

Better Migration Management Sudan Concept

BMM in Sudan: Political sensitivity and approach

BMM cooperation with Sudan is implemented in a **highly challenging environment**. In this context, cooperation in the field of migration management is carried out with specific attention to the do-no-harm approach and puts the protection of human rights at the forefront of all activities. As a result, and due to the high awareness of BMM activities in the public sphere, the project's **cooperation with police and other law enforcement authorities** is treated with the utmost care and sensitivity – not only by the project team but also by the Steering Committee. Particular concerns involve the risk of unintentionally involving members of the Rapid Support Forces (RSF) /Janjaweed in project activities, as well as a strong concern for corruption or involvement of government structures in smuggling and trafficking activities and the potential detrimental effect this could have on project activities and results.

This paper outlines the modus operandi of BMM in Sudan as far as capacity building activities are concerned, in particular those that invite participation from law enforcement authorities. During implementation, the assessment of the needs of law enforcement authorities for capacity development is combined with a continuous risk assessment and risk management, as required by the BMM Steering Committee.

One of the most important lessons learned during the appraisal phase of the project, and during the preparation of the country packages, is that BMM activities need to also include security personnel to successfully achieve the **main objective**, i.e. to improve migration management through addressing Trafficking in Persons (TiP) and Smugglings of Migrants (SoM) with a focus on the protection of the human rights of trafficked persons and migrants.

In Sudan, not all regions are affected by migration in the same way. For example, Wilaya (States) such as South Kordofan are coping with the sudden influx of hundreds of thousands of South Sudanese refugees in urgent need of humanitarian assistance. On the other side of the country, Northern State is dealing with refugees, people of concern to UNHCR and irregular migrants intercepted in the desert without papers. In addition, the handling of migrants and the tackling of smuggling networks need to be addressed separately.

To ensure responses that are tailor-made and relevant to the local context, and which address the needs faced by migrants and by the Sudanese authorities in dealing with migration-related issues, **BMM-Sudan is aiming to create solutions on a State-by-State basis**. This means that in different regions, **different federal, state and local actors will be involved** in different ways in BMM project implementation.

At the same time, the active participation of federal authorities, specifically the Ministry of Interior (Criminal Investigation Department, Immigration Police and Customs), is essential. BMM will therefore also look at developing the capacities of federal authorities in coordinating and steering the respective processes. Presently, relevant institutions at federal level have not been able to fulfill their mandate as a coordination structure due to a lack of resources and capacities. However, the creation of a new body in 2014, the National Committee on Counter Trafficking (NCCT), could present a window of opportunity for the BMM programme to engage. The objective will be to contribute to the empowerment of this body by involving it systematically in field activities whilst building the capacities of its members and its “bureau” in coordinating and then steering activities taking place at state level. Good practices developed at state level will be mainstreamed at federal level and will be fed into ongoing or planned processes (e.g. migration policy, national referral system).

Cooperation with law enforcement authorities

As outlined above, to ensure that we reach the BMM objectives and achieve sustainability of the action, we consider it necessary to include **police and other law enforcement personnel** in capacity development measures (BMM Component 2).

We will be particularly careful when involving selected police and civilian security personnel into our trainings and skills upgrading activities.

The geographical areas covered under the programme are El Gedaref State, Kassala State and Red Sea State, Khartoum State, and Northern and River Nile States. Possible types of law enforcement agencies for cooperation are customs, immigration police, criminal investigation units, and criminal police units. The target groups within these agencies for capacity development measures are:

- investigators, prosecutors, judges who investigate human trafficking and migrant smuggling
- front line officials (immigration officials, customs, Criminal Investigation Department) who need to have a good knowledge of their own referral systems for vulnerable migrants to access protection services

All capacity development activities aim to benefit the target group of vulnerable migrants and victims of trafficking.

Some of these capacity development measures conducted by BMM may require the provision of **equipment**, necessarily falling outside the dual-use restrictive regime. Any such provision will be strictly for the achievement of the envisaged objectives. As with all BMM activities, any equipment procured in Sudan will be acquired in **full compliance with the BMM procurement principles and the procurement procedure** as submitted to the Steering Committee in June 2017.

The project is well aware of and highly alert to the risks of cooperation with Sudanese Police and Security authorities in general. It is clear that **BMM will not work with** or include members of the RSF in its activities and will strictly follow the **‘Do-no-harm approach’**, especially concerning the protection of human rights. **Cooperation with the military is not intended at any point** (see also BMM Procurement Principles and BMM Procurement Procedure).

To guarantee this commitment and the strict adherence to our principles, BMM has created the following **risk management measures** and checklist:

1. BMM will as much as possible avoid implementing capacity development measures with security institutions in areas where RSF are active. In those areas, BMM will ensure to limit its support to the provision of assistance to migrants, which is particularly needed due to the scarce presence of international actors in these areas.
2. Participants to any police training will only be accepted if they are sent by the Ministry of Interior (Criminal Investigation Department and Immigration Services) and by Customs. The Ministry of Interior guarantees that only non-RSF staff will participate to any training of BMM.
3. BMM will develop strict participation criteria for every police training. The list of criteria will be agreed upon with the Sudanese Government, as well as with the implementing partners, and will be enforced through constant monitoring and control. The list of criteria will be based on the following first mandatory points, but will be further developed and finalised in discussions with the aforementioned partners:

- Prior to any training, each participant will provide evidence (to be documented by GIZ) of being registered as permanent staff of one of the three security institutions mentioned above – Immigration police, Criminal Investigation Units and Customs – through wearing the uniform, and provision of rank and identification number in the list of participants.
 - Each participant has to be stationed in one of BMM's States where interventions will be carried out.
 - Prior to any training, the signed list of participants will be transmitted to the relevant BMM Implementing Partner by the competent authorities within the respective law enforcement agency or agencies, including the assurance of the Ministry of Interior.
 - After each training a follow up will be conducted to ensure that the training content is incorporated in the day-to-day work flow.
4. The contents of police training will not include any information or training on the use of weapons or search and combat skills. Rather, the overarching aim of police training is to reinforce capacities of participants as first responders to migrants/trafficked persons' needs in a human rights based approach whilst performing their tasks as border police and investigators. All trainings on case investigation and/or prosecution of cases will strictly adhere to the human rights approach.
5. Any suspicion and/or knowledge of circumvention **of the abovementioned steps** and/or knowledge of this mechanism to be ineffectual will be acted upon: BMM staff in Sudan will report immediately to the BMM project management in Brussels and the GIZ Director Regional Cooperation Africa and Horn of Africa. Location, nature and possible consequences will be compiled and evaluated by GIZ and information will be shared directly with BMZ and EU for analysis and decisions for next steps. The required corrective mechanisms will be initiated by GIZ immediately.

These risk management measures apply to all BMM implementing partners working in Sudan and will be closely monitored by the BMM project management in Khartoum and Brussels, as well as regularly reported and/or discussed with the **EU+ migration coordination group** in Khartoum (through the migration focal points of the EU and Embassies of Consortium Members). **New activities**, as appropriate, as well as adaptations of on-going activities, will be assessed and developed by GIZ, pending their conformity with the BMM project logframe. In such a case, the latter would be revised and submitted to the Steering Committee as appropriate. The **EU+ migration coordination group** in Khartoum will be kept informed.

Key safeguards within the BMM have been set up to assure that our activities “do no harm” and that compliance with the above-detailed risk management is ensured. Central to these safeguards are the following actors and activities: BMM Coordination Team in Sudan, Migration Coordination Group (MCG) in Khartoum, BMM Programme Management in Brussels, GIZ headquarter management, BMM Steering Committee, and mechanisms to actively monitor human rights, e.g. through INGOs, UNHCR, and local organisations (Red Crescent, etc.).