

Financing mechanisms in EU cooperation on migration with third countries: Monitoring impact or legitimising contested policies

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Introduction

Over the past decade, the European Union (EU) has consistently expanded its informal cooperation on migration with third countries. Earlier this year, the EU signed €1 billion deals with <u>Lebanon</u> and <u>Egypt</u>, building on the <u>EU-Turkey Statement</u> adopted in March 2016 to strengthen cooperation to 'prevent irregular migration' from Turkey to Greece.

This cooperation, much like recent deals, has been widely criticised by scholars and human rights organisations due to its impacts on migrants' and asylum seekers' rights in Turkey and Greece. Its informal nature also led to significant criticism as it was developed outside the normal EU treaty-making process under Article 218 TFEU, thus lacking democratic legitimacy. Informality also means no judicial accountability. In its NF, NG, and NM v European Council decisions, the Court of Justice of the European Union declared that it lacked jurisdiction to review the EU-Turkey Statement as it considered it was not adopted by EU institutions but by the Heads of State or Government of EU Member States.

However, the funding mechanisms contained in these frameworks have, until recently, received much less attention. In a report published in April 2024, the European Court of Auditors (ECA) investigated the Facility for Refugees in Turkey mechanism contained in the EU-Turkey Statement. In exchange for Turkey's cooperation on migration and border controls, the EU committed 6 billion euros in funding for projects related to healthcare, education, food, infrastructure and living costs for people under temporary protection in Turkey. In their report, the ECA recognised these funds as 'relevant support to refugees and host communities'. Yet, they also questioned the Commission's weak cost assessments, the difficulty in assessing projects' impact in some sectors, and the financing mechanism's overall sustainability. This report reminds us that the Facility for Refugees in Turkey is part of various financing mechanisms developed by the EU to deepen cooperation on migration with third countries. Most importantly, engaging with these mechanisms' use and impact is essential to understanding the proliferation of informal cooperation.

In this post, I discuss the European Commission's monitoring reports on the EU-Turkey Statement. While this arrangement was embedded in opacity and secrecy, its implementation was more publicly monitored. Every two to three months from April 2016 to November 2017, the European Commission released a total of seven reports on the implementation of the Statement's key measures, including the funding allocated through the Facility for Refugees in Turkey mechanism.

Specifically, I discuss what these monitoring reports tell of the impact and implications of the EU financing mechanisms for forced displacement response. My analysis reveals that the data they contain does not enable us to evaluate the funding's impact. However, these reports play a role in legitimising the EU's use of informal instruments to expand its externalisation policy.

The EU's Facility for Refugees in Turkey: Reporting extensive numerical data with little evidence of impact

Each report on the Statement's implementation follows a similar structure: first, it provides a detailed review of migrants' arrivals, returns, and resettlement before reviewing the progress in the funding implementation. The reports also include a general overview of funding timeline. For example, the first report's <u>annex</u> gives an overview of key dates of the decision process for funding delivery. By providing such details, the decision and delivery of the financing mechanism appear transparent and closely followed.

More significantly, implementation reports usually contain large amounts of numerical data on the EU's spending and include some projects as examples. The Commission regularly reviews the number of projects contracted and amounts of funding disbursed as part of the Facility for Refugees in Turkey mechanism. It records the signature of 'the first contracts worth €77 million' in March 2016

, raising to €1.3 billion in <u>December 2016</u> and €1.5 billion in <u>March 2017</u>. In its <u>seventh progress report</u>, the Commission records a total of 48 projects amounting to €1.664 billion, of which €838 million has already been disbursed for humanitarian and non-humanitarian support. Regarding humanitarian assistance, the Commission adds that 35 projects were contracted with 19 partners, covering 'basic needs, protection, education, health, food and shelter' and equalling €593 million. Although this reporting suggests detailed monitoring of the EU funding through the Facility for Refugees in Turkey mechanism, it does not provide relevant information on what the projects are, the projects' objectives, which organisation is responsible for implementing them and receives EU funding, nor on the beneficiaries and overall impact of the financial mechanisms.

The reports' annexes address implementation partners, including some further financial details. The seventh report, for instance, annexed a table reviewing the amounts of EU funding committed, contracted, and disbursed to each partner in charge of the implementation. Although this provides a better understanding of which organisations are receiving the financing mechanism and carrying out the projects, it still says little about the project delivery. Indeed, the table only briefly describes each project and the area of focus. Most importantly, it does not provide meaningful information (or data to facilitate analysis) regarding the impact of these financing mechanisms. Rather, it focuses on how much funding the EU committed to providing and distributing to each partner. However, having contracted or disbursed funding does not evidence that the projects have met their objectives for refugee populations in Turkey.

In addition to a large amount of data on EU expenses, these reports include numerical data on the projects' beneficiaries. In its September 2017 report, the European Commission gives examples of some humanitarian projects, such as the Emergency Social Safety Net, which reportedly supported 860,000 vulnerable refugees as of September 2017 out of a total aim of 1.3 million beneficiaries, or the Condition Cash Transfer for Education project, which benefited 72,000 children out of the 230,000 expected to receive these payments. Regarding its non-humanitarian assistance, the Commission notes measures taken by the EU to reduce the pressure on Turkish local health infrastructure and services where Syrians are hosted. It gives the example of a migrant health centre in Kilis, which opened in May 2017 and reports the examination of 15,000 Syrians, 'including more than 600 pregnant women'. Still, this extensive numerical data says little of the impact of the Facility for Refugees in Turkey financing mechanism. On its own, reviewing a set of numerical inputs and outputs does not enable the evaluation of the outcome(s) of that mechanism. Given that the EU-Turkey Statement did not contain specific numerical objectives but instead focused on general goals to support Syrians under temporary protection in Turkey 'notably in the field of health, education, infrastructure, food and other living costs', this data does not enable us to measure the impact of the funding disbursed.

Overall, the Commission's reports on the Facility for Refugees in Turkey appear to produce a transparent and detailed monitoring of the financing mechanism's use and implementation. However, when looking more closely, the monitoring is too superficial to produce significant evidence that the financing mechanism is meeting its objectives. Indeed, without clear goals, it is not possible to determine what counts as a successful implementation of the mechanism as a whole and individual projects. A large amount of numerical data does not remedy this challenge as it does not enable us to interpret whether the implementation meets the mechanism's vaguely defined objectives. Likewise, the examples of projects provided in the reports are a selective account of the mechanism's impact. These examples are also only briefly described and do not provide a clear understanding of their context, objectives, and contribution to the Facility for Refugees in Turkey as a whole. Therefore, the mass of numerical data provided-whether related to funding disbursement or its beneficiaries-does not permit a detailed understanding of the financing mechanism's impact and only provides a limited picture. Still, the monitoring reports play an essential role in reinforcing patterns in EU externalisation policies.

Reinforcing EU externalisation policies through legitimisation

While the EU-Turkey funding mechanism and its monitoring have received limited discussions from scholars, funding under the EU Trust Fund for Africa (EUTF) has received more scrutiny. In their research analysing the EUTF, Vigneswaran, Söderberg, et al., and Welfens and Bonjour discuss the role of monitoring and evaluation to give legitimacy to a framework criticised for its absence of parliamentary oversight and its opaque governance structure. The authors argue that monitoring and evaluation mechanisms are crucial to increase the EUTF's transparency and legitimise the EU as a 'competent and accountable actor'.

Although the monitoring reports on the EU-Turkey cooperation were not as detailed as the EUTF monitoring and evaluation, the Statement was adopted in the same 'emergency' and 'crisis' context. The Facility for Refugees in Turkey financial mechanism was developed as part of a humanitarian response to Syrian refugees hosted by Turkey at the time and as compensation for returning all irregular migrants arriving in Greece to Turkey. However, much like the EUTF, these instruments were heavily criticised for their opacity and lack of democratic legitimacy and judicial accountability. By reporting on the implementation and progress of the Statement, the reports analysed above contribute to legitimising both the EU itself and the EU-Turkey informal cooperation.

The extensive numerical data provided in each implementation report contributes to characterising the EU as a transparent actor. While the adoption of the Statement was somewhat murky, their implementation and the delivery of its financing mechanism appeared openly and publicly monitored. As previously discussed, the funding committed, contracted, and disbursed to each EU partner appeared carefully checked and tracked. In this way, the EU also appears as an accountable actor. This contrasts with the

lack of parliamentary and judicial accountability for the instruments which set up this financing mechanism.

Additionally, the extensive numerical data gives the impression that the EU is taking action to address the situation. Financing mechanisms for forced displacement response, such as the Refugee Facility in Turkey, are underpinned by the migration-development nexus and, in doing so, make financial and humanitarian support (explicitly or implicitly) contingent upon cooperation on migration control. This approach interprets the 'root causes' of migration as being primarily internal to countries of origin and transit. Although scholars have a large consensus that increasing development does not lead to a decrease in migration, this narrative underpins most EU externalisation policies combining financing mechanisms with containment measures. Here, the large dataset on the funding disbursed, projects contracted, and beneficiaries, represents the use of externalisation through informal cooperation as a legitimate and effective manner to deliver its humanitarian objectives. Indeed, it shows that something is being done not solely in terms of border controls but also in terms of humanitarian and non-humanitarian support for Syrians in Turkey. It contributes to representing the EU-Turkey cooperation—criticized for violating the rights of migrants and asylum seekers at the Turkish-Greek border—as driven by humanitarian considerations. It also legitimises Turkey as an EU partner and a safe country to return irregular migrants, despite the claims that asylum seekers in Turkey face risks of refoulement.

Overall, the monitoring reports not only legitimise the EU as a transparent and accountable actor by engaging in seemingly detailed and open auditing of the Facility for Refugees in Turkey's implementation. They also legitimise externalisation policy through informal cooperation, such as the EU-Turkey deal, by stressing the apparent scrutiny and impact of its financing mechanism for displaced people hosted in Turkey.

Conclusion

Overall, reports monitoring the implementation of the Facility for Refugees in Turkey say little about the impact of EU financing mechanisms for forced displacement response. However, the use of such public monitoring mechanisms plays a significant role for the EU externalisation policy. Similarly to what scholars argued for the EUTF monitoring and evaluation, the Facility for Refugees in Turkey monitoring contributes to legitimising the EU and border externalisation. By reporting on the mechanism's progress, the EU represents itself and its cooperation with Turkey - heavily criticised for circumventing parliamentary and judiciary oversight - as accountable and transparent. This monitoring practice, therefore, contributes to representing such informal cooperation on externalisation as an appropriate tool and thus reinforces the EU's legitimacy in expanding this form of cooperation with third countries since 2015.

References

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