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INTERNATIONAL MIGRATION AND THE LAW

LEGAL APPROACHES TO A GLOBAL CHALLENGE

Edited by

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This volume collects the final results of the Research Project of Relevant National Interest (PRIN) “International Migrations, State, Sovereignty and Human Rights: Open Legal Issues” (2019-2024). Four research units have been financed by the Italian Ministry of University and Research to carry on the PRIN, namely the units of the following Universities: Salerno, Campania “Luigi Vanvitelli”, Bari “Aldo Moro”, and Teramo. The researchers have worked under the guidance of Angela Di Stasi, as principal Investigator, and Ida Caracciolo, Gianni Cellamare and Pietro Gargiulo, as associate Investigators.

Adopting a multilevel and multidisciplinary approach, the book aims to explore existing and future trends in the development of migration policy from the local to the global level, highlighting the challenges and gaps in the protection of migrants, and providing concepts and empirical findings with implications also for practitioners and lawyers.

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THE EU'S REGIONAL DEVELOPMENT AND PROTECTION PROGRAMMES (RDPPS): EFFECTIVE OR TOO AMBITIOUS (AND AMBIGUOUS) PROTECTION TOOL?*

Giuseppe Morgese

ABSTRACT: The chapter analyses the EU's Regional Protection and Development Programmes (RDPPs), which have replaced the previous Regional Protection Programmes (RPPs) since 2014, to improve the conditions of both Syrian and African refugees and local communities in host countries. After a short introduction, Paragraphs Two and Three briefly examine RPPs and RDPPs, with Paragraph Four assessing the latter in light of some recent evaluation reports. Finally, in the Conclusions, these programmes' positive and negative aspects are assessed, in light of future developments of the external dimension of EU asylum.

SUMMARY: 1. Introduction. – 2. The “old” Regional Protection Programmes (RPPs). – 3. The “new” Regional Development and Protection Programmes (RDPPs). – 4. Assessing the effectiveness of RDPPs vis-à-vis RPPs. – 5. Conclusions.

1. Introduction

In a legislative framework mainly focused on containment and control of irregular immigration and readmission of persons with no legal *status* to stay in the Member States, the European Union (EU) has over the years put in place some measures aimed – at least in its declared intentions – at developing durable solutions for protracted refugee situations within the framework of the so-called external dimension of asylum¹

*This Chapter was finalised on 31 January 2023.

¹ In line with Art. 78(2)(g) TFEU, according to which the EU may conclude “partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection”. Recently V. MORENO-LAX (2022), *The Informalisation of the External Dimension of EU Asylum Policy: the Hard Implications of Soft Law*, in E.L. TSOURDI,

and showing ‘external’ solidarity (*i.e.*, to alleviate the burdens of third countries hosting refugees). Within such measures, a pivotal role is played by Regional (Development and) Protection Programmes (RPPs/RDPPs), launched in 2005 to “enhance the capacity of areas close to regions of origin to protect refugees”.² The importance of these programmes lies in helping to create for refugees the conditions for one out of the above-mentioned durable solutions (*i.e.*, repatriation, local integration, resettlement).³ As such, they aim to ensure the most orderly protection possible for refugees in their regions of origin (or transit) without placing an excessive burden on host communities.

This chapter will outline the main features of ‘old’ RPPs and ‘new’ RDPPs, highlighting the elements of socio-economic development in the host territories that the former, unlike the latter, are provided with. Then, some considerations on the effectiveness of RDPPs will be made following recent reports, to eventually point out whether such programmes are truly effective or rather represent a too ambitious (and ambiguous) means of protection.

2. The “old” Regional Protection Programmes (RPPs)

An early attempt to set up extra-EU protection areas, where national asylum capacities could be increased to provide durable solutions to refugees and asylum seekers, can be traced back to some 2003 UK position papers referring to the idea of “Regional Processing Areas”.⁴

To the latter, which in the UK’s intentions would protect people in

P. DE BRUYCKER (eds.), *Research Handbook on EU Migration and Asylum Law*, Cheltenham, 282 ff. On possible solutions to protracted displacement, see L. GIGLIO, N. STIENNON, J. HENDERSON, S. DER KINDEREN, A. PAPADOPOULOU, P. KLANSØ, K. STARUP, A. ANDERSON-GOUGH, S. ALS, R. BAHL (2014), *Finding Solutions to Protracted Displacement: The EU’s Role and Ways Forward*, Discussion Paper, DOMAID project, available online.

² Communication, *on Regional Protection Programmes*, 1.9.2005, COM(2005) 388 final, 3. In general see G. MORGESE (2017), *I programmi di (sviluppo e) protezione regionale dell’Unione europea: uno strumento efficace per i rifugiati africani?*, in *Federalismi.it*, 1, 2 ff.

³ Communication, *on Regional Protection Programmes*, cit., 3.

⁴ *A new vision for refugee*, 7.3.2003, and *New international approaches to asylum processing and protection*, 10.3.2003, both available online. See G. NOLL (2003), *Visions of the Exceptional: Legal and Theoretical Issues Raised by Transit Processing Centres and Protection Zones*, in *Eur. J. Migr. Law*, (3), 303 ff.

need 'after' EU States had rejected them for being deemed undeserving of a national protection *status*, the European Commission opposed the different idea of setting up *ad hoc* projects "in regions facing protracted refugee situations, with a view to increasing, effective protection, thereby reducing secondary movements to EU Member States"⁵ (*i.e.*, 'before' most of the journey had even taken place). In a subsequent Communication, the Commission proposed RPPs to be developed in partnership with third countries in areas recognised as strategic,⁶ thus acknowledging these programmes "as a key policy tool to address protracted refugee situations globally".⁷

Under a specific mandate from the European Council,⁸ the Commission adopted a specific Communication in 2005,⁹ according to which RPPs would have enhanced the capacity of areas close to regions of origin to protect refugees and create the conditions for one of the three durable solutions for each beneficiary in cooperation with the United Nations High Commissioner for Refugees (UNHCR) and targeted third countries. RPPs were supposed to be flexible, situation-specific, consistent with EU humanitarian and development policies and other relevant activities, and consisting of practical actions aimed at delivering tangible benefits both in terms of protection of refugees and support for host communities.¹⁰ As for financing resources, RPPs would not be based on a new financial framework but on existing programmes dedicated to cooperation with third countries. Finally, it is worth mentioning that since 2006 the governance of RPPs has wit-

⁵ Communication, *Towards more accessible, equitable and managed asylum systems*, 3.6.2003, COM(2003) 315 final, 19. See M. GARLICK (2006), *The EU Discussions on Extraterritorial Processing: Solution or Conundrum?*, in *Int. J. Refug. Law*, 3-4, 617.

⁶ Communication, *Improving access to durable solutions*, 4.6.2004, COM(2004) 410 final, 17 ff.

⁷ *Ivi*, 21.

⁸ The Hague Programme, *Strengthening Freedom, Security and Justice in the European Union*, adopted by the European Council on 4/5.11.2004, OJ C53, 3.3.2005, 1 ff. As pointed out by M. GARLICK (2011), *EU "Regional Protection Programmes": Development and Prospects*, in M. MAES, M.-C. FOBLETS, P. DE BRUYCKER (eds.), *External Dimension of EU Law and Policy*, Leuven, 374-375, the European Council did not follow up on any of the Member States' proposals to externalise the examination of asylum applications.

⁹ Communication, *on Regional Protection Programmes*, *cit.*

¹⁰ *Ivi*, 4.

nessed the setting up of a Steering Committee with representatives from the relevant Commission DGs, UNHCR, interested Member States, and other stakeholders.¹¹

The 2005 Communication underlined the opportunity, in the first phase, to launch so-called “pilot” RPPs, in which targeted regions would have been identified on several factors, but mainly on the need to focus on a delimited area and build on experience from previous already-funded actions, taking account of the need to assure added value and an evaluation mechanism.¹² Accordingly, the Communication indicated two pilot regions:¹³ a transit region in the area of the Newly Independent States (NIS) and a region of origin in the Great Lakes area of sub-Saharan Africa.¹⁴

The “Pilot RPP in the NIS” started in 2005 to help targeted third countries (Ukraine, Moldova, and Belarus) enhance their capacities in terms of timely identification, access to asylum procedures, local integration, and prospects for durable solutions. Although projects belonging to this RPP were financed under the AENEAS and TPMA programmes, their implementation has mainly been carried out by the UNHCR and local actors, covering a broad spectrum of capacity-building measures for concerned third States.¹⁵

In contrast, the designation of the “Pilot RPP in the African Great Lakes Area”¹⁶ resulted from the fact that Tanzania, at the time, hosted a large number of refugees from Burundi and the Democratic Republic of Congo. It therefore seemed necessary to set up capacity-building ac-

¹¹ A. PAPADOPOULOU (2015), *Regional Protection Programmes: an Effective Policy Tool?*, Discussion Paper, DOMAID project, 8, available online.

¹² Communication, *on Regional Protection Programmes*, cit., 5.

¹³ M. GARLICK (2011), *EU “Regional Protection Programmes”*, cit., 382-383.

¹⁴ In the medium term, further RPPs in Afghanistan, the Horn of Africa, and North Africa were foreseen.

¹⁵ Including border procedures, reception, identification and registration of asylum seekers, legal advice and social assistance through local NGOs, and technical assistance. Such projects benefited from the simultaneous implementation of other (non-RPP) projects also financed by EU resources. See R. CORTINOVIS (2015), *The External Dimension of EU Asylum Policy: Gaining Momentum or Fading Away?*, in *Ismu Paper*, 9-10, available online.

¹⁶ According to M. GARLICK, *The EU Discussions on Extraterritorial Processing*, cit., 626, some would have expected a pilot RPP in Libya or, in any case, located in North Africa. See also M. GARLICK (2011), *EU “Regional Protection Programmes”*, cit., 378-381.

tions in favour of approximately 90,000 refugees (out of a total of about 350,000 refugees in the country), to integrate them with other EU humanitarian aid operations in the region thus concretising planned resettlement actions.

In 2009, an external evaluation highlighted both positive and critical elements of pilot RPPs.¹⁷ As for the former, it was found that relevant projects did contribute to a certain extent to the objectives set out in the 2005 Communication: while the aim of increasing protection has seen good progress, efforts to promote local integration have had limited results in the NIS area, and in Tanzania they were mostly successful.¹⁸ On the other hand, several shortcomings of pilot RPPs were pointed out in terms of lack of flexibility vis-à-vis changing field conditions, lack of a specific budget line, low visibility of the projects, inadequate involvement of targeted third countries, poor resettlement in terms of response from the Member States,¹⁹ and limited coordination with other humanitarian and development initiatives due to the lack of a real EU strategic coordination.²⁰

Following up on the European Council's request,²¹ in 2010 the Commission stated its intention to improve and extend RPPs to two other African regions (North Africa and the Horn of Africa);²² at the same time, in the 2011 Global Approach to Migration and Mobility (GAMM) it acknowledged the previously limited use of RPPs and the opportunity for their strengthening, with a specific focus on "building up protection capacity and asylum systems in partner countries and regions" and adding "an enhanced resettlement component [...] to

¹⁷ GHK (2009), *Evaluation of Pilot Regional Protection Programmes*, Final Report, available online.

¹⁸ Some UNHCR reports (accessed by A. PAPADOPOULOU (2015), *Regional Protection Programmes*, cit., 10) highlighted progress in terms of awareness and understanding of border officials for the need to access the asylum procedure.

¹⁹ A. PAPADOPOULOU (2015), *Regional Protection Programmes*, cit., 10.

²⁰ R. CORTINOVIS (2015), *The External Dimension of EU Asylum Policy*, cit., 10.

²¹ Stockholm Programme, *An open and secure Europe serving and protecting citizens*, adopted by the European Council on 4/5.12.2008, OJ C115, 4.5.2010, 1 ff., para. 6.2.3.

²² Communication, *First Annual Report on Immigration and Asylum* (2009), 6.5.2010, COM(2010) 214 final, 6.

each RPP as a sign of international solidarity and a key instrument for pursuing orderly access to durable solutions in the EU".²³

The *RPP in the Horn of Africa* became operational in late 2011 in Djibouti, Kenya, and Yemen and was financed by the TPMA programme. It was built on pre-existing humanitarian assistance and mixed migration management projects in Kenya and Yemen, with the overall objective of improving the protection and care provided to asylum seekers in the area. In Yemen, the focus was on screening, registering, and addressing the first needs of new arrivals; training NGOs on the ground; providing social services and special assistance to vulnerable refugees; enhancing professional and educational skills for students in the camps; and resettlement procedures for some refugees in European and non-European countries. In Djibouti, activities focused on training national authorities on protection issues; building up a reception centre at the border with Somalia; strengthening educational activities in the reception camps; and starting-up small economic activities. Finally, in Kenya RPPs projects were mainly addressed to guarantee security and appropriate living conditions in the reception camps, providing *inter alia* support to the efforts of UNHCR, the Kenyan government and local NGOs to train and increase the presence of police forces as well as to improve infrastructures and educational activities; it should also be noted that resettlement operations resulted in the transfer of almost 9,000 refugees from Kenya to other countries.

The "RPP in North Africa" was funded by the PTAM programme to enable UNHCR to implement projects from 2012 to 2015 in Egypt, Libya, and Tunisia. This transit-region RPP aimed to improve capacities in the three targeted countries to identify, register, screen, and return asylum seekers if practicable. In Egypt, activities were in line with previous AENEAS-funded actions and focused on capacity-building and training of public authorities, mass information campaigns, and voluntary return.²⁴ As for Tunisia, the focus was on developing an appropriate national asylum system through the training of legal practitioners and journalists, the provision of medical supplies to hospitals, information campaigns, support to local NGOs to carry out refugee *status*

²³ Communication, *The Global Approach to Migration and Mobility*, 18.11.2011, COM(2011) 743 final, 18.

²⁴ Some projects were postponed due to the instability resulting from the uprisings against the Mubarak regime in Egypt and, in general, the "Arab Spring" events.

recognition procedures in reception camps and some resettlement operations. Finally, activities in Libya – which started with a delay in the second half of 2012 due to the serious instability following the end of the Gaddafi regime – dealt with the monitoring of protection conditions, registration and recognition procedures in a territory still today suffering from severe access difficulties to applicants detained in formal and informal camps as well as to documentation on asylum procedures.

3. The “new” Regional Development and Protection Programmes (RDPPs)

At the end of 2013, in response to the Lampedusa tragedy of the 3rd of October, the Commission adopted the Communication on the Mediterranean Task Force,²⁵ which *inter alia* reiterated the need to strengthen the existing RPPs. It was particularly noted that the latter could only be successful if they could have relied on “longer-term engagement and funding [...] both from the EU and the national level” and if their implementation had been “accompanied by strong political dialogue and advocacy efforts on refugee protection and protracted refugee situations with national authorities in third countries” and, finally, if coordination between the EU, the Member States, UNHCR and NGOs involved had been increased.²⁶

More importantly, the Communication reaffirmed the EU's willingness, already expressed in the Joint Communication on the Syrian crisis,²⁷ to put in place a programme “aimed at strengthening the long-term capacity of the countries neighbouring Syria to help them to deal with refugees” and confirmed that, in one of the most displaced areas in recent years, it would have operated a new “Regional Development and Protection Programme (RDPPs)”.²⁸

²⁵ Communication, *on the work of the Task Force Mediterranean*, 4.12.2013, COM(2013) 869 final.

²⁶ *Ivi*, 12.

²⁷ Joint Communication, *Towards a Comprehensive EU Approach to the Syrian Crisis*, 24.6.2013, JOIN/2013/22 final.

²⁸ Communication, *on the work of the Task Force Mediterranean*, cit., 12. The new denomination already resulted from the Communication, *4th Annual Report on Immigration and Asylum (2012)*, 17.6.2013, COM(2013) 422 final, 14, and, more generally, from the Communication, *A European Agenda on Migration*, 13.5.2015, COM(2015) 240 final, 5.

The “RDPP in the Middle East” (RDPP ME) started in July 2014. Phase I was a four-year multi-donor²⁹ initiative to implement projects in Jordan, Lebanon, and Iraq.³⁰ The RDPP ME was built from a study commissioned by the Danish government,³¹ and the latter State led its overall implementation in partnership with the EU, governments, civil society, NGOs, and UN agencies. The distinctive feature of this programme (as reflected in its name) is that the relevant projects concerned not only capacity-building in the asylum sector but also the development of local host communities, in line with the GAMM strategy.³² In other words, building on the shortcomings of previous RPPs and in line with similar views by other International Organisations,³³ the EU has acknowledged that, in situations of protracted displacement, refugee-related humanitarian assistance cannot be separated from the parallel activation of socioeconomic development measures for the benefit of both refugees and host communities.³⁴

Phase I has been implemented through 45 strategic partnerships in the region and consists of projects³⁵ that can be grouped into four macro-areas: research (aimed at assessing and analysing the impact of displacement on refugees and host communities); protection (in line with previous RPPs, to strengthen the protection of refugees through legal support, community empowerment, and conflict mitigation, better ca-

²⁹ It was supported by the European Commission (DEVCO), Ireland, the Netherlands, the United Kingdom, the Czech Republic, Switzerland, Norway, and Denmark.

³⁰ See https://www.eeas.europa.eu/node/7895_en.

³¹ R. ZETTER, H. RUAUDEL, S. DEARDORFF-MILLER, E. LYTTINEN, C. THIBOS, F. SKADKÆR PEDERSEN (2014), *The Syrian Displacement Crisis and a Regional Development and Protection Programme: Mapping and Meta-Analysis of Existing Studies of Costs, Impacts and Protection*, available online.

³² Communication, *The Global Approach to Migration and Mobility*, cit., 18.

³³ M. HENDOW (2019), *Bridging Refugee Protection and Development. Policy Recommendations for Applying a Development-Displacement Nexus Approach*, ICMPD Study, available online, 15 ff.; and R. ZETTER (2020), *From Humanitarianism to Development: Reconfiguring the International Refugee Response Regime*, in T. BASTIA, R. SKELDON (eds.), *Routledge Handbook of Migration and Development*, Abingdon, 353 ff.

³⁴ The link between protection and development was reaffirmed in the Communication, *Lives in Dignity: from Aid-dependence to Self-reliance Forced Displacement and Development*, 26.4.2016, COM(2016) 234 final, 2.

³⁵ A detailed list is available at <https://www.rdpp-me.org/phase-i>.

capacities of national institutions for protection and asylum, and combating child labour); advocacy and political dialogue (aimed at improving and upholding refugees' rights); and the most significant socio-economic development component (to enhance economic opportunities and livelihood capacity of the vulnerable population through employment generation and business development).³⁶

Phase II was launched in October 2018, ran until December 2022 and was supported by the Czech Republic, Denmark, the EU, Ireland, and Switzerland. While its overall objective was to ensure that refugees and host populations access their rights, are safe and self-reliant, and that refugees were guaranteed a durable solution, the RDPP ME focused on three thematic areas: livelihoods towards durable solutions, upholding and expanding protection space, and applied research and advocacy.³⁷

The impetus to move along this new approach – *i.e.*, integrating development measures in refugee-related humanitarian actions – also affected African RPPs. The Justice and Home Affairs Council of October 2014 called for the development of “new and reinforced Regional Development and Protection Programmes in North Africa and the Horn of Africa and fully implement the existing Regional Development and Protection Programme in the Middle East”.³⁸ Such request was followed up in the Commission's European Agenda on Migration of May 2015, which stressed that “the EU should step up its support to the countries bearing the brunt of displaced refugees. Regional Development and Protection Programmes will be set up or deepened, starting in North Africa and the Horn of Africa, as well as by building on the existing one in the Middle East”, with an EU budget of € 30 million for the period 2015-2016.³⁹ The Action Plan of the EU-Africa Valletta Summit of Migration of November 2015 specified that such RDPPs should have been up and running by mid-2016.⁴⁰

³⁶ As pointed out by A. PAPAPOULOU (2015), *Regional Protection Programmes*, cit., 15, the latter's activities included skills development, vocational training, infrastructure, jobs creation and market-based support for both refugees and the local communities.

³⁷ See the report available at <https://www.rdpp-me.org/rdpp-reports>.

³⁸ See Annex to Council Conclusions, *Taking action to better manage migratory flows*, 10.10.2014, 14141/14, 4.

³⁹ Communication, *A European Agenda on Migration*, cit., 5.

⁴⁰ Available online.

The “RDPP in North Africa” (RDPP NA) was launched on 15th April 2015 in eight targeted third countries: Algeria, Chad, Egypt, Libya, Mauritania, Morocco, Niger, and Tunisia. Its “protection” pillar has been funded through the Asylum, Migration and Integration Fund (AMIF) 2014-2020⁴¹ to implement, to date, 57 projects in Algeria, Chad, Egypt, Libya, Mauritania, Morocco, Niger and Tunisia.⁴² This pillar has currently entered Phase V, whose projects are expected to end on 31st December 2023. Italy leads the responsible Steering Committee (notably, the Italian Ministry of the Interior) and consists of representatives of the Commission, the European External Action Service (EEAS), the former European Asylum Support Office (EASO), several Member States⁴³ and Norway as an Associate State, in partnership with UNHCR and the International Organization for Migration (IOM). Main supported activities concerned assisted voluntary return and reintegration to the countries of origin; awareness-raising activities on the risks related to irregular migration and access to international protection; capacity-building initiatives in support of national governments, NGOs and civil society organisations with a specific focus on human rights standards, international protection and services for vulnerable migrants and refugees; child protection for children on the move; direct assistance for migrants and refugees, including distribution of food and non-food items, medical, legal and psychosocial assistance; infrastructure works for rehabilitation and equipment of key facilities; and registration, refugee *status* determination and durable solutions for asylum seekers and refugees.

As regards the “development” pillar of the RDPP NA, which began in 2016 in Morocco, Algeria, Tunisia, Libya, and Egypt, it has been managed by Commission’s DG NEAR and financed through the European Neighbourhood Instrument (ENI) 2014-2020⁴⁴ and the EU Trust

⁴¹ Art. 20(2)(f), Regulation (EU) 516/2014, *establishing the Asylum, Migration and Integration Fund*, 16.4.2014, OJ L150, 20.5.2014, 168 ff. See E. CASAJUANA, R. WESTERBY (2022), *Follow the Money IV: The Use of AMIF and ISF-BV Funds outside the EU*, Brussels, 16, available online.

⁴² <http://www.libertacivilimmigrazione.dlci.interno.gov.it/it/regional-development-protection-programme-north-africa>.

⁴³ Austria, Belgium, the Czech Republic, Finland, France, Germany, Greece, Malta, the Netherlands, Portugal, Spain, and Sweden.

⁴⁴ Regulation (EU) 232/2014, *establishing a European Neighbourhood Instrument*, 11.3.2014, OJ L77, 15.3.2014, 27 ff. In the Joint Communication, *Review of the European Neighbourhood Policy*, 18.11.2015, JOIN/2015/50 fi-

Fund (EUTF) for Africa⁴⁵ to contribute to establishing migrant-friendly inclusive services, fostering social cohesion and employment opportunities at the community level, and enhancing advocacy, research, and knowledge-sharing. While Phase I was implemented by IOM from February 2016 to January 2020,⁴⁶ and Phase II by IOM and Save the Children from July 2017 and December 2018,⁴⁷ Phase III was entrusted in July 2019 to civil society organisations only for implementing projects expected to run in some cases until 2024.⁴⁸

Finally, the “RDPP in the Horn of Africa” (RDPP HA) has worked from June 2015 until the end of 2020 (although some projects are still today in their implementation stage),⁴⁹ with the overall objective of filling in protection gaps and addressing the humanitarian-development nexus challenge.⁵⁰ The Steering Committee was led by the Netherlands,

nal, 17, RDPP NA (as well as RDPP ME) has been recognised as crucial to “assist partner countries in developing their asylum and protection systems by supporting those displaced by conflicts [...]”.

⁴⁵ European and African partners launched the EUTF for Africa at the EU-Africa Valletta Summit of Migration in November 2015. Soon after, the Constitutive Agreement (available online) was signed by the Commission, 25 EU Member States, Norway, and Switzerland. As of 31 December 2021, total resources allocated to the EUTF for Africa amounted to around € 5 billion, including € 4.4 billion from the European Development Fund (EDF), the Development Cooperation Instrument (DCI), ENI, AMIF and other funding, and around € 623 million from the EU Member States and other donors (Norway, Switzerland, and UK).

⁴⁶ In 2015, the ENI financed the first action within the pillar, initially named “Community Resilience Initiative to support the Regional Development and Protection Programme in North Africa”, later called “Phase I”. It focused on formulating national needs assessments, training journalists, and providing technical support to local civil society organisations and advocacy efforts.

⁴⁷ The projects concerned complementary initiatives targeting sustainable livelihoods and access to services on a national level, based on the priorities identified in the needs assessments in the targeted countries.

⁴⁸ The overall objective of this three-year Phase III was to strengthen the resilience of those in need, and activities have built on the relevant parts of the needs assessment of Phase I.

⁴⁹ E. DAVIN, J. RUBIRA, P. DE MERCEY, D. WILLIAMS, H. LE BLAY, M. BONNET, R. CHRISTENSEN, E. OGOLA, S. KINATI, P. DAL BIANCO (2022), *EUTF Monitoring and Learning System HoA. S1 2022 Report (covering until 30 June 2022)*, available online.

⁵⁰ T.T. ABEBE (2021), *Forced Displacement Trends and Responses in the*

which coordinated the other EU Member States⁵¹ and two Associate States⁵² in partnership with UNHCR and IOM. The RDPP HA operated mainly in Ethiopia, Kenya, Sudan and Uganda, which still host many refugees from Eritrea, Somalia and South Sudan.⁵³ While the “protection” pillar was funded by AMIF 2014-2020,⁵⁴ the cost of the “development” one was charged to the EUTF for Africa, for a total of 58 projects⁵⁵ funded in the four RDPP’s areas of capacity-building,⁵⁶ protection,⁵⁷ integrated services,⁵⁸ and socio-economic development.⁵⁹

4. Assessing the effectiveness of RDPPs vis-à-vis RPPs

Data, reports and studies to assess the effectiveness of RDPPs compared to RPPs are few and not easily accessible. This is due to the nature of the RDPPs, which draw resources from different sources without a single central structure at the European level (their implementation being entrusted to one Member State per programme, as seen before). Moreover, the division between RDPPs’ protection and development pillars does not make it easy to track such programmes compre-

Horn, Eastern and Great Lakes Region: Overview of the Decade, 25, available online.

⁵¹The Czech Republic, France, Greece, Italy, Luxembourg, Malta and the United Kingdom.

⁵²Norway and Switzerland.

⁵³Uganda alone hosted, at the end of 2021, the highest number of refugees in the region and the continent (1.5 million).

⁵⁴E. CASAJUANA, R. WESTERBY (2022), *Follow the Money IV*, cit., 16.

⁵⁵N. MAJIDI, S. BARRATT, R. FRISCHKORN, S. FRANSEN, A. KNOLL (2021), *Horn of Africa. Progressive Effects Evaluation of the Regional Development and Protection Programme (RDPP)*, available online.

⁵⁶The aim was to strengthen the capacity of local and central authorities to develop and implement an integrated approach towards refugees, host communities and mixed migration.

⁵⁷To strengthen comprehensive protection approach for refugees in different settings and their host communities, with specific emphasis on vulnerable groups.

⁵⁸To improve social cohesion by promoting access to integrated services for both host communities and refugees.

⁵⁹To improve livelihood and employment opportunities for refugees and host communities, with a specific emphasis on youth.

hensively. Finally, while positive from an incremental perspective, it is very difficult to carry out an analysis of changes directly attributable to RDPPs as the relevant projects are, in most cases, co-funded or at least operating in an environment characterised by the co-presence of other projects of different (financial) origin.⁶⁰

Nonetheless, some observations can be made, starting from the shortcomings in RPPs, using some evaluation reports issued in the framework of the three RDPPs implemented so far.

First, it should be recalled that RPPs suffered from the 'original sin' of 'setting targets that were too broad to be reasonably achievable', mainly due to the limited available resources, which created a gap between planned objectives and their implementation⁶¹ and had consequences as regards a flexible and non-systematic use of measures listed in the 2005 RPP Communication.⁶² In relative terms, the situation has mostly stayed the same regarding the next two African RPPs, which benefited from more funding than the previous pilot one but had a broader geographical scope of application, notably in the Horn of Africa. This resulted not only in a quite predictable limited impact on the effectiveness of these programmes but also in the concentration of most resources on capacity-building activities alone⁶³ which has hurt other programme components, such as resettlement.⁶⁴

The establishment of the RDPPs has led to some improvements in this, such as more resources than the old RPPs⁶⁵ and the inclusion of the development component, increasing the projects' overall efficiency.

⁶⁰ As acknowledged by N. MAJIDI, S. BARRATT, R. FRISCHKORN, S. FRANSEN, A. KNOLL (2021), *Horn of Africa. Progressive Effects Evaluation*, cit., 3.

⁶¹ GHK, *Evaluation of pilot Regional Protection Programmes*, cit., 11.

⁶² A. PAPADOPOULOU (2015), *Regional Protection Programmes*, cit., 15-16.

⁶³ R. CORTINOVIS (2015), *The External Dimension of EU Asylum Policy*, cit., 11.

⁶⁴ A. PAPADOPOULOU (2015), *Regional Protection Programmes*, cit., 17. According to A. ROUSSELOT, L. AIOLFI, A. CHARPIN (2013), *Final Evaluation of the Thematic Programme "Cooperation with Third Countries in the Area of Migration and Asylum"*, 48, available online, the outcomes of the RPP in North Africa were affected by delays in the identification procedures, due in large part to the Arab Spring events, with the number of registered refugees far below potential ones.

⁶⁵ According to A. PAPADOPOULOU (2015), *Regional Protection Programmes*, cit., 16, "[i]n areas hosting protracted displacement, for example, the RPP scope of 2-5 million EUR was usually a small part of a bigger operation. Large scale projects, multiannual planning and coherence with other develop-

Regarding the RDPP ME, some evaluation reports have shown that Phase 1 (2014-2018) has been relevant, effective and at least partially efficient, that results have been achieved and that, despite the situation on the ground,⁶⁶ the programme has provided added value as a flexible and innovation-promoting tool,⁶⁷ and a practical response to protracted crises.⁶⁸ Such a result has been possible thanks to resources made available to the RDPP ME (around € 41.6 million), which have been spent for more than 90% (around € 38.1 million).⁶⁹ As for Phase 2 (2018-2022), while final reports are under preparation at the time of writing, some positive results have already been reported despite a very difficult socio-economic situation in the three targeted countries. Thanks to the increased overall budget compared to Phase 1 (€ 54.1 million), good results have been achieved, for instance, in employment growth and training, skills development and empowerment of local partners.⁷⁰

As for RDPP NA, on the other hand, from August 2016 to December 2023 a total of € 63.7 million will be allocated to 57 protection pillar projects,⁷¹ while data from the development pillar are more fragmented:⁷² however, in the absence of a comprehensive qualitative eva-

ment programmes and initiatives supporting the protection of vulnerable in hosting countries are needed in order to support solutions”. More recently A. PAPADOPOULOU (2017), *EU External Cooperation and Global Responsibility Sharing: Towards an EU Agenda for Refugee Protection*, ECRE Policy Paper, 14, available online: “[t]he RPP have been severely underfunded in relation to the scope and objectives they were designed to meet”.

⁶⁶ See the *Final Report July 2014 – September 2018*, 7, available online.

⁶⁷ See *Programme document, Regional Development and Protection Programme in the Middle East (RDPP II), October 2018 – December 2022*, updated 10.09.2021, 1, available online. Similarly, the *Final Report July 2014 – September 2018*, cit., 7.

⁶⁸ MINISTRY OF FOREIGN AFFAIRS OF DENMARK (2018), *Evaluation of the Regional Development and Protection Programme in Lebanon, Jordan and Iraq 2014-2017*, 67, available online.

⁶⁹ MINISTRY OF FOREIGN AFFAIRS OF DENMARK (2018), *Evaluation of the Regional Development and Protection Programme*, cit., 3.

⁷⁰ PARTICIP CONSORTIUM (2022), *EU Regional Trust Fund in Response to the Syrian Crisis. 10th Results Report. Progress update*, 61-63, available online.

⁷¹ <http://www.libertacivilimmigrazione.dlci.interno.gov.it/it/regional-development-protection-programme-north-africa>.

⁷² Some figures can be found in EU Trust Fund for Africa reports, available at <https://ec.europa.eu/trustfundforafrica/content/results-monitoring-and-evaluation>

luation,⁷³ no conclusions can be drawn on the efficacy of the programme.

Finally, as far as the RDPP HA is concerned, complementarity and integration of internal and external funds have indeed worked well,⁷⁴ but a 2021 evaluation report⁷⁵ showed *inter alia* that a key concern voiced by stakeholders was the lack of sufficient resources to sustain the large-scale RDPP;⁷⁶ that the latter has had a positive income effect but a less clear effect on overall protection levels, also due to external factors (climate change, multiple regional crises, continued displacement, political developments);⁷⁷ notwithstanding this, “it is reasonable to assume that needs would have increased, livelihoods deteriorated, and protection levels dropped, in the absence of RDPP-funded interventions”.⁷⁸

So, although it is quite clear that in the absence of RDPPs the living conditions of both refugees and host communities would have been worse in relative terms, the key point is that even today the available resources are still far from adequate to address the problematic situation of protracted displacement of Syrians and Sub-Saharan refugees.

Another point made as early as the evaluation of pilot RPPs was “the insufficient coordination with other initiatives of the EU, the Member States and other actors involved”. This was especially true regarding the lack of an integrated approach between RPP-funded protection projects and other development cooperation and humanitarian aid-oriented initiatives.⁷⁹ The reason can be traced back to RPPs’ institutional framework, seen as too ‘soft’ and disconnected from field activities delegated

_en. See also E. CASTAGNONE, F. CERUTTI, C. MADRIDEJOS, C. RAVA (2022), *Monitoring and Learning System EUTF–North of Africa. 2022 Report Covering the period 2017–2022*, available online.

⁷³ Which, if existing, could not be found online.

⁷⁴ C. WOOLLARD, J. LIEBL, L. DAVIS, E. CASAJUANA (2022), *EU Migration and Asylum Funds for Third Countries*, study requested by the LIBE Committee, 57, available online.

⁷⁵ Which examined the effectiveness of selected projects in the different countries identified over the 2018–2020 three-year period.

⁷⁶ N. MAJIDI, S. BARRATT, R. FRISCHKORN, S. FRANSEN, A. KNOLL (2021), *Horn of Africa. Progressive Effects Evaluation*, cit., 61.

⁷⁷ *Ibidem*.

⁷⁸ *Ibidem*.

⁷⁹ GHK, *Evaluation of pilot Regional Protection Programmes*, cit., 10.

to UNHCR, and the limited involvement of national governments and local actors in designing and implementing actions on their territories.⁸⁰

In this respect, the shift to RDPPs has led to improvements. First of all, where funding from the Trust Funds has been of some significance (as in the Horn of Africa), there has been a streamlining of development pillar resources and their complementarity with initiatives other than RDPPs but equally funded by such Funds. This was also possible through the strengthening of the overall governance: on the one hand, each RDPP has been assigned, as already mentioned, to a consortium led by a Member State with the task of coordinating the other participating actors; on the other hand, for each RDPP an Implementing Consortium has been set up at the central level including the Commission,⁸¹ the donor Member States, UNHCR and IOM. Moreover, since 2010, RDPPs have been able to call on the operational cooperation of the EASO and now, the EU Agency for Asylum (EUAA),⁸² when deemed appropriate.

As far as the involvement of national governments and local actors is concerned, the situation is more blurred. Generally speaking, each national and territorial context can be very different; however, the RDPPs' practice has shown that the greater involvement of national and local actors, the greater effectiveness of the projects undertaken. In the RDPP ME, for instance, it has been found a good balance between entrusting responsibilities to local partners and RDPP's organisational guidance and support;⁸³ however, when it comes to the RDPP HA, whenever government actors and local partners were not sufficiently involved, the project results were not optimal.⁸⁴

⁸⁰ M. GARLICK (2011), *EU "Regional Protection Programmes"*, cit., 385.

⁸¹ According to C. WOOLLARD, J. LIEBL, L. DAVIS, E. CASAJUANA (2022), *EU Migration and Asylum Funds for Third Countries*, cit., 57-58, "[s]ince 2015, more coordination is taking place between all the relevant DGs on migration, including funding. Weekly meetings at Director level take place for all relevant services (DG INTPA, DG NEAR, DG ECHO, FPI, DG HOME) and cabinets".

⁸² Art. 35(2), Regulation (EU) 2021/2303, *on the European Union Agency for Asylum*, 15.12.2021, OJ L468, 30.12.2021, 1 ff.

⁸³ L. BILDSØE LASSEN, A.-K. OLESEN YURTASLAN, M. SHQUIER (2022), *Localization of Aid in Jordan and Lebanon. A Longitudinal Qualitative Study*, 33, available online. Another positive effect has been remarked in terms of the improved capacity of implementing local organisations to consolidate best practices developed under RDPP projects and to use them to raise new funds (there, 31).

⁸⁴ N. MAJIDI, S. BARRATT, R. FRISCHKORN, S. FRANSEN, A. KNOLL (2021), *Horn of Africa. Progressive Effects Evaluation*, cit., 63-65.

Little has changed, by contrast, as regards 'the lack of a genuine regional scale of these programmes'. Just like the RPPs, also the RDPPs are tailored to the needs of the different targeted countries and, despite their name, still do not follow a truly regional approach. It is a matter of fact that projects are fine-tuned to the national needs, while transnational approaches are still uncommon⁸⁵ in both the RDPP ME (where a regional approach would be very challenging due to the significant differences between the three countries involved)⁸⁶ and the two African RDPPs (where differences are not only between countries but also between different areas of each country).⁸⁷

5. Conclusions

In conclusion, let us try to answer the initial question: are RDPPs effective, or do they provide a too ambitious (and somewhat ambiguous) protection tool?

Looking at the positive aspects, there is no doubt that the shift from RPPs to RDPPs resulted in a net improvement in allocated resources and the scale and diversification of implemented projects, notably those aimed at supporting a socio-economically sustainable coexistence of refugees and the local population. After all, such a focus on RDPPs in the Middle East and Africa is consistent with an indisputable fact: in the absence of adequate resettlement quotas⁸⁸ and given the extreme difficulty of safe returns to the countries of origin, local integration seems to be the only durable solution feasible.⁸⁹ Therefore, the decision to increase the resources available for these programmes, strengthen the European-level coordination structures, and improve interplay with na-

⁸⁵ M. HENDOW (2019), *Bridging Refugee Protection and Development*, cit., 15.

⁸⁶ *Ibidem*. See also MINISTRY OF FOREIGN AFFAIRS OF DENMARK (2018), *Evaluation of the Regional Development and Protection Programme*, cit., 67.

⁸⁷ S. VEZZOLI, D. HILHORST, L. MEYER, J. RIJPMAN (2022), *Refugee Protection in the Region: A Survey and Evaluation of Current Trends*, in *IM*, 2022, 3, 10.

⁸⁸ On *ad hoc* EU resettlement programmes and the difficulties of adopting a Union resettlement framework, see V. MORENO-LAX (2022), *The Informalisation of the External Dimension of EU Asylum Policy*, cit., 289 ff.

⁸⁹ Accordingly C. LE COZ, S. DAVIDOFF-GORE, T. SCHMIDT, S. FRATZKE, A. TANCO, M. BELEN ZANZUCHI, J. BOLTER (2021), *A Bridge To Firmer Ground: Learning from International Experiences to Support Pathways to Solutions in the Syrian Refugee Context*, Research report, 7, available online.

tional and local authorities and other actors in the targeted countries is to be welcomed.

However, one cannot deny the fact that available funds, although greater than in the past, are still insufficient for a credible resolution of protracted displacement situations. Indeed, it is clear that a few tens of millions per regional area cannot make a difference. While such programmes are only one of the EU's and the International Community's tools to deal with this issue, it is also true that RDPPs are the only real 'EU-branded' programme aimed at addressing the situations of protracted displacement; as a result, one would expect more from the EU, starting with an updated regulatory framework⁹⁰ consistent with the acknowledgement of the importance of the protection-development nexus. Hence, it seems that, like RPPs, also RDPPs are even today an over-ambitious instrument for their objectives vis-à-vis the available resources.

Another problem with RDPPs is their somewhat ambiguous nature. What is unconvincing is the persisting tiny regional scale: since RPPs and RDPPs fail from 2005 to develop a truly regional approach to their projects, one might conclude that 'regionality' does not lie in the adopted method but in a simpler geographical aggregation tailor-made to the needs of the EU and its Member States. Put otherwise, the risk is that targeted third countries are put together and programmes funded not only (and not so much) to strengthen national asylum capacities, provide durable solutions to refugees and better support the socio-economic development of host communities into a regional approach, but also (mainly?) to contribute to stopping migration flows towards Europe. This would unfortunately be consistent with the Hague Programme's acknowledgement of the need "to provide access to protection and durable solutions at the earliest possible stage"⁹¹ and the fact that at least since the 2015 summer migration crisis, the nexus between refugee protection and migration control has become more and more visible.⁹²

⁹⁰ It is worth recalling that the only act dedicated to RPPs dates back to 2005.

⁹¹ Para. 1.6.1.

⁹² See further S. VEZZOLI, D. HILHORST, L. MEYER, J. RIJPMAN (2022), *Refugee Protection in the Region*, cit., 7, which reminds us how, after the fall of Kabul in August 2021, the European States (and the USA) were quick to offer financial support to Afghanistan's neighbouring countries to host displaced persons from the Taliban regime.

In short, one is left with the idea that the EU and its Member States do not regard RDPPs as the centrepiece of a broad action for protection and development in the regions of origin of refugees, but only one of the tools to limit irregular entry, with the added risk of these programmes being side-lined in favour of other, more effective containment instruments, thereby undermining also their not-for-containment positive effects. In this respect, it does not seem promising that the Commission has not focused firmly on these programmes in recent years, since they are not explicitly mentioned in the 2020 New Pact on Migration and Asylum,⁹³ are only referred to in Recommendation 2020/1364⁹⁴ and it does not seem that area of action and the leading countries of future RDPPs have yet been established⁹⁵ despite the substantial increase in resources for the external dimension of European migration policy in the period 2021-2027.⁹⁶

So, in the end, one might wonder if RDPPs can fulfil this secondary (or primary?) role of containing irregular arrivals. Even though the subject is too broad to be dealt with here, it seems that the same argument that is commonly used for development policy is being reproduced here on a small scale: the well-known and naïve idea is that, by increasing funds (and not even too much, in the case of RDPPs), the presence of refugees would not only be better perceived in the host countries, but the refugees themselves could learn to self-support and thus decide not to make the long and dangerous trip to Europe.⁹⁷

⁹³ Communication, *on a New Pact on Migration and Asylum*, 23.9.2020, COM(2020) 609 final.

⁹⁴ Recommendation (EU) 2020/1364, *on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways*, 23.9.2020, OJ L317, 1.10.2020, 13 ff. Similarly, RDPPs are only mentioned in the more recent Communication, *on the Report on Migration and Asylum (2022)*, 6.10.2022, COM(2022) 740 final, 26.

⁹⁵ In the recent Implementing Decision, *on the financing of components of the Thematic Facility under the Asylum, Migration and Integration Fund and adoption of the Work Programme for 2023, 2024 and 2025*, 23.11.2022, C(2022) 8340 final, it is stated that “[t]he Regional Development and Protection Programme (RDPP) – Protection Pillar will be implemented by Member States whose selection remains to be confirmed [...]”.

⁹⁶ I. GOLDNER LANG (2022), *Editorial. The New Pact on Migration and Asylum: A Strong External and A Weak Internal Dimension?*, in EFAR, 1, 1 ff.

⁹⁷ Accordingly S. VEZZOLI, D. HILHORST, L. MEYER, J. RIJPMAN (2022), *Refugee Protection in the Region*, cit., 8 ff.

Well, without going too far, the mere existence of short-term containment initiatives – such as the so-called EU-Turkey declaration in the eastern Mediterranean, the agreements with the Libyan coastguard in the central Mediterranean, and the pushbacks “*en caliente*” at the Moroccan-Spanish borders as far as the western Mediterranean is concerned – is here to demonstrate the failure of such ideas. What is to be hoped, therefore, is that RDPPs keep their original function, albeit imperfect and ill-funded, as instruments for bridging humanitarian and development needs without being used (or not used, as the case may be) for other purposes.