

Taking Stock of Valletta

A civil society analysis after the first year

I Introduction

In November 2015, in parallel with the political process that gave birth to the Valletta Political Declaration and Action Plan (VAP), African and European civil society organisations (CSOs) held their own dialogue and released a set of recommendations.¹ A year later, as senior officials gather to assess progress, civil society is again conducting its own assessment.

To achieve a good overview of civil society concerns, a survey was circulated to a wide range of organisations in Africa and Europe. The results of this survey were compiled and shared with CSOs in advance of a face-to-face consultation on 30 January 2017. This document reflects the main issues raised by the survey and the consultation.²

A very striking finding of the consultative process was the strong degree of affinity that many CSOs felt with the stated objectives and overriding concerns of the Valletta Political Declaration and Action Plan. For example, all of the 16 priority actions in the VAP were believed to be relevant and well-adapted to respond to the challenges of migration by a significant majority of respondents. Moreover, although most respondents reported inadequate consultation of civil society prior to the event, a majority still felt that civil society's concerns were reflected in the VAP.

While few of the organisations consulted felt that there had been substantial progress made against the objectives of the VAP in its first year, a handful said that they felt there had been some positive results. They said this was because the new focus on migration had succeeded, at least to some extent, in increasing awareness of the vulnerability of people on the move across Africa and across continents, and was stimulating stronger legislation and more capacity-building in order to respond to issues like trafficking in human beings.

Civil society weighs in

A total of 53 organisations responded to the civil society survey, representing a wide range of organisations. About 30 of these organisations were African in origin, and another 14 were international NGOs. Five represented diaspora groups, and four were university or research institutions.

Organisations that responded to the survey worked in the fields of development, humanitarian and human rights; they focused on programme implementation, policy and advocacy; supported particularly vulnerable groups such as women, children, and victims of trafficking; and focused on livelihoods, education, labour, climate change and gender. They worked on every aspect of human movement, from legal mobility to protection and asylum, to return and reintegration.

¹ African and European Civil Society Joint Statement: Valletta Summit, 11-12 November 2015. Available at <http://madenetwork.org/fr/latest-news/joint-african-and-european-recommendations-valletta-summit>

² A detailed summary of the survey results can be found at http://madenetwork.org/sites/default/files/Results%20Civil%20Society%20Survey_Valletta%20-%2030%20Jan.pdf

Despite a positive start, however, it rapidly became clear that CSOs had serious concerns about the VAP, and the processes and policies by which it is surrounded and in which it is embedded. A critical problem is a fundamental mistrust about the real objectives of political actors, particularly the European Union and its member states. Civil society actors simply do not believe, based on the policy that they have seen enacted so far, that the initiatives have the best interest of migrants, asylum seekers and refugees at their heart. This scepticism extends strongly to the EU Trust Fund – a critical tool for the implementation of the VAP – which CSOs said was not transparent in terms of how decisions are made and allocations done. There are important lessons to be learned here as other implementation tools are rolled out.

This paper provides an overview of some of the main findings of the consultation and the overriding concerns of CSOs about the political processes and funding arrangements associated with Valletta. Its strongest call is for a greater role and more structured involvement of civil society and affected migrants and host communities in order to ensure an effective, compassionate and rights-based response to migrants, asylum seekers and refugees.

Key recommendations

Save lives and Protect Human Dignity

- Recognise that political problems require political solutions and take bold action to address and resolve conflict and persecution.
- Ensure robust protection mechanisms are in place. The most vulnerable must be protected, including people in transit and vulnerable irregular migrants stranded in Europe, unable to go forward or back.
- Protect the right to seek and enjoy asylum. The “fight against irregular migration” must not close borders to people at risk.
- Ensure an adequate share of resettlement places and other legal avenues are available to refugees in Africa
- Ensure that human rights and protection standards are in place before embarking on return and readmission agreements or operations.
- Treat humanitarian and development assistance as ends in themselves and do not instrumentalise them to prevent migration.
- Take a long-term approach to addressing the negative root causes of migration and forced displacement. The underlying dynamics are highly complex, and quick fixes either fail or are unsustainable.



Build resilient people and communities

- Ensure that measures taken to reduce irregular migration do not negatively impact mobility and economic integration in the Regional Economic Communities in Africa.
- Engage diaspora groups holistically, and not just as providers of resources through remittances and investment. Create opportunities for them to be active in mentoring and peacebuilding, and through sharing their experiences of forced migration.
- Facilitate avenues of legal migration in Europe for low and medium skilled workers from Africa to enhance opportunity and fill labour gaps.
- Actively strengthen and build the capacity of CSOs in Africa to ensure an effective partnership in the implementation of the Valletta Action Plan.
- Ensure that CSOs are central actors in the social and economic reintegration of returnees. Promote stronger interaction between European and African CSOs to better prepare and accompany long-term return and reintegration processes.
- Ensure the creation of sustainable, long-term employment and opportunities for youth, in line with the VAP's declared priorities.

Engage in a real partnership with Civil Society

- Monitoring mechanisms and the review process must measure negative or unintended consequences as well as positive impacts of the Valletta Action Plan and other processes and platforms.
- Ensure civil society has an active and institutionalised role in both policy design and monitoring and evaluation of the implementation of the VAP and related processes.
- Make funding directly accessible to African and European civil society organisations, which are best able to judge and respond to needs on the ground, and remove any barriers that prevent local organisations from accessing funding.
- Address the lack of transparency in funding processes and eligibility criteria. The complexity and diversity of existing tools require significant additional efforts to bring clarity in the process and transparency in the allocation.
- Ensure that regional organisations, such as the AU, and international organisations with mandated protection roles, have a place in the dialogue, and are not merely included so that their presence provides a 'rubber stamp' to decisions already made.



II Putting Valletta in Perspective

The Valletta Summit on Migration and the Political Declaration and Action Plan that resulted from it cannot be considered in isolation. This is, in part, because the VAP is designed to make use of existing mechanisms established under the regional Rabat and Khartoum Processes. It must also be put, however, into the broader context of the European Union's Global Approach to Migration Management (GAMM) and, more recently, the European Agenda on Migration.

An analysis of the constituent parts of the European Union's migration and mobility framework and how they interact is beyond the scope of this paper. It is important, however, to draw attention to some of the key aspects of how civil society and affected communities understand and interact with it.

Civil society organisations responding to the survey and attending the consultation indicated that they found the processes opaque and difficult to understand. This is perhaps unsurprising in view of the complex web of agreements that have been made between Europe and an array of states. This includes not only regional processes like Rabat and Khartoum, but also agreements with individual states, like compacts signed under the recently established Partnership Framework. These are layered on top of mobility partnerships and common agendas on migration (CAMM). Small wonder, then, that civil society organisations find it difficult to understand which processes or agreements they should engage with or how to do so.

From a policy perspective, CSOs expressed concern about the wide array of agreements and the risk of contradictory priorities between the European migration agenda on the one hand, and African regional interests in increased mobility. In the Economic Community of West Africa, for example, significant measures have been taken to eliminate barriers to free movement, allowing better mobility for work and trade. A number of organisations said they had reports of increases in restrictions at border in recent years, and it was felt that this was related to efforts to discourage migration along, in particular, the routes most travelled on the way to Europe.

Finally, CSOs expressed particular concern about the Migration Partnership Framework and the compacts agreed under its auspices with individual states, beginning with five priority countries. The model was demonstrably inspired by the EU-Turkey Statement. Hailed by some as a success due to the reduced number of people crossing the Eastern Mediterranean, it has been widely condemned by civil society as it is seen as compromising the right to see and enjoy asylum in Europe.

Since then, other compacts have been agreed, including with Mali and Niger. A number of CSOs have strongly condemned these agreements, in particular due to the disproportionate focus placed on preventing, limiting and combatting irregular migration through return,



repatriation and reintegration of irregular migrants, and the fight against smugglers and traffickers. Financial assistance in these compacts is conditional on states' cooperation in these areas, and threatens to seriously jeopardize the protection and human rights of migrants and refugees. Unfortunately, this emphasis on reducing movement is not paralleled by increased efforts to ensure that migrants and refugees have safe, legal channels to reach Europe. A recent example is the Malta Declaration of the European Council on the external aspects of migration, which makes no mention of safe and legal channels for migrants and refugees, no mention of prevention of deaths, and no mention of prompt and effective access to asylum procedures.

As a result, there is strong scepticism about how migrant and refugee-centred the compacts will turn out to be, particularly given how vulnerable many people are as a result of their journeys. Also, since a number of the countries prioritised for the compacts are also involved in the Rabat and Khartoum Processes, many worry that there is a 'divide and conquer' mentality at play that might undermine approaches taken at the regional level for the collective good of African countries.

Concern about the potential undermining of regional interests is only reinforced by the sidelining of regional organisations like the African Union (AU). Although the AU has been invited to attend and participate in many of the meetings and conferences that have been organised, a representative of the organisation attending the civil society consultation indicated that they, too, felt their voice was not heard. The opportunity for meaningful input was limited, and as a consequence they felt that their presence was not participation in good faith, but rather used to 'rubber stamp' what had already been agreed.

Finally, it is essential to highlight concerns raised about the EU Emergency Trust Fund for Africa (EUTF).³ Launched at the Valletta Summit on Migration, it is an integral part of the Valletta Action Plan, but also provides funding to support the European Agenda on Migration more broadly, including the Partnership Framework.⁴ Concerns about the EUTF will be addressed in more detail below, but it is important to highlight that it suffers from many of the same deficiencies as other parts of the migration and mobility architecture. Specifically, the use of development funding to discourage migration is seen as an unwarranted politicisation of aid, there is insufficient information available about how and on what basis

³ The full name of the EUTF is the 'Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa'. More information is available at http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en

⁴ The press release announcing the Migration Partnership Framework explicitly states that the EUTF will be bolstered in order to provide this support. See *Commission announces New Migration Partnership Framework: reinforced cooperation with third countries to better manage migration*. Strasbourg, 7 June 2016. http://europa.eu/rapid/press-release_IP-16-2072_en.htm



funding is allocated, and the vast majority of funding – nearly 50% - is allocated to Member States rather than civil society actors.

A summary of the main concerns expressed by civil society actors:

- The large number and complexity of processes between the EU and Africa, including Valletta, make it complex and confusing, resulting in mistrust and lack of transparency.
- Overlapping agreements may result in states making commitments that undermine measures intended to reinforce development, such as regional mobility agreements.
- Civil society, as well as other actors, struggles to find a way of engaging or making their voices heard.
- Agreements like those undertaken under the auspices of the Migration Partnership Framework, that are viewed as opting for reduced numbers of migrants at the expense of protection of vulnerable people, undermine trust in the entire architecture of migration and mobility agreements.

III The Role of Civil Society in migration and mobility

The European Parliament Committee on Development outlined their view of the role of civil society in their report of June 2016 on the EUTF. In it they refer to NGOs and civil society as “natural partners for an effective development policy”, call for better dialogue, including with local communities, and stress that, “local government bodies, local civil society, NGOs and international organisations should be strongly involved in the planning, implementation and evaluation phases of the EUTF.”⁵

Indeed, civil society organisations are an essential part of making protection and safe migration work. Linked closely with communities and accessible to migrants – including irregular migrants – in a way that government authorities can never hope to be, they are able to rapidly identify issues and solutions, making migrants and the communities they travel through safer. They are also crucial to help manage the complex process of reintegrating returnees.

Notwithstanding this crucial role, civil society actors have no clear, mandated role in any of the processes shaping migration in Europe and Africa today. During the consultation, CSOs recognised that there had been positive interaction with the Rabat Process, and that some consultations had taken place. They also appreciated the opportunity to contribute their perspective and to speak at the SOM. Survey results, however, showed that very few civil society organisations reported having received either verbal or written information or being

⁵ European Parliament, Committee on Development. *Report on the EU Trust Fund for Africa: the implications for development and humanitarian aid (2015/2341 (INI))*. A8-0221/2016. 28/6/2016.



consulted on the VAP, the EUTF, bilateral on migration between the EU and Africa or compacts under the Partnership Framework.⁶

The role of civil society in shaping the agenda and ensuring strong implementation cannot be left to chance or granted on an ad hoc basis. Civil society organisations are unable to contribute or to play the role of sparring partner if they are worried about not being invited back. It is for this reason that civil society is calling today for a clear and structured role in every aspect of the design, implementation and monitoring of migration policy. CSOs also call for mechanisms to be clear and transparent about their aims and execution.

In order for civil society to play this vital role, however, they need to be supported and developed. From one country to another, there is a wide diversity in terms of levels of experience, coordination and organisation of civil society organisations. It is critical that investment be made in developing the capacity of civil society. CSOs should not just be viewed or treated as service providers, but must be developed as a critical component of a healthy and accountable society.

Whilst the role of civil society should not be reduced to that of service providers, however, it is important to recognise that this is an important role that CSOs play. As noted above, however, only about a quarter of the funding delivered through the EUTF was allocated to NGOs, and it can be assumed that a substantial number of these were international NGOs. Civil society reminds the EU and its Member States of the commitments made under the Grand Bargain at the World Humanitarian Summit in 2016, to ensure that 25% of humanitarian funding be allocated “as directly as possible” to local and national agencies. At this time, the majority of these organisations are inadequately informed about what funding is available and how to access it. This must change.

A final very clear and strong message delivered by civil society both through surveys and consultation is that diasporas have not been sufficiently engaged as members of a global civil society. There is widespread recognition of the value of remittances in stimulating development, and this is even recognised in the Valletta Action Plan, which recognises the need to ‘promote cheaper, safer, legally –compliant and faster transfers’, and even sets specific priorities on remittances for the first year of implementation.⁷ What is absent is a stronger vision of diasporas’ potential roles as business investors, as mentors, and in

⁶ Of organisations responding to the survey, as few as 20% said that they had received any information or been consulted on bilateral agreements between the EU and Africa or the compacts, and only 35% said they had received information about the Valletta Action Plan. Surprisingly, only 30% said they had received information about the EUTF. Of those that had received information, 73% reported that it came from other civil society organisations, with only 40-45% having received information either from their own government or from EU delegations. A staggering 89% of responding organisations reported feeling that the process for accessing funding from the EUTF was not clear and had not been well-communicated to CSOs.

⁷ Valletta Action Plan, Section 1.2 and priority actions for section 1.

peacebuilding and humanitarian work. Diaspora groups have a strong appetite to be engaged and, to date, represent an underutilised resource.

A summary of the main concerns expressed by civil society actors:

- Civil society must be engaged in migration and mobility dialogue through a *structured approach* from the highest policy levels to implementation on the ground.
- Civil society must have an active and institutionalised role in both the monitoring and evaluation of the implementation of the VAP and related processes.
- Make funding directly accessible to African and European civil society organisations, which are best able to judge and respond to needs on the ground. Barriers that prevent local organisations from accessing funding must be removed.
- Actively strengthen and build the capacity of CSOs in Africa with the aim of building an effective partnership between civil society and governments involved in the implementation of the Valletta Action Plan.
- Engage diaspora groups holistically, and not just as providers of resources through remittances and investment. Create opportunities for them to be active in mentoring and peacebuilding, and through sharing their experiences of forced migration.

IV One year after Valletta – has there been progress?

The consultative process was not intended to provide a detailed mapping or an in-depth analysis of what has been delivered under the Valletta Action Plan or through the EUTF. Moreover, as noted above, the CSOs that responded to the survey and participated in the consultation came from such a wide range of areas of expertise that it was impossible to focus on one particular area in analysing results. There were, however, a number of concerns that arose repeatedly from both the survey and the consultation, and the will be outlined in greater detail below.

A *Protection, asylum and addressing root causes of forced migration and displacement*

Perhaps unsurprisingly, protection was the greatest concern of civil society. It was raised repeatedly in both the survey and the consultation, and the main concern was that vulnerable people were still not receiving enough attention. This was true, CSOs felt, in countries of origin, transit and destination.

In countries of origin, CSOs felt states needed to recognise that political problems require political solutions and invest more in action that will resolve situations of conflict and persecution that force people to flee. They felt that the current vision of how to address root

causes was not sufficiently broad to encompass the complex impact of globalisation and climate change. They expressed concern that the real issues around return – particularly forced return – are not well understood by states that send migrants back. Moreover, CSOs feel that the overall approach to return and reintegration – a delicate process – is too top-down, rather than approached as a whole-of-society approach. As a consequence, not enough attention is paid to the social and psychological aspects of reintegration, leaving people vulnerable and at risk.

CSOs highlighted the dangers of the journeys that people undertake. With regard to specific actions under the Valletta Action Plan, they were concerned that efforts to tackle smuggling and trafficking were not sufficiently victim-centred. Moreover, as smugglers can be the only means that people at risk have to seek asylum, ensuring that people can cross borders to safety must take priority over tackling crime. Finally, there was concern that Europe is taking insufficient measures to safeguard human rights in the compacts that it is agreeing under the Partnership Framework, putting human lives at risk. Perhaps the most egregious example is that of Libya, where efforts to prevent people from leaving both through agreements with Libyan government and capacity-building with the Libyan coast guard is expected to trap people in situations of detention and abuse.⁸

Finally, concern was also expressed about the conditions that are faced on a daily basis by irregular migrants in Europe. Unable to go forward or back, they are extremely vulnerable. Many CSOs argued that too much effort was being made to remove such people, needlessly traumatising them. Far more compassionate and even cost-effective would be to invest in integrating them in Europe.

B A focus on development and addressing root causes of irregular migration

Domain one of the VAP, focusing on development and addressing root causes of irregular migration, has seen the heaviest allocation of funding and the most activity in general. Nearly half of the actions commenced under the VAP and nearly 60% of the overall funding falls within this domain. Mapping of progress on the VAP reports that, “over 600 separate initiatives that respond to VAP’s 16 priority initiatives have been approved or are currently being implemented...in excess of €6.5 billion.”⁹

The main concerns of civil society about this area of the Valletta Action Plan were about its conception, however, rather than its delivery. A very strong message emerged both from

⁸ See, inter alia UNSMIL/OHCHR *Detained and Dehumanised: Report on human rights abuses against migrants in Libya*. 13 December 2016.

http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf#sthash.yE3E9PGx.dpuf

⁹ Draft Analysis of Mapping of the Implementation of the Joint Valletta Action Plan

survey responses and from the consultation that the fundamental premise – that development can and should be used to reduce migration – is fundamentally flawed.

Both development and humanitarian assistance are intended to save lives and alleviate the negative impacts of conflict, forced displacement or poverty respectively. Funding allocations are meant to be based on need, not on political motivations. Civil society is greatly concerned that the way that development is being included in policy instruments like the Valletta Action Plan will result in it being politicised and used to reduce human mobility rather than targeted toward those who need it most. It seems inevitable that the I ‘losers’ in such a model would be those least likely to migrate, including the poor, women, and those that are most marginalised. This creates the risk of a conflict between targeting the most vulnerable and targeting the most likely to migrate.

Clearly, CSOs do not wish to suggest that there be a reduction in development funding, but they insist that it be used in an appropriate way. The EU Parliament’s Development Committee, in the above-cited report, also raised this concern, stressing that, “diluting ODA so that less funds are used to fight extreme poverty would undermine the significant progress made in international development and threaten the newly adopted Sustainable Development Goals.”¹⁰

Finally, civil society actors challenge the notion that the EUTF and other funds dedicated to addressing irregular migration represent ‘new’, specially allocated money. A substantial amount of the funding is explicitly drawn from existing funding, and even so called ‘fresh money’, as a representative of DG DEVCO referred to it at the civil society consultation, is not so fresh. There is no indication that Member States have increased their overall humanitarian and development allocation, which means that funding put in a pool like the EUTF is funding not allocated to development elsewhere.

C *Legal migration and mobility*

Although legal migration and mobility is one of the five priority Domains under the VAP, CSOs generally did not feel that this area was getting as much attention as it should be. A number of the priorities for 2016 had been met - the number of Erasmus scholarships was more than doubled, for example – but these are discrete and provide opportunity for a very limited number of people.

Many of the efforts being made to create legal opportunities for Africans to travel to Europe are also pitched to only highly skilled workers. CSOs pointed out that in fact the low and

¹⁰ Ibid., para 22.

medium-skilled workers may in fact have more to offer that Europe needs, and that opportunities should be explored for opening some avenues for migration to them.

It has been raised above, but is important to mention again here there was concern raised that an unintended side effect of the VAP and linked policy initiatives may be to limit south-south mobility. Efforts to tighten border controls and target smugglers may actually result in the closure or restriction of borders within Africa, the opening of which has been an important objective for African development.

D Monitoring and Evaluation

The last point on the allocation of development funds points to a key concern raised by CSOs: how monitoring and evaluation is being conducted. With this in mind, civil society is looking forward with great anticipation to the launch of a new monitoring mechanism for the VAP in February. The following are a few of the key elements that were identified by civil society in order for this to be effective.

Survey results showed great enthusiasm for a mechanism that would allow civil society to follow, in real time, the progress of the implementation of the VAP. Of respondents answering the question, more than 90% welcomed a variety of means of providing information, including reports and data (98%), updates from/meetings with EU delegations in country (98%), an active website (96%) and periodic news bulletins (91%). From discussions and data on this question, it was clear that organisations welcomed both quantitative and qualitative information, and that they felt that both access to regularly updated information and face-to-face information-sharing were important. Transparency and accountability was viewed as absolutely critical to build trust in the process and make it effective.

Another concern was to ensure that reporting mechanisms focus not just on inputs and outputs, but also impact and outcomes. Moreover, reporting must be able to track not only the most obvious, quantitative results – number of people trained, for example – but also more subtle and nuanced outcomes. CSOs were concerned that there is a general tendency to focus too much on the financial side of the VAP, and particularly on funding allocations through the EUTF, and not enough focus on the effect of policy and legislative change. This includes any unintended consequences that may arise – particularly challenging when attempting to create regional change. For example, an anti-trafficking programme in one country or border area may appear to have resulted in a reduction of cases whereas it may merely be that traffickers have moved their business elsewhere.

Most critically, CSOs very strongly felt that they should be involved in monitoring and evaluation of actions taken under the VAP, and that this role should be institutionalised.



Evaluation should include the views of affected communities and migrants, and CSOs are best placed to ensure that these are gathered. In addition to pressing for a more active role in monitoring and evaluation, CSOs will also investigate the establishment of their own, autonomous mechanism for reporting on the impact of actions taken under the VAP and its associated processes.

V Conclusion

Civil society, like states, understands how important migration is to economies, politically, and in providing safety to people in need. This importance will only increase as people increasingly move in response to the long-term impacts of climate change and globalisation.

States and regional organisations have been discussing migration for many years, but the substantial increase in movement of refugees to Europe in 2015 galvanised their efforts. Many civil society organisations are concerned that despite the narrative about saving lives and addressing negative root causes of forced migration, the measures that have most recently been taken, including through the Valletta Action Plan, actually serve to increase vulnerability and violations of human rights, rather than the reverse.

The role of civil society in shaping the agenda and ensuring strong implementation cannot be left to chance or granted on an ad hoc basis. Civil society actors are a critical resource due to their roles as implementers of humanitarian and development programming, as researchers and analysts, and as representatives of communities in their own right, including diaspora. Without their systematic involvement from the highest policy-making levels to the level of programme delivery, little can be achieved to address dangerous and irregular migration.

Civil society welcomes the opportunity of the Valletta Senior Officials Meeting to raise these concerns and to learn more about what measures will be taken to improve transparency and ensure continual engagement. Most critically, CSOs welcome the opportunity to shape policies in ways that will make migrants, asylum seekers and refugees safer, both in Europe and in Africa.

