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A year after Valletta: What has changed?

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A year after Valletta: What has changed?

The current issue of the Horn of Africa Bulletin (HAB) titled 'A Year After Valletta: What has Changed?' is topical and timely. The large numbers of people from the Middle East and Africa fleeing conflict or poverty and heading to Europe, have generated intense media focus and policy attention from a range of state and multilateral actors. This HAB issue coincides with the one-year anniversary of the Valletta Summit on Migration held in November 2015 and which involved African and European states as well as international intergovernmental organizations such as the European Union (EU), the African Union (AU) and the Intergovernmental Authority on Development (IGAD). This issue of the HAB also follows from two thematic issues of the HAB in 2015 that focused on issues of migration, mobility and refugee flows in the Horn of Africa (HOA) as well as HOA diasporas' role in peacebuilding.^[1]

Migration and mobility are critical issues in the context of the HOA. Intra-regional mobility is a defining feature of the HOA and takes a multiplicity of forms. The countries in the HOA are also key sources of origin and transit areas for migrants and refugees heading to Europe.

A striking feature of the current intense wave of media attention and political furore that surrounds migration and refugee flows is its tendency to ignore the realities of international migration especially as it relates to Africa. Approximately 50% of migrants in Africa migrate to other African countries. In other words, about half of Africa's international migration is intra-continental. There are significant regional variations between Africa's regions in this regard. More than 90 % of emigrants from North Africa head to countries outside Africa.² In contrast, only 41 % of emigrants from East Africa, 24 % from West Africa, 39 % from Central Africa, and 28 % from Southern Africa end up outside Africa.³ Out of more than 3 million refugees from Africa, three-quarters are hosted in the East and the HOA.⁴ Countries in the HOA are the largest host of refugees in Africa.

The refugee crisis and issues of migration have generated intense political panic and multiple policy initiatives, particularly in Europe. The Valletta summit is a case in point. It led to the issuing of a political declaration, an action plan⁵ and the launch of much anticipated and 'lucrative' European Union Trust Fund (EUTF)⁶ to the tune of € 1.8 billion. Since Valletta, another important outcome has been Bilateral Partnership Frameworks (BPFs), under which 16 African countries viewed as key countries of origin and transit will receive funds for projects to tackle push factors driving refugee and migrant flows. Four countries from the Horn of Africa (Ethiopia, Eritrea, Somalia and Sudan) will be recipients of funds in the coming five years under the BPFs.

A key aspect of the multiple initiatives mentioned earlier is the gap between rhetoric and action. The jointly authored article by Dr. Ibrahim Farah and Sekou Toure points to this very real gap between commitments and action. The article thus calls for greater attention to the actualization of already existing policy frameworks and agreements. Recent events support the point made in this article. A case in point is the United Nations General Assembly-hosted "Summit for Refugees and Migrants" held in New York City on the 19 September 2016 in New York City.⁷ The summit and the resulting 'New York Declaration for Refugees and Migrants' have been commended for acknowledging the rights of refugees and migrants and advocating support to the countries most affected, while also being criticised for containing negligible practical commitments.^[7]

The second jointly authored article by Ms. Valentine Opanga and Dr. Ibrahim Farah addresses a critical aspect of the tendency to ‘securitize’ refugee flows. Their article shows how ‘securitization’ and the increased politicization of refugee flows have steadily encroached on refugee protection principles enshrined in international law. The article also directs attention to how externalization and securitization of border controls and asylum processes incentivizes human smuggling and trafficking operations.

The article by Ms. Hawa Noor on Kenya’s threat to close the Dadaab refugee camp, considered the world’s largest refugee camp, is also insightful. It showcases both host-nation costs of taking in refugees from neighbouring countries in the HOA and the benefits or political expediency in exploiting the issue as a means to extract resources or to fan xenophobic sentiments.

The articles by Nicole Hirt and Daniel Mekonnen focus on a controversial aspect of the legacy of Valletta, and the general shift in EU engagement with governments in Africa. It has been a matter of concern in some quarters that the political pressure to act in the current context has led the EU and European governments to engage with authoritarian governments in Africa and lend support to their security agencies and border control measures to stem the flow of migrants and refugees. The articles by Hirt and Mekonnen focus on the pattern of bilateral and multilateral engagement between the Government of Eritrea on the one hand and the EU and EU member states on the other. Their articles make the point that this pattern of engagement is risky on two levels. One, this engagement disregards past lessons and experiences. Two, they argue that renewed engagement would implicitly legitimise and strengthen the policies and practices of the Eritrean government. Although this issue of HAB does not contain content that articulates the counterarguments to this line of thinking, some analysts would criticise Hirt and Mekonnen’s reasoning as supporting neo-liberal interventionism that encroaches on state sovereignty and assumes that African states invariably need to account for their human rights and governance record to the EU. This issue of HAB lets its readers be the judge on what has changed – or not changed – in the Horn of Africa one year after the much-publicized Valetta Summit and what the latest migration developments means going forward for the sub-region.

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Inter-state and multilateral collaboration on migration and mobility in the post-Valetta era: Key issues

By Ibrahim Farah, Sekou Toure Otondi

The number of refugees, migrants, and asylum seekers has increased in the past few years, with the Horn of Africa still being ranked as one of the top in terms of origin, transit point, and final destination for migrants both within and outside the sub-region. Of the estimated 3,772 migrants, who drowned in the Mediterranean Sea in 2015, 359 originated from the Horn of Africa in comparison to 1,220 from the rest of the Sub-Saharan Africa, with only 879 originating from the Middle East and North Africa regions.^[1] The high number of migrants and refugees within and across the Horn of Africa sub-region has been due to combined factors, such as violent conflicts, droughts, authoritarianism, and economic hardships.

Although the refugee and migrant crisis in the recent past has increasingly attracted global attention, especially in the wake of the Syrian conflict, across Africa, it has been an ongoing problem for decades. This is more the case in the Horn of Africa where some countries, such as Kenya and Ethiopia, have hosted huge refugee populations for almost over twenty years.^[2] Unlike Europe, the developing countries, more so across Africa, continue to bear the brunt of migrants and refugee crisis with minimal attention and global response, as compared to the international attention that has of recently been accorded to Europe following the influx of mostly Syrian migrants into 'fortress' Europe. Nevertheless, it is hoped that the recent media attention and increased goodwill by the international community to tackle the migrant and refugee crisis will lead to a concerted effort by state and non-state actors to collaborate at both bilateral and multilateral levels in managing the migrant crisis, not only in Europe but across Africa as well, and the Horn of Africa sub-region in particular.

This article aims to examine key patterns and issues in inter-state and multilateral collaboration on migration and mobility in the post-Valetta era. The article will also look at the interplay between states and regional institutions in the formulation and implementation of normative policy frameworks as well as the successes and challenges in the post-Valetta Summit. Finally, the article will provide some policy recommendations.

Inter-state and multilateral collaboration on migration and mobility: Key patterns and issues

The collaboration between state and non-state actors through bilateral and multilateral framework of cooperation should aim at formulating both short and long-term strategies to tackle the migrant and refugee crisis. However, for sustainable management, they should aim to avoid *ad hoc* and uncoordinated measures, and focus on long-term sustainable strategies.^[3] It is within this backdrop of long-term cooperation between state and non-state actors at both bilateral and multilateral levels that the Valetta Summit's political declaration and action plan should be understood. The Valetta

Summit, which was convened between the European Union (EU) Member States and select representatives of the African Union (AU), held in November, 2015 provided an opportunity for inter-state and multilateral frameworks aimed at managing the migrant crisis.^[4]

The outcome of the Summit has provided an opportunity for collaboration between state and non-state actors at national, sub-regional and regional levels of engagement. The post-Valletta consultations held in Nairobi in December provided AU Member States and Regional Economic Communities (RECs) with a forum to discuss the migration agenda of the Valletta summit while identifying significant priority themes that needed immediate short and medium-term actions within the framework of AU policies.^[5] In this regard, the Summit played a key role in highlighting the plight of migrants and refugees, while providing possible future steps of achieving them, especially within the context of the continued influx of African migrants crossing into Europe.

Interplay between states and regional institutions in the formulation and implementation of normative policy framework

Although normative and institutional frameworks on migration governance exists across regional, sub-regional, and national levels Africa, what is obviously missing, especially at the national and sub-national level, is the constitutional and political impetus to coordinate their implementation. The AU Migration Policy Framework for Africa and the African Common Position on Migration and Development, both adopted in 2006,^[6] for instance, provide a clear roadmap for managing migration issues across the continent. Nevertheless, due to the lack of political goodwill to translate and integrate, these existing normative policy frameworks on migration into the national laws of individual member states as well as within treaties governing regional and sub-regional institutions,^[7] effective governance of migration issues has continued to be undermined.

Across the Horn of Africa region, for instance, following the establishment of the AU Commission Initiative against Trafficking, a strategy which was aimed at combating irregular migration, the Inter-Governmental Authority on Development (IGAD) adopted a Regional Migration policy framework.^[8] The Regional Migration policy framework acts as the primary normative regime in the forefront for multilateral collaboration between the Horn of Africa sub-region and the AU regional bloc, while providing country-specific recommendations to individual member states. However, similar to the adopted continental policy frameworks on migration, that are non-binding, its recommendations have often been left upon individual member states to implement. This has meant that member states, due to the non-binding nature of the policy framework, only implement what is in their best interest at the expense of regional governance on migration.

The fact that states by far, despite an increasingly globalised world, are still the primary legal personalities with regards to international law,^[9] the regional and sub-regional organizations will, therefore, find it difficult to implement the normative and institutional frameworks that define migration governance without the support of individual member states that have created them. This is, however, the case across the Horn of Africa sub-

region where despite a raft of normative and institutional frameworks that promotes multilateral and bilateral cooperation between individual member states as well as inter-regional consultation processes, they still exist in a state of limbo between the point of formulation — at the continental or sub-regional level — and their actual operationalisation at the national level.

Post-Valletta Summit: Successes and challenges

The disconnect and inconsistency between formulation and implementation of migration policy frameworks at the different levels have made it difficult to actually assess the effectiveness of formulated policies on the ground. In this regard, the consequences of the Valletta Summit have been limited to merely adding to existing normative and institutional policy frameworks. Perhaps, the Summit's main achievement has been the continued attention on the plight of irregular migrants crossing into Europe. The significance of this has been the elevation of the plight of migrants and refugees as an issue that is being deliberated on by the highest levels of decision-making as was witnessed during this year's UN General Assembly conference.^[10] The fact that the main 71st UN General Assembly was dedicated to deliberations touching on the migrants and refugee crisis underlines the idiosyncrasy and urgency of the global community's need for collective action to establish a binding set of international regimes to manage migration issues.

A major critique that could be levelled at the Valletta Summit would focus on its core intention rather than any of its outcomes potential or actual. While the Summit seemed to have been designed on the principle of equal regional partnership, viewed more keenly, it was more Eurocentric, with its main agenda being localisation of the migrants and refugee crisis within the continent, while facilitating the return of African migrants from Europe back to the continent.^[11] This has reinforced the perception of Europe's increasingly securitisation of the migration crisis in Europe, a fact that has prompted xenophobia and violent attacks on African immigrants, including regular migrants. This approach of localising and deporting migrants back to their countries of origin is unsustainable as migrants, usually fleeing repressive regimes, violent conflicts, and economic hardships, would always risk their lives to find alternative routes back to Europe. The Valletta Summit has also continued to suffer from a lack of adequate funding. The established EU Trust Fund following the end of the Summit aimed to fund development projects in Africa and deter irregular migration.^[12] However, as of September 2016, out of the €1.8 billion pledged by EU Member States only €80 million had so far been contributed.^[13] The EU Trust Fund has further been criticised by some human rights organizations, such as Amnesty International, as disregarding human rights through using its political and economic muscle to return refugees and localise the outflow of refugees with Africa.^[14]

Conclusions

Despite the challenges, it is important to note that migration and refugee issues can only be managed and not resolved. The management should be at the unilateral and

multilateral levels, while engaging both state and non-state actors. This is because no individual country, region, or sub-region can solely and effectively manage migration and refugee crisis unilaterally.^[15] The emergence of regional consultative processes on migration, such as the numerous collaborations between the EU and the AU, is at least a step in the right direction.

However, with regard to policy recommendations, what needs to be done is to effectively transform the policies into binding regimes capable of managing the governance of migration issues. It is obvious that there are numerous normative policy frameworks on managing migration between regions, as well as within the sub-regions. However, other than the Kampala Convention, which aims to protect the plight of internally displaced persons (IDPs) and which is internationally legally binding,^[16] all other policy frameworks, aimed at managing migration remain 'toothless bulldogs.'

It is imperative, therefore, that state and non-state actors, at both bilateral and multilateral levels, should aim to put the formulation of new policy frameworks on hold and sustain a push for the ratification, improvement, and implementation of existing policy frameworks. This should be done through integrating and aligning the existing normative frameworks within the national constitutional frameworks of individual member states as well as annexing them on the treaties establishing sub-regional and regional institutions.^[17] And, finally while the formulation and implementation of migration policy frameworks should be inclusive, and participatory, the main focus should be on individual member states.

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The impact of externalization and securitization of border protection and asylum processes

By Ibrahim Farah, Valentine Opanga

A refugee is "an individual who -owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion- is outside the country of his nationality and is unable or unwilling to avail himself of the protection of that country."^[1] Irregular migration and forced displacements range from the effects of globalization and growing disparities in living conditions, seeking employment and/or educational opportunities, the will to reunite with family members, fleeing from persecution, conflict and violence in their countries.

Of late, the movement and mobility of refugees is not only restricted to the Horn of Africa sub-region. The same is happening almost everywhere including migration from Eastern Europe, Asia, and other parts of Africa, the Latin America as well as within the European Union.

Most countries with refugee problems are characterised by weak state structures.^[2] In the Greater Horn of Africa sub-region, for example, national statistics show that Kenya and Ethiopia registered 421,789 and 247,934 refugees from Somalia respectively as of July 31, 2015. Additionally, as of 31 March 2015; Yemen had 246,648 refugees, Uganda had 29,053 refugees by 28 February 2015, Djibouti had 11,931 by 30 June 2015; Egypt had 7,365 refugees by January 1, 2015; Eritrea had 2,802 as of May 1, 2015 while Tanzania had registered 154 refugees by May 31, 2015.^[3] This, therefore, means that there are less asylees, more refugees and migrants.

Europe, on the other hand, is also gripped by an intense debate over asylees, refugees and migrants. Their numbers have soared largely because of the boatloads crossing the Mediterranean. For instance, in 2015 alone, the EU recorded an influx of 1.2million first time asylum seekers;^[4] those seeking irregular access to Europe by sea in 2015 were 590,000 more than twice the number that reached Europe in 2014.^[5] This has not only put local authorities under pressure and cost the European public huge sums of taxpayers' money but it has also put more pressure on the asylees, refugees and migrants. Consequently, the Valletta Summit^[6] was held to address these issues.

This article is an attempt to look at the impact of externalization and securitization of border protection and asylum processes within the context of migration and mobility. The article will briefly look at greater risks for refugees and migrants, the impact of human trafficking and smuggling, and some of the emerging issues from the field of migration and mobility. Finally, the article will provide some policy recommendations on the way forward.

Greater risks for refugees and migrants

Refugee protection embraces the guarding of basic human rights of refugees in danger and these include the right to life, liberty, and security, freedom from torture and

degrading treatment as well as the right to access basic needs necessary for human survival. The Universal Declaration on Human Rights states that each and every person has the right to seek and enjoy in other countries asylum from persecution.^[7] However, there are gaps in refugee protection which need to be bridged.^[8] For example, the right to sanctuary is entrenched in the Refugee Convention; this convention creates a framework for the international community to engage with the refugees and provide help when they need it.^[9] Yet, according to the UN refugee agency (UNHCR), “climbing over razor wire fences, taking to sea in leaking boats or stowing away in airless containers, refugees and migrants around the world risk their lives every day in desperate attempts to find safety or a better life.”^[10]

The countries that once acted swiftly towards the refugee crisis and opened doors to refugees are, on the other hand, starting to close up their borders for fear of open-ended responsibilities, abetting uncontrolled migration or because of [in]security issues. Many refugees have become targets of intimidation, xenophobic and violent attacks. As a way to discourage other asylum seekers, some countries have even resorted to the detention of illegal entrants, most of whom are seeking asylum. Moreover, some asylum countries have become wary of the economic burden and other social costs of maintaining refugees and paying off their claims. Even, the United Nations High Commissioner for Refugees (UNHCR) has been struggling with budgetary issues.^[11]

Even in Europe with its well developed social security and welfare systems catering for the underage, the elderly, and those who do not work, the system has not been able to cope with the stress produced by the influx of refugees and migrants. For many refugees and migrants, acquiring the legal papers to stay, study, and live in Europe is a long and time-consuming process. Education opportunities beyond the basics, for example the local language and non-tertiary education, are difficult to access before one gets the language proficiency. The language barrier coupled with racism also impedes integration.

The impact of human trafficking and smuggling

Moreover, governments in the Greater Horn of Africa sub-region have made efforts to implement policies in a bid to mitigate human trafficking and smuggling. And, although they have signed and ratified international instruments like the Palermo Protocol and the United Nations Convention on Transnational Organized Crime, most of these countries continue to act as the source, transit and final destination of human trafficking and smuggling.

The impact of human trafficking and smuggling has both economic and legal implications. For example, human trafficking and smuggling is spurred by economic crises, extreme poverty and inequality, as well as the continued threat of escalating violence and human insecurity.^[12] Human smuggling involves moving people for profit or commercial purposes; however, the person that is being smuggled across the border has lesser power whatsoever.^[13] Smuggling is defined as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a

person into a State Party of which the person is not a national or a permanent resident.”[14]

Trafficking, on the other hand, involves movement of persons across borders by manipulating, deceiving and or coercing them;[15] their consent is nullified by the trafficker in order to gain control over them.[16] According to article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, human trafficking is;

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”[17]

Most countries have signed and ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. However, cases of human trafficking and smuggling remain high; while the implementation of these two protocols also remains uncertain. Moreover, the requirements under the protocols remain weak and optional; hence, those who are caught in these kinds of crime have little or no motivation to collaborate.[18]

The Valletta Summit established, an Action Plan, a political declaration and an Emergency Trust Fund. The lack of trust and political engagement has made it hard for the stakeholders to create policies to implement the outcomes. Moreover, the summit has made little progress in enhancing legal routes for migration. The EU Member States have not provided for increased resettlement quotas, humanitarian visas, family reunifications, sponsorship programmes and educational scholarships for refugees. One can argue that decisions by EU Member States were based on self-interest rather than the common interest or that of the migrants. It will, therefore, be hard for the Summit outcomes to be implemented to improve the lives of refugees and those that have been rescued from human traffickers and smugglers.[19]

Emerging issues

Three key issues emerge from this article: First, human trafficking and smuggling have been among the fastest growing forms of transnational crime because current world conditions have created increased demand and supply. Migration flows are enormous and this illicit trade is hidden within the massive movement of people. The supply of these victims exists because of globalization and the resultant increasing economic and demographic disparities between the developing and the developed world, along with

the feminization of poverty and the marginalization of many rural communities.^[10]

Second is the evolving nature of migration. Migration flows have been and continue to be important vectors of social, economic and cultural change. Today, despite the ongoing global economic and financial crises, global migration figures continue to be on the rise. According to OECD-UNDESA, emigration rates to OECD countries have been on the increase especially to Europe and Latin America. Migration rates of skilled populations surpass the entire emigration rates for many countries of origin [and] this means that there is a variation in the nature of movements.^[21]

Lastly, the role of development aid is also a very important emerging issue. The Valletta Summit established an EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa in order to address these issues by investing in poverty eradication, developing benefits of migration and addressing instability and crises to prevent new conflicts. The Fund also seeks to enhance cooperation of migration and mobility, reinforce the protection of migrants and asylum seekers and prevent irregular movements, migrant smuggling and trafficking of people.^[22] However, Hammond argues that whatever development aid given through the Trust Fund will not have immediate positive impact on would-be migrants, [since] the effects take many years to be achieved.^[23] Development aid will, therefore, not be able to stop issues of cross border movements completely, especially in the short term.

Conclusions

The movement of people across borders is not limited to Africa but it is also happening everywhere. Their figures have also increased lately. The big numbers of migrants has put local authorities under pressure and cost the European public enormous sums of taxpayers' money but it has also put more pressure on the asylees, refugees and migrants. A large number of people are smuggled and trafficked across international borders.

The role of the international community in migration continues to evolve greatly. Unlike before, countries that used to accept migrants have started closing up their borders to refugees due to the social and economic consequences that come with hosting refugees. Moreover, those countries that have signed legislation that prohibits human trafficking and smuggling continue to act as the source, transit and final destination for trafficked and smuggled people.

The Valletta Summit aimed to mitigate the problem of migration. Burden sharing was fronted as the best solution to manage issues of migration. This has also been implemented through financial assistance for asylum offering states to help them take care of the needs of the refugees and their resettlement amongst states. Consequently, a number of EU countries have synchronised their laws and policies to ensure the fair distribution of immigrants and asylum seekers. However, some EU countries have, of late, become concerned about the political and economic costs. Moreover, tension exists between and among host countries and refugee populations and [this is] potentially far more explosive.^[24]

This article, therefore, recommends that first, there should be burden sharing between among source countries and destination countries of refugees, asylees and migrants but also between and among consumers mainly on fair equitable distribution of burdens and responsibilities. Moreover, economic powerhouses such as the United States, Germany and Norway can and should do more to alleviate the status quo.

Secondly, border protection, helping refugees and asylum processes should be viewed at with a welfare and humanitarian eye rather than with an externalist and security-laden policy-making. Securitization of borders poses greater risks for refugees and migrants; it also brings in negative impact on human trafficking and smuggling at a global scale never witnessed before in human history. Therefore, there is a need to equally share the burden of migration between Africa and Europe, for example. Lastly, development aid cannot fix the migration problem, instead, it might increase the rates of migration. This means that there is a need to change how the provision of development aid is currently done. There must be some kind of a synergy between relief, rehabilitation and development aid.

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KENYA

What does closing the Dadaab refugee camp mean?

By Hawa Noor M

Kenya's decision to close down the Dadaab refugee camp and repatriate about 340,000 refugees back to Somalia has finally been reached albeit without the blessings of the international community and aid organizations. This somehow resonates with the situation in Europe, where the EU and Turkey recently agreed to send mainly Syrian refugees back to Turkey from the Greek Islands. The reason given by Kenya are concerns over its security, illicit trade and environmental degradation. This new development means that the issue at hand is no longer whether or not to close down the camp but how to repatriate the refugees back to Somalia and signifies the onset of more onerous and complex challenges for Kenya.

The Dadaab camp in Garissa County is comprised of four camps namely Hagadera, Ifo I and II, Dagahaley and Kambios. It is the largest refugee camp in the world and was established in 1991^[1] together with Kakuma camp that is located in Turkana County. Dadaab mainly catered for Somali refugees.^[2] Ideas to close it down started back in 2013 with increased terror attacks in Kenya. The government argued that it had become a hosting ground for terrorists and contraband goods and weapons from Somalia. In fact, it is claimed that the attacks on the Westgate mall in 2013 and the Garissa University, both of which claimed huge casualties were planned in the camp albeit without disclosed evidence. In one of the sub-camps in Dadaab, the Hagdera which is the oldest, an explosion once occurred in 2012 that led to the death of several police officers. The Kenyan government has also alleged that the weapons were found amongst refugees in the camp.^[3] The question therefore is whether fears of insecurity and smuggling of goods as per the claims by the government is the only motivation for the Dadaab closure or otherwise as was the case with the EU-Turkey deterrence deal.^[4]

The European Union migration deal with Turkey, commonly referred to as the EU-Turkey deterrence deal was struck in March 2016, following the influx of about a million refugees into the European Union with the latter tasked to prevent illegal migration through its territory in exchange for financial and political rewards.^[5] Even though it is still a matter under negotiation, the deal is already in operation. In relation to that, in November 2015 a summit was held in Malta for European and African leaders and an agreement was made to build partnership between Europe and Africa to address root causes, protection of African migrants and asylum seekers and improve cooperation on return, readmission and reintegration among others. Both of these initiatives were largely informed and driven by the European migration crisis whereby an influx of refugees and migrants was experienced in Europe in 2015 across the Mediterranean sea and refugees fleeing conflicts in the Middle East respectively. Whether by coincidence or otherwise, Kenya's decision and timing for closure of the Dadaab was insync with the global rhythm.

Back in Kenya, in 2013, events culminated that led to the signing of a tripartite agreement on voluntary repatriation (that expires in September 2016) between the

governments of Kenya and Somalia and the United Nations High Commission for Refugees (UNHCR) outlining its procedures and legality.^[6] This resulted in the decision for its closure that has fuelled huge criticism especially from international humanitarian and human rights organizations such as UNHCR, Kenya National Commission on Human Rights (KNCHR), Amnesty International, Doctors without Borders, among others for being in violation of the principle of non-refoulement/or the 1951 convention on the status of refugees and the country's Refugee Act (2006).^[7] In spite of widespread criticism, nothing could change the government's stance even the intervention of the UN Secretary General Ban KI Moon.^[8]

Ultimately, it is now official that the Dadaab camp will be closed down by November 2016,^[9] an exercise that is expected to cost about Kshs 50 billion. So far, about 5000 refugees had been moved by August 2015 under a pilot program. Perhaps contrary to expectation, pledges worth only USD 105 million was made at an international donors pledging conference held in Brussels in October 2015, something that could delay the repatriation exercise. The conference was hosted by the European Commission and UNHCR and brought in representatives from more than 40 countries and organizations.

Implications of closure of Dadaab Camp

Moving from the status quo and challenges associated with it, the situation presents the important question on what the whole exercise really means to the various stakeholders. The developments seem like a relief for those who pushed for the repatriation, but on the contrary, it signifies a temporary solution hence more responsibility and problems for the various actors. What it means is that work has just begun in managing the situation and ensuring that the refugees are accorded the special care that they need and that they return to a peaceful environment where their rights are respected and security guaranteed. How this can be possible remains a dilemma because Somalia is still considered unsafe^[10] - the reason why the repatriation exercise is a violation of refugee law to which Kenya is a signatory. Regardless, Kenya, Somalia, and the international community will have to find ways of working towards ensuring the repatriated refugees are significant to the Somalia nation building process including preparation for the upcoming elections yet for this to happen a peaceful environment is vital.

Conclusion and recommendations

What the situation means for Kenya, is that it should heighten its efforts as a good neighbour and allocate Somalia the full support that it needs, not only in refugee resettlement but the larger process of Somalia's reconstruction. Given past trends, it will not come as a surprise if the decision for repatriation of the refugees will be used by Al-Shabaab as a recruitment factor, and so Kenya bears the responsibility to prove the positive side of its actions and that despite all odds, such an action can still bear fruit. The continued spill over effects of the war in Somalia to Kenya, means that it is time that the country's commitment to Somalia's stability is enhanced that can be done by for example; supporting Somalia with expertise, training for the army, police, judges, etc in a similar manner that it is doing for South Sudan. It should also encourage investment

in Somalia by Somalis as opposed to Nairobi. Equally important is that given that one of the reasons for the decision to close down the camp was to eliminate the illicit flow of contraband goods from Somalia, means that the world will be watching to see how much the action impacts positively on curbing the inflow of such goods as well as improve on Kenya's security. To prove its words, Kenya and Somalia must therefore increase intelligence sharing and work closely towards this goal.

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No Lessons Learned: Europe's unconditional engagement with the Eritrean regime

By Nicole Hirt

In November 2015, European heads of governments and ministers of foreign affairs met with their African counterparts at the Valletta Summit to discuss migration from Africa to Europe and the problem of human smuggling and trafficking. There is little doubt that the illustriousness of the participants reflects Europe's growing concern about unregulated migration, which has caused considerable political unrest in recent years. Europe's top politicians, who used to be rather reluctant to pay frequent visits to the African continent now claimed to be willing to address the root causes of irregular migration, to reinforce the protection of migrants, to fight human smuggling and trafficking and to improve cooperation on return and reintegration^[1].

The African and European participants of the Summit passed a joint political statement that claims: "We agree to respond decisively and together manage migration flows in all their aspects, guided by the principles of solidarity, partnership and shared responsibility. We will pursue this common cause in full respect for human rights and the sovereignty of participating states, taking into account national legislations and specificities"^[2].

The problem with this approach is that Europe has started to court political leaders who often show little respect for human rights or, as in the case of Eritrea, even do not have basic national legislations such as an implemented constitution. In fact, it is an approach that tends to confuse cause and effect: Eritreans, who constitute one of the largest African refugee groups entering Europe in spite of its small population size of about four million people, are not forced out of their country by climate change or drought, but rather by the politics of the small ruling clique composed of President Isaias Afewerki and his few advisers.

The regime introduced an open-ended national service in 2002, which means that citizens aged between 18 and 50 or older have to perform work for the state or the military for nominal payment. They are deprived of personal liberties and of the capacity to maintain a family. This situation has turned the Eritrean nation into a society split between those who are trapped inside the country and exploited as forced labour by the elites of the military and the ruling party, and those who live in the diaspora.

This article reflects on the patterns of EU cooperation with Eritrea, a process which has interestingly been dominated by the Eritrean leadership to an astonishing degree, and analyses the prospects of renewed cooperation between Europe and Eritrea: is there any chance that this renewed cooperation will lead to reforms which could curb the current mass exodus? Is there any political willingness on the side of the Eritrean regime to engage in reforms? And have European policy makers reflected what it really means to reform a social and economic system based on forced labour that has been in place for more than one decade?

Is the Eritrean regime willing to reform the open-ended national service?

In 2015, presidential adviser Yemane Gebreab assured European policy makers at the Bruno Kreisky Forum[3] that the most recent round of draftees would only serve for 18 months and then be demobilised. At the same time, EriTV produced a propaganda video for its diaspora audience, titled “The Eritrean National Service – the fight that continues”[4]. One year later the Eritrean government revoked its promises, citing allegations of a continued Ethiopian military threat[5].

One important point why the leadership is unwilling to reform the national service is its stabilizing influence on the political system. This might seem paradoxical at first glance, but the national service has been producing a steady flow of refugees, who seek to reach European shores in order to be able to support their extended families from afar. Young people in Eritrea who are subjected to forced labour spend their energy planning their escape route instead of becoming a potential anti-regime movement. The Eritrean leaders are well aware of these mechanisms: the vicious circle of forced labour for the benefit of the ruling elites, mass exodus, and stabilisation through remittances.

On the other hand, a reform of the national service would require a thorough transformation of the economic system, which has evolved into a command economy in the aftermath of the border war with Ethiopia (1998-2000). Shortly after the war, the World Bank had granted US \$ 200 million for a comprehensive demobilisation program, which was cancelled in 2002 and replaced by the open-ended national service, a system based on systematic forced labour by the recruits (Kibreab 2009, Hirt and Mohammad 2013, COIE 2016)[6], while the economy is under the control of the ruling party and the military leadership. The industrial sector, which had survived 40 years of Ethiopian domination and was slowly recovering during the 1990s, lies now in shambles and Eritrea produces hardly any consumer goods. This makes the country a fertile playground for contraband trade, which is reportedly dominated by certain military officers and regime minions. We are currently talking about a labour force of 300,000 to 400,000 national service conscripts who need to be demobilised and reintegrated into either the subsistence sector or into an almost non-existent free labour market. With every year and every new round of conscripts, it will become more difficult to break the vicious cycle of militarization, flight and exile, which has turned Eritrea in one of the most diasporic societies globally. European policy-makers seem to be unaware of the difficulties and the efforts that would be needed to change the status quo. Accordingly, they tend to take the lip service of the regime’s representatives for granted.

The European approach: neither carrot nor stick

Back in 2009, a EU representative in Asmara told this author: “We have tried everything with the Eritrean government, both the carrot and the stick, but nothing worked out” (personal conversation, August 2009). In fact, since independence European cooperation with Eritrea has been characterized by the lack of clear principles and by a tendency to simply follow shifting Eritrean precepts. The government expelled foreign donors several times, only to call them back after short periods of time: in 1997 it claimed to have

reached self-reliance and told bilateral donors to leave (Hirt, 2001)[7], and in 2005 it returned to a hostile policy towards foreign aid and expelled most international NGOs which it had called back in 2000 after the war with Ethiopia. In 2009, the government accepted EUR122 million development aid from the EU, only to turn down the remaining funds in 2011. Yet, in 2015 Eritrea shifted its strategy once more and applied for fresh EU funds, this time against the background of growing European concerns with the refugee influx, which prompted various European delegations to travel to Asmara for negotiations.

Moreover, there has been no consistent European approach to counter the deteriorating human rights situation in Eritrea. In 2001, when the president cracked down on an emerging reform movement headed by prominent PFDJ leaders and arrested eleven high-ranking officials and most journalists of the nascent independent press, the EU protested verbally through Italian ambassador Bandini. He was immediately expelled by Isaias, and the remaining EU diplomats were briefly recalled to their home countries. Yet, they returned one by one without uttering any further protest. EU Commissioner Louis Michel used a “carrot approach” with the aim of getting Dawit Issaak, an Eritrean-Swedish journalist who had been arrested in 2001, released from jail. In a public hearing at the European Parliament in 2009, Michel admitted the futility of the five-year effort to convince Eritrean authorities to free the journalist[8]. For some reasons, the experience of the past 25 years has not led to any consequences: in spite of the European Parliament’s heavy criticism of the human rights crisis in Eritrea[9], the EU Commission granted EUR200 million for the energy sector and to improve governance in December 2015. The German minister for development and cooperation, Dr. Gerd Müller, travelled to Asmara to discuss renewed bilateral cooperation, and in September 2016, an Eritrean delegation was welcomed in Berlin[10]. Strangely, European policy makers have failed to vehemently criticize the institutionalised system of forced labour in Eritrea, which has been labelled as a crime against humanity by the UN Human Rights Council’s Commission of Inquiry on Eritrea (COIE 2016), and which is the root cause of the mass exodus. Accordingly, the EU funds are not directed towards its reform nor are they tied to any conditions to abolish forced labour in Eritrea.

Risks and ramifications of reforming the national service

The participants of the Valletta Summit set a clear goal by stating: “We commit to address the root causes of irregular migration and forced displacement resulting from state fragility and insecurity, as well as from demographic, economic and environmental trends. Our common response will focus on reducing poverty, promoting peace, good governance, rule of law and respect for human rights, supporting inclusive economic growth through investment opportunities and the creation of decent jobs, improving the delivery of basic services such as education, health and security”[11].

In the case of Eritrea, most of these goals can only be achieved by reducing the national service to its original length of 18 months and by returning from a militarized command economy to a market economy. Paradoxically, the international community seems to have blocked out the fact that post-war demobilisation would be necessary. Keeping

large chunks of Eritrean society in a national service program based on poorly paid forced labour has led to severe economic disruptions: the modern productive sector has shrunk and industrial production has almost come to a halt; subsistence agriculture has suffered as well, and dependence of the population on remittances from their relatives abroad has increased. If Europe intends to reverse this situation, which is also perpetuating the exodus of the youth, it will have to insist on a demobilisation programme similar to that of the World Bank, including economic reforms and the re-establishment of a free labour market. The main justification of the ruling elite is that the national service recruits are indispensable for national security. However, in order to defend the country, a professional army would be much more effective, while the people are free to pursue their own careers after having served for 18 months, the original length of the national service. With every year the prevailing system will be maintained, the more damage will be caused to individuals who are deprived of making a decent living; to families who are losing their breadwinners either to the national service or to forced exile; and to the Eritrean nation as a whole. Eritrea has not realised its potential in commercial agriculture, fishery, tourism and other sectors due to these failed policies. Thus, it does not make much sense when European governments support vocational training programmes[12], but fail to mention the necessity of structural reforms. When young people are trained as electricians, nurses or truck drivers, but have no prospects of being paid for their work, the training will even encourage them to leave the country in search for better opportunities abroad.

Conclusion

European diplomats and policy makers have continuously shied away from confronting the government of Eritrea and have acquiesced in the regime's decisions to either accept or reject financial aid at will. Relations between Europe and Eritrea are not based on trust, continuity and reliability. This can be explained by the refusal of the Eritrean leadership to follow any demands related to the respect of human rights, transparency, democratisation and good governance, but also on Europe's failure to engage in solving the border issues between Eritrea and Ethiopia.

The Eritrean regime's ideology is based on the principle of self-reliance, adopted during the independence struggle and kept up until present. However, the Eritrean economy is far from being self-reliant and the stability of the current system is based on three pillars: remittances from the Eritrean diaspora and the current refugees; payments from shifting foreign allies such as Libya's Khadhafi, Qatar and currently the United Arab Emirates and Saudi Arabia due to Eritrea's military involvement in the anti-Houthi war in Yemen[13]; and finally on semi-legal and illegal activities such as contraband trade, human trafficking or black market money exchange[14].

These three pillars have worked to stabilize the current political system, which has caused tremendous suffering for the Eritrean population. Accordingly, European policy makers who aim at curbing the refugee influx into Europe by improving living conditions in the countries of origin should keep in mind that in the Eritrean case, one first step would be the acknowledgement that structural reforms rather than cosmetic aid

programs will be necessary. It may be a good thing to put millions of Euros in the renewable energy sector, as the current EU aid packages intends, but as long as gross human rights violations and institutionalised forced labour will prevail in Eritrea, the flight of tens of thousands young Eritreans per year will continue.

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The Valletta Summit and the Eritrean refugee crisis

By Daniel Mekonnen

Eritrea is one of the major source countries of refugees. It occupies a central place in contemporary debate on global migration.^[1] By having a closer look at one particular concern related to the Eritrean refugee crisis, this contribution critically examines one major shortcoming of the commitments spelled out in the outcome documents of the 2015 Valletta Summit on Migration (hereinafter “the Valletta Summit” or “the Summit”).^[2] The main argument is that EU’s approach of including the Eritrean government (and not the people) as a beneficiary of the newly launched and “lucrative” European Union Trust Fund (EUTF),^[3] without additional measures aimed at resolving the deep-seated political crisis in Eritrea, is a classic example of contradiction in terms. As will be seen later, the flow of financial resources alone will never resolve the root causes of forced migration in Eritrea. The discussion will start with a brief encounter of two seemingly competing theories on the major driving forces of the Valletta Summit.

A more benevolent theory, espoused by the main initiator of the Summit, the European Union (EU), portrays the Summit as an effort aimed at alleviating unprecedented instances of human suffering (such as tragic boat accidents) that are taking place in the southern tip of Europe, across the coast of the Mediterranean Sea. These accidents have literally made the Italian Peninsula in the coast of the Mediterranean Sea a mass grave of migrants.^[4] And so goes the theory: the Valletta Summit aimed at changing the course of things with regard to such tragedies.^[5]

The second, and perhaps less benign, theory depicts the Summit as an initiative driven by the political necessity of addressing a rapidly growing xenophobic political backlash, which is concomitant to the mass movement of refugees to Europe.^[6] Strongly associated with this view is the most common criticism of the Summit, which accuses European politicians of “trying to push people back to areas where there are serious questions about human rights and a lack of economic opportunities.”^[7] Differences of opinion on the underlying motivations of the Summit aside, this contribution will focus on one major shortcoming of the Summit, as related to the refugee crisis of Eritrea.

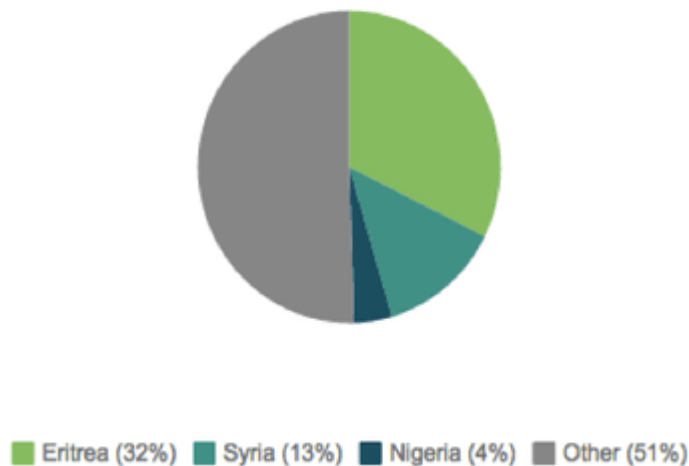
The Eritrean Refugee Crisis

At the time of writing, Eritrea is the only country in Africa, suffering from an on-going situation of crimes against humanity, officially confirmed as such by the UN commission of inquiry on human rights in Eritrea (hereinafter “COI”).^[8] Its high-ranking government officials, including the Eritrean State President, risk criminal prosecution by the International Criminal Court (ICC).^[9] In the past 18 years in particular, namely since the outbreak of the 1998-2000 border conflict with Ethiopia, Eritrea has suffered not only from a rare instance of gross human rights violations but also from excessive levels of militarization. Eritrea’s sweeping practice of militarisation takes the form of coercive and indefinite military conscription, affecting every able-bodied member of the Eritrean society. With time, the country’s controversial military service programme (also

known as national service programme) has degenerated into a form of modern slavery or slave-like practice, as authoritatively confirmed by two ground-breaking reports of the COI.^[10]

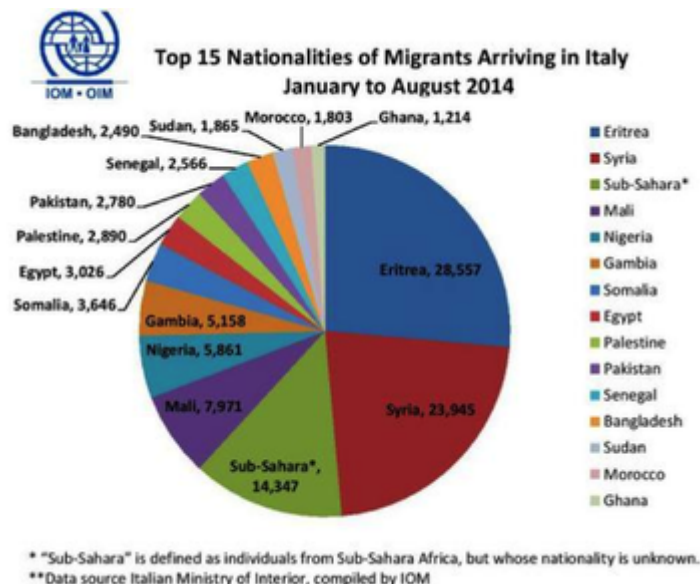
A combined effect of these problems has now made Eritrea a major source country of refugees. In some specific periods, Eritrea was the leading refugee-producing country globally (both by absolute numbers and by percentage). In 2014, for example, Eritreans were the largest group of asylum seekers by nationality in some parts of Switzerland, as seen in the chart below.

Most-Represented Nationalities of Asylum Seekers in Geneva, 2014



Source: THRIVE Association, “Geneva Context,” available at <http://thrive-association.ch/en/geneva-context/>, 22 October 2016.

Over the last five years, Eritreans were frequently mentioned as making the top of all newly arriving refugees in Europe. Based on information obtained from the Italian Ministry of Interior, the International Organisation for Migration (IOM) indicated that in the period between January and August 2014, Eritreans made up the largest group of newly arriving refugees via the southern tip of Europe (the Mediterranean Sea), as shown below.



Source:

<https://twitter.com/tcraigmurphy/status/510044413314482176>,
of 11 September 2014.

To be exact, in the period under review, 28,557 Eritreans arrived in Italy via the Mediterranean Sea, compared to 23,945 Syrians (the difference being that of 4,611). Moreover, out of nearly 500,000 people who came to Europe in 2015, most were said to be from Syria, Libya and Eritrea.^[11] Furthermore, since January 2015, Eritreans have remained the fourth largest group of asylum seekers in the EU, and the second largest group to arrive in Italy by boat, after Syrians.^[12]

In one of the most disastrous sea accidents in Europe, the Lampedusa Tragedy of 3 October 2013, that took the lives of more than 360 refugees, the overwhelming majority of victims were Eritreans.^[13] This accident has galvanized global uproar, like never seen before. It prompted, for example, an official visit by the highest political officer of the EU at that time, President of the EU Commission, José Manuel Durão Barroso.^[14] No doubt that one of the primary driving forces (if not the only one) behind the Valletta Summit was indeed the Lampedusa Tragedy itself. Seen against this background, Eritrea does not seem to be receiving the attention it deserves from EU policy makers, including the main initiators of the Valletta Summit, as will be seen below.

Political timidity and the objective of “regime preservation”

It has now become crystal clear that the Eritrea government is unwilling and/or unable to meaningfully address the main causes of the Eritrean refugee crisis, namely: its own malignant malpractices, involving a pervasive situation of gross human rights violations and excessive levels of militarisation.^[15] For the Eritrean government, the most important preoccupation is not resolving these issues, but preserving its iron grip on power. This is fundamentally anti-thesis to the objective of tackling the refugee crisis of Eritrea, and by implication contrary also to the ambitions spelled out in the outcome documents of the Valletta Summit.

Indeed, as has been observed for a very long period of time, the Eritrean government

has no vested interest in improving the domestic political situation. The reasons are simple and clear. It requires reforming the Eritrean political landscape, which in turn entails far-fetching implications of accountability, including individual criminal responsibility of some high-ranking government officials, as recommended in the 2015 and 2016 reports of the COI. Regardless of this, for EU and other global actors, who preach the highest levels of compliance with human rights obligations, there does not seem to be any other better option than pushing harder towards this direction.

Conversely, and in a rather most cynical way, the mass exodus of the Eritrean population is seen by the Eritrean government as “a social safety valve for frustrated youthful constituencies.”^[16] There are also widespread allegations that the mass exodus has at the same time become “a lucrative side-business” for high-ranking Eritrean government officials who are said to be colluding in the business of smuggling people to neighbouring countries of Ethiopia and Sudan and beyond. This is in addition to a more damaging allegation that high-ranking government officials are also involved in the human trafficking saga of the Sinai Desert in which the ostensible majority of victims are also Eritreans.^[17]

This boils down, as noted above, to the core objective of “regime preservation” at any cost. Inherently, the Eritrean government cannot be taken seriously as a genuine partner interested in resolving the country’s refugee crisis. While this argument may also appear valid in relation to other African governments, its cogency has a more resounding persuasiveness with regard to Eritrea than any other country in the continent. As in previous experiences, this is where the miscalculation of European policy makers begins: failure to clearly understand the very complicated nature of the Eritrean refugee crisis and the cynical machinations of the Eritrean government.

Therefore, as far as the contribution of the Valletta Summit on the Eritrean refugee crisis is concerned, the best that can be said is that the outcome documents of the Summit are nothing more than a mere expression of EU’s political timidity. EU policy makers are yet to come with the most appropriate political standing on one of the most disturbing situations of gross human rights violations in Africa. Their failure to do so is either on the basis of a deliberate choice of ignoring the facts at the ground level or a misguided instance of self-deceit. Whatever the motive, it has the sad consequence of making EU complacent at best and complicit at worst in the perpetration of gross human rights violations in Eritrea. As is already happening, Eritrea has now become a textbook case study in showing utter failures of the EU in some core areas of international law and relations.

Concluding remarks

It bears repeating, for the umpteenth time, that the EU has always got it completely wrong when it comes to its engagement with the Eritrean government. Observers have witnessed this at least for the past 15 years in the context of controversial EU-Eritrea development aid dealings, including during the time of Mr. Louis Michel, the former EU Commissioner for Development Cooperation.^[18] Be it in the area of development

cooperation or migration, EU's approach towards Eritrea is characterised by the proverbial disorder of "repeating the same mistakes and expecting different outcomes." The problem is now taking a very disturbing pattern resembling the behaviour of a recidivist offender who is way beyond redemption from such very troubling conduct.

In contrast, on the fringes of the Valletta Summit, a very unusual and strong statement was made by the French President (François Hollande) on how the behaviour of the Eritrean government should be dealt with. Noting that a lot of refugees are coming from Eritrea, Mr. Hollande said: "Nobody is talking about it. It is a country that is becoming empty of its own population with unscrupulous leaders who let their people go." He also called for "maximum pressure" to be applied against Eritrean government leaders with a view to compelling them to mend the serious situation.^[19] This is the kind of firm position the EU needs to adopt collectively, by formulating it clearly as an enforceable policy element in the context of its continued flow of "development aid" to Eritrea. Any other action short of such firm measures will remain a never-ending "cat-and-mouse" game. As it stands, EU's policy towards Eritrea, both in matters of development cooperation and migration, lacks the requisite instinctive imperative and resoluteness against the only United Nations-confirmed situation of crimes against humanity in Africa.

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Resources

Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route

This joint [publication](#) of the ISSP and Sahan foundation is a comprehensive and detailed study of human smuggling and trafficking operations and networks in the Horn of Africa. It also draws on data derived from law enforcement and intelligence agencies in the region. It is also extremely interesting in terms of the light it sheds on the linkages between human trafficking and smuggling networks and certain state agencies in the region. This study would be a very useful resource for researchers and students specializing in migration and refugee flows in the region.

We Kissed the Ground: A migrant's journey from Somaliland to the Mediterranean.

This is an extremely gripping and harrowing first-hand [account](#) of the travails of a Somali migrant attempting the route through Sudan, Libya and across the Mediterranean into Europe. The first person narrative format makes this story an intense and wrenching experience.

Going on Tahriib: The Causes and Consequences of Somali Youth Migration to Europe.

This is an interesting research [study](#) of the drivers and dynamics that animate Somali youth migrants and refugees to travel to Europe. It provides a view of migration and refugee mobility from the perspective of those who undertake these hazardous journeys and their families. It also provides useful information about the modalities of human smuggling from Somalia across the Horn into Libya.