

The Khartoum Process

A sustainable response to human smuggling and trafficking?

Tuesday Reitano

Recommendations

- 1** The EU should be strongly encouraged to consider using its influence and assistance in Africa, and specifically the Horn, to advocate for better human-rights-oriented and open governance among the states partners to the Khartoum Process.
- 2** The Khartoum Process should be used to promote an integrated, migrant-centric understanding of migration management.
- 3** Responses and policies towards human smuggling need to be disentwined from those relating to human trafficking. There is a need to build awareness of this distinction among states, state actors, civil society and international protection officers.
- 4** Promote a more proactive understanding of the smuggling industry as a vector in migration and a resilience strategy for vulnerable populations.

Summary

In the 2012-16 'migration crisis', citizens from the Horn of Africa have been arriving irregularly in Europe in unprecedented numbers, whilst featuring disproportionately amongst the fatalities. This has prompted the launch of the Khartoum Process, a partnership between the 28 member states of the European Union (EU) and East and North African states, to respond to human smuggling and trafficking. This brief critically and unfavourably evaluates this framework. The Khartoum Process is not only unlikely to achieve the desired outcomes, but, more importantly, it is likely to pose a risk to the better governance and development of the Horn of Africa.

IN JUNE 2016 the EU launched a 'New Migration Partnership Framework'. With this initiative, the message from the EU is clear: 'Migration issues are now at the top of the EU's external relations priorities' and 'a solution to the irregular and controlled movement of people is a priority for the Union as a whole.' The European Commission's communiqué states that the European bloc will use its trade, aid and visa policies to reward countries that comply with it, while warning that 'there must be consequences for those who do not cooperate on readmission and return'.¹

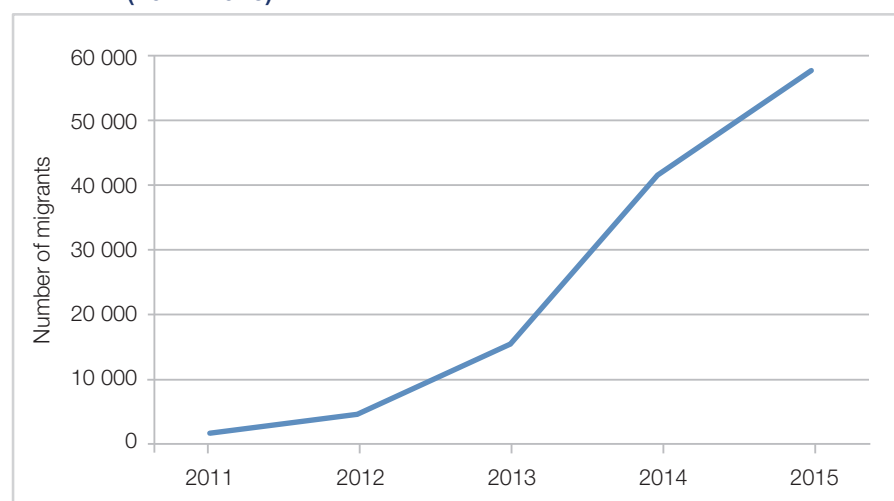
The Institute for Security Studies (ISS) and the Global Initiative against Transnational Organized Crime have been undertaking a long-term research project funded by the Hanns Seidel Foundation. The aim is to understand the contemporary landscape of mixed migration from Africa, and its short-, medium- and long-term implications. Based on this research, this policy

brief suggests that this single-issue emphasis has the potential to damage, or even reverse, decades of EU cooperation with countries in sub-Saharan Africa. It may also arguably serve to fundamentally undermine shared goals of good democratic governance, poverty reduction, promotion of the norms and standards of human rights, and equitable development. In related briefs that form part of this research series, we highlight current trends and raise concerns relating to North Africa and the western Sahel region. It is arguably, however, East Africa and the Horn where the greatest risk lies, and this region is the focus of this brief.

Migrants from the Horn have consistently represented a disproportionate share of those whose lives have been lost attempting the journey to Europe

People from the Horn of Africa, Eritrea, Somalia, Sudan, South Sudan and Ethiopia, have been migrating in increasing numbers to Europe over the past five years (see Figure 1), consistently representing a large proportion of the total number of illegal arrivals by boat to Europe. This pattern changed only in 2015, when unprecedented numbers of migrants arriving via the Aegean, including Afghans, Iranians and Syrians, dwarfed all previous trends. Notwithstanding this shift, even in 2015, although the proportion was smaller, the total number of Africans arriving in Europe from the Horn was unprecedented – a figure in the region of 60 000. What is perhaps of greater concern, however, is that migrants from the Horn have consistently represented a disproportionate share of those whose lives have been lost attempting this journey. Although the nationalities of many who died remain unknown, among those migrants identified as having died between 2014 and 2015, 10% were from the Horn of Africa.²

Figure 1: Total arrivals of migrants from Horn of Africa arriving in Europe (2011–2015)



Sources: Frontex (2011–2104) <http://frontex.europa.eu/publications/> and UNHCR, Refugees/Migrants Emergency Response – Mediterranean (2015) <http://data.unhcr.org/mediterranean/regional.php>.

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THE TOTAL NUMBER OF
AFRICANS ARRIVING IN
EUROPE FROM THE HORN

Table 1: Proportion of migrants from Horn of Africa from total arrivals in Europe (2011–2015)

	2011	2012	2013	2014	2015
Total number of migrants arriving in Europe by boat	14 981	11 896	47 273	179 179	994 951
Percentage of migrants from the Horn of Africa	15%	46%	34%	23%	6%

Sources: Frontex (2011–2104) <http://frontex.europa.eu/publications/> and UNHCR, Refugees/Migrants Emergency Response – Mediterranean (2015) <http://data.unhcr.org/mediterranean/regional.php>.

According to accounts, people from the Horn have been subjected to the most horrific exploitation and abuse in the course of their migration journey. Cases of organ trafficking, systematic rape, violence, extortion and torture have been documented by governments, NGOs and human-rights agencies since 2010.³ Yet these abuses serve only as a minimal deterrent to the seemingly irrepressible desire to migrate.

The dialogue on migration from the Horn of Africa is centred on the EU-Horn of Africa Migration Route Initiative – also known as the Khartoum Process. This was launched in November 2014 by ministers of the 28 EU member states, Switzerland and Norway as observers, ministers from Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Djibouti, Kenya, Egypt and Tunisia, as well as the European and African Union (AU) commissioners in charge of migration and development.

There is a regional terrorism problem that largely originates in Somalia, a fragile country that is unable to provide security to its citizens

Triggered as a response to a growing number of boat tragedies in the Mediterranean over the course of 2013 and 2014, the Khartoum Process endeavours ‘to undertake concrete actions to prevent and tackle the challenges of human trafficking and smuggling of migrants between the Horn of Africa and Europe, in a spirit of partnership, shared responsibility and cooperation’.⁴ The Khartoum Process superseded the AU-Horn of Africa Initiative, which had previously been the main forum for dialogue around migration.

The Horn of Africa is a region characterised by many troubles. Most of the countries are either currently experiencing civil wars, have recently emerged from them, or are mired in stalemate interstate conflicts. There is a regional terrorism problem that largely originates in Somalia, a fragile country that is unable to provide security to its citizens. In addition, the region suffers from severe drought on a cyclical basis, prompting extreme food insecurity. As of June 2016, the UN reported that close to 24 million people in the region

10%

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were facing critical and emergency food insecurity levels. In Ethiopia alone, 10.2 million people require emergency food assistance to meet subsistence level needs, and 38% of the Somali population are estimated to require humanitarian assistance.⁵ As a direct consequence of this widespread human insecurity, the UN High Commissioner for Refugees (UNHCR) has put the figure of refugees and internally displaced persons, both from the region and within the region, at 7 million. Sudan alone earns the dubious distinction of being the fifth largest source country of refugees worldwide.⁶

For a contemporary multilateral process led by the EU and its member states, there is a remarkable lack of transparency around the Khartoum Process

This brief focuses on the Khartoum Process, evaluating its efficacy as the leading regional response apparatus to counter irregular migration and the industry that enables it. The brief is informed by a series of key informant interviews with EU and AU Member States policy makers, international and national NGOs in the region, as well as independent academics and researchers analysing mixed migration from the Horn of Africa, the EU migration crisis and their antecedents.⁷ It should be noted that the Khartoum Process consultations have been held off the record, and with a high level of secrecy. This has made it challenging to secure a broad sample of interlocutors familiar with the process to achieve statistical objectivity. However, with the author's privileged access to policymakers involved in the process, as well as through meetings with governments and key stakeholders in the region, the perspective presented here is a representative indicator.

What is the Khartoum Process?

For a contemporary multilateral process led by the EU and its member states, there is a remarkable lack of transparency around the Khartoum Process. The initial ministerial dialogue process in November 2014, which subsequently led to the launch of the Khartoum Process, was born off the back of a longer-standing process known as the AU-Horn of Africa Initiative (AU-HOAI) on the same theme. One internal participant report described the launch of the Khartoum Process as 'piggy-backing' off the AU-HOAI. Another more tersely referred to it as 'hijacking', noting the initial reticence of key AU-HOAI member states, such as Egypt and Eritrea, to commit to the process. They emphasised that the EU had abruptly seized hold of the relatively technical AU-HOAI agenda and directed a high level of media attention around a 'launch' of what was in fact a longstanding platform, in an effort to herald it as an achievement of diplomacy and cooperation.⁸

Aside from the fanfare that launched the initiative in Rome in 2014, subsequent meetings, in London in November 2015 and in Khartoum in June 2016, have not been advertised nor have reports been issued of

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these meetings for the public record. What information can be gleaned about the process comes from the ministerial declaration from the 2014 launch,⁹ from the EU Commission's Action Fiche for €40 million, which describes the EU's financial support for the process, and from certain participants in the dialogue who were prepared to discuss the process despite its confidential nature.¹⁰ That the Khartoum Process remains shrouded in such secrecy is perhaps indicative of the discomfort many of the key actors feel in it – and, as this brief will highlight, understandably so.

The ministerial declaration at the launch conference in Rome calls for several areas of cooperation between the EU and the nine African states engaged in the Khartoum Process:

- Developing bilateral and regional cooperation to tackle irregular migration and criminal networks
- Building capacity for migration management
- Assisting national authorities in preventing irregular migration, including through awareness raising
- Establishing national strategies to strengthen internal coordination to address human trafficking and smuggling, including ensuring protection
- Assisting in improving identification and prosecution of criminal networks by enhancing national law-enforcement and criminal-justice systems, capacity for financial investigations, preventing money laundering and addressing corruption
- Improving (or establishing) criminal-law frameworks and fostering the ratification and implementation of the Protocols against Smuggling of Migrants and Human Trafficking supplementing the UN Convention against Transnational Organised Crime
- Promoting a victim-centred approach, supporting the victims of trafficking and protecting the human rights of smuggled migrants
- Promoting sustainable development to address the root causes of irregular migration
- Developing a regional framework for return, including voluntary return and reintegration

This list of action points, and the order in which they appear, can be taken as some indication of the intent and

priorities of the process. The goal is clearly to attempt to derive a solution to irregular migration that is more closely linked to the countries of source – and to do so using primarily criminal-justice and law-enforcement instruments. For example, although lip service is paid to the issue of the root causes of migration, it is raised only towards the end of the list. It also focuses on 'sustainable development', as opposed to acknowledging the fact that many migrants have legitimate rights to refugee status because of ongoing conflicts or political persecution. Nor does this point address the broader issues related to governance and the rule of law.

Although it should be recognised that the EU allocates a substantial amount of additional funding through its regular development cooperation instruments, nonetheless the budget allocated to the Khartoum Process – €40 million – represents the largest deployment of funds secured through the Valetta Process for the EU Emergency Trust Fund for Africa.¹¹ It furthermore clearly signals a reorientation of migration responses in the EU away from development towards security.

The Khartoum Process consultations have been held off the record, and with a high level of secrecy

The EU's policy emphasis is corroborated by what is known of the initial projects earmarked for funding by the Khartoum Process. Only four of the process's priorities indicated in the ministerial declaration (listed above) are selected, and, although the initiative is described as regional in scope, it seems to concentrate on just four countries: Eritrea, Somalia, Sudan and South Sudan.

As shown in Table 2, most of the available financing goes towards capacity building, and the EU Commission indicates that this is all to be spent on state institutions dealing with law enforcement, the justice sector and border security. In addition, the €5 million directed at policy harmonisation actually funds efforts to promote the ratification and implementation of the UN Convention against Transnational Organised Crime protocols, thereby contributing to the same primary objective of taking a securitised approach to the 'challenge' of irregular migration in the region. This approach is a shift from that

Table 2: Funding allocated to the Khartoum Process components by the EU Emergency Trust Fund

Component	Amount (€)
Policy harmonisation	5 000 000
Capacity building	25 000 000
Protection	7 000 000
Awareness raising	3 000 000
Total	40 000 000

Source: European Commission, Action fiche for the implementation of the Horn of Africa window.

of the AU-HOAI, whose first key message was to ‘put the protection of the human rights of all migrants, regardless of their legal status, mode of travel and country of origin at the heart of all responses’.¹²

The Khartoum Process has been roughly modelled on the equivalent for West Africa, the Rabat Process, established between the EU and the Economic Community of West African States (ECOWAS). But the foundations of the two are fundamentally different. In the first place, ECOWAS has had an operational agreement enabling freedom of movement among its members, which has been in place since the regional body was founded in 1975. Citizens of West African countries have the right to move freely between and to work in other states. In the East African region, by contrast, not only is there no regional agreement around mobility, but citizens of Sudan and Eritrea are not even allowed to leave their own countries without permission.

The Khartoum Process has been roughly modelled on the equivalent for West Africa, the Rabat Process, established between the EU and ECOWAS

The structure of the Rabat Process, which began in 2006, is founded on three core pillars, and here again there is a marked difference from the Khartoum Process. The Rabat process has as its first pillar organising legal migration, and providing legitimate migration alternatives between West Africa and Europe – an objective that is absent from the Khartoum Process. The second pillar of the Rabat process, which focuses on combating irregular migration, emphasises humanitarian protection over security-based approaches. Its three objectives are, firstly, border management, readmission and return; secondly, protection of migrants and vulnerable groups; and, thirdly, improving the management of civil registers. The final pillar, which is given the same weight as the other two, is about strengthening the synergies between migration and development from a regional perspective. It provides proactive emphasis on ensuring inclusive development, improving remittance benefits between regions, and promoting engagement between migrants and their countries of origin.¹³ Issues of border control, security and justice are clearly



THE STRUCTURE OF THE RABAT PROCESS IS FOUNDED ON THREE CORE PILLARS

here just part of a broader spectrum of development-focused priorities.

Yet, despite having been running for more than a decade, the Rabat Process has delivered little in the way of tangible results. As a 2013 evaluation of the EU's support to the Rabat Process described, significant advances have come from building a knowledge and evidence base, developing a positive framework for information sharing, regional and international cooperation around the migration issue, and raising awareness among and sensitising key stakeholders to the positive values of enhanced migration management.¹⁴ Programmatic cooperation activities began only 2014, when the 'migrant crisis' increased the level of urgency regarding the situation for the EU, but these actions now build upon a platform of mutual trust and shared principles that have been cultivated over a period of time.

One must seriously question the extent to which this level of cooperation seen in West Africa can be feasibly expected East Africa, where trust between the countries in the region is so low that they do not share a common and functioning regional body. Eritrea has boycotted the East African Inter-Governmental Authority on Development (IGAD) since 2007, and its brief interest in rejoining in 2011 was met with disdain and filibustering by the other members of the regional bloc.¹⁵

Assessing the implications

The EU has made it clear that it is placing migration management at the top of its agenda for cooperation with third countries, above commitments to the promotion of democracy, human rights and development. Evidence – and common sense, for that matter – would suggest, however, these two goals go hand in hand, and in fact sacrificing the laudable goals of the latter to attempt to manage the perceived threat of the former undermines the likelihood of achieving either. And in the Horn of Africa this dichotomy is particularly stark.

It is a region plagued by a number of active conflicts, and land and border disputes. Ethiopia and Eritrea have been caught in a deadlock for more than 15 years. Sudan and South Sudan, despite the secession of the latter in 2011, continue to contest borders with regular violent clashes, while Sudan seems caught in a systemic 'civil war of interlocking civil wars'.¹⁶ Somalia struggles to achieve

the basics of stability and governance, despite 25 years of political transition, and its efforts to subdue al-Shabaab have increasingly drawn other regional states into the mire.

Yet, despite the tensions in the region, the activities proposed to receive funding under the Khartoum Process include strengthening border-control capacity, promoting intelligence sharing, and joint investigations to counter human trafficking and smuggling. Given that most of the countries in the Horn host their neighbours' armed resistance groups, or at least are accused of doing so, this makes information sharing, joint border operations or even genuine cooperation appear an unlikely proposition.

The EU has made it clear that it is placing migration management at the top of its agenda

A further flaw in the Khartoum Process, albeit a common one, is that it conflates the distinct crimes of human trafficking and human smuggling into one, which allows the partners in the process to take security-focused actions to combat trafficking, while overlooking the broader requirements for suppressing smuggling and managed migration – and they can still claim to have complied with the spirit of the compact. The actions needed to combat human trafficking only marginally intersect with those needed to combat smuggling. To combat human trafficking demands a focus on the recruitment agencies that facilitate labour migration and on a very restricted portion of the human smuggling community. To combat smuggling, by contrast, arguably requires a dialogue with the source states aimed at improving democratic governance and the rule of law, because, on the whole, in this region the greatest threat to migrants in the region comes not from the smugglers, but from the border-control efforts of states themselves, and persecution by authoritarian regimes.

By focusing on the states as the principal agent, the Khartoum Process fails to attend to the interests of refugees and internally displaced persons. It not only compromises their long-term prospects but, by placing the onus on state actors to prevent irregular migration, it also fails to reinforce basic principles of human rights and countries' obligations to protect migrants. Too often in the

Horn of Africa, it is the actions of repressive regimes and state-backed militias that have triggered migration. Increasing border capacity (which is the area where the bulk of the EU funds have thus far been allocated) and equipping security institutions are likely only to exacerbate this situation.

In the South Kordofan and Blue Nile states of Sudan alone, an estimated 1.7 million people have been displaced as a result of the ongoing conflict between the government and the Sudanese People's Liberation Army (SPLA). This has seen aerial-bombing campaigns and attacks by the government on civilian targets.¹⁷ In the Darfur region, the state-supported Janjaweed militia group is responsible for ethnic violence that has been described as tantamount to ethnic cleansing.¹⁸ Yet, in early 2016, German newspaper *Der Spiegel* obtained documents that indicated that the Valetta Trust Fund money had been earmarked to train Sudanese border police and to provide equipment, such as cameras, scanners and servers, to the Sudanese government to register incoming refugees.¹⁹

Given the level of civil and ethnic conflict in Sudan, reinforcing the state-security apparatus is a controversial strategy. The border regions in the Darfur region, which is the area of the country with the highest levels of displacement, are controlled by the Rapid Support Force (RSF), a paramilitary group comprised in the majority by former Janjaweed fighters. While the EU denies that its funding is being directed at the RSF, in reality they have little control over where Government funds are directed. Pamela Delargy, a senior UN official serving as adviser to the UN Special Rapporteur on Migration, stated, 'The RSF are paramilitary forces, not police and not army, which are organised by local warlords. It is amazing to see how this use of them as border enforcers both attempts to legitimise them, and generates incomes for these militias while the government is challenged to pay them.'²⁰

By maintaining the dialogue at state level, rather than engaging with the people affected, the Khartoum Process makes migrants more vulnerable

Sudan has been under economic sanctions and an arms embargo since 2004. UN Security Council Resolution 1556 is a constraint that the Sudanese government has claimed is hampering its ability to fight human trafficking. In a statement to the Sudanese News Agency, the RSF commander, Mohammed Hamdan Dagolo, called for the lifting of economic sanctions, stating that 'if the international community responded to the demands of the Sudanese people, the RSF are ready to thwart the human trafficking operations'.²¹ It is certainly telling that head of the Janjaweed is now sufficiently empowered by the fight against irregular migration to be negotiating directly with the international community on core pillars of peace and security.

This highlights one of the key concerns with the Khartoum Process, and the EU's decision to put migration on the top of the policy agenda. It creates



SUDAN HAS BEEN UNDER
ECONOMIC SANCTIONS
AND AN ARMS EMBARGO
SINCE 2004

incentives that encourage the states of both source and transit not to integrate and cater for their refugee and migrant populations, but instead to hold refugees in a way that they are visible, counted and seen, so that they can be used as bargaining chips to gain concessions from the EU. This has had a clear backlash on the decades of discourse by the UNHCR, for example, on how to deal with the large refugee communities, such as Kenya's Dadaab camp and the Darfurians who have fled to Chad. As a direct result of the Khartoum Process framework, the viewpoint of communities who have been displaced for generations is sidelined, their resilience strategies undermined, and the provisions for their long-term care made increasingly precarious, and more likely to lead to further irregular movement.

The Khartoum Process makes a common assumption that migrants are passive victims in the migration journey. However, in the words of one expert on smuggling from the region, this ignores 'the complex and dynamic relationships that emerge between migrants and smugglers in the migration process'.²² Given the nature of governance in this region, smugglers are predominantly recruited as protectors of migrants from predatory states. By maintaining the dialogue and debate at a state level, rather than engaging with the people affected, the Khartoum Process makes migrants considerably more vulnerable, criminalising them at the cost of a partnership with states that have shown little interest in international cooperation or adherence to collective norms and standards. Where Sudan might be the most extreme of recalcitrant states, neither Eritrea nor Ethiopia have proven particularly forthcoming partners to the EU: both are independent, authoritarian states that have been highly resistant to external influence.

Ethiopia is currently being held up as the paragon of the Khartoum Process, privileged above the other members for funding and support. However, as one UN representative noted, it has taken more than four years of continued advocacy for the Ethiopian government to accept capacity building around human trafficking. Furthermore, one might argue that their recent cooperation could be linked to the rising levels of protest among Ethiopia's Oromo ethnic group, which the government has attempted to violently suppress, resulting in more than 500 deaths during 2016²³ and thousands of detentions.²⁴ Continuing to rely upon and


laud Ethiopia as a strategic partner in the questionable fight against irregular migration, and offering the country privileged agreements around aid and trade in exchange for cooperation, is proving a litmus test for the EU and the international community's commitment to the rule of law and good governance.²⁵

Mobility is a safety valve for the people in the Horn of Africa region, and often a lifeline in times of political strife. One of the more active migration corridors in the region is between Somalia and Yemen, two incredibly fragile countries that are being rent asunder by war and terrorism.²⁶ Encouraging states to suppress mobility could have devastating effects, creating stagnant pools of marginalised, or even actively victimised, communities with no escape route.

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Furthermore, economically, each of the countries in the Horn of Africa benefits significantly from remittances sent back from emigrants working overseas. In Ethiopia the value of such remittances has been estimated at US\$1.5 billion in 2015, rising by 88% in just 12 months. This figure is expected to increase by a further 50% over the next three years.²⁷ In Somalia the value of remittances in 2015 was estimated at US\$1.4 billion and equivalent to 23% of GDP.²⁸ Although these remittances take the form of informal transfers that primarily enrich the grey economy, at the same time they build the resilience of communities. The level of remittances often runs counter-cyclically to the formal economy, and they therefore offer income smoothing and serve as a safety net for communities and vulnerable individuals. In addition to the economic and development benefits that remittances provide,²⁹ this remittance flow is also advantageous for the states in the region, offering an alternative means to boost foreign-exchange reserves.

Either through political design in repressive regimes or lack of governance in weak states, the Horn of Africa is a region where external actors have very limited capacity for influence. It must be asked, therefore, whether that scarce political capital is best used to ask states



for increased border control to restrict cross-border movement, which is anyway largely beyond their capacity, rather than advocating for better governance, adherence to human rights and higher degrees of equitable development orientation.

The Khartoum Process, as it is currently framed, incentivises the region's states to act against not only the best interests of their people, but also of the EU itself. The process is likely to exacerbate the root causes of irregular migration, as opposed to quelling them, as intended. It also has significant reputational risks for the EU in Africa and elsewhere. This analyst would recommend proceeding with extreme caution.

About the author

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