

ANNEX 1 – ACTION FICHE – RESTRICTED CALL FOR PROPOSALS

6. IDENTIFICATION

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|-------------------------------|---|--------|-------------|
| Title/Number | Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum Restricted call for proposals 2009-2010 | | |
| Total cost | 2009 Budget : 38.556.000,00 € 2010 Budget : 31.444.000,00 € ² Total 2009+2010 Budgets : 70.000.000,00 €³ | | |
| Method/ Management mode | Project approach – Call for proposals – <i>Centralised</i> | | |
| DAC code, if applicable | | Sector | MIGR |

7. RATIONALE

7.1. Sector context

Migration is nowadays a phenomenon of growing importance, be it within and across European borders as well as in the rest of the world. The EU approach to migration and asylum in third countries, in response to this growing phenomenon, has been expressed and developed in several official documents and coherently implemented through policies and projects all over the world.

As indicated in the Strategy Paper for 2007-2010, the Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum has been designed to cover all essential aspects of the migratory phenomenon (migration and development, labour migration⁴, illegal immigration, trafficking in human beings, migrants' rights, asylum and international protection). The Programme takes into account the international situation, marked by the rising number of migrants, the EU context, marked by increasing migratory pressure on its Southern and Eastern borders, the activities of other international donors and the lessons learned.

In close cooperation with international organisations, EU and local NGOs and various other stakeholders, the Thematic Programme aims in particular at:

² Provided the 2010 budget is approved.

³ Allocation of 2009 Special Measures will be utilized for the Call for Proposals unless before the end of the year there will be unforeseen needs for its use.

⁴ The term "labour migration" used in this document refers to legal migration of workers.

- fostering the links between migration and development;
- promoting well-managed labour migration;
- fighting illegal immigration and facilitating the readmission of illegal immigrants;
- protecting migrants against exploitation and exclusion and supporting the fight against trafficking in human beings;
- promoting asylum, international protection and the protection of stateless persons.

In addition to the above-mentioned priorities, the Thematic Programme encourages cooperation activities between partners of countries of origins, transit and destination. Through capacity building, information and awareness-raising, the EU succeeds in sharing and developing experience, best practices and working methods on the various aspects of migration, which enhances and strengthens the impact of the EU approach to migration.

7.2. Complementary actions

Within the framework of the Development Cooperation Instrument (DCI) and of the European Neighbourhood and Partnership Instrument (ENPI), the Thematic Programme for Migration and Asylum works in complementarity with other EU instruments like the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument for Stability (IfS), along with the European Commission's Humanitarian Aid Office (ECHO) and with the European Development Fund (EDF). For these reasons it finances neither operations designed directly to address the root causes of migration, which principally come under the ENPI, the geographic and other thematic programmes of the DCI and the EDF, which are better suited for this purpose, nor humanitarian operations, which come under ECHO financing. Instead, it mostly finances operations aiming at ensuring better management of all dimensions of migratory flows.

Nevertheless, the actions based on the Thematic Programme are consistent with the Community's efforts to address all these causes and concerns.

This action will also complement actions funded through the funds established under the Framework Programme "Solidarity and Management of Migration Flows", more precisely the European Refugee Fund, the External Borders Fund, the Fund for the Integration of Third-country Nationals and the European Return Fund all established in 2007.

7.3. Past EC assistance and lessons learnt

Between 1997 and 2003, more than €400 million were spent on various projects⁵ in the fields of migration, asylum, borders control and visa issues under the PHARE national programmes for the 10 applicant countries.

⁵ A large number of these projects consisted of "twinning" which resulted in the provision of experts of the Member States to the administrations of the applicant countries.

Approximately € 450 million were programmed for the period 2002-2006, with a view to financing actions directly related to migration, mainly in the Balkans, in the Mediterranean region and in Eastern Europe through the instruments CARDS, TACIS and MEDA. The main areas of activity concerned the strengthening of the institutional capacities, the improvement of border control, fighting illegal immigration and trafficking in human beings, the return and reintegration of refugees and displaced persons, and the improvement of reception policies and facilities for asylum seekers and refugees. Under the Financial Perspective 2007-2013, a new European Neighbourhood and Partnership Instrument has been set up, with a significant increase in twinning calls for proposals from ENP countries.

For Asia and Latin America, until now the nature of the operations financed has been more closely related to supporting rehabilitation and return of refugees and displaced persons than to migration policy itself. These operations are mainly provided through the Programme established under Regulation 2130/2001 "Aid to uprooted people in Asian and Latin American developing countries".

For interventions in Sub-Saharan Africa in 2006 a €25 million intra-ACP Migration Capacity-Building Facility was agreed under the 9th EDF and two Sub-Saharan African countries (Mauritania and Senegal) benefited from two EC interventions in the field of migration and asylum under the Rapid Reaction Mechanism. Additionally, migration has been identified as a sector of intervention in a number of EDF 10 National Indicative Programmes, such as Mali, Senegal Mauritania, Cape Verde as well as in Regional Indicative Programmes such as in West Africa. Under the 9th EDF Mali had already benefited from funding in the migration and development sector with the creation of a Migration Information and Management Centre (CIGEM).

Interventions under the preparatory actions 2001-2003 for the cooperation with third countries in the field of migration and asylum (budget heading B7-667)

In order to finance preparatory actions, budget heading B7-667 was created in 2001 for the duration of 3 years, with a total of €42.5 million available. During these three years, 49 operations (for an amount often lower than €1 million), were co-financed. The management of migratory flows, the prevention of illegal immigration, reintegration of migrants in their country of origin, the link between migration and development and international protection constituted the main areas of intervention. Geographically speaking, actions were carried out in any region of the world, although in a more concentrated manner in certain areas, such as the Western Balkans (especially Albania), Eastern Europe (Ukraine and Russia), the Mediterranean countries (Morocco, Tunisia and Turkey) and Asia (Afghanistan and Sri Lanka).

According to the evaluation of this budget line concluded in 2008 these operations contributed to ensuring increased visibility of the Community's external action in the area of migration among the Member States, the administrations of certain third countries, as well as within certain specialised international organisations and an increasing number of non-governmental organisations.

Interventions under the Aeneas programme (2004-2006)

Budget heading B7-667 was replaced by the Aeneas Programme (budget line 19 02 03), which was established in March 2004 by Regulation (EC) N°.491/2004. In itself,

the Aeneas programme (budget line 19 02 03) was built in such a manner as to respond to the weaknesses identified under the preparatory actions. In this context, the most innovative aspects consisted in a programming document, identifying in an indicative manner the priorities for the interventions during the first three years of the Programme (2004-2006): increased flexibility obtained by the approach based on migration flows, reducing the size of contracts in the specific field of Migration and Development by a direct agreement with UNDP, capable of managing a large number of smaller contracts with small organisations and major flexibility in responding to situations, not envisaged in the Annual Action Programme through the special measures fund.

Interventions under the new Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum

Under the Financial Perspectives 2007-2013, the Aeneas Programme was replaced by the new Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum. Out of the 2007 and 2008 budgets, about € 62 million were allocated to a call for proposals, launched on 14 December 2007, with a deadline of 14 February 2008 for submitting the concept notes. Out of the 335 concept notes received by February, 194 were selected for submission of the full application form and 54 were finally approved for financing. The high number of proposals received clearly indicates the need for action in this field and the trust which partners have in the effectiveness of the EU's approach. Moreover, the large number of concept notes shortlisted shows the high quality of the proposals received, compared with the still limited budget available for the Thematic Programme. Furthermore, the 2007 budget financed two targeted projects for an amount of 19 M € and, from the budget of 2008, six targeted projects were financed (15 M €) plus two additional targeted projects from the available 5 M € for Special Measures. Finally an evaluation of the impact of the Aeneas programme 2004-2006 has been launched at the end of 2008, in order to have a clearer view of the results achieved by the projects financed over the last 3 years.

8. DESCRIPTION OF THE CALL FOR PROPOSAL(S)

8.1. Basic act and financing source

The objective of the Thematic Programme for Migration and Asylum and its areas of activity are laid down in Article 16 of Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (DCI), and in Article 2 of Regulation (EC) No 1638/2006 establishing a European Neighbourhood and Partnership Instrument, in line with the strategy endorsed by the Member States Committee on 21 March 2007 and the Commission Decision of June 2007.

Almost the total budget for this 2009 Annual Action Programme and 2010 part 1 will be implemented through a call for proposals, which will be financed from budget line 19 02 01, as follows:

€ 38.556.000,00 from the Community budget allocation for 2009, to which € 31.444.000,00 will be added from the Community budget allocation for 2010, subject to the approval by the budgetary authority of the ABP 2010.

The need to merge budgets 2009 and 2010 results from the complexity of the Call for Proposals which will cover 6 different lots and a broad spectrum of interventions.

In addition, the allocation of € 5.000.000,00 from the 2009 budget reserved for Special Measures will be added to the overall budget for the Call for Proposals and in principle, depending on the quality of the proposals, allocated proportionally to each of the call lots, if no urgent unforeseen and duly justified needs or circumstances, related to natural disasters, civil strife or crises, and which cannot be funded under Regulation (EC) No 1717/ 2006 or Regulation (EC) No 1257/96, have been identified by the end of October 2009.

8.2. Objectives of the programme, fields of intervention/priorities of the year and expected results

The overall objective of this action is to help third countries to better manage all aspects of migratory flows through cooperation with international organisations, EU and local NGOs and other eligible stakeholders.

The main areas of activities to be supported through this action are the following:

- Policy Dialogue and policy making: research, data collection, regional dialogues;
- Fight against illegal migration: readmission agreements, informing migrants of risk of illegal migration, document security, border control, capacity building of authorities;
- Migration and development: contribution of diasporas, remittances, circular migration, voluntary return and reintegration, skill transfer, brain drain;
- Labour migration: statistical data, info to potential migrants, capacity building, training of migrants, protection of migrants, temporary migration;
- Mitigation of social consequences of migration;
- Protection of refugees and asylum seekers: mixed migration flows, support for reception capacities, support for sustainable solutions, registration, data collection, capacity building, awareness raising, resettlement;
- Synergies between migration and employment/vocational training projects (in line with the Africa-EU joint strategy approved at the Lisbon Summit);
- Support the development of legal migration management capacities at a regional level (intra African flows) (in line with the Paris conclusions);
- Protection of migrants' rights: legislation, awareness raising, women and children;
- Operational trans-border cooperation and capacity building at regional level, especially as regards fighting illegal immigration and fighting smuggling and trafficking in human beings, with full respect for human rights;

- Protection of migrant and refugees against exploitation and mistreatment, especially female workers and children, protection against racism and xenophobia, including information for migrants on their basic rights, promotion of integration;

This list is not exhaustive.

Based on the Multiannual Indicative Programme 2007-2010, the 2009-2010 call for proposals will be divided into 6 lots.

The indicative allocations for each of the lots, according to the geographical and migratory route, will be as follows:

(1) *The Southern migratory routes*

| | |
|--------------------------------------|-----------------|
| Budgetary allocation 2009 | 14.000.000,00 € |
| Indicative budgetary allocation 2010 | 14.500.000,00 € |
| Total indicative amount 2009-2010 | 28.500.000,00 € |

Please refer to the table in attachment (Appendix 1) for the detailed priorities for this lot.

(2) *The Eastern migratory routes:*

| | |
|--------------------------------------|-----------------|
| Budgetary allocation 2009 | 11.000.000,00 € |
| Indicative budgetary allocation 2010 | 8.000.000,00 € |
| Total indicative amount 2009-2010 | 19.000.000,00€ |

Please refer to the table in attachment (Appendix 1) for the detailed priorities for this lot.

(3) *Middle East and Gulf Countries:*

| | |
|--------------------------------------|----------------|
| Budgetary allocation 2009 | 1.356.000,00 € |
| Indicative budgetary allocation 2010 | 1.144.000,00 € |
| Total indicative amount 2009-2010 | 2.500.000,00 € |

Please refer to the table in attachment (Appendix 1) for the detailed priorities for this lot.

(4) *Southern and Eastern Asia and the Pacific:*

| | |
|--------------------------------------|----------------|
| Budgetary allocation 2009 | 4.800.000,00 € |
| Indicative budgetary allocation 2010 | 4.700.000,00 € |

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| Total indicative amount 2009-2010 | 9.500.000,00 € |
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Please refer to the table in attachment (Appendix 1) for the detailed priorities for this lot.

- (5) *Latin America and Caribbean (with the priorities which will be defines within the framework of the dialogue with LAC structures):*

| | |
|--------------------------------------|----------------|
| Budgetary allocation 2009 | 4.800.000,00 € |
| Indicative budgetary allocation 2010 | 1.700.000,00 € |
| Total indicative amount 2009-2010 | 6.500.000,00 € |

Please refer to the table in attachment (Appendix 1) for the detailed priorities for this lot.

- (6) *Support for the development of Mobility Partnerships:*

| | |
|--------------------------------------|----------------|
| Budgetary allocation 2009 | 2.600.000,00 € |
| Indicative budgetary allocation 2010 | 1.400.000,00 € |
| Total indicative amount 2009-2010 | 4.000.000,00 € |

Please refer to the table in attachment (Appendix 1) for the detailed priorities for this lot.

300.000 € may be needed to complete a project selected in the previous Call for Proposals 2007/2008.

8.3. Eligibility conditions

For each of the Migratory flows specific priority objectives and areas of intervention for the AAP 2009 and 2010 Part 1 are selected. Eligibility conditions will be detailed in the guidelines of the Call for Proposals, which will reflect the legal basis: articles 24 and 36 of Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (DCI). The adaptation of the eligibility and participation conditions provided for in the later provision will consist in extending those conditions in accordance with articles 14 and 21 of Regulation (EC) No 1638/2006 establishing a European Neighbourhood and Partnership financing instrument.

8.4. Essential selection and award criteria

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EC external actions.

Grants awarded under this call for proposals must be of a minimum amount of EUR 500.000 and a maximum amount of EUR 2.000.000. The maximum possible rate of co-financing for grants may not exceed 80% of the budget for the selected project.

Full financing may be applied only in the cases provided for in Article 253 of the Implementing Rules of the Financial Regulations where financing in full is essential to carry out the action in question.

8.5. Schedule of calls for proposals

The Call for Proposals, in two phases (Concept Note + Full Application), is expected to be published indicatively in August 2009. A more precise calendar will be announced at a later stage.

8.6. Indicative amount of the Call for proposals

9. TOTAL 2009+2010 BUDGETS = 70.000.000,00 €⁶

| REGIONS or INITIATIVES | 2009 (€) | 2010 (€) | 2009 + 2010 (€) |
|--|----------------------|----------------------|------------------------|
| CALL FOR PROPOSALS | | | |
| Southern Migratory Route | 14.000.000,00 | 14.500.000,00 | 28.500.000,00 |
| Eastern Migratory Route | 11.000.000,00 | 8.000.000,00 | 19.000.000,00 |
| Middle East and Gulf Countries | 1.356.000,00 | 1.144.000,00 | 2.500.000,00 |
| Southern and Eastern Asia and the Pacific | 4.800.000,00 | 4.700.000,00 | 9.500.000,00 |
| Latin America and the Caribbean | 4.800.000,00 | 1.700.000,00 | 6.500.000,00 |
| Support for the development of Mobility Partnerships | 2.600.000,00 | 1.400.000,00 | 4.000.000,00 |
| TOTAL | 38.556.000,00 | 31.444.000,00 | 70.000.000,00 |

10. COMMUNICATION AND VISIBILITY

In the context of the AAP 2009 and 2010 Part 1, as was the case with the previous Annual Action Programmes, all action and projects will comply with the Visibility Guidelines and strict supervision of implementation of these Guidelines will be guaranteed.

⁶ Provided the 2010 budget is approved.

| APPENDIX 1 to the Call for Proposals 2009-2010 | | | |
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| INDICATIVE LIST | | | |
| Migratory Routes | Within this Route: | Priorities | CFP (2009-2010) 70.000.000,00 € indicative allocations |
| I. Southern Migratory Route | | | 28,5 M € |
| | A) Western African Route, including Maghreb, ECOWAS and CEMAC region, and RDC. | Facilitate the voluntary return and the social and professional reintegration of Western Sub-Saharan Africa countries' nationals returning to their countries from North Africa or the EU, with focus on returnees who can contribute to the development of their country of origin, on measures which can increase the value of migrants' return; or contribute to mitigating brain drain and promoting the circular movement of skilled migrants. | 10,5 M € |

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| | | Preventing irregular migration by strengthening both in origin (for instance Senegal, Mali, Nigeria etc.) and in transit (for instance Mauritania, Morocco, Algeria, Tunisia) countries located along this Route the capacity to combat the smuggling of migrants and trafficking in human beings, to detect travel document fraud, as well as by facilitating the cooperation between border and migration agencies of these countries as regard investigation of these crimes and the readmission of irregular migrants. | |
| | | Promoting the positive effects of migration on development and contributing to prevent or offset the negative ones, with focus on Western Sub-Saharan African countries. | |
| | | Strengthening the protection of migrants' rights in transit countries (for instance Niger, Mauretania, Morocco, Algeria, Tunisia etc.), with focus on asylum seekers, victims of trafficking, unaccompanied minors, apprehended irregular migrants, vulnerable migrants. | |
| | | Preventing and managing the irregular migration of unaccompanied minors from Western Sub-Saharan Africa countries, including by contributing to create a better information on the risks of irregular migration, by supporting the assistance and/or the reinsertion of returnees, by enhancing the capacity of national and local authorities of the origin countries to address the phenomenon. | |

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| | | Facilitate legal circulation of persons and workers within the ECOWAS region, and the management of labour migration from West African countries towards the EU and other destinations. | |
| | B) Eastern African Route, including Libya, Egypt, Sudan, Horn of Africa, Yemen, Great Lakes Region. | Strengthening the protection of rights of Eastern Africa countries' migrants in transit countries (with focus on Libya, Egypt and Yemen), and in particular of those of asylum seekers, victims of trafficking, unaccompanied minors, apprehended irregular migrants, vulnerable migrants. | 9,5 M € |
| | | Preventing irregular migration by strengthening both in origin and in the transit countries located along this Route the capacity to combat the smuggling of migrants and the trafficking in human beings, to detect travel document fraud, as well as by facilitating the cooperation between border and migration agencies of these countries as regard investigation of these crimes and the readmission of irregular migrants. | |
| | | Facilitate the voluntary return and the social and professional reintegration of Eastern Sub-Saharan Africa countries' nationals returning to their countries from North Africa or the EU, with focus on returnees who can contribute to the development of their country of origin, on measures which can increase the value of migrants' return; or contribute to mitigating brain drain and promoting the circular movement of skilled migrants. | |

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| | | Promoting the positive effects of migration on development and contributing to prevent or offset the negative ones, with focus on Horn of Africa countries. | |
| | | Supporting the management of - and the provision of durable solutions to - refugees received in countries of Eastern Africa region (such as Chad, Tanzania, Uganda, RDC, Kenya) with focus in particular on enhancing the capacity of the host governments to provide protection to the most vulnerable categories of refugees (for instance women, children) with the help of UNHCR. | |
| | C) North African Region, in line with Albufeira conclusions. | Management of labour migration and the promotion of the use of legal channels for migration from North African countries towards the EU (including by contributing to building up national capacities to match labour demand and offer, to create model projects of circular migration, and by elaborating migration profiles. | 5 M € |
| | | Supporting social and professional reintegration of North African countries' nationals returning from the EU back to their countries and promoting the voluntary return of the high skilled persons able to contribute to the development of their origin countries. | |

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| | | Preventing and managing the irregular migration of unaccompanied minors (with focus on Morocco, Algeria and Tunisia), including by contributing to create a better information on the risks of irregular migration, by supporting the assistance and/or the reinsertion of returnees, by enhancing the capacity of national and local authorities of the origin countries to address the phenomenon. | |
| | | Promoting the capacity to prevent irregular migration flows across the Mediterranean and to cooperate with the EU in this endeavour, in particular by enhancing the capacity of authorities of North Africa countries to prevent attempts of irregular migration at sea. | |
| | D) Southern African regions. | Inform about risks of irregular migration, about available legal channels for migration, building up an efficient management of labour migration, with focus on migrants from Southern African countries willing to reach the EU. | 2 M € |
| | | Assist Asylum seekers and persons in need of international protection and protect migrants' rights against xenophobia, exploitation and trafficking (focus on Zimbabweans going to South Africa). | |
| | | Promoting positive links between migration and development (in particular use of remittances for income generating activities and the return of highly skilled migrants) and contribute to reduce the negative ones (in particular preventing brain drain of highly | |

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| | | skilled migrant workers from Malawi, Zambia, Angola and Mozambique etc.) | |
| | E) Promoting the contribution of the Diaspora to act in Africa as a development actor for this continent through the establishment of an African Diaspora platform for development. | | 1,5 M € |
| II. Eastern Migratory Route | | | 19 M € |
| | F) Support to Eastern Partners (Ukraine, Moldova, Armenia, Georgia, and Azerbaijan, with the possibility to consider also Belarus) for the management of migration flows originating from their countries. | management of labour migration and the promotion of the use of legal channels for migration from Eastern European countries towards the EU (including by contributing to building up national capacities to match labour demand and offer, to create model projects of circular migration, and by elaborating migration profiles). | 7 M € |

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| | | Promoting the positive effects of migration on development (including by facilitating the capacity to make use of remittances and skills acquired during the migration experience for income generating activities) and contributing to prevent or offset the negative effects of migration on development in the Eastern partner countries (with focus on brain drain and the damages created on family links, and in particular on minors and elder left behind). | |
| | G) Support for the implementation of readmission and visa facilitation agreements signed with Eastern European countries (so far Ukraine, Moldova, Russian Federation). | Supporting the social and professional reintegration of Eastern European countries' nationals readmitted from the EU. | 7 M € |
| | | Supporting the enhancement of the reception capacities in line with international standards, and the assistance for the voluntary return, of third country nationals apprehended or readmitted by Eastern European countries as irregular migrants. | |
| | | Enhancing the capacity of law enforcement agencies of Eastern European countries to identify third country nationals, to detect travel documents' frauds, to issue high quality travel documents, to register entries and exits of people through their borders, to better patrol along their borders, and to cooperate with EU law enforcement agencies in identifying irregular migrants. | |

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| | | Facilitate the capacity of Eastern European countries' nationals to cope with the requirements set as a condition to benefit of visa facilitation agreements, and fostering the cooperation of national administration of these countries and the EU consular services. | |
| | H) Supporting the capacity to treat asylum seekers, refugees and persons in need of international protection in accordance with the best international standards and practices, and to enhance the protection of the rights of migrants, and to assist stranded migrants and victims of trafficking in the <u>Russian Federation and in the Caucasus region.</u> | | 3 M € |
| | I) Supporting the capacity to treat asylum seekers, refugees and persons in need of international protection in accordance with the best international standards and practices, and to enhance the protection of the rights of migrants, and to assist stranded migrants and victims of trafficking, in the territories of <u>Central Asia Republics.</u> | | 2 M € |
| III. Middle East | | | 2,5 M € |
| | J) Support for the registration, rights' protection, management and durable solutions including integration, resettlement and return for the Iraqi refugees situation in Egypt, Syria, Lebanon and Jordan. . The specific topics will be decided taking specifically account of the specific use of the DCI and IfS funds to be mobilised for Iraq and Iraqis. | | 1,5 M € |

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| | K) Pilot initiatives aimed at dismantling smuggling and trafficking in human beings along the South-Eastern migratory route (including via supporting the cooperation of specialised international organisation or of law enforcement agencies of EU MSs, EU candidates and ENP countries with Syria, Iraq, Iran and Gulf countries). | | 1 M € |
| IV. Southern and Eastern Asia and the Pacific | | | 9,5 M € |
| | L) Support for the management of labour migration in Asiatic countries like India, China, Pakistan, Vietnam, Philippines with focus on promotion of circular migration of highly skilled labour migrants willing to emigrate towards the EU. | | 3,75 M € |
| | M) Support for the implementation of readmission agreements in Pakistan and Sri Lanka and of ADS agreement in China and for the prevention of irregular migration from these countries. | | 3,75 M € |
| | N) Support the protection of migrants' rights, in particular from trafficking and exploitation, with focus on migrants from countries like Bangladesh, Pakistan, India and Philippines directed towards Gulf Countries. | | 2 M € |

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| V. Latin America and the Caribbean | | | 6,5 M € |
| | O) Support for the management of labour migration (including promotion of the use of legal channels of migration and the capacity of local and national authorities to manage emigration flows). | | 2 M € |
| | P) Support to the links between migration and development (particular attention will be devoted to projects that include both Latin American and Caribbean countries). | | 2 M € |
| | Q) Prevention of irregular migration through information campaigns, protecting migrants' rights against exploitation and trafficking, providing assistance to victims of trafficking and stranded migrants, promoting the capacity of national administrations to fight against smuggling and trafficking of human beings, to cooperate with each other in this endeavour, to identify and punish facilitators, with focus not only on migration flows between Latin America and the EU, but also to migration flows taking place within Latin America. | | 2,5 M € |
| VI. Support for the development of Mobility | | | 4 M € |

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| partnerships | | | |
| | R) Support for the implementation or the preparation of Mobility partnerships. | | |

ANNEX 2 - ACTION FICHE – TARGETED PROJECT

11. IDENTIFICATION

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|---------------------------------------|---|--------|---------------------------------------|
| Title/Number | Strengthening the capacity of Libyan authorities to prevent and manage irregular migration | | |
| Total cost | €4,500,000 | | |
| Aid method / Method of implementation | Direct centralised management – Project approach | | |
| DAC-code | 15210 | Sector | Security system management and reform |
| | | | |

12. RATIONALE

12.1. Sector context

Libya is a key transit country for strong irregular migration flows heading for the EU. The migratory pressures are increasing significantly and becoming harder and harder for the Libyan authorities to manage. This is particularly linked to the geographic proximity of Libya to the Italian and Maltese shores and to the porosity of its land borders. As these are very long and difficult to control, being located in desert regions, Libya is increasingly attracting migratory flows through its territory.

Besides this, the relative accessibility of Libya as a transit or destination country is also strongly linked to the limited capacity of its law enforcement agencies, in particular to the limited technical equipment, skills and organisational capacity of the services responsible for border surveillance and migration management.

Migrants entering Libya come mostly from five main areas: from Sub-Saharan Western Africa (mainly Ghana, Burkina Faso, Nigeria and Mali, most of whom enter Libya via Niger or Algeria), from the Horn of Africa (Somalia, Eritrea and Ethiopia, who enter Libya via Chad or Sudan), from West and East Northern Africa (mainly Morocco and Egypt, who enter across land borders and by plane directly to Libya), from the Middle East (Iraq, Syria, Palestine and Jordan, who enter Libya mostly via Egypt), and, finally, from the Indian sub-continent (Bangladesh, Pakistan and India).

The Libyan authorities recognise that there are probably almost 2 million illegal migrants in the country. Most of them intend to find work in Libya but many are on their way to other countries, including the EU. Detailed statistics on the number of migrants apprehended in and returned from Libya every year are not available, nor is

reliable information on the way in which apprehended migrants are treated, detained and returned.

In addition, neither an appropriate legislative framework for asylum is yet in place, nor procedures ensuring respect and protection of migrants' rights, including specific attention to vulnerable categories and persons in need of assistance or protection.

In line with the Memorandum signed by Commissioner Ferrero-Waldner in Libya on 23 July 2007 in order to prepare the ground framework for EU consultations with Libya, contacts have taken place between the European Commission and the Libyan authorities on the prospects for operational cooperation on migration-related issues and border management and visas in particular.

This action is to be implemented in parallel with the initiatives to facilitate the dialogue launched between the European Union and Libya.

12.2. Lessons learned

Libya remains an isolated country with very limited practical experience of international cooperation, a weak public administration and a difficult political and institutional set-up.

In the last three years, however, there have been some positive developments as a result of actions co-funded by the AENEAS programme and implemented by the Italian Ministry of the Interior, with the aim of promoting joint border surveillance along the Libya-Niger border and the general border management capacity of the law enforcement agencies of the two countries. The "Across Sahara I and II" projects confirmed how challenging it is to carry out a project in such a politically and environmentally different context as Libya, but it also showed the vast need for support and the limited capacity on the Libyan side to engage seriously in cooperation. Political will and government commitment depend, however, on the progress or standstills in the political dialogue between the EU and Libya.

12.3. Complementary actions

This project will complement other activities already carried out with the EC AENEAS funding, namely:

- The **Across Sahara** project, which was completed by the Italian Ministry of the Interior and contributed to strengthening border cooperation between Libya and Niger;
- The **TRIM** project ("Enhancement of Transit and Irregular Migration Management in Libya") which was implemented by the International Organisation for Migration (IOM) with Italian co-funding to assist voluntary return and reintegration into their home country of migrants stranded in Libya (mostly nationals of Sub-Saharan Africa countries).
- The **project Across Sahara II** which was started in 2007 by the Italian Ministry of the Interior with the aim of promoting border cooperation between Libya and Algeria.

Libya has also benefited from several "Aeneas" regional projects covering a number of issues such as: strengthening the judicial system in the fight against smuggling in North Africa (with UNODC); a project on migration management by promoting legal migration and preventing further irregular migration in Ghana, Nigeria, Senegal and Libya; data collection and analysis on migration in the Maghreb/Mashreq region; and, finally, support for civil society's work for migrants in North Africa, such as the Réseau Afrique/Migration and the Euro Mediterranean Human Rights Network. Another regional project co-funded by the Aeneas Programme started in early 2007 and is supporting the development of asylum systems in all North African countries from Morocco to Libya, by assisting the activities of the United Nations High Commissioner for Refugees Office.

Libya is also involved, though indirectly, in the East Africa Migration Route implemented by the UK Home Office (with the support of its counterparts in Italy, the Netherlands and Malta).

In addition, two new projects have been selected under the Call for Proposals 2007-2008 of the Thematic Programme for Migration and Asylum, one to support voluntary return and reintegration ("LI-MO"), the other international protection within mixed flows (with the UNHCR). In addition three new regional projects that include Libya have been selected, one on protection of stranded and vulnerable migrants in North Africa (ICRC) and two projects following up on data collection and analysis and on the work of civil society.

This Action will complement more particularly two other Actions already approved as Special Measures under the 2008 Annual Action Programme of the Thematic Programme for Migration and Asylum. The objective of these actions is to support border management specifically at the southern borders of Libya:

- **"Prevention of irregular migration at Libya's Southern borders"** (€2,000,000) aims at improving the overall capacity of the Libyan authorities in particular by assisting them to reform their system for preventing irregular migration.
- **The project "Management of irregular migration pressures in Libya"**, (€3,500,000) aims at assisting the Libyan law enforcement authorities to ensure appropriate registration, reception and treatment, in line with the international standards, of the irregular migrant apprehended nearby the Southern borders of the country, and to promote the establishment of a system of assisted voluntary return for stranded migrants willing to return, and of resettlement, for asylum seekers and migrants in need of international protection.

Both projects will be managed by the Italian Ministry of the Interior and still need to be finalised with the Libyan authorities. This Action will complement them as it will specifically address the need of setting up a more efficient system of surveillance along the Southern borders and along the roads and tracks leading from the Southern regions of the country towards the Mediterranean coast, in particular by assisting Libyan border guards and police in identifying the most suitable surveillance equipment to be used for this scope, in acquiring such equipment, in training their staff in the use of such equipment, and in putting in place the operational and organisational approaches which will enable to make the best possible use of this equipment.

12.4. Donor coordination

Given the unique situation in Libya, there is currently no appropriate system for donor coordination. The EU's relations and possible cooperation with Libya are discussed by the EU Member States and the Commission in the Council. The Italian Ministry of the Interior keeps the Commission informed of its bilateral cooperation with Libyan authorities in the field of border surveillance.

13. DESCRIPTION

13.1. Objectives

The **overall objective** of the project is to increase the capacity of the Libyan authorities to prevent and manage irregular migration into or through their territory, in accordance with refugee law and human rights.

The **specific objectives** of the project are:

- (7) to support Libyan authorities to further improve their capacity to irregular migration, to prosecute the smugglers of human beings and to manage irregular migrants in line with the best international standards and in accordance with refugee law and human rights by promoting the legal, institutional and administrative reforms of their relevant services.
- (8) to support Libyan authorities to improve their capacity to intercept irregular migratory flows along the Libya's Southern borders and along the roads and tracks leading from the Southern regions of the country towards the Mediterranean coast by enhancing the surveillance, detection and reaction capacity of their relevant services in accordance with the best international standards and in full respect of human rights.

13.2. Expected results and main activities

The **first specific objective** is expected to produce the following results and related activities:

Expected results:

- Improved capacity to prevent corruption among law enforcement agents dealing with irregular migrants.
- Enhanced capacity to make use of intelligence sources to identify and prosecute the facilitators of the irregular migration.
- Enhanced capacity to identify forged and fraudulent travel documents.
- Improved capacity to assist migrants stranded in the desert or at sea.
- Enhanced exchange of information with authorities of neighbouring countries on cross-border movements.
- Improved capacity to collect reliable statistics in order to be able to better assess migration flows.

- Improved treatment and management of migrants in need of international protection.

Indicative activities:

This action will provide the Libyan authorities with technical assistance, advice and training in order to promote a reform of the services responsible for prevention and management of irregular migration and to enhance capacity in this area.

The exact areas to receive support will be decided at the beginning of the action on the basis of a more detailed assessment. They might include:

- a) To foster cooperation between key Libyan State bodies involved in prevention and management of irregular migration;
- b) To support the setting up of specialised training structures in the field of migration and the development of appropriate training curricula, including on refugees' law and human rights, for all dealing with irregular migration;
- c) To support the establishment of a mechanism facilitating exchanges of data between the services involved, taking due account of principles concerning protection of personal data;
- d) To further improve the cooperation between Libyan law enforcement agencies and their counterparts in the countries of origin, transit and destination for migration, in order to improve exchanges of information, establish early-warning systems and organise joint patrols and operations;
- e) To improve cooperation by Libyan law enforcement agencies with the EU Member States and the international or civil society organisations responsible for migration and asylum;
- f) To assist with setting up efficient search and rescue capabilities within law enforcement agencies to assist irregular migrants in the desert and at sea and to provide first aid and assistance to migrants in distress;
- g) To improve interviewing techniques for officers dealing with apprehended irregular migrants, with a view to enhancing their capacity to ascertain whether they are persons in need of asylum or international protection, victims of trafficking or persons in need of assistance or specific treatment, in full respect of human rights;
- h) To carry out risk analyses on the evolving situation concerning migratory flows into Libya and the routes specifically followed by irregular migrants into, through and out of Libya, in order to identify any loopholes and make proposals for reallocating the available human and technical resources accordingly;
- i) To assist with efficient system of investigation, prosecution and punishment of criminal activities related to the smuggling of migrants and trafficking in persons, and of the perpetrators;
- j) To review the legislation, procedures and protocols in force in Libya, in order to identify the areas where reforms must be implemented to approximate Libya's

internal legal framework and the behaviour of its law enforcement agencies to the international standards (set by the Council of Europe and UNHCR), on treatment, detention and return of irregular migrants and on asylum-seekers and refugees;

k) To facilitate implementation of reforms as a follow-up to the recommendations and advice provided by this action or earlier projects with similar objectives with EC financing.

l) To promote a study on the best technology and methodology to be used to carry out surveillance of the borders in the desert areas, which may lead to drafting the technical specifications for such equipment and operations;

m) To promote a study on the best technology and methodology to be used to prevent irregular departures from Libyan coasts and by possibly establishing an early warning system;

n) To promote the formulation and the implementation of best practices, based on international experiences and adapted to the Libyan context, contributing to prevent corruption phenomena among border guards and police in Libya.

The **second specific objective** is expected to produce the following results and related activities:

Expected results:

- Greater availability of appropriate technical resources and means of communication and basic equipment for border control;
- Improved availability of equipment enabling to enhance the conditions of identification and reception of and the assistance provided to the intercepted irregular migrants;
- Significant increase in the number of relevant staff trained on the modalities to use the equipment provided.

Indicative activities:

This action aims at providing Libyan authorities with key equipment to increase their technical capacity to detect irregular migration flows entering, leaving or transiting the country.

It also aims at enhancing their capacity to manage apprehended irregular migrants better in line with best international practice and in full respect of their human rights, including on identification, registration, issuing of identity documents, first aid and the need to launch search and rescue operations. The action could also support the procurement of some equipment for a dedicated training centre, if such centre is established during the life-time of the Action.

The detailed plans for procurement of equipment will be decided at the beginning of the action on the basis of a detailed gaps-and-needs assessment and in consultation with the Libyan authorities. It could include radio and satellite communication devices, GPS, magnifiers, passport readers and forensic kits for identification of forged documents,

computers, modems, digital cameras, scanners, printers, water tanks, medical kits or protective clothing, blankets, food or medicines etc.

All equipment delivered under this action will be accompanied by training on use and maintenance.

13.3. Risks and assumptions

The main risk is posed by the often erratic political will of the Libyan authorities, their lack of commitment to these activities or their possible slow reaction to the offer of cooperation. However, the Libyan authorities have continuously declared their high expectations for the EU to provide sizable support for better border control.

On the other hand, the Italian Ministry of the Interior, which will implement this Action, is in a privileged position vis-à-vis its counterpart in Libya. This is due not only to historical links or the geographical proximity of the two countries, but also to the permanent bilateral contacts established in this specific area, which includes providing equipment, training and advice, and carrying out joint operations. This constructive cooperation is the key to this action and should minimise the risks of lack of commitment on the Libyan side.

13.4. Cross-cutting Issues

Human rights are at the centre of this action. All the activities will pay special attention to the international standards and to ensuring that migrants in need of international protection at the borders and inside Libya receive greater protection and more humane treatment.

13.5. Stakeholders

Several European Union Member States and agencies, as well as international organisations, have been trying, with different results, in the last years to establish a cooperation with Libyan authorities in the prevention and management of mixed migration flows. In particular, the Italian Ministry of Interiors has developed the most far reaching form of cooperation with Libya, and it is the only one having managed to implement projects in this country. Areas of cooperation concern both sea borders (where an agreement on joint patrolling, signed in December 2007, is expected to start being implemented in May 2009) and land borders (through the implementation of the two Across Sahara projects and other actions of bilateral nature). For this reason it is the best placed to lead a common EU action of cooperation aimed at supporting Libya in the prevention and management of irregular migration.

There are however several other stakeholders which are or are able to become active in Libya in areas relevant for this project and which therefore deserve to be involved as partners. In particular, the UK has reached a recent agreement with Libya to cooperate in border management. Malta has reached an agreement to cooperate in search and rescue at sea. FRONTEX has received a mandate to negotiate an agreement with Libyan authorities, which however have not yet accepted to take up the offer.

Based on the above consideration the Italian Ministry of the Interior shall seek full partnership and cooperation with FRONTEX, any interested Member States in this action and international organisations.

14. IMPLEMENTATION ISSUES

14.1. Method of implementation

Direct centralised management

A grant agreement will be signed with the Italian Ministry of the Interior on the basis of Article 168-1.(f) of the Implementing Rules of the Financial Regulation. The choice of a grant agreement with a public body in a Member State is justified by the specific nature of this project, which will take place in a complex country and involves multifaceted and sensitive issues, such as management of irregular migration. Among the public bodies in the EU Member State, the choice of the Italian Ministry of the Interior is justified by a combination of a number of reasons, such as the special links existing between Italy and Libya, the capacity of the Ministry to carry out such assistance projects and the unique experience which it has built up from bilateral cooperation with Libyan authorities in the area of migration.

14.2. Procurement and grant award procedures

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

14.3. Budget and time-table

The action will be financed by a European Commission contribution of €4,5 M from the EU 2009 budget. Complementary funding is expected from some EU Member States. The initial operational duration of the Action is 36 months.

| Indicative breakdown of EC contribution by main components (to be specified in further detail in the project document) | |
|--|-----------|
| Objective 1: To support Libyan authorities by improving their capacity and reforming their overall system to prevent and manage irregular migration in accordance with refugee law and human rights (expert advice, equipment and training) | 400,000 |
| Objective 2: To support Libyan authorities by improving their capacity to intercept irregular migratory flows at Libya's borders, and to manage apprehended irregular migrants in accordance with the best international standards and in full respect of their human rights (expert advice, equipment and training) | 4,000,000 |
| Other activities (visibility, evaluation, audit etc) | 100.000 |

This tentative budget breakdown will be revised and specified in further detail during definition of the action in a dialogue with the Libyan authorities and the Italian Ministry of the Interior. A total of no more than 70 % of the total budget for this project can be used to purchase equipment for objective 2, considering that this action is meant to be complementary to several projects in the same region with the same beneficiary and complementary objectives.

14.4. Evaluation and audit

A mid-term and external final evaluation will be catered for under the project budget. Additional external evaluations and audits might also be carried out by independent consultants recruited directly by the Commission in accordance with EC rules and procedures and in line with specifically established terms of reference.

14.5. Communication and visibility

Adequate communication and visibility will be ensured by the implementing partner by means of wide dissemination of the achievements and results of the project in line with the EC Visibility Guidelines. Public events such as kick-off meetings, opening- and hand-over ceremonies will be carried out where appropriate.

ANNEX 3 – ACTION FICHE – SUPPORT MEASURES

1. IDENTIFICATION

| | | | |
|--------------------------------|--|--------|------|
| Title/Number | Support Measures for the Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum | | |
| Total cost | €304.390,09 | | |
| Aid Method/ Management mode | Direct centralised management | | |
| DAC code | n.a. | Sector | n.a. |

2. DESCRIPTION

This amount is reserved for potential support measures specific for the programme (e.g. audits, evaluations, monitoring, studies, conferences, information and publication, etc.), as foreseen under Article 26 of the DCI Regulation, not exceeding EUR 200.000,00 each.

Method of implementation

Direct centralised management.

Procurement and grant award procedures

Procedures will be followed as laid down in EuropeAid's Practical Guide to Contract Procedures for EC external actions.