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The Khartoum Process: Critical Assessment and Policy Recommendations

by Maximilian Stern

ABSTRACT

The Khartoum Process is a framework between EU Member States and countries in the Horn of Africa region to pursue concrete projects in the field of migration. In its design, it is inspired by the 2005 Rabat Process of the EU with West African states. However, it differs substantially from its sister process, by integrating regimes such as Eritrea and Sudan that are otherwise considered outlaws in the international community. Furthermore, it does not include the aim of establishing legal migration channels. This study discusses the political economy of the Khartoum Process and finds conflicting interests between African and European partner states, particularly with regard to the political attention of the initiative. While it finds this conflict of interest to be a potential game-breaker, it makes suggestions for how the Khartoum Process could be altered to become politically more legitimate and more beneficial for the migrants themselves.

European Union | Migration | Africa

keywords

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1. Background

The role of the Arab Spring and its consequences for migration in the Mediterranean are obvious. Since the beginning of the uprisings in Tunisia at the end of 2010, the numbers of migrants and refugees have increased staggeringly, with only a dip in 2012. Syria currently counts more than 4 million refugees who have fled the country, and at the same time Libya has lost its role as a partner to contain migrants on African soil.¹

Consequently, 2014 marked a new record in refugees and migrants arriving in Europe by sea. During that year 219,000 persons crossed the Mediterranean Sea, with nearly 80 percent arriving in Italy and Malta by way of Tunisia and Libya.² Further, in just the first six months of 2015, 137,000 migrants and refugees crossed the Mediterranean, an 83 percent increase over the previous year, indicating a new record high. By far the single largest group of all arrivals is Syrians (34 percent), followed by Eritreans (12 percent) and Afghans (11 percent). In 2015, the Mediterranean also experienced a shift in migration routes: While in 2014, Italy received more than two thirds of all arrivals, so far this year Greece and Italy have each received around 68,000 people.³

¹ Mattia Toaldo, "Migrations Through and From Libya: A Mediterranean Challenge", in Lorenzo Kamel (ed.), *Changing Migration Patterns in the Mediterranean*, Roma, Nuova Cultura, 2015, p. 75-96 (IAI Research Papers 22), <http://www.iai.it/en/node/5702>.

² Frontex, *Annual Risk Analysis 2015*, April 2015, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf.

³ UNHCR, *The sea route to Europe: The Mediterranean passage in the age of refugees*, 1 July 2015, <http://www.unhcr.org/5592bd059.html>.

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At the same time, Europe is experiencing the most dire economic crisis since the end of World War II. The states are heavily indebted, unemployment numbers soar and economic growth is weak. The southern European Member States are not only particularly affected by this economic crisis, these states are also where most of the refugees arrive on European soil for the first time.

Although long-term population projections for Europe indicate that labour market shortages are to be expected, these developments – the migration crisis and the economic crisis – put political pressure on European governments to act on migration, if not to curb it. But also political powers that see migration generally as favourable are asking for action in the Mediterranean, having in mind the large death toll (about 1,800 deaths so far in 2015)⁴ of the risky passage.

But the means of European States to restrict migration are limited. While some research even suggests that there is no way to effectively control migration,⁵ European policymakers have identified five general strands of action: Firstly, deterrence by creating less favourable conditions for migrants. Secondly, a military option designed to eliminate smuggling boats. Thirdly, in cooperation with the UN and major world powers, diplomatic action to end the Syrian civil war. Fourthly, a reform of the asylum system that was put forward by the European Commission.⁶ And finally, cooperation with transit countries and countries of origin to tackle the root causes of migration, to hold back migrants and allow for readmission. The dilemma policymakers face in the fourth strand is that, by keeping migrants outside European borders, they also effectively deny adequate protection to refugees who would be legally entitled to such protection.

This paper takes a look at the most recent initiative of the EU within this fourth strand – the so-called Khartoum Process – and gives an assessment of its potential. To this end, it first describes the EU's Global Approach on Migration and Mobility (GAMM) which constitutes the EU's overall framework on migration. Under this framework, the Rabat Process will be analyzed as a role model for the Khartoum Process. Although the latter is still in its development phase, this paper will, secondly, closely look at its emergence, specifications and political economy. It will then, thirdly, critically assess the process and make some policy recommendations.

⁴ Timothy G. Hammond, "The Mediterranean Migration Crisis", in *Foreign Policy Journal*, 19 May 2015, <http://wp.me/p37aUp-6UJ>.

⁵ François Crépeau, "The Fight Against Migrant Smuggling: Migration Containment Over Refugee Protection", in Joanne van Selme et al. (eds.), *The Refugee Convention at Fifty. A View from Forced Migration Studies*, Lanham, Lexington Books, 2003, p. 173-185, <http://ssrn.com/abstract=1607928>.

⁶ European Commission, *Refugee Crisis: European Commission takes decisive action*, 9 September 2015, http://europa.eu/rapid/press-release_IP-15-5596_en.htm.

2. The EU's Global Approach on Migration and Mobility (GAMM)

While some actors in Europe currently call for more cooperation, the control of immigration in the EU lies mainly in the responsibility of its Member States (border control, visa granting and asylum). However, the EU plays a role in the external dimension of migration and asylum policy. The EU's Global Approach on Migration and Mobility (GAMM) is the EU's overall framework on migration, implemented first in 2005 as the Global Approach on Migration (GAM). It aims at presenting a comprehensive and coordinated strategy to address irregular migration and human trafficking on the one hand, and to manage migration and asylum through cooperation with third countries (origin and transit) on the other. Finally, it also intends to address "push factors" by establishing a link between development and migration.⁷

With regard to Africa, GAMM comprises dialogue frameworks on three levels: on the continental level, it establishes a dialogue with the African Union through its declaration of the fourth EU-Africa Summit of 2-3 April 2014⁸ and the respective Action Plan 2014-17.⁹ On the regional level, the EU has a policy dialogue with the countries along the western migratory route, the Rabat Process¹⁰ (initiated in 2006), and the eastern migratory route, the Khartoum Process (initiated in 2014). Furthermore, several bilateral agreements with Morocco, Tunisia, Cape Verde and Nigeria include specific projects on topics of migration and mobility.

2.1 The Rabat Process

The Rabat Process is certainly the single most important role model for the Khartoum Process. In some ways the Khartoum Process is designed to look like a sister process to the Rabat Process under the GAMM framework. However, as we will see later, the two processes vary substantially in size and character. For this reason, it is crucial to first look at the Rabat Process in order to understand differences and commonalities in the design of the two initiatives. The Rabat Process was launched in 2006, as a direct consequence of the fatal shooting of 11 migrants at the border fences of the Spanish enclaves of Ceuta and Melilla at the end of September 2005, which came as a shock to the European public.¹¹ The process convenes governments of 55 countries in Europe and in North, West and Central

⁷ Marie Martin, "The Global Approach to Migration and Mobility: The State of Play", in *Statewatch Analyses*, No. 06/13 (February 2013), <http://www.statewatch.org/analyses/no-215-gamm-state-of-play.pdf>.

⁸ Fourth EU-Africa Summit Declaration, Brussels, 2-3 April 2014, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/142096.pdf.

⁹ Fourth EU-Africa Summit Roadmap 2014-2017, Brussels, 2-3 April 2014, <http://www.consilium.europa.eu/en/press/press-releases/2014/04/pdf/Fourth-EU-AFRICA-Summit-ROADMAP-2014-2017>.

¹⁰ For more information see the Rabat process' website: <http://www.processusderabat.net>.

¹¹ Michael Collyer, "Migrants as Strategic Actors in the European Union's Global Approach to Migration and Mobility", in *Global Networks*, Vol. 12, No. 4 (October 2012), p. 506.

Africa,¹² together with the European Commission and the Economic Community of West African States (ECOWAS). A steering committee was set up, composed of Belgium, Burkina Faso, Equatorial Guinea, France, Italy, Morocco, Senegal, Spain, the EC and the ECOWAS Commission.¹³

The aim of the Rabat Process is to establish a framework for dialogue and consultation within which concrete and practical initiatives can be implemented. Its design is comprehensive in that it not only focuses on preventing and reducing illegal migration, but also aims at improving legal migration and promoting the connections between migration and development. Also, the Rabat Process is comprehensive with regard to participating countries. Specifically, the integration of Sub-Saharan countries – and hence the countries of origin of many migrants – is noteworthy.

By emphasising the importance of practical projects, by setting a comprehensive agenda and by integrating a broad range of partner countries, the Rabat Process constituted a new approach to the external aspect of European migration policy. Before the Rabat Process, European external migration policy focused on bilateral agreements.

The Rabat Process is currently in its fourth phase (2015-17) and is recognised as an important intergovernmental forum¹⁴ that indeed contributes to the implementation of a large number of concrete projects and initiatives. In total, the Rabat Process lists 338 projects on its website.¹⁵ An analysis of the Dakar Strategy (the strategy for the Rabat Process from 2012-14) shows, however, a focus on projects relating to border management.¹⁶ This is in line with scientific findings that suggest the EU's external migration in general is dominated by security measures (as opposed to development measures).¹⁷

¹² European countries: Austria, Belgium, Bulgaria, Cyprus, Croatia, Czech Republic, Denmark, Germany, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom. African countries: Benin, Burkina Faso, Cabo Verde, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Togo, Tunisia.

¹³ Rabat Process, *Euro-African Dialogue on Migration and Development*, October 2013, http://www.icmpd.org/fileadmin/ICMPD-Website/Rabat_Process/Rabat-Process_2014.pdf.

¹⁴ Michael Collyer, "Migrants as Strategic Actors ...", cit., p. 515.

¹⁵ For more information see the Rabat process' website: <http://processusderabat.net/web/index.php/initiatives-in-the-region>.

¹⁶ Rabat Process, *Monitoring of the Dakar Strategy Roadmap. Final Report*, November 2014, <http://processusderabat.net/web/uploads/roadmap/Roadmap-monitoring---Final-report.compressed.pdf>.

¹⁷ Daniel Wunderlich, "Towards Coherence of EU External Migration Policy? Implementing a Complex Policy", in *International Migration*, Vol. 51, No. 6 (December 2013), p. 26-40.

3. The Khartoum Process

Just as the Ceuta and Melilla incidents forced the EU to become active on its western migratory route and initiate the Rabat Process, the Khartoum Process had its own historical momentum. In 2014, several major migrant boat tragedies took place on the central Mediterranean migratory route, one of the most dire having occurred at the beginning of September, when around 500 people were missing after a migrant boat capsized near Malta.¹⁸ The Italian Ministry of Foreign Affairs decided to seize the opportunity afforded by having the EU Presidency for the second half of the year and by hosting the Rabat Process Ministerial Meeting in Rome on 28 November 2014. Within only two months, it managed to reach out to European and African partner countries, hold a senior officials' meeting in Khartoum on 15 October 2014 and prepare a declaration on what was to become the Khartoum Process.

On 28 November 2014, Ministers of the 28 EU Member States and Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Djibouti, Kenya, Egypt and Tunisia, as well as the European and African Union Commissioners in charge of migration and development and the EU High Representative, and observers from Switzerland and Norway gathered in Rome to launch the EU-Horn of Africa Migration Route Initiative – also dubbed the Khartoum Process. The process aimed at establishing a long-term strategy “to tackle the emergencies, to deal with the dramatic conditions of people who put their lives at risk to try to find a better future, to work with countries of transition and to fight migrant smuggling. But [also] to tackle the root causes of irregular migration: poverty, conflicts, lack of resources.”¹⁹ This means that the Khartoum Process is supposed to target the eastern and central Mediterranean migration routes, as well as the situation in countries of origin.

The short (five-page) declaration²⁰ produced by the meeting names ten key areas for cooperation between the European and African states:

- tackling irregular migration and criminal networks;
- building local capacities in the field of migration management;
- setting up measures to prevent irregular migration;
- establishing national strategies to address trafficking in human beings and smuggling of migrants;
- assisting in improving identification and prosecution of criminal networks;
- improving or establishing criminal law frameworks and fostering the ratification and implementation of the Protocols against Smuggling of Migrants and Human Trafficking;

¹⁸ IOM, *IOM Investigates Reports of Deliberate Drowning of 500 Migrants in Mediterranean*, 16 September 2014, <http://www.iom.int/node/53567>.

¹⁹ European Commission, *Remarks by Federica Mogherini, EU High Representative on Foreign and Security Policy, and Dimitris Avramopoulos, Commissioner for Migration, Home Affairs and Citizenship on the conferences for the Rabat Process and the Khartoum Process*, Rome, 28 November 2014, http://europa.eu/rapid/press-release_STATEMENT-14-2251_en.htm.

²⁰ Declaration of the Ministerial Conference of the Khartoum Process, Rome, 28 November 2014, http://www.esteri.it/mae/approfondimenti/2014/20141128_political_declaration.pdf.

- promoting a victim-centred approach;
- promoting sustainable development in countries of origin and transit in order to address the root causes of irregular migration;
- developing a regional framework for return;
- assisting the participating countries in establishing and managing reception centres, providing access to asylum processes.

This list of key areas of action for the Khartoum Process shows a strong focus on the fight against illegal migration within the countries of origin and transit (points 1-6). At the same time, it wants to prevent migrants who make use of illegal transport from being treated as criminals (point 7). It tackles the so-called “root causes” of irregular migration through development aid (point 8). And finally, it names the most controversial proposals: a return framework for the region (point 9) and the establishment of reception centres in the region (point 10). The numerical order of the projects can certainly be seen as indicating priorities and feasibility.

So far, the EU has not named concrete projects within the Khartoum Process framework, but refers to the necessary dialogue and the identification of such projects before implementing them. Key areas in a first round of projects should then be human trafficking and smuggling of migrants.²¹ Commissioner Avramopoulos says: “We will finance the first projects that will support migrants and refugees stranded along the migration routes from Eastern Africa.”²²

The process is essentially moved forward by a steering committee comprising five EU Member States (Italy, France, Germany, Malta, the UK) and five partner countries (Egypt, Eritrea, Ethiopia, South Sudan, Sudan) as well as the European Commission, the European External Action Service and the AU Commission.²³

Until today, the Khartoum Process has seen two steering committee meetings (the most recent one on 23-24 June 2015 in Sharm-el-Sheik) on the level of senior public servants.²⁴ In this meeting, rules of procedure and administrative issues were discussed. But also, first project proposals by European and African sponsors were presented. These first projects will mainly take place in the field of fighting smuggling and human trafficking (training of police units, implementation of conventions) and in the field of prevention (providing information on the dangers of migration to Europe). The projects will mainly serve as a test of how well the cooperation between the European and African actors is working, rather than

²¹ European Commission, *The European Union’s cooperation with Africa on migration*, Brussels, 22 April 2015, http://europa.eu/rapid/press-release_MEMO-15-4832_en.htm.

²² European Commission, *Remarks by Frederica Mogherini, EU High Representative on Foreign and Security Policy, and Dimitris Avramopoulos...*, cit.

²³ European Commission, *The European Union’s cooperation with Africa on migration*, cit.

²⁴ Council of the European Union, *Sharm El Sheikh Plan of Action - Steering Committee meeting of the EU-Horn of Africa Migration Route Initiative (Khartoum Process)*, Sharm El Sheikh, 23-24 April 2015, <http://statewatch.org/news/2015/sep/eu-council-khartoum-plan-of-action-04-2015.pdf>.

expecting a high impact on migration.²⁵

On 27 July 2015, the German broadcaster ARD reported it possesses “negotiation documents” on the Khartoum Process and quoted three concrete projects: Sudanese officials are to be trained in “migration management,” South Sudan’s “border management” should be improved and a “training centre” at the Cairo Police Academy is to be established.²⁶ It is so far unclear whether those projects will actually be implemented under the Khartoum Process and whether there are other projects under consideration. But this selection would certainly go along with the priorities specified in the declaration. It was expected that concrete projects would be officially presented at the Valletta summit on migration on 11-12 November 2015.²⁷ However, those hopes were not fulfilled. While a political declaration and an action plan were agreed upon, a follow-up and concrete steps on the implementation of these documents within the Khartoum Process were scheduled for a meeting “to be organised by end 2015.”²⁸

3.1 The political economy of the Khartoum Process

In order to assess the Khartoum Process with respect to the goals its architects have set for it, it is critical to shed some light on the underlying motivations of the diverse participating actors. Having understood incentives and perceived risks then allows for an assessment of political opportunities of the Khartoum Process.

The Khartoum Process was a core initiative of the Italian EU presidency in the second semester of 2014. Four fundamental motives led the Italian authorities when bringing it forward and pursuing its implementation:

- a symbolical motive: for the domestic audience, Italy could use a new initiative to prove its will and capability to act on migration;
- a political motive: moving the issue to the European level means sharing responsibility with other Member States;
- a practical short-term motive: the Khartoum Process was designed to effectively reduce migration in the Mediterranean and therefore also to reduce the death toll associated with crossing it;
- a practical long-term motive: the Khartoum Process also aims at reducing push-factors in countries of origin.

²⁵ Source: Officials entrusted with the Khartoum Process.

²⁶ Andreas Thenhaus, “EU will bei Fluchtursachen intensiv mit afrikanischen Diktaturen kooperieren...”, in *DasErste.de*, 23 July 2015, <http://www1.wdr.de/daserste/monitor/extras/monitorpresse-fluechtlinge-100.html>.

²⁷ Council of the European Union, *COREPER Orientation Note - Valletta Conference on Migration (Malta, 11-12 November 2015)*, 30 June 2015, <http://www.statewatch.org/news/2015/jul/eu-council-november-015-migration-valletta-conference-orientation-debate-10387-15.pdf>.

²⁸ Council of the European Union, *Action Plan - Valletta Summit on Migration, 11-12 November 2015*, <http://www.consilium.europa.eu/en/press/press-releases/2015/11/12-valletta-final-docs>.

While other southern Member States, such as Greece, Spain and Portugal generally have a stance similar to that of Italy, other Member States may have additional interests:

- Solidarity with southern Member States: in general, the South's challenges in the migration sector are recognised in the EU. Support for the Khartoum Process can serve as a political sign of solidarity.
- Reliance on southern Member States: Northern Member States rely on due process of the south when it comes to the handling of migration (fingerprints, asylum requests, Dublin). Cooperation in initiatives such as the Khartoum Process can come in exchange for the south fulfilling its obligations.
- Averting other action: while the voices that ask for more European cooperation in the area of migration increase, the Khartoum Process could divert attention from more serious collaboration, such as a European redistribution mechanism for refugees.

To be sure, European states also associate risks with the Khartoum Process:

- Reputation: perhaps the most precarious part of the Khartoum Process is the fact that it requires cooperation with autocratic regimes that have serious issues with human rights. Cooperation between the EU and these regimes could imply EU political support and legitimacy for these regimes. If this perception prevails among domestic EU audience and stakeholders, no European country would be ready to take part in it.
- Cost-benefit concerns: it is difficult to assess whether projects under the Khartoum Process will be effective with regard to the stated aims. There is no strong evidence for its role model, the Rabat Process, having effectively reduced the number of migrants on the Western Mediterranean route.²⁹
- Fear of increased EU responsibility for migration: the general scepticism on the delegation of additional powers to the European level is particularly felt in the field of migration. Initiatives like the Khartoum Process could be seen as another step towards the allocation of more responsibility to the European level in this field.³⁰ For domestic political reasons, some Member States (among them many Eastern European ones) tend to prefer a strong national policy against migrants.
- Fear of increased legal migration channels: scepticism here is owing to a reluctance to engage in new (legal) migration schemes.³¹ Granted, these are not scheduled in the Khartoum Process, but they could come at some point. Public opinion in Europe in this regard is unfavourable. There is a notion of unemployment and unexplored skills of resident populations being able to

²⁹ Katie Kuschminder, Julia de Bresser and Melissa Siegel, *Irregular Migration Routes to Europe and Factors Influencing Migrants' Destination Choices*, Maastricht, Maastricht Graduate School of Governance (MGSOG), June 2015, <http://www.merit.unu.edu/publications/uploads/1436958842.pdf>.

³⁰ The EU Commission actually aims at expanding its competences in the field of migration. See Daniel Wunderlich, "Towards Coherence of EU External Migration Policy?", cit., p. 33.

³¹ Ibid.

satisfy labour needs.³² And indeed, countries such as Spain and Italy tap into irregular migrants for cheap, unregulated labour.³³ It is probably due to this scepticism that the Khartoum Process – as opposed to the Rabat Process – does not include legal migration schemes so far.

As for the African partner countries, the distribution of incentives and risks associated with the Khartoum Process might be a little more heterogeneous. On the positive side, four main motives for participating in the Process can be identified:

- Financial support: the Khartoum Process is a framework for a broad range of potential projects that can have an impact on migration. It is almost certain that all of the participating states will benefit from financial inflows connected to these projects.
- Legitimacy: some of the participating states – in particular Eritrea and Sudan, but also South Sudan and Egypt – are keen on improving their international reputation. Cooperating with European states yields a rare opportunity to present themselves as reliable, trustworthy partners.
- Geopolitical benefit: as Natter shows for Morocco, integrating sub-Saharan countries in migration-related initiatives can also fit into some transit countries' strategy of using a "geographical rent" for increased geopolitical power.³⁴ In the Khartoum Process, this could perhaps be a valid point for Egypt or Tunisia.
- Perspective of legal migration channels: the establishment of legal migration channels (perspective of visa facilitation)³⁵ is very attractive to these countries (remittances) and their constituencies (access to the EU labour market, increased freedom of travel and business).³⁶
- Participation of source countries: EU Member States, and in particular France, Italy and Spain, have realised the necessity to include sub-Saharan source countries in such cooperations in order to alleviate the burden of North African transit countries, for example when readmitting third-country nationals³⁷ and when keeping them within tightly controlled borders – both are policies that are not very popular with the domestic audience. So, for transit countries, integrating source countries is a way to demonstrate to the domestic audience that action on the migration topic has been taken.

³² Steffen Angenendt and Roderick Parkes, "Wanderer, kommst du nach Europa? Strategien zur Anwerbung Hochqualifizierter in der EU", in *Internationale Politik*, Vol. 65, No. 4 (July/August 2010), p. 76, <https://zeitschrift-ip.dgap.org/de/article/getFullPDF/15346>.

³³ Hein de Haas, "The Myth of Invasion: The Inconvenient Realities of African Migration to Europe", in *Third World Quarterly*, Vol. 29, No. 7 (2008), p. 1305-1322.

³⁴ Katharina Natter, "The Formation of Morocco's Policy Towards Irregular Migration (2000-2007): Political Rationale and Policy Processes", in *International Migration*, Vol. 52, No. 5 (October 2014), p. 15-28.

³⁵ Annabelle Roig and Thomas Huddleston, "EC Readmission Agreements: A Re-Evaluation of the Political Impasse", in *European Journal of Migration and Law*, Vol. 9, No. 3 (2007), p. 374.

³⁶ Sarah Wolff, "The Politics of Negotiating EU Readmission Agreements: Insights from Morocco and Turkey", in *European Journal of Migration and Law*, Vol. 16, No. 1 (2014), p. 74.

³⁷ Jean-Pierre Cassarino, "Informalising Readmission Agreements in the EU Neighbourhood", in *The International Spectator*, Vol. 42, No. 2 (June 2007), p. 190.

However, initiatives like the Khartoum Process are also seen sceptically by African states:

- Moral blaming: governments of countries like Eritrea, Sudan and South Sudan are widely seen as one of the reasons for increased migration in Europe. If the Khartoum Process is used as a platform for blaming these countries for bad policies, it will soon become very unattractive for them.
- Lost in transit: the focus of initiatives like the Khartoum Process is clearly situated in restriction of migration. Since the EU expects transit countries to take measures that keep migrants off the European continent, a large number of migrants could be stranded in transit countries. Of course, this is not very popular with the domestic population.
- Less remittances: migration agreements are unpopular in countries where the population frequently benefits from remittances of migrants who have entered the EU.³⁸

A third set of actors, after European and African states, is constituted by non-governmental organisations (NGOs), the media and a critical public. Before turning to the content of their reaction to the Khartoum Process, it must be established that the initiative has received hardly any broad (media) attention.³⁹ This low profile was certainly intended by the European participating states, as initiating cooperation with regimes like those of Eritrea and Sudan is not without controversy. But it has also led to an incomplete knowledge on the intentions of the Process and an unfinished (public) debate on the topic.

With this caveat, public reception of the Khartoum Process can be divided into three different levels. On the theoretical level, it is argued that shifting the responsibility of migration policy to the international or European level is problematic, because it actually reduces accountability. National actors have more difficulties in overseeing political action that occurs on the European level.⁴⁰

On the level of European external migration policy, GAMM in general has been criticised for being overly focused on restricting access to Europe and on tighter border controls. Instead, a comprehensive approach on migration should put more emphasis on legal migration channels and integration of migrants. These critics argue that stricter border controls are drivers of irregular migration and human trafficking instead of fighting them. Also, they warn against moving asylum processes to the region, fearing a deterioration of refugee protection. Finally, they argue that readmission agreements could lead to more countries being incorrectly

³⁸ Florian Trauner and Stephanie Deimel, "The Impact of EU Migration Policies on African Countries: The Case of Mali", in *International Migration*, Vol. 51, No. 4 (August 2013), p. 20-32.

³⁹ An exception being the German state television's critical report: Nikolaus Steiner, Charlotte Wiedl, "Grenzen dicht: Europas Pakt mit Despoten", in *DasErste.de*, 23 July 2015, <http://www1.wdr.de/daserste/monitor/sendungen/grenzen-dicht-100.html>.

⁴⁰ See, for example, Michael Collyer, "Migrants as Strategic Actors ...", cit.

deemed "safe."⁴¹

On the level of the Khartoum Process itself, there are different sets of concerns. A first set of concerns regards the fact that the Khartoum Process includes non-democratic governments. Firstly, cooperation with these regimes might actually legitimise their rule.⁴² Secondly, many of the participating governments in the Khartoum Process were actually themselves responsible for creating circumstances that produce asylum seekers.⁴³ And thirdly, against this backdrop the participating countries' intent to develop a regional framework for return is seen as questionable.⁴⁴

A second point of criticism that focuses on the efficacy of the Khartoum Process concerns the absence of Libya in the initiative. The war-torn country's internationally recognised government remains marginalised among the diverse warring coalitions within the country, which is why it is currently not capable of effectively taking part in any international initiative.⁴⁵ But smuggling of migrants is one of the most flourishing businesses in Libya these days. Consequently, huge numbers of refugees are taking the route through Libya into Europe. Without the country on board the initiative, any attempt to reduce smuggling and trafficking of migrants seems to be futile.

Thirdly, there is a severe lack of information on migration in the region. Reliable data is only scarcely available or not at all. Before designing a regional strategy, "a first step for a regional strategy on migration and mobility might be the development of strong migration information systems and national migration profiles, as a basis for evidence-based policy formulation," as stated in a paper put forward by the Migration Policy Centre at the European University Institute.⁴⁶

Fourth, the same institution also criticises the fact that, while the Rabat Process actually builds on legal migration channels as one of four pillars, the Khartoum Process remains completely silent in this regard.⁴⁷ Even the Rabat Process is short on concrete action in this field, although scientific research suggests a stronger focus on legal migration.⁴⁸ At the same time, such channels would be of particular

⁴¹ Marie Martin, "The Global Approach to Migration and Mobility: The State of Play", cit.

⁴² "European MP calls to support peace and democratic reform in Sudan", in *Sudan Tribune*, 17 June 2015, <http://www.sudantribune.com/spip.php?article55373>.

⁴³ Cindy Horst and Maimuna Mohamud, "Unlikely Partners: The EU-Horn of Africa Migration Route Initiative", in *PRIO Blogs*, 22 April 2015, <http://blogs.prio.org/?p=1947>.

⁴⁴ Ibid.

⁴⁵ International Crisis Group, *The Libyan Political Dialogue: An Incomplete Consensus*, 16 July 2015, <http://bit.ly/1DiHuUV>.

⁴⁶ Iván Martín and Sara Bonfanti, "Migration and Asylum Challenges in Eastern Africa: Mixed Migration Flows Require Dual Policy Approaches", in *Migration Policy Centre Policy Briefs*, No. 2015/04 (March 2015), p. 8, <http://hdl.handle.net/1814/35038>.

⁴⁷ Ibid., p. 7.

⁴⁸ See, for example, Hein de Haas, "The Migration and Development Pendulum: A Critical View on Research and Policy", in *International Migration*, Vol. 50, No. 3 (June 2012), p. 8-25.

importance, as many of the region's refugees stand a good chance of gaining asylum in Europe once they have reached it. On the other hand, given the large numbers and the regimes' political unwillingness to change policies that lead to the escape of their own population, the reluctance to include legal ways for migration in an agreement is obvious.

Fifth, with regard to the linkage between development and migration, scientific research suggests that the relationship is not as simple as is often stated by politicians: OECD research showed already in 2007 that development actually leads to more migration, instead of the expected sinking numbers,⁴⁹ at least in the short and middle term. Furthermore, conflicts and bad governance seem to be far more important a factor for migration than economic development.

4. Political assessment

A first look at the interest sets of European and African participants in the Khartoum Process yields two insights: Firstly, there is neither a coherent European, nor a coherent African position. Both African and European governments have differing, if not conflicting interests. In the European case, this is mainly due to different stances towards a communitarisation of migration policies – a topic that has significantly gained importance during the last couple of months. However, as long as the Khartoum Process can make sure it is foremost an intergovernmental initiative and not a first step towards a deeper common migration and asylum policy, this obstacle might be overcome. In fact, the Khartoum Process could even be a means to avert common action such as refugee quotas. As for the African governments, the interests are far more heterogeneous. Transit countries have very different interests than source countries, particularly when it comes to migration. While transit countries do not have an intrinsic motivation to hold third-country nationals within their borders (conflict with resident population), source countries are rarely interested in taking them back (less remittances). Therefore, in an initiative like the Khartoum Process, European participating states must make sure they can offset such imbalances in interests among African countries.

Secondly, there is at least one potential game-breaker for conflicting interests between the European and the African side. In general, the deal of development aid for tighter border control and persecution of traffickers and smugglers sounds compelling. But for some regimes in the region it is only a means to an end. Sudan, Eritrea, South Sudan and possibly also Egypt and Tunisia are far more interested in the geopolitical effects of such an agreement. The payoff of the additional aid generated by the Khartoum Process (even if it eventually will attain significant proportions) will by far be offset by the benefit from closer political ties to European

⁴⁹ OECD Development Centre, *Policy Coherence for Development 2007. Migration and Developing Countries*, November 2007, <http://www.oecd.org/dev/migration-development/publications-policy-coherence-for-development-2007-migration-and-developing-countries.htm>.

states. But these governments will only be able to capitalise on these political ties if they eventually overcome the level of technical development cooperation. What they need is international attention and recognition – something that, on the other side, Europe cannot be willing to provide. For Europe, cooperation with these regimes is the evil they have to accept, but certainly they are not willing to shout it from the rooftops. If they were to do so, protest by NGOs and in the domestic public would be sure to follow.

So, Europe is restricted to playing the Khartoum Process at a low level, including financially. The administrations of the African countries will hardly be pleased. And this might also give an idea of the efficacy of the projects that are supposed to be implemented under the initiative.

Conclusion

It is high time that Europe takes action on the large numbers of migrants from the Horn of Africa region. Particularly Eritrea as country of origin of the second largest share of refugees to Europe via the Mediterranean deserves special attention. Also understanding Sudan's role as a centrepiece of several African migration routes is key to Europe's external migration policy. In this regard, establishing communication channels to the heads of state and governments in the region seems to be a reasonable move.

However, the Khartoum Process faces challenges in two aspects. The first concerns its intended goal of reducing migration and the death toll in the Mediterranean Sea. The initiative aims at doing so by fighting irregular migration, through combating human trafficking and smuggling. However, for many, if not most of the refugees in the region (who have a good chance of being granted asylum in Europe), hiring a smuggler is actually the only way to cross the Sahara desert and later the Mediterranean. Without providing legal asylum channels, fighting irregular migration in this way can have two outcomes that are both unfavourable: Either refugees will be kept in places and under regimes they rightfully intended to seek refuge from, or they will nevertheless try to escape, being forced towards ever more dangerous and expensive routes.

Secondly, the Khartoum Process is a political high-risk game. While the African partner states see it first and foremost as a way to be integrated into the international system and to gain legitimacy, for Europe this is a collateral effect they try to avoid. At the same time, Europe's goals of a reduction of migration and the establishment of safer migration routes do not feature as a priority for the African partner states – they might even see these outcomes as unfavourable. Thus, there is a clear conflict of interest in the very design of the Khartoum Process.

The European reaction to this dilemma is to keep the initiative at a low profile and give it as little public and political attention as possible. But this strategy is flawed, as it risks two highly plausible outcomes: Either the Process gains more public attention than intended and faces strong political opposition in Europe, or the African states are dissatisfied with the low political attention they get from their European partners, which will seriously harm the effectiveness of the process.

It is a walk on a political tightrope, a fact that is proven by the difficulties encountered by the Khartoum Process in identifying even its very first projects. That said, it is hard to imagine how the initiative actually might go further than its first step of a cooperation in border management and fighting human trafficking. And as long as the Khartoum Process ends there, much of the criticism is highly legitimate. The Process can only be successful if it actually covers the whole spectrum of cooperative tools mentioned in the Ministerial Declaration, complemented by the inclusion of legal asylum channels.

Recommendations

The Khartoum Process design of integrating source and transit countries into a dialogue on migration is – just like the Rabat Process – a promising one. Also, it is quite remarkable that countries such as Eritrea, Sudan and South Sudan have actually agreed to participate in this initiative. And while the Khartoum Process has its flaws and challenges, it certainly makes sense to build on it. The following recommendations are meant to improve the Process in its most critical points:

- Although politically the EU has an interest in keeping attention on the Khartoum Process low, it must make sure to communicate it transparently. Leaks like the one that inspired some media attention in Germany are poisonous for the initiative. One way to ensure transparency without yielding too much public attention to the process would be to integrate international NGOs – for example as observers.
- While opening communication channels can happen unconditionally, the EU must make clear to all partners and to the public that cooperation on migration matters will only take place when a government adheres to a specified set of human rights standards over a specific amount of time.
- First and foremost, cooperation in the field of migration should benefit migrants themselves. The Khartoum Process is focused too narrowly on measures aiming at restricting irregular migration. As long as this element is not coupled with measures that allow for legal migration, particularly for refugees (by way of creating offshore processing, for example), it will force migrants to turn to more dangerous and more expensive ways to Europe.

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