

## **MINUTES**

### **of the 4<sup>th</sup> Operational Committee for the North of Africa Window of the EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa (the EU Emergency Trust Fund)**

#### **Introduction**

On 4 December 2017, the Operational Committee for the North of Africa Window of the EU Emergency Trust Fund held its fourth meeting. The meeting was chaired by Michael Köhler, Director of Directorate B (DG NEAR).

The objective of the Operational Committee for the North of Africa Window was to adopt three (3) Action Documents for a total amount of EUR 29.58 million submitted by the Trust Fund Manager. The Committee was also updated on the state of play after the third operational committee held in May 2017 as well as on the steps that have been taken in the development of the North of Africa's Monitoring and Evaluation Framework. Finally, an Information Point on the two programmes adopted by written procedure ("Support to Integrated border and migration management in Libya" (Phase I), adopted on 28 July 2017, and "Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development", adopted on 12 April 2017) provided an overview of the state of the art and room to discuss the main points raised by the Members of the Operational Committee during the written procedure. The agenda of the meeting is enclosed in Annex 1.

#### **I. Agenda Items Discussed**

The Chair opened the session with an update on the main developments related to the financial situation of the North of Africa Window and took the opportunity to thank the Members of the Operational Committee for their recent important contributions. The Chair also provided an overview of the recent political developments and the relevant policy background surrounding the Action Documents on the agenda of the Operational Committee, as well as a forward-looking perspective with regards to the 2018 priorities of the North of Africa Window. In this respect, the Chair informed the Members that the Commission and Italy are working together on a new initiative to be presented to the Operational Committee early in 2018 aimed at fostering the socio-economic development of the Libyan Municipalities, on the basis of needs of local authorities and in close coordination with the PC/Government of National Accord (GNA). The Chair introduced the points to be discussed with the agreement of the Members of the Operational Committee.

Introductory remarks were also given by the representatives of DG HOME and the EEAS. They highlighted the increasing importance of the North of Africa window as a flexible instrument which has been able to respond to many needs along the Central Mediterranean route so far and that the programmes presented address the common priorities for the EU and the Partner Countries.

The Trust Fund Manager reported on the state of contracting for the North of Africa Window. She also announced the most recent signature of the contract under the programme "Enhancing the Response to Migration Challenges in Egypt" and indicated the priority areas for contracting for the rest of the year, highlighting the signature of the contract with the Italian Ministry of Interior covering the programme "Support to Integrated border and migration management in Libya" and the contract covering the programme "Development pillar of the Regional Development and Protection programme" as the main priorities. Correspondingly, the Trust Fund Manager commented on bilateral and regional priorities for 2018 for the North of Africa Window as well as the programmes currently in the pipeline or being

considered. She also provided an update on the contributions by the Members of the Operational Committee to the North of Africa Window after the European Council of June 2017.

Members of the Operational Committee were given the floor. Among the different points, a clarification of the overall figures was requested as well as the interest in having an example of the way the Monitoring and Evaluation Framework applies to the operations of the North of Africa window in the next Operational Committee. There was a general understanding about the need to improve communication on the activities being funded under the North of Africa window and, in particular, in Libya and the results achieved so far.

The Trust Fund Manager clarified the figures, stating that committed amounts corresponded to those programmes that have been adopted by the Operational Committee: 11 programmes have been approved out of which 12 contracts have been contracted for a total amount of EUR 131 million.

## **II. Presentation of projects for approval**

The Trust Fund Manager presented the three (3) Action documents on the Agenda submitted for the approval of the Operational Committee. Individual action fiches are enclosed in Annex.

### **A. Facility for Migrant Protection and Reintegration in North Africa, EUR 10 million**

#### *Summary*

The action aims to contribute to the strengthening of migrant protection and sustainable reintegration systems in North Africa. In particular, the Action Document is articulated along three specific objectives that seek:

- 1) To improve protection and enable the assisted voluntary return of stranded migrants and migrants in transit in North Africa;
- 2) To support targeted countries to enhance the sustainability of reintegration through an integrated approach addressing economic, social, and psychosocial dimensions;
- 3) To increase the capacities of North African countries and relevant stakeholders to develop or strengthen return and reintegration policies and processes, including identification and referral.

The countries covered by this regional initiative will be Algeria, Egypt, Morocco and Tunisia. Libya will only benefit from this programme under specific objective 1 (Assisted Voluntary Return) and provided that the existing bilateral support is exhausted.

#### *Comments*

As regards the assisted voluntary return, the Dutch representatives emphasized that this is a priority area for the Netherlands. They recalled the recent funding provided bilaterally to IOM (EUR 4.5 million) for protection services to vulnerable and stranded migrants in North Africa (Egypt, Algeria, Tunisia), as well as the funding provided in support for this EUTF Facility (EUR 10 million).

The British representative inquired about the follow up on the reintegration process and asked to further elaborate on the indicators to be used for the programme, indicating the importance of finding best practices in the framework of the current Monitoring and Evaluation Framework. The concerns were

shared by the French and the Belgian representatives.

As regards the budget of the programme, the Swiss and the Belgian representatives requested the Trust Fund Manager to provide more details. The Swiss representative also expressed strong overall support to the project and especially its regional component.

As regards the coordination mechanism, the German representative asked how it would be put in practice and how it would ensure complementarity with the ongoing MS initiatives in the region, such as those of GIZ in Morocco and Tunisia. She also inquired about the mitigating measures of potential social tensions in the context of reintegration in communities of origin.

The Austrian representative expressed the overall support to the project and its complementarity with other programmes and joined the German representative regarding coordination aspects. She also asked about the capacities of the implementing partner (IOM) to ensure long-term positive effects for the beneficiaries of the programme.

The Egyptian representative indicated that the opinion of the Egyptian authorities on this project has not yet been finalized and requested additional time for consideration.

The Algerian representative informed that the Algerian authorities maintain their position regarding the programmes funded by the Trust Fund.

The Trust Fund Manager underlined that coordination in Brussels between the three windows and on the ground is a priority as regards this initiative and that discussions with the implementing partner are ongoing in order to ensure the best results. She also emphasized that coordination is also ongoing with DG HOME as regards complementarity with the European Return and Reintegration Network (ERRIN) scheme. As regards reintegration assessment, the Trust Fund Manager acknowledged the complexity of the issue and explained that results and impact will be measured in the context of, among other, regular meetings with IOM (both at senior and operational level), which will be reinforced by the creation of a Working Group on return and reintegration. Regarding the possibility of social tensions, she commented that communities will be targeted as a whole in order to avoid discrimination on the ground. The Trust Fund team also provided details on the expected results of the programme as well as the requested details regarding the **indicative** budget of the programme: protection and assisted voluntary return component - EUR 2.7 million, reintegration component – EUR 2.5 million, capacity building component – EUR 0.7 million, management and staff costs – EUR 3.2 million and communication, evaluation and technical coordination – EUR 0.3 million as well as indirect costs – EUR 0.6 million.

### *Conclusion*

*The Action fiche is approved by the Operational Committee. In the event that Egypt may wish to amend or adjust the part concerning it, Egypt will communicate this to the Trust Fund Manager. The Trust Fund Manager has the power to make slight adjustments to the Action fiche. The Operational Committee will be informed by written procedure or in the next Operational Committee.*

## **B. Dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking, EUR 15 million**

### *Summary*

The Action aims to contribute to reducing enablers of - and mitigating vulnerabilities arising from -

irregular migration in Algeria, Egypt, Libya, Morocco and Tunisia by focusing on the dismantling of organized criminal groups involved in migrant smuggling and human trafficking.

The overall objective will be achieved through:

- 1) Enhanced detection and interception capacities of frontline officers and agencies at selected border crossing points and key hub cities along smuggling routes.
- 2) Strengthened identification and investigation capacities of first responders (including law enforcement officers, healthcare professionals and social workers, Libyan Department to Counter Illegal Migration, labour inspectors and other relevant practitioners) with regards to migrant smuggling and human trafficking cases while protecting victims.
- 3) Enhanced skills and knowledge of relevant law enforcement agencies on special investigation techniques, allowing relevant authorities to more effectively and rapidly dismantle criminal networks.
- 4) Strengthened practical expertise and skills of criminal justice practitioners in prosecuting and adjudicating migrant smuggling and human trafficking cases, notably through regional and international cooperation.

The four specific objectives of the action seek to address gaps along the whole process, starting from the detection and interception phase, moving to the identification and investigation capacities and then the prosecution and adjudication stage.

Regional dimension will be complemented by a specific national strategy, which:

- will be developed at country level based on the needs identified through a gap assessment exercise and taking into consideration interventions already in place;
- will be discussed and finalised in consultation with the national authorities and the EU Delegation.

#### *Comments*

The Swedish representative noted with satisfaction the human rights and gender components included in the fiche. She inquired whether an assessment of UNODC capacities in each of the countries concerned has already taken place and on whether or not the Trust Fund's complies with ODA eligibility requirements.

As regards the indicative budget of the programme, the French, Norwegian and Belgian representatives requested a more detailed breakdown.

The Belgian representative also expressed the overall support to the project as well as the choice of UNODC as implementing partner, and inquired about the possibilities to give more focus to the protection and assistance component of the programme.

The German representative expressed a positive opinion regarding the initiative due to its consistency with the North of Africa Window priorities and ongoing actions. She asked the Trust Fund Manager to elaborate on the current assessment of the capacities of the Libyan authorities concerned by the initiative and the nature of the light equipment to be provided in the framework of this action.

The Dutch representative inquired whether human rights education would be a part of this programme, taking into account the alleged criticism on the compliance with human rights standards of some of the actors identified in the action.

The Egyptian representative indicated that the opinion of the Egyptian authorities on this project has not yet been finalized and requested additional time for consideration.

The Trust Fund Manager confirmed that EU Delegations will be at the forefront during the drafting the

contract, which provides a guarantee that the project would adapt to the country-specific needs. Regarding UNODC capacities in the beneficiary countries, she noted that UNODC office in Cairo will be the one coordinating the project but that other UNODC offices throughout the region will also be involved. The Trust Fund team also provided an indicative breakdown of the budget of the programme: for component one: 3.8 million; component 2: 2.1 million; component 3: 7.5 million and component 4: EUR 1.4 million. As regards light equipment, the Trust Fund team specified that this component will remain limited in the context of the programme and will mainly include equipment for demonstration purposes only. The team also emphasized that not all elements of the project will be implemented in all countries covered by this regional initiative, as the differences in needs among Partner Countries are substantial. Concerning the protection and assistance elements, the Trust Fund team confirmed that this is a priority in their discussions with UNODC and that efforts will continue in order to ensure a balanced approach of the programme. Finally, the Trust Fund team recalled that particular attention will be given, notably in the Libyan context, to the UN due diligence policy (which provides, inter alia, that prior to supporting such forces an assessment of risks involved in providing or not providing support should be made).

#### *Conclusion*

*The Action fiche is approved by the Operational Committee. In the event that Egypt may wish to amend or adjust the part concerning it, Egypt will communicate this to the Trust Fund Manager. The Trust Fund Manager has the power to make slight adjustments to the Action fiche. The Operational Committee will be informed by written procedure or in the next Operational Committee.*

### **C. Empowerment juridique des personnes migrantes (Morocco), EUR 4.58 million**

#### *Summary*

L'objectif général du projet est d'améliorer l'accès des personnes migrantes et réfugiées à leurs droits. Il s'aligne sur l'objectif stratégique 3 de la matrice de résultats du FFU – fenêtre Afrique du Nord, à savoir "Renforcer la protection et la résilience des migrant(e)s, des personnes déplacées et des communautés d'accueil".

Les trois résultats du projet sont:

- 1) Les personnes migrantes et réfugiées, ainsi que les prestataires de services connaissent les droits des étrangers
- 2) Les acteurs facilitent l'accès aux droits des personnes migrantes et réfugiées
- 3) L'information relative aux difficultés d'accès aux droits des personnes migrantes et réfugiées est remontée au niveau des autorités centrales
- 4) Le projet visera ainsi (i) à compiler et diffuser l'information relative aux droits des migrant(e)s et des réfugié(e)s; (ii) à renforcer les compétences des acteurs facilitant l'accès aux droits des personnes (avocats, étudiants en droit, associations, personnel de justice); (iii) à appuyer la production de données sur la thématique afin de les relayer vers les autorités centrales.

#### *Conclusion*

*The Action fiche is approved by the Operational Committee without questions or comments from the Members of the Operational Committee.*

### **III. Any other business**

**State of play of the programme "Support to Integrated border and migration management in**

## **Libya" (Phase I), adopted on 28 July 2017**

The Programme Manager provided a succinct presentation of the programme including an overview of the main objectives and activities under this action as well as an update on the state of play of the contracting negotiations.

### *Comments*

The Austrian representative asked the Programme Manager to elaborate on the implementation of the project, in particular as regards the presence of the implementing partners on the ground.

As regards communication, the Belgian representative informed about the increasing scrutiny from parliamentary/media/civil society organisations regarding this initiative and noted that communication efforts should be stepped up.

The Programme Manager provided further explanation about the implementation of the project, in particular as regards the physical presence of the Italian law enforcement officers, who will conduct on-the-job training and monitoring of the Libyan Coast Guard. With regard to the assessment to be carried out in the South of Libya, the Programme Manager stressed the particular attention that it will pay to the security aspects, economic development and humanitarian situation in the context of the programme.

The Italian representative confirmed the explanations by the Trust Fund team.

## **State of play of the programme "Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development", adopted on 12 April 2017**

The Programme Manager provided an update regarding the development of the activities on the ground, in particular as regards the results so far achieved concerning the Voluntary Humanitarian Return (VHR) and reintegration; protection in detention centres, at disembarkation points and in urban settings; medical assistance; and assistance to Libyan Internally Displaced Persons and returnees. The Programme Manager also informed about the developments regarding the transitional care centre to be built in Tripoli and the discussions on the emergency transit mechanism. With regards to the community stabilisation component of the programme, she indicated that the relevant assessments have been carried out in the targeted municipalities and informed about initial results being delivered in this domain. She also informed about organisation of the 1<sup>st</sup> Steering Committee of the programme that took place in Tunis on 18 October which served as a good occasion to reflect on challenges and overall coordination of the different activities of the programme.

The Chair highlighted IOM's overall positive pace in terms of assisted voluntary returns (i.e. voluntary humanitarian return, in the case of Libya) achieved so far in 2017 and in the framework of this programme, noting that discussions regarding expanding our funding in this regard may be necessary.

### *Comments*

The Danish representative inquired about the possible implications on this programme by the EU-AU Summit in Abidjan.

The Trust Fund Manager answered that, although it is still early to comment on the follow-up of the Summit, the North of Africa window will indeed respond to the commitments.

With no other items to discuss, the Chair thanked the EU Member States and Partner Countries for their participation and called the operational committee to close at 18:00.