



House of Commons
Foreign Affairs Committee

Responding to irregular migration: A diplomatic route

First Report of Session 2019

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed 29 October 2019

HC 107

Published on 4 November 2019
by authority of the House of Commons

The Foreign Affairs Committee

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Summary

The UK received a smaller proportion of the asylum seekers who entered Europe during the refugee crisis of 2014–15 than many other nations, but it has felt the impacts: a changed political climate, and grave humanitarian suffering close to its borders. It would be a mistake to assume that we will never see migration on this scale again—a fresh outbreak of conflict or environmental disaster could cause an upsurge in numbers. The UK will need to work closely with its European and regional partners to ensure a coherent, strategic response to future irregular arrivals. The Government should urgently resume attendance at EU meetings where irregular migration is discussed and seek to maintain a cooperative voice with EU partners after Brexit.

Bilateral cooperation with European partners will have to be a crucial part of the UK's response to irregular migration. The UK cannot expect others to prevent Channel crossing attempts if we are not willing to work together to address the root causes. Together, we should do more to improve the dire conditions suffered by migrants seeking to enter Europe and those attempting to cross to the UK from northern France. The Government should also work with Italy and other EU member states to ensure a reasonable level of search-and-rescue capacity in the central Mediterranean; although the numbers crossing have dropped recently, the death rate has increased.

The UK has played a leading role in European efforts to tackle irregular migration through deals with third countries—particularly in Africa. However, the Government's approach is flawed. While we agree with the principle of addressing the root causes of migration, these deals do not address the frequent shortcomings in governance in those countries. Partner countries, such as Libya, Niger and Sudan, often struggle to meet the agreements made and further migration deals risk exacerbating existing security problems, fuelling human rights abuses, and endorsing authoritarian regimes. The prospect of restarting migration can be used as leverage—as demonstrated by Turkish President Erdogan's recent threat to “reopen the gates”.

We are particularly concerned by the serious and systemic abuses perpetrated against migrants in Libya. EU deals with this country have achieved the short-term political “win” of cutting migrant numbers, but at the cost of fuelling human rights abuses, strengthening armed groups, and undermining stability in the longer term.

The dominance of the Home Office in this area risks focusing policy on the domestic goal of limiting migration to the exclusion of broader UK foreign policy goals. The UK should address the wider, interlinked factors driving irregular migration—including climate change, conflict, repressive governance and corruption—rather than focusing narrowly on reducing the numbers reaching Europe's borders in the short term.

A policy that focuses exclusively on closing borders will drive migrants to take more dangerous routes, and push them into the hands of criminal groups. The case of 39 people found dead in a lorry container in October—though detailed information is still lacking—is a horrific illustration of these dangers. It should serve as a wake-up call for the FCO, and Government more broadly, to reassess its approach to irregular migration.

1 Introduction

1. We launched this inquiry in February 2019, with the goal of assessing the foreign policy aspects of the UK's approach to irregular migration since arrivals to Europe peaked in 2014–2015. We have limited the scope of the inquiry to the Central Mediterranean route, which runs from Sub-Saharan Africa through North Africa to southern Europe. This has been one of the most important, and deadly, routes for irregular migration into Europe in recent years, despite numbers dropping since 2017.¹ This report divides the topic into three parts: first, the UK's work with European partners, in terms of sharing responsibility for arrivals, and coordinating search-and-rescue and border controls; second, the UK's work with African partners, both through the EU, bilaterally and in partnership with others; and third, the role of the FCO in setting the course of Government policy on this issue.²

2. This inquiry has been shortened due to uncertainty around parliamentary business. As a result, we have in some areas identified broad conclusions and suggested areas for further investigation at this stage. We hope to return to this topic in greater detail in the future.

This report uses the following definitions, based on the International Organization for Migration (IOM):³

- Asylum seeker – An individual who is seeking international protection, and whose claim has not yet been finally decided on by the country in which he or she has submitted it.
- Irregular migration – Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.
- Migrant – An umbrella term, not defined under international law, referring to a person who moves away from their place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons.
- Refugee – A person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality.

1 [The Central Mediterranean Route](#), Frontex, accessed October 2019

2 We published 14 pieces of written evidence, and held three public oral evidence sessions. Our witnesses were: Professor Sir Paul Collier, Professor of Economics and Public Policy, University of Oxford; Sarah Elliott, Legal Officer, UN Refugee Agency UK (UNHCR UK); Shoshana Fine, Visiting Fellow, European Council on Foreign Relations; Charlotte McDonald-Gibson, journalist and author; Dr Roderick Parkes, Senior Analyst, EU Institute for Security Studies (EUISS); Dr Yves Pascouau, Associate Senior Researcher, Jacques Delors Institute and the University of Nantes; and Matteo Villa, Research Fellow, Italian Institute for International Political Studies (ISPI). Within the FCO, we took evidence from Heather Wheeler MP, Parliamentary Under Secretary of State; Matthew Johnson, Head, Mediterranean Migration Unit; and Lewis Neal, Director, Economic Diplomacy. We have also been able to draw on inquiries held by other Committees, including the Home Affairs Committee, International Development Committee, Joint Committee on National Security Strategy, and the House of Lords EU Home Affairs Sub-Committee.

We are grateful to our witnesses and all those who submitted evidence to the inquiry.

3 [Key Migration Terms](#), International Organization for Migration, accessed October 2019

2 The UK and Europe

Europe’s “refugee crisis”

3. The number of people seeking asylum in Europe rose five-fold between 2010 and 2015, peaking at 1.4 million in 2015 (see graph, below).⁴ Thousands died making the voyage to Europe during this period, with hundreds drowning in single shipwrecks in the Mediterranean.⁵ This was widely described as a “refugee crisis”, though some argue that it was Europe’s failure to formulate a collective response, rather than the arrivals themselves, that constituted a problem.⁶ Professor Sir Paul Collier and Dr Alexander Betts have called it “a crisis of politics rather than a crisis of numbers”.⁷ European countries largely failed to share the responsibility for new arrivals, leaving frontline states such as Italy with limited assistance, driving anti-migrant sentiment within these countries. Instead, the EU used enhanced border security and deals with third countries to prevent migrants reaching its shores. This was successful, in purely numerical terms, as arrivals dropped sharply after 2016.

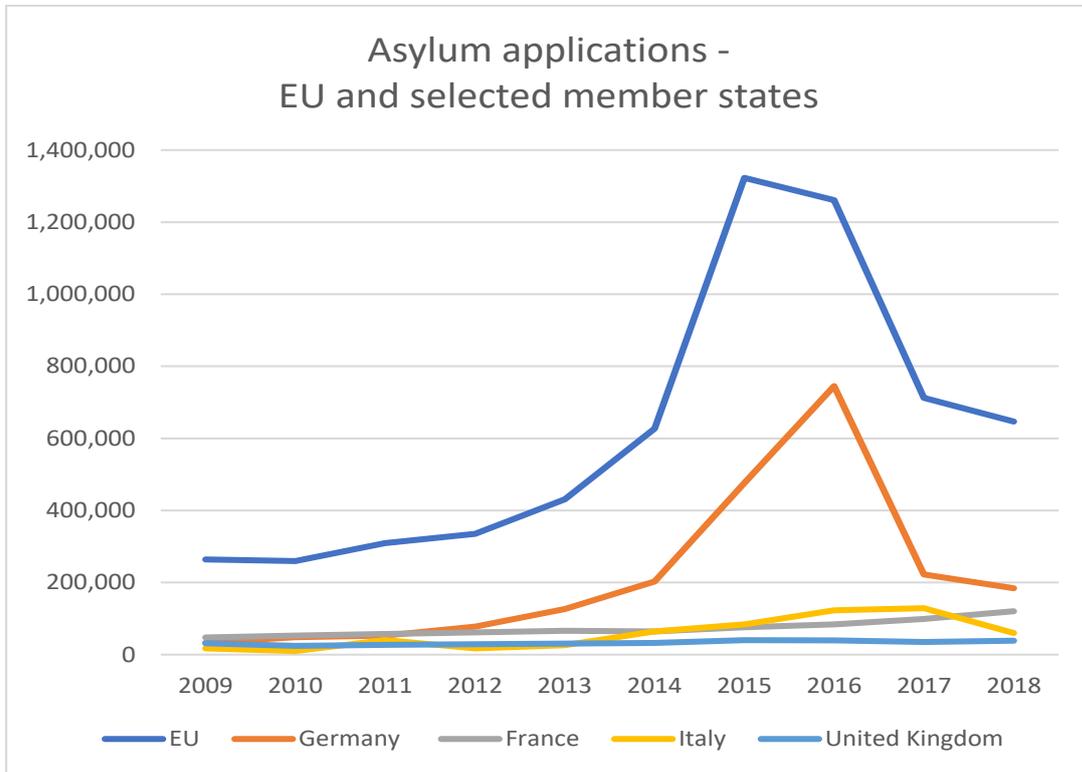


Figure 1: Eurostat, Asylum and Managed Migration database

4 [“Asylum and Managed Migration database”](#), Eurostat, accessed October 2019
 Note: the total figure for “Europe” includes non-EU countries such as Switzerland.
 5 [Over 3,770 Migrants Have Died Trying to Cross the Mediterranean to Europe in 2015](#), Missing Migrants, International Organization for Migration, accessed October 2019
 6 As one witness put it: “UNHCR would never call what happened in Europe a crisis. It was entirely manageable for a wealthy continent. We think the number was something that could be dealt with, with mechanisms in place to do it.” [Q21](#) [Sarah Elliot]
 7 “Refuge”, Professor Sir Paul Collier and Dr Alexander Betts, Penguin, 2018, page 2

4. The UK was relatively insulated from the “crisis”.⁸ It received few asylum applications compared to other European countries, due to its geographical position; its opt-out from European schemes to redistribute refugees; and the Dublin Regulation, under which the state where an asylum seeker first enters the EU is normally responsible for processing their claim. In 2017, the UK received 35,000 applications, compared to 223,000 in Germany, 129,000 in Italy, and 99,000 in France.⁹ Despite this, the UK has felt the effects of the failure of a collective European response, which has boosted far-right political parties in countries such as Italy, Poland, and Hungary,¹⁰ and given rise to grave humanitarian problems on the UK’s borders.¹¹ Instead of taking part in European schemes to redistribute asylum seekers, the UK has carried out its own schemes to resettle refugees directly from outside Europe. The Government argues that this avoids encouraging dangerous sea and land journeys, and creating business for smuggling groups.¹² However, the numbers involved in these schemes are small, with just 20,000 Syrian refugees due to be relocated in the UK over the five years to 2020; and 3,000 children with their families from the Middle East and North Africa.¹³ The Lords EU Home Affairs Sub-Committee and the International Development Committee (IDC) have called on the Government to increase the number of refugees to be resettled in the UK after 2020 from its current target of 5,000 a year—IDC suggested a figure of 10,000.¹⁴ The EU Committee also recommended that the UK should take part in future schemes to share responsibility for refugees within Europe, providing that these are voluntary and non-binding.¹⁵

5. Several witnesses told us that it would be wrong to consider that Europe’s “crisis” is over. They highlighted the pressure points that could cause further mass displacement, from climate change to ethnic conflicts,¹⁶ and Europe’s lack of preparation for a new increase in arrivals. The US withdrawal from Syria and the Turkish military operation in territory formerly held by Kurdish fighters could see an increase in migration—both directly, as some are further displaced, and indirectly, as President Erdogan has repeated his threat to open the border.¹⁷ As Dr Roderick Parkes put it: “We have pushed the solution to borderlands and fragile neighbours without getting our own house in order”.¹⁸

8 [Q2](#) [Charlotte McDonald-Gibson]

Amnesty International UK ([ERM0013](#)), para 4

9 [“Asylum and Managed Migration database”](#), Eurostat, accessed October 2019

10 [Q20](#) [Charlotte McDonald-Gibson] [Viktor Orbán calls for anti-migration politicians to take over EU](#), The Guardian, 10 January 2019

11 [Q79](#) [Dr Yves Pascouau]

12 FCO ([ERM0006](#)), para 28

13 [Q2](#) [Sarah Elliott], [Q105](#) [Shoshana Fine], [Q132](#) [Minister Wheeler]

We received some evidence supporting this approach. As Professor Sir Paul Collier put it: “Cameron said, “Oh, we’ll take refugees directly from the camps,” which was obviously a much more sensible thing to do, because you did not just select the well-off young men; you actually selected people on the basis of need.” Q36 House of Commons Library, The UK response to the Syrian refugee crisis, SN06805, June 2017

14 International Development Committee, Tenth Report of Session 2017–19, [Forced Displacement in Africa: Anchors not Walls](#), HC 1433, 26 February 2019, para 82

House of Lords, European Union Committee, 48th Report of Session 2017–19, [Brexit: refugee protection and asylum policy](#), 11 October 2019, para 249

15 House of Lords, European Union Committee, 48th Report of Session 2017–19, [Brexit: refugee protection and asylum policy](#), 11 October 2019, para 165

16 [Q5](#) [Charlotte McDonald Gibson], [Q6](#) [Sarah Elliott], [Q24](#) [Professor Sir Paul Collier], [Q26](#) [Dr Roderick Parkes]

17 [Turkey’s Erdogan Threatens EU With Wave of Refugees if It Doesn’t Support Syria Offensive](#), Wall Street Journal, 10 October 2019

18 [Q26](#) [Dr Roderick Parkes]

6. The UK has said that it wants to continue close cooperation on irregular migration with European partners after Brexit.¹⁹ However, UK representatives have already ceased to attend EU-level meetings where irregular migration is discussed.²⁰ Brexit could have a significant impact on future cooperation, particularly in a “no deal” scenario: a sudden departure from the Dublin System, for example, could make it difficult for the UK to return irregular migrants to EU member states, and could leave separated refugee families in legal limbo.²¹ The UK could also be excluded from the European Migrant Smuggling Centre, a Europol agency that is handling the inquiry into the case of the 39 migrants found dead in October 2019.²² The UK’s future participation in Common Security and Defence Policy (CSDP) missions—some of which have a focus on irregular migration—has yet to be negotiated.²³ Despite this, when we repeatedly asked Minister Heather Wheeler, Parliamentary Under-Secretary of State at the FCO, what would change after Brexit, the only concrete comment she made was that: “we will have to use the auspices of the FCO to negotiate well”.²⁴ When we asked how the UK would coordinate its response to any large-scale migration into Europe after Brexit—for example if Turkey opened its borders—she did not offer details, but stated: “that is an immediate problem for the countries just north of Turkey”.²⁵ The FCO later told us in a letter that it was “leading a Whitehall exercise mapping a number of scenarios relating to potential migrant flows”, including “largescale IDP migration towards Turkey”, and that UK actions could involve “shaping and driving the wider European response”.²⁶

7. Europe’s responses to the 2015 “refugee crisis” were often short-term and defensive, rather than strategic. Though arrivals in Europe have decreased sharply from their peak, a fresh outbreak of conflict, or environmental disaster, could cause large-scale irregular arrivals in Europe. It is crucial for the UK, and Europe as a whole, to plan its response to future spikes in arrivals, rather than considering the issue resolved. The UK is leaving the EU but not leaving Europe, and will need to closely coordinate irregular migration policy with European partners after Brexit. In light of this, we were concerned by the lack of detailed answers from the FCO in our oral evidence session. The Minister’s inability to identify a single change to UK cooperation with European partners on this issue following Brexit was particularly worrying, and points to a lack of focused attention to this issue. *We recommend that the UK should move quickly to negotiate close future cooperation on this issue with the EU. This is likely to mean negotiating a replacement for the Dublin Regulation and future, ad hoc participation in Common Security and Defence Policy (CSDP) missions, and could involve taking part in future relocation schemes, on a voluntary basis. During the current delay to our exit*

19 FCO (ERM0006), para 64

20 Qq127–130 [Minister Wheeler, Matthew Johnson]

21 House of Lords, European Union Committee, 48th Report of Session 2017–19, [Brexit: refugee protection and asylum policy](#), 11 October 2019, para 112

This is because the Dublin System supplies a mechanism for unaccompanied minors to apply to be reunited with their families.

22 [Migrant deaths: Britain faces exclusion from elite EU policing unit](#), The Guardian, 26 October 2019

23 Q38 [Dr Roderick Parkes]

[UK–EU defence and security cooperation after Brexit](#), Institute for Government, 22 May 2019

24 Qq140–143 [Minister Wheeler]

The FCO told us in a follow-up letter that co-operation with the EU and member states would not weaken after Brexit.

Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [ERM0017]

25 Q144 [Minister Wheeler]

26 Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [ERM0017]

from the EU, we call on the Government to urgently resume UK attendance at EU-level meetings where migration is discussed, and to seek to attend these meetings after Brexit, wherever it is possible and in our interests to do so.

8. While the UK remained mostly insulated from large-scale arrivals to Europe in 2014–15, the human costs and political ramifications have been great. In the absence of robust and accessible legal routes for seeking asylum in the UK, those with a claim are left with little choice but to make dangerous journeys by land and sea. The UK has a strong economy and a proud history of helping those fleeing conflict and persecution, and should lead by example, creating more ambitious targets for resettlement. We recommend that the Government expands the legal pathways to apply for asylum from outside Europe and works with EU partners to encourage them to do the same.

UK-France cooperation

9. The UK has been further insulated from irregular migration to Europe by the 2003 Le Touquet agreement, under which immigration checks take place before passengers board the train or ferry in France and Belgium. Though some French politicians suggested that this agreement would not be tenable after Brexit,²⁷ the UK and France signed a treaty in January 2018, reaffirming their commitment to the agreement.²⁸ The FCO told us that the UK’s discussions with the French on this topic “are very cordial and will continue” after Brexit.²⁹

10. Migrants hoping to enter the UK are often trapped in a bottleneck in northern France, particularly around Calais,³⁰ with estimates ranging from 1,000–3,000 people.³¹ About half are estimated to have relatives in the UK.³² The conditions for migrants are poor—with “precarity, rough-sleeping, dangerous and unauthorised border-crossings, and widespread reports of police violence”³³—and those with relatives in the UK face long delays in claiming asylum on that basis.³⁴ Under the Sandhurst Treaty, the UK and France agreed to improve cooperation on asylum, setting time limits on processing reunification cases.³⁵ The UK has spent almost €150 million on border security in northern France

27 [Q81](#) [Dr Yves Pascouau]

[French politicians tell Britain ‘take back your borders’ after EU vote](#), The Telegraph, 25 June 2016

28 FCO ([ERM0006](#)), para 21

[UK-France Summit 2018: documents](#), Prime Minister’s Office, 10 Downing Street, 18 January 2018

29 [Q140](#) [Minister Wheeler]

30 Overseas Development Institute ([ERM0007](#)), para 5

31 Dr Jelena Obradovic-Wochnik ([ERM0015](#)), para 3

Home Affairs Committee, [Oral evidence: English Channel migrant crossings](#), HC 1900, 22 January 2019, Q20 [Clare Moseley, Founder, Care4Calais]

32 Home Affairs Committee, [Oral evidence: English Channel migrant crossings](#), HC 1900, 22 January 2019, Q4

We note evidence that not all of these relationships are close enough to qualify for asylum.

33 Refugee Rights Europe ([ERM0001](#)), para 4.3

As one witness told the Home Affairs Committee: “We cannot centralise facilities because a lot of people don’t even have tents, they are sleeping rough out in the open in the middle of winter. We cannot centralise medical facilities because there is no community as the police are so very, very aggressive towards them. A lot of the medical complaints we see are simply from people sleeping rough: permanent coughs, colds, chest infections, skin infections, feet infections from walking, from being permanently wet.”

Home Affairs Committee, [Oral evidence: English Channel migrant crossings](#), HC 1900, 22 January 2019, Q21 [Clare Moseley, Founder, Care4Calais]

34 Refugee Rights Europe ([ERM0001](#)), para 4.4; Dr Jelena Obradovic-Wochnik ([ERM0015](#)), para 3

35 [UK-France Summit 2018: documents](#), Prime Minister’s Office, 10 Downing Street, 18 January 2018

since 2014,³⁶ but much smaller figures on improving conditions for migrants there.³⁷ This focus on security has pushed migrants to take more dangerous routes—according to the Government, “the success of the measures already taken to secure the principal ports” has caused an increase in numbers trying to cross the Channel in small boats.³⁸ In January 2019, the two countries agreed to invest €7 million in security measures to prevent departures, including CCTV, night goggles and number plate recognition.³⁹ A witness told the Home Affairs Committee this year that the increase in those attempting to cross the Channel in small boats was “inevitable given the conditions”, highlighting freezing temperatures, police violence, poor access to water and sanitation and lack of shelter.⁴⁰

11. We are concerned by the evidence we received about the dire conditions for migrants in northern France, and by the reports of an increase in those taking dangerous routes to reach the UK, including by crossing the Channel in small boats. Focusing on increasing border security without improving conditions in the region may have the counterproductive effect of forcing migrants to make desperate journeys across the Channel. We recommend that, in addition to its work to increase security in northern France, the UK should work closely with French authorities to improve the conditions for migrants. It should ensure efficient processing of asylum claims by those with relatives in the UK, and make it a priority to maintain close bilateral cooperation with France after Brexit, including on these claims.

Search and rescue

12. There is currently very limited search-and-rescue capacity in the Central Mediterranean. The EU’s anti-smuggling mission Operation Sophia no longer runs boat patrols, instead tracking smugglers by air, while NGOs have found it increasingly difficult to operate.⁴¹ Doctors Without Borders (MSF) has criticised “a sustained two-year campaign by EU governments to stop virtually all humanitarian action at sea”.⁴² Italy’s

36 FCO (ERM0006), para 23

37 Dr Jelena Obradovic-Wochnik (ERM0015), para 3

In 2017, in answer to the Home Affairs Committee’s request for information on the amount invested in Calais that had gone towards improving conditions, the Government stated:

“Under the Joint Declaration of 20 August 2015, the UK is providing €5 million (£3.6 million) per year for two years towards providing migrants with alternative accommodation in France. In addition to this, on 3 March 2016, the then Prime Minister announced that the UK would contribute £17 million towards management of the migration situation in France, including for the provision of reception facilities. The UK Government is also making a further contribution of up to £36 million to support the camp clearance in Calais and to ensure in the long term that the camp is kept closed.”

Home Affairs Committee, [Migration Crisis: Government Response to the Committee’s Seventh Report](#), Seventh Special Report of Session 2016–17, 21 February 2017

A letter from the Foreign Secretary to the Committee stated that “a portion” of the Sandhurst Treaty funding package had been used to improve conditions for migrants, including £3.6 million supporting transfers of eligible children to the UK.

Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [\[ERM0017\]](#)

38 [UK-France Summit 2018: documents](#), Prime Minister’s Office, 10 Downing Street, 18 January 2018

[Q79](#) [Dr Yves Pascouau]

Home Affairs Committee, [Oral evidence: English Channel migrant crossings](#), HC 1900, 22 January 2019, Q3 [Maddy Allen, Field Manager, Help Refugees]

39 [UK-France Summit 2018: documents](#), Prime Minister’s Office, 10 Downing Street, 18 January 2018

40 Home Affairs Committee, [Oral evidence: English Channel migrant crossings](#), HC 1900, 22 January 2019, Q2

[Maddy Allen]

41 [Q16](#) [Charlotte McDonald-Gibson]

FCO (ERM0006) para 26; Lawyers for Justice in Libya (ERM0009), para 22–23

42 [Mediterranean search and rescue](#), Doctors without Borders, accessed October 2019

2018–19 coalition government in particular took a hard line against irregular migration, banning rescue ships from docking. The number of deaths at sea more than halved in the Central Mediterranean in 2018 compared to the previous year, but the death rate increased sharply.⁴³ In 2019, one person died for every six who reached Europe after departing from Libya. In 2018, this was one in 14, while in 2017 it was one in 38.⁴⁴ We received evidence linking this directly to the lack of search-and-rescue capacity.⁴⁵ As one witness told us: “Essentially what Europe is doing is letting people die as a deterrent.”⁴⁶

13. When we asked what the UK was doing to reduce deaths, the Minister acknowledged the “high” fatality rate, and referred to the UK’s training of the Libyan Coastguard and Navy, stating that “stopping the criminals in effect pushing these migration routes in the first place has to be one of the best ways of stopping this”.⁴⁷ She said that the UK had advised NGOs to be careful in their work: “Just picking people up might have been the humanitarian thing to do, but if they couldn’t offload them anywhere sensible, that caused more trouble than perhaps it might have done.”⁴⁸

14. We are deeply concerned by the lack of search-and-rescue capacity in the Mediterranean. Under no circumstances should migrants be left to die as a deterrent to stop others arriving. The Minister’s evidence did little to convince us that the FCO is seriously engaged with this problem. We recommend that the UK Government works with European partners to take the necessary steps to ensure additional search-and-rescue capability, and in its response to the Committee it should set out how it will assess and determine this capacity, including targeting a reduction in attempts and a lowering of the fatality rate. This should include working closely with the new Italian government and offering UK capacity to support search-and-rescue efforts.

43 [Q16](#) [Charlotte McDonald-Gibson], [Q17](#) [Sarah Elliott],

FCO ([ERM0006](#)), para 25; Lawyers for Justice in Libya ([ERM0009](#)), para 12

44 [Report of the Secretary-General, Implementation of resolution 2437 \(2018\)](#), UN Security Council, 5 September 2019

45 [Q16](#) [Charlotte McDonald-Gibson], [Q17](#) [Sarah Elliott],

Lawyers for Justice in Libya ([ERM0009](#)), para 24

46 [Q17](#) [Charlotte McDonald-Gibson]

47 [Q152](#) [Minister Wheeler]

48 [Q156](#) [Minister Wheeler]

In its written evidence, the FCO notes Italy’s demand for a “predictable relocation mechanism” to place rescued migrants elsewhere in Europe, and states that “While the UK does not participate in relocation of rescued migrants – the UK is not a member of the Schengen Area, and UK policy favours resettling from the region rather than accepting migrants who have put their lives at risk making dangerous sea crossings (which perpetuate people-smuggling operations) – the UK supports a predictable mechanism for their relocation that would avoid delays to disembarkation.”

FCO ([ERM0006](#)), para 28

3 The UK and Africa

15. Since 2015 the EU and member states have stepped up their “external” response to irregular migration, making deals with countries of origin or transit to manage migrant flows. The Government describes this as “‘upstream’ activity—reducing the volume of irregular migration and addressing its root causes in origin and transit countries”.⁴⁹ Examples include the 2016 EU deal with Turkey, intended to prevent migrants crossing into Greece in exchange for aid money.⁵⁰ The UK has played an important role in shaping the external dimension of Europe’s response,⁵¹ and the Government has said that it wants this to continue after Brexit.⁵² UK interventions in this field predominantly target countries in Africa.⁵³ Our evidence highlighted the case studies of Libya, Niger, and Sudan.

16. Deals with third countries by the EU and member states have been criticised as simply “outsourcing” controls to prevent migrants from reaching its borders.⁵⁴ We received evidence arguing that the lack of legal routes does not prevent displaced people from making an attempt to reach Europe, but, as discussed in the previous chapter, instead drives them to more dangerous routes, makes them more vulnerable to abuse, and increases the use of professional smuggling groups.⁵⁵ These interventions have had counterproductive side effects, driving conflict and instability. Some of the EU’s partner governments are responsible for repression and serious human rights violations.⁵⁶ As Lawyers for Justice in Libya put it:

The reduction of the number of migrants does not reflect a solution to the issue but rather a displacement of the problem. [...] if fewer are reaching Europe, this is done at the cost of human rights with more migrants being detained and tortured in Libya, drowning at sea or being “voluntarily” returned.⁵⁷

17. The EU’s reliance on third countries to stem migration flows can undermine efforts to press these governments for reform, and the threat of restarting migration can be used as leverage. This risk is illustrated by the EU-Turkey deal—in October 2019, President Erdogan told the EU that criticism of his actions in Syria would have consequences:

49 FCO ([ERM0006](#)), para 4

50 Dr Jelena Obradovic-Wochnik ([ERM0015](#)), para 13; Saferworld ([ERM0012](#)), para 20 [3 years on, what’s become of the EU-Turkey migration deal?](#), Associated Press, 20 March 2019

51 [Q38](#) [Dr Roderick Parkes]

52 The FCO states that “The EUTF enables the UK to have greater strategic impact than acting bilaterally [...] the ability to continue funding and have access to the governance of the EUTF and future EU instruments is a priority for the UK’s post-EU Exit engagement.”

FCO ([ERM0006](#)), para 44, 64–69

53 FCO ([ERM0006](#)), para 43

54 Dr Mariagiulia Giuffre ([ERM0010](#)), section 4; Saferworld ([ERM0012](#)), introduction

55 [Q105](#) [Shoshana Fine]

Saferworld ([ERM0012](#)), para 18; Dr Mariagiulia Giuffre ([ERM0010](#)), section 4; Center for Global Development (CGD) ([ERM0002](#)), para 11

56 Amnesty International UK ([ERM0013](#)), para 20

As the Independent Commission on Aid Impact (ICAI) put it: “Initiatives to address irregular migration flows often take place in fragile or conflict-affected countries with poor national law enforcement standards. Within such settings, there is a risk that programming could, without due attention to conflict dynamics and political economy challenges, cause unintended harm to vulnerable migrants. We found that the risk of inadvertently causing harm was not sufficiently addressed in the UK’s aid response to irregular migration”

ICAI, [ICAI follow-up of: The UK’s aid response to irregular migration in the central Mediterranean](#), June 2018

57 Lawyers for Justice in Libya ([ERM0009](#)), para 46

If you try to describe our current operation as an occupation, our task will be simple. We will open the gates and send 3.6 million refugees your way.⁵⁸

Libya

18. Libya is the major route for migrants from sub-Saharan Africa into Europe, and has been a focus of European efforts to reduce migration flows along this route. It was the point of departure for 90 percent of irregular migrants who arrived in Italy in 2017.⁵⁹ Italy made a deal with the UN-backed Libyan government that year, endorsed by the EU, to identify “urgent solutions to the issue of clandestine migrants crossing Libya to reach Europe”.⁶⁰ Under its terms, the EU and Italy provide funding to Libyan security agencies, including the Coastguard, which intercepts migrants in the Mediterranean and takes them to detention centres in Libya.⁶¹ The number of those making the journey fell 80% in 2018.⁶² The UK is involved in migration work with Libya as a donor to the EU Emergency Trust Fund for Africa (EUTF), which delivers support to the Coastguard;⁶³ to the IOM, which provides humanitarian aid in detention centres and runs a Voluntary Humanitarian Returns programme;⁶⁴ and through funding to Operation Sophia, which has trained the Coastguard since 2016.⁶⁵

19. We received much evidence setting out the human rights impact of these agreements. Though the number setting off from Libya has dropped, the fatality rate has increased.⁶⁶ Libya does not recognise the right to asylum,⁶⁷ and migrants are held in dire conditions in official and unofficial detention centres. Violence, slavery and exploitation are widespread.⁶⁸ Dr Yves Pascouau told us that the role of the Libyan Coastguard was “to intercept people

58 [Turkey’s Erdogan Threatens EU With Wave of Refugees if It Doesn’t Support Syria Offensive](#), Wall Street Journal, 10 October 2019

59 FCO ([ERM0006](#)), para 50

60 [Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic](#), published on EU Migration Law Blog, accessed October 2019

61 [Q105](#) [Matteo Villa, Shoshana Fine]

Saferworld ([ERM0012](#)), para 11

62 FCO ([ERM0006](#)), para 50

63 FCO ([ERM0006](#)), para 73

64 FCO ([ERM0006](#)), para 55

We received evidence criticising this programme. As ICAI has commented, “there is a risk that repatriation is not truly voluntary if migrants are only faced with the alternative of detention in poor conditions.”

ICAI, [ICAI follow-up of: The UK’s aid response to irregular migration in the central Mediterranean](#), June 2018

Lawyers for Justice in Libya ([ERM0009](#)), para 39; Saferworld ([ERM0012](#)), para 12

65 FCO ([ERM0006](#)), para 58; Lawyers for Justice in Libya ([ERM0009](#)), para 58; Dr Mariagiulia Giuffrè ([ERM0010](#)), para 2.2

66 FCO ([ERM0006](#)), para 50

67 Lawyers for Justice in Libya ([ERM0009](#)), para 15

68 [Q16](#) [Charlotte McDonald-Gibson], [Q105](#) [Shoshana Fine]

FCO ([ERM0006](#)), para 72; Overseas Development Institute ([ERM0007](#)), para 6–7

Spoken word poet George Mpanga set out his concerns about the human rights abuses against migrants in Libya in a podcast, which he submitted as written evidence to this inquiry. The following is a short extract:

“What you see is a failing economy, with no single prevailing authority - just gangsters, in a state of autonomy who stand to gain if you can be used for trade. To keep you at bay that’s who the EU have paid. They treat you this way because they need you afraid. They can charge your family double the fee you have paid, on the basis of fear, but another way to pay the fee is straight up slavery”.

George Mpanga ([ERM0008](#))

before they reach the international waters and to send them back to hell”.⁶⁹ The Coastguard has ties to smuggling and trafficking groups,⁷⁰ while law enforcement bodies running the detention centres often have ties to militias, increasing the power of these groups.⁷¹ Some Libyan actors use the threat of migrant arrivals as leverage:⁷² in April, the Libyan Prime Minister warned that “800,000 illegal migrants on Libyan ground will have to leave Libya and will cross the sea towards Europe”.⁷³

20. Assistance to the Libyan Coastguard without appropriate oversight risks making the UK complicit in its human rights abuses.⁷⁴ We received evidence calling on the UK to suspend funding of Libya’s migration management; to make funding to the Libyan government conditional on ending detention and formally recognising UNHCR;⁷⁵ and to call for a halt to the Libyan Coastguard’s interception of boats in international waters.⁷⁶ UN Assistant Secretary General for Human Rights Andrew Gilmour has called on the EU and members to “urgently reconsider their operational support to the Libyan Coast Guard, which continues to endanger the lives of migrants in distress at sea, and whose operations lead to the return of intercepted migrants to conditions of arbitrary detention and torture.”⁷⁷ The Government has said that its support for the Coastguard and Navy aims to increase Libya’s ability to secure its borders “in a way that is compliant with human rights”,⁷⁸ and that a new monitoring mechanism within Operation Sophia would offer greater assurances.⁷⁹

21. The EU’s migration deals with Libya have achieved the short-term political “win” of cutting migrant numbers, but at the cost of fuelling human rights abuses, strengthening armed groups, and undermining stability in the longer term. There is compelling evidence of large-scale arbitrary detention, torture and sexual violence against migrants, and we are concerned by the evidence that UK funding could be contributing to these abuses. We recommend that the UK should put in place robust monitoring and safeguards to ensure that its funding to migration programmes in Libya is not contributing to abuses, as well as to strengthen protection for migrants in Libya, and should press its European partners to do the same. Ensuring close dialogue on migration with European partners after Brexit will help the UK to make this case. In its response to this report, the Government should set out its assessment of how far

69 [Q105](#) [Dr Yves Pascouau]

70 [Q105](#) [Matteo Villa]

71 As one witness put it, the EU “need something to be happening on the ground, so you have to engage with this blurred situation”. [Q33](#) [Dr Roderick Parkes] Lawyers for Justice in Libya ([ERM0009](#)), para 12

72 Saferworld ([ERM0012](#)), para 14;
Lawyers for Justice in Libya ([ERM0009](#)), para 12

73 [Libya: UN-backed PM says 800,000 migrants could reach Europe amid instability](#), Sky News, 16 April 2019

74 Amnesty International UK ([ERM0013](#)), para 12; Dr Mariagiulia Giuffre ([ERM0010](#)), section 4; Lawyers for Justice in Libya ([ERM0009](#)), para 54

75 Lawyers for Justice in Libya ([ERM0009](#))

76 Refugee Rights Europe ([ERM0001](#)), para 12.9

77 [Oral update of the United Nations High Commissioner for Human Rights on Libya pursuant to Human Rights Council resolution 37/41](#), 40th session of the Human Rights Council, Address by Andrew Gilmour, Assistant Secretary General for Human Rights, 21 March 2019

78 [Letter from Rt Hon Alistair Burt MP, Minister of State at the Department for International Development, to Thangam Debbonaire MP](#), 28 November 2018, in International Development Committee, Forced displacement in Africa: ‘Anchors not Walls’: Government Response to the Committee’s Tenth Report, Annex B

79 [HMG Response to House of Lords European Union Committee Report: Op Sophia: a failed mission](#), 13 September 2017

human rights measures within its assistance to the Libyan Coastguard have improved this force's human rights performance, including actions taken, dates, and quantifiable measures.

Niger

22. As the biggest transit country for migrants entering Libya, Niger is one of the EU's most important regional partners on irregular migration. This includes development aid, and support for the country's security forces through EUCAP Sahel Niger—a civilian mission whose mandate was broadened in 2015 to include irregular migration.⁸⁰ States including France and Italy have troops in the country, working alongside local forces.⁸¹ The UK has been increasing its engagement across the Sahel, establishing new embassies, expanding development programmes and supporting security interventions in support of efforts to “counter illegal migration”,⁸² and has a project with France to strengthen management of the border with Nigeria.⁸³ In 2015, EU pressure on the Niger government resulted in a law that criminalised migrant smuggling, which cut migrant flows by 75 percent.⁸⁴ EU foreign policy chief Federica Mogherini has called the country a “model” for migration management.⁸⁵

23. However, the anti-trafficking law has undermined the Economic Community of West African States (ECOWAS) visa-free zone, which had been promoted by European countries as a means to develop local economies. Our evidence indicates that the law created instability, had an impact on regional traders and others crossing borders without the intention of migrating to Europe,⁸⁶ and pushed migrants to take more dangerous routes.⁸⁷ As one witness explained: “money assigned for development interventions in Niger is very much in conflict with that assigned for security interventions”.⁸⁸ It has also offered Niger's government a means to extract more assistance from the EU.⁸⁹ Our evidence suggests that Europe's interventions in the broader Sahel region were focused on short-term wins in terms of cutting migrant numbers, rather than addressing the issue

80 [EUCAP Sahel Niger: mission extended, budget agreed, mandate amended](#), EUCAP Sahel Niger, 18 July 2016

81 [Italy approves military mission in Niger, more troops to North Africa](#), Reuters, 17 January 2018

[France sets up anti-Islamist force in Africa's Sahel](#), BBC, 14 July 2014

82 FCO (ERM0006), para 48

[Chinooks to stay in Mali to help in fight against violent extremism](#), Ministry of Defence, 8 July 2019

83 FCO (ERM0006), para 44

84 [A Line in the Sand: Roadmap for sustainable migration management in Agadez](#), Clingendael, October 2017

85 [Niger: Europe's Migration Laboratory](#), NewsDeeply, 22 May 2018

86 One witness told us that much of the money assigned to help smugglers find other means of support had not been used for its intended purpose, though the FCO told us that it did not recognise this claim. [Q84](#) [Matteo Villa]

Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [\[ERM0017\]](#)

Saferworld [\(ERM0012\)](#), para 18

87 [Q83](#) [Shoshana Fine]

Saferworld [\(ERM0012\)](#), para 18

88 [Q82](#) [Shoshana Fine]

89 Saferworld [\(ERM0012\)](#), para 18

in a sustainable way.⁹⁰ The stakes are high—in February 2019, the Executive Director of the World Food Programme told us that destabilisation in the Sahel could lead to mass migration into Europe:

This is a region—when you compound it with governance issues, fragility and destabilisation, and now you have extremist groups and climate extremes—that is ripe for mass migration, destabilisation and many other issues.⁹¹

Sudan

24. Sudan has become a significant European partner on irregular migration. A forum for cooperation between countries in the Horn of Africa and Europe, launched in 2014, was named the Khartoum Process, after its capital. The UK plays a “leading role” in the Process, as one of five European states on the steering committee,⁹² and has said that this will not change after Brexit.⁹³ The EU also set up a Regional Operational Centre in Khartoum, to coordinate efforts against migrant smuggling and human trafficking.⁹⁴

25. We received evidence arguing that the Khartoum Process addresses migration primarily as a criminal justice issue, directed by the goal of reducing migration to Europe, rather than addressing the drivers of displacement.⁹⁵ Others argued that EU policies had helped to legitimise the former Sudanese leader.⁹⁶ There are reports that some EUTF funding has gone to the Rapid Support Forces (RSF), a government-backed militia group linked to war crimes in Darfur,⁹⁷ though the EU and UK deny this.⁹⁸ The UK Government said in June 2019 that it had not been able to verify reports that the RSF had abused migrants and sold them to Libyan traffickers.⁹⁹ The FCO and DFID manage the risks to vulnerable migrants in Sudan through “detailed cataloguing of reported incidents in a register” that is presented to UK Ministers.¹⁰⁰ Despite this, the International Development Committee has warned that “the UK Government’s desire to address migration to Europe, particularly through the Khartoum Process and engagement in Libya, is clearly undermining its commitment to human rights”.¹⁰¹ The Government suspended all migration programmes with Sudan following the political crisis of early 2019, and said that it was working to

90 Center for Global Development (CGD) ([ERM0002](#)), para 6; Saferworld ([ERM0012](#)), para 18–19; Overseas Development Institute ([ERM0007](#)), para 12–13

There is an opportunity cost to targeting aid money on this single issue. According to one witness, the EU “pulled a lot of funding from spots in Africa that could have provided jobs and opportunities”.

[Q28](#) [Dr Roderick Parkes]

91 [Oral evidence: The World Food Programme](#), HC 1915, 5 February 2019, Q2 [David Beasley]

92 [PQ 193384](#) [Eritrea: Emigration], 20 November 2018

93 FCO ([ERM0006](#)), para 41

[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

94 [Regional Operational Centre in support of the Khartoum Process and AU-Horn of Africa Initiative \(ROCK\)](#), EU Emergency Trust Fund for Africa, accessed October 2019

95 Overseas Development Institute ([ERM0007](#)), para 11

96 Amnesty International UK ([ERM0013](#)), para 20

97 [Q103](#) [Matteo Villa]

98 [EU actions on Migration in Sudan](#), European External Action Service, 8 June 2018

99 [PQ HL16447](#) [Sudan: EU Immigration], 18 June 2019

100 International Development Committee, Eleventh Special Report, [Forced displacement in Africa: ‘Anchors not Walls’: Government Response to the Committee’s Tenth Report](#), 11 June 2019

101 International Development Committee, Tenth Report of Session 2017–19, [Forced Displacement in Africa: ‘Anchors not Walls’](#), HC 1433, 26 February 2019, para 147

ensure all EU programmes in which it had a stake were also suspended.¹⁰² In October 2019, the Foreign Secretary told the Committee that tackling irregular migration would form part of its engagement with Sudan’s new government.¹⁰³

26. In light of the UK’s focus on migration projects in the region, we asked the Minister about the approach to irregular migration within the Government’s “Africa Strategy”.¹⁰⁴ She did not appear to be aware of the existence of this document, despite the fact that it is referenced in the FCO’s written evidence to this inquiry.¹⁰⁵ When we followed this up in a letter to the Foreign Secretary, he told us that tackling the drivers of irregular migration was “at the heart of the strategic approach”.¹⁰⁶

27. Outsourcing Europe’s migration work to fragile states carries the risk of counterproductive side effects. We support the principle of aiming to tackle the causes of displacement “upstream”, in countries of origin and transit, but are concerned that the EU’s migration work in the Sahel and Sub-Saharan Africa risks exacerbating existing security problems, fuelling human rights abuses, and endorsing authoritarian regimes. Preventing local populations from crossing borders may help cut the numbers arriving in Europe in the short term, but in the long term it risks damaging economies and creating instability—which in itself can trigger displacement. Relying on partner governments to cut migration can prevent the UK pressing for other governance reforms, and there is evidence that it is used by partners as leverage to demand more assistance or other concessions.

28. We were surprised at the lack of detail we were given when we questioned the FCO about the Government’s work with African partners. For example, the Minister did not appear to be aware of the existence of the Government’s “Africa Strategy”. The document itself is brief and lacking detail, as the Committee noted earlier this year, but the Minister’s lack of awareness of the Strategy does not fill us with confidence that the UK’s migration work with African partners is receiving substantial or considered input from the FCO.

29. We recommend that the Government should put in place robust monitoring processes to ensure that it is supporting successful operations to target the root causes of irregular migration, and is not contributing to conflict or instability through its migration work in Sub-Saharan Africa. The FCO should take the lead on ensuring that UK engagement on irregular migration with source and transit countries is viewed in terms of the full range of the UK’s strategic interests, and does not place undue emphasis on reducing arrivals to the exclusion of other goals, such as promoting stability and respect for fundamental human rights, and reducing poverty. In its response to this report, the FCO should provide a detailed assessment to the Committee on how efforts on irregular migration interact with other priorities in its approach to Sub-Saharan Africa.

102 HC Deb, 4 July 2019, [col 610WH](#) [Westminster Hall]

103 Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [\[ERM0017\]](#)

104 Also known as “[The UK’s New Approach to Sub-Saharan Africa](#)”. We have previously criticised the lack of detail in this strategy.

[Oral evidence: The Work of the Minister of State for Africa](#), HC 900, 12 March 2019, Qq101–104

105 [Qq171–175](#) [Minister Wheeler]

FCO ([ERM0006](#)), para 40

106 Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [\[ERM0017\]](#)

30. *In its response to this report, the Government should set out when it decided to suspend migration cooperation with Sudan, and what tests will have to be met before it is restarted. If the Government resumes this cooperation, it should be done with caution and in close consultation with civil society groups both in Sudan and the UK.*

Climate change

31. Climate change will be an increasingly important driver of irregular migration in the decades to come, particularly in Sub-Saharan Africa, displacing people both through environmental disaster and by driving conflict over resources.¹⁰⁷ The FCO highlighted this in oral evidence as a key “push” factor,¹⁰⁸ while the UK National Security Strategy states that: “More frequent extreme weather events are likely to disrupt populations, agriculture and supply chains, making political instability, conflict and migration more likely.”¹⁰⁹ As the Foreign Secretary noted in a letter to the Committee, this is a complex area with a lack of any common definition around the link between climate change and migration, or what constitutes a “climate refugee” or “climate migrant”.¹¹⁰

32. **We are concerned by evidence that climate change could cause greater levels of migration in the coming years. We recommend that the UK’s work on migration in the Sahel, and more broadly, should address the wider, interlinked factors driving irregular migration—including climate change, conflict, repressive governance and corruption—rather than focusing narrowly on reducing the numbers reaching Europe’s borders in the short term. We recommend that the FCO should place tackling climate change as a central part of its policy on irregular migration.**

107 [Q5](#) [Charlotte McDonald-Gibson], [Q14](#) [Sarah Elliott]

108 [Q119](#) [Minister Wheeler]

109 [National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom](#), Cm 9161, 3.42

110 Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [\[ERM0017\]](#)

The letter offers some detail on the Government’s work in this area, including the Building resilience and adaptation to climate extremes and disasters programme (BRACED).

4 The role of the FCO

Direction of policy

33. The Home Office leads on the UK response to irregular migration, while the FCO leads on “upstream” activity.¹¹¹ We received evidence arguing that the dominance of the Home Office had led to an overwhelming focus on preventing people from seeking asylum in the UK, to the exclusion of other goals.¹¹² Limiting the number of irregular migrants arriving in Europe and the UK is the “core objective” of the government’s Illegal Migration Strategy—though this remains unpublished.¹¹³ Transparency is limited: significant amounts of migration funding—£28.5 million in FY 2018/19¹¹⁴—go through the Conflict, Stability and Security Fund (CSSF), which has been criticised as opaque.¹¹⁵ The International Development Committee has stated that Government policy on migration is “opaque, disconnected and incoherent”, warning that “Policies pursued by one department could come into conflict with the work of others.”¹¹⁶

34. **It is an error to focus on preventing migration to the exclusion of other goals, such as preventing conflict and promoting stability and respect for fundamental human rights in source and transit regions. The UK’s interests around irregular migration are broader than this, and include peace, stability and human rights in source and transit countries in Africa and the Middle East, as well as the impact on our neighbours in Europe. The FCO should ensure that the UK’s broader strategic interests are fully taken into account in the formulation of migration policy—not just the domestic imperative to limit migration. As a start, this means ensuring that these factors play a significant role in the Illegal Migration Strategy, alongside that of limiting arrivals. Where key documents cannot be made public due to security concerns, such as this Strategy, it should be prepared to share these in confidence with the Committee to enable detailed scrutiny.**

Language

35. The FCO has shifted the terms in which it considers migration in recent years, from “irregular migration” as a human rights issue, to “illegal migration” as a security issue. The FCO’s single departmental plan published in December 2017 discusses its migration work as follows:

111 FCO (ERM0006), para 5

112 Saferworld (ERM0012), para 4; Amnesty International UK (ERM0013), para 2–3

113 ICAI, [The UK’s aid response to irregular migration in the central Mediterranean: A rapid review](#), 10 March 2017

114 FCO (ERM0006), para 5

115 Joint Committee on the National Security Strategy, Second Report of Session 2016–17, [Conflict, Stability and Security Fund](#), 30 January 2017, para 80

Saferworld told us that “CSSF Libya programme summaries indicate £1.15 million in FCO funding for tackling irregular migration in 2017–18,³¹ and include security and justice sector support in 2018–9,³² but offer no specific details.”

Saferworld (ERM0012), para 15

116 International Development Committee, [UK must provide support at home that it asks poorer nations to provide in Africa](#), 5 March 2019

“Project our influence to reduce conflict and create stability: [...] Promote human rights, good governance and the rule of law; reducing conflict, modern slavery and irregular migration.”¹¹⁷

The version published in June 2019 discussed migration work as follows:

“Safeguard our national security in co-operation with allies and partners: [...] reduce the threat to UK interests from terrorism, weapon proliferation, hostile state actors, illegal migration, and serious and organised crime.”¹¹⁸

Saferworld told us that, by framing migration interventions as primarily aimed at combating crime, this shift heightens the risk that such interventions could fuel conflicts.¹¹⁹ We note in particular the shift in tone from “irregular” to “illegal” migration. In oral evidence, the Minister also used the language of “threats and surges” to describe migration flows.¹²⁰ When we asked the FCO about the reasons for the change in tone, witnesses were unable to respond.¹²¹ In a follow-up letter, the Foreign Secretary explained that the FCO considers “illegal migration” to be a sub-set of “irregular migration”, and stated that the choice of language “did not indicate a shift in priority within the FCO”.¹²²

36. We received several pieces of evidence questioning the language used in the terms of reference for this inquiry. Some criticised our use of terms such as “an influx of migrants”,¹²³ while others said that our discussion of how to “stem the flows of migration” contained the flawed assumption that this—rather than assisting those in need of asylum—is a suitable goal for UK policy.¹²⁴

37. Language matters, especially when discussing a highly sensitive issue such as migration. We recommend that the Government should reassess its use of the term “illegal migration” in its strategy documents, and its categorisation of this issue primarily as a security threat rather than a question of stability. The human cost born by migrants should be front and centre of UK policy, and accompanied by the recognition that large-scale irregular migration can drain talent from countries that rely on their human capital to bring about changes at home. In its response to this report, the FCO should set out its reasons for the change in language used in its departmental plan, and its implications for policy. As a start, it should consider changing references from “illegal” to “irregular” migration throughout its policy documents.

117 [\[Withdrawn\] Foreign and Commonwealth Office single departmental plan: December 2017](#), updated 27 June 2019

118 [Foreign and Commonwealth Office single departmental plan](#), Updated 27 June 2019

119 Saferworld (ERM0012), para 5

120 Q142 [Minister Wheeler]

121 Qq180–181 [Minister Wheeler, Matthew Johnson, Lewis Neal]

122 Foreign Secretary letter to Tom Tugendhat MP, 28 October 2019. [\[ERM0017\]](#)

123 Refugee Rights Europe (ERM0001), para 11.3

124 Dr Jelena Obradovic-Wochnik (ERM0015); Lawyers for Justice in Libya (ERM0009), para 4,6; Amnesty International UK (ERM0013), para 6

Conclusions and recommendations

The UK and Europe

1. Europe's responses to the 2015 "refugee crisis" were often short-term and defensive, rather than strategic. Though arrivals in Europe have decreased sharply from their peak, a fresh outbreak of conflict, or environmental disaster, could cause large-scale irregular arrivals in Europe. It is crucial for the UK, and Europe as a whole, to plan its response to future spikes in arrivals, rather than considering the issue resolved. The UK is leaving the EU but not leaving Europe, and will need to closely coordinate irregular migration policy with European partners after Brexit. In light of this, we were concerned by the lack of detailed answers from the FCO in our oral evidence session. The Minister's inability to identify a single change to UK cooperation with European partners on this issue following Brexit was particularly worrying, and points to a lack of focused attention to this issue. *We recommend that the UK should move quickly to negotiate close future cooperation on this issue with the EU. This is likely to mean negotiating a replacement for the Dublin Regulation and future, ad hoc participation in Common Security and Defence Policy (CSDP) missions, and could involve taking part in future relocation schemes, on a voluntary basis. During the current delay to our exit from the EU, we call on the Government to urgently resume UK attendance at EU-level meetings where migration is discussed, and to seek to attend these meetings after Brexit, wherever it is possible and in our interests to do so.* (Paragraph 7)
2. While the UK remained mostly insulated from large-scale arrivals to Europe in 2014–15, the human costs and political ramifications have been great. In the absence of robust and accessible legal routes for seeking asylum in the UK, those with a claim are left with little choice but to make dangerous journeys by land and sea. The UK has a strong economy and a proud history of helping those fleeing conflict and persecution, and should lead by example, creating more ambitious targets for resettlement. *We recommend that the Government expands the legal pathways to apply for asylum from outside Europe and works with EU partners to encourage them to do the same.* (Paragraph 8)
3. We are concerned by the evidence we received about the dire conditions for migrants in northern France, and by the reports of an increase in those taking dangerous routes to reach the UK, including by crossing the Channel in small boats. Focusing on increasing border security without improving conditions in the region may have the counterproductive effect of forcing migrants to make desperate journeys across the Channel. *We recommend that, in addition to its work to increase security in northern France, the UK should work closely with French authorities to improve the conditions for migrants. It should ensure efficient processing of asylum claims by those with relatives in the UK, and make it a priority to maintain close bilateral cooperation with France after Brexit, including on these claims.* (Paragraph 11)
4. We are deeply concerned by the lack of search-and-rescue capacity in the Mediterranean. Under no circumstances should migrants be left to die as a deterrent to stop others arriving. The Minister's evidence did little to convince us that the FCO is seriously engaged with this problem. *We recommend that the UK Government*

works with European partners to take the necessary steps to ensure additional search-and-rescue capability, and in its response to the Committee it should set out how it will assess and determine this capacity, including targeting a reduction in attempts and a lowering of the fatality rate. This should include working closely with the new Italian government and offering UK capacity to support search-and-rescue efforts. (Paragraph 14)

The UK and Africa

5. The EU's migration deals with Libya have achieved the short-term political "win" of cutting migrant numbers, but at the cost of fuelling human rights abuses, strengthening armed groups, and undermining stability in the longer term. There is compelling evidence of large-scale arbitrary detention, torture and sexual violence against migrants, and we are concerned by the evidence that UK funding could be contributing to these abuses. *We recommend that the UK should put in place robust monitoring and safeguards to ensure that its funding to migration programmes in Libya is not contributing to abuses, as well as to strengthen protection for migrants in Libya, and should press its European partners to do the same. Ensuring close dialogue on migration with European partners after Brexit will help the UK to make this case. In its response to this report, the Government should set out its assessment of how far human rights measures within its assistance to the Libyan Coastguard have improved this force's human rights performance, including actions taken, dates, and quantifiable measures. (Paragraph 21)*
6. Outsourcing Europe's migration work to fragile states carries the risk of counterproductive side effects. We support the principle of aiming to tackle the causes of displacement "upstream", in countries of origin and transit, but are concerned that the EU's migration work in the Sahel and Sub-Saharan Africa risks exacerbating existing security problems, fuelling human rights abuses, and endorsing authoritarian regimes. Preventing local populations from crossing borders may help cut the numbers arriving in Europe in the short term, but in the long term it risks damaging economies and creating instability—which in itself can trigger displacement. Relying on partner governments to cut migration can prevent the UK pressing for other governance reforms, and there is evidence that it is used by partners as leverage to demand more assistance or other concessions. (Paragraph 27)
7. We were surprised at the lack of detail we were given when we questioned the FCO about the Government's work with African partners. For example, the Minister did not appear to be aware of the existence of the Government's "Africa Strategy". The document itself is brief and lacking detail, as the Committee noted earlier this year, but the Minister's lack of awareness of the Strategy does not fill us with confidence that the UK's migration work with African partners is receiving substantial or considered input from the FCO. (Paragraph 28)
8. *We recommend that the Government should put in place robust monitoring processes to ensure that it is supporting successful operations to target the root causes of irregular migration, and is not contributing to conflict or instability through its migration work in Sub-Saharan Africa. The FCO should take the lead on ensuring that UK*

engagement on irregular migration with source and transit countries is viewed in terms of the full range of the UK's strategic interests, and does not place undue emphasis on reducing arrivals to the exclusion of other goals, such as promoting stability and respect for fundamental human rights, and reducing poverty. In its response to this report, the FCO should provide a detailed assessment to the Committee on how efforts on irregular migration interact with other priorities in its approach to Sub-Saharan Africa. (Paragraph 29)

9. *In its response to this report, the Government should set out when it decided to suspend migration cooperation with Sudan, and what tests will have to be met before it is restarted. If the Government resumes this cooperation, it should be done with caution and in close consultation with civil society groups both in Sudan and the UK. (Paragraph 30)*
10. *We are concerned by evidence that climate change could cause greater levels of migration in the coming years. We recommend that the UK's work on migration in the Sahel, and more broadly, should address the wider, interlinked factors driving irregular migration—including climate change, conflict, repressive governance and corruption—rather than focusing narrowly on reducing the numbers reaching Europe's borders in the short term. We recommend that the FCO should place tackling climate change as a central part of its policy on irregular migration. (Paragraph 32)*

The role of the FCO

11. *It is an error to focus on preventing migration to the exclusion of other goals, such as preventing conflict and promoting stability and respect for fundamental human rights in source and transit regions. The UK's interests around irregular migration are broader than this, and include peace, stability and human rights in source and transit countries in Africa and the Middle East, as well as the impact on our neighbours in Europe. The FCO should ensure that the UK's broader strategic interests are fully taken into account in the formulation of migration policy—not just the domestic imperative to limit migration. As a start, this means ensuring that these factors play a significant role in the Illegal Migration Strategy, alongside that of limiting arrivals. Where key documents cannot be made public due to security concerns, such as this Strategy, it should be prepared to share these in confidence with the Committee to enable detailed scrutiny. (Paragraph 34)*
12. *Language matters, especially when discussing a highly sensitive issue such as migration. We recommend that the Government should reassess its use of the term "illegal migration" in its strategy documents, and its categorisation of this issue primarily as a security threat rather than a question of stability. The human cost born by migrants should be front and centre of UK policy, and accompanied by the recognition that large-scale irregular migration can drain talent from countries that rely on their human capital to bring about changes at home. In its response to this report, the FCO should set out its reasons for the change in language used in its departmental plan, and its implications for policy. As a start, it should consider changing references from "illegal" to "irregular" migration throughout its policy documents. (Paragraph 37)*

Formal minutes

Tuesday 29 October 2019

Members present:

Tom Tugendhat, in the Chair

Conor McGinn Royston Smith
Andrew Rosindell

Draft Report (*Responding to irregular migration: A diplomatic route*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 37 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 5 November at 2.15pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 24 April 2019

Sarah Elliott, Legal Officer, UN Refugee Agency UK (UNHCR UK), **Charlotte McDonald-Gibson**, journalist and author [Q1–23](#)

Professor Sir Paul Collier, Professor of Economics and Public Policy, University of Oxford, **Dr Roderick Parkes**, Senior Analyst, EU Institute for Security Studies (EUISS) [Q24–40](#)

Tuesday 9 July 2019

Evidence taken in private [Q41–75](#)

Tuesday 9 July 2019

Shoshana Fine, Visiting Fellow, European Council on Foreign Relations, **Dr Yves Pascouau**, Associate Senior Researcher, Jacques Delors Institute and the University of Nantes, **Matteo Villa**, Research Fellow, Italian Institute for International Political Studies (ISPI) [Q76–116](#)

Tuesday 15 October 2019

Heather Wheeler MP, Parliamentary Under Secretary of State, **Matthew Johnson**, Head, Mediterranean Migration Unit, **Lewis Neal**, Director, Economic Diplomacy, Foreign and Commonwealth Office [Q117–188](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

ERM numbers are generated by the evidence processing system and so may not be complete.

- 1 Amnesty International UK ([ERM0013](#))
- 2 Center for Global Development (CGD) ([ERM0002](#))
- 3 Edwards, Mr John ([ERM0011](#))
- 4 FCO ([ERM0006](#))
- 5 FCO ([ERM0017](#))
- 6 Giuffre, Dr Mariagiulia ([ERM0010](#))
- 7 Lawyers for Justice in Libya ([ERM0009](#))
- 8 Mpanga, George ([ERM0008](#))
- 9 Nemeth, Dr Bence ([ERM0004](#))
- 10 NOVA; Oslo Metropolitan University ([ERM0005](#))
- 11 Obradovic-Wochnik, Dr Jelena ([ERM0015](#))
- 12 Overseas Development Institute ([ERM0007](#))
- 13 Refugee Rights Europe ([ERM0001](#))
- 14 Saferworld ([ERM0012](#))
- 15 UNHCR, The UN Refugee Agency ([ERM0014](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Violence in Rakhine State and the UK's response	HC 435
Second Report	The future of UK diplomacy in Europe	HC 514
Third Report	Kurdish aspirations and the interests of the UK	HC 518
Fourth Report	2017 elections to the International Court of Justice	HC 860
Fifth Report	The UK's response to hurricanes in its Overseas Territories	HC 722
Sixth Report	Global Britain	HC 780
Seventh Report	Global Britain and the 2018 Commonwealth Summit	HC 831
Eighth Report	Moscow's Gold: Russian Corruption in the UK	HC 932
Ninth Report	The FCO's preparations for the 2018 World Cup	HC 1011
Tenth Report	Global Britain and the Western Balkans	HC 1013
Eleventh Report	UK arms exports during 2016	HC 666
Twelfth Report	Global Britain: The Responsibility to Protect and Humanitarian Intervention	HC 1005
Thirteenth Report	Global Britain: Human rights and the rule of law	HC 874
Fourteenth Report	Global Britain: FCO Skills	HC 1254
Fifteenth Report	Global Britain and the British Overseas Territories: Resetting the relationship	HC 1464
Sixteenth Report	China and the Rules-Based International System	HC 612
Seventeenth Report	Fragmented and incoherent: the UK's sanctions policy	HC 1703
Eighteenth Report	Building Bridges: Reawakening UK-India ties	HC 1465

Nineteenth Report	Stemming the flow: An urgent look at tackling a culture of leaks	HC 2541
Twentieth Report	Global Britain and South America	HC 1617
Twenty-First Report	“Media freedom is under attack”: The FCO’s defence of an endangered liberty	HC 1920
First Special Report	The United Kingdom’s relations with Russia: Government Response to the Committee’s Seventh Report of Session 2016–17	HC 322
Second Special Report	The UK’s relations with Turkey: Government Response to the Committee’s Tenth Report of Session 2016–17	HC 333
Third Special Report	‘Political Islam’, and the Muslim Brotherhood Review: Government Response to the Committee’s Eighth Report of Session 2016–17	HC 334
Fourth Special Report	Violence in Rakhine State and the UK’s response: Government Response to the Committee’s First Report	HC 868
Fifth Special Report	The future of UK diplomacy in Europe: Government response to the Committee’s Second Report	HC 918
Sixth Special Report	Kurdish aspirations and the interests of the UK: Government response to the Committee’s Third Report	HC 983
Seventh Special Report	2017 elections to the International Court of Justice: Government response to the Committee’s Fourth Report	HC 1012
Eighth Special Report	Article 50 negotiations: Implications of “No Deal”: Government response to the Committee’s Ninth Report	HC 1053
Ninth Special Report	The UK’s response to hurricanes in its Overseas Territories: Government response to the Committee’s 5th Report	HC 1052
Tenth Special Report	Global Britain: Government response to the Committee’s 6th Report	HC 1236
Eleventh Special Report	Global Britain and the 2018 Commonwealth Summit: Government response to the Committee’s 7th Report	HC 1427
Twelfth Special Report	Moscow’s Gold: Russian Corruption in the UK: Government response to the Committee’s 8th Report	HC 1488
Thirteenth Special Report	The FCO’s preparations for the 2018 World Cup in Russia: Government response to the Committee’s 9th Report	HC 1507
Fourteenth Special Report	Global Britain and the Western Balkans: Government Response to the Committee’s Tenth Report	HC 1572

Fifteenth Special Report	Global Britain: The Responsibility to Protect and Humanitarian Intervention: Government response to the Committee's Twelfth Report	HC 1719
Sixteenth Special Report	Global Britain: Human rights and the rule of law: Government response to the Committee's Thirteenth Report	HC 1759
Seventeenth Special Report	Global Britain and the Western Balkans: Supplementary Government response to the Committee's Tenth Report	HC 1760
Eighteenth Special Report	UK arms exports during 2016: Government Response to the Committees' First Joint Report	HC 1789
Nineteenth Special Report	Delivering Global Britain: FCO Skills: Government Response to the Committee's Fourteenth Report	HC 1937
Twentieth Special Report	Global Britain and the British Overseas Territories: Resetting the relationship: Government response to the Committee's Fifteenth Report	HC 2174
Twenty-First Special Report	China and the Rules-Based International System: Government Response to the Committee's Sixteenth Report	HC 2362
Twenty-Second Special Report	Building Bridges: Reawakening UKIndia ties: Government Response to the Committee's Eighteenth Report	HC 2633
Twenty-Third Special Report	Fragmented and incoherent: the UK's sanctions policy: Government Response to the Committee's Seventeenth Report	HC 2642
Twenty-Fourth Special Report	Stemming the flow: An urgent look at tackling a culture of leaks: Government Response to the Committee's Nineteenth Report	HC 2681