

REPORT	
Date of meeting	13 December 2018, 09:30-13:00 - 6th Operational Committee of the EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa (EUTF) North of Africa window.
Location	European Committee of the Regions, Bâtiment Jacques Delors, Rue Belliard 99-101, 1040, Salle VMA1
Participants	NEAR (Chair: Director Michael Köhler; [REDACTED], DG HOME (Director Marta Cygan), EEAS [REDACTED], EU Member States, European donors (Switzerland and Norway), North African partner countries (Algeria, Egypt, Libya, Morocco and Tunisia).
Purpose of meeting	<p>1. Opening remarks by DG NEAR and EEAS</p> <p>2. Presentation on the state of play of the North of Africa window's financial situation, non-substantial amendments and strategic orientations</p> <p>3. Presentation for approval of the sixth pipeline with four programmes totalling €15 million</p> <p>4. Presentations on the state of play of project implementation, the North of Africa window Monitoring & Evaluation Framework and Research Facility.</p>
Issues discussed	<p>1. Opening remarks and adoption of the agenda:</p> <p>The Chair, Director Michael Köhler (DG NEAR) opened the floor by outlining the current situation in the Central and Western Mediterranean Routes. Director Köhler described the evolving nature of migration flows and pointed out that, in particular, while irregular migration coming from the Central Mediterranean route has significantly decreased, numbers have been on the rise in the Western Mediterranean route this year. The Chair underlined the success of EU engagement in the Central Mediterranean route, especially in Libya, where, among others, EU support facilitated the provision of assistance to evacuate migrants and refugees, and the successful creation of alternatives to detention centres, including UNHCR's recently established first Gathering and Departure Facility (GDF) in Tripoli. In response to the changing situation in the Western Mediterranean route, the Chair recalled the importance of the programmes submitted for adoption, by stepping up support to border management in Morocco to support an intensive, new cooperation dynamic between Moroccan and Spanish authorities; and by providing help for the implementation of the Moroccan National Strategy on Migration and Asylum. Director Köhler underlined that the overall EUR 115 million package proposed to the Operational Committee constitutes the single biggest package ever presented, aiming to address both irregular and legal migration, in line with the needs of EU Member States.</p> <p>DG HOME stressed the key role the EUTF for Africa has played in achieving the EU's political commitments and delivering effective results. It underlined the importance of good cooperation and coordination between the European Commission and European External Action Service as well as with Implementing Partners. Finally, DG HOME endorsed the programmes submitted for approval to the Operational Committee, in the light of the changing situation in the Central and Western Mediterranean Routes.</p>

EEAS underlined that the EUTF for Africa has been an instrumental tool of the EU to cooperate on migration management with partner countries with a comprehensive and tailor made approach. In light of the developments in the Western Mediterranean route, the EEAS also called for the intensification of efforts with Morocco. Regarding the situation in Libya, while the EEAS underlined the important results achieved on evacuation, voluntary humanitarian returns, and the dialogue with Libyan authorities and African partner countries, key remaining challenges were outlined, including the situation of migrants and refugees in detention centres who are in need of immediate protection. The EEAS stressed that the need for sustained peace needs to accompany the EU's efforts.

2. Presentation on the state of play of the North of Africa window's financial situation, non-substantial amendments and strategic orientations:

The Trust Fund Manager, [REDACTED], thanked Member States for their recent contributions to the EUTF North of Africa window's budget (from Austria, Croatia, Estonia, Ireland, Latvia, Lithuania, Malta and Norway). He informed that currently the window's budget is composed of EUR 378 million EU budget contributions and EUR 209 million contributions by Member States, Switzerland and Norway, making an overall amount of EUR 587 million.

The Trust Fund Manager informed about a recent commitment by the European Commission to allocate €27.7 million to the EUTF North of Africa window, which will be followed by another EUR 120 million after decision by the Commission in early 2019. He informed that with this contribution the funding gap of the window stands at around ca. €67 million for 2019, stressing that the window remains severely underfunded. In this respect, the Trust Fund Manager and the Chair called donors for continued support.

3. Presentation for approval of the sixth pipeline with four programmes, totalling €15 million:

All four programmes were approved, with some suggestions for their implementation.

The Chair gave the floor to the Trust Fund Manager and his team to introduce the projects.

- T05-EUTF-NOA- Strengthening the implementation of migration policy at regional level – EUR 8 million

The programme was designed upon suggestion of the Moroccan authorities with the aim to strengthen the interventions already existing at the central level in terms of migration policies in Morocco and integrate them at the regional level. The regions concerned by the project have become, over the last decades, territories of departure, transit and destination.

Members expressed their support for the proposal. BE recalled that the support and improvement of migration governance is one of the two key domains of the governmental Belgian development cooperation with Morocco and emphasised ENABEL's expertise in that area and in that country. BE identified the development of expertise in migration organisations and in communities as a key objective. BE cited its ongoing projects supporting migration governance in Morocco and the development of a pilot project on legal migration between Morocco and the Flemish region as examples that will provide expert knowledge to the programme. FR expressed interest to involve French agencies and experts in the programme, while strongly agreeing with the diaspora to be included in the project, emphasizing the importance to transfer funds to the regions. Following the FR intervention, BE representative expressed its willingness to facilitate contacts between ENABEL and other MS agencies. DE attached particular importance to focus on both local and regional levels at the same time. DE also asked for reassurances that there will be coordination with various other ongoing projects that are currently taking place to facilitate the integration of migrants in the region. DE recommended involving the Moroccan authorities, in particular the Ministry of Interior, in the steering structure of the project. Finally, DE also asked whether the programme could be extended to other regions at a later stage.

The Chair, Michael Köhler expressed openness to expand the scope of the program to other regions if the project succeeds in its current target areas. The Chair also agreed to bring in stakeholders working on similar projects into the process of the programme's implementation to ensure coordination. He underlined that coordination could be ensured with the help of the EU delegation. A respective mission is already planned for January where concrete proposed measures for this would be specified. The EUTF NoA programme manager in charge of programmes in Morocco and Algeria, [REDACTED], stated that a coordination table was already in place, and that the EU delegation had expressed its willingness to ensure that there will be complementarity between ongoing programmes.

MO confirmed that the Moroccan Ministry of Interior was fully on board to further enhance coordination on the programme, while, in the meantime, it was working in very close coordination with local authorities of the regions. MO also said that it was conducting assessments on the ways ongoing projects are advancing.

The Action Fiche was approved. At the day of the Operational Committee, commitment credits for this action were not sufficient to execute a Level 1 Commitment. This will be done as soon as sufficient commitment credits will be available.

• T05-EUTF-NOA- Support to Integrated Border and Migration Management in Morocco – EUR 40 million

The programme aims to support the Moroccan Ministry of Interior and its agencies in enhancing their capacities in its efforts to contain irregular migration. The programme, in particular, supports the fight against networks of smugglers and traffickers, enhances the capacities to conduct Search & Rescue at sea operations with the aim to reduce the loss of lives, to better control terrestrial and sea borders and supports the cooperation with the EU and its member states.

Members expressed their support for the proposal. ES emphasized that the programme was a political priority for them, given that 50% of total irregular migrants to the EU arrived on the Western Mediterranean route this year. FR, while supporting the action without reservations, asked for more clarity regarding performance indicators, as well as for more information on the implementation process, in particular the sectors that will be covered by the programme in Morocco. UK, DE, FR, NL, BE and DK asked for more specific description and clarity on the ways actions and initiatives within the programme as well as through monitoring measures will ensure the protection of human rights and the principle of 'do-no-harm'. DE asked for a detailed list on the equipment the majority of the budget will be spent on while also questioning whether the programme will comply with DAC rules. DE also underlined the need for intense cooperation to make sure that there will be no overlaps with other ongoing programmes, such as one involving the German Federal Police. NL asked for a clearer breakdown of budget lines. IT asked whether the EU planned to mobilize public expertise for the implementation of actions under this programme.

Regarding performance indicators, the Deputy Trust Fund Manager, [REDACTED] pointed out that the Operational Committee had granted the window's management the possibility to present Action Documents without log-frames as the proposed programmes were normally still at its early stages. He assured participants that the log-frame was a mandatory annex to the contract with the implementing partner and that indicators will be developed in the coming months during the formulation of the contract. He mentioned that the EUTF NoA team was already working on defining them together with FIIAP and the Moroccan government.

On human rights, the Chair, Michael Köhler, assured participants that there was already a clear reference in the financing agreement to human rights obligations. Furthermore, he stated that Morocco, under its National Strategy on Migration and Asylum, was committed to the respect of human rights, given that it is the signatory of all major international human rights conventions. To provide further assurances, Director [REDACTED] stressed that the EU will make sure to build in all necessary measures into contract documents to ensure that human rights will be protected.

On the question of eligibility with the OECD-DAC ODA requirements, Director Köhler assured the audience that the programme was in DG NEAR's view DACable but could also be funded through funds from DG HOME that are not subject to DAC rules. Deputy Trust Fund Manager, [REDACTED], underlined that DG HOME had contributed a total of EUR 80 million to the window. Also, other funds, such as ENI had a significant non-ODA share.

Regarding specific list of equipment to be provided, Director Köhler stated that negotiations with the Moroccan authorities and with donors were still ongoing on individual equipment needs. Similarly, coordination with other stakeholders, such as the German Federal Police project, was already taking place in the context of general coordination with EU activities.

	<p>Concerning the breakdown of the budget, Director Köhler reminded the audience that the Action Document only contained generic figures at this point, however a legal contract containing a precise budget would be concluded with FIIAP soon.</p> <p>MO assured the audience that it will uphold its commitments to the respect of human rights as a signatory to conventions on human rights and the rights of migrants. On the question of equipment, MO stressed that it prioritized maritime equipment, given that most life-threatening dangerous situations occurred today on the sea.</p> <p>Finally, Director Köhler stated that the Commission would soon release a press release on various components of the package, while a 2-page internal document on summarizing the programme could be circulated to members of the Operational Committee before the end of the week. In addition, Director Köhler underlined that the Commission will instruct the local EU Delegation, to organize an information session with the potential participation of FIIAP to present the current package for Morocco and the entire approach of EU support given to Morocco on migration related programmes to ensure the proper articulation of cooperation towards national programs and EU funded ones.</p> <p>The Action Fiche was approved.</p> <p><u>• T05-EUTF-NOA- Support to Integrated Border and Migration Management in Libya - Second phase – EUR 45 million</u></p> <p><i>The programme is a continuation and expansion of the ongoing engagements through the ‘Support to Integrated border and migration management in Libya’ programme with the Italian Ministry of Interior. The objective of the programme is to take stock of the work under the previous programme and focus on an intensification of the existing engagements and on the implementation of new areas of intervention.</i></p> <p>Members expressed their support for the proposal but raised some concerns and questions that need further clarifications from the COM.</p> <ul style="list-style-type: none"> • IT stressed the importance of ensuring continuity of action in order to consolidate the results achieved so far and encouraged talks to be continued with IOM on involving them in the programme, given their tremendous experience in the country. • NL, DE, FR, BE, UK, DK, SE and NO requested for more concrete information and regular feed-back/follow-up on the lessons learned regarding the implementation and results of the 1st phase of the programme and, based on that assessment, for a set of actions that the Commission would recommend to build in the 2nd phase to improve measures. • BE and NL requested to receive specific detailed information on the activities undertaken by the third-party monitoring mechanism that some Member States requested to put in place during the first phase to monitor the Libyan Coast Guards activities and asked which measures the COM intends to put in place for the monitoring of the second phase. • BE in particular requested information on the measures the Commission plans to put in place for the protection of migrants during their transfer to
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detention centres and for the improvement of conditions of migrants in detention centres.

- DE, DK, SE and NO asked for elaboration on the steps taken so far for the vetting of Libyan Coast Guards, stressing the need for a conflict sensitive approach and adherence to the ‘do no harm principle’.
- Following up on it, NL, BE and DK inquired about the ways the Commission intends to monitor the Libyan Coast Guards.
- DE requested more information on the ways the Commission intends to monitor that the programme fulfils the criteria of having a human rights based approach during its implementation phase.
- Following up on this, the UK specifically mentioned recent articles from the UK media on the mistreatment of migrants and refugees in detention centres in Libya linked to EU funds, urging for concrete actions that aim to protect the rights of migrants and refugees.
- FR requested information on the ways the Commission intends to link up certain activities under the programme, such as technical trainings, with ongoing activities under CSDP mission.
- CH highlighted the importance of a balance between projects supporting border/migration management on the one hand and protection of migrants on the other hand.
- Finally, SE requested more information on the procurement of equipment, and on addressing the question whether there is an issue with DAC compatibility, given that the recipients of this equipment, the Libyan Coast Guards, are part of the Libyan Ministry of Defence.

The Trust Fund manager, [REDACTED], expressed agreement with IT that negotiations with IOM should continue on involving them in the programme’s Southern component, given their extensive experience on the ground.

On the question of the results of the 1st phase of the programme, the Trust Fund Manager mentioned that a meeting on the topic had already taken place at the end of October, however he proposed another meeting on the subject to be organized. Lessons learned during the 1st phase of the project had been taken into account during the preparation of the feasibility study of the 2nd phase, [REDACTED]. On ensuring fairness in the procurement process of the programme, the Trust Fund Manager underlined that procurement rules were in line with EU directives. Finally, he stressed that the issue of ensuring 3rd party monitoring remained key for the EU.

On linking up the programme with existing initiatives under ongoing CSDP missions, the EEAS argued that the programme intended to contribute and be complementary to ongoing programmes such as EUBAM Libya and EU NAVFOR Med.

On the topic of human rights, the Chair, Michael Köhler, stressed that the EU was currently in intensive dialogue with the GNA on detention centres, and UNHCR and IOM were working hard to secure access to these centres. Director Köhler underlined that the EU’s policy was not to support detention centres but to look for alternatives and, in the meantime, do everything to improve the situation through diplomatic and cooperation activities. Reacting to the allegations of the UK media,

the Chair rebuked press allegations and reminded the audience that the Libyan Coast Guards have saved many lives as a result of the EU's continued support, while the EU is actively trying to address the situation at detention centres. The Director highlighted that the EU was first and foremost working on supporting the saving of lives, and stressed that not giving any support to the Libyan authorities would lead to a situation that is even worse than the current one. On the dissemination of lessons learned, the Director agreed to discuss organizing a meeting that would be attended by implementing partners who could explain their experience on the ground first hand.

Reacting to Director Köhler's remarks on detention centres, LY stressed that the GNA did not intend to keep detention centres in the long-run. Given the high capacity of SAR missions, LY argued that alternatives for the location of migrants and refugees were very limited for the time being. Regarding the question on the programme's compatibility with DAC, LY reminded the participants that they did not currently possess other tools to conduct SAR other than the Coast Guards that were evidently part of the Libyan military apparatus.

Reacting to BE's proposal, Director Köhler proposed to organise in the near future an informal meeting on the assessment of the programme's 1st phase (including on the third party monitoring) for instance on the occasion of the next Operational Committee. BE expressed its hope to learn more about the ways the EU would like to support the respect of the 'do no harm principle'.

The Action Fiche was approved. At the day of the Operational Committee, commitment credits for this action were not sufficient to execute a Level 1 Commitment. This will be done as soon as sufficient commitment credits will be available (*n.b.* Level 1 Commitment executed on 20 December 2018).

• T05-EUTF-NOA - Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa – EUR 15 million

The programme aims to boost the labour migration governance in the North of Africa countries by strengthening the policy, legislative and institutional framework on labour migration, while also helping to set-up and implement mobility schemes from three countries (Egypt, Morocco and Tunisia) to Europe.

The action was adopted unanimously. EG expressed its gratitude with the project, while asked other EU Member States to also join it, thanking BE for its interest to join the programme at a later stage. EG requested observers to be part of the programme's Steering Committee alongside the Member State governments who are involved in the implementation of the project. EG, supported by TN, expressed dissatisfaction with the lack of breakdown of the budget in the Action Document, as well as the short amount of time (2 weeks) to review changes in the proposed budget before the Operational Committee.

FR called on the EU to make sure there were no duplications in the context of the work of the ILO, and inquired whether the proposed duration of the project could be extended in the future. FR also asked for the protection of human rights to receive more emphasis in the programme.

	<p>The Trust Fund Manager, [REDACTED], reassured participants that there were no intentions for the project to duplicate ongoing programmes; it would purely like to provide an added value to them. On the question of extending the duration of the project, he confirmed that it was possible, keeping in mind the duration of the EUTF.</p> <p>The Chair, Director Michael Köhler, proposed a better involvement of partner countries in the elaboration of future programmes by setting up a platform of dialogue. The Director expressed his willingness to work harder on ensuring the ownership of partner countries in the future, as well as that they all receive the same level of information at all stages of programmes' development in the future.</p> <p>The Action Fiche was approved.</p> <p>4. Presentations on midterm evaluations, and monitoring & evaluation framework.</p> <p>Due to the lack of time, it was agreed that the presentations would be shared together with the minutes.</p> <p>With no other business on the agenda, the Chair called the meeting to a close at 14:00.</p>
Main outcomes	<ul style="list-style-type: none"> • The EU took note of the concern expressed by the Operational Committee about the late distribution of some of the documentation for the meeting. • All four programmes were approved by consensus.
Follow up actions	<ul style="list-style-type: none"> • A meeting was proposed on the assessment of the 1st phase of the 'Support to Integrated Border and Migration Management in Libya' programme. It could take place during the next Operational Committee. • An information session was proposed to present the approach of EU support given to Morocco on migration related programmes to ensure the proper articulation of cooperation towards national programs and EU funded ones. • The next Operational Committee of the North of Africa window is planned for May 2019.