

ON THE NEED TO FIGHT THE RISKS OF INSTRUMENTALISATION OF OFFICIAL DEVELOPMENT ASSISTANCE



WHAT ARE THE KEY COMMITMENTS FOR #EE24?

- 1** | STRENGTHEN CONTROL OVER MIGRATION PROJECTS IN ORDER TO FIGHT THE INSTRUMENTALISATION OF AID AND ENSURE THAT HUMAN RIGHTS ARE RESPECTED
- 2** | ENSURE PROSECUTION-FREE, NEUTRAL AND IMPARTIAL HUMANITARIAN ACTION
- 3** | ENSURE GREATER TRANSPARENCY TO FIGHT THE REROUTING OF AID TO PRIVATE ECONOMIC INTERESTS



FOCUS ON THE RISKS OF INSTRUMENTALISATION OF OFFICIAL DEVELOPMENT ASSISTANCE: A TREND AT ODDS WITH EU COMMITMENTS AND ODA OBJECTIVES

In recent years, we've seen a worrying trend in the international solidarity policies of the European Union (EU): the instrumentalisation of development assistance. It consists in subordinating and conditioning the EU's international solidarity policies to other political interests, such as migration, trade and military policies.

Within the European Union, the Treaty on the Functioning of the EU (known as the Treaty of Lisbon, which entered into force in 2009) defines the objective of official development assistance (ODA), specifying that '*Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty*'¹. The text also states that '*[t]he Union and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations*'².

However, as this brief will show, instrumentalisation of EU ODA is in direct contradiction not only with this priority of fighting poverty, but also with the commitments made by the EU to its partners and other international organisations. To ensure compliance with these principles and objectives, ODA must not be instrumentalised for purposes other than those for which it is intended.

Through the three recommendations we put forward below, this briefing paper points out these contradictions and proposes a model more in line with European values and commitments.

1 | STRENGTHEN CONTROL OVER MIGRATION PROJECTS IN ORDER TO FIGHT THE INSTRUMENTALISATION OF AID AND ENSURE THAT HUMAN RIGHTS ARE RESPECTED

The instrumentalisation of ODA by the EU in the context of migration has become a noticeable trend since the adoption of the Valletta Action Plan in 2015. This was the first time that migration control became a key aspect of the EU's development strategy, as later highlighted by the European Commission in 2016 and the Council of the EU in 2021.

This orientation took on concrete form through the creation of emergency funds, such as the Emergency Trust Fund (ETF), endowed with more than €5 billion over six years by the EU and its Member States in 2015. These funds, designed to meet the challenges of migratory movements, have been deployed to control and limit migration in third countries. Examples, such as the 2016 EU-Turkey Statement, show that financing for development is sometimes conditional on countries' cooperation in the return and readmission of migrants.

This approach was bolstered in 2021 by the Regulation on the EU's main development instrument, the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE), which provides for 10% of financing to be allocated to migration-related activities, representing approximately €7.9 billion. According to the *European Policy Centre*, the NDICI-GE prioritises migration-related actions, with a clear focus on controlling rather than facilitating legal migration. An Oxfam EU study on projects since 2021 in Niger, Tunisia and Libya confirms this security orientation and points out that the EU currently gives priority to migration-related actions, which the OECD identifies as a risk to the integrity of ODA.

¹ European Union (2012), *Treaty on the Functioning of the European Union*, October, Official Journal of the European Union, Article 208.1.

² European Union (2012), *Treaty on the Functioning of the European Union*, October, Official Journal of the European Union, Article 208.2.

This use of ODA for migration control raises concerns about its impact on human rights, migration management and relations with partner countries, thereby distancing the EU from its original principles of equitable cooperation. These trends seem to be backed up by discussions on the adoption of the EU's Pact on Migration and Asylum, which among other things provides for the establishment of 'tailor-made partnerships' with third countries to prevent departures. It is a confirmation of the policies that 'blackmail' international cooperation, of which visa allocation policies are emblematic.

2 | ENSURE PROSECUTION-FREE, NEUTRAL AND IMPARTIAL HUMANITARIAN ACTION

The 2007 European Consensus on Humanitarian Aid establishes the overall strategic framework defining the common EU vision as well as the principles related to international humanitarian cooperation, risk preparedness, civil protection, and relations between civil society and the military. The four principles of humanitarian aid – i.e. humanity, neutrality, impartiality and independence – are reaffirmed and supported by the EU and 51 third-party States in the Call for Humanitarian Action³. These principles seek to ensure that aid is based on needs and is without discrimination, and to safeguard it from economic, military, political and other considerations.

Despite these principles, it has been found that, between crises, there are imbalances in financing that can be explained by the priorities given to certain regions by donors. This confirms the necessity for needs-based distribution, including for 'forgotten' crises.

While the EU's fight against the financing of terrorism is legitimate, it sometimes has adverse consequences for humanitarian aid. Sanctions regimes and restrictive measures create legal barriers and incite organisations to carry out self-censorship for fear of criminal prosecution. Humanitarian workers are also hampered in their work, in particular by prohibitions on dialogue with certain parties to conflicts. It's crucial to include a humanitarian exemption into sanctions regimes and criminal law, so as to preserve the specificity of humanitarian action and ensure its access to vulnerable population groups.

The proposed EU Council Directive⁴, while aiming to define criminal offences and penalties for non-compliance with the EU's restrictive measures, must maintain Article 3(6), which provides for a humanitarian exemption. The EU underlines the need not to criminalise the provision of humanitarian aid, recalling that humanitarian principles require that restrictive measures do not impede aid delivery. Strengthening the language of Article 3(6) is essential to cover all humanitarian activities and effectively protect humanitarian workers.

3 | ENSURE GREATER TRANSPARENCY TO FIGHT THE REROUTING OF AID TO PRIVATE ECONOMIC INTERESTS

The EU's ODA policy is strongly influenced by its own political and economic priorities. Despite the commitment by the European Consensus on Development to channelling ODA to the poorest countries, allocation criteria sometimes remain opaque and are often guided by the economic interests of the EU and its Member States. The 'Team Europe' approach and the 'Global Gateway' strategy, which mobilise the financial tools of the 2021–2027 Multiannual Financial Framework (MFF) and in particular the NDICI-GE, should be accompanied by a renewed transparency effort.

³ French Ministry for Europe and Foreign Affairs, [Call for Humanitarian Action](#), accessed 9 January 2024.

⁴ Proposal for a Directive (2022/0398) of the European Parliament and of the Council of the EU on the definition of criminal offences and penalties for the violation of Union restrictive measures. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0684>

These initiatives raise concerns in the European Parliament and among development stakeholders, as they blur the lines between geopolitical interests and development objectives. The ‘*Global Gateway*’ strategy is criticised for its lack of a clear development mandate and sometimes conflicting ambitions that favour trade, financial and foreign-policy interests.

The ‘*Global Gateway*’ strategy seeks to mobilise private financing for development, but its *blending* approach raises concerns about its real effectiveness. The conditional use of ODA to attract private investment tends to direct aid towards middle-income countries at the expense of the poorest countries. It also leads to a focus of funds on lucrative sectors rather than on basic social services. The pre-eminent role of the *Business Advisory Group* (BAG) reinforces concerns about the excessive influence of the European private sector, with the risk of favouring European companies at the expense of local stakeholders and poverty reduction. This focus could weaken the EU’s commitment to the Sustainable Development Goals (SDGs) and lead to a reduction in resources allocated to public services, despite growing needs.



IMPROVE COOPERATION BETWEEN CIVIL SOCIETY AND THE EU

CSOs (civil society organisations) play a key role in enriching public policy, by providing public authorities with a wide range of expertise and opinions from civil society. They draw on their experience in the field to make these opinions known. CSOs must be informed about public policy and have the opportunity to influence it, as they can propose concrete solutions to the problems raised. They also support parliamentary work by taking part in committees, helping to draft amendments and facilitating communication between MEPs and relevant players on the ground.

It is therefore through their own work – and also by supporting greater participation by CSOs in the work of the Council of the European Union and the EC – that MEPs can contribute to EU policies that leave no one behind.

Finally, special attention should be paid to the inclusion of organisations of diasporas, women, children, and youth; any organisation representing minority and minoritized groups; and organisations of various sizes.



FURTHER READING

Stephanie Pope, Zina Weisner (2023), From development to deterrence? Migration spending under the EU Neighbourhood Development and International Cooperation Instrument (NDICI), Oxfam International, September.

Parlement européen (2021), European Parliament resolution of 7 October 2021 on the implementation report on the EU Trust Funds and the Facility for Refugees in Turkey, October.

A. Ndiaye, L. Gauthier, C. Gosselin, C. Queval, L. Salavert, J. Tropea (2023), ‘The risks we face are beyond human comprehension’: Advancing the protection of humanitarian and health workers, Médecins du Monde, Handicap International, Action Contre la Faim, August.

K. Bayliss, B. Bonizzi, O. Dimakou, C. Laskaridis, F. Sial, E. Van Waeyenberge (2020), The use of development funds for de-risking private investment: how effective is it in delivering development?, European Parliament, May.

Oxfam France (2017), Private-finance Blending for Development: Risks and opportunities, February.

Coordination SUD is the national coordinating body of French NGOs working for international solidarity.

Coordination SUD was founded in 1994 and currently comprises 184 NGOs, either as direct members or through six networks of associations (CLONG-Volontariat, Cnajep, Coordination Humanitaire et Développement, CRID, FORIM and Groupe initiatives). These organisations work in the fields of emergency humanitarian and development aid, environmental protection, human rights, advocacy and global citizenship education for international solidarity — with a special focus on helping the most disadvantaged groups of people.

Coordination SUD's Europe work brings together member NGOs that carry out advocacy work on European issues relating to international solidarity, as well as Coordination SUD's representatives to CONCORD Europe, the European confederation of humanitarian and development NGOs of which Coordination SUD is a member.

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