policy.¹⁸⁰ This stage of adopting MFF priorities thus determines the leeway available to the different funds and their further programming. However, this stage only concerns the MFF, with annual budgets adopted to allow for some flexibility between the different years.

2.3.2 Adopting the fund regulations

In parallel, the specific regulations for different funds are negotiated between the EP and the Council, upon a Commission proposal. This is of course different for funding in intergovernmental areas: the CFSP Athena instrument is a direct Council Regulation without involvement of the Parliament. This stage of designing the funds is pivotal as it largely determines the geographic and thematic scope of the funds. Crucial bargaining games are played between the different actors involved. As shown above (section 2.1.3), the competence of the DG Home to fund external projects under the AMIF and ISF was something the member states were willing to accept under a parallel external funding competence under their AMIF and ISF national programmes. However, the member states limited the amount of funding available for Union actions (covering the external dimension), to the advantage of their national programmes. In addition, the division between the DCI and the AMIF/ISF external funding competence – focusing on development and internal security interests, respectively – addressed a longstanding frustration between, respectively, the development and home affairs policy making communities. This shows that the Commission cannot be seen as one unitary actor. Rather, the different DGs of Devco and Home were involved in these struggles, stemming from years of mutual frustration over the use of development funds for migration activities. As the line DGs, they are involved in Commission proposals for different funds and thus have a strong stake in the process. It is however also clear from the discussion of the different funds, above (see section 2.1.1) that these DGs have long cooperated on external migration funding and that the distinction between them is not clear cut in the programming or management of the funds.

The fact that existing units and DGs are involved in proposing funds also leads to the incremental nature of change in the funding landscape, as they defend their existing competences. Interviews showed that different units cultivate particular views on migration cooperation with third countries, often seen as threatened by the approaches of other actors and thus in need of defence. This is especially the case for DG Devco, Echo and Near actors, who often see the home affairs and external relations' actions as an encroachment on their development and humanitarian aid funding. The setting up of the new Trust Funds and Facility has further exacerbated this. The obligation that the AMIF/ISF should only fund external actions with a clear *internal* EU interest highlights the priority-setting significance of this phase of negotiating and adopting the funding regulations, circumscribing the scope of future funded projects. On the other hand, the setting of priorities often becomes diluted in the negotiation process between the Commission DGs, Parliament and Council. The funding regulations often create the impression of a 'shopping list' of priorities. For example, the IcSP can intervene to 'prevent' crises or conflicts related to 'population movements' (see section 2.1.7). This is a broad competence, leaving much leeway for subsequent management of the fund, as can be seen from its financing of the multi-purpose centre in Niger. More rigid still is the stipulated geographic scope of the funds, signifying struggles over which actor can engage with which third country or region. The peculiar division of countries between the different funds may lead to an artificial and incoherent approach to a regional migratory phenomenon, such as between North (ENI) and sub-Saharan Africa (EDF). Even where the Africa Trust Fund is established as a cross-regional fund, we see the same reflex of geographical scope

¹⁸⁰ European Parliament, "Resolution of 8 June 2011 on Investing in the Future: A New MFF for a Competitive, Sustainable and Inclusive Europe - P7_TA(2011)0266" (Brussels, 2011).

division in three geographical ‘windows’ managed by different Commission DGs (see section 2.1.12).¹⁸¹

2.3.3 Programming

When the regulations are adopted, the funds can be programmed. In reality, this third phase already starts while negotiations over the regulations are still ongoing. Many of the funds, such as the home affairs and external relation funds for the 2014-20 period, were only formally adopted in the spring of 2014. However, the programming instructions for the EDF and DCI were already issued in 2012.¹⁸² In this strategic programming, the EEAS plays an important role as it is supposed to give overall political guidance. For the EDF and DCI geographic programmes, the delegations were involved in a stocktaking exercise of the priorities of the third countries involved. The country, regional, and thematic desks in the EEAS also feed in their priorities and ideas for the programming of external relations funds. Nonetheless, interviewees indicated that EU funding remains complicated to mobilise for the EEAS and its delegations.¹⁸³

Member states are also involved in setting priorities through two main formal channels: i) the Council working groups, such as the Mashreq/Maghreb (MaMa) Working Party for the South or the High Level Working Group for Asylum and Migration (HLWG) for explicit external migration issues, and ii) the comitology procedures under the different funds. Each fund has a designated committee established by its regulation in which member state representatives meet. Moreover, as the major part of AMIF and ISF funding is spent through shared management, dialogues between the Commission and member states to adopt national programmes took place. From the Commission’s point of view, the aim is to ensure that national programmes follow EU priorities as much as possible. Another specific example is the adoption of National Indicative Programmes (NIPs) under the EDF, which are agreed between the Commission on behalf of the EU and the third country involved. This makes this process dependent on an external party. More generally, at the strategic programming stage, the input of several stakeholders is collected. These stakeholders often include the possible final implementers of actions, such as IOs and NGOs. In this way, these external entities also have a role in influencing the priority-setting for funds.

The strategic programming process leads to the adoption of a document outlining the priorities, often for a multiannual period. These usually take the form of a Commission implementing decision following comitology or agreed Indicative Programmes with third countries and regions. The multiannual programme documents are often translated into specific annual work programmes. These programming documents thus contain a much more specific list of priorities than the regulations. It is in the programming process that priorities can be set to result in specific funded actions. For example, for the DCI thematic programme, the MIP includes a ‘flagship project’ on the rights of migrant domestic workers. Moreover, the MIP identifies three objectives for the migration area, of which two address the link between migration and development.¹⁸⁴ This shows that these programming documents will largely determine which priorities will be picked from the initial shopping list of options presented in the founding regulations. Although the

¹⁸¹ For the management of the North Africa window DG Near is in the lead, whereas for the Horn of Africa window and the Sahel and Lake Chad Area window DG Devco is in the lead.

¹⁸² European External Action Service (EEAS) and European Commission, “Instructions for the Programming of the 11th European Development Fund (EDF) and the Development Cooperation Instrument (DCI) - 2014-2020.”

¹⁸³ Interview, EEAS official and DG Home official, European Commission.

¹⁸⁴ European Commission, “Programming Thematic Programmes and Instruments - Programme on Global Public Goods and Challenges 2014-2020 - Multi-Annual Indicative Programme 2014-2017.”

Parliament has the competence to intervene under the comitology procedure,¹⁸⁵ there is little evidence that it is proactively involved in this crucial stage of priority-setting. It often amounts to a rather opaque struggle between Commission DGs, EEAS divisions, delegations, member states and stakeholders. The group of actors of course differs according to the funds involved, with specific units responsible for specific funds. This also creates an increasing division between actors and priorities as the programming process evolves. Interviews showed that there was limited inter-unit contact between Commission and EEAS officials.¹⁸⁶ Moreover, the national representatives discussing the external dimension of migration at the political level in the HLWG do not always correspond with their national colleagues in the funds' committees.¹⁸⁷ This could partly explain the dispersed and incoherent funding landscape that is evident throughout the abovementioned discussions.

2.3.4 Management and implementation

Once the programming documents are adopted, the management of funds can begin with the preparations for actual implementation. This is a bureaucratic but also inherently political process with technical contractual arrangements to be taken care of. It is at this stage that the domination of funding experts in the different Commission DGs and the FPI Service becomes increasingly important. In DG Home for example, there is a specific directorate for the management of the AMIF and ISF, separated from the 'policy' units, such as the one dealing with international cooperation. It transpired from interviews that these financial units have considerable power, as they often have the last word on what can be funded.¹⁸⁸ At this stage there is still considerable room for priority-setting, e.g. through the formulation of a call for proposals or the drawing up of a delegation agreement. For example, although the EIDHR global call for proposals did formally address different groups, the document made clear between the lines that projects on statelessness would be prioritised.¹⁸⁹ Importantly, additional eligibility criteria can be added at this stage, such as a limitation on possible organisations to put forward proposals, sometimes also directly contracting projects to organisations without an open call for proposals, both under the indirect or direct management modes. This has been increasingly typical under the Trust Funds where rapid funding was deemed necessary, in turn limiting the options for open (international) calls for proposals and often contracting to organisations with existing contacts and experience with the Commission.¹⁹⁰

The negotiations around the setting up of the MPF show how the involvement of actors can be shaped at this stage. The MPF was partly the idea of the ICMPD itself and DG Home, building on ICMPD's earlier activities under the so-called 'MIEUX' initiative (section 2.1.3). There was no open call for proposals, the ICMPD was the only party managing the facility under indirect management. Moreover, it is interesting that a separate management structure is set up for the MPF under a Steering Committee with officials from DGs Home, Near, Devco and the EEAS.

¹⁸⁵ It has a right of scrutiny under specific conditions, see Art. 11, European Parliament and European Council, "Regulation (EU) No 182/2011 of 16 February 2011 Laying down the Rules and General Principles Concerning Mechanisms for Control by Member States of the Commission's Exercise of Implementing Powers," *OJ* L55/13 (2011).

¹⁸⁶ Interview, DG Near official, DG Home official, European Commission, and interview EEAS official.

¹⁸⁷ Interview, DG Home official, European Commission.

¹⁸⁸ Interview, DG Home official, European Commission.

¹⁸⁹ European Commission, "EIDHR Global Call for Proposals 2015."

¹⁹⁰ See for example the contract status overview under the Horn of Africa window of the Africa Trust Fund: http://ec.europa.eu/europeaid/sites/devco/files/august-2016-contract-status-overview_en.pdf.

Member states will be informed.¹⁹¹ It represents a structure that can escape some of the rigid programming and management requirements under the home affairs funds. A direct granting of projects also happens under the AMIF, where the Commission awarded projects for ‘information campaigns’ in third countries after only the IOM and UNHCR were allowed to put forward proposals (section 2.1.3). It goes to show that the potential for inclusion and exclusion of actors at this stage is significant. It also shows that the non-governmental and international organisations involved in ‘implementation’ of the EU funds often influence programming and management decisions well before the implementation phase. Moreover, the role of third countries in the preparation of specific actions or projects can be crucial. Without their support it will often be difficult to have effective implementation. Therefore, third countries are almost always consulted before launching a project. This was, for example, the case with the ‘Sharaka’ project under the EU-Morocco MP.¹⁹²

The actual implementation of EU-funded projects is hardly carried out by EU actors themselves, but mostly by IOs, NGOs and member states. This is both the result and cause of the dependency of the Commission and EEAS on these organisations for the successful implementation of projects. This situation is changing slowly, however, with the gradual building-up of the operational capacities of the EU agencies in this field, such as the post-Frontex EBCG. Frontex and EASO have already jointly implemented a project in North African countries on border management and international protection, financed from the ENPI.¹⁹³ Moreover, some of the funds also finance dialogues (e.g. the ‘Khartoum’ process)¹⁹⁴ in which the Commission and EEAS themselves take part, albeit facilitated by the ICMPD. During the implementation of activities by third parties, the Commission’s ability to effectively monitor progress varies but is in general limited. Several interviewees complained about the lack of human resources to do a proper follow-up.¹⁹⁵ Under the shared management of the AMIF and ISF this is even more challenging as the member states themselves manage part of the funding. The descriptions given by member states of their AMIF/ISF funded activities are often so general that it is hard to determine how, exactly, it is spent.¹⁹⁶ ECA reports on the home affairs and external relations funds have recurrently identified similar challenges: a lack of oversight, limited available information and weak accountability, resulting both from Commission and member state administrative weaknesses.¹⁹⁷

2.3.5 *Managing changes*

Throughout the funding period new adjustments to the programming and budget allocations have to be made if the situation so requires. This concerns new annual budgets, working programmes and emergency funding decisions. Every time this is done, priorities are set and waived. The AMIF and ISF have emergency funding available to help member and third states in situations of ‘heavy

¹⁹¹ Interview, DG Home official, European Commission. See also: <https://www.icmpd.org/our-work/capacity-building/multi-thematic-programmes/mobility-partnership-facility-mpf/the-governing-structure-evaluation/>

¹⁹² Interview, DG Home official, European Commission, and EEAS.

¹⁹³ See section 2.1.11.

¹⁹⁴ Dialogue on migration between the EU and Egypt/Horn of Africa countries.

¹⁹⁵ Interviews with DG Near, Devco and Home officials, European Commission.

¹⁹⁶ Interview, DG Home official, European Commission.

¹⁹⁷ European Court of Auditors, “Do the European Integration Fund and European Refugee Fund Contribute Effectively to the Integration of Third-Country Nationals?” (Luxembourg, 2012); European Court of Auditors, “The External Borders Fund Has Fostered Financial Solidarity but Requires Better Measurement of Results and Needs to Provide Further EU Added Value,” 2014; European Court of Auditors, “Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission.”

migratory pressure'.¹⁹⁸ The mere fact that emergency funding is reserved will necessitate identifying such 'emergencies', meaning that EU funding also catalyses the framing of what constitutes a migration 'emergency'. Any time emergency funding is allocated, it constitutes a political decision about what is an emergency and what is not. This was visible in the EU-level responses to boat migration across the Mediterranean and in the context of the refugee crisis, as is highlighted in section 2.1.12, above. Already before the 2015 'refugee crisis', when Italy mounted its *Mare Nostrum* operation in 2013, DG Home allocated €1.8 million in emergency funding from the EBF.¹⁹⁹ This pattern continues, with emergency funding allocated to the increasing number of 'emergencies' at Europe's borders that attract headlines, such as for the Greek, Italian, (Mediterranean) French and UK (Calais) governments in the summer of 2015. As can be seen from the overview presented in section 2.1.12, this pattern was radicalised throughout 2015 and 2016 with increasing amounts of EU funding redirected to 'emergency' measures to member states, third countries and implementing organisations. This is a forceful political message the Commission can send through funding: we are giving money and therefore addressing the issue. The role of EU agencies themselves are key in these decisions, as they are the major providers of information about these 'emergencies'. For example, Frontex carries out 'risk analysis', *inter alia* with the member states under the EUROSUR surveillance network, assigning different 'impact levels' to border stretches.²⁰⁰

Serving as an illustration of how actors and competences can be re-negotiated in times of crisis, the May 2015 'European Agenda on Migration' included considerable funding pledges, such as for a multi-purpose centre in Niger.²⁰¹ Interviewees highlighted the struggles over who should fund this multipurpose centre in the first place, with DG Devco and FPI officials indicating that this idea was pushed onto their funding priorities by DG Home.²⁰² This shows that clear dividing lines between competences can blur during times of 'crises'. The idea that DG Home would no longer need other funding sources because it now has its own external funding competence did thus not materialise. As highlighted above, the budgetary implications also envisaged €780 million for the relocation of asylum seekers in Europe, to be taken partly from the funds for the Commission's Galileo satellite project.²⁰³ Subsequently, part of this amount was again redirected to the EU-Turkey agreement, under the '1 for 1' Syrian scheme, see also section 2.1.12 above. This constitutes quite an unusual funding shift, thus underlining the strength of 'emergencies' in mobilising funding.

2.3.6 Reporting, evaluation and audit

At the end of the funding process, the final reporting, evaluation and audit of the funds take place. The reporting is carried out on different levels, from the implementing organisations to the

¹⁹⁸ Art. 2(k), European Parliament and European Council, "Regulation (EU) No 516/2014 of 16 April 2014 Establishing the Asylum, Migration and Integration Fund, Amending Council Decision 2008/381/EC and Repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council."

¹⁹⁹ See, for more background: Sergio Carrera and Leonhard den Hertog, "Whose Mare? Rule of Law Challenges in the Field of European Border Surveillance in the Mediterranean", *CEPS Papers in Liberty and Security in Europe*, no. 79 (2015).

²⁰⁰ Art. 15, European Parliament and European Council, "Regulation (EU) No 1052/2013 of 22 October 2013 Establishing the European Border Surveillance System (Eurosur)," *OJ L 295/11* (2013).

²⁰¹ European Commission, "Communication - A European Agenda on Migration," 5.

²⁰² Interviews with official of the FPI Service, and officials of DG Devco and DG Home, European Commission.

²⁰³ European Commission, "Draft Amending Budget No 5 to the General Budget 2015 - Responding to Migratory Pressures - COM(2015) 241 Final" (Brussels, 2015), 5.

Commission DGs and upwards in the hierarchy. Audits and evaluations are also carried out by external firms. In the EU, the Court of Auditors also has a special role to play here. In its EBF report the Court of Auditors found cases of missing audit trails and funding used for activities not prioritised in the programming,²⁰⁴ again highlighting the difficulty for the Commission to adequately monitor the spending of home affairs funds by member states. The Court also found serious deficiencies in its 2016 Special Report on external migration funding, such as unclear objectives, doubts about added value of the involved ENPI and TPMA funding and a lack of attention to human rights in projects.²⁰⁵ The end of the funding process is however also the beginning of a new process, as the evaluations should feed into the new MFF and its funds. In reality, however, the evaluation of funds is finished well after the new funds have been adopted and programmed. Lessons learnt cannot often be taken into account when designing new funds.

This section outlined the different actors involved in the different stages of designing, programming, managing and implementing the funds. A picture emerges of a set of actors with different priorities, such as the development-focused DG Devco and the internal security focused DG Home. Actors clearly have access to priority-setting at different stages, through formal and informal ways. Some of the actors also have specific links to each other. For example, the fact that some of DG Near's funding units came from DG Devco creates a close link between them. They thus partly share a development perspective on migration and third countries.²⁰⁶ Another interesting example is the position of the FPI, as discussed in section 2.1.8. It finds itself in between the Commission and the EEAS, giving it a strategic position between the major EU external actors. In general, a picture of inter-DG, inter-unit and inter-institutional struggles emerges, with very different visions and interests in this area, and each seeing the other actors as having limited views on the migratory phenomenon, the funding opportunities and the cooperation with third countries.²⁰⁷ Moreover, the analysis shows the importance of the 'technocratic' actors in charge of managing the funding, thereby creating divisions with the officials dealing with the day-to-day political priorities. This technocratic framing of funding decisions makes it difficult for some of the officials dealing with day-to-day policy-making to effectively mobilise funding for their priorities. However, emergencies can shift funding priorities, as funding is a strong tool in appearing to be handling an emergency. To better understand how different actors can influence the priority-setting of different funds, the figure below illustrates the different lines of priority-setting for the programming and management of the funds.

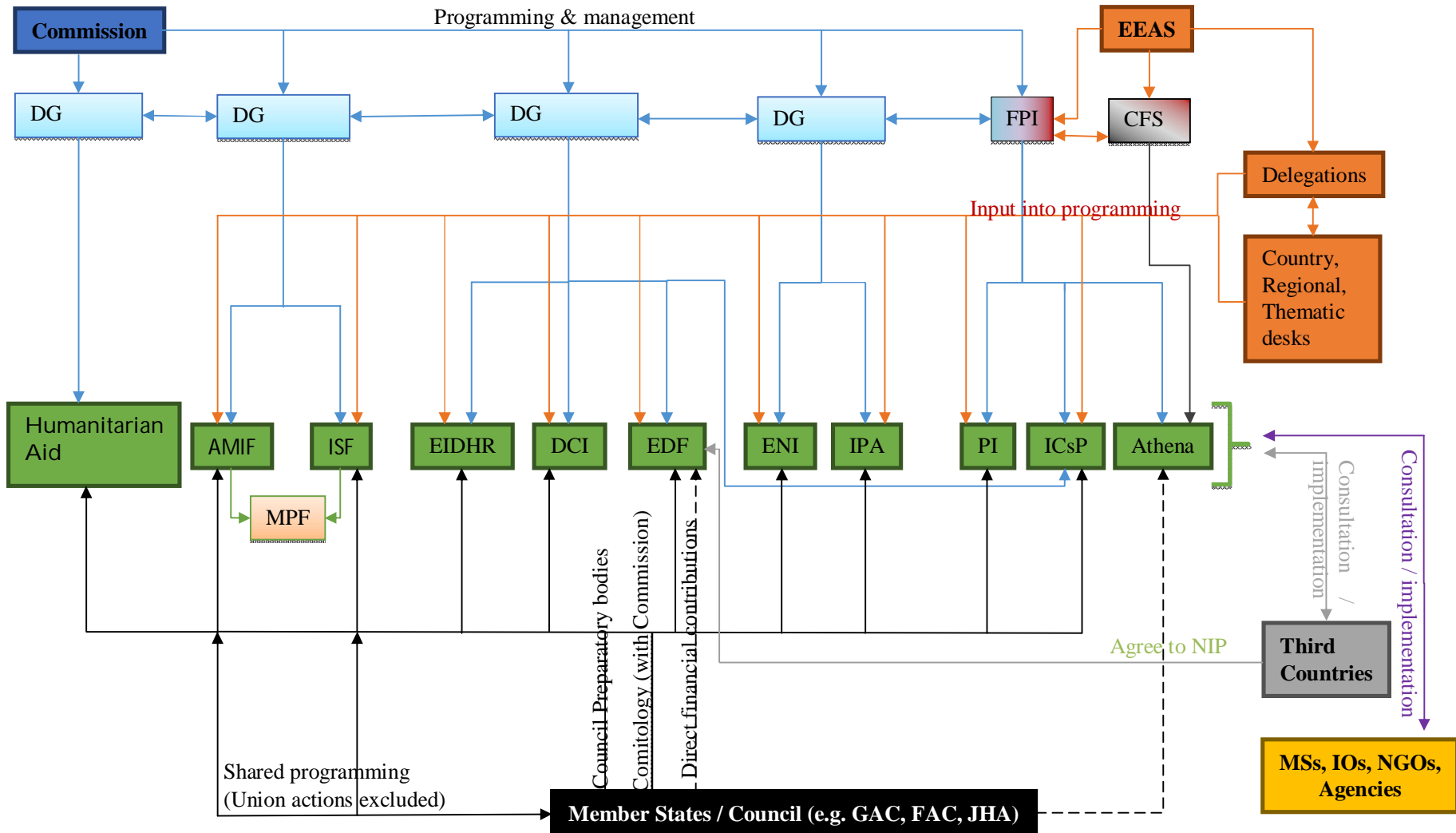
²⁰⁴ European Court of Auditors, "The External Borders Fund Has Fostered Financial Solidarity but Requires Better Measurement of Results and Needs to Provide Further EU Added Value."

²⁰⁵ Reference 2016 Report.

²⁰⁶ Interview, DG Near official, European Commission.

²⁰⁷ Interviews with officials in DG Devco, DG Home and DG Near, European Commission, and official in the FPI Service.

Figure 6. Overview of actors involved in programming and management of funds (own compilation)



3. Conclusions: Understanding the funding landscape

3.1 The inevitability of incoherence

The mapping exercise has shown that the funding landscape is marked by a high degree of fragmentation and incoherence, with a multitude of funds and actors involved in setting priorities for the financing of migration-related actions in third countries. Although the complementarity of different funds and the coherence between them is stressed as a mantra in the funding regulations, there is little central overview at the policy level of which funds are financing which projects. This analysis shows that the different actors programming and managing them are setting divergent priorities, across the domains of rights, third country development, security, irregular migration and mobility. These priorities are embedded in wider EU policy, legal and institutional differences over the EU's preferred approaches towards migration, asylum and borders, and the role of third countries therein. This became particularly evident throughout the EU responses to the 'refugee crisis' and the engagement with African countries and with Turkey. All in all, the multitude of instruments, priorities and actors reveals a picture of strong incoherence and a lack of coordination. The 2016 Special Report by the ECA on this topic reaches a similar conclusion.²⁰⁸ The Court noted that:

External migration was implemented through multiple spending instruments, each with its own objectives. The objectives were not interlinked and the instruments provided no clear strategy by which to identify the scale of their contribution. Thus it is unclear what they intended to achieve at EU level.²⁰⁹

How should we understand this highly fragmented and incoherent field? It is clear that we cannot merely think of this funding landscape in rationalist terms such as funding as leverage over third countries, redistribution, or central EU coordination. More complex inter-actor processes are at play in the design, programming, management and implementation of these funds. As Thielemann also argued, the symbolic politics of establishing funding are strong, showing that not only rationalist considerations of, for example, financial redistribution play a role.²¹⁰ Moreover, El Qadim argued that EU funds do not easily lend themselves to leverage vis-à-vis third countries such as Morocco in the field of migration.²¹¹

Political sociology and organisations theory approaches, fitting within a wider body of neo-institutionalist literature, challenge goal-oriented and rational understandings of policy-making and implementation.²¹² From these approaches, it becomes clearer why incoherence is rampant

²⁰⁸ European Court of Auditors, "Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission", p. 25; See also: Paula García Andrade et al., "EU Cooperation with Third Countries in the Field of Migration (EP LIBE Committee Study)" (Brussels, 2015). Similar problems were also found at third country level, see e.g.: den Hertog, "Funding the EU-Morocco 'Mobility Partnership': Of Implementation and Competences," 2016.

²⁰⁹ European Court of Auditors, "Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission.", p. 48.

²¹⁰ Eiko R. Thielemann, "Symbolic Politics or Effective Burden-Sharing? Redistribution, Side-Payments and the European Refugee Fund," *Journal of Common Market Studies* 43, no. 4 (2005): 807–24.

²¹¹ El Qadim, *Le Gouvernement Asymétrique Des Migrations. Maroc/Union Européenne*, chap. 3. See also: den Hertog, "Funding the EU-Morocco 'Mobility Partnership': Of Implementation and Competences," 2016.

²¹² Boswell, "Evasion, Reinterpretation and Decoupling: European Commission Responses to the 'External Dimension' of Immigration and Asylum," 493; Philippe Bezes and Alexandre Siné, eds., *Gouverner (Par) Les Finances Publiques* (Paris: SciencesPo - Les Presses, 2011), 55.

and why that can actually be the only expected outcome in the wider institutional and legal setting of this field. With the formidable potential of funding to harness the legitimacy of EU political actors, as we have seen throughout the 'refugee crisis',²¹³ it becomes understandable that this resource is much sought after. The picture is more complex than a rational process whereby actors are assigned funding allocations according to the challenges identified by the hierarchy. Rather, the allocation and programming of funding is a multi-level process whereby different social and political struggles come to the fore.²¹⁴

When priorities are monetised in funding decisions, their relative importance levels are laid bare. Whereas political actors evoke 'coherent' and 'balanced' approaches to equalise priorities, funding allocations and programming necessitate a quantitative choice between priorities. The different priorities for external policies on migration, such as between migration and development, rights, mobility and internal security perspectives (section 1.13), come head to head in the allocation of budgets. In particular, stark differences between the home affairs and development perspectives on cooperation with third countries are reflected strongly in the formal delineation of funds under the AMIF/ISF and the DCI thematic programme.

Despite the incoherence, looking at the funding reveals some patterns of priorities pursued. It is clear from the analysis that irregular migration concerns, including border management and readmission, have long been prioritised for cooperation with African countries.²¹⁵ EU policy and funding changes since the 'refugee crisis' have further accentuated this priority. The migration and development funding priorities for African countries have also further moved in the direction of the 'root causes' and 'conditionality' approaches, assuming the potential of development funding for managing migration (see further, below).

Different perspectives on migration in the cooperation with third countries are defended by different EU actors, also on behalf of their most relevant external audiences, from which they draw their legitimacy.²¹⁶ These can be audiences such as member states, NGOs, IOs, companies or third countries themselves. There are various 'stakeholders' involved in the setting of priorities for funding, stretching far beyond the directly involved DGs or services.²¹⁷ Not least, the usual implementers of projects can play a role in influencing the allocation and programming of budgets. As we have seen for the setting up of the MPF, the ICMPD has been involved in its design from before its implementation was delegated to the organisation. Similar instances have been found where the IOM influenced the setting of priorities in third countries.²¹⁸

National interior or foreign affairs ministries or EU home affairs agencies may also 'lobby' DGs for specific funding allocations. Furthermore, with the new 'Trust Fund for Africa' we see a clear preference for member states and their agencies to implement EU-funded projects. The €46 million EU-Africa Trust Fund project 'Better Migration Management' in North and East Africa is a good example of this recent trend, as implementation is led by the German international cooperation

²¹³ den Hertog, "EU Budgetary Responses to the 'Refugee Crisis' - Reconfiguring the Funding Landscape."

²¹⁴ Bezes and Siné, *Gouverner (Par) Les Finances Publiques*, 39.

²¹⁵ See also: Paula García Andrade et al., "EU Cooperation with Third Countries in the Field of Migration (EP LIBE Committee Study)" (Brussels, 2015), p. 51.

²¹⁶ See on organisations and the legitimacy they draw from their environments: Nils Brunsson, *The Organisation of Hypocrisy - Talk, Decisions and Actions in Organisations*, 2nd ed. (Abstrakt Liber, Copenhagen, 2002). See also: Bezes and Siné, *Gouverner (Par) Les Finances Publiques*, 57.

²¹⁷ *Ibid.*, 49.

²¹⁸ Martin Geiger, "Mobility, Development, Protection, EU-Integration! The IOM's National Migration Strategy for Albania," in *The Politics of International Migration Management*, ed. Martin Geiger and Antoine Pecoud (Basingstoke: Palgrave Macmillan, 2012), 141-59.

agency GIZ.²¹⁹ A picture thus emerges where the setting of funding priorities does not happen in an EU institutional vacuum, but rather lends itself neatly to being the focal point for wider political, social and ethical struggles. Different member states, DGs, services, organisations and stakeholders all attempt to advance their interest. The Parliament also has its own set of priorities for EU external funding, even though the budgetary responses to the ‘refugee crisis’ have shown that the Parliament can also be partially sidelined.²²⁰ As actors and priorities are inherently diverse, there is no other expected outcome than a fragmented and incoherent funding landscape.

Funding instruments also lend themselves to being focal points for struggles over institutional prerogatives. Who gets to manage what amount of funding is a matter of great inter-institutional strife. Although this cannot be seen in isolation from the conflicting political, social or ethical perspectives on migration, asylum and borders, the mere drive to protect institutional prerogatives can fuel inter-institutional struggles. Commission DGs, for example, are motivated to defend their funding competences as their inter-institutional legitimacy depends on it. Public finances and their control can thus become ends in themselves.²²¹ These vested institutional interests partly explain the *incremental expansion* of the funding landscape over the years, with most changes concerning the addition of new funds rather than the deletion of existing ones. This results in the multiplication of the funding landscape – even if nominal ‘simplifications’ are announced.²²² Such an incremental expansion process explains the increasing complexity of the funding landscape, leading to further incoherence. Since 2014, the new PI and FPI Service as well as the new AMIF/ISF external competence under Union actions and national programmes have made the external migration funding landscape more complex than ever.²²³ As a result of the ‘refugee crisis’, again a number of new instruments have been added to the picture, further increasing the complexity of decision-making and implementation.

Funding allocations are thus focal points for wider struggles over institutional competence divisions.²²⁴ This is illustrated by the positioning of the FPI – as a service half-way between the Commission and the EEAS. The determination of which actor should programme and manage the external funds was one of the main struggles following the setting up of the EEAS after the Lisbon Treaty.²²⁵ The underlying tensions between supranational and intergovernmental approaches to EU external relations came to the fore forcefully when questions over funding competences had to be resolved. Furthermore, DG home affairs external relations funding under the AMIF and ISF was limited during the negotiations by the member states, while they themselves also managed to obtain the competence to engage in external actions under their national programmes. It underlines the fact that external migration funding competences and their exercise are also contested vertically, between the Commission and the member states. This is evident from the many attempts by member states to mobilise EU funding in this area for their national priorities

²¹⁹ See: <https://www.giz.de/en/worldwide/40602.html>. GIZ stands for: Deutsche Gesellschaft für Internationale Zusammenarbeit.

²²⁰ den Hertog, “EU Budgetary Responses to the ‘Refugee Crisis’ - Reconfiguring the Funding Landscape.”

²²¹ Bezes and Siné, *Gouverner (Par) Les Finances Publiques*, 22.

²²² For example, the AMIF and ISF Borders & Visa were announced as simplifications compared to the SOLID funds. Although there is indeed a reduction in the number of funds, the areas of intervention have not diminished.

²²³ Interview, DG Home official, European Commission.

²²⁴ Yves Buchet de Neuilly, “L’argent Des Proches - Dépendances Économiques et Financières de La Diplomatie Politique,” in *Gouverner (Par) Les Finances Publiques*, ed. Philippe Bezes and Alexandre Siné (Paris: SciencesPo - Les Presses, 2011), 210.

²²⁵ Helwig, “EU Foreign Policy and the High Representative’s Capability-Expectations Gap: A Question of Political Will.”

and for implementation by their national (development) agencies, as highlighted above in the context of the Africa Trust Fund.

The very nature of the EU in the fields of borders, asylum and immigration, as a multi-level mix of supranational and intergovernmental governance necessarily entails a great heterogeneity of actors. Without a strong supranational actor that has the competence to overrule other actors, inter-actor struggles are an inherent part of EU governance, resulting in incoherence. In fact, in all governmental systems marked by a plurality of actors – as is the case to some degree in all democratic rule of law systems with checks and balances – incoherence is an inevitable and arguably necessary feature of government. This incoherence may show itself more visibly in funding priorities, due to the abovementioned monetisation and thereby quantification of priorities. Incoherence could however be seen as the condition upon which EU decision-making is premised, without which decision-making would unavoidably grind to a halt, unless it became fully centralised. Although there are certainly avenues to increase coordination between all the actors involved, full coherence of EU funding and policy priorities cannot be achieved. As the title of this paper suggests, ‘money talks’ in many ways, but not as straightforwardly as often assumed. In an incoherent landscape as outlined in this paper, it easily becomes a Babylonian confusion of tongues.

3.2 The challenges of accountability and compatibility

Although incoherence is thus here to stay for the foreseeable future, it should not provide justification for or be confused with a lack of transparency and accountability. Incoherent funding does not necessarily imply that the EU added value of funds cannot be established, objectives are unclear, and that audit trails are missing, as the ECA found on several occasions.²²⁶ More transparency should start with realistic communication about the numbers for ‘new’ funds and investments, refraining from re-labelling and double-counting funds, and presenting uncertain figures of investment leveraged by the EU budget.²²⁷ Moreover, as previous studies and reports have also found, the Commission could put in place improved mechanisms and human resources for monitoring and evaluation.²²⁸ Sometimes much clarity could be gained by improving administrative and IT processes at the Commission, such as devising clearer data codes for migration projects.²²⁹

Where funding instruments are partially managed or implemented by member states, the Commission should ensure that the EU added value of the funding is safeguarded, preventing the pursuit of purely member states national interests or the third country needs from being

²²⁶ European Court of Auditors, “Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission”; European Court of Auditors, “The External Borders Fund Has Fostered Financial Solidarity but Requires Better Measurement of Results and Needs to Provide Further EU Added Value.”

²²⁷ See section 2.1.12 above on how some of the numbers of new funds and facilities presented in the course of the ‘refugee crisis’ responses are overlapping and cannot be simply added up. The recently announced ‘European External Investment Plan’, also presented in the context of addressing migration, is announced to leverage up to 88 billion Euros of investment from 3.35 billion Euros of the EU budget and EDF, coupled with Member State funding, see: http://europa.eu/rapid/press-release_IP-16-3002_en.htm.

²²⁸ Pierre Hausemer et al., “EU Funds for Migration Policies: Analysis of Efficiency and Best Practice for the Future (EP Study)” (Brussels: European Parliament, 2015); European Court of Auditors, “Special Report No 9/2016 - EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014, Together with Replies of the Commission”, p. 18.

²²⁹ This relates to the CRIS and OECD codes used by the Commission, see also the ECA findings on this: *Ibid.*, p. 27.

overlooked.²³⁰ In light of the member state led implementation of the Africa Trust Fund, this is particularly pertinent. With many external projects in this domain now in the pipeline, much implementation will follow in years to come, thus creating the need for the Commission to shift attention to monitoring and evaluation. Transparency also includes open calls for proposals, which is becoming rarer under the Africa Trust Fund and the Turkey Refugee Facility. Although it may help the Commission to deliver funding more swiftly and strategically, it limits access to EU funding to actors with established informal and formal contacts with the Commission.

In years to come, when the increased external funding for migration priorities enters the implementation phase, it will be crucial to monitor this process independently. An important role should thereby be taken up by the ECA, as a holistic auditing of the now reshaped funding landscape will be key to assessing questions of financial accountability and compatibility. As far as democratic accountability is concerned, the European Parliament has an important role to play. The new instruments partially bypass the budgetary authority and thereby democratic debate in the Parliament. Parliament would thus need to continue discussions with the Commission on how to return to a state of 'normality' in this field of funding. The Commission should therefore present a medium- to long-term vision for this funding landscape, clarifying whether and how the new ad hoc instruments will be phased out or fully brought into the EU budget structure. The degree of flexibility that the EU budget can or should incorporate will be a major question in these discussions between the Commission and the Parliament. The MFF mid-term review will also need to address this, as current EU funding flexibility is reaching its limits. Moreover, in monitoring the ongoing implementation of projects and compliance with budgetary rules, the Parliament has a particular role to play in *ex post* monitoring, such as through its Committee on Budgetary Control.

At the strategic level, the Parliament should strive to demand from the Commission more transparency on the diffuse policy priority structure that now shapes funding decisions in this area. There is a lack of clarity as regards the funding for and relationship between the GAMM and related instruments (mainly the Mobility Partnerships and the Common Agendas on Migration and Mobility) on the one hand, and the European Agenda on Migration, the 'Partnership Framework' and its instruments on the other (mainly the 'Compacts' and informal channels). Although the former are still in place and related projects are under implementation, the latter move in with reframed objectives and new funding. With a lack of transparency on the strategic outlook, funding in this field may sometimes appear to be more led by emergency than by policy. This creates a situation where some third countries are the object of quickly expanding EU funding, with confusion about how they relate to which policy priorities. Ethiopia is a case in point; having concluded a Common Agenda with the EU, in parallel now also a so-called 'Compact' country, it has an unprecedented number of EU migration related projects under the Trust Fund for Africa.

Regarding the place of EU Humanitarian Aid in some of the new ad hoc funding instruments, open questions remain as to the safeguards ensuring compatibility with humanitarian principles as formulated in the European Consensus on Humanitarian Aid. This is especially relevant for the Turkey Refugee Facility, where the mixed sources of EU funding and the role of Turkey challenge the needs-based nature of EU humanitarian aid.

There also appears to be a significant shift in thinking about EU migration and development funding. The approach that conceptualises migration as contributing to development, e.g. through diaspora investment, is still present in the policy discourse, but increasingly the 'root causes' approach resurfaces. This is strongly suggested in the title of the Africa Trust Fund "addressing the root causes" of migration. It has to be noted that there is no linear inverse relationship between development and migration, with research rather pointing to a short- to medium-term increase of

²³⁰ Ibid., p. 19.

migration accompanying developmental processes.²³¹ Even though much of the 'root cause' approach to funding will essentially amount to re-packaging development projects, it changes the justificatory discourse of EU development policy. Certainly, the original idea was never to limit migration. Doing so would provide a fragile basis for EU development policy, especially when the realisation kicks in that development cannot limit migration.

As embedded in the 'Partnership Framework' of June 2016 and in the Council Conclusions on Return of October 2015, the 'conditionality' or 'more-for-more' approach to migration and development funding has also re-entered EU policy discourse. This might be motivated by assumptions about the 'leverage' of the EU over third countries by using funding, but that remains a poorly conceptualised and evidenced assumption. With the incoherent funding landscape sketched out in this paper, and with the complex EU competence division in the areas of borders, asylum and migration, it is clear that no unified 'EU' set of 'incentives' or 'leverage' can be organised vis-à-vis third countries. Moreover, conditioning funding on cooperation on migration may actually backfire on the EU and its member states, with the not unrealistic prospect of third countries threatening to trigger migration flows to obtain more funding.

This links to the wider question of how some of the funding choices can ensure compatibility with EU legal bases, principles and commitments. It is crucial to underline that the constitutional objective of EU development cooperation – namely the eradication of poverty as stipulated in Article 208(1), second paragraph, TFEU – remains the standard for review of the 'root causes' and the 'conditionality' approaches. In the same vein, this pertains to the EU's commitment to sustainable development goals, of which the reduction of poverty is the primary one. Although migration is a legitimate priority to address in development funding, it should not become its *leitmotiv*.

²³¹ See e.g. Bakewell, "'Keeping Them in Their Place': The Ambivalent Relationship between Development and Migration in Africa"; de Haas, "Turning the Tide? Why Development Will Not Stop Migration".

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