DISCUSSION PAPER

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# Funding the EU's external migration policy: 'Same old' or potential for sustainable collaboration?


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*Credit: CANVA*

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# Executive summary

In its special meeting of February 2023, the European Council vowed to step up actions to prevent irregular arrivals and increase returns, calling on the EU to utilise all relevant policies and instruments to leverage third-country cooperation. While using tools such as visa restrictions to pressure third countries to achieve migration management objectives is an old and widely commented approach, the financial dimension of migration cooperation is a complex and rapidly evolving area of migration policy.

In this Discussion Paper, the authors examine changes in the EU funding landscape relating to migration policy, also providing recommendations on how to maximise the benefits of cooperation. Since 2015, when the EU was first exposed to a significant rise in irregular arrivals from neighbouring countries, funding has acquired increasing salience, leading to the mobilisation of €7 billion through Trust Funds and the creation of a specific heading devoted to migration and border management in the EU's Multiannual Financial Framework 2021-2027.

These developments suggest that funding has emerged as a vital non-regulatory instrument linking policy formulation and implementation. Governing migration through funding, however, is not without contradictions. To begin with, the use of large portions of EU funds for control objectives may undermine the EU's holistic approach to migration and its various components, such as refugee protection, and broader goals, such as development or poverty reduction. It may lead to prioritising short-term over long-term objectives, also raising questions on accountability and transparency.

Looking closely at the funding dimension of Talent Partnerships, the latest initiative to support legal migration to the EU, this Discussion Paper flashes out these contradictions. Given the ability of funding to enhance cooperation with third countries, the EU could take several steps toward ensuring sustainable collaboration. These include **moving towards long-term planning, embedding transparency guarantees** in the operationalisation of its initiatives, **scaling up Talent Partnerships** for more impactful and mutually beneficial cooperation, and **striving for third-country ownership**.

# 1. Introduction

The conclusions of the Special European Council in February 2023 vowed to step up actions to prevent irregular arrivals to the European Union (EU) and increase returns to third countries.[1] In this context, the Council called on the EU to utilise all relevant policies and instruments, including diplomacy, development, trade, visas, and legal migration opportunities, to 'leverage third country cooperation'. In other words, the Council linked these policies and tools to the willingness of third countries to achieve the Union's migration management objectives, with special emphasis on cooperation on return and readmission.

This migration control conditionality confirms an 'old' policy vision of coercing cooperation on migration control through a system of (negative) incentives. While conditionality is an old, widely commented and often criticised tool,[2] the financial dimension of cooperation with third countries is a complex and rapidly evolving area of migration policy.

After 2015, when the EU was exposed to a significant rise in irregular arrivals from neighbouring countries, external cooperation on migration increased its salience, leading to a change in the funding landscape. Since then, the EU mobilised more than €7 billion through Trust Funds created to address the so-called 'migration crisis'. It established for the first time a specific heading devoted to migration and border management in its Multiannual Financial Framework 2021-2027 and indicated that 10% of the financial envelope of the Neighbourhood Development and International Cooperation Instrument should be spent on migration and forced displacement.

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To begin with, the use of large portions of EU funds for border control may undermine the EU's goal to adopt a holistic approach to migration and therefore be in tension with its commitments under the UN Global Compact for Migration. Providing financial aid to third countries to prevent departures also presents a significant challenge to the EU's commitment to safeguarding human rights. Moreover, subordinating political and economic cooperation to migration control objectives increases the risk that third countries use migration as leverage for political or financial gains. The crisis with Belarus in 2021, when the dictatorial regime of that country deliberately facilitated the movement into the EU of migrants from the Middle East and Africa in response to the EU's sanctions, exemplifies this risk.

Against this background, and in a context of growing political and economic instability around the world, financial resources should equally be used to address the different components of migration processes, such as local development, legal migration, circular migration, integration, but also displacement and forced (im) mobilities. At the same time, long-standing issues of accountability and transparency should be addressed through new instruments.

Developments are analysed and lessons are drawn from the expansion and implementation of EU funding for migration. Three crucial developments are analysed: the revamped funding framework for development cooperation, the Neighbourhood and Development Cooperation Instrument; the rise of joint programming through Team Europe Initiatives; and the emergence of a new holistic cooperation design on development and mobility, the Talent Partnership. On this basis, this Discussion Paper presents recommendations for more sustainable and mutually beneficial cooperation with third countries by setting longer-term objectives, aiming for greater transparency, accountability, and joint ownership, and calling for an approach that moves beyond pure conditionality.

# 1. External migration funding: From the margins to the policy forefront

Traditionally, funding has been used to share protection responsibilities. For example, through its funding instruments, the EU operationalised small-scale capacity building programs in third countries, the Regional Protection Programs, since the early 2000s. These aimed to improve refugee protection and durable solutions in the regions from where many refugees originate, or pass in transit. EU migration funding has also established lump sums for member states participating in refugee resettlement. At the same time, funding has underpinned EU legal migration frameworks.

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Between 2015 and 2021, funding towards non-EU countries significantly expanded but was also re-directed at operationalising new goals in the EU's external migration policy. Migration objectives are often coupled with conditionality arrangements. This means in practice that where third states 'pursue satisfactorily' migration management objectives, oftentimes linked to containment, they are 'rewarded' with EU funding. An illustrative example is the containment of migratory flows by Türkiye within its territory as part of the EU-Türkiye statement.[3]

Utilising funding for achieving migration control objectives can have a significant bearing on the rule of law and negative implications for migrants' fundamental rights.[4] This risk concerns several EU partners but is perhaps best exemplified by the reported ill-treatment of migrants by Libyan authorities in the context of increased financial support to prevent departures from the country.[5] This raises serious concerns about the EU's accountability for the money disbursed to its partners, especially countries with a poor human rights record.

Overall, three main trends can be observed in relation to funding in the period 2015-2021. First, the overall funding volume has expanded in size, including through mainstreaming of migration management objectives in other programmes. This means that several external affairs funds primarily geared towards development and poverty reduction, humanitarian aid, or peace stability were significantly mobilised towards migration management objectives. This funding came on top of the EU's migration-related funds, i.e. the Asylum, Migration and Integration Fund (AMIF 2014) and the Internal Security Fund Borders and Visa (ISF BV), which can also finance actions externally.

Secondly, in addition to these more 'traditional' funds, several *ad hoc* Trust Funds and facilities pooling together EU and member state funding and targeting specific regions or countries were established. While creating a useful margin for flexibility, this expansion and the additional funding lines it opened raise questions on the coherence of the objectives pursued and on the consequences of prioritising short-term over long-term objectives.

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Thirdly, while pursuing its migration management objectives, the EU broadened its focus from its immediate neighbourhood and has started targeting countries further along the transit chain, such as Chad and Niger. This indicates that the attention of the EU has shifted to all countries of transit while potentially neglecting other regions.

# 2. Old wine in new bottles or a new era in migration financial governance?

The haphazard expansion of migration funding between 2015 and 2021, together with the calls for greater transparency and accountability, have led to legislative and policy evolutions to better regulate the EU's migration financial governance. In this context, the EU adopted the Neighbourhood and Development Cooperation Instrument, a new funding framework for development cooperation that considers its deployment for migration purposes. While aiming to address shortcomings that emerged in the previous funding cycle, migration containment objectives remain embedded in the new framework.

Meanwhile, Team Europe Initiatives have emerged to address the need for joint programming and funding optimisation. These open new opportunities for expanding resources and maximising development objectives but also raise questions about which initiatives may generate the greater added value from a migration cooperation perspective.

In this context, a new policy vision of holistic cooperation with third countries has also emerged: Talent Partnerships. They were first announced in the New Pact on Migration and Asylum in 2020 to support legal migration and mobility with key partners. In line with this goal, Talent Partnerships aim to fulfill the labour market needs in the EU with the skills of workers from third countries, an area where the Union has limited competences. As such, they could pave the way for more comprehensive and mutually beneficial cooperation with partner countries. Yet, they also reflect the contradictions of EU funding. This is best exemplified by the three countries selected to launch the first Talent Partnerships: Egypt, Morocco, and Tunisia. These countries are known for having a young population, but have also been made the target of the EU's efforts to intensify cooperation on border control and return and readmission.

These three developments will be analysed in turn, with the aim of identifying existing and potential shortcomings and opportunities as well as actions needed to address them.

### 2.1. THE MEANDERING PATH TO BETTER MIGRATION MANAGEMENT: THE CASE OF NDICI

The new Neighbourhood and Development Cooperation Instrument (NDICI Global Europe, GE) significantly transformed the EU's 2021-2027 budget. With a financial envelope of €79.5 billion, the NDICI consolidates various pre-existing development funding instruments. It replaces Trust Funds – such as the EUTF - that are no longer receiving new commitments as their previous allocations have expired. This initiative is a positive step towards streamlining and simplifying EU development funding, making it more effective and efficient. The programming process is still ongoing, with Multiannual, Annual, National and Regional Programmes being finalised.

**Despite its attempts to comprehensively address migration, the program reveals a preponderance of migration containment objectives, as only one of the four priorities explicitly aims to facilitate legal migration.**

In line with the New Pact, migration is identified as one of the key priority areas of NDICI-GE, operationalised through National and Regional Programmes. In the Middle Eastern and North Africa Region, migration initiatives are not only part of country action plans but also operationalised through a specific Multi-Country Migration Programme for the Southern Neighbourhood. Despite its attempts to comprehensively address migration, the program reveals a preponderance of migration containment objectives, as only one of the four priorities explicitly aims to facilitate legal migration. This illustrates the challenge the EU still faces in putting the goal of "safe, orderly and legal migration" into practice, in line with the UN Global Compact for Migration.[6]

The NDICI-GE Regulation[7] stipulates that 10% of the financial envelope should address migration and forced displacement. Moreover, a 'flexible incitative approach' can unlock 10% of the budget to provide countries showing progress on cooperation on migration an additional amount beyond what their country's Indicative Programme offers. This mechanism reflects both the conditionality approach underlying EU third-country relations and the lessons learnt from the EUTF,[8] where flexibility was recognised as one of the main strengths.

Meanwhile, bringing the EUTF approach and programmes under the EU budget through the 10% thematic target and joint programming has also contributed to increasing the transparency and accountability of EU-funded initiatives on migration. The European Parliament now has a more thorough oversight of migration-related spending, and a migration marker helps trace thematic allocations of projects and programmes. Results indicators, however, are still very broadly defined[9], and a single database systematically describing migration-relevant projects supported by EU funding is missing. This undermines the possibility of tracing, measuring, and assessing the implementation of a comprehensive approach to migration management.

The new development instrument also tries to address questions about coherence. Multiple binding spending targets within the NDICI (such as 10% on migration, but also 30% on climate and 20% on human development) attempt to increase coherence between policies and funding. However, they may have a detrimental impact on third countries' ownership. Ownership in development cooperation refers to the degree to which programmes and projects are jointly planned and implemented by donors and recipients.[10] It implies a sense of joint responsibility and shared decision-making that goes beyond the prevailing consultations to "buy-in national governments and other key stakeholders".[11] Multiple binding spending targets could, from this vantage point, constrain the third countries' capacity to address priorities that fall outside these specific areas, limiting their ability to shape the programming process.

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## 2.2. A DELICATE APPROACH TO JOINT PROGRAMMING AND FUNDING OPTIMISATION

Under the new MFF, and far more than in the past, joint programming and funding optimisation have emerged as key priorities, leading to new ways to address these needs.

Among them are Team Europe Initiatives. These are EU-coordinated responses to address various challenges and were launched for the first time during the COVID-19 pandemic. They have since expanded significantly to other policy areas, including migration. Team Europe Initiatives also build on lessons learnt through the EU Trust Fund operationalisation. To achieve greater impact, they aim to combine the resources and expertise of both the EU (i.e. through NDICI) and its member states. Moreover, joint programming is a key element of these initiatives.

As of March 2023, nine Team Europe Initiatives deal with migration out of 168 approved initiatives. As an example, the EU and a number of member states launched two regional Team Europe Initiatives along the Atlantic/Western Mediterranean Route and the Central Mediterranean Route.[12] The range of actions that can be carried out within the two initiatives encompasses all EU migration objectives, from protection to anti-smuggling, from migration and development to return and readmission. Some actions have so far allowed the continuation of funding for Trust Fund projects on labour migration.[13]

The second priority, connected to the goal of joining forces, is funding optimisation through financial instruments. Financial instruments are now included in the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund (ISF) and the Instrument for Financial Support for Border Management and Visa Policy (Border Management and Visa Instrument, BMVI) for 2021-2027.[14] While not entirely new, tools such as loans and guarantees have flourished in the EU portfolio under the current MFF to support the implementation of EU migration policy, both within and outside the Union.[15] One action falling under the two Team Europe Initiatives for the Western and Central Mediterranean Routes, for instance, already relies on financial instruments to support its activities.

These tools should make it possible to leverage private sector funds while maximising sustainable development impacts. In a context of scarce resources, widening the means available to deliver interventions could contribute to implementing actions that would not be supported otherwise, such as those including big infrastructures. Yet, research has shown how financial instruments might prioritise short-term, marketable, and volatile responses[16] rather than supporting long-term and structural investments in line with development cooperation goals. This points to the need to link extra financial resources to long-term goals.

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## 2.3. HOLISTIC COOPERATION AIMED AT CO-DEVELOPMENT: THE TALENT PARTNERSHIPS

In 2020, the European Commission first announced in its New Pact the concept of Talent Partnerships. In April 2022, the Commission outlined more fully its vision in its Communication 'Attracting Skills and Talent to the EU', a long-awaited legal migration package which also included legislative proposals such as the recast Single Permit Directive.[17]

Talent Partnerships aim to bring together third countries, the EU, interested member states, and the private sector to facilitate mobility opportunities from third countries, an area where numbers have remained limited. Talent Partnerships are meant to be comprehensive on different levels: 1) their scope, which extends beyond labour mobility; 2) the variety of stakeholders involved in their operationalisation and design; 3) and their extensive goals.

Firstly, while mobility opportunities to the EU for either work, study, or training are a key component, Talent Partnerships incorporate capacity building and investment in human capital in the partner countries. For example, they may foresee vocational education and training aimed at developing talent for the benefit of the third-country labour market rather than the EU. Despite their name, they are also not meant to target exclusively the highly skilled but are instead open to non-EU nationals of different skill levels.

Concerning the second point, the Commission envisages that alongside governments and the EU institutions, private stakeholders, such as employers, training institutions and diaspora organisations, would be involved in their design, operationalisation, and financing.

Finally, their comprehensive character is illustrated by their goals. On the one hand, they are meant to advance cooperation with partner countries on education, mobility, and legal migration. On the other hand, as confirmed by the Commission, they are part of a comprehensive policy to "engage key partner countries strategically in all areas of migration management, including effective return and readmission, as well as the prevention of irregular departures".[18] There is an underlying tension between these goals, especially if negative conditionality is employed.

**On the one hand, Talent Partnerships are meant to advance cooperation with partner countries on education, mobility, and legal migration. On the other hand, they are part of a comprehensive policy to "engage key partner countries strategically in all areas of migration management, including effective return and readmission".**

This tension can be examined through the prism of EU funding. Funding plays a key role in the operationalisation of Talent Partnerships. In fact, their realisation rests on adequate financing from different sources coming together: development and international cooperation funding (i.e. the NDICI-Global Europe instrument); migration-specific funding, i.e. the Asylum, Migration, and Integration Fund (AMIF); member states' funds beyond the EU budget; as well as private sector (e.g. employers, diaspora organisations) funds.

In this context, once connected to migration control objectives, conditionality complicates the buy-in from third countries. Illustrating this, the countries the EU targeted for launching the first Talent Partnerships, Egypt, Morocco and Tunisia, have well-trained young populations facing high unemployment rates. However, they are also known for being countries of transit. Therefore, mobility, training commitments, and funding components will have to be concrete and extensive for third countries to be incentivised to undertake additional or far-reaching conditionality agreements.

Current EU policies and discourse linking access to funding to collaboration on control measures and readmission also put private investments at risk. Conditionality is where EU migration management objectives and private stakeholder interests, especially those of industrial partners, may markedly diverge. Due to their multi-stakeholder nature and breadth of activities, Talent Partnerships involve high up-front investment costs. For private actors, this investment only makes sense if it will be coupled with a guarantee of sustainable access to significant numbers of well-trained labour migrants as part of the cooperative framework.

Making access to Talent Partnerships contingent on third countries' cooperation in areas such as border management or readmission endangers that investment. Should the third country not perform satisfactorily, conditionality would include countermeasures, possibly even suspending labour mobility opportunities. This is a risk that industry partners are unlikely to be willing to shoulder, especially given the time and investment needed to operationalise the different elements of a Talent Partnership.

Finally, transparency and accountability are key considerations in operationalising Talent Partnerships. However, the Commission still needs to present concrete and tailor-made measures to ensure transparency and accountability. The soft nature of Talent Partnerships as non-legally binding cooperation frameworks, and the limited role foreseen for the European Parliament in their design and adoptions, further complicates the picture.

Other than the legal migration *acquis*, Talent Partnerships would need to comply with the EU's and member states' obligations under the EU Charter of Fundamental Rights, such as the prohibition of torture, inhuman or degrading treatment or punishment and the related principle of non-refoulement.[19] Moreover, given that several EU budget lines are also meant to support them, their operationalisation should comply with all principles relating to the activation of the EU budget, such as sound financial management.

Overall, Talent Partnerships show the potential to become a cooperative vector for a comprehensive set of policy goals and actions. This offers an opportunity for holistic cooperation with third countries, also aimed at co-development with third countries. However, considering the current political climate, there remains a risk that short-term containment goals pursued through negative conditionality will undermine their positive potential.

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# 3. Towards sustainable and mutually beneficial collaboration

Since 2015, new funding instruments and policy approaches have emerged and continued to evolve, not without contradictions. While achieving ambitious outcomes also rests on the underlying political vision, this Discussion Paper reflected on the conditions through which funding can act as a catalyst for sustainability and co-development. Although the EU's political vision might pose obstacles to realising these objectives – a risk embodied in the European Council Conclusions of February 2023 – this Paper provides ideas to enhance sustainable and mutually beneficial collaboration with third countries. Given the prominent role of funding in these collaborative frameworks, the EU should take the following concrete actions:

- **Move away from short-term crisis responses towards long-term planning.** As the new EU financial toolbox gradually becomes operational, it is essential that EU-funded programmes shift from crisis-related projects to long-term, structural programmes and objectives. It is only the latter that tackles the complexity and different components of migration processes, such as inequalities in third countries of transit, the lack of legal pathways for migration, as well as displacement and forced (im)mobilities. An exception to long-term programming are specific components addressing emergencies, such as the Rapid Response Actions within NDICI. This policy shift should go hand in hand with a narrative change: the EU should aim towards normalising human mobility instead of relying on crisis discourse.

- **Leverage extra financial resources to support long-term planning.** Additional private funds will enable more effective interventions in the context of scarce resources while also maximising sustainable development impacts. However, the EU should be wary of the risks of financialisation of migration-related projects. Initiatives should undergo careful and transparent risk assessments involving development experts that consider the potential volatility of market-led responses and ensure a strong link with domestic economic conditions.

- **Ensure greater transparency.** Results indicators should be as specific as possible, reflect the variety of objectives pursued by the EU through its comprehensive approach to migration, and include a clear reference to sources for data collection. Moreover, projects and programmes across funds should be systematically stored and described in a single database to ensure traceability.

- **Embed transparency guarantees in the operationalisation of Talent Partnerships** to ensure their democratic legitimacy and accountability. One way to achieve this is to incorporate the operationalisation of their EU mobility component in a legislative tool (the Single Permit Directive, for instance), which would oblige all parties involved to engage in fair recruitment methods.

- **Set up a centralised registration system for Talent Partnerships.** The intricate patchwork of funding sources (from the EU budget, national budgets, and private sector funding) calls for a centralised registration of sources, targets, and beneficiaries. This will avoid duplication with other EU actions, ensuring sound financial management. It will also provide further data on the Talent Partnerships' operationalisation, which could be useful for identifying shortcomings and areas for further improvement. In addition, it will increase oversight, strengthening accountability.

- **Scale-up Talent Partnerships to achieve impactful and mutually beneficial cooperation** compared to previous *ad hoc* and small-scale projects. To ensure this, the EU can incentivise multi-stakeholder participation. This includes multiple member states but also relevant private sector stakeholders. Operationalising robust numbers of mobility opportunities will provide employers with access to a wide pool of workers, motivating them to invest resources in the realisation of Talent Partnerships. At the same time, it will ensure that third countries benefit from labour mobility and training opportunities making Talent Partnerships a meaningful development framework. Furthermore, as volumes of admission are an exclusive Member State competence, the EU level can incentivise participation by ensuring sufficient financial support from the EU budget.

- **Avoid migration-control conditionality** in the operationalisation of Talent Partnerships. While the inclusion of (negative) conditionality might enhance member state willingness to participate, building sustainable cooperation with third countries, especially where private sector involvement is envisaged, calls for moving away from conditionality on migration management, at the very least from strictly framed negative conditionality.

- **Achieve third-country ownership.** Far from being a buzzword, third-country ownership could make the difference between persisting deadlock in critical areas of cooperation – such as return or asylum reforms in third countries - and successfully overcoming impasses. This would require the following steps:

  1) clearly defining the modalities of third countries' consultations, especially in the context of Team Europe Initiatives;
  2) ensuring third countries' contribution to the design of the initiatives as a pre-requisite to their approval;
  3) granting local actors the time needed for their processing, regardless of fast-paced decision-making requirements dictated by funding in EU crisis-mode. This could materialise by including third countries' representatives in the meetings of the NDICI Coordination Group on Migration established by the Commission to improve the design of Team Europe Initiatives.

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