

Messages from the DAC CSO Reference Group in the second round of consultation with the DAC TWG on Migration and ODA eligibility

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The DAC CSO Reference group recommendations presented in the first round of consultation still stand and can be found here: [Joint CSO policy recommendations for the DAC TWG on ODA eligibility of migration-related activities \(dac-csoreferencegroup.com\)](https://dac-csoreferencegroup.com/)

CSOs' views on the current direction of work of the TWG

Overall, the DAC CSO Reference Group would like to express that the purpose laid out in the Terms of Reference of the Temporary Working Group seems consistent with the purpose of the ODA measure and with international principles of development effectiveness. We appreciate this, since domestic migration policy interests' influence on international cooperation is an area where policy coherence for sustainable development has been lacking in recent years, and in some cases even been associated with human rights abuses outside the borders of DAC member states. The CSOs which participated in the second round of consultation are supportive of the efforts of developing concrete criteria and a casebook to support a clear development focus of migration related activities in ODA.

The DAC CSO Reference Group was not provided with the full draft of the Reporting Directives for migration related costs in ODA and therefore does not vouch for the below comments being complete and comprehensive. But based on the presentation and questions kindly provided by the TWG, these are some comments from the second round of consultation on the work of the DAC TWG on the ODA eligibility of migration related costs.

CSOs' recommendations and reflections on the questions still under discussion in the TWG

Mutual benefit: how to identify the main objective and make sure it is developmental?

- The lack of universally recognized technical definitions of "main/ primary objective" risks that the reporting becomes arbitrary and that the reporting party reports to its own benefit. The OECD DAC's indications offered in the explanatory notes for markers confirms the discretionary space allowed for reporting parties and recall the importance of validation of the ODA statistics.
- The issue of mutual benefit as an objective is extra sensitive when ODA is reported by only one party, the DAC member, with no validation by the partner country.

“Mutual benefit” cannot be defined by one party only, as anything unilaterally defined cannot be truly mutual. Nor is there a mechanism to confirm reciprocity. According to CSOs, the validation principle of the new UN indicator 17.3.1 for the Total Official Support for Sustainable Development is a good practice. We realise it is unlikely that the OECD DAC will change its established way of working to include validation by partner countries, but that just makes strong reporting directives and high standards of quality all the more necessary. Including to avoid the inclusion of “mutual benefit” as an objective of ODA reportable costs.

- “Mutual benefit” objectives and grey areas involving migration policy goals takes away from the clear results-focus needed to achieve the eradication of poverty, the crucial prerequisite to sustainable development as agreed and expressed in the Agenda 2030 preamble.
ODA reportable costs are not, and should not be, synonymous with every type of cost related to sustainable development. Agenda 2030 has shown us that the world is connected, but ODA is the clear measure of transfers made by high income countries for the economic development and welfare of people in low and middle income countries.
It is true that development cooperation is frequently beneficial to a peaceful, democratic, sustainable development which in the long term, and sometimes even in the shorter term, benefits all societies, including DAC member states. It is true that international cooperation, when it works well, can have some inherent qualities of mutual benefit through fruitful relations and goodwill. It is however also true that developing countries bear the majority of the costs of their own development and welfare (and much of the costs of several crises largely not caused by them, including the climate crisis, conflicts in neighbouring regions, and costs of hosting 85% of the world's refugees).
For DAC members to institutionalise a system of ODA reporting of more direct benefits to themselves is not consistent with the intended purpose of ODA in the international system.
- It is a clear warning sign if the case is that “some members find it difficult to hierarchize objectives and determine the primary objective.” Any uncertainty as to the primary objective indicates that the activity is not primarily developmental and should classify as a reason not to report or validate the cost as ODA.
- It is crucial to explicitly clarify in the Reporting Directives too that ODA should be used exclusively for the advancement of the development objectives of developing countries, as stated in the DAC’s 15190 purpose code.
- We suggest to clarify in the Reporting Directives on migration related costs that “ODA should not be used as a vehicle to promote providers’ migration interests”. This is in direct parallel to the DAC’s statement regarding security interests at its 2016 High Level Meeting. The casebook can also help clarify which specific costs and activities are non-reportable.

Conditionality: how to make a clear difference between high-level conditionality (broader policy dialogue) and specific conditions?

- Our concerns from the June 2021 submissions about *whose conditions* still hold as we have not seen any progress in this regard. Any conditions beyond international obligations can be questioned especially with regard to the element of mutuality (see concerns above).
- There might be obligations that all parties are called to implement in line with deliberations agreed, for instance, at the UN level; the principle of the differentiated responsibilities come into play as well as recalled inter alia in the Addis Ababa Action Agenda and the Agenda 2030.
- The following criteria should apply to conditionality:
 - Eligible: Activities fulfilling the ODA definition and unconnected to any migration policy conditions, whether through negative or positive conditionality and whether through formal or informal agreements.
 - Non eligible: Activities whose support is - formally or informally - conditioned upon partner country cooperation on restricting mobility, enforcing stronger/securitized border management or taking back irregular migrants (through readmission agreements)

Reintegration

General points:

- It is critical that costs supporting forced returns should never be reported as ODA and that criteria distinguishing forced and voluntary returns should be spelled out.
- **Only** assistance to voluntary, safe and dignified returns and reintegration from one developing country to another should be ODA-eligible. Forced returns are negative events that do not support development goals, designed and executed to promote the returning country's internal migration policies and laws, hence have nothing to do with the purpose of ODA. Further, some forced returns can put the returnees at risk, or result in secondary displacement and instability, or worse refolement.
- Activities could only qualify as ODA-eligible if it can be demonstrated that they promote sustainable development in the country of origin. This means that, to be considered as ODA, reintegration programmes would have to be integrated in broader sectoral development policies, planning and strategies of partner countries (ex poverty and inequality reduction programmes). Considering that returns and reintegration programmes are complementary and interconnected and should be rights-based and sustainable to be successful, support for reintegration in case of forced/coercive returns in the country of origin should not be considered as ODA-eligible.
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- Reintegration activities provided must take into account different and specific needs of returnees, since they are not an homogeneous category. Special attention should be given to women and girls, people with disabilities, victims of human trafficking. Reintegration activities that are designed and implemented in a gender- and age-responsive manner and reflect both the individual migrant and local community's needs should be promoted. The long-term, broader added-value of such reintegration activities for development should be demonstrated through reporting (outcomes, indicators, narrative, target beneficiaries, etc.).
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- ODA must never be used as a way for donors to externalise their own borders to developing countries and to meet their domestic interests on migration control and management.

Views on the eligibility of reintegration support targeting mainly/exclusively returnees from provider country:

- The costs related to assistance provided for the voluntary return and reintegration of migrants from *donor countries* to developing countries (currently eligible under DAC rule and to be reported as in-donor refugee costs), should not be ODA-eligible, as they pertain to donors' own migration policies and are not mutually beneficial. Only the assistance to voluntary, safe and dignified returns and reintegration **from a developing country** are ODA-eligible

(See rationale above under general points)

Views on the eligibility of reintegration activities undertaken in countries of origin seen as ODA-eligible irrespective of the status of returnees (forced or voluntary):

- All costs related to forced return (*including reintegration* from donor or developing country) should be excluded from ODA eligibility. As only the assistance to voluntary, safe and dignified returns and reintegration **from a developing country** is ODA-eligible,

(See rationale above under general points)

Countering irregular migration: how to clearly identify eligible vs non-eligible activities when they are similar in nature (build the capacity of developing countries' migration systems) but can follow a different primary objective (good governance vs curb migration to provider country)?

- It can be challenging to make a clear distinction only based on the title of the activity as similar activities can indeed have distinctive objectives. Intention (which confirms the primary objective) is often expressed in the narrative and in the performance indicators, rather than in the title of the activities. Since the narrative is especially important to determine the eligibility of activities in the grey areas between migration- and development policies, the inclusion of a clear narrative and a list of outputs and indicators in project descriptions and reports should always be required for the ODA eligibility of migration related costs.
- Activities must be clearly formulated so that they link to the main objective and narrative, which is supposed to be designed for mutual benefit and advancement of sustainable development. Now there is a risk that activities that are similar adhere to different main objectives. One example is the activity of "capacity building of developing countries' migration systems", e.g. which can both support the main objective of "good governance" which is *in line with sustainable development*, but it could just as easily be an activity to support the objective of "curbing migration to provider countries" which is not coherent with the purpose of ODA and could be

contrary to work towards sustainable development in the partner country.

- The introduction of a requirement to clearly describe how a project supports development is necessary when it regards migration governance, and especially if it includes components of border management and costs bordering on security sector costs: e.g., if the project enables proper flow of goods, people etc. in a safe way across borders, or builds capacity to set up regular migration pathways etc. the development impact can be argued.

Further relevant identifiers for eligible activities could include the following:

- Proposed project is in line with the guiding principles, objectives and actions under the Global Compact for Migration (GCM), Objective 11: Manage borders in an integrated, secure, and coordinated manner.
- The type of actors involved in the action, e.g., development NGOs, human rights institutions, etc. as opposed to solely security sector actors.

Non-eligible activities:

- Activities that are framed within a narrative of, and contribute to a primary objective of, prevention/reduction of mobility (non-eligibility by narrative).
- Activities that are measured by (as specified by Key Performance Indicators) the extent to which they restrict, reduce or prevent mobility (non-eligibility by indicators).

Labour mobility and cases where activities might involve the provider country or non ODA-eligible countries?

- Any costs in relation to labour markets in or labour mobility to or from non-ODA eligible countries is not ODA eligible as per usual.
- Costs pertaining to the purpose of ODA in an ODA-eligible country/ies in development programmes which achieve sustainable development objectives through the promotion of labour mobility are of course eligible. For any further detail we would need to see drafts of the casebook or the criteria for eligible costs.