TACKLING THE ROOT CAUSES OF HUMAN TRAFFICKING AND SMUGGLING FROM ERITREA

The need for an empirically grounded EU policy on mixed migration in the Horn of Africa

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The Centre for Human Rights Law, SOAS, University of London, provides a forum for scholarship and collaborative approaches on human rights law in practice. It has hosted a number of events, made submissions and provided expert testimony on human rights in Sudan and policies on mixed migration in the Horn of Africa, with a particular focus on the Khartoum Process.

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Summary

The Horn of Africa (HoA) remains a major source of mixed migration, with people moving to neighbouring countries, the Gulf, Southern Africa and Europe. There are multiple drivers of migration, from issues around political persecution, armed conflict and natural disasters, to problems accessing livelihoods in contexts of extreme poverty and economic exclusion, which is often the result of deliberate government policy. While multiple drivers may affect the same individual and blur the distinction between refugee and migrant, the price people on the move are paying has become remarkably high in recent years, and many have lost their lives.

In 2014, in recognition of the challenges of "mixed migration", 37 states in Europe and Africa, along with the European Union (EU) and African Union (AU), formed a policy platform (the "Khartoum Process"), with a particular focus on tackling smuggling and trafficking. The platform's aim is to strengthen cooperation and create a sustainable regional dialogue on mobility and migration. This paper, based on 67 qualitative interviews conducted in Ethiopia, Sudan and Europe with Eritreans on the move, directly engages with this framework. It analyses the approach taken by states in the region, in cooperation with regional and international actors, to more effectively combat trafficking and smuggling in light of the experiences and decision-making processes of the individuals interviewed.

The Khartoum Process created a platform for international engagement on an issue that is both urgent and, by its very nature, of international concern. There are various projects and initiatives being carried out under this framework, many of which are still at relatively early stages of implementation. The intention of this report is not to examine these initiatives, but to focus on the overall approach driving the Khartoum Process framework and suggest why some of its key aspects are problematic. Based on this analysis, it argues for a different approach to migration management in the region, and between the region and Europe.

Key to this alternative approach, is a shift in focus onto the *political* context in which migration takes place, rather than the *criminality* that it attracts. This shift acknowledges the lack of choices that people are confronted with throughout their journeys, a lack of choice that is driven by structural factors that cannot be resolved without a deeply political engagement that begins to dismantle them.

Most Eritreans who leave their country are forced to rely on smugglers to ensure that they successfully evade border controls. They flee the prospect of decades of military service under a state that disrespects their rights as citizens on multiple levels. Their irregular entry into neighbouring countries, however, and their often-precarious status, then makes individual migrants and refugees vulnerable to trafficking, particularly from

refugee camps.[1] Smuggling and trafficking in human beings has developed into a transnational business operated by criminal networks, whose members often come from disadvantaged backgrounds.

Within this context, those interviewed made a clear distinction between smuggling and trafficking.[2] Most saw at least some smuggling as a form of protection and assistance; although they also recognised that abuses occurred, particularly where people fell into the hands of traffickers. In contrast to the "benign" end of smuggling, which holds a degree of legitimacy within communities, trafficking was described as organised and violent, and held no legitimacy. Yet due to the prevalence of criminality on the routes, people are knowingly putting themselves at risk of kidnapping for ransom, rape and torture. They are also putting huge financial and psychological pressure on their families to find money they often do not have. The negative ripple effect on Eritrean families across the globe is hard to exaggerate.

> *The line between smugglers as "humanitarians" or service providers helping people to flee a repressive state, and the exploitation and abuse associated with trafficking, was seen as painfully thin*

As a result, people have to make terrible trade-offs with regards to their safety. The line between smugglers as "humanitarians" or service providers helping people to flee a repressive state, and the exploitation and abuse associated with trafficking, is seen as painfully thin. People are acutely aware of this and attempt to mitigate the risk by using smugglers or routes that are perceived to be more reliable and safe. The descriptions of their journeys pointed to a pattern in which journeys become increasingly dangerous, often as the link between the migrants and the original smuggler gets weaker.

The responses of state institutions in the region to these realities vary significantly, not only between countries but also within each of the states in the region. While some institutions and officials offer protection and assistance to people on the move and respect human rights, other state institutions are predatory and carry different degrees of responsibility for the abuses that refugees and migrants face. In other words, while states and their capacity to operate are undeniably part of the solution, it should also be recognised that they are often directly or indirectly part of the cause.

Therefore, an approach that focuses exclusively on the criminality that migration attracts is likely to be palliative, because it deals with symptoms rather than causes. Instead, the environment from which people are prised out of their homes, and in which traffickers

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1. The term "irregular" denotes movement that does not follow, or fall within, legally recognised modes of entering states.
2. Smuggling refers to illegal action designed to assist migrants to cross international borders for the purposes of the migrants themselves, whereas trafficking refers moving persons across borders to serve a purpose of the trafficker.

can operate with impunity, needs to be addressed simultaneously. While criminal investigations, arrests and prosecutions should take place, the processes and means to do this need to support this greater goal. It demands a policy approach that addresses drivers of insecurity — including inequality, injustice and marginalisation — rather than exacerbates them. Unless the broader context of corruption and the mismanagement of power is addressed there will always be other criminal actors waiting to step in.

> *decisions to cross borders irregularly and take extreme risks are often taken when alternative options are perceived to be equally bad, or potentially worse.*

The findings show that most Eritreans who decide to migrate have a clear knowledge of the fact that they are taking a huge risk, but are usually only vaguely aware of the specifics of that risk, and how to avoid it. Family links play an important role in the context of decision-making: most people get their information from family and friends, rather than from state institutions, NGOs or the media. Whether inside Eritrea or outside, ultimately people look to those who they most trust for information.

Thus, decisions to cross borders irregularly and take extreme risks are often taken when alternative options are perceived to be equally bad, or potentially worse. What policy makers view as an ill-informed decision is often calculated risk-taking. Many of those who migrate irregularly do so not because they are unaware of legal migration procedures or because these are "non-transparent and over-bureaucratic,"[3] but because it is clear to them that the legal routes are so limited for people in their situation that they cannot rely on them as viable solutions.

Finally, the report places a particular focus on the relationship between policy approaches to tackling smuggling and trafficking and refugee policy, given that a large percentage of Eritreans appear to be refugees. Many of those who move from the region to Europe do so as a result of failures in refugee policies and practices in first countries of asylum, policies that have left millions of people living for years and sometimes decades in a protracted situation of exile with no prospect of any real solution. These failures hinge primarily around the emphasis on encampment for those in exile and failures around access to work and durable solutions. Combined, these policy failures have created a semi-permanent state of emergency, jeopardising quality of life and bringing the humanitarian system to breaking point.[4]

In this context, creating access to livelihoods helps. In fact, it is vital. But it has to be accompanied by a wider political conversation and action in which spaces for legal and political belonging are negotiated and expanded. People want access to livelihoods, but

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3. The Global Approach to Migration and Mobility (GAMM) COM (2011) 743, 18 Nov 2011.
4. For an extensive critique of the impact of these policy failures, see Lucy Hovil, *Refugees, Conflict and the Search for Belonging*. Palgrave 2016, pp. 155 – 191.

they also need to have a degree of security that places their economic security within a broader context of political security. A top-down, instrumentalist approach to "migration management" is likely to be ineffective in a context in which individuals are desperate, and are determined to escape oppressive political systems, conflict and dismal living conditions.

The report, therefore, argues for a new approach and engagement on mixed migration in the HoA. This new approach is one that closely involves people in the region, and takes their experiences, concerns and rights seriously. It involves active participation in policy-making and implementation, and a conceptual shift that recognises migration, particularly forced migration, as a logical response to a deep-seated governance crisis in the region. Addressing this crisis also requires a rights-based approach that focuses on both adequate human rights protection in individual countries, and the protection of the rights of refugees and migrants across the region. In this regard, partnerships and international cooperation need to move beyond the technocratic and managerial project approach taken to date.

Ultimately, this approach entails acknowledging how the actors involved, both states in the HoA and in Europe, have created, sustained and contributed to the very conditions that their current initiatives are meant to tackle. Such a self-reflexive, critical and contextual approach is feasible. It would be more demanding for the actors involved as it would require fundamental reforms of governance in the HoA and of the EU's and European states' approach to migration and refugees from the region. However, without such changes and without adequate mechanisms to monitor respect for rights and ensure protection, it is almost certain that any initiatives taken will not succeed in creating the conditions needed to make them effective and sustainable.

Background

Migration to Europe in context

Increasing numbers of people have been travelling to Europe over the past five years, and migration has become a central political concern in many European countries as a result. What is euphemistically referred to as the refugee or migrant "crisis" in Europe is, in fact, a complex situation in which both non-refugee migrants and refugees — and those who do not fit comfortably into either category — are seeking access to sanctuary and livelihoods in Europe.

However, the irregular movement of people into Europe can only be understood and responded to appropriately when placed in a broader historical, political and geographical context. The colonial period saw high levels of migration *from* Europe, in particular to areas that were being colonised outside of Europe, followed by migrations *within* Europe after the Second World War. This has been replaced in recent decades by migration from the "global South" *to* Europe, driven, in part, by the legacies of that colonisation.[5]

In the HoA, the vast majority of those who are on the move remain in the region. And for those who do decide to move out of the region, the route to Europe is only one of several routes that can be used. The majority of those who leave the Horn go east, through Yemen to Saudi Arabia and other Gulf states, while others travel south, through Kenya, to South Africa.[6]

Remove these realities from the equation around discussions on migration to Europe and the narrative is prone to being driven primarily by political expediency and populist sentiments — as well as by genuine underlying factors, albeit leading to responses that are often misconceived. To use the word "crisis" with any legitimacy, therefore, demands a shift in focus away from Europe (where, realistically, the term does not apply, other than a crisis in terms of policy-making),[7] to places where conflict and the mismanagement of resources have left millions of people without access to human security and where there really is a crisis. The arrival in Europe of a few hundred thousand people across the Mediterranean, therefore, is only a small part of a much bigger story.

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5. For a broader discussion on the linkages between colonialism and displacement, see Lucy Hovil and Zachary Lomo, "Forced Displacement and the Crisis of Citizenship in Africa's Great Lakes Region: Rethinking Refugee Protection and Durable Solutions." Refuge Vol. 31 (2), Dec 2015.

6. During 2016, for instance, some 40,773 asylum seekers from the HoA entered Italy by sea, while more than 117,000 asylum seekers from the HoA travelled east to Yemen, primarily Ethiopians and Somalis. See Regional Mixed Migration Secretariat, "Regional Mixed Migration Annual Trend Analysis 2016."
www.regionalmms.org/trends/RMMS%20Mixed%20Migration%20Annual%20Trends%20Analysis%202016.pdf Accessed 5 October 2017. The Regional Mixed Migration Secretariat also estimates that up to 16,850 people travel southwards from the HoA every year towards South Africa. See Regional Mixed Migration Secretariat, "Smuggled South." March 2017.
http://regionalmms.org/images/briefing/Smuggled_South.pdf Accessed 5 October 2017.

7. See Geoff Gilbert, "Why Europe Does Not Have a Refugee Crisis." *International Journal of Refugee Law* 27(1) 2015, 531-535.

This report focuses on one part of that story, on Eritreans who have made, or are in the process of making, the journey from Eritrea to Europe. It places their journeys and the reasons that compelled them to leave within this broader political, historical and geographical context — thereby shifting the centre of gravity for analysis from Europe to the HoA region of which Eritrea is a part.

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The Horn of Africa and Eritrea

Geographically, the HoA region includes Ethiopia, Somalia, Djibouti and Eritrea, as well as the semi-autonomous region of Somaliland, while the "Greater Horn" region also includes Kenya, Uganda, Sudan and South Sudan. The Horn countries control access to the Gulf of Aden, which connects the Suez Canal with the Indian Ocean and the oil-producing countries of the Arabian Peninsula. The region also benefits from a 25,000-mile long coastline adjacent to important maritime routes, while the River Nile and its tributaries run through large parts of the region.

Despite, and arguably because of, its potential wealth and strategic location at a crossroad of trade routes, the region has suffered from prolonged conflict and displacement, and has long been of interest to major regional and global powers. During the Cold War, the United States (US) and the Soviet Union, as well as Middle Eastern countries, were all involved in the region's conflicts,[8] but the world's interest waned after the end of the Cold War. This changed as a result of the global "War on Terror", and in particular, after the 1998 *al-Qaida* terrorist attacks on US embassies in Kenya and Tanzania. The rise of *al-Shabaab* in Somalia and an increase in Somali piracy activity, led to growing Western attention.[9] Regional rivals Saudi Arabia and Iran also use the HoA as a battleground for their struggle for influence in the broader region, with Eritrea, which switched allegiance from Iran to Saudi Arabia in 2015, at the centre of this power struggle.

Within the region, Ethiopia has generally been a strong international ally.[10] Djibouti has also attracted international attention despite its small size, hosting Camp Lemonnier, the largest US permanent military base in Africa, which houses over 4,000 people. The French

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8. Jeffrey A. Lefebvre, **"**Iran in the Horn of Africa: Outflanking U.S. Allies." Middle East Policy Council, Volume XIX, Summer, Number 2. www.mepc.org/iran-horn-africa-outflanking-us-allies Accessed 20 July 2017.

9. Peter Kagwanja, "Counter-Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies," *African Security Review* 15:3, 2006, p. 72-86.

10. For more background, see Fikrejesus Amahazion, "Examining International Sanctions: The Case of Eritrea." *Foreign Policy Journal*, 5 October 2016. www.foreignpolicyjournal.com/2016/10/05/examining-international-sanctions-the-case-of-eritrea/ Accessed 2 October 2017.

have also had a base in Djibouti for decades, and are now joined by the Chinese and Japanese military.[11]

Politically, Eritrea remains isolated. The tense relationship between Ethiopia and Eritrea has tended to leave Ethiopia strongly within the international fold and Eritrea somewhat out in the diplomatic cold. For instance, in 2007 Eritrea suspended its membership of the Intergovernmental Authority on Development (IGAD); and since 2009, United Nations (UN) sanctions have been in place on Eritrea as punishment for its "financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia."[12] Although Eritrea re-joined IGAD in 2011 (although is not, as yet, allowed to participate in meetings), and economic interest in Eritrea has continued,[13] Eritrea's standing as an outsider has remained firmly in place.

While the increase in irregular migration to Europe has not brought about an immediate change in Eritrea's international standing, it has certainly altered the rules of engagement with the Eritrean state: with significant numbers of Eritreans arriving in Europe, Eritrea has once more become of strategic interest to Europe. Europe's response, through the various mechanisms outlined below, has been to reinstate aid and offer substantial assistance in an effort to stem the flow. The logic behind this assistance is that the primary drivers from Eritrea are economic, and that sufficient development assistance will stop its citizens from leaving.[14] This logic ties in with, and is fuelled by, the broader popular discourse in Europe, in which migration is largely portrayed and perceived as economically motivated.[15]

Migration from Eritrea into Sudan and Ethiopia

Eritrea is a small country. Out of a population of about 5.2 million, an estimated 5,000 Eritreans leave the country every month. Of those, more than 20,000 Eritreans crossed the sea from North Africa to Italy in 2016,[16] and more than 5,000 made the journey in the first six months of 2017.[17]

Eritrea is also one of the poorest countries in the world, something many attribute to its highly repressive state institutions and their strongly securitised policies, including the

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11.   Tomi Oladipo, "Why are there so many military bases in Djibouti?" 16 June 2016. www.bbc.com/news/world-africa-33115502 Accessed 15 July 2017.

12.   UN Security Council, Security Council resolution 1907 (2009) [on arms embargo against Eritrea and on expansion of the mandate of the Security Council Committee Established pursuant to Resolution 751 (1992)], 23 December 2009, S/RES/1907 (2009). www.refworld.org/docid/4b66c06cd.html Accessed 12 October 2017.

13.   A number of mining companies, including from Canada, the UK and South Africa have signed agreements with the Eritrean government.

14.   "EU considering working with Sudan and Eritrea to stem migration", the *Guardian*, 6 June 2016. www.theguardian.com/world/2016/jun/06/eu-sudan-eritrea-migration Accessed 15 July 2017.

15.   See e.g. Umut Korkut et al. (eds), *The Discourses and Politics of Migration in Europe*, Palgrave Macmillan, 2016.

16.   UNHCR, "Desperate Journeys – January to June 2017," 21 August 2017, p. 15. https://data2.unhcr.org/en/documents/download/58838 Accessed 24 August 2017.

17.   UNHCR, "Italy: Sea arrivals dashboard, January – July 2017." 09 August 2017. https://reliefweb.int/report/italy/italy-sea-arrivals-dashboard-january-july-2017 Accessed 5 October 2017.

country's official national conscription policy for adults between the ages of 18 and 50.[18] Eritrea's human rights record is claimed to be one of the worst in the world, and legal movement into and out of the country is tightly controlled and restricted.

Mass displacement from Eritrea is not new. The mid-1960s witnessed the first significant displacement of Eritreans into Sudan, as tens of thousands fled the violence between the Ethiopian government and the Eritrean Liberation Front (ELF) during the Eritrean war of independence (1961-1991).[19] By the early 1980s, as the war intensified, the number of Eritreans seeking asylum in Sudan was more than 400,000, with the famine of 1984-5 leading to additional mass displacement within the region.[20] At this time, it was relatively rare for Eritrean refugees to flee into Ethiopia.[21]

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In the decade following the end of the war in 1991, overall migration from Eritrea somewhat declined, but in recent years the country has re-emerged as one of the major refugee producing countries in the world.

During the final stages of the border war between Ethiopia and Eritrea (1998-2000), Eritrean refugees began to cross the border into Ethiopia in relatively small numbers, but their numbers have increased dramatically since. While in 2005 Ethiopia hosted some 10,700 Eritrean refugees, by 2011 they numbered almost 50,000.[22] As of May 2017, Ethiopia hosted some 161,398 Eritrean refugees, making them the country's third biggest refugee group after South Sudanese (378,285) and Somalis (249,903).[23] Most refugees in Ethiopia live in camps, but a recent shift in the country's national refugee policy should allow for greater freedom of movement and the opportunity for some refugees to work.[24]

18. "Eritrea ranks 179 out of 188 in the UN's Human Development Index", UN Human Development Report 2016, Human Development for Everyone, UNDP. http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf Accessed 17 July 2017.
19. David R. Smock, "Eritrean Refugees in the Sudan," The Journal of Modern African Studies 20:3, 1982, p. 451-465.
20. Africa Watch, *Evil Days: Thirty Years of War and Famine in Ethiopia*. New York, 1991.
21. Gaim Kibreab, "The national service/Warsai-Yikealo Development Campaign and forced migration in post-independence Eritrea." Journal of Eastern African Studies, 7:4, 2013, p. 636-7. (Kibreab 2013)
22. Ibid.
23. UNHCR, Ethiopia: Refugees and Asylum-seekers as of 31 May 2017, 7 June 2017. www.refworld.org/docid/593fe2664.html Accessed 24 August 2017.
24. Samuel Hall Consulting, "Living out of Camp: Alternatives to Camp-based Assistance for Eritrean Refugees in Ethiopia," Report commissioned by the Norwegian Refugee Council, 2014. http://samuelhall.org/wp-content/uploads/2014/05/Living-Out-of-Camp-Alternative-to-Camp-based-Assistance-in-Ethiopia.pdf Accessed 3 October 2017; Samuel Hall Consulting, "Thinking forward about livelihoods for refugees in Ethiopia: learning from NRC's programming." Report commissioned by the Norwegian Refugee Council, 2017. http://samuelhall.org/wp-content/uploads/2017/05/Thinking-forward-about-Livelihoods-for-Refugees-in-Ethiopia-FINAL-REPORT.pdf Accessed 3 October 2017.

Sudan has also received large number of Eritrean refugees since the early 2000s. At the end of 2016, UNHCR estimated that the country hosted 103,200 refugees from Eritrea.[25] Sudan has ratified both the 1951 UN Refugee Convention and its 1967 Protocol and the 1969 African Union Convention, but its refugee policies and asylum laws have restricted freedom of movement. Throughout the years some refugees have been able to defy these policies and settle in urban areas.[26] Some Eritrean refugees have also been granted Sudanese citizenship "informally" and have integrated into the Sudanese society and economy. Most, however, have been restricted to designated camps.[27]

Those who leave the camp risk arbitrary arrest by Sudanese security forces and, in many cases, refoulement

Those who leave the camp risk arbitrary arrest by Sudanese security forces and, in many cases, *refoulement*. The Sudanese government has been repeatedly blamed for deporting Eritreans back to their country in recent years.[28] There have been increasing concerns of growing crackdowns on refugees and migrants from Ethiopia and Eritrea, with stories of individuals being arrested, lashed with leather whips and, in many cases, deported.[29] Recently, the government of Sudan has tasked the Rapid Support Forces (RSF), a paramilitary force primarily used to lead counter-insurgency operations in Darfur, with some elements of border control.[30]

For many Eritrean (and other) refugees, however, both Ethiopia and Sudan are — or, are meant to be — transit points, rather than final destinations. Tens of thousands of Eritreans have moved to Israel since the late 2000s, although the land route through the

25. UNHCR, "Global Focus: Sudan." http://reporting.unhcr.org/node/2535 Accessed 24 August 2017.

26. See further Munzoul A. M. Assal, "Refugees From and To Sudan." Paper prepared for the Migration and Refugee Movements in the Middle East and North Africa, The Forced Migration & Refugee Studies Program, The American University in Cairo, Egypt, 23-25 October 2007.

27. Kibreab, 2013, p. 640.

28. For example, "UNHCR 'deeply concerned' over asylum-seekers deported from Sudan to Eritrea", Radio Dabanga, 6 September 2017. www.dabangasudan.org/en/all-news/article/unhcr-deeply-concerned-over-asylum-seekers-deported-from-sudan-to-eritrea Accessed 12 October 2017; HRW, "Sudan: Hundreds Deported to Likely Abuse Show More Services", 30 May 2016, www.hrw.org/news/2016/05/30/sudan-hundreds-deported-likely-abuse Accessed 24 August 2017.

29. Arthur Neslen, "EU urged to end cooperation with Sudan after refugees whipped and deported", The *Guardian*, 23 February 2017. www.theguardian.com/global-development/2017/feb/27/eu-urged-to-end-cooperation-with-sudan-after-refugees-whipped-and-deported?CMP=share_btn_tw Accessed 28 February 2017.

30. The RSF (Arabic: *Quwat al-Da'm al-Seri'*), was established in mid-2013 by the Sudanese government. Its first recruits were Darfur Arab Border Guards, and it was deployed in South Kordofan before being redeployed to Darfur in early 2014. The force initially fell under the control of the National Intelligence and Security Service (NISS). In early 2017, the Sudanese parliament turned the RSF into an "autonomous" force but under the control of the Sudan Armed Forces (SAF). The RSF has been accused of war crimes and grave human rights violations. See HRW, "'Men With No Mercy': Rapid Support Forces Attacks against Civilians in Darfur, Sudan." 9 September 2015. www.hrw.org/sites/default/files/report_pdf/sudan0915_4up.pdf Accessed 23 October 2017; Small Arms Survey, "Remote-control breakdown: Sudanese paramilitary forces and pro-government militias." April 2017. www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-27-Sudanese-paramilitary-forces.pdf Accessed 23 October 2017; Suliman Baldo, "Border Control from Hell: How the EU's Migration Partnership Legitimizes Sudan's 'militia state'." Enough Project, April 2017. https://enoughproject.org/files/BorderControl_April2017_Enough_Finals.pdf Accessed 12 October 2017.

Sinai has largely become impassable in recent years — partly as a result of the high levels of trafficking and violence associated with this route, but mainly as a result of Israel's tightening of its land border (and increased restrictions on asylum seekers).[31]

Increasingly, Eritreans have also sought to move to Europe through Sudan and Libya or Egypt, joining African asylum seekers and migrants of other nationalities that make their journey, through what is known as the "Central Mediterranean Route", into Europe.

How many of those Eritreans that leave for Ethiopia and Sudan plan to travel onwards, and how many of them actually do, is difficult to estimate. Research indicates, however, that the numbers are significant. Kibraeb argued in 2013 that upon leaving Eritrea, "nearly all post-independence asylum seekers" who leave for Sudan do not plan to stay there.[32] Research in 2014 by Samuel Hall Consulting suggested that over 80 percent of the Eritreans living in refugee camps in Ethiopia surveyed stated that they had plans to move on.[33] This was also borne out by a study by Amnesty International which showed that just under two-thirds of Eritreans in Ethiopia actually moved on from Ethiopia in 2015, many with the aim of reaching Europe.[34]

Precarious journeys

Most Eritreans who leave the country do so illegally, as very few of those under the age of 50 are able to obtain the necessary exit permit or visa.[35] Once an individual has left the country illegally, it then becomes dangerous for him or her to return in a context in which "departing unofficially or fleeing national service recruitment is perceived as an act of defection, treachery and political dissent that could result in the grave censure of migrants themselves and of relatives by Eritrean authorities."[36]

Given that leaving the country legally is usually impossible, many of those who leave Eritrea have to do so with the assistance of a smuggler, and "migrant smuggling is therefore embedded into the core of survival in the country in its present context."[37] The use of smugglers then continues throughout the journey. Europol estimates that 90

31. See International Refugee Rights Initiative, "'I was left with nothing': 'Voluntary' departures of asylum seekers from Israel to Rwanda and Uganda," September 2015. www.refugee-rights.org/Publications/Papers/2015/IWasLeftWithNothing.pdf Accessed 5 October 2017; Human Rights Watch, "'I Wanted to Lie Down and Die': Trafficking and Torture of Eritreans in Sudan and Egypt." February 2014. www.hrw.org/report/2014/02/11/i-wanted-lie-down-and-die/trafficking-and-torture-eritreans-sudan-and-egypt Accessed 24 February 2017. (HRW 2014).

32. Kibreab 2013, p. 640.

33. Samuel Hall Consulting, 2014.

34. Amnesty International, "Tackling the Global Refugee Crisis: From Shirking to Sharing Responsibility." London, 2016. www.amnesty.org/en/documents/pol40/4905/2016/en/ Accessed 12 October 2017

35. Human Rights Council, "Detailed findings of the commission of inquiry on human rights in Eritrea." A/HRC/32/CRP.1, 8 June 2016, p. 15, 22. www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_32_CRP.1_read-only.pdf.

36. Christopher Horwood with Kate Hooper, "Protection on the move: Eritrean refugee flows through the greater Horn of Africa." Migration Policy Institute, September 2016, p.9. www.migrationpolicy.org/research/protection-move-eritrean-refugee-flows-through-greater-horn-africa Accessed 21 February 2017.

37. Tuesday Reitano, Peter Tinti, Mark Shaw and Lucia Bird, "Integrated Responses to Human Smuggling from the Horn of Africa to Europe." The Global Initiative Against Transnational Organized Crime, May 2017. http://globalinitiative.net/wp-content/uploads/2017/05/global-initiative-human-smuggling-from-the-horn-of-africa-may-2017-web.pdf Accessed 5 October 2017. (Reitano et al 2017)

percent of the 1.1 million migrants and refugees that entered Europe irregularly in 2015 were assisted by smugglers,[38] while a study by the European Migration Network put the estimate at 100 percent.[39]

many of those who leave Eritrea have to do so with the assistance of a smuggler

While smuggling is illegal, by definition those who opt to use smugglers choose to do so. In that respect, and as this report demonstrates, smugglers are often seen effectively as travel agents or service providers — or possibly even as humanitarians — inasmuch as they help people to flee the country and then continue their journey. As Reitano observed, "smugglers are predominantly recruited as protectors of migrants from predatory states."[40] However, and as evidenced below, smugglers often turn on their clients during the journey, or kidnap and abuse them to extort money from their relatives in exchange for onward travel.

Smuggling and trafficking, it should be stressed, are two different crimes that are often conflated. The three main differences between smuggling and trafficking revolve around the issues of consent, exploitation and transnationality.[41] First, although smuggling often takes place in dangerous and degrading conditions, it involves the consent of migrants — albeit consent that might be derived from a lack of better alternatives. In contrast, those who are victims of trafficking have not consented to be trafficked. Second, in theory, smuggling should end with the migrants' arrival at their destination, while trafficking generally involves ongoing exploitation, either during the migrants' journey or at their destination. Finally, smuggling, by definition, is always transnational, while trafficking can occur within a state as well as between states.

Despite the distinction between the legal definitions of smuggling and trafficking, the difference between the two offences can become rather vague in cases of smuggling with

38. Europol, "Europol launches the European migrant smuggling centre", Press Release, 22 February 2016. www.europol.europa.eu/newsroom/news/europol-launches-european-migrant-smuggling-centre Accessed 23 February 2017.

39. European Migration Network, "A Study on Smuggling of Migrants: characteristics, responses and cooperation with third countries", European Commission, DG Migration and Home Affairs, 2015. https://emnbelgium.be/publication/study-smuggling-migrants-characteristics-responses-and-cooperation-third-countries-emn Accessed 23 February 2017.

40. Tuesday Reitano, "The Khartoum Process: A sustainable response to human smuggling and trafficking?" Institute for Security Studies and The Global Initiative Against Transnational Organized Crime, November 2016. https://issafrica.s3.amazonaws.com/site/uploads/policybrief93.pdf. See further Peter Tinti and Tuesday Reitano, *Migrant, Refugee, Smuggler, Saviour*, Hurst, 2016.

41. UNODC, "Trafficking in Persons and Migrant Smuggling" (www.unodc.org/lpo-brazil/en/trafico-de-pessoas/index.html). For the definition of smuggling under international law, see Art. 3 in UN General Assembly, "Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime," 15 November 2000. (UN Smuggling Protocol, 2000) For the definition of trafficking under international law, see Art. 3 in UN General Assembly, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime," 15 November 2000. (UN Trafficking Protocol, 2000).

aggravated circumstances. These are cases of smuggling in which the lives of migrants are being endangered, or cases of smuggling that involve inhuman or degrading treatment.[42]

Smuggling and trafficking, both within and from the HoA, has become highly sophisticated, lucrative and responsive to changes in the policy context. For example, since late 2000, Italy and Libya have signed a number of bilateral agreements to enhance their cooperation in efforts to prevent irregular immigration from Africa.[43] These have led Italy to send refugees crossing the Mediterranean back to Libya and research has linked the start of these push-backs to the start of the Sinai trafficking.[44]

Between 2009 and 2013, an estimated 25,000 — 30,000 people were victims of trafficking in the Sinai, with many of those either taken as they were moving through Sudan or kidnapped from or inside refugee camps near the town of Kassala in eastern Sudan who were then transferred to Egyptian traffickers.[45] Stories emerged of collusion between Sudanese and Egyptian security forces with the traffickers at checkpoints and police stations,[46] and of involvement of the Eritrean government's military Border Surveillance Unit.[47] A conservative estimate of the value of ransoms paid during that time as being USD 600 million.[48]

When the Israeli government effectively sealed its border with Sinai around 2011-12, smuggling and trafficking routes from Ethiopia and Sudan reopened up to the west, and Eritreans increasingly took the treacherous journey across the Sahara Desert to Libya.[49]

The Rashaida, a nomadic group living in Eritrea and eastern Sudan, have been implicated in trafficking and smuggling in that area. They allegedly kidnap, for ransom, Eritreans fleeing towards Shagarab refugee camp in Sudan, with relative impunity and seemingly a lack of fear of prosecution from law enforcement either side of the border. As SIHA states: "The kidnapping of refugees is becoming a viable livelihood activity for the Rashaida."[50] However, one interviewee for this research stated that traditionally the Rashaida have shown great sympathy with people fleeing, sharing their limited resources with those on the move, so care must be taken when understanding their role.[51]

Further along the route, recent instability in Libya has presented both an opportunity and a threat for those seeking to reach Europe — an opportunity inasmuch as it creates an

42. UN Smuggling Protocol 2000, Art. 6.

43. For background on these agreements, see Mariagiulia Giuffré, "State Responsibility Beyond Borders: What Legal Basis for Italy's Push-backs to Libya?" International Journal of Refugee Law 24:4 (2012), p. 692–734.

44. Mirjam van Reisen, Meron Estefanos and Conny Rijken "Human Trafficking in the Sinai: Refugees between Life and Death," Tilburg University and Europe External Policy Advisors, 2012, p. 13-14; and Mirjam van Reisen, Meron Estefanos and Conny Rijken, "The Human Trafficking Cycle: Sinai and Beyond." Wolf Legal Publishers, 2014.

45. HRW, 2014

46. Ibid.

47. van Reisen et al, 2014.

48. van Reisen et al, 2014.

49. HRW, 2014.

50. SIHA, "A report to the Commission of Inquiry on human rights in Eritrea." May 2015. www.sihanet.org/sites/default/files/resource-download/Eritrea%20Situation%20Report%20(SIHA,2015).pdf Accessed 1 March 2017.

51. Interview with Eritrean man, Europe, July 2017.

unregulated space for people to move "irregularly", but a threat because that same lack of regulation allows for their exploitation with impunity. Based on anonymous surveys taking place at arrival locations in southern Italy, the International Organisation for Migration (IOM) found that nearly three-quarters (71 percent) of migrants taking the Central Mediterranean routes had experienced some form of exploitation and practice that could amount to human trafficking.[52] Libya's militia-run detention centres have been described as "no more than forced labour camps and makeshift prisons,"[53] in which there is a pattern of arbitrary detention for long periods, in inhumane conditions.[54]

Should migrants survive these risks, they will then embark on the route from Libya and into Europe, across the Central Mediterranean, which is currently considered to be the most dangerous and deadliest migration route in the world. According to the IOM, more than 14,500 people have died attempting to cross the Mediterranean from Libya since 2014.[55]

The role of state actors

One of the major challenges in tackling trafficking is the alleged collaboration between traffickers and security, military and police officials.[56] As the Global Initiative against Transnational Organized Crime notes, "to operate as a smuggler facilitating movement across the region's most controversial borders requires the capacity for high-level corruption or the direct involvement of state officials."[57]

The involvement of Sudanese, Eritrean and Egyptian officials — both street level bureaucrats but also some officials of senior rank — in smuggling and trafficking has been documented. SIHA, for instance, argues that "the human trafficking and smugglers networks operating in Sudan, Eritrea and Egypt are led by top government and military officials in all three countries. These networks expand from these countries reaching to Europe and Asia. These smuggling and trafficking networks are strong, profitable, well established and protected."[58] Certainly, their current financial success is enormous: it has been estimated by EUROPOL that in 2015, smugglers bringing migrants to Europe may have netted as much as EUR 6 billion.[59]

52. IOM, "Abuse, Exploitation and Trafficking: IOM reveals data on the scale of the danger and risks that migrants face on the Mediterranean routes to Europe." 18 October 2016. http://unitedkingdom.iom.int/abuse-exploitation-and-trafficking-iom-reveals-data-scale-danger-and-risks-migrants-face Accessed 22 February 2017.

53. UNICEF, "A deadly journey for children: The Central Mediterranean migration route." UNICEF-Child Alert, 28 February 2017. www.unicef.de/blob/135970/6178f12582223da6980ee1974a772c14/a-deadl-journey-for-children---unicef-report-data.pdf Accessed 28 February 2017.

54. "Detained Youth: The fate of young migrants, asylum seekers and refugees in Libya today." MHub, July 2015. www.mixedmigrationhub.org/wp-content/uploads/2015/09/MHUB_Naik_Libya_Detention_Sep2015.pdf Accessed 22 February 2017.

55. IOM, "The Central Mediterranean Route: Migrant Fatalities, January – July 2017." https://gmdac.iom.int/the-central-mediterranean-route-migrant-fatalities-january-july-2017 Accessed 5 October 2017.

56. See, for instance, van Reisen et al, 2014.

57. Reitano et al, 2017, p. vii.

58. SIHA, 2015.

59. Thomas Escritt, "People-smuggling gangs net 6 billion euros in migrant traffic to Europe: Europol". Reuters, 22 February 2016 issue. http://uk.reuters.com/article/uk-europe-migrants-europol-idUKKCN0VV1LR Accessed 21 February 2017.

Tackling trafficking in this context is excruciatingly difficult. It poses a major challenge for how to end impunity for trafficking, and the very practice itself, in a context in which it is deeply enmeshed with modes of governance and business in the region.

The policy context

Policy makers in the sub-region (IGAD), continent (AU), and beyond (EU, UN) agree that the current situation of mixed migration in and from the region constitutes a problem and a challenge that requires action. However, there is less consensus on what constitutes the core problem. Is it large-scale migration, and, if so, its impact (security, stability, sustainability etc.) on host countries or the risk of onward migration to Europe? Is it the violation of the human rights of migrants and refugees, or the situation of governance and human rights protection in the region more broadly, or a combination thereof? Equally, there is no clear consensus on the policy objectives pursued in responding to the problem; is it primarily to manage (i.e. control) migration; to protect migrants and refugees; or to bring about lasting change that would fundamentally alter the political and economic causes of current forms of mixed migration? These questions matter, as diverging perceptions and objectives shape policy-making and implementation.

In light of this, this report explores the relationship between EU migration control measures and the realities of migration on the ground, seeking to examine some of the key assumptions on which these policies are based. Before presenting these assumptions, however, it is important to understand the evolution of the recent engagement of the EU with countries in the HoA over migration management.

The EU's engagement

The influence of European policies on border control measures in Africa has been evident for decades. Nevertheless, the visibility and scale of people arriving in Europe on boats in 2014, led to an additional series of responses by European states, and a number of bilateral and multilateral initiatives have been established with the ultimate intention of reducing the numbers of those trying to reach Europe's borders.

The influence of European policies on border control measures in Africa has been evident for decades

In November 2014, Ministers of the 28 EU member states and Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Djibouti, Kenya, Egypt and Tunisia, EU and AU Commissioners in charge of migration and development and the EU High Representative for Foreign Affairs and Security Policy and observers from Switzerland and Norway, came together in Rome to launch the EU-Horn of Africa Migration Route Initiative, generally known as the

Khartoum Process.[60] The Khartoum Process is an "inter-continental consultation framework",[61] which is meant to tackle "the challenges posed by the mixed migratory flows of irregular migrants, refugees and asylum seekers between countries of origin, transit and destination between the Horn of Africa and Europe."[62]

The Khartoum Process came a month after an initiative by the AU — the AU-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants (AU-HoAI) — was established in Khartoum as a forum to strengthen the cooperation on migration management in the HoA.[63] Although there is significant overlap — and, to some extent, the initiatives created parallel frameworks — the AU-HoAI has a wider remit, responding to the upsurge in irregular migration within and from the HoA to Southern Africa, the Middle East, Europe and farther afield.

The Valetta Summit on migration in 2015 built on the Khartoum Process and led to the adoption of the Joint Valletta Action Plan (JVAP) and the launch of a EUR 1.8 billion EU's Emergency Trust Fund (EUTF) for Africa. The JVAP was designed "to address the root causes of irregular migration and forced displacement; enhance cooperation on legal migration and mobility; reinforce the protection of migrants and asylum seekers; prevent and fight irregular migration, migrant smuggling and trafficking in human beings; and work more closely to improve cooperation on return, readmission and reintegration."[64]

The EUTF is meant to support the implementation of the JVAP, while the Khartoum Process framework was mandated with monitoring its implementation in the context of the HoA.[65] A total of EUR 878.8 million from the EUTF was set aside specifically for the HoA, to address root causes, improve conditions for refugees, IDPs and host communities and to strengthen migration management until 2020.[66] The EUTF's work is underpinned by a Research and Evidence Facility, designed to create an evidence base for activities.[67]

With the support of the EUTF and under the framework and monitoring of the Khartoum Process, several regional and national initiatives have been established.[68] EUR 46 million,

60. "Declaration of the Ministerial Conference of the Khartoum Process (EU-Horn of Africa Migration Route Initiative)." Rome, 28 November 2014. http://italia2014.eu/media/3785/declaration-of-the-ministerial-conference-of-the-khartoum-process.pdf Accessed 12 October 2017. (Rome Declaration). Uganda joined the Khartoum Process in July 2017. See Khartoum Process Newsletter, "Uganda becomes an official member of the Khartoum Process." 5 October 2017. www.khartoumprocess.net/news-and-events/newsletter/issue-1/59-uganda-becomes-an-official-member-of-the-khartoum-process Accessed 12 October 2017.

61. Khartoum Process, "About". www.khartoumprocess.net/about/the-khartoum-process Accessed 12 October 2017.

62. Rome Declaration, p. 2.

63. African Union, "Khartoum Declaration on AU-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants." 16 October 2014. https://au.int/sites/default/files/pages/32899-file-6._au-hoai-declaration_2014_finaladopted.pdf Accessed 23 October 2017.

64. European Commission, "Valetta Summit on Migration." 11 – 12 November 2015. www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/ Accessed 4 March 2017.

65. The Rabat Process platform is mandated with monitoring and reporting the implementation of the JVAP in the West African context. See Khartoum Process, "What is the Joint Valletta Action Plan?" www.khartoumprocess.net/jvap-monitoring/about Accessed 12 October 2017.

66. See, Khartoum Process, "The EU Emergency Trust Fund for Africa (EUTF)." www.khartoumprocess.net/operations/36-the-eu-emergency-trust-fund-for-africa-eutf Accessed 12 October 2017.

67. See www.soas.ac.uk/ref-hornresearch/. The facility is led by Dr. Laura Hammond, SOAS, University of London.

68. These are listed on the Khartoum Process website: www.khartoumprocess.net Accessed 12 October 2017.

for instance, has been allocated for the "Better Migration Management" (BMM) project, which is being run by a consortium led by the German Development Agency (GIZ) in partnership with organisations including IOM and the United Nations Office on Drugs and Crime (UNODC).[69]

Other initiatives include "Regional Development and Protection Programmes" (RDPP) set to "address the long-term development and protection needs" of Somali and Eritrean refugees in Kenya, Ethiopia, Uganda, Somalia and Sudan (EUR 117 million in total), and "Stemming Irregular Migration in Northern and Central Ethiopia" (SINCE), a project that is meant to improve "the living conditions of potential migrants and returnees" (EUR 20 million).[70]

In December 2016, the EU also signed two contracts with IGAD, both financed through the EUTF.[71] Under the first contract, EUR 1.4 million was dedicated to strengthening the capacity of IGAD to promote "resilience" in the HoA. The second contract, for EUR 3.6 million, was meant to facilitate the establishment of a regime of free movement between IGAD members, with the intention of "promoting the regularisation of the high volume of informal movement that currently takes place."[72]

Most of these initiatives are currently at initial steps of implementation,[73] and this paper, it should be stressed, does not aim to provide an evaluation or a critique of any specific one of them. These projects are far from identical, many of them are still in the process of being shaped, and their full implementation will take time and take different forms. What this report does, instead, is examine the experiences of Eritrean migrants in relation to the overall approach underlying the Khartoum Process.

The Khartoum Process as a model of partnership engagement

The question, however, is whether or not the Khartoum Process as it currently stands is fit for purpose to tackle the "challenges posed by the mixed migratory flows of irregular migrants, refugees and asylum seekers between countries of origin, transit and destination between the Horn of Africa and Europe."[74]

69. Better Migration Management, "Better Migration Management Newsletter." June 2017.
     www.giz.de/en/downloads/201706_BMM%20Newsletter-2nd_issue-final.pdf Accessed 12 October 2017.
     See also, Better Migration Management, "Better Migration Management Fact Sheet."
     www.giz.de/en/downloads/2017_BMM%20Factsheet%20english.pdf Accessed 12 October 2017. For the project's website,
     see: The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), "Better Migration Management."
     www.giz.de/en/worldwide/40602.html Accessed 12 October 2017.

70. Khartoum Process, "The EU Emergency Trust Fund for Africa (EUTF)." www.khartoumprocess.net/operations/36-the-eu-emergency-trust-fund-for-africa-eutf Accessed 12 October 2017.

71. IGAD, "IGAD and EU Commit to Drought Resilience and Free Movement of Persons in the IGAD Region," 13 December 2016, https://igad.int/executive-secretary/1449-igad-and-eu-commit-to-drought-resilience-and-free-movement-of-persons-in-the-igad-region Accessed 25 August 2017.

72. IGAD, "Concept Paper: National Consultations Towards the IGAD Protocol on Free Movement of Persons in the IGAD Region" August 2017.

73. See, for instance, BMM, June 2017; Khartoum Process, "Bilateral National level cooperation: Ethiopia and Italy – SINCE." Khartoum Process Newsletter, issue 1. www.khartoumprocess.net/news-and-events/newsletter/issue-1/55-bilateral-national-level-cooperation-ethiopia-and-italy-since Accessed 12 October 2017.

74. Rome Declaration, 2.

There are several characteristics to the model of partnership underlying the Khartoum Process that should be outlined here. First, the Khartoum Process is primarily state centric in its policy conception and implementation: it was developed and implemented at ministerial level with some participation of international organisations but little to no engagement beyond that, and it focuses mainly on building the capacity of policy makers and state institutions in the HoA.

Second, it takes a primarily instrumentalist approach: problems identified are generally addressed by means of projects that follow a project logic, with specific interventions designed to produce specific results for designated target groups within a specific time frame, using project monitoring tools.

Third, the Khartoum Process is based on a problematic political economy: partnering in migration management provides political and economic incentives for partner states, most of which are implicated in human rights violations, violations of refugee rights and trafficking, and changes the nature of their relationships.

Fourth, it is regionally "contained": problems are portrayed as regional in need of regional solutions, as opposed to being of global concern and global responsibility. Within this paradigm, international actors, such as the EU, help partners in the HoA in finding solutions to their "local" problems.

Finally, the partnership model behind the Khartoum Process is largely driven by European interests and demands and is asymmetrical, with the EU and EU states providing funding, services and other benefits in return for implementation of migration management. This equation incentivises states in the HoA to prioritise economic and political interests over attempts to undertake the fundamental reforms needed to tackle the root causes of mixed migration. This risk is particularly pronounced because of the absence of effective democratic accountability and representation of those (migrants and refugees) whose rights are at issue. As noted above, the policy of the EU and European states on migration in the HoA has also overshadowed earlier African-led initiatives.

The model, reflected both in the Khartoum Process and the Anti-Trafficking and Anti-Smuggling protocols,[75] is therefore based on the assumption that the cooperation of states and international organisations provides the solution to the problem identified, i.e. smuggling and trafficking in human beings and large scale mixed migration more broadly. This approach tends to treat cross-border movement, in the form of smuggling and trafficking, as an issue of law enforcement rather than as a symptom of deep-seated governance problems.

While law enforcement is an important piece of the puzzle, it neither properly acknowledges nor addresses how partner states are responsible for forced migration and

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75. Articles 2(c) and 10(2) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol), 2237 UNTS 319 (entry into force 25 Dec. 2003), and Articles 2 and 14 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Smuggling in Persons Protocol), 2241 UNTS 507 (entry into force 28 Jan. 2004).

the violation of human rights (and refugee rights specifically). Instead, the challenges faced by states are identified as a lack of capacity in respect of policies, laws and institutions in the relevant field.

Yet a sole focus on targeted, narrow capacity building reduces combating trafficking and smuggling to a technocratic, law enforcement exercise. It overlooks the role of state authorities in armed conflicts, discrimination and human rights violations, including those, like restriction of the right to leave one's country, which are key factors in sustaining demand for smuggling, and reported complicity in trafficking. Capacity building in law enforcement and criminal justice is insufficient in systems characterised by systemic shortcomings and lack of political will.

In Sudan, for example, the paramilitary RSF have taken on some responsibility for border controls.[76] Smuggled and trafficked persons face sanctions and deportation, without any process of assessing their protection needs or protection against *refoulement*. In addition, there are serious concerns over the selection and fairness of trials before special tribunals convened in Sudan, with suspected traffickers facing the death penalty for a range of crimes. Combating trafficking becomes invariably politicised in this context, with Sudanese authorities seeking to demonstrate effectiveness while operating in a system notorious for its lack of respect for the rule of law.[77]

Methodology and broader literature

These concerns form the framework for this paper, as the paper tests them against the data collected during the research. It builds on a body of literature that examines, from different perspectives, the relationship between migration policies and the realities of migration on the ground; and the ability of migration policies to influence migration patterns and trends. The "effectiveness" of migration policies, in particular, has been much debated in recent decades. While various scholars and researchers argue that migration policies often fail to influence migration flows, others suggest that they do.[78] Several studies have also examined, more specifically, the ways in which migration policies influence migrants' decision-making processes, questioning the extent to which restrictive policies can prevent migrants from moving.[79]

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76. Baldo, 2017.

77. Lutz Oette, "The Khartoum Process policy of engagement and human rights protection in Sudan: Written Evidence submitted by the Centre for Human Rights Law to the UK All-Party Parliamentary Group on Sudan and South Sudan Inquiry on UK-Sudan relations – Consequences of Engagement", 2016. www.soas.ac.uk/human-rights-law/file114315.pdf Accessed 10 August 2017.

78. For an overview of the key arguments in this, and a critique of it, see Mathias Czaika and Hein de Haas, "The effectiveness of immigration policies." *Population and Development Review* 39:3, 2013, p. 487-508.

79. In the context of Eritrea and the HoA, such research includes: J. Hagen-Zanker and R. Mallett, "Journeys to Europe: the role of policy in migrant decision-making." Overseas Development Institute, 2016. www.odi.org/publications/10317-journeys-europe-role-policy-migrant-decision-making Accessed 8 August 2017; Milena Belloni, "Refugees as Gamblers: Eritreans Seeking to Migrate Through Italy," *Journal of Immigrant & Refugee Studies*, 14:1, 2016, p. 104-119; Richard Mallett, Jessica Hagen-Zanker, Nassim Majidi and Clare Cummings, "Journeys on hold: How policy influences the migration decisions of Eritreans in Ethiopia." Overseas Development Institute, 2017. www.odi.org/sites/odi.org.uk/files/resource-documents/11336.pdf Accessed 8 August 2017.

Against the backdrop of Europe's "refugee crisis" and the mass displacement out of Eritrea since the early 2000s, a number of studies have been conducted on migration within and from the HoA in general, and on Eritrean refugees and diaspora communities in particular. Perhaps the most common question researchers have sought to address is whether or not those migrating out of Eritrea are "genuine refugees" in terms of the definitions and norms established by international refugee law.[80] NGOs and academics have repeatedly sought to explain why Eritreans continue to leave their homeland in such significant numbers, and, what the most appropriate response of neighbouring countries, as well as the EU, should be to their plight.

The "effectiveness" of migration policies, in particular, has been much debated in recent decades

The issue of whether or not Eritreans are "pushed" to flee as a result of persecution and abuse at home, or whether they leave the country because of "pull factors" in neighbouring countries and in Europe, is much debated. While the distinction between "push" and "pull" factors is rarely clear, most empirical studies emphasise the role of the former in the context of Eritrea. As Kibreab argues,

> although the flight of the tens of thousands of post-independence Eritrean asylum-seekers and refugees has been prompted by the interplay between inextricably interwoven political, economic, social and environmental factors, human rights violations, as well as by a powerful yearning to benefit from perceived or real opportunities elsewhere, the major drivers have been the harmful effects of the indefinite NS and WYDC [national service and Warsai-Yikealo Development Campaign] on the livelihoods and well-being of the agelglot [servers] and their families.[81]

Human rights organisations have also consistently claimed that Eritrea's poor human rights record is a key reason for the mass migration from the country. Human Rights Watch (HRW), for instance, argued in 2015 that "the desire to escape military service is a primary driver of flight from Eritrea," and a study by SIHA from the same year similarly found that key push factors include military conscription (including the use of girls and young women as sex slaves during military service), early marriage, harsh labour

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80. Kibreab 2013; SIHA 2015; Amnesty International, "Just Deserters: Why Indefinite National Service in Eritrea Has Created a Generation of Refugees." December 2015; Andreas Holm Røsberg and Kjetil Tronvoll. "Migrants or Refugees? The internal and external drivers of migration from Eritrea." ILPI, February 2017. www.udi.no/globalassets/global/forskning-fou_i/asylmottak/migrants-or-refugees-internal-and-external-drivers-of-migration-from-eritrea.pdf Accessed 17 August 2017; (ILPI 2017) Clare Cummings, Julia Pacitto, Diletta Lauro, and Marta Foresti, "Why people move: understanding the drivers and trends of migration to Europe." Overseas Development Institute, December 2015. www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/10157.pdf Accessed 18 August 2017; Mogos O. Brhane., "Understanding why Eritreans go to Europe." Forced Migration Review, January 2016, 34-35.

81. Kibreab 2013, 645.

practices, hunger, religious persecution and the lack of freedom of movement.[82] There is wide consensus around this viewpoint, which was recently also backed up by the findings of the UN Commission of Inquiry on Human Rights in Eritrea. In its final report, published in June 2016, the Commission held that Eritrean officials "have committed, and continue to commit, the crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder."[83] Indeed, this research considers that a large proportion of fleeing Eritreans are refugees.

Researchers have also sought to expose and explain the logic behind the trends of movement of people from Eritrea and the HoA. There is a considerable body of research that explores the routes that migrants take and the general patterns of irregular migration in the region, as well as the networks of human smuggling and trafficking that operate within it and their common methods of operation and structures.[84] In this context, several studies have also focused specifically on human rights violations against migrants during their journeys from and within the region.[85]

67 interviews were carried out with Eritreans living in Ethiopia, Sudan and Europe

This research builds on this body of literature by engaging specifically with the policy framework created by the Khartoum Process. It focuses on the journeys taken by Eritreans, and their decision-making processes *en route*. It contextualises these experiences within the measures taken by states in the region, in cooperation with regional and international actors, to more effectively combat trafficking and smuggling.

During the course of the research, 67 interviews were carried out with Eritreans, of which 28 were women. Interviews took place in Ethiopia (Addis Ababa), Sudan (Khartoum and eastern Sudan) and Europe. Most of those interviewed had left Eritrea in the past three years, and the majority were under 30. Interviewees were selected through a simple snowballing technique that revolved primarily around the pre-existing networks of the

82. HRW, "The Mediterranean Migration Crisis: Why People Flee, What the EU Should Do." June 2015. www.hrw.org/sites/default/files/report_pdf/eu0615_web.pdf Accessed 23 October 2017; SIHA 2016. Multiple other studies have found the same thing. See, for example, ILPI, 2017.

83. UNHCR June 2016.

84. Rachel Humphris, "Refugees and the Rashaida: human smuggling and trafficking from Eritrea to Sudan and Egypt." UNHCR, New Issues in Refugee Research, Research Paper No. 254. www.refworld.org/docid/5142d9692.html Accessed 2 August 2017; Regional Mixed Migration Secretariat, "Going West: Contemporary mixed migration trends from the Horn of Africa to Libya & Europe." June 2014. www.regionalmms.org/images/ResearchInitiatives/Going_West_migration_trends_Libya_Europe_final.pdf Accessed 18 August 2017; Sahan Foundation and IGAD Security Sector Program (ISSP), "Human Trafficking and Smuggling on the Horn of Africa-Central Mediterranean Route." February 2016. www.sahan.eu/wp-content/uploads/HST_Report_FINAL_19ii2016.pdf Accessed 18 August 2017; Reitano et al 2017.

85. HRW 2014 & Regional Mixed Migration Secretariat, "Migrant Smuggling in the Horn of Africa: The political economy & protection risks." June 2013. www.regionalmms.org/images/ResearchInitiatives/Migrant_Smuggling_in_the_Horn_of_Africa_and_Yemen._report.pdf Accessed 18 August 2017; Amnesty International, "A Perfect Storm: The Failure of European Policies in the Central Mediterranean." 6 July 2017. www.amnesty.org/en/documents/eur03/6655/2017/en/ Accessed 5 October 2017.

interviewers. An interview map was used as a guide for the interviews. People were asked about the different choices they faced at various points in their journey; how they made the decision to move (both in the first place and then to move onward); their means of travel and destination; and the people and institutions they had interacted with on the way.

The security of interviewers and interviewees was paramount throughout the process. In order to reassure all of those involved of their anonymity, it was agreed that only minimal details of the interviews would be provided in the report. In the case of interviews conducted in Europe, this included not mentioning the specific country in which a person was living at the time of being interviewed. It is an indication of the fear that many Eritreans live with even once they have left their country — fear of their government, of traffickers, and of possible deportation — that even this detail was considered dangerous. In Ethiopia and Europe, the vast majority of interviews were conducted by Eritreans in Tigrigna; and in Sudan, a Sudanese researcher carried out interviews, with the assistance of an interpreter where necessary.

Testing policy assumptions in light of empirical realities

The findings are presented in light of the assumptions outlined above, that are implicit or explicit within the EU migration policy framework of which the Khartoum Process is a part.

Political drivers

A major assumption underlying the EU migration policy framework is that African state institutions lack the capacity to manage migration. Therefore, one way to address this is to enhance their capacity through "information-sharing, focused training and capacity building, technical assistance and the exchange of best practices…" as well as through assistance "in improving national capacity building in the field of migration management".[86]

This supposes that African states are essentially weak, failed, or simply absent which leads to a strongly instrumentalist approach based on the argument that if you strengthen laws and institutions you resolve the problem. However, this approach fails to acknowledge the many ways in which state institutions are not only present in people's lives (even if these institutions act in an arbitrary, informal manner), but also contribute to human rights violations and displacement and may even be complicit in smuggling and trafficking in human beings.[87]

From the outset, the Khartoum Process drew strong criticism from civil society and sections of the media who warned that it may in fact strengthen the capacity of repressive states in the HoA and render the EU both complicit in human rights violations and of becoming allies with states that create forced migration. Many were concerned that the EU's reputation as a human rights standard-bearer was in danger of being sacrificed at the altar of migration.[88]

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86.   Declaration of the Ministerial Conference of the Khartoum Process (EU-Horn of Africa Migration Route Initiative), Rome, 28 Nov. 2014, 4. http://italia2014.eu/media/3785/declaration-of-the-ministerial-conference-of-the-khartoum-process.pdf Accessed 28 September 2017.

87.   For more examples, particularly in the context of Sudan, see Lutz Oette and Mohamed Abdelsalam Babiker, "Migration Control á la Khartoum: EU External Engagement and Human Rights Protection in the Horn of Africa", Refugee Survey Quarterly, 2017. (Oette and Babiker 2017)

88.   "Engagement beyond the Centre: An Inquiry Report on the Future of UK-Sudan Relations." All Party Parliamentary Group for Sudan and South Sudan, February 2017. www.hurriyatsudan.com/wp-content/uploads/2017/02/APPG-Sudans-report-Feb-17.pdf Accessed 3 March 2017.

Leaving Eritrea: escaping harm?

The findings, supported by previous research, emphasise the extent to which the Eritrean state has a powerful and strongly negative presence in people's lives. When asked why they left Eritrea, repeatedly interviewees pointed to the Eritrean state as the structural driver. Not surprisingly, people talked about "indefinite military service" as a key reason. One 18-year-old man now living in Europe said that he did not want the same fate as his brothers: "My elder brothers were taken to the military camp and never came back."[89]

An Eritrean woman now working as a nurse in Khartoum, said "I'm a professional nurse, I'm not a soldier. How can I return to military camps again? The government wants all of us to be soldiers… Then I heard that one of my colleagues was arrested because he refused to do military service, so then I knew I could not stay."[90] A man living in Addis Ababa explained that he left after being imprisoned: "I was imprisoned and punished after I prolonged my leave without their authorisation… They tie your arms from behind your back which causes the blood to clot and causes injury to the hands."[91] His story was echoed by others who spoke of imprisonment and torture at the hands of the authorities.

> *"My elder brothers were taken to the military camp and never came back"*

Repeatedly, young people described how the moment they received a letter requesting them to start military service they decided to leave. As one young woman said, "A letter was sent to me … saying I must leave home for military training. That is when I decided to leave my home country."[92] Many others spoke about how the military came to their houses looking for people absconding from national service: if they are caught, they are sent to prison. As one young man now living in Addis Ababa said, "My parents passed away so I deserted my assignment in the military to take care of my younger siblings. As a result, the military police were always coming home looking for me to arrest me. Every night, I was hiding myself in my relatives' home. Finally, I decided to leave my home country to escape arrest."[93]

The fact that people need permission to leave the country, and there is tight control at the border thus necessitating the use of smugglers to leave, further points to the levels of state repression in people's lives. Smugglers are expensive and people know they are taking a risk when they use their services. As an interviewee said: "…the smuggler might turn out to be part of the government. Then you are really in trouble."[94] Furthermore, leaving the country does not shed concerns around safety. As the same young man went on to say:

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89.   Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2014.
90.   Interview with Eritrean woman, Khartoum, Sudan, June 2017. Left Eritrea in 2015.
91.   Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2015.
92.   Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
93.   Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2014.
94.   Interview with Eritrean man, Khartoum, Sudan, July 2017. Left Eritrea in 2015.

"now I am unemployed. I can't support myself and my siblings at home. I worry about their safety all the time — the security might come after them because of what I've done."[95]

> *"...the smuggler might turn out to be part of the government.*
> *Then you are really in trouble"*

Protection afforded by neighbouring countries when crossing borders?

There is a further assumption that states neighbouring Eritrea are, at least in principle, capable of providing protection to those leaving Eritrea. Yet the geopolitical context means that this is unlikely to be the case, given the multiple interests that are at play — and, in some instances, the lack of respect for the rule of law. The reception that people received at the different borders with Eritrea is revealing in this regard.

Whilst leaving Eritrea was seen as extremely dangerous, once over the border, their reception by different border guards varied. Those who first arrived in Djibouti recounted how they were badly received "When I crossed over, the Djiboutian soldiers saw me. They treated me badly. They took me to a prison for investigation. So then I decided to go to Ethiopia."[96]

> *"They gave us water and food"*

By contrast, all of those who crossed into Ethiopia talked of a positive reception by border guards. Again, this is not surprising given the history of conflict between Eritrea and Ethiopia. After all, it would be no surprise to an Ethiopian border guard that someone would want to flee Eritrea. As one woman said, "We met Ethiopian soldiers along the way and we turned to them by ourselves... They treated us very well and welcomed us warmly. They asked us why and how we crossed, who helped us, and then they sent me to the refugee camp."[97] Her story was echoed by many of the other interviewees: "They treated me very well. They gave me a cup of tea and bread... They informed me of the rights I have as a refugee and took me to the camp."[98] There was little discrepancy between those who had crossed over the border prior to 2014 when the Khartoum Process was initiated, and after: all reported that they were treated well.

Even a man dressed in Eritrean army uniform was received well: "When we reached the foot of the mountain, the Ethiopian soldiers saw us...It was not a new incident to them; many Eritrean soldiers like us had come to them using the same route. So, they are always

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95.   Interview with Eritrean man Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2014.
96.   Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2015.
97.   Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
98.   Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2014.

on the look for new comers. They gave us water and food. After that, they drove us for three days and reached Adigrat. We stayed in Adigrat for two days. Then, I was sent to Enda-abaguna [screening centre]. Finally, to Hitsats refugee camp."[99]

For those who crossed into Sudan, some told of a positive reception from border guards. One man, now in Kassala in eastern Sudan, said that he had walked with a number of friends for five days in order to cross from Eritrea into Sudan: "Our only plan was to avoid [Eritrean] military or police areas... Immediately after we crossed the border we were stopped by Sudanese police. They took us to a place with many other Eritreans, and then they took us to a Sudanese organisation where they registered us and took us to Shagarab refugee camp."[100] As he went on to say, "the Sudanese police at the borders will help you and take you to the UN camps."[101] Again, there was no evident change before and after 2014 in peoples' treatment at the Sudan border.

> *"the Sudanese police at the borders will help you and take you to the UN camps."*

Others, however, talked of the danger at the Eritrea-Sudan border, where the Rashaida are known to operate and talked of their fear of meeting a "bad" border guard who might be complicit in selling them to the traffickers. One woman, when asked if she had encountered any border guards when entering Sudan, said that she had, but that the memory of the encounter was too traumatic for her to speak about. Another man told of how the Sudanese authorities had protected them from the Rashaida: "When we got to Kassala, the Rashaida tribes or human traffickers found us. But we managed to run away to where Sudan security members were, and they brought us to the UNHCR refugee camp."

The contrast in experiences, therefore, points to the multiple variables that impact whether or not someone gets safely over the border into Sudan. The power that individual border guards have, either to facilitate someone's journey or to lead them into serious harm, is considerable. Furthermore, and as discussed below, any positive narratives around their initial reception at the border were soon counterbalanced by the treatment received at the hands of security forces once they were inside the country.

In addition, interviewees who had reached Europe described how smugglers were seen giving money to border guards when they crossed from Sudan to Libya: "There was a check point [where people were wearing police uniforms] when we crossed to Libya and the people who drove us paid some amount to them... I don't know how much they paid. It must have been small money. Otherwise they would have made us pay it."[102]

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99.   Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2016.
100. Interview with Eritrean man, Kassala, Sudan, July 2017. Left Eritrea in 2016.
101. Ibid.
102. Interview with Eritrean man, Europe, July 2017.

Therefore, the experience of interviewees with border guards ranged from receiving assistance and protection, to them turning a blind eye, to their engagement in selling people to traffickers. The conduct of border guards largely appears to be individualised and not reflective of a general policy. Reforming this response to ensuring uniform protection for those who cross borders — particularly refugees — will be difficult. Understanding how this could even be approached requires understanding of the situation. Is the lack of uniformity in response the result of a government policy that allows discretion? Or is it the result of a lack of capacity to enforce a governmental standard? In that context, there are serious questions as to whether or not straightforward capacity-building is a viable response.

Root causes?

Another assumption that EU migration policies draw on is the idea that access to employment and livelihoods and "sustainable development" will reduce migration from Africa, despite the fact that most policy documents recognise that migration is the result of a combination of social, economic and political factors, including violent conflicts. And while there is certainly rhetorical recognition of the fact that drivers of displacement in the region are political, when translated into programmatic activity this "political" edge is often diluted or removed altogether.

For example, according to the Rome Declaration, the Khartoum Process focuses on "promoting sustainable development in countries of origin and transit in order to address the root causes of irregular migration." Even though these root causes are not discussed, it is stated that they are to be addressed through "efforts aimed at eradicating poverty and realising Millennium Development Goals."[103]

while there is certainly rhetorical recognition of the fact that drivers of displacement in the region are political, when translated into programmatic activity this "political" edge is often diluted or removed altogether.

However, addressing deficits in development are unlikely to address the issue of migration in situations where economic factors are not the primary drivers of migration. Perceiving cross-border movement in the HoA primarily as "voluntary" is not only empirically unsustainable, it is also likely to be counterproductive from a policy perspective. Without acknowledging the governance problems, or discrimination that impact on economic advancement, any solutions will at best only partly address the problem and at worst increase disparities and prejudice. In the specific case of Eritrea, it

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103.   Rome Declaration, 4.

seems clear that while both political repression and poverty act as drivers and these are not unrelated, political repression appears to be the dominant issue.

The issues of human trafficking and smuggling and the institutional responses to them are therefore often disconnected from any meaningful engagement with the political context that recognises why people leave their countries of origin in the first place and resort to irregular migration; and their experience in exile. While socio-economic factors play an important role in driving migration, irregular migration as a whole is not simply a socio-economic phenomenon. Such narratives obscure other more fundamental factors that drive migration that cannot be addressed solely by enhancing socio-economic development.

Even where economics is the primary driver, the assumption that offering aid will reduce migration is problematic. The empirical evidence that demonstrates a link between development aid and reduced migration remains weak. Depicting lack of development and economic opportunities as main causes of migration is overly narrow and risks downplaying other factors. In fact, some have actually argued that the opposite is true: "Contradicting conventional interpretations of African migration being essentially driven by poverty, violence and underdevelopment, increasing migration out of Africa seems rather to be driven by processes of development and social transformation which have increased Africans' capabilities and aspirations to migrate, a trend which is likely to continue in the future."[104]

Finally, it is important to understand that economic and political considerations can be deeply intertwined. Economic measures can be used against political opponents, and bad political decisions can have a disastrous impact on the economy.

Economic or political drivers?

The over emphasis on economic motivations for flight is also challenged by the interviews, which demonstrate that economic and political drivers are all but impossible to tease apart — or, put another way, that economic drivers are intensely political in nature. Specifically, in the Eritrean context indefinite military service inevitably makes people economically vulnerable. As one man said, "I was put in indefinite military service and my family were starving to death as a result."[105]

Time and again, interviewees talked of leaving in order to access livelihoods, improve their education or get medical assistance. But just below the surface of these more proximate drivers of migration were the political structures that created the economic need in the first place. For instance, one man, pointed to the complexity of factors that lead people to leave their families and homes, in which politics and economics are inextricably linked. He said:

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104. Marie-Laurence Flahaux and Hein De Haas, "African migration: trends, patterns, drivers." *Comparative Migration Studies* 4:1, 2016.
105. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2015.

My father has been in military service since I can remember. He used to send us a little money, and my mother doesn't work. It was difficult for me and my siblings to go to school. I hid from the authorities for two years when they started calling me for my national service. ...I found some friends who were willing to leave and I left with them. The local authorities detained my mum for several weeks.[106]

A woman living in Shagarab refugee camp had to leave when her husband was detained and she could not support her two children on her own.[107] As another man said, "The idea of leaving the country starts when you stop going to school. This is the end in Eritrea. No education, no job, military service, roundups [*gifas*]. *Wa'e!* [an expression of frustration]."[108] This quote demonstrates the extent to which "political" and "economic" drivers are enmeshed.

It stands to reason, therefore, that any policy approach or programmatic intervention that separates out the political drivers of conflict and repression from the economic impact of those drivers — or that is blind to the connection between the two — is likely to contain huge risks: protection risks for those on the move, and significant reputational risks for those providing assistance. This argument is valid both for countries of origin and countries of transit, as outlined below in relation to the refugee policy environment.

Informed choices?

EU policies are contradictory on the assumptions made as to why migrants decide to move. Some state it is because the migrants are ill-informed or misled, while others state it is because the migrants are exposed to correct information.

Several policies are based on the assumption that people choose to migrate irregularly because they are unaware of the risks involved or of legal migration options available to them, and that targeted awareness campaigns will expose people to information that they otherwise lack access to, and thus reduce irregular migration. The Khartoum Process, for example, aims to assist "the national authorities in stepping up prevention measures, such as information campaigns to improve awareness of risks of irregular migration..."[109] A similar assumption is that individuals migrate irregularly or use "informal intermediaries" because legal migration procedures are "non-transparent and over-bureaucratic."[110] Strategic communications, therefore, has been a primary response to this assumption.

At the same time, other policies seem to assume that people migrate irregularly because they are exposed to correct information. In the European Agenda on Migration it is argued that "one of the incentives for irregular migrants is the knowledge that the EU's return

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106. Interview with Eritrean man, Europe, June 2017. Left Eritrea in 2016.
107. Interview with Eritrean woman, Shagarab refugee camp, Sudan, October 2017. Left Eritrea in 2016.
108. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2014.
109. Rome Declaration, 3.
110. GAMM COM (2011) 743, 18 Nov. 2011.

system... works imperfectly."[111] Finally, another argument is that migration is driven by increased access to wrong or misleading information: the EU-HoA Regional Plan 2015-2020, argues that youths are encouraged to migrate as a result of "heightened exposure to international and social media," which "raises increased expectations that are often not met."[112]

These assumptions might not be entirely wrong. However, they certainly require a more nuanced, evidence-based examination. Not all migrants have access to the same information and not all of them judge the reliability of the information they are exposed to from different sources in the same manner. In particular, the assumptions bound up in this do not adequately take account of the fact that issues of access to information have to be examined in light of the more complex questions of decision-making and risk-taking in the context of forced displacement. Thus, they also fail to sufficiently take into account the agency of migrants.

A clear understanding of the risks

In fact, the findings point to several aspects around who people get information from, and the nature of that information. First, it was clear that most of those who travel have a clear understanding of the fact that they are taking a huge risk to their own safety. This was particularly striking when talking to people in Ethiopia and Sudan who were thinking about moving to Europe through Libya. Once people had successfully left Eritrea, the journey through Libya and by boat to Europe was broadly seen as the most dangerous part of the route.

most of those who travel have a clear understanding of the fact that they are taking a huge risk to their own safety

As one man said, "My friends in Europe told me the challenges they faced along the route. Some of them were kidnapped and paid about USD 4,000. Others died in a car accident along the Sahara Desert. Two of my friends lost their lives in the Lampedusa tragedy."[113] One woman said that two of her cousins had died in the Sahara, but stated she was still planning to try and reach Europe.[114]

Many specifically talked about the danger of falling into the hands of criminals: "I heard migrants are left behind in the desert by the smugglers or their organs are being harvested to be sold for a lot of money."[115] When asked where this information came from, he replied, "friends." As one woman said, "I know refugees are kidnapped, sold, even killed.

111. A European Agenda on Migration – COM (2015) 240 final, 9.
112. EU HoA Regional Plan 2015-2020 – Council Conclusions on the EU Horn of Africa Regional Action Plan 2015-2020, COAFR 310, ACP 153, CFSP/PESC 686, DEVGEN 205, 13363/15 (2015), 10.
113. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2014.
114. Interview with Eritrean woman, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2014.
115. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2014.

They don't give the migrants enough water or food for days. They beat and torture men. They rape the women. They abandon refugees when they're injured. I heard so many bad things from others who have already gone through but I have no other way but to travel through the same route."[116]

For some, the increased danger was too much and they changed their minds: "When I left home I planned to reach up to the Mediterranean and then use a boat to Europe. But now my plan has changed. I plan now to go to Juba, South Sudan to work there instead of being smuggled to Europe."[117] Most, however, remained resolute. As another man explained, "My plan [to go to Europe through Libya] will not change even if it means facing all the horrifying experience shown on social media. I have already decided to go. And I know what I will face during my journey but the worst that will come is death. Or I might be lucky enough to get there alive like all those who crossed safely. It will not be easy but I have no other choice."[118]

> "the worst that will come is death. Or I might be lucky enough to get there alive like all those who crossed safely"

However, although there was a general understanding of the fact that the journey would be dangerous, the specifics of that danger, and how to avoid them, were less well known. As a man who had reached Europe said,

> It is common to chat on Facebook, WhatsApp or Viber with friends who are already in Europe about how they get there. There are also many rumours you hear in the community everywhere... I must ask the smugglers or people who know them very well about the journey... It is difficult to trust them, but there is no other way to find information.[119]

Likewise, when asked how much information he had before he left Eritrea another interviewee replied: "It was only rumours, I had no solid information. I used to hear that the Ethiopian soldiers welcome you warmly when you cross over and that there were no kidnappers along the way [to Ethiopia]."[120] This was echoed by another response to the same question: "I had little information. What I had was from friends in exile. The information I had was that the journey was not easy, but that the Ethiopian soldiers welcome those who cross over and that Eritreans can live freely in Addis Ababa."[121] They had enough information to leave Eritrea, therefore, but had considerably less certainty about what might happen after that.

116. Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2015.
117. Interview with Eritrean man, Khartoum, Sudan, June 2017. Left Eritrea in 2014.
118. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2010.
119. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2016.
120. Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2013.
121. Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2016.

This points to a gap in the information that many people have: they know that some smugglers are relatively "good" and others will sell you to traffickers, but discerning which groups and individuals fall into which category presents a considerable challenge.

A family affair

Second, the findings point to the crucial role played by families in decision-making processes and in regards to communication during and about the journey. When asked where people got their information from, most mentioned friends and family. In the case of the latter, this was because families generally have to be involved in the decision to travel as they are the ones who pay the smugglers. Many of the interviewees told of how smugglers told them that they could pay them once they reached their destination — for the most part either Libya or the Sudan/Eritrea border town of Kassala. They were then taken hostage until their families paid up. Those who did not pay were then sold to traffickers. As one woman, who is now living in Europe, said, "Before I left I discussed the journey with my sister in Sweden. We knew it was risky, even deadly. The burden was on me to take the risk and I did so. I did not tell anybody else about my decision to leave Eritrea."[122] Another man told of how, soon after arriving in Hitsats refugee camp in Ethiopia, he contacted his sister via Facebook. "I told her that I arrived in Ethiopia safely. I also told her of the journey's hardships because my younger brother plans to cross over the border as well."[123]

Others had talked to some members of their family about their intentions, but had deliberately not told other family members because they knew they would try and discourage them. This was particularly the case with younger people not telling their parents. One woman, whose sister had arranged for a smuggler to take her out of Eritrea, said: "When I got the idea of travel last time, I consulted my father and he refused to allow me to move. He thought that this way is risky and dangerous. So this time I didn't consult him, I only called him when I arrived in Kassala. His words over the phone were very sad..."[124] Another woman living in Addis Ababa talked of the fact that her family is not prepared to help her journey any further: "My parents and sisters [who are in England and Switzerland] do not support the idea of traveling through the Sahara and crossing the Mediterranean Sea. They are against it. They say it is too dangerous so they are not willing to pay for my journey. So now I am stuck here."[125] She later told of how her brother was kidnapped in the Sahara and her sister in the UK had to pay USD 2,000 to ensure his release.

Others talked about their desire to protect relatives from encountering the dangers they had been through, "I contact [my family] through Facebook. I have told them about the challenges I had crossing the border and have told them not to move a step out of their home country."[126] However others are also reluctant to share the reality of their lives post

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122.   Interview with Eritrean woman, Europe, July 2017. Left Eritrea in 2012 and Sudan in 2015.
123.   Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2015.
124.   Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2014.
125.   Interview with Eritrean woman, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2017.
126.   Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2014.

flight. A young man in Addis Ababa talked about how he communicates with his relatives back in Eritrea: "I always tell them that I am doing fine even if I am not most of the time. My younger brother plans to cross but I am against it. My parents want to come and visit but I don't want them to."[127]

The role of families points to the fact that ultimately people look to those who they most trust for information. As stated in the methodology, the level of fear among Eritreans inside and outside of the country was evident in the reluctance people had to talk with interviewers. There is a huge fear that any form of communication could be dangerous to them or their relatives, and therefore there is a huge lack of trust in sources of information from people they do not know personally. This is neither new nor surprising. As one man said, "It is scary to talk about leaving the country. It can get you killed."[128] In a context in which most Eritreans are constantly concerned that they are being monitored and watched, the relationship with the messenger is crucial.

> *"It is scary to talk about leaving the country. It can get you killed."*

This has significant policy implications. If people are not willing to share information except with those who are closest to them, public awareness campaigns will have limited impact as they will not necessarily be built around accurate information. And even if accurate information could be gathered and targeted at the right people, serious questions remain as to whether they would believe it.

Taking a calculated risk?

Third, the interviews provide a glimpse into the terrible impact of separation on individuals and families. Each journey represents extraordinarily complex and heart-wrenching decision-making processes that involve or exclude multiple family members. Some are prepared to offer money to relatives to make a dangerous journey despite knowing the risks; others deem the risk too great and yet know that asking family members to continue living in Eritrea presents its own risks. The net impact is that families are being pulled apart. As one young woman living in Khartoum said, "Right now, I'm here alone. My younger brother was here in Sudan, but now he got smuggled to the UK. The other one moved to Juba [South Sudan]. The rest of my family members live in Eritrea. I have nine people in my family, five brothers and four sisters. But I am alone."[129]

As another young woman said with defiance, "My brother [in Canada] doesn't agree with my idea to travel to Europe through the Sahara Desert. I am trying to convince him. Otherwise, I will simply leave without informing him and he will be forced to pay it when I reach Khartoum."[130]

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127. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
128. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2016.
129. Interview with Eritrean woman, Khartoum, Sudan, June 2017. Left Eritrea in 2015.
130. Interview with Eritrean woman, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2017.

Most of all, people talked about the fact that there was not really a decision to be made as they saw no alternative. For some, all the information in the world, including by means of campaigns and conversations by trusted community actors, would not change their decision-making. One woman described all the horrors she had heard about crossing to Europe, but then said "I don't have any other choice. So, I am planning to cross the Sahara regardless of the threats that I know lie ahead."[131]

decisions to cross borders irregularly despite extreme risks are often taken when alternative options are perceived to be equally bad, or worse.

Much of the international response to discourage people from moving to Europe is predicated on the assumption that people have a choice not to move, and that not migrating is the right choice for them to make. However, as the findings show, this is not the way most migrants understand this dilemma: decisions to cross borders irregularly despite extreme risks are often taken when alternative options are perceived to be equally bad, or worse. They are unable to return to Eritrea, they have failed to find access to safety and livelihoods in Sudan or Ethiopia. Therefore, moving onwards — despite the known risks — seems like the best available option for their own and their family's future. In other words, migrants do not choose to move because they are ill-informed about the dangers they will face but because they calculate that the alternatives will leave them and their families worse off. In other words, what policy makers see as an ill-informed decision can also be seen as calculated risk-taking taking into account a huge number of variables.[132]

The level of risk people are willing to take inevitably increases as the stakes go higher, and no amount of persuasion about the dangers of the journey will work, as these have already been taken into account. The only thing that will work is a policy approach that genuinely offers a viable alternative — and specifically one that gives people a future.

The availability of legal channels of migration is important in this context. Many of those who migrate irregularly do so not because legal migration procedures are simply "non-transparent and over-bureaucratic,"[133] but because it is clear to them that the legal routes are so limited for people in their status and situation, that they cannot rely on them as viable solutions. In other words, there is a need not only to communicate the existence of legal channels of migration and make sure people are aware of them, but to significantly expand these channels in order to guarantee that they represent reasonable alternatives to irregular migration.

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131.   Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
132.   See similar findings in Tinti and Reitano, 2016.
133.   GAMM COM (2011) 743, 18 Nov. 2011.

This applies equally to providing better alternatives for Eritrean migrants and refugees in neighbouring countries. While some Eritreans consider staying in neighbouring countries, particularly Ethiopia, most of them are determined to leave the region altogether. The prospect of improved livelihoods does not offset the multiple disadvantages they face: encampment, lack of freedom of movement, discrimination, and inadequate legal protection, including the risk of being forcibly returned to one's home country. In the absence of genuinely *durable* solutions, the motivation to leave will remain strong.

> *In the absence of genuinely durable solutions, the motivation to leave will remain strong*

Trafficking versus smuggling?

The Khartoum Process assumes a problematic link between human trafficking and smuggling, and between the appropriate responses to these two practices. While the two are related, and both trafficking and smuggling constitute criminal offences, it conflates the two crimes and fails to recognise that some people who are engaged in smuggling may be offering a needed service. In a context in which many of those who are moving "irregularly" are compelled to do so, irregular migration is not a criminal offence, and should not be addressed as such.[134] Therefore, policies that link smuggling and trafficking and seek to combat both together fail to acknowledge that crossing borders irregularly is often the only option that refugees and migrants have in order to exercise their legitimate right to seek protection.[135]

Smugglers as humanitarians? Leaving Eritrea

A few of those interviewed described how they had left Eritrea without the use of smugglers. For the most part, these were people who lived near the border with Ethiopia or Sudan, and who found an opportunity to cross: "Because I used to live near the border I have always heard stories of how people normally cross the border. I was not in need of further information from others... When I set out it was only to Sudan. I never knew what will happen there and after."[136] Others talked of how they were stationed near the border while doing their national service and had run away when they had seen an opportunity. As one man said, "I was a member of the Eritrean defence forces in the frontline near Assab. So, it was easier for me to cross over the border into Djibouti without the help of smugglers."[137]

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134. See Article 31 of the 1951 Refugee Convention: "The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened"

135. Oette, 2017.

136. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2014.

137. Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2015.

While some were successful, several of those who left without paying a smuggler talked about the difficulties they encountered as a result. One man was kidnapped by a person he described as a "Rashaida trafficker" just after crossing the border into Sudan:

> *He kidnapped us and put us with other victims. They tortured us for about six weeks to extort ransom, beating us with wood and plastic sticks. We were 13 Eritreans, including six young girls. See these are some of the scars that I still have. They had guns, knives, and swords. They chained us. None of us could escape. After six weeks, I was released with two others because our families paid the ransom. Then the traffickers took us to Khartoum. [...] The traffickers demanded USD 15,000, but I do not know how much of it was paid.*[138]

Most, however, described using a smuggler to leave the country as they felt unable to leave without their assistance. As one man living in Addis Ababa said, "The idea [of leaving] had been at the back of my mind for years. It was when I found someone who could help in crossing the border that the idea became clearer and I decided to move."[139] These smugglers were normally contacted by family members — often outside of the country — who then contacted the person wanting to leave Eritrea and helped them across. Even with the use of smugglers, however, people described dangerous and often physically demanding journeys over the border into either Ethiopia or Sudan.

The cost of smugglers — and the level of assistance an individual can afford — generally determines who does and does not leave the country. Most of those who left talked of a relative in Europe who had agreed to pay for — and often to arrange — a smuggler to help them leave. As one man said, "My cousin in Norway negotiated with the smugglers' associates in Addis Ababa. Then he informed me via Facebook when and how to leave, and where to meet the smuggler."[140] It was striking that many of those interviewed for this research had a source of finances within their family (generally outside of Eritrea) and many of them had tertiary qualifications.

Those who were able to pay more generally had to do less walking than those who could not afford the higher fees; and those who are very poor and who do not live near the borders are generally unable to leave at all. Just moving within Eritrea is not permitted without special permits, let alone crossing the border. As one man said, "All people who are not free of national service in Eritrea want to cross and leave their country. But not all can do it. Because not everyone can afford a smuggler or has money to go to Libya. So, it is a matter of finance rather than age or gender."[141] Or, as an Eritrean woman who had recently walked for five days, guided by smugglers, to leave the country, said: "Those who live closer to the border with Ethiopia cross on their own and without the knowledge of their parents... a lack of money doesn't stop them."[142]

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138. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2016.
139. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2014.
140. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2014.
141. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2015.
142. Interview with Eritrean woman, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2017.

One woman described her journey out of Eritrea:

I left Asmara for Dekemhare. I took a bus and reached the place of appointment on 18 April 2016 at around 4 pm. The smuggler told me to wear a red band on my left wrist and gave me a code through the internet. I waited for half an hour and then he came. He spoke to me and I gave him the codes. Then he took me to a house, there were three teenagers. He told me that we will all go together.... [W]e left the house and started our journey on foot at around 8 pm. We travelled through mountainous areas for two nights. We would hide during the day and only travel in the night. I was very tired but the smuggler carried me many times. The route was very long, the smuggler told me it was only a ten hour walk but it took us two nights. I was afraid of being caught and this gave me a reason to keep on going when I was tired to my bones. Once we reached Belesa River the smuggler told us this was as far as he goes. He gave us some directions and told us that we will only find Ethiopian soldiers from this point on. After an hour's walk, we were found by Ethiopian soldiers. They gave us food and water. After that they sent us to Gherhu-Srnai. From there we were transferred to Enda-baguna Screening Centre. After I was registered with UNHCR, I was sent to Hitsats refugee camp where I stayed for some time and came to Addis Ababa.[143]

Her story was typical, and many emphasised the dangers that they encountered. People described being shot at on the way; of having to carry friends who were exhausted or had been injured; and of terrible thirst when their water supply ran out. One man described how, out of the seven people who left together with a smuggler, only himself and the smuggler made it across the border: "The others were all caught when we were crossing before we reached Mereb River [a seasonal river that constitutes part of the international border between Eritrea and Ethiopia]."[144]

"not everyone can afford a smuggler or has money to go to Libya"

Smugglers from within communities

Many described how the smugglers — or their point of contact with the smugglers — were from within their communities, either the local communities in which they were living, or in transnational communities. One woman described how her husband, who had already left the country, found a smuggler through his friends: "We used the internet to talk about it. He would talk to the smuggler's associates and they in turn would bring messages to him from the smuggler. He would pass the messages to me then. The smuggler is based in Eritrea."[145] A young woman living in a refugee camp in eastern Sudan told of how her brother said that he would find her an "honest" smuggler. As one man said, "Usually migrants prefer to use a smuggler who they already know or who is known to our families. In fact, the person I used I actually didn't know him very well, but my

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143. Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
144. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
145. Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.

friends knew him and they say a lot of good things about him."[146] Others talked about how they found smugglers living in the refugee camps in Ethiopia and Sudan: "I found the smugglers with the help of some Eritrean friends in Sudan. The smugglers are from the refugee community themselves and it is not difficult to find them…"[147] It points to an informal referral system that appears to be operating as a form of protection.

> *"The smugglers are from the refugee community themselves and it is not difficult to find them…"*

As a result, the ongoing success of smugglers depends on their reputation within communities. As one woman said when describing the smugglers she used:

> *I did not want to say anything about the smugglers but now I am going to tell you more. The smuggler who eased my journey to Italy is an Eritrean who lives in Saudi Arabia. He is a rich man who smuggled many people for long years. He has a Sudanese passport and he travels a lot between Sudan, Saudi Arabia, and Egypt. I met him in Egypt… Sometimes, he also smuggles people to the US through Mexico. I am not sure how, though. This smuggler is very famous in Cairo and most Eritreans prefer him to facilitate their journeys.*[148]

When asked if she thought this man was helping people, she replied, "I guess so. Not just by putting people on boats but also by creating alternatives for many people. I do not know. He might be a criminal but still he helps people. He is successful."[149] Her positive perception of her smuggler, however, was inextricably linked to the fact that she had not been kidnapped during her journey, and she is now living in Europe.

The terrible cost of trafficking on migrants

However, the line between smugglers as "humanitarians" helping people to flee a repressive state, and abuse, is painfully thin. People are acutely aware of this. Some are able to minimise the risks. As one man said, "I have never used bad smugglers. Most of the decisions to travel were made by myself. This is partly because I speak their language and I can pretend to be Sudanese in some instances."[150] However, many are not. As one woman said, "Just because [smugglers] offer a service, it does not mean that people are comfortable or like it. I felt very upset to be owned by others, criminals. But, I could do nothing."[151]

People made a clear distinction between smuggling as a form of protection and assistance; and the abuses that evolved out of smuggling, particularly where people fell

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146. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2015.
147. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2015.
148. Interview with Eritrean woman, Europe, July 2017. Left Eritrea in 2012 and Sudan in 2015.
149. Ibid.
150. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2012 and Sudan in 2015.
151. Interview with Eritrean woman, Europe, July 2017. Left Eritrea in 2016.

into the hands of criminals. As previously mentioned, groups, generally identified as "Rashaida" or "Rashaida traffickers", are known to operate along the Eritrea-Sudan border. For this reason, many talked about the fact that crossing into Ethiopia was safer than crossing into Sudan. They previously dominated the Sinai route to Israel and, while only a small number of the group are thought to be involved in trafficking, they are part of a wider network that likely includes Eritrean collaborators, other Sudanese, and elements within the Sudanese law enforcement authorities.[152]

The link between the role of smugglers and the abuses associated with trafficking has been well documented.[153] Not surprisingly, therefore, people's descriptions of their journeys pointed to a broader pattern in which their journeys became increasingly dangerous — often as the original linkage between a person on the move and the original smuggler got weaker — and the price goes up. One man, who had crossed the border into Sudan on his own, then talked of how he did not know how to get to Khartoum and needed to find a smuggler. He found someone inside Shagarab refugee camp but, as he said, "I did not know him or if I could trust him." As this demonstrates, once the linkage with their communities is broken, those who are on the move have less orientation and therefore less information that can be a source of protection. He then described his journey to Khartoum:

> At night, the smugglers brought six pickup cars to our place of meeting. The cars belong to Rashaida. They took 80 of us — we were more than 120 people escaping from Shagarab to Khartoum. Those cars belonged to the Rashaida. After traveling for one day and night, one of the cars crashed, and some people got hurt really badly. I don't know what happened to them because our car moved on towards a place called Hajer. In this place, we paid the money to the smugglers. I had heard that if you don't pay them enough money, they will detain you there. I stayed for four days in Hajer together with a lot of Eritreans. And then the smugglers took us to Khartoum.[154]

The journey from Khartoum to Libya became even more dangerous — and more expensive. One man described leaving Sudan: "The most difficult part of my journey was when 24 people were put in a big tanker which previously was used to transport fuel. We started at about 11 am through the very hot Libyan desert. And we had to travel until 4 pm. The police briefly stopped us on the way- I think it was still in Sudan — and the driver bribed them. We were all suffocating and I thought I was going to die. Many did die and those of us who lived only escaped narrowly."[155] Once in Libya, the horrific levels of abuse migrants suffer has been well documented. As one interviewee said, "The traffickers who took me to Libya raped many girls on the way. Every night, they take the girls, rape them, and return them back to us."[156]

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152. Laurie Lijnders and Sara Robinson, "From the Horn of Africa to the Middle East: Human trafficking of Eritrean asylum seekers across borders." www.antitraffickingreview.org/index.php/atrjournal/article/view/36/57 Accessed 10 September 2017.
153. Reitano et al, 2017.
154. Interview with Eritrean man, Khartoum, Sudan, June 2017. Left Eritrea in 2014.
155. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2014.
156. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2016.

As the danger and levels of abuse increases, so does the cost — both the agreed upon fee, and the additional money that might be needed on the way. It was telling that, when asked how much it would cost them to travel to Europe, in Addis Ababa people mentioned figures of approximately USD 3,000 to 4,000, while in Khartoum most talked about significantly higher sums, from USD 7,000 upwards. Every time a person is kidnapped, their families have to pay ransom. As one interviewee in Europe said, "You cannot trust smugglers... I was kidnapped four times between Sudan and Tripoli. Every time I was kidnapped, my relatives had to pay money except once that I escaped. In Libya, my relatives and family had to pay around USD 8,000, which is four times the original agreement with the smuggler. My relatives paid USD 2,000 three times when I was kidnapped and USD 2,000, which was the original agreement with the smuggler."[157]

> *"You cannot trust smugglers... I was kidnapped four times between Sudan and Tripoli. Every time I was kidnapped, my relatives had to pay money except once that I escaped"*

Not surprisingly, therefore, people were angry at the way they were exploited. As one man said, "On the way, I have seen women raped and become sex slaves of the cruel traffickers. I have also seen young children starved to death. These groups are very vulnerable. They are always victims of the smuggling."[158]

Once again, the impact not just on the individuals who are victims of this abuse, but on their whole families, was emphasised. One young man described how his mother in Eritrea, who had never wanted him to leave in the first place, has since had to sell all her property and jewellery to pay kidnappers for his release when he was captured in eastern Sudan: "Now, they are waiting for me to help them at least by paying the house rent so that they can move to a good house. They are living in slums now."[159] With his family living in the slums in Asmara, the pressure to reach Europe has never been greater.

Responsibility-sharing and refugee policies

There is insufficient recognition of the key role played by migration and refugee policy in the HoA — both in Europe and in countries within the region. The Khartoum Process appears to give insufficient weight to the role that the EU's strict migration policies, and the scarcity of legal migration routes, play in encouraging irregular migration. Instead, "mixed migration, and trafficking and smuggling of vulnerable persons, are portrayed as regional, African issues, rather than a joint, international problem."[160] Importantly, and

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157. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2016.
158. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2015.
159. Interview with Eritrean man, Khartoum, Sudan, June 2017. Left Eritrea in 2015.
160. Oette and Babiker 2017.

in contrast to the Rabat Process,[161] while "safe and voluntary passage" was raised in the Joint Valetta Action Plan, this emphasis was not operationalised in the Khartoum Process.

The lack of serious engagement with legal routes reflects a broader context in which migrant and refugee "off-shoring" — whereby states pay another state to host asylum seekers or refugees — is gaining traction globally. Australia, which can perhaps take the dubious credit for having piloted this idea for the past two decades, has enacted a series of measures to keep asylum seekers off their territory, for instance through a deal with Papua New Guinea and Nauru. More recently, the EU made a deal with Turkey in 2016 in an attempt to reduce the number of, primarily Syrian, asylum seekers making the dangerous journey across the Mediterranean. The EU agreed to take one Syrian refugee for resettlement in exchange for every "irregular" migrant returned from Greece into Turkey. Meanwhile, the deal has mainly resulted in thousands of asylum seekers stranded in dire conditions in Greece.[162]

> *The lack of serious engagement with legal routes reflects a broader context in which migrant and refugee "off-shoring" — whereby states pay another state to host asylum seekers or refugees — is gaining traction globally*

While this approach may be politically expedient, it is deeply problematic as it exposes the reality behind the idea of "responsibility sharing" that is supposed to lie at the heart of responses to large-scale forced migration crises. It also obscures reality: contrary to public perceptions in Europe, by far the greatest number of displaced people are currently in the Middle East, Asia and Africa, meaning that low-income and/or fragile states continue to bear the greatest responsibility. The Kenyan government's announcement in May 2016 to close Dadaab refugee camp, home to over 300,000 Somalis, was no coincidence in this regard.[163] Likewise the "Comprehensive Refugee Response Framework" (CRRF), which was outlined in the New York Declaration, and intended to form the basis for a Global Compact on refugees, due to be adopted by member states in 2018, has so far failed to deliver in Uganda, where the response to a huge refugee crisis continues to be woefully under-funded. The EU's approach, therefore, insufficiently recognises the fact that it is untenable for the burden of asylum to be met by a few states (and often ones that lack

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161. The Rabat Process, or The Euro-African Dialogue on Migration and Development, is a consultation framework bringing together European and primarily West African countries, the European Commission (EC), and the Commission of the Economic Community of West African States (ECOWAS). See Rabat Process, "The Rabat Process An original and operational Dialogue on migration and development issues." www.rabat-process.org/images/RabatProcess/publications/Rabat-Process-Migration-Dialogue_brochure-2017-web_EN.pdf Accessed 23 October 2017.

162. Amnesty International, "Greece: Asylum seekers in abysmal conditions on islands." 23 October 2017. www.amnesty.org/en/latest/news/2017/10/greece-asylum-seekers-in-abysmal-conditions-on-islands/ Accessed 23 October 2017.

163. See, for instance, Lucy Hovil, "Why is the cost of hosting refugees falling on the world's poorest states?" The *Guardian*, 13 May 2016. www.theguardian.com/global-development/2016/may/13/why-is-the-cost-of-hosting-refugees-falling-on-poorest-states-kenya-dadaab-closing Accessed 13 July 2017.

resources), with financial support coming in at the discretion of third states. This fosters asymmetrical relationships of dependence and ignores the principle of shared international responsibility for refugees, embodied in the Preamble of the 1951 Refugee Convention.

> *The EU's approach, therefore, insufficiently recognises the fact that it is untenable for the burden of asylum to be met by a few states (and often ones that lack resources), with financial support coming in at the discretion of third states.*

As a result, there is limited scope to engage with deficient and flawed migration and refugee policies within the HoA region. Many of those who move from the region to Europe do so as a result of failures in policies in the first countries to which they move. There is a particular gap in refugee policies, which have left millions of people living for years and sometimes decades in a protracted situation of exile with no prospect of real integration. These failures hinge primarily on the emphasis on encampment for those in exile and failures around durable solutions which, combined, have created a semi-permanent state of emergency, jeopardising quality of life and bringing the humanitarian system to the breaking point.[164]

In Ethiopia, for instance, although a few Eritreans are officially allowed to live out of the camps under the country's Out of Camps Policy (initiated in 2015 as a pilot scheme for UNHCR's Alternatives to Camps policy), in practice most have tight restrictions on their freedom of movement. At the same time, the Sudan government insists that Eritrean refugees live in camps, albeit a policy that is widely defied, with many Eritreans living in Khartoum despite the fact that it puts them at risk of arbitrary arrest and *refoulement*. In a context in which repatriation is generally viewed as the only durable solution, and where protracted political crises (in the case of Eritrea) or conflicts (in the case of Sudan, Somalia and South Sudan) make this impossible, the ability for people to find access to both safety and livelihoods is extremely limited. In this environment, local integration could not be further off the political radar.

Those who are moving around the region are interacting with these realities all the time, and are making decisions within the parameters of these policy restrictions. Thus, when asked how far they planned their journey when they first left their homes, some of those interviewed said that their intention from the beginning was to reach Europe or the US, and they had planned accordingly. Many others, however, said that their only definite plan was to leave Eritrea and find somewhere to live where they could be safe and find work. While not denying the strong aspirations that many have with regards to where

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164. For an extensive critique of the encampment of refugees, as well as failures around durable solutions, see Hovil 2016, pp. 155 – 191.

they could one day live, for most the priority was to find a place where they felt they could have a future.

Encampment

Interviewees talked about the many problems associated with encampment. In Sudan, and to a lesser extent Ethiopia, many had opted either never to go into the camps in the first place or to move out of the camps despite the prohibition on doing so. In practice, this meant that those who left the camps were technically "illegal" and no longer received any humanitarian assistance.

In Sudan, it is only possible to register as a refugee, and then receive assistance, in the camps. As a young man said, "I am registered with UNHCR, but they won't help me with anything because I don't stay in the camp."[165] However, interviewees were unequivocal in their condemnation of the physical and security conditions in these camps. As one woman said, "Shagarab camp is like Adi Abeyto prison in Eritrea. How can you stay in a camp regulated by traffickers? In Eritrea, there are arrests and detentions in Adi Abeyto. Similarly, there are continuous kidnapping incidences in Shagarab... It should not be described as a refugee camp. It is just a smugglers' camp where the security forces sell refugees to the Rashaida."[166]

> *"In Shagarab... It should not be described as a refugee camp. It is just a smugglers' camp where the security forces sell refugees to the Rashaida"*

Indeed, during the field research in eastern Sudan there was an incident in which 18 Eritrean refugees were kidnapped from wed-Sherifoy refugee camp by an unknown armed gang, suspected of being linked to the Rashaida.[167] Another man, who was living in Kassala town and is now looking for work, explained why he left the camps: "In Shagarab camp they gave us nothing, no help, no work, and sometimes no safety. So, I didn't want to spend my life in the camp especially when I knew that there are Eritrean people living there who have been there for more than 10 years."[168] A man living in Shagarab refugee camp talked of the dangers they face from Eritrean officials entering the camp: "It's easy for Eritrean security members to enter [the camp] pretending to be refugees and taking people away."[169]

In Ethiopia, there was general consensus that the camps were not as bad as in Sudan. For instance, a woman living in Addis Ababa who had been kidnapped out of Shagarab

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165. Interview with Eritrean man, Khartoum, Sudan, May 2017. Left Eritrea in 2017.
166. Interview with Eritrean woman, Europe, July 2017. Left Eritrea in 2012 and Sudan in 2015.
167. Field notes, Kassala, Sudan, 4 July 2017.
168. Interview with Eritrean man, Kassala, Sudan, July 2017. Left Eritrea in 2016.
169. Interview with Eritrean man, Shagarab refugee camp, October 2017. Left Eritrea in 2013.

refugee camp said, "The camps [in Ethiopia] are at least safe, but the conditions are terrible."[170] Another woman described the Ethiopian camps in this way: "The condition in the camp is hard to bear. Though we were treated well, there isn't enough food, health care or other facilities." As she went on to say, "UNHCR were very helpful in facilitating the transfer of my case to Addis Ababa in order to join my ex-husband as an urban refugee."[171] Some talked of how they had hoped to get into the system for resettlement by going to the camps, but once they had realised that would not happen they had left.

Access to work

As a result of their dubious legal status outside of the camps (despite the fact that, under international refugee law, refugee status should not be predicated on living in a camp), access to livelihoods was a huge struggle for most of the people interviewed. In Ethiopia, many of those interviewed did have some form of work, but they were unable to support themselves with their income. Many rely on family members in the diaspora to subsidise their living expenses (often the same people who paid for the smugglers to get them out of Eritrea), but some do not: "I do not have a permanent job and regular source of income. I do not have anyone who can support me from the diaspora."[172] "As I am a refugee I do not have a work permit. Hence, I cannot support myself. This is a challenge for me because this is the first time I have to ask for help from any one."[173]

On the other hand, others living in Addis Ababa talked of how they had managed to find work and were self-sufficient: "At first I used to stay with my friends. But after few months I got a job and was able to support myself working in a garage."[174] Others had recently arrived and were hopeful they would find work: "Of course, I would like to go to England, but I know it is hard, dangerous. If I can, I will stay in Ethiopia and try to change my life through work."[175] One young man said that he had moved out of the camp because "the Ethiopian government allowed some Eritrean refugees to continue their education in universities. According to this programme, I participated in the national exam and joined Addis Ababa University in 2011."[176] He said he had no plans to move on.

In Khartoum, however, people talked about the challenges they faced in accessing work, often related to the discrimination. As one man said, "Here in Khartoum I face so many challenges, such as discrimination in my work place. One day after I had done my tasks the employer refused to give me my salary. As my status is illegal I can do nothing against him."[177] Or as a woman, who herself was employed, said, "I'm lucky because I working in a private place. But I know many Eritreans who face all kinds of repression, blackmail and

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170. Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
171. Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
172. Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2016.
173. Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2014.
174. Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2013.
175. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2010.
176. Interview with Eritrean man, Addis Ababa, Ethiopia, June 2017. Left Eritrea in 2011.
177. Interview with Eritrean man, Khartoum, Sudan, June 2017. Left Eritrea in 2014.

discrimination."[178] These challenges in accessing work, and in particularly the discrimination associated with that, has to be understood in a broader context in which many Sudanese, especially those who do not fit within a tightly defined definition of Sudanese identity as defined by the state, are also discriminated against and encounter serious problems in accessing work in Khartoum.[179]

Safety and documentation

Linked to the challenges in accessing work, was the fact that many of those interviewed who were living in Sudan talked about fears for their personal safety — and particularly their inability to move around freely. One man had hoped to stay in Sudan and find work: "I had first planned to go to Sudan and stay, but I had so many of the same problems there as I had in Eritrea. The police started to round us up there too — although it's not as severe as in Eritrea. So I had to change my mind and keep going on my journey."[180] There were multiple stories of people being arrested by the police and only released after they paid a bribe: "As I have no ID, I got arrested by police, and released after I paid money to them."[181]

Another interviewee talked of how the hardships in Khartoum had led him to keep moving towards Europe: "The roundups on the street and an inability to work safely made things worse for me. Initially, I tried to work and help my family at least for a few years and then I could get enough time to decide. But, I could not even help myself there... Also, it is not safe in Sudan. I did not call my family from Sudan because I did not want them to be worried about me."[182] So he decided to leave for Libya and finally reached Europe.

"it is not safe in Sudan"

Furthermore, several of those interviewed talked of their fear of being deported back to Eritrea: "I have been arrested by Sudanese police because my ID card had expired. I also heard many stories of arrests and deportation of Eritrean refugees. Normally refugees pay money to the police to buy their freedom when they get arrested. I did the same when I got arrested. I paid a bribe to the policeman and he released me. We have no choice. If the police arrest me and deport me back home the Eritrean government will treat me badly. Because of that, I have stopped working in public places such as restaurants and cafes. I keep working privately as a babysitter at homes."[183] A man living in Addis Ababa said that he came to Ethiopia because "Eritrean migrants are forcefully returned to Eritrea from other neighbouring countries and I didn't want to be a victim."[184]

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178. Interview with Eritrean woman, Khartoum, Sudan, June 2017. Left Eritrea in 2015.
179. See, for example, Hovil 2016, pp 123 – 153.
180. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2014.
181. Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2017.
182. Interview with Eritrean man, Europe, July 2017. Left Eritrea in 2015.
183. Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2014.
184. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2014.

Therefore, as one woman living in Khartoum summarised: "When your status is a refugee without protection in another country, you will face many challenges, such as risks of arrest, deportation and unemployment. I have been arrested myself, and I know of many other Eritreans who were subjected to arrests and deportation."[185] Refugees who do not find protection in the first country they arrive are likely to move on.

Importantly, under international law, refugees are not required to remain in a country that does not provide effective protection, including where reception conditions fall short of the rights set out in the 1951 Refugee Convention.[186] European destination countries must therefore not deny recognition where the person concerned entered a neighbouring country, and other transit countries, but these places did not offer effective protection.

No return, but what's the alternative?

Once more, the issue comes back to whether or not people have alternatives. Unequivocally, people believe it is not safe to go home: "I can't go home, especially in the current situation in Eritrea. I will be arrested and punished because I travelled illegally. Either they send you to jail or to military training camps out of city while denying you family visits."[187] One woman told of how she had tried to leave Eritrea once before, but had been caught: "They sent me to the prison for eight months. It was terrible. When they arrest illegal travellers, they send them straight to prison, but there is no specific term or period of prison. It's different from case to case. And if you hadn't finished military service they will send you back for training. The training is one year and the service is life-long."[188] As another young man said, "I have considered turning back so many times. But there is no way I can. If I go back I don't know what will happen to me. I don't know if I will be imprisoned or tortured or sent back to the army to serve indefinitely."[189]

So what, realistically, is the alternative for people? In a context in which millions of people have lived in protracted exile, some for decades, with no "durable solutions" in sight, it is hard for people to have hope. As one woman said, "When I left Eritrea I was intent on reaching Europe. But after I experienced the difficulties of the smuggling trip [from her home in Eritrea to Khartoum], I hated smuggling. On the other hand, I'm not happy in Sudan, and I can't return home. Moreover, I have no passport and no option of legal travel from Sudan. I live in this complicated situation."[190]

For many of those interviewed, therefore, moving onwards in their journey was very much a last resort. As stated above, legal routes out of Eritrea are very difficult, especially for young people. As one woman said, "It's not easy for youth to travel out of Eritrea. In

185. Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2014.
186. UNHCR, Summary Conclusions on the Concept of "Effective Protection" in the Context of Secondary Movements of Refugees and Asylum-Seekers, Lisbon Expert Roundtable, 9-10 December 2012, February 2003.
187. Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2014.
188. Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2016.
189. Interview with Eritrean woman, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2016.
190. Interview with Eritrean woman, Khartoum, Sudan, June 2017. Left Eritrea in 2015.

fact, if you're under 40 years of age it's prohibited. The government also imposes tough requirements for travel and unless you meet these requirements you can't travel anywhere. You need to have finished your national service, be sick or married to someone living abroad in order to get clearance for travel."[191] As another woman asked, "Can you believe me if I tell you that I have no passport? Not only me, but all of the Eritrean youth. My younger brother got admission to university in the US, but the government authorities would not issue him with a passport. What can we do if we stay in Eritrea? There is no good education, no fair payment if you're a worker. The salary they give you cannot even feed you."[192]

With tight restrictions on legal routes out of Eritrea, many had left the country in the hope that they could carve out a future for themselves elsewhere. Many, of course, hoped that they might find a legal route into Europe or the US. One young woman told of how her sister encouraged her to come to Khartoum because she had applied on her behalf through the diversity visa lottery[193] to migrate to the US.[194] An Eritrean refugee living in Addis Ababa told of how he had tried to go to Europe legally by applying for a visa to study, but he had been turned down. "I have no other way to get there legally, so this [entering illegally] is the only way for me now."[195] Others have remained in Sudan or Ethiopia, and yet continue to live with huge challenges — challenges that might, in time, push them to continue a perilous journey.

Indeed, the lack of legal routes to Europe despite the considerable burden of asylum that is being met by states in the region, is recognised by migrants and governments alike. From the perspective of governments in the HoA, therefore, while many are happy to leverage the humanitarian and development assistance attached to current migration policy initiatives, many have a fundamentally different set of priorities to European states in relation to the policies that underlie this money. Not only do states that are hosting huge numbers of refugees want to see a global asylum system based on burden-sharing, they also want to see legal and fair routes for their citizens to seek employment elsewhere. In the case of the latter, remittances that are sent home by migrant workers are often crucial components to a country's economy. For instance, the Ethiopian government has deliberately made sure that its citizens have easy access to passports, and even offers assistance and guidance to migrants who are heading for the Gulf States and Middle East.[196] The Eritrean government is somewhat more ambiguous in this regard: it benefits from the remittances sent into the country through a system of taxation, and yet tries to prevent people from leaving the country in the first place.

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191. Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2014.
192. Interview with Eritrean woman, Khartoum, Sudan, June 2017. Left Eritrea in 2015.
193. The diversity visa lottery offers a number of immigrant visas to the United States on the basis of a lottery targeting immigrants from countries that have not yet sent many immigrants to the US. See "Green Card Lottery," www.us-immigration.com/blog/green-card-lottery-2019-registrations-begin-on-october-3-2017 Accessed 10 October 2017.
194. Interview with Eritrean woman, Khartoum, Sudan, May 2017. Left Eritrea in 2014.
195. Interview with Eritrean man, Addis Ababa, Ethiopia, May 2017. Left Eritrea in 2015.
196. Christopher Horwood (RMMS) and Tuesday Reitano, "A Perfect Storm? Forces shaping modern migration & displacement." Regional Mixed Migration Secretariat Horn of Africa and Yemen, May 2016. www.regionalmms.org/images/DiscussionPapers/A_Perfect_Storm.pdf Accessed 23 February 2017.

Conclusion

There are multiple challenges inherent within the approach currently informing the operations of the Khartoum Process. To date efforts have neither dented the numbers reaching Europe, nor stopped abuses. In fact, in the case of the latter the findings suggest the opposite: as barriers are created without sufficient alternatives being offered, people are taking greater and greater risks and journeys are becoming increasingly dangerous — and expensive. The only people benefitting from this are the smugglers and traffickers.

EU policy makers are not blind to these challenges. But what is the alternative? As stated at the outset, the findings point to the fact that a shift in focus needs to take place primarily onto the political context in which migration takes place rather than the criminality that it attracts. This shift acknowledges the lack of choices that people are confronted with throughout their journeys, a lack of choice that is driven by structural factors that cannot be resolved without a deeply political engagement that begins to dismantle them.

as barriers are created without sufficient alternatives being offered, people are taking greater and greater risks and journeys are becoming increasingly dangerous — and expensive

Instead, an approach is needed that recognises unequivocally the reality of life in Eritrea; that any approach that has its primary focus on the criminality that migration attracts is likely to be palliative at best and harmful at worst, because it deals exclusively with a symptom rather than the cause; that recognises and is built on a robust understanding of the broader context of forced migration in the HoA region; that recognises that insufficient legal routes for migration have left people devoid of hope for their futures; and that shows greater awareness of the need to accompany initiatives to increase access to livelihoods with a wider political conversation in which spaces for legal and political belonging are negotiated and expanded.

Therefore, the findings suggest that a top-down, instrumentalist approach to "migration management" creates not only the reputational risks acknowledged by the EU.[197] It is also unlikely to be effective in a context where people are desperate, and determined to escape oppressive political systems, conflict and dismal living conditions. Perhaps more importantly, it creates a serious risk of unintentionally increasing the likelihood of human rights abuses for those on the move, rather than bringing them to an end. An

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197. EUTF, Better Migration Management, 9, and leaked document, Council of the European Union, "Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Sudan", 7203/16, 17 March 2016, 3. www.statewatch.org/news/2016/mar/eu-com-eeas-readmission-sudan-7203-16.pdf Accessed 5 October 2017.

alternative approach that heeds empirical findings, and would hence be better suited to effectively address mixed migration, needs to be:
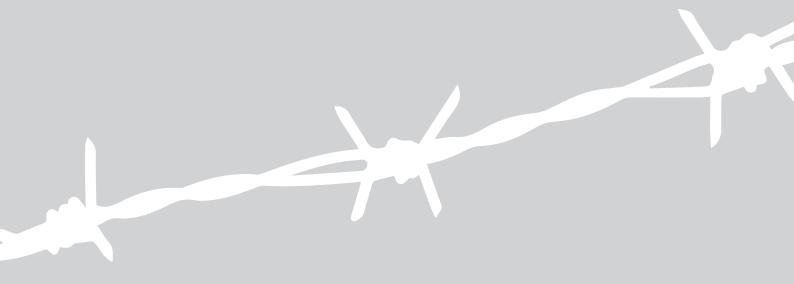
- **People centric**: reflecting the experiences of the individuals and communities concerned, and enabling them to participate in the policy-making processes;

- **Contextual**: understanding mixed migration as a complex reality and focusing on how best to address the root causes and multiple factors contributing to such reality. Such an approach demands a broader, mid- to long-term engagement beyond specific projects;

- **Rights-based**: developing a holistic approach that views protection of human rights (also with a view to preventing forced displacement/migration) and the protection of the rights of refugees and migrants as fundamental and integral to any policy on mixed migration. This is both in terms of whom any engagement is meant to benefit and of addressing its root causes;

- **Based on mutuality and shared responsibility**: acknowledging mixed migration as an issue of shared interest and concern; fostering mobility and sharing responsibility with a view to providing durable solution for those in need of protection.

The Khartoum Process created a platform to deal with one of the most pressing issues faced by countries in the Horn of Africa, but if steered in the wrong direction, this platform may end up doing more harm than good.

the issue of alternatives lies at the heart of what would constitute good policy-making in this environment

Ultimately, it is clear that the issue of alternatives lies at the heart of what would constitute good policy-making in this environment. And a key component to this is an emphasis on protection of those on the move rather than on restricting movement. If the primary goal of migration management becomes one of protection for people who are moving rather than trying to restrict their onward movement, there is no indicator that the numbers of people arriving in Europe would increase. In fact, the findings suggest the opposite: provide protection for people where they are — genuine, politically integrated protection — and the compulsion to take huge risks inevitably reduces. It is also an approach that protects the EU from subduing or even losing its moral compass in responding to the political pressure put upon them by electorates. And ultimately, it supports the notion that the most efficient way to tackle smuggling and trafficking is to take away the need for them.

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