Common Agenda or Europe's agenda? International protection, human rights and migration from the Horn of Africa

Heaven Crawley and Brad K. Blitz

Abstract

This paper examines the relationship between international protection, human rights and migration in the context of EU Agenda on Migration which aims to 'tackle migration upstream' and reduce the number of arrivals to Europe from countries in the Horn of Africa (Eritrea, Somalia, Ethiopia, South Sudan and Sudan). These initiatives are underpinned by assumptions about the factors driving migration from the region, including the idea that poverty rather than political oppression and human rights abuse is the principal cause. The paper draws on interview and survey data with 128 people originating from Horn of Africa countries and arriving in Europe between March 2011 and October 2016 to show that conflict, insecurity and human rights abuse in countries of origin and neighbouring countries drive decisions to move. This evidence challenges the premises underlying the European Agenda. Moreover a lack of coherence between the EU's ambitions to control irregular migration and the rights-violating States with which Europe seeks to engage threatens to create further political destabilisation which may ultimately increase, rather than decrease, outward migration from the region. Agreements between the EU and Horn of Africa should be re-centred to focus on compliance with international human rights standards rather than States' willingness and to prevent irregular migration to Europe.

Keywords

Introduction

The European Union's (EU) relationship with developing countries has, over recent years, been increasingly driven by the desire to reduce 'irregular' migration to Europe.[1] In the context of unprecedented irregular flows across the Mediterranean in 2015, the EU has sought to strengthen its approach towards countries and regions from which refugees and other migrants originate. Although the political and policy imperative of the European Council and Member States remains firmly fixed on strengthening the EU's external borders by dismantling smuggling and trafficking networks and securing agreements for the return of those deemed undeserving of international protection (Palm 2016), the European Agenda on Migration announced in 2015 represents a significant shift of emphasis towards working in partnership with other countries "to tackle migration upstream" (European Commission 2015, 5). There is more interest than ever before in creating opportunities for the EU and developing countries to cooperate on what are, in theory at least, mutually agreed objectives. The joint Declaration for a Common Agenda on Migration and Mobility (CAMM) signed between the EU and Ethiopia at the end of the Valletta Summit in November 2015 is just one of a number of agreements with developing countries which has been developed with these objectives in mind.[2] The agreement with Ethiopia was justified on the grounds that Ethiopia 'needs and deserves EU support' since it is the largest refugee hosting country in Africa (Embassy of Ethiopia 2016). However a policy report produced by the European Commission in 2016 highlighted concerns about the movement of Ethiopians to Europe as the basis for the agreement, citing the arrival of 3,500 'identified' Ethiopians who crossed the EU's borders, and noting an increase of 175% from 2014, with an estimated 4,650 applying for asylum in the EU. The report also states that the CAMM provides an

opportunity to "monitor and reduce secondary movement from refugee camps in Ethiopia towards Europe" (European Commission 2016, 5).

In this context our article examines the extent to which there can be said to be a 'common agenda' driving the EU's policy engagement with countries and regions of origin from which there is significant irregular migration to Europe. The focus is on the EU's relationship with five countries in the Horn of Africa (HoA): Eritrea, Somalia, Ethiopia, South Sudan and the Sudan (Figure 1).[3]

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Displacement and onward migration in the HoA region is underpinned by a complex, and often inter-related, set of factors including political repression, armed conflict, poor governance, environmental degradation and food insecurity, climatic disasters including droughts and floods, and lack of economic opportunities (Bariababer 2006; Human Rights Watch 2014; OHCHR 2015; UNHCR and World Bank 2015). There are major protracted displacement situations in four of these countries: Somalia was the third largest country of origin for refugees worldwide in 2015 with more than 1.1 million displaced due to conflict and violence in areas of origin and food insecurity and destruction of shelter due to floods and droughts (Human Rights Watch 2016a); more than 778,000 were displaced in South Sudan, as a result of conflict with Sudan, and internal conflict and a further 628,000 from Sudan, where displacement is driven by tensions between central and peripheral regions, and a highly inequitable division of power and wealth (UNHCR and World Bank 2015; UNHCR 2016). Many have been displaced to neighbouring Ethiopia which is currently host to around 734,000 mostly

South Sudanese, Somali, and Eritrean refugees. This is more than any other country in Africa. Ethiopia itself is not without problems: in addition to historic and ongoing drought and food shortages which have encouraged outflows (Bariababer 2006; Spaan and Moppes 2006; USCRI 2009), refugees and migrants from other countries have not always been well received (CIRB 2010). Moreover, 2016 saw increasing restrictions on basic rights imposed during a state of emergency and a bloody crackdown against largely peaceful protesters (Human Rights Watch 2017).

But it is Eritrea perhaps more than any other country in the Horn of Africa which currently occupies the minds of European policy makers. Eritreans decide to leave their country for various reasons, but the main drivers are endemic poverty, a lack of livelihood opportunities, and limited political freedoms (Campbell 2017; Horwood 2016; UNHCR 2011). In 2015 a UN inquiry found that the Eritrean government was responsible for systematic, widespread and gross human rights violations that have created a climate of fear in which dissent is stifled and a large proportion of the population is subjected to forced labour and imprisonment (OHCHR 2015). Compulsory military service for all has been described by refugees and observers as oppressive and potentially unlimited in length (Campbell 2017; MSF 2017; Crawley et al 2016). In recent years an estimated 400,000 people (nearly 10% of the population) have left the country, mainly young men of military conscription age (ODI 2017). Whilst this figure is not as large as other displaced populations in the region, the critical difference is that Eritreans have increasingly sought asylum in Europe: after Syrians, Afghans, and Iraqis, Eritreans were the fourth most common group of refugees crossing the Mediterranean to Europe in 2015 (UNHCR 2016). This is partly because countries near Eritrea and others in Africa and the Middle East offer limited or no protection and few sustainable livelihood opportunities (ODI 2017). But it is also because Eritreans

have come to learn, through diaspora networks and social media, that many countries in Europe will grant them refugee status (Hopwood 2016).

This paper examines the relationship between international protection, human rights and migration in the context of EU efforts to 'tackle migration upstream' and reduce the number of arrivals to Europe from countries in the HoA and, in particular, Eritrea. The first part of the paper reviews the policy context including the development of regional and country specific programmes on cooperation with HoA countries. We argue that these policy initiatives are underpinned by a series of assumptions about the factors driving migration from the region, including the idea that poverty, not political oppression or human rights abuse, is the principal cause. The idea that much African migration is essentially driven by poverty and can be reduced by 'development' is one which is prevails in policy and political discourse but ignores evidence that 'development' in poor countries is generally associated with increasing rather than decreasing levels of mobility and migration (Flahaux and de Haas 2016). The second part of the paper examines the experiences of those crossing the Mediterranean to Europe drawing upon data from interviews and surveys with 128 people originating from HoA countries and arriving between March 2011 and October 2016. This data was collected through two related ESRC-funded research projects: MEDMIG (led by Coventry University) and EVI-MED (led by Middlesex University). The experiences of refugees and other migrants provide new insights into the drivers of migration from the Horn of Africa, the journeys taken by participants and the factors informing and influencing their decisions along the way. Their accounts highlight the ways in which persecution, insecurity and the absence of access to rights in both countries of origin and countries in the region shape individual decisions to move onwards, including towards Europe. In so doing, they fundamentally challenge some of the premises

underlying the European agenda. In the third and final part of the paper we reflect on the implications of our findings for the EU's programme of cooperation with the HoA, concluding that the lack of coherence between the EU's ambitions to control irregular migration and the rights-violating States in which the EU seeks to engage, threatens to create further political destabilisation and repression which will ultimately increase, rather than decrease, outward migration from the region.

Evolution of the EU policy agenda on migration from the Horn of Africa

The European Agenda on Migration can be traced back to the 1999 Amsterdam Treaty and the conclusions of the 1999 Tampere European Council which called upon the EU to develop common policies on asylum and immigration, including partnerships with countries of origin (see also Baldwin-Edwards, Blitz and Crawley, this volume).[4] The agenda set at Tampere paved the way for the creation of a Global Approach to Migration (GAM) which has become a central pillar of the EU's external relations. The GAM, which was first proposed for Africa and the Mediterranean in late 2005 but was later extended to Southern Europe, including the Balkans, and the former Soviet bloc in 2006, represents an attempt to involve countries of origin in programmes which aim to 'tackle at source' the contributing factors that were believed to encourage irregular migration including both development and security concerns. In 2011 the GAM was rebranded to include 'mobility' in its title, becoming the Global Approach to Migration and Mobility (GAMM), reflecting the importance of Mobility Partnerships, introduced in 2008 with Cape Verde and later, Armenia (2011), Azerbaijan (2014), Georgia (2008), Jordan (2014), Moldova (2013), Morocco (2013) and Tunisia (2014).

The Global Approach to Migration and Mobility (GAMM) has, since 2005, provided the overarching framework of the EU's external migration and asylum policy.

This framework defines how the EU conducts its policy dialogues and cooperation with non-EU countries, based on clearly defined priorities and embedded in the EU's overall external action, including development cooperation. Described by the European Commission as "an example of international cooperation at its best",[5] the GAMM aims to prevent and combat irregular migration, eradicate trafficking in human beings, maximise the development impact of migration and mobility and promote international protection by enhancing the external dimension of asylum. The EU has also introduced a number of regional dialogues and initiatives, conceived as multilateral frameworks for cooperation which encompass a range of actions, including funding cooperation in border management and efforts to mitigate the potential for international migration. Most relevant to our analysis here is the EU-Horn of Africa Migration Route Initiative otherwise known as the Khartoum Process. The EU's cooperation with countries in the HoA has been significantly bolstered by the European Agenda on Migration which includes the CAMM noted above, and a new Emergency Trust Fund for Africa announced at the EU Valletta Summit of November 2015.

The Khartoum Process was launched at a Ministerial Conference held in Rome in November with the aim of enhancing cooperation between the EU and HoA countries and focusing specifically in addressing human trafficking and smuggling.[6] According to Grinstead (2015), the Khartoum Process reflects a series of unspoken (or under-spoken) assumptions between the main players on both sides of the Mediterranean, one of which is that responsibility for managing refugees and other migrants should rest with countries in the region of origin. Although this was presented primarily as being in the interests of refugees and migrants themselves, it reflects the political interests of EU Member States who are keen to reduce the number of irregular arrivals across the Mediterranean. Through the Khartoum Process these countries are to be compensated

by countries or regional blocs in the Global North, in this case the EU, or leveraged through incentives or coercion. The Khartoum Process therefore facilitates a shift in responsibility for the management of Europe's borders to African countries by funding projects that enhance border security, upgrading national legislation, and disrupting or dismantling migrant smuggling and human trafficking networks in Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Sudan, South Sudan and Tunisia. A second important assumption is what Grinstead (2016) describes as the 'total criminality' of individuals and groups involved in facilitating irregular migration. Rather than asking *why* people get onto boats in order to reach Europe, the focus is very much on *who* puts them onto the boats. The Khartoum Process assumes that there are sophisticated criminal networks operating from the HoA all the way through Europe. Evidence from our research suggests that in reality the routes and opportunity structures available to refugees and migrants leaving the HoA are complex and frequently opportunistic (Crawley et al. 2018).

These policy assumptions about responsibility for managing migration flows, including in regions such as the Horn of Africa in which there are known to be protracted refugee situations, together with the focus on preventing smuggling and trafficking networks, have implications for the way in which the closely related issues of international protection and human rights are framed and understood. Respect for human rights is a cross-cutting priority within the GAMM, so much so that the impact on fundamental rights of initiatives undertaken in the context of GAMM must be thoroughly assessed. In practice however, the primary objective has been one of preventing and combatting irregular migration. There is simply no mention of the rights of refugees and migrants in the documents relating to the Khartoum Process. Instead the

focus is very firmly on issues of security and on the fight against irregular migration within countries of origin and transit (Stern 2015; Grinstead 2016). The 'root causes' of irregular migration are to be tackled through development aid rather than through ensuring that the human rights of refugees and other migrants are respected.

It should also be noted that the Khartoum Process has been mandated to monitor the implementation of the initiatives and actions under the Valletta Action Plan for the period of 2016-2018. This includes the EU Emergency Trust Fund for Africa which is worth over €2.5 billion and aims to benefit a wide range of African countries that encompass the major migration routes to Europe (European Commission 2016). Whilst the creation of livelihood opportunities for those living in HoA countries is clearly important, the absence of any reference to political repression and human rights abuses is striking, particularly given that some of the projects funded under this scheme are located in regions where human rights abuse is known to drive outward migration (Human Rights Watch 2017). The announcement in April 2017 that a further €59 million has been allocated by the EU "to address the root causes of irregular migration and forced displacement" similarly fails to mention the human rights violations that lead many refugees and other migrants to move on.[7]

The experiences of refugees and migrants from HoA countries

Whilst migration within and out of the Horn of Africa is not a new phenomenon, the scale of recent movements have been dramatic. In a region with an estimated 242 million inhabitants, the HoA hosts over 8.7 million displaced persons, including over 6.5 million internally displaced persons (IDPs) and about 2.2 million refugees (UNHCR and World Bank 2015). As noted earlier, most of the displacement situations in the HoA

are protracted and have lasted for over 20 years but with waves of newly displaced populations, most recently young Eritreans fleeing indefinite forced military conscription (Home Office 2016). An estimated 5,000 Eritreans leave the country each month, making it one of the world's top producers of refugees (ODI 2017). Whilst most try to make a new life in the neighbouring countries of Ethiopia and Sudan, tens of thousands of Eritreans have arrived at Europe's shores in recent years undertaking long and dangerous journeys in order to seek international protection and opportunities to rebuild a life. Engaging directly with the experiences of refugees and migrants from HoA countries, in particular Eritrea, can help us to better understand the extent to which the EU's increased efforts to 'tackle migration upstream' through collaboration with countries in the region, most notably Ethiopia but also the Sudan, can address the drivers of migration from the region, including the onward movement of Eritreans to Europe.

Our data

The analysis in this section draws upon a combined dataset based on 1) a qualitative (n=500) study produced by the MEDMIG team[8] which has been coded and analysed using NVivo; and 2) a quantitative survey (n=757) produced by the EVIMED team[9] and analysed using SPSS. These datasets were merged to produce a single dataset capturing the experiences of 128 refugees and migrants originating from Eritrea (52%), Somalia (37%), Sudan (7%) and Ethiopia (4%), both refugees and migrants, who arrived in Europe between March 2011 and October 2016. Just under half (45%) of our respondents were interviewed or surveyed at various locations in Italy and the remainder in Malta (32%) and Greece (23%). The selected time frame is significant because the data record flows which occurred before the 'refugee crisis', as well during

its peak in 2015, and during a period of containment associated with the EU-Turkey agreement of March 2016. The different points of arrival reflect wider political trends with the earliest refugees and other migrants coming from Somalia and some even arriving by air.

The sample population included men, women and young people in their late teens, both accompanied and unaccompanied, all of whom had already reached Europe when we interviewed them. The original datasets were developed based on a sampling frame which relied on UNHCR's data on flows, thus assuring that the data collected would be as representative as possible. We adapted our sampling strategy in the interview locations according to shifts in the composition of arrivals. Nonetheless, we recognise the challenges of achieving representativeness given the nature of flows changed during the period of investigation and there remain few accurate estimates of the total numbers of people reaching Europe. The research instruments which inform the merged dataset sought to capture demographic information regarding respondents' country of origin, country of residence, age, education, previous occupation, marital status and responsibility for children and other family members. The research teams also gathered more in-depth information about the reasons why people decided to leave their countries of origin, the journeys people took, the countries which they lived in and passed through prior to their arrival in Europe, the factors that shaped the decision making process (including access to information and knowledge of policy developments) and their experiences on the journey including experiences of violence, exploitation and seeing others die.

Profile of respondents and their decision to leave

The majority of respondents were young, under 30 years of age, although some were significantly older. Whilst many were single, a significant minority (around a third) were married or in long term relationships. Most had travelled to Europe on their own, although some travelled with friends or family members for at least part of the way. Just three women travelled with their children, one of whom was an Eritrean women travelling with her children aged 2, 5 and 13 years. She described the boat journey from Libya to the Italian island of Lampedusa in detail:

> "The journey was terrible. My children were crying the whole time. They were terrified. The waves were high. The sky was black because it was night. We spent those two days all clinging to each other. My children have been my strength. I don't think we will ever forget that trip, the risk of dying. But in Eritrea we also risked dying. The position of my husband was too uncomfortable." (MEDMIG – Eritrean woman aged 35 years interviewed in Italy)

This quotation, which illustrates the extent to which individuals feel that they have no choice other than to risk everything, including the lives of their children, to make the dangerous crossing to Europe, runs contrary to the assumption that most people migrating from HoA countries do so primarily for economic reasons. This point has been highlighted by human rights monitors (see, for example, Human Rights Watch 2016b). It is clear from our data that conflict, human rights abuse and concerns about the safety and security of family members were the primary drivers of migration from countries of origin. These factors were far more significant than economic factors

including employment opportunities: of our 128 respondents just two said that they left in order to find work.

That said, the circumstances under which people decided to leave varied considerably depending on their country of origin and their ethnic, religious and gender identity: an Ethiopian man who left due to religious discrimination and the fact that he was unable to practice his Christianity; a Sudanese woman whose husband was a senior member of the national security service and was imprisoned for reasons unknown; a Somali woman who was being forced into an unwanted marriage. The Eritrean woman quoted above told us that her husband was a journalist who was arrested, tortured and eventually killed:

> "I decided to leave because I was left alone with my children. My husband was in prison and later killed. He was a journalist in Eritrea. Obviously he had not been able to work for a long time. With the military regime there is no place for the information. He had been asked to enlist in the army and he had refused. Even his past as a journalist must have been one of the reasons for the arrest. He had tried with some friends to open an independent radio station. But it went wrong. They came to search it and forced it to close down. They destroyed the place and their dream…He was arrested and tortured. They wanted information on opponents that he did not have. And they killed him" (MEDMIG - Eritrean woman aged 35 years interviewed in Italy)

Those from Somalia described tribal conflict, often reflected in disputes between families or in relation to marriage, and armed attacks including from Al Shabaab. There were fears about being forced to join Al Shabaab, particularly among young men:

> "Many of the young people in Somalia are eager to join the fight and Al Shabaab has been trying to recruit many of us. They tried to force me to join them and when I said I didn't want to fight with them they began to threaten me and accused me of being against Islam and the Qur'an. I was afraid of their threats and I decided to leave so I wouldn't have to live there worried and afraid" (MEDMIG - Somali man aged 17 years interviewed in Malta).

Whilst some of our Somali respondents spoke about poverty, their inability to make a living was almost invariably situated within a broader context of political insecurity.

The clearest theme running through our interviews with Eritreans was in relation to forced military conscription. Virtually all of our Eritrean respondents across both datasets described 'endless military service' as the principal driver of their decision to leave. For many people the issue of forced military conscription was combined with a lack of opportunities to earn a decent salary, see or spend time with their family or continue with their chosen educational path:

> "I couldn't stand living in Eritrea any longer. I was working for nothing. There are no rights, no constitution and no justice. There is poverty and endless national service" (MEDMIG - Eritrean man aged 41 years interviewed in Greece).

The experience of our Eritrean respondents illustrates, most clearly, the complex array of factors driving not only the decision to leave the country of origin but also the journey taken, and the reasons why people move on. The vast majority of Eritreans cross an overland border to Ethiopia or Sudan and this was also the case for our all of

our respondents. At the point of deciding to leave however, few had long term plans for their future, certainly not ones that involved the long and dangerous journey to Europe. They hoped, instead, to find a place in which they could be safe and also start to rebuild a life for themselves and their families:

> "When I went to the border between Somalia and Ethiopia, my plan was just to get out of Somalia. I wasn't intending to leave Africa and I wasn't aiming for Europe. But when I met new friends on my way to Addis Ababa, I decided to just travel with them to wherever we ended up" (MEDMIG - Somalia man aged 18 years interviewed in Malta).

Routes and reasons

It was noted earlier that one of the primary objectives of the CAMM signed between the EU and Ethiopia, supported by the Emergency Trust Fund for Africa, is to 'tackle migration upstream' by discouraging 'potential migrants' - including refugees displaced from neighbouring countries - from travelling onwards to Europe. This presupposes that refugees and other migrants from countries such as Eritrea are moving initially to Ethiopia. Most of our respondents had, in fact, not crossed the border from Eritrea into Ethiopia but had instead travelled into Sudan where some had lived for months, or even years, before deciding to move on: just six out of the 36 Eritrean MEDMIG respondents (16%) and 6 of the 31 Eritrean EVI-MED respondents travelled initially to Ethiopia. There appear to be two primary reasons for the decision to travel to Sudan rather than Ethiopia. Firstly, many believed that it would be more dangerous to cross to Ethiopia because the border between the two countries remains heavily militarised, with a no-man's land between the two armies and frequent border skirmishes:

"It is easier to go to Sudan than to Ethiopia. At the borderline between Ethiopia

and Eritrea there is a huge military force. If they catch you, they kill you"

(MEDMIG - Eritrean man aged 36 years interviewed in Greece)

Secondly, some respondents expressed concerns that it would be difficult to make a life in Ethiopia due to discrimination and restricted access to the labour market and had therefore decided to go elsewhere. Although both Ethiopia and Sudan, working in concert with the UNHCR, commonly accept arrivals as lawful or at least 'prima facie' refugees, the Ethiopian government requires nearly all refugees, including Eritreans, to live in three camps set up near their respective borders: Shimelba (established in 2004), Mai-Ayna (2005) and Adi Harush (2010) (USCRI 2009). The difficult situation of young Eritreans living in limbo in these camps has been documented elsewhere (UNHCR 2011). To access medical care or higher education, refugees must obtain a permit that specifies the travel time granted. With just a few exceptions, they are not allowed to access the labour market (ODI 2017). A small number of respondents who had travelled to Ethiopia and spent time living in camps such as Adi Harush described them as 'hell', with a lack of food, no communication with family or outside world and a lack of employment opportunities:

"I went to Ethiopia carrying only few money (300 nakbha). No cell phone, no

nothing. The UNHCR camp in Ethiopia is a hell. They only offer a place to sleep"

(MEDMIG - Eritrean man aged 26 years interviewed in Greece).

> "I spent 1 year and 2 months in the Adi Harush refugee camp. It was organised by UNHCR, there was multiple people, many, many people there … life was bad, there was a shortage of food, no communication and I had no communication with my family or the world outside. So I left the camp to go to Sudan" (MEDMIG - Eritrean man aged 36 years interviewed in Italy)

The Ethiopian government now gives greater freedom of movement to some Eritreans with family members living outside the camps: for example, the government allows them to live with their relatives in urban areas and to study in higher learning institutions at their own expense (CIRB 2010). However Eritrean respondents living outside camps in Ethiopia also described the difficulties of building a new life in the country and, in particular, the problem of finding work:

> "I took my wife and my children and I took them to Ethiopia, to Addis Ababa, where they are now guests of my colleagues at the university. As soon as I can send them a bit of money they will look for a house. I was there for almost a year but could not find work and there were some problems there" (MEDMIG - Eritrean man aged 30 years interviewed in Rome).

This is not to suggest that Eritreans experience no difficulties crossing the border to Sudan or that they find it easy to build a life there (Human Rights Watch 2016a). As is the case with the Eritrea-Ethiopia border, many talked of a 'shoot to kill' policy on the border between Eritrea and Sudan:

"Escaping to Sudan though is not safe. The guards at the borders shoot everyone they see trying to leave the country" (MEDMIG - Eritrean man aged 26 years interviewed in Greece).

More importantly still, having left Eritrea a significant proportion of respondents told us that they did not feel safe. In the case of South Sudan this was due to the civil war that did not officially end until August 2015. But for those who travelled to Sudan, the primary concern was that they would be arrested and deported back to Eritrea to face indefinite military conscription:

"I needed to leave Eritrea, but Sudan is not a safe place either. There is contact between the Eritrean and the Sudanese government and there was a huge risk that we were deported to Eritrea" (MEDMIG – Eritrean man aged 34 years interviewed in Greece)

"If we had a real and safe possibility of staying in Khartoum, we would have done so. But there was no chance of this. If the government found us, we would be deported back to Eritrea and I would have been thrown in prison for leaving the national service. I wasn't originally thinking of going to Europe but when we realized we weren't safe in Sudan either, we began to consider the EU option" (MEDMIG – Eritrean man aged 30 years interviewed in Malta).

These concerns are well-founded. There are reports that the Sudanese government itself, sometimes through its notorious Janjaweed militias, has been arresting Eritrean refugees

and refouling (deporting) them back to Eritrea, where a dire fate awaits them (Hotline for Refugees and Migrants 2015; Human Rights Watch 2016). But the security threats facing Eritrean refugees go beyond the fear of deportation. There is considerable evidence that Eritrean refugees have been kidnapped by others *en route* to refugee camps, *en route* to or in major urban centres, or even within the camps themselves for the purpose of organ trafficking and/or extortion of money from relatives in Eritrea or other countries (Al Jazeera 2014). Human Rights Watch (2014) has documented that thousands were kidnapped and tortured for ransom in Egypt's Sinai Peninsula between 2010 and 2013, in some cases with the collusion of Sudanese and Egyptian security officials. It is clear therefore that the lack of security in Sudan that led many of our respondents to travel onwards.

The decision to move on

The decision about where to travel on to depends not only on the options made available by smugglers and others facilitating journeys, but also on family members and friends living elsewhere and on actual and perceived opportunities to access rights and work. Some of our respondents escaped Eritrea by boat across the Red Sea to Yemen but found themselves in a deteriorating security situation when civil war broke out in spring 2015. Others had tried to travel to Israel where they believed they would be able to find work. Israel's geographical location — as the developed country most proximate to Eritrea and some other sub-Saharan African countries — has led many Africans, primarily Eritreans, to migrate there since the mid-2000s but Israel's reception of refugees and other migrants has deteriorated in recent years. While Israel has long been host to a considerable population of Ethiopian Jews that Israel brought into the country as citizens, the current status of the Eritrean, Sudanese and other Africans is more

fraught and complex. Although the official government position that Eritreans may not be returned to Eritrea, they have been subject to detention, restrictions on employment, and hostility on the part of both the current government and pockets of the Israeli population. Many are held in immigration detention camps and informed that they have three options: they can stay indefinitely in the camp, return to Eritrea, or take $3,500 and depart for a third country of the Israeli government's choosing. Not surprisingly most 'choose' to leave.[10] Since 2013 thousands of Eritrean and Sudanese asylum seekers have been 'voluntarily' resettled in Uganda and Rwanda (Hotline for Refugees and Migrants 2015).[11] Several respondents told us that this had been their experience, two of whom were deported to Rwanda after first trying to travel elsewhere (an attempt to get to the US via Cuba in one case, efforts to make a life in Sudan and Libya in another). It was only when these options failed that they decided to embark on the journey to Europe:

> "After having worked in Israel for five years, I was told to leave the country. The police told me I had three choices: deportation to Eritrea, jail or to be sent to Rwanda. I chose the third. I went to Rwanda. Everything was organised. They even gave me 3500$ to leave the country. When I reached Rwanda I went to a hotel. Smugglers came and told me I had to leave from Rwanda within 2 weeks, but if I wanted, they could send me to Uganda and then to Greece" (MEDMIG - Eritrean man aged 26 interviewed in Greece)

Others described how they had tried to make a life in other countries – including Uganda, Kenya, Chad, Egypt, Tunisia, Libya and Turkey - before deciding to take their chances and cross the Mediterranean to Europe. In almost all these cases we heard vivid

descriptions of insecurities associated with living in countries in which there is both conflict and insecurity and few, if any, rights for non-citizens:

> "I spent one month in Libya, it was difficult, I was hungry and thirsty, and Libya is more dangerous than Sudan. In Sudan there is corruption, you cannot get anything, but Libya is dangerous… In Libya there was no work, just waiting, just like in prison, it is not good. Prison in Libya is not like other places… (MEDMIG – Eritrean man aged 28 years interviewed in Italy).

Regardless of their nationality or the circumstances under which they left their countries of origin, the theme that dominates the accounts of our respondents is the complexity of their journey in terms of navigating and negotiating passage within and between countries and the associated costs. For Eritreans in particular, the time between departure from the home country and arrival in Europe was particularly lengthy as some had stayed for extended periods in Sudan, Egypt or Israel. Indeed more than half (52%) of the Eritreans interviewed as part of the MEDMIG research had left their home country more than 18 months prior to their arrival in Europe (Crawley et al., 2018). There were accounts of kidnapping along the way, usually as a mechanism for extorting money from family members living in Eritrea or Europe. For many of our respondents the journey to Europe had been the culmination of separate migration decisions spanning a period of up to ten years and punctuated by experiences of violence and insecurity.

These experiences challenge many of the policy assumptions that underpin the relationship between the EU and countries such as Ethiopia and the Sudan, in particular the idea that it is poverty that is primarily driving migration from the region.

The EU policy response to migration from HoA countries is based on investment of economic resources to leverage increased development activities will prevent irregular migration to Europe. The findings of our research suggest that it is the lack of security, rather than a lack of economic opportunities, that is the most significant driver of onward migration from the region. In this context the failure of the EU to use its economic powers to leverage human rights for those living in the region may actually give legitimacy to regimes that violate the rights of both citizens and non-citizens alike, ultimately leading to greater instability and increased outward movement over the longer term.

Re-centring rights in the EU's relationship with the Horn of Africa

The evidence presented in this article regarding the complex, multiple, often entirely separate, migration decisions that are taken by refugees and other migrants from HoA countries long before their arrival in Europe, challenges many of the assumptions that underpin efforts by the EU to prevent irregular migration. For almost all of those who participated in our research, the decision to leave their country of origin was initiated not out of choice but because of insecurity, persecution and human rights abuses. Further, while many had lived in neighbouring countries, often for long periods, the absence of opportunities for integration, removal (as in the case of those living in Israel) or the reality of violence, hardship and a lack of access to rights *en route* in countries such as the Sudan and Libya propelled refugees and other migrants to continue their journeys to Europe.

Whilst the EU's Agenda on Migration acknowledges the need to improve access to international protection and human rights, in practice the emphasis has been very firmly on issues of security and border control. Very limited attention is paid to the

dynamics and drivers of migration beyond the idea of "promoting sustainable development in countries of origin and transit in order to address the root causes of irregular migration".[12] The absence of 'development' – often expressed in terms of poverty and a lack of economic opportunity - is conceptualised as the principal driver of irregular migration to Europe. Meanwhile the focus of European governments on security and border control has been associated not only with a failure on the part of the EU to leverage access to rights for refugees and migrants in the Horn of Africa but also with seemingly unconditional support for governments such as Sudan and Ethiopia which are known to violate the rights of both citizens and non-citizens alike. Sudan may be a key lynchpin in the EU's efforts to prevent irregular migration from the Horn of Africa but it is also a serial human rights abuser. According to Human Rights Watch:

> "Sudan's human rights record remains abysmal in 2016, with continuing attacks on civilians by government forces in Darfur, Southern Kordofan, and Blue Nile states; repression of civil society groups and independent media; and widespread arbitrary detentions of activists, students, and protesters" (2017, 561).

Although Ethiopia continues to enjoy strong support from foreign donors and most of its regional neighbours due to its role as host of the African Union and as a strategic regional player, the government has been accused of restricting political opposition activities, brutalising peaceful protestors and of arbitrary detention and torture (Human Rights Watch 2017). Yet neither the Khartoum Process nor the CAMM between the EU and Ethiopia examine political oppression, a lack of rights, discrimination or a lack of access to the labour market as causes of human insecurity. The findings of our research suggest that it is these factors, rather than the absence of development *per se*, which

lead people to seek protection and opportunities elsewhere, including in the countries of

Europe. Moreover, there is emerging evidence that the Sudanese authorities have begun

to crack down on Eritrean refugees living in urban areas in response to deepening

cooperation with the EU.[13] Given what our Eritrean research respondents told us of

their concerns about being deported back to forced military conscription, it seems likely

that this will only lead to further outward migration which is entirely at odds with the

EU's stated objectives.

By way of conclusion we want to offer up some alternative ways of engaging with

this issue which position human rights, rather restricting unwanted migration flows, at

the centre of the EU's relationship with countries in the Horn of Africa. Over the past

20 years there have been some important developments with regard to joining up areas

of EU policy that have an impact, directly and indirectly, on outward migration by

ensuring that rights lie at the centre of the relationship between the EU and the countries

with which it wishes to cooperate (Wouters and Hachez 2016). One of the most notable

among these has been the 2000 ACP-EU Partnership Agreement (also known as the

Cotonou Agreement), which was subsequently revised in in 2005 and 2010. The core

objectives of the Cotonou Agreement build on the extended Lomé Conventions

framework (I-IV from 1975; 1980; 1985; 1990) which emphasises poverty reduction,

support for national development strategies, the promotion of dialogue between state

and non-state actors, and most relevant, enhancing democratic processes and

governance in African states. As with other regional agreements, the Cotonou

Agreement seeks to be comprehensive and is structured around three pillars which

attract different levels of funding and for different durations. The three pillars include i)

development cooperation; ii) political cooperation; and iii) economic and trade

cooperation. Unlike the Lomé agreements, however, the Cotonou Agreement includes

specific articles on the relation between human rights and sustainable development which it claims is a prerequisite for action. Significantly, the Cotonou Agreement introduces a 'human rights clause' which opens up the potential for conditionality to be attached to any cooperation intended to advance economic development (Bartels 2005). Article 9 of the Cotonou Agreement states that:

> Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights. Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development (Cotonou Agreement 2010, 23).

This clause permits parties to the agreement to suspend a state, should a party fail to respect human rights, democratic principles or the rule of law.

The logic of Cotonou offers two practical approaches to advance a substantive agenda of rights which may help to mitigate against the factors which are currently working against the EU's ambitions for the Horn of Africa. The Cotonou approach permits the use of conditionality which takes two main forms. First, in its agreements with other countries, the EU has a range of conditionality clauses which permit the withdrawal of privileges in the event that the beneficiary country violates human rights and democratic principles. Second, in the area of trade preferences, the EU provides positive incentives to countries that comply with human rights (and other) norms. The EU is thus able to impose a range of sanctions on countries that violate human rights and democratic principles, in the same way the EU states have many means available to

combat international criminal activity such as money laundering and even the prevention of genocide. The inclusion of a 'human rights clause' in the Cotonou Agreement is illustrative of the primary tool that the EU already has at its disposal to leverage improvements in access to international protection and human rights. In view of the evidence on the factors driving migration from the region, these improvements could significantly reduce outward migration from the countries and regions from which refugees and migrants currently travel to Europe. Secondly, as a result of the Cotonou Agreement, the EU has developed a more flexible and selective series of funding initiatives, some of which apply only to particular states, while others are more far reaching and target specific regions. For example, in the case of Ethiopia, development initiatives are financed largely through the European Development Fund (EDF) which similarly supports other countries in the Horn of Africa as part of the African, Caribbean and Pacific (ACP) programmes. Between 2009-2013, the EU provided €674 million of assistance to fund programmes in Ethiopia, focusing primarily on transport and regional integration, rural development and food security, basic social services and democratic governance. While this figure has since grown to €745 million, the EU's priorities have expanded to encompass the promotion of sustainable agriculture and food security, as well as improving the national health system, roads infrastructure, and energy. As noted above, the EU has been financing programmes to support civil society and strengthening democratic governance. The Commission also draws attention to the €100 million, the Productive Safety Net Programme (PSNP) which seeks to provide cash or food assistance to vulnerable people in return for participation in public works. The EU claims that this programme prevented the re-emergence of large famines in Ethiopia, including during the 2011 drought in the HoA. While notable, this logic that development financing may prevent humanitarian crises which are political in nature, is

also indicative of the broader and less instrumental approach to development cooperation which may, in turn, have implications for the propensity or otherwise of people to migrate from the region.

To conclude, it is increasingly clear that the content and direction of EU collaboration with developing countries, including those in HoA countries, has reflected not a common agenda of shared interests and concerns but rather a divergence of interests. This is reflected not only in disagreements between the EU and Member States such as Ethiopia (Embassy of Ethiopia Press Release 2016; Stern 2015), but also a fundamental lack of coherence between the EU's own policy ambitions as a result of the EU's fixation with the perceived need to reduce the number of refugees and other migrants arriving on the shores of Europe. This political focus has distorted the focus of policy efforts. This raises an important question: how might the focus of the EU's approach be re-centred around international protection and human rights given the political drivers which currently appear to be orientating the policy response in an almost wholly counter direction? The evidence presented in this paper leads us to conclude that the EU should be making use of its not inconsiderable political and economic resource to leverage human rights rather than migration controls in countries of origin and transit. Whilst the EU's conditionality policy is far from perfect in terms of both its coverage and the consistency with which it is applied in practice (Bartels 2005), it nonetheless offers an opportunity to re-centre agreements on migration to focus on the compliance of countries and regions of origin with international human rights standards and norms rather than their willingness and ability to prevent irregular migration to Europe. It is ultimately the ability of refugees and migrants to secure access to rights and protection that will remove, or at least reduce, a perception that these are only to be found elsewhere.

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UNHCR and World Bank 2015 *Forced Displacement and Mixed Migration in the Horn of Africa*, Eastern Africa. HOA Displacement Study Report No. ACS1436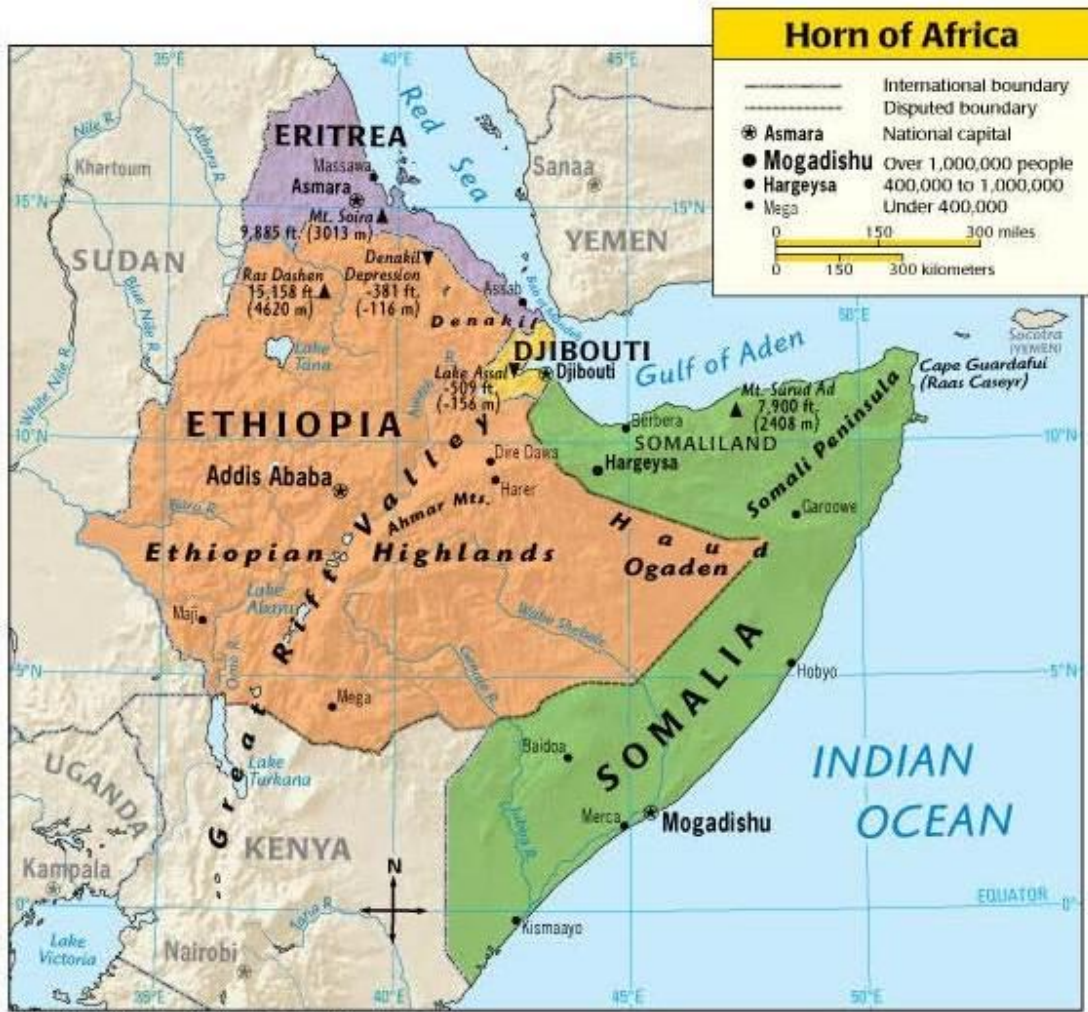1. UNHCR/World Bank: Geneva and Washington http://pubdocs.worldbank.org/en/892801436371029880/forced-displacement-horn-of-africa-Report.pdf

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Figure 1. Map of the Horn of Africa.

Endnotes

[1] The term 'irregular migration' is used here to refer to movement that takes place outside the regulatory norms of the sending and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. This includes crossing an international boundary without a valid passport, travel document and/or visa.

[2] CAMMs have also been signed with Nigeria and India. In addition Mobility Partnerships have been established between the EU and Cape Verse, the Republic of Moldova, Georgia, Armenia, Morocco, Azerbaijan, Tunisia, Jordan and Belarus. More information at https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/mobility-partnership-facility_en

[3] The Horn of Africa (HoA) is a peninsula in Northeast Africa containing the countries of Djibouti, Eritrea, Ethiopia and Somalia. For the purpose of this paper we include Sudan (North and South) because it features so prominently in the accounts of those who contributed to our research although both countries are technically part of the Greater Horn of Africa (which also includes Kenya and Yemen).

[4] See Amsterdam Treaty 1999, available at: http://www.unhcr.org/41b6ccc94.pdf

[5] See https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en

[6] The Khartoum Process is led by a Steering Committee comprised of five EU Member States (Italy, France, Germany, UK, Malta), five partner countries (Egypt, Eritrea, Ethiopia, South Sudan, Sudan) as well as the European Commission, the European External Action Service and the AU Commission on the African side.

[7] See EU Commission press release (17 April 2017) available at http://europa.eu/rapid/press-release_IP-17-1151_en.htm

[8] More at http://www.medmig.info

[9] More at https://evimedresearch.wordpress.com

[10] Media reports suggest that the three countries have made a high-level deal in which the African states accept refugees in return for arms, military training and other aid from Israel. Rwanda and Uganda have denied that such a deal exists. See http://www.aljazeera.com/indepth/features/2016/10/eritrean-refugees-israel-uganda-rwanda-161024130201856.html and http://www.aljazeera.com/indepth/features/2017/02/rejected-israel-eritreans-find-shelter-germany-170221071249657.html

[11] See also http://www.aljazeera.com/indepth/features/2016/10/eritrean-refugees-israel-uganda-rwanda-161024130201856.html and http://www.bbc.com/news/magazine-35475403

[12] See www.europa.eu/rapid/press-release_MEMO-15-4808_en.pdf

[13] See, for example, http://www.irinnews.org/news/2016/05/25/sudan-and-eritrea-crackdown-migrants-amid-reports-eu-incentives