



AIDWATCH 2018 AID AND MIGRATION



The externalisation of Europe's responsibilities

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EXECUTIVE SUMMARY

With over 3.8 million people seeking asylum in Europe between 2013 and 2016, European countries have seen the largest number of refugees in their territories since the Second World War. The factors causing so many people to migrate or seek refuge include the backlash to the Arab Spring, the conflicts in Syria and other Middle Eastern countries, climate change, and the extreme social and democratic deprivation in the sub-Saharan region.

But the *crisis* itself is also the result of a flawed and inefficient response from Europe, its members and its institutions, which has had serious negative impacts on the human rights of refugees and migrants. Singularly, the increased securitisation and externalisation (subcontracting with third countries) of the control of EU borders may have vast consequences in terms of their impacts on the credibility of the EU's external action. It can also affect the quantity and quality of Europe's aid and development

programmes through a threefold effect: the inflation of aid (in 2016, a fifth of total bilateral aid from the EU-28 was spent on in-house refugee programmes); the diversion of aid (an unprecedented amount of money is being committed to the declared objective of addressing the "root causes of migration" in Africa); and the conditionality of aid (evidence of migration control conditions is ever more evident in Europe's bilateral agreements with origin and transit countries).

Europe should reconsider these policies as they undermine the credibility of its external action and the quality of the EU's official development assistance (ODA).

This paper will provide a commentary on the impact of the links between migration and development policies in Europe's external agenda. The first section provides an overview of the evolution of the EU's migration and asylum policies over the last decade. The second section looks



into the three main overlaps between aid and migration deterrence policies. The paper then offers recommendations in three critical areas:

- Phase out all in-donor refugee costs from ODA budgets, for which the OECD Development Assistance Committee (DAC) members should fully comply with the revised reporting rules (October 2017). These make provision for greater transparency and accountability of the activities to be accounted for as well as the time limitations to apply. The OECD DAC should nevertheless initiate a discussion on alternative ways of accounting for in-donor refugee costs outside of ODA in the future.
- Develop an evidence-based approach to migration and development that ensures development impact remains the key focus of all EU aid and that citizens, other development stakeholders and developing countries are meaningfully involved in programme development.
- Stop the instrumentalisation of aid and development cooperation by establishing clear boundaries between migration deterrence and development efforts. Aid in particular, must keep its purposes of eradicating poverty, reducing inequality and meeting humanitarian needs, never be conditional on migration control, and respect and support human rights.

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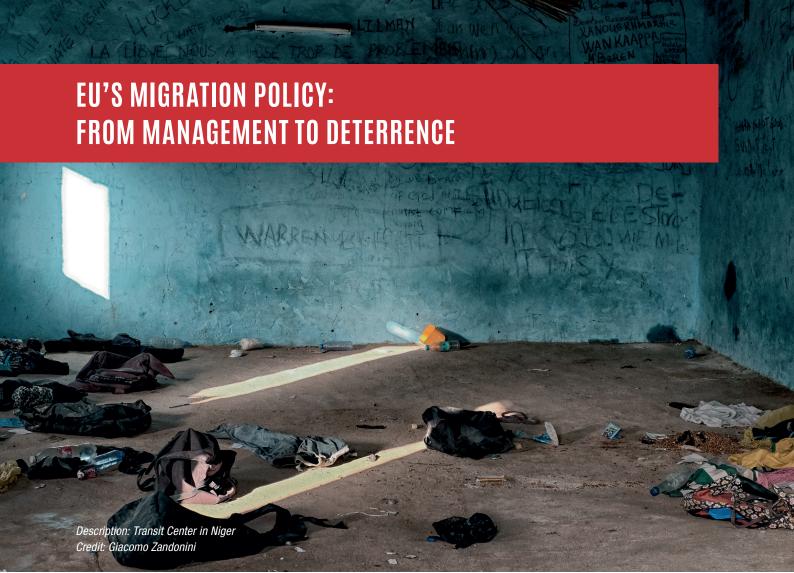
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The positions adopted in this paper are those of CONCORD Europe.



Ten years ago, Europe's migration response was a heterogeneous mix of policies in addition to national laws and institutions, which served a diversity of objectives from the construction of fences to the stimulation of high-skilled mobility and the protection of asylum seekers and refugees. This reality changed after 2014 towards a common but narrower approach where immigration deterrence prevails over any other consideration.

The Global Approach to Migration and Mobility was established in 2005: the policy framework guiding external migration and asylum in the EU, and included four equally relevant objectives: fostering well-managed mobility; preventing irregular migration and trafficking; maximising the development impact of migration and mobility; and promoting international protection. It was under this policy framework that the EU was able to elaborate initiatives at continental, regional and bilateral levels, intended to promote "mutually beneficial" migration agreements based on the promotion of legal mobility, the fight against irregular migration, the protection of those in danger and the impact of migration on development. They include, among others, seven mobility

agreements signed from June 2008 onwards (Cape Verde, the Republic of Moldova, Georgia, Armenia, Morocco, Azerbaijan and Tunisia), two less ambitious agreements with Ethiopia and Nigeria, two regional dialogues (the Rabat and Khartoum Processes, for the Western and Eastern routes, respectively), and the EU-Africa Partnership on Migration, Mobility and Employment.²

The tensions around the Arab Spring in 2011 and the war in Syria led to a new migration scenario with many refugees from the Middle Eastern conflicts. For many years until 2015, EU Member States maintained a somehow balanced tone that called for ordered flows and fully recognised the benefits of migration for development.³

The EU received over half-a-million asylum applications in 2014 alone and twice as many in 2015.⁴ This created a mixed sense of responsibility and panic across Europe, exacerbated by the gaps in the EU's current asylum system and the lack of political will to agree on a functioning responsibility sharing scheme. In response to this situation, Member States agreed in 2015 on the European Agenda on

¹ Notes https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en

² For further info, see www.europarl.europa.eu/RegData/etudes/BRIE/2016/589815/EPRS_BRI(2016)589815_EN.pdf

³ See, for instance, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/146182.pdf

⁴ http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6

Migration. It established cooperation with third countries as one of the pillars of the response to the "migration crisis", and highlights that "the focus is on addressing the root causes behind irregular migration in non-EU countries".

Some of the practical consequences of this new approach were laid out in the EU Action Plan on Return (September 2015), the Valletta Summit on Migration (November 2015) and the Migration Partnership Framework (June 2016). Despite the humanitarian rhetoric contained in these agreements, the actual emphasis of the policy agenda (including budget) was placed on the deterrence of "irregular" migration to Europe. The Action Plan on Return, for instance, emphasised the idea that only by increasing considerably the percentage of detained irregular migrants returned to their countries of origin (34% in 2014, according to Eurostat), the incentives for these flows would be tackled.⁵

Using a more nuanced approach that included addressing the 'root causes' of migration, this was also the intent behind the Emergency Trust Fund for Africa, an initially €1.8bn pooled fund approved in the Valletta Summit and intended to sustain Europe's migration policies in 23 (later 26) African countries, which is now around €3bn.⁶ The spirit of Valletta was recently reflected in the European Consensus on Development, which includes specific references to migration (paragraphs 39–42) that combine phrases about the benefits of mobility for development with disturbing language about migration policies that apply "the necessary leverage by using all relevant EU policies, instruments and tools, including development and trade".⁷

All in all, the declared objectives of the several institutional and military support operations deployed in the region include those of stopping migrants, providing alternative solutions at local level, and guaranteeing their return, voluntary or otherwise, to the country of origin once they have been expelled from the EU. This was one of the motives behind replacing the rescue-focused Mare Nostrum (operated by Italy) with the 'human trafficking'-focused Frontex.8 It is also one of the main drivers of the agreements between European Member States and Turkey (March 2016), and the Migration Partnership Frameworks with Ethiopia, Mali, Niger, Nigeria and Senegal (June 2016), which supplement bilateral agreements signed by different Member States in the past. Italy's attempt, supported by the EU, to extend this logic to failed state Libva, has been denounced by NGOs. international organisations and even peers in Europe.9

⁵ http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-action-plan-on-return

⁶ https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en

⁷ https://ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-final-20170626_en.pdf

⁸ Izabella Cooper, a spokeswoman for Frontex, said in April 2015: "Operation Triton and Mare Nostrum are two very different operations: the first was run by the Italian navy and was taking place close to Libya. Operation Triton is run by Frontex, whose mandate focuses on border control. This is why our operation takes place closer to the Italian coasts".

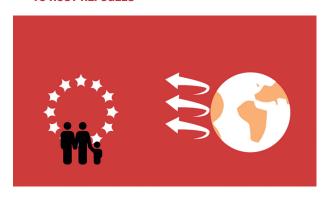
The Guardian: www.theguardian.com/world/2015/apr/15/eu-states-migrant-rescue-operations-mediterranean.

⁹ www.independent.co.uk/news/world/europe/refugee-crisis-migrants-libya-italy-europe-mediterranean-sea-eu-libya-deal-detention-camps-torture-a7718346.html

THE COLLISION BETWEEN EUROPEAN AID AND MIGRATION POLICIES

The primary aim of EU development cooperation is to reduce poverty. EU aid is also based on international commitments to human rights and international agreements on the definitions and quality of aid. However, in recent years EU migration policies have allowed aid to be diverted from its core purposes. Aid has been instrumentalised in three fundamental ways to stop refugees and migrants from arriving on European shores:

A) INFLATING AID – SPENDING AID IN DONOR COUNTRIES TO HOST REFUGEES



Resources reported as aid spent in donor countries to support refugees arriving in the donor country are eligible as ODA for the first 12 months of their stay. Eligible expenditures include payments for refugees' transport to the host country, temporary sustenance (food, shelter and training) as well as some of the costs of resettlement.¹⁰

BOX 1: ODA SPENT HOSTING REFUGEES IN 2016

Up until a few years ago, in-donor spending on refugees represented a small fraction of total ODA. This has rapidly changed for some countries in the last few years. According to the latest OECD figures from 2016 for all DAC countries, "ODA spent on hosting refugees inside donor countries jumped by 27.5% in real terms from 2015 to reach US\$15.4 billion" in 2016; this means more than 1 in every 10 dollars was spent this way — twice as much as in 2014.¹¹

The scale of these figures, and the risk that this trend will continue in the coming years has raised concerns among NGOs and experts. The May 2017 CSO recommendations on the clarification of DAC reporting rules for ODA to in-donor refugee costs clearly state: "labelling these expenditures as ODA is misleading, given that they provide no resources to developing countries, and are not linked to the core purpose of ODA – promoting the economic development and welfare of developing countries". 12 A more recent analysis by IRIN shows that, for the first time in 2016, major donors spent more ODA funds on refugees than on humanitarian aid. To the extent that part of this money proceeds from the budgets of development agencies and not only from interior ministries, this is a potential diversion of much-needed funding away from some of the poorest countries, and away from essential spending overseas. A cut in Norway's foreign aid spending, for instance, "has been camouflaged by its in-country spending", explains IRIN.¹³

In October 2017, the DAC concluded a review of the rules on reporting in-donor refugee costs as ODA. The revised rules make provision for better transparency and consistency of the donors' reporting practices. However, the review fails to address the fundamental question of whether in-donor refugee costs belong in ODA at all, so recent trends of ODA inflation look set to continue in future years.¹⁴

¹⁰ www.oecd.org/dac/stats/RefugeeCostsMethodologicalNote.pdf

¹¹ www.oecd.org/dac/development-aid-rises-again-in-2016-but-flows-to-poorest-countries-dip.htm

¹² www.oecd.org/dac/CSO_recommendations_to_the_DAC_on_IDRC_May%202017.pdf

¹³ www.irinnews.org/investigations/2017/07/21/aid-credibility-stake-donors-haggle-over-reporting-rules

DAC High Level Communiqué. 31 October 2017: The OECD DAC clarified that refugee costs up to the first 12 months can be included as ODA, and that integration costs are excluded in principle, although language training was included. Moreover, administrative costs can still be reported as ODA, so can sea rescue costs. Security costs together with costs for returning rejected asylum seekers or forced returns were excluded while voluntary returns can still be included in the ODA definition. See: www.oecd.org/dac/DAC-HLM-2017-Communique.pdf?utm_source=Adestra&utm_medium=email&utm_content=HLM%20Communiqu%C3%A9.&utm_campaign=OECD%20Development%20-%20November%202017&utm_term=demo

Supporting refugees arriving in Europe is a legal, as well as a moral, obligation to protecting human rights, but it should not come at the expense of already relatively scarce aid to developing countries and the world's poorest and most vulnerable people. Extraordinary needs require additional resources to be put towards receiving refugees, rather than using resources intended for eradicating poverty in developing countries.

B) DIVERTING AID – INVESTING AID IN POOR COUNTRIES TO STOP MIGRATION



Since 2015, "addressing the root causes of migration" has been a key theme of official European strategy. It has been reflected in EU development cooperation policy, for example, in the EC's proposal for a European Fund for Sustainable Development under the External Investment Plan, as well as the Emergency Trust Fund for Africa, under which three separate regions (Sahel, Horn of Africa and North Africa) will benefit from a pooled fund which now totals over €3bn. This "aims to address the root causes of destabilisation," forced displacement and irregular migration, by promoting economic and equal opportunities, security and development". 15 In practice, this means financing projects in the areas of employment opportunities, food and nutrition, and conflict prevention. But the Emergency Trust Fund for Africa also supports so-called "migration management" efforts, which cover among other things the prevention of irregular migration, enforcement of border control and the implementation of return and readmission policies.¹⁶

So essentially, instead of aiming for development as the overall objective, this new approach means aiming to serve the interests of donors to impede immigration, through a combination of development work and migrationmanagement interventions. Taking into account the total commitments of the Emergency Trust Fund for Africa, the Madad Fund for Syrian neighbouring countries¹¹ and additional commitments from donors in countries such as Tunisia and Jordan, the Overseas Development Institute estimated EU's aid promises as much as €15.3bn in countries affected by migration towards Europe. On top of this, the External Investment Fund could unlock additional funds for tens of billions of euros, to be mobilised primarily by (mostly European) private companies, if other parties top up funding as the European Commission hopes they will.¹8

Some bilateral donors are also taking significant steps in this direction. The German government considers ODA to be an important tool to tackle causes of migration and displacement. This has led to an increase of the BMZ budget and the launch of different "special initiatives... tackling the root causes of displacement, reintegrating refugees". The BMZ claims on its website that in 2016 €3bn from the BMZ budget (€12bn over a four-year period) was used for activities to address "Displacement and Development".¹9 This would translate into almost a third of the BMZ budget of €8.5bn. It is unclear, however, how this figure was calculated. The geographic focus is on the Middle East and North Africa region, West Africa, the Horn of Africa, South Sudan and the Central African Republic, Afghanistan and Ukraine.²0

The Italian government has approved an extra budget, the Fund for Africa, (€200m, committed in 2017) focused on addressing root causes and migration management in key countries: Eritrea, Ethiopia, Ghana, Guinea, Ivory Coast, Libya, Niger, Nigeria, Somalia, Sudan and Tunisia. Other aid funds are spent in emergency operations on migration and development, particularly on protection needs and root causes. €50m of the Italian Fund for Africa has been committed in the EU Emergency Trust Fund.²¹ The Italian government has thus become the main contributor to the fund, surpassing Germany. The Italian move is aimed at having more voice in orienting the fund towards the Mediterranean central route in order to stop migration flows that are straining the national reception system, the public opinion and the political equilibrium (Italian political elections taking place in early March 2018). This move is the response to the ineffective European asylum system, the failure of the relocation measure, the stalemate of the Dublin regulation reform, and the lack of solidarity among member countries. In this way the EU internal division has strong effects on the aid system.

¹⁵ https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en

¹⁶ http://europa.eu/rapid/press-release_MEMO-15-6056_en.htm

¹⁷ The Madad Fund included a total commitment of €1bn, much of which is already disbursed.

¹⁸ www.odi.org/sites/odi.org.uk/files/resource-documents/10887.pdf

¹⁹ www.bmz.de/webapps/flucht/index.html#/en/

²⁰ Information provided by the German NGO national platform.

²¹ AidWatch Report 2017, information obtained via national platform questionnaires. According to the Italian platform of NGOs there is no formal document stating this €50m, out of the €200m fund for Africa, is for Development Cooperation. It was stated in a press conference, but is not formally recognised.

The rationale behind these trends is concerning for three reasons. Firstly, the purpose of aid and its impact can be distorted when it is subject to the home affairs agenda of the donors, contradicting the poverty eradication objectives stated in the Lisbon Treaty and the development effectiveness principle of ownership. Aid diversion could be significant should countries decide to invest their aid in terms of the migratory flows rather than the broader needs of poor communities. In the context of the very recently agreed 'leave no one behind' principle in the SDG agenda, this seems rather a rejection of that principle than a means of implementing it in practice.

The second concern relates to the actual impacts. EU response to humanitarian crises and the engagement in peacekeeping and conflict prevention operations through the Common Security and Defence Policy missions can play an important role in mitigating the causes of forced displacement. But when it comes to economic human mobility (which represents a significant share of the current migration from Africa), this logic does not stand up to scrutiny. Human mobility is determined as much by investment and opportunity, as necessity or willingness. Evidence suggests that increasing human development in less developed countries is generally associated with higher, rather than lower, levels of mobility — both emigration and immigration.²²

Finally, it could be argued that this approach will target some specific countries and groups at the expense of others, resulting in flawed development programmes. An example is the absence of a gender perspective: to the extent that it focuses actions on young male members who are the most likely to engage in individual migration projects, discrimination is a serious possibility.

C) THE CONDITIONALITY OF AID: AGREEMENTS PUSHING CONTROL AND RETURN POLICIES



Aid is increasingly, whether formally or informally, conditioned to encourage the cooperation of developing country partners in migration and border control efforts, which undermines partner countries' ownership of development policies. This type of conditionality can be seen in practice in many of the regions that are either sources of or transit points for migrants coming to Europe.

This policy approach was first implemented by Spain in regional terms during the West Africa—Canary Islands migration peak, when the route was closed via aid conditionality and police force cooperation. The modern and continental version of this approach includes an array of agreements with third countries whose governments are required to restrict transit, confiscate means of transport and prevent people from moving, and cooperate in return and readmission operations. This also occasionally includes deportations such as those that took place with Turkey after the EU-Turkey agreement.

The EU has already signed 17 readmission agreements with origin countries. 23 Between September 2016 and February 2017 efforts intensified to implement *migration compacts* with a list of key origin and transit countries that include Jordan, Lebanon and Libya — which are part of the European Neighbourhood Policy 24 — as well as Ethiopia, Mali, Niger, Nigeria and Senegal. While the ambition of these compacts depends on the institutional capacity of the partner country, they all include a combination of objectives where border control and development interventions are interlinked. In the case of Libya, a failed state, the entanglement of activities is alarming: 25

- Training, equipment and support to the Libyan national coast guard and other relevant agencies.
- Enhancing operational action with Libya to target criminal networks.
- Improving human conditions in detention centers and creating safe reception centers
- Supporting the development of local communities in Libya.
- Enhanced information campaigns and outreach addressed to migrants in Libya.

²² https://www.cgdev.org/publication/does-development-reduce-migration-working-paper-359

²³ https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en

²⁴ https://eeas.europa.eu/headquarters/headquarters-homepage/330/european-neighbourhood-policy-enp_en

²⁵ www.consilium.europa.eu/en/policies/migratory-pressures/countries-origin-transit/migration-partnership-framework/

Although not everything can be considered problematic from a humanitarian and development perspective, there are serious reasons for concern. In July 2017, the EU decided to allocate €46m of ODA from the EU Trust Fund for Africa to support the Libyan coast guard and border guards, with the aim of preventing migrants from leaving Libya and entering the EU.²⁶ Not only is this a huge diversion of aid, it also means that EU aid is likely to contribute to human rights violations, as we know from several UN reports that those "rescued" by the Libyan coast guard are returned to detention centers, where torture, rape and starvation are commonplace.²⁷

The degree to which aid delivery is associated with these activities is a contentious subject. Sometimes, the language is explicit, as in the case of EC communication on the Migration Partnership Framework: "Increasing coherence between migration and development policy is important to ensure that development assistance helps partner countries manage migration more effectively, and also incentivises them to effectively cooperate on readmission of irregular migrants". ²⁸ The formal overlap of these policies was a critical component of the previously signed EU-Turkey agreement, committing the former to a €6bn package for the period 2016–18.

But the open recognition of these conditionalities is not standard, according to the information provided by CONCORD members. Belgium and Italy's authorities, for instance, have expressed this concept in terms of positive conditionality ("more for more")²⁹ and Austria's government coalition has referred to this conditionality in the update of the 2016-18 development programme (with no clear legal basis for it).³⁰ France's public authorities have taken position against the conditionality of aid, considered as ineffective in managing migration flows, but officials support European policies that tend to make development aid a tool for meeting external policy objectives. 31 In the case of the Czech Republic, "there is strong political pressure asking for conditionality - in security and migration terms - but this has not been projected into the bilateral programmes with partner countries". 32 Denmark, in turn, is increasingly making this a priority, allocating an ODA budget for returns and appointing a 'repatriation ambassador' whose job will be to facilitate return agreements with countries of origin.³³

Most countries choose to support the links in the more discrete Council's debates, rather than talking about them publicly. This has come under heavy criticism by NGOs, experts and official institutions such as the European Parliament, whose Foreign Affairs Committee explicitly stressed that "aid should not be conditional on cooperation with regard to migration".³⁴

BOX 2: PROJECTS AND SHIPS: THE DELICATE ROLE OF NGOS IN THE MIGRATION AND AID DEBATE

NGOs are confronted with a twofold dilemma related to the migration and aid debate. Firstly, the projects of the various funds are implemented by organisations that may in parallel question the fact that aid should be conditioned to control or return policies. But there is a risk that the NGOs' and UN's participation in the programme serves to legitimise it, and therefore the EU approach as a whole. This was the rationale behind MSF's boycott of EU funding in general, in opposition to its response to the migrant crisis.³⁵

Secondly, there is an attempt to reduce the space of NGOs without recognising their fundamental contribution to humanitarian aid. Recently the Italian government with the support of the EU is imposing a code of conduct on NGOs that are implementing saving and rescue operations in the central Mediterranean. The assumption is that NGOs are exercising a pulling effect on migration flows from Libya and are connected to traffickers, although no evidence has been presented. What we do know is that NGOs are contributing to saving thousands of lives in the Mediterranean Sea and are a fundamental actor in serving migrants escaping from the Libyan tragedy. The real question is not the pulling effect but the conflict in Libya, the responsibility of some European countries, and the inability to offer humanitarian corridors and alternatives to irregular migration.³⁶

²⁶ ttp://europa.eu/rapid/press-release_IP-17-2187_en.htm

²⁷ http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf, http://reliefweb.int/sites/reliefweb.int/files/resources/N1711623.pdf

²⁸ http://eur-lex.europa.eu/resource.html?uri=cellar:763f0d11-2d86-11e6-b497-01aa75ed71a1.0001.02/DOC_1&format=PDF

²⁹ https://diplomatie.belgium.be/en/newsroom/news/2016/european_development_budgets_should_not_be_used_leverage_impose_migration_policy, as well as the AidWatch Report 2017, information provided by the Italian National Platform.

³⁰ AidWatch Report 2017, information provided by the Austrian Platform for Development and Humanitarian Aid.

³¹ AidWatch Report 2017, information provided by the French National Platform.

³² AidWatch Report 2017, information provided by the Czech Republic National Platform.

³³ http://um.dk/~/media/UM/English-site/Documents/News/Faktaark1English.pdf?la=en

³⁴ http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/589815/EPRS_BRI(2016)589815_EN.pdf and https://concordeurope.org/2017/02/10/human-rights-irrelevant-eu-migration-policies/

³⁵ https://www.devex.com/news/msf-s-stand-against-the-eu-migration-agenda-88320

³⁶ See the joint position by the Italian NGO platforms www.ong.it/wordpress/wp-content/uploads/2017/08/document-code-of-conduct.pdf

RECOMMENDATIONS

These challenges pose serious problems for the future of development and aid in the EU, not least in significantly undermining its effectiveness and thus impact.

Phase out all in-donor refugee costs from ODA budgets.

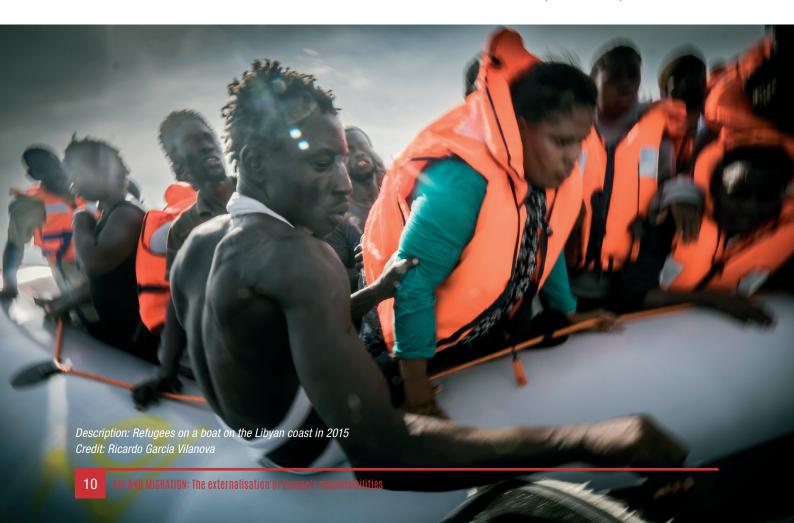
- Building on forthcoming clarifications to the rules on reporting in-donor refugee costs as ODA, the OECD DAC should initiate a discussion on alternative ways of accounting for in-donor refugee costs outside of ODA in future.
- In the meantime:
 - Donors should voluntarily remove in-donor refugee costs from their reported ODA.
 - The OECD DAC should fully comply with revised reporting rules (October 2017) to improve transparency and accountability.
 - Donors should initiate a discussion on ways to report in-donor refugee costs outside ODA.
 - The OECD DAC should increase the granularity of data on in-donor refugee costs in ODA statistics, to allow better public scrutiny.

2 Develop an evidence-based approach to migration and development that ensures:

- Development impact remains the key focus of all EU aid.
- Citizens, other development stakeholders and developing countries are meaningfully involved in programme development.
- Stop the instrumentalisation of aid and development cooperation by establishing clear boundaries between migration deterrence and development efforts.

All migration-related financing, and aid in particular, must:

- Keep its purposes of eradicating poverty, reducing inequality and meeting humanitarian needs.
- Never be conditional on migration control, nor should programmes focusing on migration control in developing countries be funded out of aid budgets. Its effectiveness should be measured only in achieving development goals.
- Respect development effectiveness principles, to which the EU and its Member States are signatories, in particular country ownership and alignment.
- Respect and support human rights including supporting durable solutions to displacement and protracted crises.



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